

1. Introduction

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TESTIMONY OF WITNESSES

HEARINGS
BEFORE THE
COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES
NINETY-THIRD CONGRESS

SECOND SESSION

PURSUANT TO

H. Res. 803

A RESOLUTION AUTHORIZING AND DIRECTING THE
COMMITTEE ON THE JUDICIARY TO INVESTIGATE
WHETHER SUFFICIENT GROUNDS EXIST FOR THE
HOUSE OF REPRESENTATIVES TO EXERCISE ITS
CONSTITUTIONAL POWER TO IMPEACH

RICHARD M. NIXON

PRESIDENT OF THE UNITED STATES OF AMERICA

BOOK I

ALEXANDER BUTTERFIELD, PAUL O'BRIEN, AND FRED C. LARUE

JULY 2, 3, AND 8, 1974

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IMPEACHMENT INQUIRY

THURSDAY, MAY 9, 1974

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The committee met, pursuant to notice, at 1:05 p.m., in room 2141, Rayburn House Office Building, Hon. Peter W. Rodino, Jr. (chairman) presiding.

Present: Representatives Rodino (presiding), Donohue, Brooks, Kastenmeier, Edwards, Hungate, Conyers, Eilberg, Waldie, Flowers, Mann, Sarbanes, Seiberling, Danielson, Drinan, Rangel, Jordan, Thornton, Holtzman, Owens, Mezvinsky, Hutchinson, McClory, Smith, Sandman, Railsback, Wiggins, Dennis, Fish, Mayne Hogan, Butler, Cohen, Lott, Froehlich, Moorhead, Maraziti, and Latta.

Impeachment inquiry staff present: John Doar, special counsel; Albert E. Jenner, Jr., minority counsel; Samuel Garrison III, deputy minority counsel; and Evan Davis, counsel.

Committee staff present: Jerome M. Zeifman, general counsel; Garner J. Cline, associate general counsel; Alan A. Parker, counsel; Daniel L. Cohen, counsel; William P. Dixon, counsel; Arden B. Schell, counsel; Franklin G. Polk, associate counsel; Thomas E. Mooney, associate counsel; Michael W. Blommer, associate counsel.

Also present: James D. St. Clair, special counsel to the President; John A. McCahill, assistant special counsel; and Malcolm J. Howard, assistant special counsel.

Chairman RODINO. The meeting will come to order.

STATEMENT BY CHAIRMAN PETER W. RODINO, JR.

Chairman RODINO. Three months ago the House of Representatives considered House Resolution 803. The resolution read as follows:

Resolved, That the Committee on the Judiciary, acting as a whole or by any subcommittee thereof appointed by the Chairman for the purposes hereof and in accordance with the rules of the Committee, is authorized and directed to investigate fully and completely whether sufficient grounds exist for the House of Representatives to exercise its constitutional power to impeach Richard M. Nixon, President of the United States of America. The Committee shall report to the House of Representatives such resolutions, articles of impeachment, or other recommendations as it deems proper.

The House adopted that resolution by a vote of 410 to 4. We are proceeding under the mandate of that resolution.

I do not need to stress again the importance of our undertaking and the wisdom, decency and principle which we must bring to it.

We understand our high constitutional responsibility. We will faithfully live up to it.

For some time we have known that the real security of this Nation lies in the integrity of its institutions and the trust and informed confidence of its people. We conduct our deliberations in that spirit.

We shall begin our hearings by considering materials relevant to the question of Presidential responsibility for the Watergate break-in and its investigation by law enforcement agencies. This is one of six areas of our inquiry. We expect to continue our inquiry until each area has been thoroughly examined.

First, we will consider detailed information assembled by the staff. This consists of information already on the public record, information developed in executive session by other congressional committees, information furnished by the Federal grand jury of the District of Columbia, and other information.

After today, the committee will meet regularly, 3 days a week, for all-day sessions beginning next Tuesday at 9:30 a.m.

The chairman will, as circumstances dictate, be ready to notice such business meetings as may be necessary.

During the initial presentation, special counsel and minority counsel will explain and summarize the materials.

Our proceedings are governed by the Rules of Confidentiality that the committee adopted on February 22 and the Rules of Procedure adopted May 2. The committee has the power to modify or change these rules during the course of the hearings.

Some of the materials which the committee will consider have been held confidential by the staff, by Mr. Hutchinson and myself. This material includes tape recordings of conversations among President Nixon and his key associates. We will listen to these recordings during these hearings.

After the Judiciary Committee has had the opportunity to consider this material it will decide if and when, in the national interest, this material should be made public.

The Judiciary Committee has determined that President Nixon should be accorded the opportunity to have his counsel present throughout the proceedings. Mr. James St. Clair is present today. After the initial proceedings are completed, Mr. St. Clair will be afforded the opportunity to respond to the presentation, orally or in writing, as determined by the Committee. He and his assistant understand the Committee's Rules of Procedure and the Committee's Rules of Confidentiality, and they are bound by those rules.

Our proceedings will be conducted under the Rules of the House of Representatives. Technical rules of evidence do not apply. We are governed by the Constitution of the United States which vests the sole power of impeachment in the House.

STATEMENT BY HON. EDWARD HUTCHINSON

Today the committee starts consideration of the most awesome power constitutionally vested in the House of Representatives. During the past 4 months this committee's impeachment inquiry staff has been assembling information under the committee's direction and counsel will now present to the committee the information assembled.

The power of impeachment is one of those great checks and balances written in our Constitution to ameliorate the stark doctrine of the separation of powers. But impeachment of a President is most drastic, for it can bring down an Administration of the Government. The Constitution itself limits the scope of impeachment of a President to treason, bribery, or other high crimes and misdemeanors.

A law dictionary published in London in 1776 defines impeachment as:

The accusation and prosecution of a person for treason or other crimes and misdemeanors. Any Member of the House of Commons may not only impeach any of their own body but also any Lord or Parliament. And thereupon Articles are exhibited on behalf of the Commons, and managers appointed to make good their charge and accusation; which being done in the proper judicature, sentence is passed. And it is observed that the same evidence is required in an impeachment in Parliament as in the ordinary courts of justice.

That definition of the term fairly exhibits, I believe, the understanding and meaning of the founders of this Republic when they wrote into our own Constitution the sole power of this House to impeach the President of the United States. The standard it imposes is a finding of criminal culpability on the part of the President himself, measured according to the law.

I trust that the members of this committee embark upon their awesome task each in his own resolve to lay aside ordinary political considerations and to weigh the evidence according to the law. I trust that each of us is resolved during this inquiry, schooled, skilled, and practiced in the law as each of us is, to perform as a lawyer in the finest traditions of the profession.

And in the view of the enormity of the responsibility cast upon us, I trust that in the days and weeks ahead each of us will according to the dictates of his own conscience, seek the guidance of that Divine Providence which can be with us all and be everywhere for good, and which has so blessed this Nation and its people throughout our history.

[On June 26, 1974, at the conclusion of the Impeachment Inquiry staff's initial presentation, the Committee on the Judiciary adopted a resolution to call before it as witnesses Alexander Butterfield, Herbert Kalmbach, Henry Petersen, John Dean, and Fred LaRue. The resolution also provided that Committee counsel would interview Charles Colson, John Mitchell, H. R. Haldeman, Paul O'Brien, and William O. Bittman in advance of determination by the Chairman and Ranking Minority Member whether to call them before the full Committee as witnesses. Charles Colson, John Mitchell, Paul O'Brien, and William O. Bittman were subsequently called to testify before the full Committee.]

[The testimony of the nine witnesses, heard in executive session beginning on July 2, 1974, is made public in this and succeeding volumes.]

IMPEACHMENT INQUIRY

TUESDAY, JULY 2, 1974

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The committee met, pursuant to notice, at 9:55 a.m., in room 2141, Rayburn House Office Building, Hon. Peter W. Rodino (chairman) presiding.

Present: Representatives Rodino, Donohue, Brooks, Kastenmeier, Edwards, Hungate, Conyers, Eilberg, Waldie, Flowers, Mann, Sarbanes, Seiberling, Danielson, Drinan, Rangel, Jordan, Thornton, Holtzman, Owens, Mezvinsky, Hutchinson, McClory, Smith, Sandman, Railsback, Wiggins, Dennis, Fish, Mayne, Hogan, Butler, Cohen, Lott, Froehlich, Moorhead, Maraziti, and Latta.

Also present: James D. St. Clair, special counsel to the President; John A. McCahill, assistant counsel; Malcolm J. Howard, assistant counsel.

Jerome M. Zeifman, general counsel; Garner J. Cline, associate general counsel; Franklin Polk, associate counsel; John Doar, special counsel; Albert E. Jenner, Jr., minority counsel; Samuel Garrison III, counsel; Gary Sutton, counsel.

The CHAIRMAN. The committee will come to order.

One note, if I might, regarding the question of examining the witnesses. In light of the action of yesterday, I would hope we would voluntarily limit ourselves in order to expedite this inquiry, and at the same time make it as complete as we possibly can in order to arrive at a fair and just judgment.

The committee rules, as you know, already provide that committee counsel shall commence the questioning of each witness, and may also be permitted by the chairman or presiding member to question a witness at any point during his appearance. Beyond that, the Chair will strongly urge that members limit their own interrogation, if any, precisely to relevant questions not addressed by counsel.

I trust the committee will proceed voluntarily on that basis, and that members will not choose to exercise their prerogatives unless absolutely necessary to the inquiry.

The Chair will, however, rigidly adhere to the 5-minute rule when members do question, and will strictly limit repetitive, unrelated questioning.

The Chair would like to state also that in accordance with the rules of procedure adopted May 2, 1974, that the scope of the testimony expected of each witness before the committee shall be specified in writing as determined by the chairman and ranking minority member. The ranking minority member and the chairman have checked, and this is in writing, and it is at the clerk's desk, and any member may, if he wishes, look at the copy which is presently at the clerk's desk.

I would like now merely to advise that Mr. Alexander Butterfield, who is here, is going to be our first witness, and Mr. Butterfield, I would ask you to please stand.

Mr. Butterfield, you have the right to remain silent and not to provide any testimony or information which may tend to incriminate you. But, if you do testify, anything you say here may be used against you in any other legal proceeding. You have the right to consult with an attorney prior to answering any question or questions and counsel may accompany you for the purpose of advising you of your constitutional rights. And I understand that you have concluded that you do not wish to be represented by counsel.

Mr. BUTTERFIELD. That is correct, Mr. Chairman.

The CHAIRMAN. You have been provided, as I understand, with a copy of the rules of the House and the rules of the committee.

Mr. BUTTERFIELD. I have.

The CHAIRMAN. And will you please raise your right hand.

Do you solemnly swear that the testimony you are about to give before this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BUTTERFIELD. I do.

TESTIMONY OF ALEXANDER PORTER BUTTERFIELD

The CHAIRMAN. Will you please state your full name and spell it for the recorder.

Mr. BUTTERFIELD. My full name is Alexander Porter Butterfield, A-l-e-x-a-n-d-e-r P-o-r-t-e-r B-u-t-t-e-r-f-i-e-l-d.

The CHAIRMAN. Mr. Butterfield, you may now proceed, and in accordance with the rules and scope of the testimony that you are about to provide I would suggest that you make first your presentation.

Mr. DOAR. Mr. Butterfield, will you give the members of the Judiciary Committee briefly your background experience, and how you came to assume a position of responsibility on the White House staff under Richard M. Nixon?

Mr. BUTTERFIELD. Briefly, yes, sir.

I was born into a Navy family, so I was a Navy junior, traveled a good bit in my childhood living in about 15 States and the District of Columbia. I tried to go to the Naval Academy as a young man, but failed the physical and went on to UCLA for 2 years. After those 2 years at the University of California at Los Angeles I entered the U.S. Air Force aviation cadet program. That was October of 1948.

And 1 year later I became a second lieutenant in the Air Force as a pilot.

For the next 19 years I served as an officer in the Air Force. My assignments were many and varied. I was essentially in the fighter business, the fighter pilot business, but I had my share of staff jobs, serving as an aide to the commander of the Fourth Allied Tactical Air Force in Europe for a while, and as an academic instructor at the U.S. Air Force Academy, and as the senior U.S. military officer in Australia. I did serve for a time as the military assistant or one of the military assistants to the Secretary of Defense. I attended the National War College here in Washington.

Mr. McCLORY. Mr. Chairman? Mr. Chairman? I wonder, in order that we all might know what the scope of, what the general testimony is going to be, if the clerk or someone could read that outline to us? That would be very helpful to us.

The CHAIRMAN. Will the clerk please read the statement which includes the scope of the testimony by the witness.

Mr. DOAR. The clerk asked me if I would read it. Is that satisfactory?

The CHAIRMAN. That is fine.

Mr. DOAR. The scope of the testimony expected of Alexander Butterfield.

Butterfield is expected to testify to the following:

Paragraph 1, Butterfield's background experience and position and responsibilities on the White House staff under President Richard M. Nixon.

Paragraph 2, the pertinent table of organization and chain of command in the White House under President Nixon between November 1969 and February 1973.

Paragraph 3, the physical layout of the first floor of the White House under President Nixon, President Nixon's EOB office, and the Lincoln Room.

Paragraph 4, President Nixon's records, daily diary, the President's weekly abstract.

Paragraph 5, the installation and operation of President Nixon's tape recording system.

Paragraph 6, the description of the relationship of Mr. Haldeman, Mr. Ehrlichman, Mr. Colson, Mr. Dean, Mr. Magruder, Mr. Chapin, Mr. Haig, Mr. Strachan, Mr. Kehrli, Mr. Krogh, Mr. Morgan, Mr. Young to the President and to each other. The duties of each of these individuals under President Richard M. Nixon.

Paragraph 7, the President's procedures for decision making.

Paragraph 8, the President's work habits.

Paragraph 9, the President's usual work day while in Washington.

Paragraph 10, the transfer to and from Butterfield of the \$350,000 cash fund under Haldeman's exclusive control.

Paragraph 11, White House records relating to the employment of E. Howard Hunt.

Paragraph 12, Butterfield memorandum to Magruder of January 8, 1969 found in book 7, part 1, item 18.2.

Paragraph 13, Haldeman's relation with the Committee to Reelect the President.

Respectfully, John Doar, Albert Jenner.

[Material unrelated to testimony of witness deleted.]

Mr. DOAR. Would you continue with your testimony, Mr. Butterfield, please.

Mr. BUTTERFIELD. All right, sir. May I ask the reporter if she is up with me.

Well, I had just summarized my 20 years in the Air Force, 1 year as an aviation cadet, 19 years as an officer, a total of 20 years and 2 months. It was about in the middle of my last assignment, that of the senior U.S. military officer in Australia, that I received a telephone call from Bob Haldeman who had been a friend at UCLA back in 1946 and 1947. I had had no contact with Mr. Haldeman whatever, although I believe that our wives had corresponded at least occasionally during Christmas time. Our wives had been very close friends at UCLA.

And so, on January 12, 1969, I heard from Mr. Haldeman who was calling from the Pierre Hotel in New York. I knew from the Australian papers that he was, in effect, the head recruiter for the President elect, and destined to be the Chief of Staff once the President elect came to office. I was surprised to receive the phone call. We chatted for a moment. I told him that he would certainly have a wonderful tour in Washington, that I had just lived there, and it was certainly the hub of activity. And he said, well, that is why I am calling; how would you like to be a part of all of this; and proceeded to tell me a proposition which was to the effect that I would serve with him in a sort of personal assistant to the President capacity with the title of Deputy Assistant to the President. That if I wanted to accept I would have to leave the military altogether, retire, which I was eligible to do at that time, and come on to the staff as a civilian.

He was aware of my military record, and I have heard since that it was there along with many others, that I was a candidate for the No. 2 job to Dr. Kissinger, the job which General Haig eventually took over.

I had worked closely with General Haig in Secretary McNamara's office, and my guess is that the Department of Defense had forwarded a number of folders to be reviewed by the President-elect's staff, and that mine was among them.

I had worked very closely with the Lyndon Johnson staff. I was Mr. McNamara's White House liaison man. I did a great many things for the Presidential staff during the years 1965 and 1966, so it is my guess that Mr. Haldeman was somewhat intrigued by that. Most of his colleagues had had little or no experience in Washington, and here was an old friend who had been here, operating at fairly high levels in some capacity at least.

And so, I asked how much time I had to make that decision. I was a serious career officer. It had never entered my mind that I might

leave before my 30 or 35 years were up. But, he said that if I planned to come on it should be right away, that they did not want me in June or July, that they wanted to start out with the entire staff on January 21.

And so, I thought it over for about a day. My perspective had changed somewhat. I called him back, and I told him that I would accept with pleasure, and that it would be a great honor, which it was.

I then left on January 15, left Canberra, Australia, and my office there was in the Embassy in Canberra, and I came on here and retired from the military and joined the White House staff, and was sworn in in the East Room on January 21, 1969, along with all of the other original Nixon staffers.

As I said, my title was Deputy Assistant to the President. That first year I operated at sort of an immediate backup to Mr. Haldeman. I learned to take notes as he took them. I sometimes went into the President's office when he went in. I got a feel for the likes and dislikes of the President, a good feel for his moods, his temperament. So 2 weeks later Mr. Haldeman, who had not had a leave from the campaign and all of the activities which followed the campaign for some 7 months, went to Los Angeles, and I took over the immediate, the duty of responding immediately to the President, and took over Bob Haldeman's office, which adjoined the President's, and operated that way for some 7 to 10 days, I don't recall.

So as I say, during that first year, I filled in for Mr. Haldeman as his immediate backup, and I handled all of the out basket materials for the President, and worked closely with the staff secretary with regard to getting memoranda to the staff, to the departments and the agency heads in the way of following up Presidential instructions.

After the first year, and it was about January 1970, almost exactly 1 year after the inaugural, the President decided he wanted Mr. Haldeman to be more the strategic planner, more the thinker, that he wanted Mr. Haldeman to have much more free time, that he did not want Mr. Haldeman to be caught up in the sort of inertia of day-to-day business, and that I should probably take over his office and respond on the minute-to-minute basis to the President as Haldeman had done that first year. And so Mr. Haldeman withdrew from that proximity, location, and went down the hall to the old Sherman Adams office, the office which Mr. Nixon had very generously designated as a ceremonial office for the Vice President, the office in the southwest corner of the West Wing, and I moved from an office upstairs right over Haldeman's office downstairs to Haldeman's office, again the old Marvin Watson office, the office which immediately adjoins the Oval Office on the west side, and it was in that office that I remained from about January 1970 until my departure date from the White House on March 14, 1973.

During those 3 years and 2 months I settled into a slightly different role than from that which I had had the first year. I became responsible for all administration. The staff secretary reported to me, the Office of

Presidential Papers reported to me, the Office of Special Files reported to me. I became the direct liaison between the President and his Office, and all of the White House support units. And by White House support units, I mean the Office of the Military Aide, Mrs. Nixon's staff, the residence staff, the Secret Service, the Executive Protection Service, formerly known as the White House police, et cetera.

I had also become previous to November 1969, the Secretary to the Cabinet. Finally I was responsible here in Washington and at the Western White House in San Clemente for the smooth running of the President's official day. I do not mention Camp David or Key Biscayne because those were truly resort areas, recreation areas, but San Clemente was the western extension of the White House. It was an office, work was carried on there.

I don't think I need elaborate any further. It was March 14, 1973, that I went to the Federal Aviation Administration and was sworn in there as the Administrator.

Mr. DOAR. Mr. Butterfield, did you at Mr. Jenner and my request prepare a table of organization that sets forth the organization and chain of command as it existed in the White House generally between the first of 1970 and the time you left the White House?

Mr. BUTTERFIELD. Yes, sir, I have prepared a chart.

Mr. DOAR. And is that chart a fair and accurate representation of the table of organization as you knew it to be?

Mr. BUTTERFIELD. Yes; it is, although I should say that there was a great deal of shifting always, and in the transfer of personnel not only in and out of the White House, but to and from various jobs. But, this is essentially accurate. This organizational chart pretty well represents the first-term organization.

Mr. DOAR. Mr. Chairman, for the convenience of the members I have reproduced one of these charts and would ask leave that it be distributed to each of the members so that Mr. Butterfield could then, as is most convenient for him, either speak from the chart or speak from the blackboard and explain the relationships to the committee.

The CHAIRMAN. We will proceed with the distribution.

Mr. HOGAN. Mr. Chairman, could I ask if the staff has prepared that office layout that we had requested?

Mr. DOAR. We have. We were going to ask Mr. Butterfield to sketch that out, and then from that sketch distribute that to the members, Congressman Hogan.

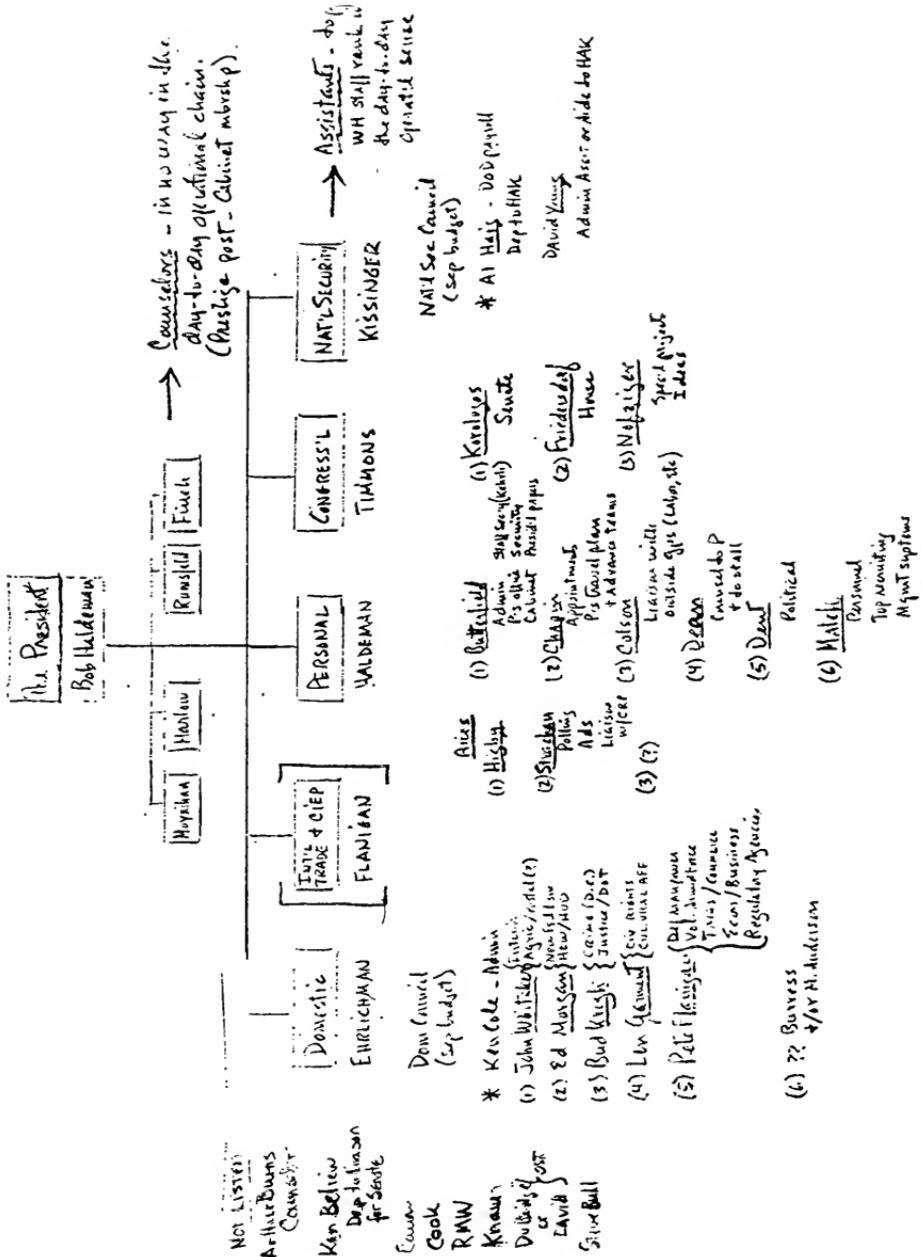
Mr. HOGAN. Thank you.

Mr. WIGGINS. Mr. Chairman?

Mr. DOAR. Mr. Chairman, for the purposes of the record, could Mr. Butterfield's chart be marked Butterfield exhibit No. 1?

The CHAIRMAN. It will be so marked.

[The chart referred to was marked Butterfield exhibit No. 1 and follows:]



MR. SEIBERLING. Mr. Chairman, would this also be turned back or could this be retained?

The CHAIRMAN. I don't see any objection to it being retained. Please proceed.

MR. BUTTERFIELD. I would like to make one statement with regard to that last question asked of the chairman by a member. There is no copy of a chart like this. We assiduously avoided——

MR. DOAR. Go ahead.

MR. BUTTERFIELD. We rather assiduously avoided the distribution of any organizational chart. This was in opposition to my view because I sort of have an orderly mind, and I wanted to see the White House staff operate in accordance with the chart. But, Mr. Haldeman felt it was wrong to do that, and upon reflection, he was right, because in the service of the President one's effectiveness depends a great deal; that is, one's effectiveness with the outside world depends a great deal upon his immediate access to and immediate proximity to the President, et cetera. And a true organizational chart would not reflect the fact that everyone, in fact, had access to the President.

So, for that reason, for that very good reason, we never did make one. And one was never distributed, so if this is retained by the members, I would just want you to know that this is the way it really was, this is the practical sort of day-to-day fact of the matter. And I have not taken into consideration the feelings for some of these people who may have felt they were closer to the President than they actually were.

MR. DOAR. Mr. Butterfield, could you, depending on which is more convenient, if you would like to talk from the chart or if you would like to step to the blackboard, there is a portable mike there for you. I think it is beneath your chair, and you can sketch on the blackboard or whichever is most convenient.

MR. BUTTERFIELD. Well, I would leave that to the members. If they think we can work from the chart, perhaps that is better, but I am willing to do it either way.

MR. DOAR. Well, since the members all have a chart before them, I think you can stay right at your desk and they can make notations. I will call your attention to that column on the far left which did not reproduce very well, and you might just as a preliminary matter list what you have written on the far left under "Not Listed."

MR. BUTTERFIELD. Very well. I have to admit that I did this rather hastily this morning, and there were some people who were in the White House staff for perhaps a year and then moved on to other departments or agencies, or returned to private life, and so they are not listed here.

Under the "Not Listed" column, which is the vertical column on the far left, I have listed Arthur Burns who was a counselor before going to the Federal Reserve. Mr. Ken BeLieu, who the Deputy for Congressional Affairs, for Senate Affairs, and Mr. Cowan, Mr. Cook, both on the congressional staff. Also Rose Mary Woods. I think everyone knows that she was and is the personal secretary to the President. But, I did not list her on this chart although she does hold a very significant post and has a close relationship to the President, of course.

Virginia Knauer, the Consumer Advisor, is not listed. Neither are Dr. DuBridge nor his immediate successor, Dr. David, the Director of the Office of Science and Technology, and science advisors to the President are not listed. That office has been—what do I want to say—closed. Mr. Steve Bull, who served as the staff aide or staff assistant, who took people into and out of the Oval Office and worked very closely to the President is not listed either.

There are a number of others. This is just so you get a feel for the fact that the organizational chart is not altogether complete.

Mr. DOAR. Now, Mr. Butterfield, would you just explain to the members of the Judiciary Committee this organizational chart as you say it really was.

Mr. BUTTERFIELD. All right. I have listed Bob Haldeman immediately under the President because there was no question in anyone's mind at any time that he was, in effect, the chief of that staff. He was far and away the closest person to the President. There was never any competition with regard to Mr. Haldeman's role. He was everything that Sherman Adams was to President Eisenhower, in my view. He was an extension of the President, in my view. I often characterized his role as that of the assistant President rather than the Assistant to the President, although that phrase has since been attributed to Deep Throat, and I am suspected of being Deep Throat, but I am not. At any rate, that is the reason I listed him immediately under the President.

Counselors were at the top rank at the Nixon White House and still are. A counselor, by virtue of being a counselor, is a member of the President's Cabinet. There is no statute which outlines members of the President's Cabinet, as some people do not know. The President's Cabinet is composed of anyone he wants to sit on his Cabinet, and so his counselors were always Cabinet members. These four that I have listed were not necessarily there at the same time, but along with Arthur Burns they were the five people who were counselors during the time that I was at the White House. They were at the top rank, and yet they had no power, frankly, no power at all, if we want to talk about power, no influence at all with the staff members. They had prestige, but they did not fit into the day-to-day operational chain in any way whatever.

The top rank, aside from counselor, was assistant to the President. An assistant to the President, there were five people who were the key assistants, and they are listed there, Mr. Ehrlichman, Mr. Flanigan, Mr. Haldeman, Mr. Timmons, and Dr. Kissinger.

Mr. Ehrlichman, I might say, was the counsel to the President, I think most of you know that, for the first 9 months. It was on November 4, 1969, that he became officially the domestic czar and stood by to take over the direction of the Domestic Council staff once it was officially formed the following summer.

Mr. FLOWERS. What date was that?

Mr. BUTTERFIELD. Excuse me. Was there a question?

Mr. FLOWERS. Mr. Chairman, what date?

The CHAIRMAN. Will you repeat the date?

Mr. BUTTERFIELD. Yes. November 4, 1969, as I recall, was the date on which Mr. Ehrlichman left the position of counsel to the President

and became officially Director of the Domestic Council staff. But, I do not think the staff was officially approved until spring or summer of 1970, but I am not sure of that at all.

At any rate, the people that he took on with him to run the Domestic Council staff were people on the White House staff. But, when they moved to the Domestic Council staff they left the White House staff, so these people you see listed under Ehrlichman were officially on the Domestic Council staff. That staff had its own budget apart from the White House budget, and those persons were transferred.

Ken Cole was his closest assistant and handled administration for him, and the others you see listed with their responsibilities off to the right of the name, as I remember them. And I am not necessarily precise here. There are probably a few errors, but those are essentially the things that these people were responsible for. Whitaker for Interior, Agriculture matters. Ed Morgan for the new federalism program, ILLW, and HUD. In other words, human resources. Bud Krogh for crime, especially District of Columbia crime, and Justice Department liaison, Transportation Department liaison. Len Garment more in the cultural affairs business and the civil rights business. Peter Flanigan had the largest of the six baliwicks under Ehrlichman, and I have listed some of the things for which he was responsible. Defense Manpower, the Voluntary Armed Force, Department of Treasury liaison, Department of Commerce liaison, a conduit to the business community, economics in general, the liaison with the regulatory agencies, et cetera.

The six members of that organization staff, and there were six. I cannot recall, it was Dick Burress or Martin Alexander or someone.

Peter Flanigan is listed to the top assistant to the President because he always was considered that, although after November 4, he was, in fact, a deputy to Mr. Ehrlichman. But, no one recognized him as a deputy. He retained his title as assistant to the President, and he had all the powers, again to use a word that I don't usually use, but all of the powers of the other, essentially the powers of the other top assistants.

Now, Mr. Haldeman, in addition to being the chief of the White House staff, was in charge of everything other than the domestic international trade, congressional, and national security. He was in charge of everything that had a personal connotation, the speech writing, the appointments, the President's travel schedule, the liaison with outside groups, political matters by and large, personal matters, communications with the media, et cetera.

The congressional boss was originally Bryce Harlow, as all of you know so well. But, once Bryce was elevated to the counselor rank, Bill Timmons moved up and became an assistant for congressional affairs, and his two chief lieutenants, as I remember them, were Mr. Korologos for the Senate and Mr. Friedersdorf for the House, and Mr. Len Nofziger. And Mr. Len Nofziger was the third member of that staff and ranked slightly below Korologos and Friedersdorf, and he was there for special ideas, and actually worked for Mr. Haldeman and Mr. Timmons, but he was assigned to the congressional staff.

The National Security Council staff is fairly cut and dried. Dr. Kissinger was the director and, therefore, a member of the White House

staff just as Mr. Ehrlichman was. But, everyone under Dr. Kissinger, as a member of the National Security Council staff, was on a separate payroll, and Al Haig was his immediate deputy, of course, on the payroll, and David Young was, in my view, administrative aide, and administrative assistant to Dr. Kissinger.

I could go on now and elaborate a bit on the Haldeman staff. That is the staff I know best. That is the staff which was the biggest and had most of the people on it. Incidentally, it had independent offices, independent budgets, did not always work through Haldeman on a day-to-day basis. They were relatively independent, but if a crunch matter came up, of course, they checked with Haldeman.

Should I proceed?

Mr. DOAR. Yes; if you would detail some of the persons on Mr. Haldeman's staff, paying particular attention to yourself, Mr. Higby, Mr. Strachan, Mr. Kehrli, Mr. Chapin, Mr. Colson, and Mr. Dean.

Mr. BUTTERFIELD. All right. First of all, in Mr. Haldeman's immediate office, a part of his office and his office budget were three staff aides. They were not commissioned personnel. By commissioned personnel, as you know, I mean Presidential appointees. They were not appointees. They were junior members of the staff and immediate aides to him, and key among them was Larry Higby.

Larry Higby was Bob Haldeman's alter ego. Larry Higby was to Haldeman what Haldeman was to the President. Working along with Higby, but in not the major role Higby held with Haldeman, were Gordon Strachan, responsible for polling, for advertising, liaison with the Committee to Re-elect the President once that committee was formed, and he did some other administrative things, I am sure, but in my mind, he was the chief poller. He was the chief advertising man. He was responsible for keeping attuned to the political happenings around the country, and had a very close liaison to the Committee to Reelect.

The third junior aide to Haldeman I don't recall. At one point it was Bruce Kehrli, but Bruce Kehrli, that last 2 years I was there, moved up, in a way it was a promotion, to the job of Staff Secretary, and began working directly for me.

My office I have already mentioned. As I say, I had the rank of Deputy Assistant, but so did all these people. If they were not called Deputy Assistants, all of these people I have listed under me there, and by under me I do not mean junior to me in any way, we were all at the same level, we were all Deputy Assistants, and some were called Counsel to the President, some were called Special Counsel, but we were all in that broad grouping at the secretary level below the Presidential Assistants.

Again, I was responsible for administration. The Staff Secretary, Bruce Kehrli, worked directly below me and was responsible for the smooth running of the President's office, Cabinet liaison, security, Presidential papers, et cetera. And as I say, I have already mentioned most of those.

Dwight Chapin was the Appointment Secretary. That was his deputy, was the Appointment Secretary, but as Appointment Secretary, he worked very, very closely with Mr. Haldeman. They would meet, I would say, for at least an hour or an hour and one half every

day and review the President's 1 year, 6 month, 3 month, 2 month, 1 month, 2 week, 1 week schedule, and were constantly changing and shifting. It was Mr. Chapin, incidentally, who worked on the east side of the President's Oval Office when Haldeman worked on the west side. Chapin was the one who occupied that small office between the Oval Office and the Cabinet Room, and at the 1 year point, when I said I moved into Haldeman's office, at the same time, Mr. Steve Bull moved into Dwight Chapin's office, so that both Haldeman and Chapin could move down the hall and be away from the President, and work on strategy and work on plans.

Mr. Higby and Mr. Chapin had an essentially close relationship with Mr. Haldeman. They actually worshipped him. They were deeply dedicated to doing his bidding, and they were very effective in those roles.

Mr. Chapin, as the Appointment Secretary, was also in charge of travel plans, all travel plans, and by virtue of that role was in charge of all advance men. And we had a number of advance men. My guess is 80 to 100 around the country. Some were permanently assigned to Government posts here in Washington, but many worked for businesses, corporations, companies, in the major cities around the country and could be called upon at a moment's notice, all having been trained to help with an advance assignment in New Orleans, or in Seattle or whatever. It was quite an elaborate setup and very efficiently run, I might add, by Mr. Chapin.

Chuck Colson was known to be a very sharp lawyer, a very aggressive individual, a very effective individual, one who always got the job done. And he was in charge of liaison with all outside groups, the Cattlemen's Association, the milk producers, the labor unions, the veteran's organizations, the patriotic organizations, et cetera, all outside groups, all influential or special interest groups.

And in that role, and because of his personality, and because of his effectiveness, he gradually took over, and some people have written about this, and it is a fact, he took over much of what the Office of the Director of Communications of the executive branch was doing or was charged with. That is Mr. Klein's office. Mr. Colson did move in and take over many of the Klein-Magruder office functions as confidence in him by the President and Mr. Haldeman increased.

Let me back up a moment and say everyone I have mentioned so far I think came to the White House staff at about the time that we all did at the outset. Mr. Colson came on the staff, as I remember, around October or November of 1969.

Now, Mr. Dean came on the staff I think in the summer of 1970, so we were actually without a Counsel to the President from that November 4 date, 1969, on which John Ehrlichman became the domestic czar, until the summer of 1970. I could be wrong about these dates, but I seem to recall his coming on at that time. He was the Counsel to the President, but I must say that the President never did know this.

The President may have heard his name, the President may possibly have seen him in one or two meetings prior to the summer or fall of 1972, but I would rather doubt it. Dean was young, he was very bright. I speak of him as though he were no longer with us, but he is. He is young, he is bright, affable, highly intelligent, gets along well with everyone, and was very effective. But, he just could not, through

no fault of his own, penetrate the system. He could not get close to the President. I don't think he tried. He was quite content with his role, so he really was the counsel to the staff. That's what he really was. He was the counsel to the White House staff. And the President never stopped looking to John Ehrlichman as his counsel on legal matters, or on matters which bordered on or which involved legal events or had some legal aspect. He called on John Ehrlichman. And I guess he knew in the back of his mind that John was probably relaying this to some of those who worked for him, but John Dean did not work for Mr. Ehrlichman. He worked more on the Haldeman staff, although his office was relatively independent, as I said. So, he was put in a somewhat untenable situation at times because he did have two masters he was responding to, both Haldeman and Ehrlichman.

Mr. Dent was more independent than anyone in that column there that I have listed. He had an office over in the east wing of the White House, and later over in the Executive Office Building. He did not come to all of Mr. Haldeman's meetings that he would have of his deputies, and he was in the political business altogether. He dealt with the State chairmen, he dealt with the Governors' staffs, he was the chief politico at the White House, and worked a great deal, I might add, with Len Nofziger over there on the congressional side.

Mr. Malek came from the staff of HEW, oh, roughly at the midpoint. He was not an early-on staff member. He came with quite a reputation for his competence, his ability to get things done now, his ability to move. And I must say, he is a highly efficient individual, a West Point graduate who left the military after some 5 years and went on to become a sort of junior millionaire, or a near millionaire, and his position is management systems, and recruiting top personnel. And so he was sort of superimposed over the Chief Personnel Office, who was Dan Kingsley at the time; before Harry Flemming, and Malek became the great personnel czar.

Also in the Haldeman bailiwick, but with a slightly higher rank than all of the people listed above them on this chart, were Messrs. Price, Klein, and Ziegler; Ziegler not for the first year. For the first year, Mr. Ziegler was at a relatively junior rank, but he proved that he was quite effective with the press. He did his job surprisingly well for a young man. He was only 29 or 30 at the outset, and so he then was elevated to Press Secretary, and the official title Press Secretary.

And as Press Secretary, Mr. Ziegler, and as Director of Communications, Mr. Klein, and chief of the writer staff, Mr. Price, with those titles, they were really slightly above the rest of us in rank, although none of us I must say were rank conscious. And if I could say one thing about the Richard Nixon that has not come through in any of the stories, it is that it was a very, very closely knit staff of contented people. There were no malcontents, there were no dissidents, and there was no elbowing one another out of the way or striving for personal gain. There truly was not, and that may be because Mr. Haldeman selected people fairly carefully. And all of these people, most of them, had known each other before.

To go on, working with Mr. Price, although he was the senior writer in charge of all writing, not just speeches, all writing, letter writing; et cetera, were Mr. Safire and Mr. Buchanan, both very effective in their fields; Buchanan the tough writer, the conservative of the ultra-

conservative, and Safire and Price liberal, liberal views, and Safire was a great idea man, had fantastic ideas, and so there were a number of junior writers too. But, those were the chief writers, Price, Safire, and Buchanan.

For the first year or year and a half Mr. Keogh, who was senior editor for Time magazine, was at the writing department. It is the same Mr. Keogh who now runs USIA, but he departed for a while and then went back to private life and has since returned to USIA. When Keogh was there Price and Buchanan were the key writers and Price moved up and took his place.

Mr. Klein was known as one of the President's oldest and most trusted friends then, and he was that. He was the former editor of the San Diego Union or the San Diego Sun, or some such paper in San Diego. But, he operated quite in isolation, and his job was to clearly enunciate the President's policies and explain them to the top 100 newspapers in America, to the key broadcasting systems, and to the media, to enunciate the President's policies clearly and to see that there was no mistake made with regard to those policies, and to explain the whys and wherefores for those policies.

He was very effective in his way, a very good person who operates at his own pace, which I must say is rather slow, but he is a good ambassador for the President.

And sent over after about 3 months of working directly with Haldeman, sent over to sort of run his shop while he was away was Mr. Jeb Magruder. Jeb Magruder was, in my view, a PR man 100 percent. I have never understood that business very well, but Jeb had worked in advertising, he had worked in public relations, he had worked in the image building business, and on many campaigns, Mr. Rumsfeld's campaign in Illinois, Governor Oglesby's campaign, and the President's California campaign, so he was fairly effective, and eager, and aggressive and young and zealous, and was sent over to get a handle on Klein's shop because Klein was frequently out of town.

And Ziegler, as Press Secretary, had the job of simply announcing what the President was going to do today. Mr. Ziegler was not to go beyond that. The President came to the office at 8:10, having had eggs for breakfast, and will meet with Ambassador Smith at 11, et cetera. His deputy, as you know, is Gerry Warren.

Now, there may be questions, there probably are. That is a fairly quick rundown.

Mr. DOAR. Did you, Mr. Butterfield, at Mr. Jenner's and my request, make a chart of Mr. Haldeman's key people which shows Mr. Price, Mr. Klein, and Mr. Ziegler on the chart?

Mr. BUTTERFIELD. Yes, sir, I did make such a chart.

Mr. DOAR. Did you also make a chart at Mr. Jenner's and my request showing the organization of your office administratively, and indicating the responsibilities that you had charge of while you were in the position of Deputy Assistant to the President under Mr. Haldeman?

Mr. BUTTERFIELD. Yes; that is the third chart I made.

Mr. DOAR. Mr. Chairman, could I ask the clerk to distribute these charts?

The CHAIRMAN. They will be distributed.

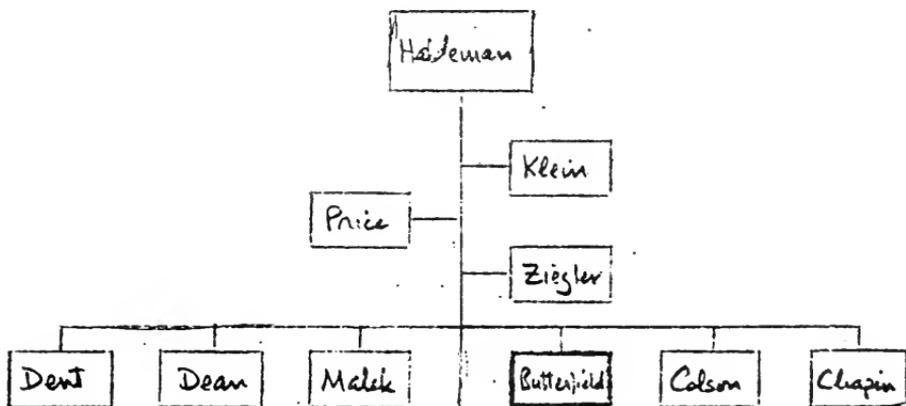
Mr. DOAR. And the one chart showing Mr. Haldeman at the top of the box I would like to ask the Chair to mark as Butterfield exhibit

No. 2, and the one with Mr. Butterfield at the top, Butterfield exhibit No. 3.

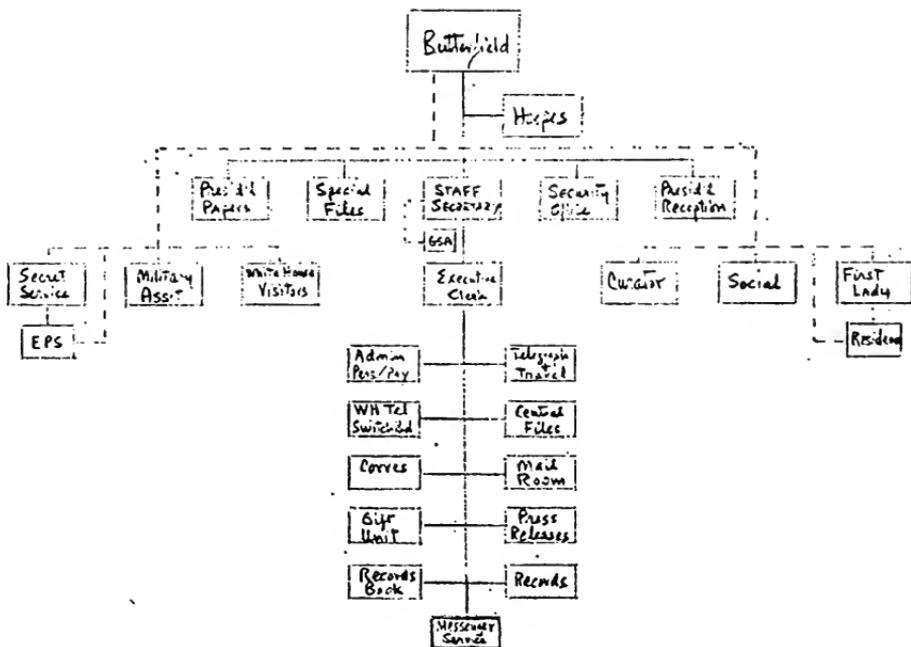
The CHAIRMAN. They will be so identified.

[The charts referred to above were identified as Butterfield exhibits No. 2 and No. 3, and follows:]

[Butterfield Exhibit No. 2]



[Butterfield Exhibit No. 3]



The CHAIRMAN. Mr. Counsel, since members have inquired regarding the layout of the White House, is it possible to produce that or to get a sketch of that so that the members may have that in sight?

Mr. DOAR. Yes. I thought I would ask Mr. Butterfield if he would step to the blackboard here and sketch that out for you. Then we will

reproduce that for the members. But we have to get some mikes hooked up.

The CHAIRMAN. The committee is in recess while the witness is drawing the charts.

[Recess.]

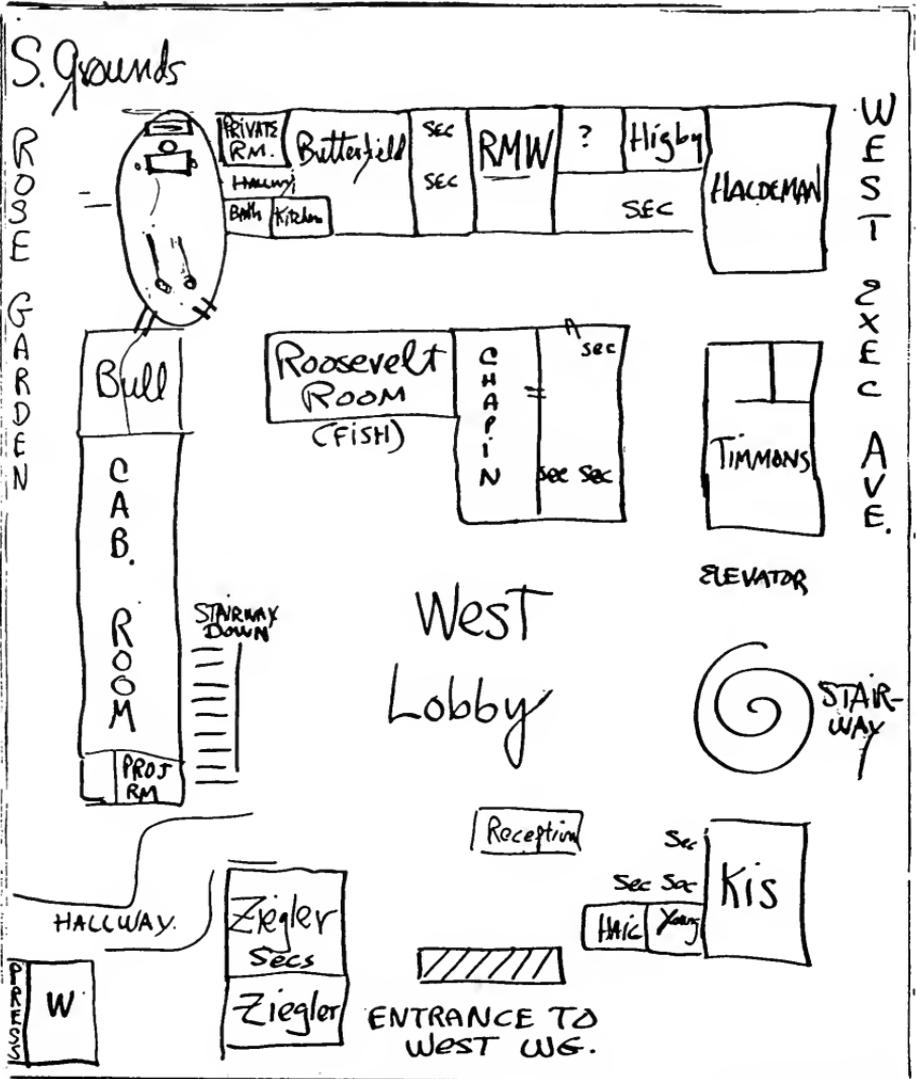
The CHAIRMAN. The committee will resume.

Mr. DOAR. Mr. Chairman, for the record, Mr. Butterfield has marked the drawing that he has just completed as Butterfield's exhibit No. 4. I ask that that, after his testimony is completed, be made a part of the record.

The CHAIRMAN. It will be made part of the record and so identified.

[The document referred to was marked as exhibit No. 4 and follows:]

[Butterfield Exhibit No. 4]



[Material unrelated to testimony of witness deleted.]

Mr. DOAR. Would you briefly, Mr. Butterfield, just explain the charts you have just drawn on Butterfield exhibit 4 to the members?

Mr. BUTTERFIELD. All right. Again, that is a small chart. I hope all of you can see it. Just to distribute to your orientation, although I believe most of you are fairly familiar with the west wing, the south gate is here. This is West Executive Avenue, that avenue which is closed at the south and north extremities, and guarded by White House policemen or executive protective personnel.

Immediately to the west is the Executive Office Building.

On the east side of the west wing of the White House—this is the west wing of the White House, the President's Office, where the President's immediate offices are located, and immediately to the east of it is the rose garden, and to the southeast, the south grounds of the White House.

The residence, formerly known as the "Mansion" but now known as the residence, is here, of course, looking out on Pennsylvania Avenue, and the President in the morning, or anyone walking from the residence over to the west wing of the White House, walks along a sort of colonnade, about 25 or 30 yards in length, and immediately to the right of that colonnade as you walk from the residence over to the west wing was a swimming pool. That was the swimming pool that was there for so long. It is now the press offices. That has all been given over now to the press. It has a downstairs to it and a small little lunchroom and all the things that the press need; a little living room which can be converted at a moment's notice to a regular press briefing room. That is the name, press briefing room. That is what I have written here, "press." That is a press briefing room and it extends for about the length of what the swimming pool was.

This "W" stands for Gerry Warren's office. Gerry Warren's, the Deputy Press Secretary's, office is immediately adjacent to the press room and can be responsive to them throughout the day. This was what the President decided to do, to get the press out of the west lobby, so they would not inhibit guests to the White House and bother them. So the press now must enter an entrance here, right off Pennsylvania Avenue. They cannot go beyond this point without checking with Gerry Warren or with Mr. Ziegler, the Press Secretary, who has the old Hagerty office, the traditional Press Secretary's office right here, facing out onto Pennsylvania Avenue.

This is the main entrance to the West Wing and there is a little circular drive there, as you all know.

Dr. Kissinger's office is over here. This used to be the press filing office. When the press was here, they used to file their press stories here. There's a battery of telephones.

Immediately outside was David Young, his aide or administrative assistant, and in this office, a very cramped office for a relatively senior person, is Gen. Al Haig.

A circular staircase up to the second floor and down to the basement. This does not show the offices on either level.

An elevator up and down. There is only one more level above this and one more level below it. The level below it is referred to as the basement. It is not really a basement, it is a sort of ground floor if you

have entered off West Executive Avenue. But it is like a basement if you enter off Pennsylvania Avenue.

This is the old Califano office, occupied at the outset by Bryce Harlow and when he left the White House, by Bill Timmons, Harlow's successor. It is a very large office. These are the two largest and, I guess, easily the nicest offices, although all offices in the West Wing of the White House are cramped. Space has always been at a premium in the West Wing.

Mr. JENNER. Mr. Chairman, may I suggest to Mr. Butterfield when he refers to "this" or "that" when there is a name on the square that he identify the square so the record will reflect that to which he is pointing on the chart.

The CHAIRMAN. Will you please so identify them, Mr. Butterfield?

Mr. BUTTERFIELD. All right, I will.

Do you mean by that, Mr. Jenner, that when I refer to Mr. Haldeman's office, I should say Haldeman, be sure I say "Haldeman."

Mr. JENNER. When you use the word "this" if you can also at the same time say, this is the square or oblong that bears Mr. Haldeman's name or someone else's name.

Mr. BUTTERFIELD. I understand.

The largest and nicest office, the office which was initially designated as the Ceremonial Office for the Vice President, but about January 1970, taken over by Mr. Haldeman, is this office in the southwest corner of the main or what is called the first floor of the West Wing. That is the Haldeman office.

In Haldeman's outer office, were Mr. Higby, his alter ego, his chief administrative aide, and next to Mr. Higby was a fellow whose name I simply can't recall at the time, but someone who worked with Mr. Higby in working on Mr. Haldeman's papers, and a secretary out here.

Right across the hall, and working very closely, as I mentioned earlier, with Mr. Haldeman on the President's schedule, his itinerary, his trip plans, et cetera, was Mr. Chapin, the appointments secretary. In his outer office was one secretary here. This was his secretary. This girl was Mr. Haldeman's No. 2 secretary, and this girl was my secretary. So this was a wholly secretarial office immediately outside of Chapin's office and he had to go out this door and out this door. This was a closed area. But he was back and forth frequently, working with Mr. Haldeman.

Directly across from Chapin and next door to Higby on that outboard side, on the southern extremity of the West Wing, was Rose Mary Woods and in her outer office were two, sometimes three, secretaries. They attended to the President's personal mail, photographs to be signed, et cetera.

Immediately next to Rose Woods and on the west side of the Oval Office, was my office. As I said earlier, that had been occupied by Marvin Watson. I only say that now because I want to better identify it for those of you who may have been here during the Lyndon Johnson years.

Then the President has a small private office, quite small private office, where he normally eats his lunch or does tape recordings, radio recordings, little 30-minute recordings. It is quiet in there. As I say, it is quite private and furnished in a personal way, with memorabilia,

et cetera, pictures of his daughters and so forth. This is a tiny little hallway, no more than 12, 14, or 15 feet long, and on either side, a small kitchen, where Manolo Sanchez, the President's valet, works and also the boys from the mess downstairs occasionally work in there and relieve Sanchez; and a small bathroom, and the entrance to the Oval Office with a desk at the southern extremity, the President facing north, facing the fireplace over here. The two long couches are here and a chair on either side of the fireplace.

On either side of the desk was a chair and when the President had staff members in, only one or two or even three, he chose to sit at his desk in informal fashion and the staff members would sit in these chairs. If there was a third one, they would bring up a chair.

When the President entertained guests, one or two, he would remain at his desk, depending a great deal on who the guest was. Or he would come over here to the more casual setting with the sofas and the chairs. If he had more than one or two people, he would always come over here.

This is a table immediately behind the President's desk and I will explain later that all of his in-material, all of the papers that go to the press, except for briefing folders, were set on that table behind his desk.

This is a large window, as you know.

They can seat up to 10 people here. If the meeting involved more than 10 persons, the meeting would be held in the Cabinet Room. So as you know, the Cabinet Room was not exclusively for the Cabinet. A meeting of the big city mayors or little city mayors or black leaders or whatever that could be held in the Cabinet Room, which could seat, at the table, about 20 and around the room, along the periphery, another 20. You are hard-pressed to get 40 in there. That would be a very crowded and stuffy Cabinet Room.

Steve Bull, who responded most immediately to the President, and who still does, to this day, and who still occupies that office, works right here.

So for the President to move from the Oval Office into the Cabinet Room, he must traverse Steve Bull's office.

The Oval Office looks out to the rose garden, the Cabinet Room looks out on the rose garden and Steve Bull's office looks out on the rose garden to the east side, and a colonnade to the press room.

This is a stairway that only goes down to the basement level. There is no way of going upstairs unless you go around and take these stairs.

This only goes down to a hallway such as this. In the basement are such things as the photo shop, the Chief Clerk's office, a secretarial typing room, a large lavatory and changing room for staff members who need to change clothes quickly to get to functions over in the residence. The staff secretaries' offices are downstairs below Kissinger's office, and the White House mess is pretty much below these offices downstairs. But it is essentially support, the offices in the basement are essentially support basis.

The Roosevelt Room was formerly called the Fish Room. It was changed to the Roosevelt Room in about 1968 or 1969 and does honor to the Roosevelts, Teddy and Franklin, with pictures, et cetera. That room was used most frequently for staff meetings, large staff meetings,

meetings involving more people than Haldeman or Ehrlichman can get into their offices completely. Incidentally, Ehrlichman's office is right up here over the stairs.

So this is a White House staff meeting room and before the press area was built over here, it was the room in which press announcements were made, significant press announcements, because the President could step across the hall and introduce a new Assistant Secretary or a new Consumer Adviser, or whatever.

So again, this is the hallway and this is the west lobby. This is the entrance where a marine guard was stationed, the driveway, receptionist, Ziegler's office.

If I have missed anything—

Mr. DOAR. That is fine, Mr. Butterfield. Now, if we could go on with your testimony. I think that we will see that the exhibit is reproduced for the members.

There were one or two or three things in connection with your testimony about the organization chart that I would like to ask you about.

First, Jeb Magruder. When did he come to the White House?

Mr. BUTTERFIELD. I didn't mention that, I don't believe. Jeb Magruder came about the time Colson came. I would say October of 1969.

Mr. DOAR. Do you know who brought him to the White House?

Mr. BUTTERFIELD. I am not sure who knew him first, but it is my understanding that Mr. Haldeman was the one who, certainly the one who first interviewed him and he was being interviewed to be in the Haldeman bailiwick, to work with and for Mr. Haldeman.

Mr. DOAR. When he came there and worked for Mr. Haldeman, what job did he have first?

Mr. BUTTERFIELD. Well, as I recall, his first 4, 5, 6 weeks, perhaps his first 2 months, he worked on sort of image making projects for the President and worked pretty much with me. I had just been given, in about October, some assignments along that line, which I have heard since was not doing as well as someone who was a more natural public relations man. But at any rate, I was working on, I was responsible for, solely responsible at one point by order of the President personally, to identify that silent American majority, that great middle American contingent and see if we could not get them to stand up and cheer. That began about a month before the President's November 3, 1969, speech which did call for the silent American majority to make some noise. That project occupied almost all of my time, almost all of my time. I gave myself over to that project. Mr. Magruder's assignment to the White House staff gave me some welcome relief. And he helped me with a number of those things, as did Colson.

Then it is interesting that Colson picked up those outside groups which I had begun making contact with, mostly political—I don't mean political, mostly veterans organizations, the patriotic organizations—VFW and the Retired Officers Association, et cetera—and Colson took over that part of it and gradually—this all happened quite gradually; I cannot put my finger on a time period. Magruder took over the public relations aspect of that thing.

Then subsequently, in January of 1970, I moved into Haldeman's office and got quickly into the administrative line, and the President picked up these two specialties, Magruder going over to work with

public relations and image making and Colson running an office interested in outside pressure groups. But all of that began in October of 1969. Those two did work with me initially, Colson and Magruder.

Mr. DOAR. What about Mr. Sloan? Who did he work for?

Mr. BUTTERFIELD. Mr. Sloan was a junior member, a staff aide; he was not a commissioned member of the staff. I may say that from time to time—I am not trying to prove anything by it. I want to give you the relative sort of rank structure, although as I say, the people themselves were not rank conscious. But Sloan was the immediate assistant to Mr. Chapin. If there were an assistant appointments secretary, he was the man. He was the fellow who received initially all the requests for the President's time from whomever, all over the country. It was his office that filtered out those things and responded, saying, no, I am sorry, the President won't be able to make your convention on the 31st, but perhaps someone else can fill in; and made up the initial schedules for the President and took them over to Chapin.

Chapin refined them and took them to Haldeman. Haldeman refined them further and talked them over with the President and that was the way the President's schedule evolved. So Sloan was Chapin's immediate assistant.

Mr. DOAR. What about Mr. Flemming?

Mr. BUTTERFIELD. Mr. Harry Flemming was a special assistant and in charge of personnel. A special assistant is the third rung of commissioned personnel, the assistants being the top rung, deputy assistants being the second rung, and special assistants being the third one. Harry Flemming was in charge of the personnel office. I guess it was about the time that Hugh Sloan left the staff, left Chapin's employ, Harry Flemming also left the staff and both went to help form the nucleus of the Committee to Reelect the President.

Mr. DOAR. Now, we have distributed to the committee members your exhibit 3 which sets forth your responsibilities and some of the personnel, at least one of the persons that worked under you. Directing your attention specifically to the matter of recordkeeping, could you indicate to the committee, relate to the committee, what records were maintained and how they were maintained with respect to the operation of President Nixon's White House, and also the part that you played in that.

The CHAIRMAN. Excuse me, Mr. Doar. By exhibit 3, you mean the diagram which shows "Mr. Butterfield" at the top?

Mr. DOAR. Yes, sir.

Mr. BUTTERFIELD. I am not sure where to begin in discussing records, because if you mean records kept for the purpose of recording historic events or the President's time, recording his activities and what transpired in his office, that was something quite apart from anything I have drawn here.

Mr. DOAR. Well, why don't you just explain briefly what you have drawn and then—

Mr. BUTTERFIELD. All right. Mr. Hoopes was simply an assistant to me, but on the line just below that, the Office of Presidential papers was an office of some 10 to 12 GSA archivists. They were really attached to the White House staff. I supervised that office ultimately, but it was very well run by a fellow named Jack Nesbitt, who is with GSA

and is an archivist, and was sort of designated as the fellow who would probably take over the Nixon library eventually. So Jack Nesbitt, I think, still runs the Office of Presidential papers. But essentially what that office does is keep the President's diary, maintain the President's diary. By the President's diary, I mean that daily list of Presidential activities which includes all of the President's meetings, all of his significant movements from one place to another, all of his contacts with people, all of his telephone calls in and out, et cetera. That is the daily diary. It is a detailed listing of chronological order of the things the President did that day from the time he awoke and came down from the second floor of the residence, the family quarters, until he returned.

From that diary—

Mr. BUTLER. Mr. Chairman?

The CHAIRMAN. Mr. Butler?

Mr. BUTLER. I wonder if counsel could develop at this point a little bit more of the procedure that went into preparing the diary. I am interested more in whether it was done after the fact or before the fact or contemporaneously.

The CHAIRMAN. I think that I will have to advise members that counsel will proceed as he sees fit and then members may at a later time, when they have their opportunity to question, if they want to, fill in. But nevertheless, counsel has heard that. If he wants to proceed in that manner, he may.

Mr. BUTTERFIELD. Well, Mr. Chairman, that is a good question. I think I feel a little bit inhibited here by the time and I probably should not. I don't want to bore anyone with some details that are not appropriate. But I probably should have prefaced my remarks about the Presidential papers by saying that the secretary who sits in Steve Bull's office, right outside of the President's door, that office between the President's Oval Office and the cabinet room, that girl, Steve Bull's secretary, is normally the one responsible—or Chapin's secretary; at one time, it was Chapin's secretary. In fact, I guess it remains Chapin's secretary. Chapin's secretary was a Mrs. Nell Yates. She did this. Now she is Steve Bull's secretary. She still does that. And by does that, I mean as follows:

She is the central point of contact or person. She receives each day, by 10 or 11 o'clock in the morning rundowns or outlines on the President's activities of the previous day from the military aides if they had anything to do with the President's activities the previous day; from the usher's office in the residence, and they always have something to do with logging the President's events in the early morning and late evening; from the Secret Service if they had any particular notes that they took with regard to the President's activities when no one else was around; from the girl who sits outside the President's EOB office—the President has an EOB office and the President has a girl who sits out there who logs who goes in, what time. She sends her things over to Mrs. Yates. And then Mrs. Yates herself, that secretary in the Bull office, keeps a record of everyone who goes in and out of the Oval Office during the day, and the times precisely.

The White House switchboard forwards a complete rundown of every call sent into the President's telephone and every call from the President, and every attempt made to get in and every attempt made

to get out. And so does the signal switchboard. There are two separate switchboards at the White House, a civilian switchboard and a military switchboard. So Mrs. Yates or whoever that secretary might be takes all of those things of a morning, 10 or 11 o'clock in the morning, and if someone hasn't turned it in, she calls them, and sends them in an envelope over to the Office of Presidential Papers, which is on the third or fourth or fifth floor of the EOB.

Those archivists put it all together. Sometimes they have questions and have to call back or call around to get more precise times, or there will be some discrepancies there. Because of those little inaccuracies, human errors, they remain several days behind in publishing the final diary for that day. They may be 3, 4, 5 days behind.

But at any rate, they do publish the diary and that is the way the information gets into it. I hope I have answered that accurately, or thoroughly.

Then from the Presidential diary, from the diary which is detailed, this same Office does a thing called a weekly abstract. The weekly abstract is one page which has vertical columns, Monday through Sunday, and times down the lefthand column by the quarter hour, I think. And that is not quite precise, and if there are many people to be listed, too many to be really listed vertically, it may say "Secretary Connally, Dr. Stein, and economic group," et cetera. But it will give you a feel for what the President did in a week's time. That is called the weekly abstract and that is in no way confidential—at least it was not in the White House and I had one on my bookshelf which was not under lock and key. Mr. Chapin kept one, Mr. Higby kept one for Mr. Haldeman, and I think Rose Woods had one and I think Steve Bull had one. So there were about five of these weekly abstracts, a three-ring looseleaf notebook with each page being a day in the President's schedule. Telephone calls are not on the weekly abstract, just a sort of résumé of his activities, his official activities—who he met with, if he was aboard the *Sequoia*, if he was at Camp David, Key Biscayne, or wherever, and the approximate times. So you had the diary prepared by the Office of Presidential Papers and the weekly abstract.

They also did things such as working with other libraries, working with the Kennedy Library people, the Johnson Library people, and working toward the development of the Nixon Library.

The Office of Special Files began 1 week after the Republican National Convention in 1972, so we were without that Office almost all of the first 4 years, for the first 3½ years. The idea behind the formation of the Office of Special Files was this: It became apparent, I think, to Mr. Haldeman that the Office of Central Files, which you will see down in all the little boxes down in the right column of the little boxes down below, the Central Files, that is the huge filing Office over in the EOB. They had central files which belonged to staff members which were undoubtedly fairly sensitive, which were undoubtedly on subjects which were of particular interest to the President and to the history of this President. So it would be wise, he thought, Mr. Haldeman, that we would extract—a tremendous job but wise, nonetheless—that we extract from Central Files all of those personal papers, all of those sensitive papers. Meanwhile, Rose Mary

Woods was the repository for the more personal papers, the yellow sheets the President writes on, for his speech notes and other things that will have great historic value. So perhaps we should take those things from Rose.

Meanwhile, the Office of Presidential Papers has all of these diaries and all of these records of details and put them all in one office, the Office of Special Files. So that was the thing behind the formation of that office. And it has been going since about August of 1972 and still operates today. And I think they are just barely getting off the ground. It is a tremendous job initially.

The staff secretary is the day-to-day administrative officer. I was not and he was the day-to-day administrative person who took charge of everything—office space, budget, salaries, hiring and firing of personnel, et cetera—a tremendous task, a tremendous task, and a job in which very few people stayed very long. I think that is why we had four during the first 4 years.

If it is of interest, the first staff secretary was Ken Cole. That is why Ken Cole went to run the administrative part of the Domestic Council. Then John Brown became staff secretary, a junior fellow who had worked with Cole and was very good administratively.

After John Brown, we elevated the staff secretary's job to a commissioned job. He became, instead of a staff aide, a special assistant to the President. That third staff secretary, with that more elevated rank, was Mr. John Huntsman, who came from HEW as a GS-17. He was so well suited for it, that is probably why they raised the stature, sort of, of the staff secretary. Then John Huntsman was followed by another staff aide, Bruce Kehrli, who had been working in Haldeman's immediate office, a very efficient young man, who was at that time an active duty first lieutenant in the Marine Corps.

The staff secretary has a liaison with the GSA, because of course, they run the EOB, and under him is the executive clerk. The executive clerk is a very key man. The executive clerk is the fellow who does, in fact, run on a day-to-day basis all of those organizational elements I have listed under the executive clerk. The executive clerk during the first half of the Nixon first term was a Mr. Hopkins, whom most of you may have heard of. He was there 40 or 42 years. But the executive clerk is a key man on whom many people depend. And as Presidents come and go and White House staffs come and go, all of those people you see below the executive clerk remain. They represent the 210 to 240 permanent White House support personnel. And those offices have been there for years and years, those offices you see listed there. I would be embarrassed if you were to ask me to detail what each does. I know essentially what most of them do, but I could not, for instance, tell you the difference between records, book, and records. But those are the official names of those offices.

Then the Security Office. I would like to explain that. I had immediate supervision over the Security Office. That is the Office in which were housed or filed all of the FBI background investigations on all White House staff members—all White House staff members. Almost all people in the Executive Office of the President, which of course, included the Office of Science and Technology and the Council of Economic Advisers and many others—and all Presidential appointees in

the administration, in the departments, and agencies. And that is really all it was. It was a repository for FBI full field background investigations and if one was to be checked out for security, as the saying went, by the Personnel Office, the woman who ran this office, Miss Trudy Brown at that time, Miss Trudy Brown would—Miss Jane Dannenhauer now—would take on that assignment, would contact the FBI—this is an FBI liaison with that Office, a fellow who is back and forth two or three times every day—and get the FBI to do a full filed background investigation, which takes, as you know, 3 to 4 weeks. If there were ever a question in Miss Brown's mind or Miss Dannenhauer's mind, then she would bring that question to me. Otherwise, she would give the person a pass or fail, approved or disapproved, send that back to the Personnel Office, and that was the case with all prospective Presidential appointees.

MR. DOAR. Mr. Butterfield, I wonder if I could ask you now to move on to describing for the committee how the President functioned during an ordinary or usual day while you served under him on the White House staff?

MR. BUTTERFIELD. How he functioned before I mentioned the paper flow to and from him?

MR. DOAR. I think in connection with describing how he functioned, if you could just work in the flow of paper as part of the way his usual day operated.

MR. BUTTERFIELD. All right. Again, I have a habit of belaboring things. I don't want to go into too much detail.

The President, first of all, is well organized always and highly disciplined as an individual. The whole staff reflected that. The staff was a very, very well-organized, firmly run staff, contrary to a number of press reports. The President wanted on his desk only briefing folders and he did have a briefing paper for every meeting—every meeting, regardless of how minor it might be. A briefing folder looked exactly like this, a manila folder with "The President's meeting with Secretary Connally, June 4, 1972, 11:00 to 11:30," it says there. "The President's meeting with Economic Adviser, May 12, 1971, 3 to 4 p.m.," it says there. I won't go through the rest of them.

But let's assume all these briefings were on the same day. They would be put in chronological order, with the first meeting on top, and put on his desk to the left of center, and that is all that was on his desk with the exception of an out box and a clock. Any other paper that he wanted to do, brought in for him to do, was behind him on the table.

So on a normal morning, the President would come to the office, and there were many variations to this, but on a standard morning, he would come to the office when I was there around 8:10 to 8:15. On his desk also by 8 o'clock was the news summary, which he paid great attention to almost always. So he was met with a news summary here and the briefing folders here.

MR. DOAR. Could you just describe the news summary to the members of the committee?

MR. BUTTERFIELD. The news summary is prepared all night long by a fellow named Mort Allin who works for Pat Buchanan. So Pat Buchanan is really more than a speech writer and I can get into that later on if you like with regard to his special relationship with the

President. It is special. The news summaries consists of—it is in a three-ring notebook for the President, a blue notebook. As I recall—I could be wrong, people at the White House now would certainly know—but it ran 67, 70, sometimes 80 pages, sometimes perhaps only 30, but I would say as a rule 60, 70, or 80 pages. And it was a complete rundown of nationwide and foreign news. And oftentimes it was prefaced by a little news summary that Pat Buchanan may have written himself, or if not Pat Buchanan, Mort Allin, to give the President a feel for the news and how some of the President's policies or legislation might be playing around the country.

Then it would take the broadcast news and list how the major networks played the various stories, with emphasis on administration stories and how much time was given over to each story: ABC played such and such 4 minutes on that network, whereas NBC gave it only 2 minutes—a rundown like that, quite thorough; then how the foreign news played these same things.

Then when it got to the newspaper rundown, it, as I recall, usually gave that by subject matter: Carswell nomination and then how that was playing in Atlanta or what sort of press that was getting in San Diego, Seattle, and so forth. The President read that carefully but very quickly, because he is a quick reader, and he would devote the first, I would say, 20 minutes, 15 minutes, to reading the news summary. And it was his habit to write in the margins of the news summary when something struck him. But usually, those things were nothing elaborate. He might say "E note." Meaning Ehrlichman note this. "Or H note," meaning Haldeman note this; or "K, let's get on this one right away" to Henry Kissinger. Or "Let's cut back our forces in the Philippines by 8 percent within 6 months," or something like that. Those are some typical little comments.

Then the book would go into the out basket.

A typical day, if I could follow a typical President's day, I would say in at 8:15, news summary 8:15 to 8:35; Haldeman, 8:35 to 9:15. No magic number there intended. It was always his habit to buzz for Haldeman when he finished the news summary and he would stay in for about 30 to 35 minutes.

Then perhaps Henry Kissinger would come in from 9 to 9:25—25 minutes. I have some thoughts here, so I will just read it, knowing you understand that there are all kinds of ways it might vary.

Mr. DOAR. Go ahead.

Mr. BUTTERFIELD. Haldeman 8:35 to 9:15; Kissinger, 9:15 to 9:25; Rose Woods, 9:25 to 9:30; Butterfield, 9:30 to 9:35. And my only function in going in in the morning was to have some things signed. I took all materials, pro forma types of signing materials, in and stood there while the President signed it. They were not things he had to review—they were nominations to the Senate and such things. I would be in for about 5 minutes in the morning.

Then he would review his folders on his desk and he would spend maybe 15 minutes with that or 10—briefing folders for the day, 9:35 to 9:45. Then Haldeman again, 9:45 to 10. Haldeman was back and forth with monotonous regularity, to use an old expression, and the reason I am so attuned to Haldeman's schedule in the President's office is not only from viewing it on the diary and on the abstract, but because Haldeman had the habit of using my office to cut that corner up there.

He would come down the hall, pop into my office and into the President's office entry on that hallway. He did not use the center door or the Steve Bull door which all others did—all others did.

Ziegler might come in for 5 minutes, 10 to 10:05. Then always, the President's schedule was set off and he would see people. He would have appointments from 10 until about 12:30 or 1. So all of this period I have mentioned, from the time he came in at 8:15 until 10 was seeing staff members, but usually only those I mentioned—very seldom anyone else.

Appointments 10 to 11:15. Then it was his habit to, right in the middle of the morning, in the middle of those appointments, call Haldeman back, because something had undoubtedly come up in the appointments and he would see Haldeman again for something like 10 minutes—11:15 to 11:25 Haldeman again. Appointments again, 11:25 to 11:45. Then he might spend a few moments alone—11:45 to 11:50. Then he might have Henry come in—let's say a few moments alone from 12:45 to 12:50. Then he might have Henry Kissinger come in from 12:50 to 1:05, a 15-minute period. Then Haldeman again from 1:05 to 1:15.

Then he may see some members of his staff. Usually I went in with noontime signing for 5 minutes. Occasionally, Rose Woods would go in for 5 minutes. Perhaps some other members of the staff wanted to see him—Peter Flanigan, Moynihan, somebody. That was a good time to run them in, but never for more than 5 minutes, because the President is about to have lunch and he has finished a busy morning. So I put in there various staff members, including Steve Bull and Rose Woods, 1:45. That is all.

One forty-five to two o'clock. The President's alone time, from 2 to 3 o'clock almost every day. Then his appointments resumed but then he would call Haldeman back, 3:05 to 3:10. Then his appointments began, 3:10 to 4:30. Then Haldeman from 4:30 to 4:35. Then appointments, 4:35 to 5:35.

Then Kissinger, 5:35 to 6:05. Then again, some other staff member, but for a short time; perhaps Ehrlichman, perhaps Flanigan, perhaps Moynihan, later on perhaps Colson. But for a relatively short period of time. The staff members, I have 6:05 to 6:30.

Then I have Haldeman in, 6:20 to 7:10, and the President generally went back to the residence about 7:10, 7 o'clock, 6:50, something like that. I have 7:10 on this schedule. It could be 7:30 very easily. If he didn't go to the residence, he went to the EOB office, where he had his dinner in the EOB office 2 nights a week perhaps.

If he didn't go to the EOB office to have dinner, he would go to the EOB office or the Lincoln sitting room after his dinner. He always worked in the evenings after dinner unless, of course, there were a social function, until about 11 o'clock.

That is a typical day. Some of those are probably intimate details, but I don't think so.

MR. DOAR. Could you give to the committee an indication of the President's work habits with respect to attention to detail? As you knew it?

MR. BUTTERFIELD. Yes; from my observations, from my having seen thousands and thousands of memoranda over this period of time—I may be using those figures loosely—hundreds and hundreds of

memoranda over this period of time, from working directly with the President and Haldeman, I know him to be a detail man. But I think any successful person is a detail man to a degree. I may take some time with this, but I began giving a great deal of thought to this and have written it out. These are typical items which are of considerable concern to the President. I hope you understand I don't say them at all in a derogatory manner; in fact, quite the contrary. I say them in a complimentary manner because thanks to his close attention to these kinds of details, the White House staff functioned better.

The President often, of course, was concerned whether or not the curtains were closed or open, the arrangement of state gifts, whether they should be on that side of the room or this side of the room, displayed on a weekly basis or on a monthly or daily basis.

Social functions were always reviewed with him, the scenario, after they came to me from Mrs. Nixon. Each was always interested in the table arrangements. He debated whether we should have a U-shaped table or round table.

He was deeply involved in the entertainment business, whom we should get, for what kind of group, small band, big band, black band, white band, jazz band, whatever. He was very interested in meals and how they were served and the time of the waiters and was usually put out if a state dinner was not taken care of in less than an hour or an hour's time.

He debated receiving lines and whether or not he should have a receiving line prior to the entertainment for those relatively junior people in the administration who were invited to the entertainment portion of the dinners only and not to the main dinner. He wanted to see the plan, see the scenarios, he wanted to view the musical selections himself. He was very interested in whether or not salad should be served and decided that at small dinners of eight or less, the salad course should not be served.

He was interested in who introduced him to guests and he wanted it done quite properly. I did it for a while and I don't think I was altogether satisfactory. Sometimes a military aide did it. Then one time Mr. Macomber from the State Department did a superb job and he was hired on to introduce the President to guests henceforth. That lasted a month or two. Emil Mosbacher, the Protocol Ambassador, did it for a while.

He wanted a professional producer to come and actually produce the entertainment, especially the entertainment which was for television, et cetera.

Guests lists were of great interest to him. He did review all the guest lists very carefully and no one would put someone on a guest list or take some one person off a guest list as a rule without going to the President. He was interested in knowing how many Republicans or Democrats were on the list, he would review it for that. Too many or too little—it always got his personal view—how many from the South, East, West, North regions of America, how many blacks, how many ethnics, how many labor members might be invited; is this an appropriate event for labor members? Who are the reporters, the press people invited to this—he would review all of these lists personally and approve them personally.

He was very conscientious of criticism of the worship services, yet he wanted to continue having the worship services. There was criticism, especially, that he was using them for political purposes, so he purposely invited a number of Democrats, people who might be considered enemies—I do use that word loosely. It may be inappropriate, but I mean precisely that, because he felt there was some benefit from worship services. There were no pictures taken.

He debated having worship services on a monthly basis or bimonthly or whatever or not at all and he wanted to know who sat where among the VIP's in the first couple of rows, and he wanted to see a chart, a setup of the worship services.

Briefing folders, those I mentioned on his desk, were of great interest to him. They were either too long or too short and we were constantly changing the format, but that, as I say, among other things was quite understandable to me.

Mr. DOAR. When you just said briefing folder, could you just explain again what a briefing folder is?

Mr. BUTTERFIELD. Excuse me. The briefing papers inserted in these folders. The briefing papers which told him the purpose of his next meeting, who the participants would be, a little background on the subject matter, possible talking points by the guests and appropriate responses for the President to those inquiries by the guests. That was one of my responsibilities, the format and seeing to it that those papers were properly done by the staff member who was in charge of that meeting. One staff member was in charge of every meeting in the President's office.

Ceremonies—he was interested, of course, in whether or not they should be public on the south grounds or whether we should have only administrative personnel; the details of the drive up the walkway, whether the military would be to the right or left, which uniforms would be worn by the White House police, whether or not the Secret Service would salute during the Star-Spangled Banner and sing, where the photographer would be, and such things as that. In fact, all Presidential activities quite naturally had his interest.

He was interested in the press followup. He wanted to see a copy of the press coverage. He wanted to note who was going to be on hand to record this; which recorder do you have? He suggested after a while that we nominate a number of anecdotists, color reporters as we call them, to go to these events at which some human interest item might occur, little vignettes of human interest. He wanted those recorded for the President's file, for history.

Cabinet meetings—he debated always about the frequency of Cabinet meetings, the agenda. He wanted the members to talk up more and not sit there silently as many of them so often did.

He was interested in where the Cabinet members were, he wanted us to get a tighter reins on Cabinet member travel and eventually instituted a program which required Cabinet and sub-Cabinet members to get approval for foreign travel from me, speaking for him, and Henry Kissinger speaking for the Department of State. He was interested in memos for the President's file, which I have not yet mentioned.

A memo for the President's file was prepared for every meeting the President had by the staff member who sat in on that meeting. This

was a sort of quick and dirty résumé of essentially what transpired in the meeting. It was not meant to be a minutes in the normal context of minutes, but something that captured what transpired.

White House furniture, the appearance of the White House, his desk and the history of his desk, photographs of former Presidents in the EOB—he wanted to make sure he knew whose office had photographs—all of this, I think, understandable.

He wanted to convert some offices to other offices and he would actually sort of outline the plans for those conversions.

We had some paintings that we put up in the west lobby and he wanted us to log the comments made about each painting to see how popular it might be to guests who were awaiting appointments in the west lobby.

He wanted to know who was going to sit where in Cabinet room meetings, not meetings of the Cabinet but meetings of others in the Cabinet room.

He worried a good deal about Secretary Connally. He liked Secretary Connally immensely and wanted to be sure that he got enough time off that Camp David was made available to Secretary Connally and Secretary Connally and his wife were invited hither and yon and he gave that a good bit of his concern. I use that as one example.

He was interested in the name of Air Force I. He wanted it to get a good name. He suggested a contest or something that we had for naming Air Force I. It was eventually named the "Spirit of '76."

It was his idea to have a briefing room in the Executive Office Building built. He was interested in telephone calls, whether or not he should call various aides who had done a good job on a weekly basis or daily basis, instituting a program to call Congressmen on their birthdays or call people out in middle America to congratulate a school teacher who had done something especially fine with her young school children, et cetera.

He spent a lot of time on gifts—gifts for congressional leaders, gifts for people who came into the Oval Office. He actually looked at the inventories of cuff links and ash trays and copies of "Six Crises," and such things as that. He worried about gifts being appropriate for people. All of this I charged up to his being especially thoughtful in that way.

He was interested in wines. He wanted me to find out the best Bordeaux-type California wines, the best German wines, the best vintages, to talk to the connoisseurs, talk to the managers at the Cote Basque, he talked to Russ Green in California and to Jack London in California and a number of other connoisseurs and to give him a report. He followed this and did buy some excellent wines from his own personal funds.

He was very interested in the grounds at Key Biscayne, Camp David, San Clemente, the cottage, the house, the grounds, where the Secret Service were, how many Secret Service were on duty at a time, how sinister or casual Secret Service agents were acting around him, all for the sake of appearance.

In the residence, he wanted to convert a Secret Service room to a map room. It used to be a map room. It was the room in which Franklin Roosevelt gave his fireside chats. So he wanted to refurbish that

room along the lines of the old map room. That was his idea. He had a lot to do with our taking down the dull wallpaper and putting up a sort of montage of those early days of World War II.

He was interested in whether or not we should have a POW wife or another girl be the receptionist in the west lobby. He debated this point a number of times and issued instructions with regard to who the receptionist would be and how she would operate.

He was interested in the plants in the south grounds and whether or not we should retain the tennis court or move it. Memorandums went on about the tennis court for over a year's time.

Letters, of course—he wanted to see samples of letters, if the letters were appropriate.

And Washington, D.C.—he even did a memorandum in Yugoslavia and Belgrade, having been impressed by the fine restrooms along the way there, or at least the structures along the way, and having the feeling that back here on the Mall we had some rather shabby wooden restrooms which he had seen during the time of those demonstrations. But he had me look into this project when he returned from Yugoslavia, having dictated the memorandum in Belgrade. But thinking always about detail.

In my mind, all of these things are understandable. I think they are all typical of a thoughtful and careful and well-disciplined man, but they certainly do bring out the fact that he was highly interested in detail.

Mr. DOAR. Mr. Butterfield, how did his key staff people, did they all have access to the President?

Mr. BUTTERFIELD. No; not by any means.

Mr. DOAR. Could you explain how that system worked, how that procedure worked?

Mr. BUTTERFIELD. I assume you mean immediate access.

Mr. DOAR. That is right.

Mr. BUTTERFIELD. Well, I was not a close person to the President in any way. I don't want to intimate any way that I was, but, because of my job and where I was, I was in and out frequently and could go in and out without getting his permission. But I did that very carefully and I usually knew what he was doing before I entered the office.

Steve Bull, on the other side of the President, could do the same. He handled people in and out, but he could pop in any time and ask the President something or mention a telephone call or something.

Rose Woods could do this to a degree, but usually had the courtesy to check with us before, because we knew better than anyone—those of us on either side of the President, Bull and myself—what he was doing at the time and what his mood was. And Haldeman could go in and out any time. I would say, to answer your question, Haldeman, Butterfield, Bull, to a degree Rose Woods—no one else.

Mr. DOAR. How did the other people, if they had a matter to bring to the President's attention, how did that work? For example, Mr. Kissinger or Mr. Ehrlichman, or Mr. Colson, particularly Mr. Ehrlichman or Mr. Colson?

Mr. BUTTERFIELD. Other members of the senior staff, such as Mr. Ehrlichman, Mr. Flanigan, Mr. Timmons, Bryce Harlow, Moynihan, Rumsfeld, Finch—if any of those people felt a rather urgent need to

see the President—and I should say here that they all understood the President. They knew him well enough to know that they should not go in unless there was some rather important reason, they would call either Steve Bull or myself on the telephone as a normal rule and say, I have really got to get in to see the President, it is on such and such, and I truly won't be longer than 2 minutes or 5 minutes or whatever; they would always give the approximate time they wanted to see the President and the subject matter. As I say, some called Steve and some called me. It was Flanigan's habit to call me, Kissinger might call me or he might call Steve Bull. I just can't say.

But at any rate, we would then play that by ear, we would say the President will be over in the EOB office this afternoon and free most of the time if it can wait until then. Or we might say, fine, he will be through with a meeting here in 10 minutes, can you wait until then and walk in and put a little note in front of the President or have the secretary type one up, hand the note, or just walk in and say to the President, depending entirely on what he was doing at the time. But the point is, I suppose, they would have to go through either one on either side of the President, only because we knew what the President was doing at the time.

Mr. DOAR. Was that true of written material as well? Did that come through a regular procedure?

Mr. BUTTERFIELD. Yes, written material for the President was strictly controlled and did, except for, I suppose, there were a few violations. I don't know of any violations.

Mr. DOAR. Who implemented that system?

Mr. BUTTERFIELD. Mr. Haldeman.

Mr. DOAR. Could you explain that?

Mr. BUTTERFIELD. Yes. Very briefly, the staff secretary was the contact for all papers going to the President of the United States, whether those papers came from a department, an agency, another office in the Executive Office of the President, or a White House staff office. Anything—anything—on paper going to the President, except the news summary, which was put on his desk at 8 o'clock in the morning by the writer of the news summary—Buchanan or Mort Allin—everything going to the President went first to the staff secretary, whose job it was to look at that paper, to make the judgment as to its need for coordination or further coordination if it had already been somewhat coordinated, to see if it was duplicatory to something else going on. If it was, for example, a paper on international trade or international monetary from Flanigan, the staff secretary would want to make sure that Secretary Connally of Treasury knew about it and had an opportunity to comment. He would want to make sure that Henry Kissinger's staff knew about it and had an opportunity to comment. This is not to say that Flanigan would not have done this anyway. But that was the secretary's job, to weed out anything that may have been irrelevant in his judgment, but not necessarily to superimpose his judgments of these senior people; just to double check for coordination.

Then he logged in the paper if it was going to go to the President, and most of them were. He logged it in a book which he kept which I cannot describe, by subject matter and date and sender. Then if it were simply an information item, he put it in a blue folder which says FYI, for your information, domestic if it was a domestic information

item. If it was a foreign affairs or border on national security in anyway, FYI foreign. That is so the President was not reading first one paper then another. He could keep his thoughts together. So those are two FYI folders, blue, one domestic, one foreign.

If it were an action paper, and by action paper, I am sure most of you know this, I mean that by an option paper, a paper which the President has to read carefully and look at the various options and then study the final option that is recommended by the sender. Most of Henry Kissinger's papers were option papers or action papers—I use the words interchangeably here. Ehrlichman might—well, yes, Ehrlichman, too. But mostly Henry. Those are action papers.

If it were purely a signature item, they went in a signature folder. Those are the kinds of things I mentioned to you earlier that I simply took in and the President signed. He read them, but there was no need to read them carefully, because they were documents.

Let me stop there so I won't be confusing you. Those are the main things.

Signature items then came from the staff secretary directly to me because they were relatively sort of pro forma. And I just took them in morning, noon, and evening to be signed by the President and brought them back out and returned them to the staff secretary.

But all FYI items—domestic, foreign, and all action items—went from the staff secretary, not directly to me but to Haldeman—actually, to Higby, to Higby's office.

Higby then, at his next opportunity, took them in to Haldeman. Haldeman reviewed them. He was not at all shy about weeding out anything; he knew the President that well. In other words, desuperimpose his judgment on the judgments of the staff secretary and the senders of those papers.

Then Haldeman's office, Higby's office—all the same—brought them to me. Anything brought to me in the way of FYI, domestic or foreign, or action papers came to me from Haldeman's office, having been reviewed by Haldeman personally. Then at the next opportunity, I took these things in just like this and put them on that back table that I mentioned. Only the briefing papers are here, briefing papers, the outbox is here, and work to be done by the President is back here.

Now, that covers all of the paperwork that went to the President with the exception of papers called "eyes only" or for the President's eyes only, and they were in a red folder. I could not get a red folder, but color this red in your mind, if you will. Those were hand-carried weekly to me by Henry or by Al Haig or by their personal secretaries. They dealt with the negotiations. They were just highly classified and the idea was not to circumvent any channels, it was just, as you all know, so that as few people as possible see them because others don't really have a need to know this information. So there is nothing sinister about this procedure.

But they were brought to me. I didn't always read them in their entirety but I made certain I knew the subject matter and roughly the size of the package. Those went in, too, on the President's back table.

Everything was considered secure on the President's table. There was always a guard, a Secret Service agent at the Oval Office, several

of them in the hallway, so there was no problem about leaving one of these papers there even overnight.

The only other papers that went to the President were recommended telephone calls in a salmon-colored photo. They went on the back table. And weekend reading, leisure reading, put in the President's briefcase on a weekend or sent to him on a weekend, articles that he said he wanted put in there and other such things. It was manila colored just like the briefing folders.

That covers all of the papers that went to the President.

I might say the procedure was so strict, strictly adhered to, very much respected by the staff members, that no one would try to sneak a paper by. That does not mean the staff members didn't go into the President's office when they were called in or when they wanted to go in with their own talking papers. Of course people could do that. But they didn't leave anything with the President. These were just papers they spoke from. Anything that was going to be left with the President was funneled through the staff secretary. If Henry Kissinger or Al Haig wanted to take a paper to the President at 3 a.m., just to make a point, and took it over to the residence, they had to go to the Usher's office—that is the central point of contact in the residence. The Usher would call me at home and tell me about it or put Haig or Henry on the telephone and I would simply never stop a paper like that. I know if they were there at 3, it has to go and their judgment is better than mine. I would not argue with them about this. But I would simply know the subject matter about how big the package was so I knew that paper was in the President's hand and I could be looking for it when I came out. So no paper was lost. As I say, it was a strictly adhered to and efficient system if I may say so.

Mr. DOAR. Mr. Chairman, if I could respectfully suggest, this might be a good time to break. We have one matter to discuss with the chairman and the ranking minority member about a prospective witness, and it has to be discussed and resolved during the noon hour. And we are ready to move on to another subject now.

The CHAIRMAN. What time is that going to require?

Mr. DOAR. It might require 10 or 15 minutes to talk about this.

The CHAIRMAN. Well, we will recess until 1:30.

And there is a question as to who the staff secretary was. Could we inquire as to who the staff secretary was, the name of the staff secretary?

[Material unrelated to testimony of witness deleted.]

[Whereupon at 12:15 the hearing was recessed to reconvene at 1:30 p.m. this same day.]

AFTERNOON SESSION

The CHAIRMAN. The committee will come to order and we will resume with Mr. Butterfield.

TESTIMONY OF ALEXANDER PORTER BUTTERFIELD—Resumed

The CHAIRMAN. Mr. Doar.

Ms. JORDAN. Mr. Chairman, before you proceed, the question was asked just prior to recessing of the name of the staff secretary, and I wonder if you have that information now?

The CHAIRMAN. Mr. Butterfield?

Mr. BUTTERFIELD. Yes, sir. The name of the staff secretary on the chart which was distributed is Bruce Kehrli. And Bruce Kehrli held that position from just after the mid-point of the first 4-year term until about 3 months ago or 4 months ago, 3 months ago, at which time he returned to private life. Bruce Kehrli had been a staff aide of Haldeman's and he was elevated to the staff secretary's job just after the mid-point of the first 4 years. And so he is the one I think of in my mind when I think of the staff secretary, although he was preceded by Mr. John Huntsman immediately, before Mr. Huntsman, Mr. John Brown, and before John Brown, during the first 9 months of the administration, Mr. Ken Cole. Today the staff secretary is Mr. Jerry Jones.

Mr. DOAR. Mr. Butterfield, would it be fair to say that the President regulated the meetings that he had or the time that he spent with his key staff aides fairly in a disciplined way?

Mr. BUTTERFIELD. I am not sure I understand the question precisely. I do know that it was the President's practice to have a good, clearly defined schedule and he set aside certain periods of the day during which he saw staff members. But, the staff members he saw during those periods of the day were those key members I mentioned in my review of a typical day.

Mr. McCLORY. Mr. Chairman, may I just suggest that that strikes me as being a cross-examination question, putting words in the mouth of the witness in contrast to asking the witness how he conducted the business with the staff.

The CHAIRMAN. Well, I think that the question is perfectly proper. I think that all that Counsel has attempted to show is whether or not Mr. Butterfield knows whether or not the President was conducting these meetings in a way that Mr. Butterfield can describe.

Mr. DOAR. Are you able to estimate for the committee about how much of the President's time in meetings with members of his staff he spent with each member of the staff during the time that you served as a Deputy Special Assistant to President Nixon?

Mr. BUTTERFIELD. Yes, sir, I am, in that we did discuss that during an earlier meeting. And I would say to the membership that I gave that about 4 or 5 hours thought over the weekend and tried to figure this out as well as I could without having Presidential diaries in front of me.

And based on my knowledge of who went in and who went out and my knowledge was as thorough as anyone's, I came up with some figures. And, of course, they are estimates, but I think they will be as close as anyone's and I have not tried to exaggerate in any way naturally.

For the years 1969, 1970 and 1971, if you would lump those 3 years into one period of time, and I don't include 1972, because it just was a different year, it was a campaign year, and the year during which the President went to the Soviet Union and spent a great deal more time at Camp David, Key Biscayne, and San Clemente, and a little more time in seclusion than normal, because of its being a campaign year, and I will explain that in more detail later, but taking the period 1969, 1970 and 1971, the first 3 years, it is my thoughtful estima-

tion that he spent, of the time spent with staff members, of the time spent with staff members of that time, representing 100 percent of his time, 72 percent was with Bob Haldeman, about 10 percent with Henry Kissinger, about 8 percent with John Ehrlichman, 4 or 5 percent with Mr. Ziegler and 4 or 5 percent with others, others being all the rest of us who were in from time to time for a few moments or a few minutes.

Others being Moynihan, Arthur Burns, Flanigan, Rose Woods, George Shultz when he came to the Office of Management and Budget, Bryce Harlow, et cetera.

For the year 1972, there were some shifts which I think significant. Henry Kissinger traveled a bit more and for longer periods during his very classified, at that time, negotiations. And Al Haig substituted for Henry to a degree in meetings with the President. Chuck Colson sort of came into his own, very obviously, at about the time of the beginning of calendar year 1972. He inspired tremendous confidence, and had a good campaign sense in the opinion of the President, and so he began to meet with the President more in 1972.

But, the President was less available for the average sort of staff member in that he was, as I said earlier, off on the Soviet Union trip, down to Miami, to the Convention, then out to San Clemente for a good long period of time. And I think he spent perhaps more time at Camp David and Key Biscayne that year.

So, the figures I have for 1972 are Haldeman down to 62 percent, Kissinger down to 8 percent, Ehrlichman up a hair, because Ehrlichman was counted on in some ways to advise the President on political things. And so on him, so much of the political picture had to do with the way that the domestic programs were working over in the various regions in America, so John Ehrlichman, 10 percent. Ziegler, about the same, about 5 percent. Colson, coming from sort of a negligible percentage to about 10 percent of the President's time with staff members. Al Haig about 2 percent. Rose Woods about 1 percent and other members about 2 percent. Others in this case being John Connally, Mitchell, Weinberger, Dr. Herb Stein, MacGregor a little bit, Timmons a little bit, and I spent slightly more time with the President during that period, but certainly a negligible amount. So, those are my estimates. I would say that very definitely Mr. Haldeman spent a good six to seven times as much time with the President as anyone else.

Mr. DOAR. When Mr. Haldeman entered the Oval Office through your office, did you or did anyone record the time that he spent with the President, like everyone else's time was recorded?

Mr. BUTTERFIELD. Oh, yes, absolutely. If I didn't make that clear, I didn't explain that very well. But, I said the girl outside Steve Bull's office logged when anyone went in or when anyone went out. If I confused you by saying that Haldeman used my office as an entrance to the Oval Office, I simply picked up my hot line and called Mrs. Yates or Steve Bull or Mrs. Kay, whoever was setting at that desk, and I said Haldeman in at 11:10, although I really didn't have to do that, because we had, Steve Bull and I, had a row of lights on our telephone panel and the key people on the staff and by key I mean in this sense, the people on the staff who were in and out most frequently, so that didn't represent many buttons, we would push the button to indicate

that Haldeman was in and they saw the light go on, and logged it over in Steve Bull's office, and when the Haldeman light went out, as he came out through my office, then he logged that he was out. I wouldn't say it was wholly fool-proof. We may have missed a time or two, but not many, not many if any.

We had a button for Haldeman, Kissinger, Rose Woods, Ehrlichman and others, being guests, but all of those people would have entered via the center door or via Steve Bull's office and they would be known. There was no question about identifying anyone who went in. The only people who were not logged in detail were Steve Bull and myself.

Mr. DOAR. I want to ask you several questions about the President's regular procedures for making decisions. And referring you back to your testimony about the news summaries, about how many copies of those news summaries were made?

Mr. BUTTERFIELD. Initially, no more than 12 or 15, but it was a popular item, and it was in no way classified, so the number rose eventually to 100. And when they were putting out 100, Mort Allin, the writer of the news summary, came to me or to someone, to Haldeman, and said, you know, we are spending all of our time Xeroxing, and so the limit was put at 100. I have no idea what it is now, but copies went to the Republican National Committee, to the Committee to Re-Elect, to everyone and his brother and cousin, and it did get out of hand, so when I left, it was still at 100.

Mr. DOAR. Now, you described how the President would write notes on the margin of the news summary. What, if anything, were done with those notations?

Mr. BUTTERFIELD. The news summary, after being read, went in the out basket with all other materials from the President's back desk. When he finished them, he would often put checkmarks on them, but he did that 95 percent of the time, an ink checkmark to indicate that he had read it. But if it was in his out basket, it was a foregone conclusion that he had read it, and it was ready to go out. And I *only* took things off his desk, no one else, and only on two or three occasions when the out basket was overflowing, did Steve Bull bring it into my office and hand it to me. But otherwise, only I did that. And I stamped everything that was in that out basket with a red stamp which said that the President has seen on the front page. If the paper had some significant attachments to it, one from Mel Laird, for instance, or someone like that, I would stamp the attachment, but always at least the first page. And the staff secretary's secretary would then, who would come up to my office about every hour and take out or check for out-basket items and take them back to the office of the staff secretary, and it was the staff secretary's personally, sometimes I if I knew the staff secretary was particularly harassed or at a meeting or something, I did go through almost every paper looking at it, and always through the news summary.

Then I would transcribe the President's written messages and put them in memo form and send them out through the staff secretary, because the staff secretary logged all of these followup memorandums. But normally the staff secretary took the out basket from me, I having done nothing with it but stamp it, and then he looked through

every single paper to make sure that he didn't miss anything, and he then would see a Presidential note in the President's handwriting in the margin of the news summary or in the margins of these FYI papers, and the President wrote in the papers, all the papers, and if it seemed appropriate to him at the time, and so many of his instructions, directives to the staff were by way of these handwritten, quickly scrawled notes, "Haldeman look into this," or "H look into this," or "K, what about this," and so the transcription would be memorandum from Mr. Haldeman.

The President noted in paragraph 3 of page 34 of today's news summary that such and such. He wants you to look into this, and give him a report. Signed staff secretary, Bruce Kehrli, or if I wrote it, which I did about 15 percent of the time, Alex Butterfield.

But then I would then run the papers through the staff secretary so he could log out that memo to Haldeman, because that memo was a Presidential directive, a Presidential instruction, and we kept track of those and had a regular followup system for them.

MR. DOAR. Was there any other means, did the President have any other written or oral means of communicating Presidential decisions or directives?

MR. BUTTERFIELD. Well, yes, sir. Of course.

MR. DOAR. Would you elaborate on that?

MR. BUTTERFIELD. I couldn't begin to tell you what percentage of his instructions were by way of written notes on FYI papers, and perhaps even briefing papers and news summaries. Perhaps half or maybe not half. But his decisions were transmitted orally, of course, to Haldeman, or to Kissinger if it was in the national security field, or to Ehrlichman, if it was in the domestic field, and possibly to Flanigan.

That would be a rare case in that Flanigan didn't visit the President's Office that frequently but it certainly could be, but to the White House staff members. But really, almost always Haldeman, so that the President's instructions, the President's decisions emanated as a rule from memos prepared by the staff secretary as a result of written notes, or from Haldeman, who had come out of the President's Office with his yellow pad, having taken notes from the President, reading from his yellow pad and go back to his dictaphone or dictating machine and spit out instructions to the staff members.

MR. DOAR. Now, was there a particular form those instructions came from Mr. Haldeman?

MR. BUTTERFIELD. No, there wasn't, and Haldeman's memos, too, would be routed through the staff secretary if they were—if they were Presidential directives. If he were relaying Presidential instructions, his memos would go through the staff secretary who then had a good followup system. He knew who was being charged with what. So, it could be a Kehrli memo, or a Butterfield memo, or a Haldeman memo, and I would say in most cases it was a Haldeman memo or a Kehrli memo.

MR. DOAR. Did Mr. Haldeman always take notes of the meetings he had with the President?

MR. BUTTERFIELD. Yes; I would say yes. There may have been some exceptions. He was a notetaker. He was a very meticulous person, very

well organized, and when he went into the President's Office, whether he went in on his own business or whether the President called him, he had a yellow pad and a folder and a number of things to cover with the President on that occasion. Even if the President summoned him, for all he knew he would be in there for an hour or 2 hours or 3, which was not uncommon, so he took all of these things he had been storing up to talk over with the President in with him, plus his yellow pad.

He would cover some things with the President, and he would receive instructions from the President.

I might say I hope I am not confusing people here. I might say that it was the President's habit, as I mentioned earlier, to work almost every night that I knew of that he didn't have a social function to attend and to meditate. It was his habit, the way I viewed it, during the day to pepper people with questions, a great interrogator, question after question after question, and not saying too much himself other than asking questions, getting a feel for how people reacted.

Then he would retire to the privacy of whatever, his private room or the EOB office, which was quite private, or upstairs in the Lincoln sitting room and meditate. Perhaps then even call someone in the business community, perhaps call a congressional leader, perhaps call someone in the academic community, and sort of try this thing on them for size, and then make the decisions. He was unquestionably the decisionmaker, and those decisions would normally be brought down in the morning on the yellow pad.

I say he came in around 8 or 8:15 in the room. Let me back up to that point and say he was always preceded down to his office by Manolo Sanchez, his valet, who would be carrying the President's briefcase, set the briefcase by his desk, put the papers that the President had completed during the night in the out basket there, and then put the President's yellow pad on the desk like that, and on that yellow pad, and I looked it over many times, were all the notes the President had taken that night.

And it was so clear to me that he had spent long hours pondering things, meditating. Some were these kinds of details that I mentioned to you earlier, when I sort of belabored the detail business. Trips he wanted to talk over with Haldeman, people he thought he wanted to see that day, things he wanted to change in his schedule, a swinging door he wanted to move one way or the other, something of that nature. And that is the most of the business he did when Haldeman went in in the morning during the 30- or 45-minute period from 8:30 to 9 or 9:15. I have been in on those sessions, and I know very well what I am talking about.

Mr. DOAR. Now, when Mr. Haldeman would come into the office with a stack of papers to discuss with the President, would those papers be left with the President or would he retain them?

Mr. BUTTERFIELD. No. Again, the system was rather strict and as I say, rather religiously adhered to. Nothing went to the President that didn't go through the staff secretary. But, that is not to say that any staff member who is given access to the President's office might take with him his own papers to discuss with the President. He might even show the President a paper he's got. He might even hand the President that paper. But, I cannot remember a case when that paper was re-

tained by the President, because I never saw anything to my recollection. There are bound to have been some cases like this, but to my recollection, I never saw anything come out in that out basket that I hadn't seen go in or that hadn't come in through the regular channel.

So, the only kinds of paper that went in, or went in someone's coat or in someone's folder were those that were that person's talking papers or that person's own business.

Mr. DOAR. With respect to the communication by yourself and Mr. Kehrli and Mr. Haldeman to other members of the staff, or other members of the executive branch of the Government, can you tell me whether or not you consistently followed the practice of saying President Nixon wishes or directs?

Mr. BUTTERFIELD. We tried not to do that. I think we did it a good bit the first year. I know that I did, and I remember several times in meetings in Haldeman's office where we discussed what, the impropriety of that, I suppose, practice, that it wasn't always a good idea, and the substitute phrase always amused me, because it didn't seem quite grammatically correct to me, but it always read, after about the first 9 months or 10 months of the administration "It is requested that," as though some strange, unknown person is making the request.

But, it was always I think pretty well understood that if it came from Kehrli that the request had come from the President, or from Haldeman as well, carrying out a Presidential instruction. But, this was not—there are a number of times that even in 1971-72, I said the President would like you to do such and such, if I felt there was no reason to hide the fact that the President himself was involved.

The President thought you did an especially fine job on the advancing the other day, and that would be a case where, of course, you would indicate the President.

But, as a rule he was not mentioned.

Mr. DOAR. With respect to the reporting of decisions or actions by Mr. Haldeman to the President, what was the practice there, if you know, the reporting back?

Mr. BUTTERFIELD. Well, if the President had directed someone to do something, that person of course would come back with the memorandum through the staff secretary, reporting on it to the President. And you see, when these directives of the President went from the office of the staff secretary, whether they were the staff secretary's memos or my memos or Haldeman's, when they left his office, they were logged out as an action memorandum. This is a Presidential directive and it is going to require an action on your part, Mr. Flanigan, and so you are logged in my book as having to respond to action memorandum No. 3142. And so 3142 was followed up on until Flanigan responded. And when Flanigan responded, he would say with regard to action memorandum 3142. Or if he didn't say that, the staff secretary would indicate on his books that this was in response to action memorandum 3142, a memorandum which required action.

Some did not. But then Flanigan would be responding to the President or Kissinger would be responding to the President or Ehrlichman would be responding. In other cases, Haldeman responded.

I am not sure I really got that question.

Mr. DOAR. Well, I was inquiring with respect to the practice of whether or not when Mr. Haldeman or Mr. Ehrlichman or Mr. Kis-

singer reported back on a decision, whether they did that in writing or orally, and whether a memorandum was prepared for the President's file with respect to that decision?

Mr. BUTTERFIELD. No, not a memorandum for the President's file. That is another thing entirely. And the practice was to respond in writing.

Mr. DOAR. And that was Mr. Haldeman's practice?

Mr. BUTTERFIELD. Well, it was the White House staff practice.

Mr. DOAR. And what would happen with that memorandum?

Mr. BUTTERFIELD. That memorandum would go, directed to the President, but it would go to the staff secretary, be put in a FYI folder, logged in, sent to Haldeman for his review, brought to me and taken into the President's office.

Mr. DOAR. Now, did you receive an instruction from anyone with respect to the installation of the tape recording system for the President's Oval Office?

Mr. BUTTERFIELD. Yes, I did.

Mr. DOAR. From whom did that instruction come?

Mr. BUTTERFIELD. Larry Higby.

Mr. DOAR. And what was said, if you recall?

Mr. BUTTERFIELD. It's been a long time now. I have to fall back on my July 16, 1973, testimony, during which I said, as I remembered it, and I haven't tried to think about it much more since then, the President wants a tape recording system set up in the Oval Office, and one in the Cabinet Room so that all conversations in those two rooms can be recorded, the assumption being for history.

Mr. DOAR. And what did you do with that instruction?

Mr. BUTTERFIELD. And he did go on to say be sure that you don't go to the military people on this. I wasn't sure to whom I would go at that moment, but he said be sure you don't go to the military people on this. He used the term "Signal." Signal denotes the military communications people stationed at the White House and part of the organization known as the White House Communications Agency.

Have the Secret Service do it. And do it right away, or something, get it right away.

Anything that Larry Higby told me to do, I did. There was absolutely no question in my mind or anyone else's mind on the White House staff that those were Haldeman's instructions, and in turn I can say that the assumption was always that the President was behind almost anything that Mr. Haldeman wanted done.

So, I said, OK, I would talk to the Secret Service, which I proceeded to do. I talked to Mr. Wong, who was then the Chief of the Technical Security Division, TSD. There are two Secret Service units at the White House, PPD, Presidential Protective Division, and the TSD, Technical Security Division. They are apart from one another. But, they are both elements of the Secret Service headquarters over on G Street and so I went to Mr. Wong, or I had him come to my office, and I told him in strict confidence what had been requested and asked if that posed any problems for him. And he shook his head as though, as if to say, I read it as if to say, here we go again, and that is why I said there is some slight intimation on their part that this had happened before. He expressed the hope that we wouldn't go forward with this, they didn't seem to want to do it, but I told them that

there was no choice and so he said, yes, he would talk to his experts and, in fact, he would like to bring them in to meet with me, which he did, I think, right away.

And he brought in two experts. To my knowledge, only those three TSD Secret Service people knew about the taping system. And they said yes, they could put it in, and I think it was the very next weekend that it was in.

Mr. DOAR. Did your instructions include that this should be done in confidence?

Mr. BUTTERFIELD. Yes. Yes.

Mr. DOAR. And who knew about the installation of the taping system besides yourself?

Mr. BUTTERFIELD. Yes. Mr. Higby made it very clear that no one was to know about it, that only the President, Bob Haldeman, he himself, Higby, me and whichever Secret Service people had to know about it. He did say he didn't want the Presidential protective people in the Secret Service to know about it, and he hoped that as few Technical Security Division people would know as possible.

So, I relayed that to Wong and Wong said that he would keep it between the three of them. I think eventually Wong's deputy, Mr. Murphy, did know about it, but I am not sure of that.

Mr. DOAR. Now, where was this installation made, what rooms?

Mr. BUTTERFIELD. I am fuzzy on that, and I think I testified erroneously in July of last year, because I said that I was only given one order, one set of instructions by Higby on behalf of Haldeman and the President.

But, that is not right. I was given at least two sets of instructions, and they were about two months or three months or maybe even four months apart. The first instruction said to have it done to the oval office and the Cabinet room and I think possibly it included the President's telephones in the oval office.

The second instruction came, as I say, 3 or 4 months later, as I recall, and it said put the system in the President's EOB office. He had come to use the EOB office more and more, increasingly more as time wore on. He liked it over there and would spend most of his free time over there, in the President's EOB office and in the Lincoln sitting room which is on the second floor of the residence up in the family quarters. It is that room on the southeast corner of the second floor of the White House and on the telephones in the Lincoln sitting room and the EOB office and the President's study. The telephone in the President's study, in his cabin at Camp David, that cabin being called Aspen. But, I am—I don't know quite—

Mr. DOAR. Did you come to understand how the system operated?

Mr. BUTTERFIELD. Only in general terms.

Mr. DOAR. Could you describe that in general terms?

Mr. BUTTERFIELD. Yes. I was told they were very proud of this, incidentally, that they had had arranged a system whereby the oval office tape recorder, taping system would be triggered to a standby position every time the Presidential locator light indicated that the President was in the oval office. So, in other words the taping system in the oval office could not work because it was not even triggered unless the President was in the oval office.

And I will back up for just a moment at the risk of boring some of you that know about the Presidential locator light to say that there was a square box or a little locator system in my office attached to the upper part of my desk, in Steve Bull's office up high on the wall, and in Chapin's office up high on the wall, and in Haldeman's office located on his desk just as it was on my desk, four of the locator boxes that I know of.

And, on this little locator panel were something like six lights. One light was marked oval office, one light was marked west wing, one was marked south grounds, one light was marked east wing, one light was marked EOB office, and one light was marked out. I think that covers all the lights.

When the President was in the oval office, the oval office light was on. When he was out, meaning at the Hilton Hotel, the out light was on. When he was in the east wing, the east wing light was on. These light came on or were controlled at the police switchboard, but by the U.S. Secret Service, who have telephones in the walls of the White House at various locations and if the President is leaving the oval office and going to the EOB office, the Secret Service went out in front of him and escort him down the hall, down the stairs, across West Executive Avenue to the EOB office. One Secret Service member stays behind just long enough to dial and says the President is moving to the EOB office, so within 30 seconds or so or a minute, the police switchboard transfers the light from oval office to EOB office. I am belaboring this system again, but that is the way the light system worked, and it was very helpful to the key staff aides to know where the President was, and where he was going.

It was helpful to me to know if he was in the oval office and there was a little audio signal every time a light, there was a transfer you could hear a little buzz, so your attention was called to your box and you would look and say, ah, the President is now in the office. I would know he was in and I could take the morning's work into him, or Haldeman knew he was in and could get ready to go in for his morning session, et cetera.

So, every time the light was on oval office, electronically they had it rigged that it would trigger a taping system, and when I say trigger, I don't mean start it. It would only alert it, and then the system in the oval office was voice activated, so any sounds would start it off. And there was a lag built into it, so that it would accommodate normal conversations, so that if two people were talking and the President said what do you think of this, the tape would not stop immediately, it would continue for quite some time in anticipation of a response.

In the Cabinet room they could not do that because there was no light on the box that said Cabinet room. There was only a light that said west wing, and the President could be in the west wing barber-shop, he could be down in Haldeman's office, he could be in Rose Woods' office, or he could be in the Cabinet room.

But, the Cabinet room taping system was separate, and it was manually controlled two ways. There was a button down here on the left of the President's spot at the Cabinet table which said Butterfield, and there was a button here which said Haldeman.

The Butterfield button was the on, and the Haldeman button was off. That was to give the President the option of turning the tapes

on or off anytime he wanted to. There was some other buttons, one which said Steve Bull and the other said Steward, so the buttons were not conspicuous, although no one would recognize them anyway in the Cabinet room, and anyway they looked perfectly normal and they were normal, but that is what the Butterfield and the Haldeman buttons did.

I briefed the President on the buttons as soon as the thing was installed and he led me to believe that he wouldn't be punching those buttons at all, and that he hoped that there was some other way of turning it on and leaving it on. So, there was a button installed on my telephone. Again, this was a multibutton telephone, as you can imagine by now, and so there was a button with nothing on it, and I would push that button and I would turn the taping system on, and the button would light. That is the Cabinet room taping system only, and when you push the button again and the light would go out, which meant that the taping system was not on.

When this button was pushed, the Butterfield button under the Cabinet room table was pushed, the spool was moving, and the tape recording was going, it was recording all voice and it was not voice actuated.

That is really the extent of my knowledge with regard to responsibility for the taping system.

I might say that it was never clearly indicated that I was—well, I felt as though I was in charge, and I felt as though I had some responsibility to see to it that things were operating properly. But, I did that really by way of interrogating from time to time the technically qualified people and the Technical Security Division and I was assured right along that the system, that the tapes were being changed daily for the oval office and with sufficient frequency for the Cabinet room to not allow tapes to run out.

Mr. DOAR. Were there more than one microphone in the oval office and in the other offices?

Mr. BUTTERFIELD. Here again I am fuzzy, but it is my understanding that in the Oval Office there were six microphones, and there could have been seven or five or eight. I don't know. I may be influenced by what I have read since. But, I seem to recall six small microphones imbedded in the wood someplace which didn't mar the desk, with little pinholes coming out so that it was pretty well covered.

The President did most of his business at his desk in the Oval Office with staff members sitting on either side.

And the Secret Service said that when tested that it worked beautifully, and they said that it worked fine, no problem at all. When the President moved back by the fireplace in the Oval Office, to the north side of the Oval Office and sat in one of those chairs, which is where he sat when he entertained all State visitors, but also where he sat when he entertained groups of more than 3 or 4 people, but less than 10, there I think the microphones were someplace in the mantle, but I don't know the answer to that.

In the Cabinet Room, they chose not to put the microphones in the Cabinet table because the Cabinet Room is not guarded as the Oval Office is. There is always a TSD man who is right there on the scene in the Oval Office whenever cameramen are moving in there, whenever the GSA goes in to throw a piece of wood on the fireplace, so the Oval

Office is well guarded and they don't have to worry about anyone tampering with the President's desk.

But the Cabinet Room table is different and they felt that they shouldn't put anything in the Cabinet Room table. And they chose on that to put the microphones in the bases of the lamps which are on the wall, on the East wall and the West wall at about a 6-foot level. They are lamps and therefore, the voice, it is difficult to hear anyone in the Cabinet Room unless that person speaks up quite loudly and speaks clearly. And the President has a habit of speaking very lowly, almost mumbling, especially in the Cabinet Room, sort of the philosopher or meditates and his voice does not come through at all, and the Secret Service checked that many times and told me as much, that we are never going to get much from the Cabinet Room and we never did rectify that situation.

Mr. DOAR. Did you, on any occasion, check any of the tapes to see if the system was performing satisfactorily?

Mr. BUTTERFIELD. Yes, I did. But, in retrospect, I probably didn't do it frequently enough. As I say, I relied heavily on the advice I was getting from Mr. Wong and Mr. Zumwalt, who was one of Mr. Wong's assistants in this electronics business. I am fuzzy as to how many times I did this. I can only recall specifically two times or two tapes that I heard. I could have listened to a Cabinet Room tape at one time, but the more I think about it, I think I am influenced by what I heard the Secret Service tell me, that things aren't very good in the Cabinet Room, we can only hear those people who speak up loudly.

So, the two tapes I called for at random, and I don't recall how I called for them, whether it was by date or by meeting, but they were Oval Office tapes and I am a little embarrassed to say I never did check the EOB office. Frankly, this was not one of my major responsibilities. I was busy doing other things. That is not to excuse myself, but had I known all of this was going to be as significant as it is today, I probably would have been more conscientious about this particular responsibility.

At any rate, I listened to two tapes that I can remember, and I listened for about 10 minutes. Not that I was interested in the conversation, but I did listen for about 10 minutes to each and it was very clear. But, I would say in this same breath that these were one-on-one conversations. One was a conversation between the President and Mr. Don Kendall. I didn't hear any coffee cups rattling and there were only the two people in the room and I could hear everything very well.

The other was between the President and Secretary Connally and I could hear that very well.

Mr. DOAR. Did you or could you tell us about where the mikes were located, if you know, in the President's EOB office?

Mr. BUTTERFIELD. I don't know, I must say. I was told once. I did ask the question and I was told but I don't recall what I was told.

Mr. DOAR. During the time that you were at the White House serving under President Nixon, did Mr. Wong or anyone else from the Secret Service ever come to you and tell you that the tape recording system had a malfunction?

Mr. BUTTERFIELD. Yes, once.

Mr. DOAR. And what was the circumstances of that occasion?

Mr. BUTTERFIELD. The fellow that put the tape on put it on inverted or something. I am not a tape man and I don't understand even the first thing about it. At any rate, it did not record, and we missed on that occasion, which was an Oval Office tape, we missed a morning, a half day. It picked up at about 1:20, as I recall, or 1:30. Mr. Wong could give you the details on that.

Mr. DOAR. Was that reported to you immediately?

Mr. BUTTERFIELD. Yes, and they were rather severely reprimanded only orally by me. Mr. Wong felt bad. They were not accustomed to making mistakes like that and he promised that it would never happen again.

Mr. DOAR. Was the report to you oral or in writing?

Mr. BUTTERFIELD. I don't recall. It seems that it was oral. Now, I am sure it was oral.

Mr. DOAR. Do you remember about when that was. Can you fix that time?

Mr. BUTTERFIELD. This is a guess, but I would say that it was just shortly before the Soviet Union trip in the spring of 1972.

Mr. DOAR. Do you know anything or were you familiar with the recording system located under, for recording of conversations in the Oval Office or in the EOB office?

Mr. BUTTERFIELD. Would you just repeat that, please?

Mr. DOAR. Were you familiar or were you acquainted with and can you describe the recording system, how the recording system worked and where it was located for the Oval Office and for the EOB office?

Mr. BUTTERFIELD. The equipment for the Oval Office and the Cabinet Room and I think for the President's Oval Office telephone and even for the Lincoln Sitting Room telephone over in the residence was located in what we called the basement of the White House, approximately—at a point at the bottom of those stairs that go down along side the Cabinet Room. There was a little closet there to which only the TSD people had access, and they took me down there once and rather proudly showed me the setup in this little office. And it looked fine to me, but that is where they changed the tapes and that is where the machinery itself was located.

In the EOB, that system, I do not know where it was located. They simply reported back that we have got the EOB system in. I think it was voice actuated in the EOB office, because there was a locator light for the EOB office, so it worked the same way as the Oval Office system. And I don't know where they put it. They took over some small closet or cubbyhole from GSA.

Mr. DOAR. Do you know whether there was one recorder there or two?

Mr. BUTTERFIELD. I am sorry, Mr. Doar. I don't know that.

Mr. DOAR. Were there also a recording system to any phone or any room at Camp David, if you know?

Mr. BUTTERFIELD. Yes; in the President's study in his cabin, which is as I said earlier is called the Aspen Cabin. There was a recording system put on the telephone, a tape put on the telephone at the same time that one was put on the EOB telephone and the Lincoln sitting room telephone. That equipment was removed, of course, every time a State visitor used the cabin. It was the President's practice to allow

chiefs of state and heads of governments only, chiefs of state and heads of government to go to Camp David their first night in the United States and occupy his own cabin, Aspen. And of course, this was removed so that the foreign security personnel would not find it there. It was only installed when the President was there.

At one time, late in the 4-year period, I took it upon myself to have a system installed in that same room, thinking in the back of my mind that I had perhaps been told to do that and not being sure that I had. So, for a while the study in Aspen Cabin had not only a tap on the telephone, but had a system to record sound in the whole room. Well, it is a very small room, and that equipment too had to be put in before the President arrived and taken out as soon as he left. But, it was not there for very long.

MR. DOAR. Have you located for the committee members all of the telephones that had mikes in them now?

MR. BUTTERFIELD. Yes; there were four. Well, let me be precise. There were more than four telephones. The telephones were tapped in four locations and I guess "they were tapped" is correct, or there were tapping systems on the phones in four locations.

One, the oval office, but there were two telephones in the oval office, one on the desk and one over by the President's chair near the fireplace. There was also a telephone in his little private room behind him. Those were all considered to be the President's oval office telephones. So, all of them were connected to the system. That is one location, the oval office.

And the President's EOB office, there are three phones there I know of, one at the desk, at which he never sat. He never did sit at the desk, he always sat and still does in a chair off to the side of the desk with a phone beside him and there is a phone on a table over here, one, two, three, phones in the EOB room. That is the second location.

In the Lincoln Sitting Room I think there is only one phone and that is the third location, and in the President's study in Aspen Cabin at Camp David I think there is only one phone and that is the fourth and final location.

MR. DOAR. Other than that system that you have described, did the President have any other system for recording people when he had conversations with them in any of these four locations?

MR. BUTTERFIELD. No; not to my knowledge. He had a dictaphone on his oval office desk and a dictaphone beside the easy chair in the EOB office and outside of that I certainly know of nothing in the way of recording devices.

MR. DOAR. In connection with the President's day, I neglected to ask you whether there was any free time during the week where the President didn't have appointments, any day or half day?

MR. BUTTERFIELD. Yes; I gave you a rundown on the typical day, appointments being from 10 to 12:30 or so, and resuming again at 3 and going to about 5:30 or so. On Wednesday's it was the common practice to keep Wednesday afternoons free, completely free. There was a great deal more free time than that, but always Wednesday afternoon was free and then on most weekends the President left the city. He seldom was here in Washington, if he didn't have an event or an activity here.

Mr. DOAR. On the free afternoon, Wednesday afternoon, what was the President's general practice with respect to his work?

Mr. BUTTERFIELD. He would almost always proceed to the EOB office after his morning appointments and see a few staff members over there, have lunch over there, and be over there all afternoon with Mr. Haldeman as a rule. As a general rule, Wednesday afternoons were spent with Mr. Haldeman for sometimes 2 and 3 hours at a stretch and occasionally Dr. Kissinger and now and then Mr. Ehrlichman, but much more seldom than the other two. At times he would sit alone and work.

Mr. DOAR. Mr. Butterfield, were you familiar with Mr. Haldeman's relationship with the Committee To Re-Elect the President in the year 1972?

Mr. BUTTERFIELD. Yes; I would say I was familiar with his relationship with the committee, although I myself had nothing to do with the committee. But, I was close enough to him, close enough to the President, close enough to Gordon Strachan, so I was able to observe a liaison, a relationship, yes, sir.

Mr. DOAR. Would you describe that for the committee?

Mr. BUTTERFIELD. Well, this was a very close—there was a very strong liaison with the committee. I think I can only state here my opinion, because I was not involved myself in the business, although it was, as I say, going on pretty much all around me.

The White House pretty much ran the committee business except for the field operations. The White House called the shots. By the White House, I mean Mr. Haldeman. With regard to strategy, with regard to tactics—I don't mean getting right down to menial details of tactics, but the committee was pretty much an extension of the political White House. After all, the President, in addition to being President—and I certainly don't have to tell you all that and I certainly don't mean to sound that way—is the leader of the party, so he cared what that committee was doing and how it was going about its business. So there was a very close liaison. There was much communication between the President personally and Mr. Mitchell on committee business, the President personally and Mr. MacGregor on committee business; Haldeman and Mitchell; Haldeman and MacGregor, and Gordon Strachan, who was Haldeman's aide or assistant for that purpose, for that liaison with the committee.

So you didn't ask me this, but I would like to tell you how I know what I am talking about.

For 2 years, this committee liaison was going on pretty much under my nose, as I said. I was in a number of meetings, Haldeman meetings, staff meetings large and small, during which committee business came up and during which Mr. Haldeman made it very clear that we were enunciating committee policy. I can't tell you what meetings they were, but this did happen from time to time. I overheard all kinds of comments about what we wanted the committee to do now, later, et cetera.

There were a great many meetings between the President and John Mitchell over in the EOB office after dinner in the evenings, during which I assume—I don't know—that committee business was being discussed. It was at the time that the committee was formed.

There were meetings in Haldeman's office with Mitchell and later MacGregor on the same subject. I know this from Gordon Strachan personally. I know this from Gordon Strachan's testimony. And after all, the people who are running the committee were trusted former White House staff aides—administration aides—Mitchell, MacGregor, Magruder, Sloan, Stans, Malek, Flemming. There is no question about that liaison.

Mr. DOAR. Did there come a time in April of 1972 when you were asked to take custody of a sum of money that came from the Committee To Re-Elect the President?

Mr. BUTTERFIELD. That is correct, April 6, 1972.

Mr. DOAR. Could you describe to the committee in your words what the circumstances of that incident were?

Mr. BUTTERFIELD. Yes; I can. It was on April 6, 1972, that Gordon Strachan, again one of the three staff assistants to Mr. Haldeman, came to my office or called me—I can't recall which—and said that Mr. Haldeman wanted to know if I knew of someone outside of Government, and he stressed outside of Government, and said that he stressed that because that would indicate that the person would be relatively free to travel, whereas those of us in Government would be tied up as a rule—someone outside of Government who would be free to travel but who lived in the local area, someone very, very honest, someone deeply loyal to the President, and someone with impeccable references, who could make himself available, as I say, to travel should the sudden need arise, for Mr. Haldeman to direct funds from a cash fund. He described it to me as a sort of Haldeman reserve fund, as a sort of contingency fund. Then he said, "As a matter of fact, we may never have a disbursement from this fund at all. Haldeman wants to have handy a cash fund for—and I am not really sure if he said for polling and advertising. I may have read that into his words. But Gordon Strachan was Mr. Polls. Gordon Strachan was Mr. Advertising. He was the liaison with the committee. But I do think he said for such things as polling and advertising, should the need arise, a reserve fund just for Haldeman.

So I said—oh, I should say this. I was told further by Mr. Strachan on this occasion that the money would come from Maury Stans—he mentioned Stans by name, the former Secretary of Commerce, who was then the chief of the finance committee or whatever—I don't know the exact title—and that the amount would be about \$350,000. That, as I say, would be a Haldeman reserve fund or a Haldeman contingency fund for emergencies only. He went on to say that only six people would know about this if I did turn up with a friend, and he said, "Haldeman, himself, Larry Higby for three, you and your friend for two more, and Maury Stans." So I added "The President." I said, "And, of course, the President." And being sure that he, too, would know, for in my mind, it would have been a significant departure from the standard pattern if he hadn't known. Not that that has any bearing here really, but Strachan sort of shrugged as if to say, "Gentlemen, I don't really know if he knows or not, I sort of assume so." That was the intimation.

At any rate, I said I did have a friend and I would call him and let Strachan know.

So I called the person I had in mind. He was not in. His wife told me he was in Michigan. I think she said Ann Arbor, and he would be back the following day, which was April 7.

I told Strachan and he sounded a little excited and asked me to be sure that I got hold of my friend the first thing, or as soon as he got back from Michigan.

So I did. I got hold of Mr. Leonard W. Lilly, of Alexandria, a fairly good friend of mine, and he met all of these qualifications. I relayed almost precisely what Gordon had told me and he said that he would be delighted and honored to, you know, have that part in the campaign.

So I told Gordon and Gordon brought up to my office a briefcase, I guess within about an hour. I must say, looking back on these things is interesting, even for me. But this was not a red letter day in my life, I assure you. I had a very busy job and I had never seen that much money, of course, but I still didn't think of it as at all unusual. I assume that this is what you do on campaigns. I had never been in one or even close to one.

So we opened the briefcase and counted the money, he and I, having locked the doors in my office first, counted the \$350,000, put it all in envelopes, closed the briefcase. I called Lilly and asked him to come to the southwest gate and pick up this bundle.

He said that he could not come at that moment, I forget why; he was tied up. So he suggested that we meet at the Key Bridge Marriott in the lobby, in the lounge. He said he could be there in about 15 minutes. So I didn't even take the time to call for a White House car. I jumped in my own car and drove across the bridge with the briefcase, walked into the Marriott, and there was Lilly and I delivered it to him. There were no receipts, no one counted the money, no one opened the briefcase. I asked him to call me as soon as it was in a safe deposit box in his bank.

The reason for that motor hotel is because his office is in the Rosslyn area and I assume his bank is there. I have no idea what his bank is.

So he called me back at the White House about 45 minutes later and said it had been tucked away. This happened around 4:30 in the afternoon on April 7. I reported that to Gordon Strachan.

Strachan and I also had decided that the system would be, should there be the need for a disbursement, that he would call me and give me the name of the individual to receive money and the address, and I would then relay this to my friend.

I said, "Do you want to know something more about my friend?" He said, "No, that is OK; Haldeman said he trusts whoever you have selected." That seemed a little strange at the time, but not really, because everyone trusted everyone.

So that was the system. Nothing happened then until April 21, 1972, whenever that was, 2 weeks later.

Strachan called me and gave me the name of a recipient, Mr. Joe Baroody. He gave me an address which I don't recall, because I have not checked on this story in any way except for the dates. The address was right here in Washington, D.C., in the Northwest area.

So I called Lilly and gave him the information and the amount was to be \$22,000. So Lilly joked a little bit. He said, "This must be a

test of the system." Here it is right here in Washington and there was all this emphasis on being free to travel.

At any rate, he was free. He was the president of his own little management consultant firm and had the free time. So he delivered the \$22,000 to Mr. Joe Baroody by some means. I don't know exactly how he did it or what his technique was. And he called me and said, "It has been delivered."

I called Gordon Strachan and said, "It has been delivered," and there was nothing after that, ever—no mention of the fund by anyone. I never discussed it with Haldeman until November 28.

I might say that as soon as the election came along, whatever date that was, November 7 or so, we anticipated giving this money back. We knew the call would come soon. It came on November 28.

On that day, Gordon was in his usual hurry. He had been in a great hurry to have me take the money and give it to my friend and now he wanted it back in that same hurry. He said, "We need it today, we must have it today, so I hope your friend is in town, I hope he is not traveling." So I called Lilly and he was in town and he said he would get it. This was in the morning of the 28th.

Lilly's records indicate that he withdrew it from his safe deposit box at 9:43 that morning. Maybe that bank is open earlier than most banks. That is what the records say. He suggested we meet in the same place, in the parking lot behind the Key Bridge Marriott Motor Hotel.

So I drove my car over there, he gave me the briefcase. I drove back, went into Gordon's office. Gordon was not there. I brought the briefcase up to my own office, set it down. Within an hour, Gordon came up, picked it up, didn't look in it and was on his way. Presumably there was \$328,000—\$350,000 minus the single disbursement of \$22,000.

There was absolutely nothing after that, no mention of the money, no nothing.

I think that covers it pretty well, sir.

Mr. DOAR. At the time Mr. Strachan asked you to get the money back, did he say at whose direction that was?

Mr. BUTTERFIELD. I can't really remember. I really am not sure whether he said Haldeman wants the money back. I don't think he did. I don't think he did. But anything Gordon Strachan said was like anything Higby said. He was an extension of Haldeman's office. There was no question in my mind that Haldeman wanted it back. But I must say I don't know that.

Mr. DOAR. Did you ever come to hear the name of E. Howard Hunt as a consultant at the White House?

Mr. BUTTERFIELD. Yes, I did.

Mr. DOAR. Could you tell us when that occurred?

Mr. BUTTERFIELD. Yes, roughly, and this I don't remember very well, but I will give you a sort of résumé of my recollections.

I think within 36 hours after the news of the Watergate break-in was on the streets or on people's lips or being bounced around town, I received a phone call from Al Wong, again the Chief of the Technical Security Division. It was Mr. Wong's practice to check in with me any

time there was any sort of strange thing happening or impropriety. There was a staff member at one time who had conducted himself unbecomingly in one of the restaurants in town and that was brought to my attention through Mr. Wong. He got his information from the Metropolitan Police. So he would relay these things to me as a matter of normal procedure, normal practice.

So he called and said, with regard to this break-in, as I remember it, he said one of the persons apprehended had in his pocket a notebook which had in it a number of names, among them a Mr. Howard Hunt, consultant here at the White House.

I said, no, Al, no way. I know all of the consultants, I know their names very well.

We never had a list of more than 12 or 13 consultants, either full time or part time. We had a book that the staff secretary prepared every month. Higby had a copy, the staff secretary had a copy, I had a copy. This book was under lock and key, although it was not necessarily classified. It was under lock and key because it had every single individual who worked at the White House listed by name, by grade, by rank, by pay, and it was precisely because of the pay information that it was not bounced around haphazardly.

It had secretaries by order of their GS rating, it had consultants listed separately, it had consultants also listed in each person's office, it had office budgets, it had those who were allowed to eat in the mess hall, those who had portal-to-portal transportation. Everything you can think of was in that book. I knew that book very well. I knew that book quite well. I think as well as anyone apart from the staff secretary. And I just knew there was no consultant named Hunt.

He went on to say, yes, he is with Colson's office. I said, still, no way.

Now, I don't remember whether I was in my office at the time I got this phone call or whether I was at home. At any rate, if I was in my office, I opened my drawer then and looked at my book, but if I was home, I came in and did it. I just can't remember and I have tried hard to remember. And as I knew, there was no Howard Hunt in the book.

So I called Bruce Kehrli up to my office. As I have said, Bruce was responsible to me. He was the staff secretary. I said Al Wong is telling me there is a guy named Howard Hunt on the White House staff as a consultant, he says he is with Colson's office or something like that; obviously, erroneous information, right?

He sort of smiled and said, no, that is not the case. He is on the rolls. He is with Colson's office.

So I was very angry and I voiced my anger, disappointment, and said words to the effect, why the hell isn't he in the book? I don't understand it.

He said Haldeman didn't want him in the book, Haldeman said not to put him in.

Well, often times, Bob Haldeman did work directly with Bruce Kehrli, he didn't necessarily work with me. He worked directly with Bruce, I think, really because Bruce had earlier worked directly for him and he had a sort of liaison there with Kehrli, so that was not too unusual. But I was a little angry. I didn't understand it.

Bruce's exact words as I remember them, but these are not necessarily precise recollections, are that Haldeman told me not to put it in the book.

I said, well, why, for what possible purpose?

He said, he is doing something like sneaky Pete stuff, or he is doing some classified stuff. Then he went on to say, he is working with the plumbers.

Well, "The Plumbers" was a term that was known, perhaps not by everybody at the White House. It was not meant to be a sinister or mysterious term. It was known that two people on the White House staff—I only know of two people, Bud Krogh and David Young—were given a full-time assignment at one time to see if they could plug the leaks which were rampant. Things were coming out of the National Security Council which were highly classified. It was all too obvious that the leaks were, could have been from the White House staff or they could have been from members of the National Security Council. That was the purpose of the formation of the plumbers and the term was appropriate. They did have a separate office over in the Executive Office Building.

So after saying this little thing about Howard Hunt, he went on to say, and he is working with the plumbers, or, he is working with the plumbers. He tied it in some way with the plumbers after he said, he is doing some sneaky stuff.

I said, that just seems so ridiculous not to put it in the book. I was just put out about it, but there was nothing I could do about it and that was the end of the story.

MR. DOAR. During the course of our hearings, the committee has been presented with a memorandum—members of the committee, it is located in book VII, part 1, item 18.2—that purports to be a memorandum written by yourself. I ask you to look at that document and tell me whether or not you recognize it.

MR. BUTTERFIELD. Yes, sir; I recognize it.

MR. DOAR. That is dated January 8, 1969. Were you there on January 8, 1969?

MR. BUTTERFIELD. No, I am sure that is—

MR. WIGGINS. Mr. Chairman, may we have counsel identify the document, since we obviously don't have it before us?

MR. DOAR. Members of the committee, this is a memorandum from Alexander P. Butterfield to Mr. Magruder dated January 8, 1969, with respect to J. Edgar Hoover's December 29 letter to the President concerning Anne and Clark Clifford. It contains four paragraphs referring to that letter of Clark Clifford's.

MR. MAYNE. Mr. Chairman, is it an exhibit?

MR. DOAR. It is already an exhibit.

THE CHAIRMAN. It is included in our tab already, in the presentation made by counsel for the committee.

MR. DOAR. It is book VII, part 1, item 18.2.

Can you tell me whether or not that is your memorandum?

MR. BUTTERFIELD. Well, I am familiar with this memorandum because it became an issue sometime ago when I was talking to the staff of the Special Prosecutor. But I can tell you that this is not a copy of the original. This is a copy of an altered original. It appears—I don't doubt that it is my memorandum, but a lot of the words here are words which I use, sentences are structured much as I structure them. So when I first saw this, I didn't doubt that it was mine.

Then as I looked at it more closely, I knew for a fact in my own mind that it was not a true copy of the original, which at that time, I was supposed to be looking at the original. I was handed the original, told this was an original memo of mine, and I knew that it was not.

[The document referred to above follows:]

[Butterfield Exhibit No. 5]

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

January 8, 1969

TOP SECRET

MEMORANDUM FOR: MR. MAGRUDER

FROM: ALEXANDER P. BUTTERFIELD

RE: J. Edgar Hoover's December 29th Letter to the President Concerning *N* and Clark Clifford

- It would be interesting to me -- first of all -- to go to Al Haig (not to *L*) and find out who participated in Henry's December 29th meeting. If he had more than one group meeting on that day, you could say it is your understanding that this particular meeting concerned Vietnam and options as to our future courses of action there.
- I would want to get ahold of the speeches or talks in which Mr. Nixon made the statements mentioned in the second paragraph ... in order to know and understand the context in which the statements were made.
- Needless to say, this item is every bit as sensitive as the memorandum indicates.
- The name of the game, of course, is to springload ourselves to a position from which we can effectively counter whatever tack Clifford takes ... and it would appear that this memorandum provides the basic framework for his plan.

Mr. DOAR. I would like to hand you another document which I ask to be marked as Butterfield exhibit 6, with the earlier exhibit that I just handed you, the January 8, 1969, memo being Butterfield exhibit 5, and ask you if you recognize that document.

Mr. BUTTERFIELD. Yes; I recognize this document.

[The document referred to was marked Butterfield exhibit No. 6 and follows:]

[Butterfield Exhibit No. 6]

January 8, 1970

TOP SECRET

MEMORANDUM FOR: MR. MAGRUDER

FROM: ALEXANDER P. BUTTERFIELD

RE: J. Edgar Hoover's December 29th Letter to
The President Concerning *N* and
Clark Clifford

In response to your query, here are my initial thoughts on the matter:

- You should go -- first of all -- to Al Haig (not to *L*) and find out who participated in Henry's December 29th meeting. If he had more than one group meeting on that day, you could say that it is your understanding that this particular meeting concerned Vietnam and options as to our future courses of action there.
- You should get ahold of the speeches or talks in which Mr. Nixon (the candidate) made the statements mentioned in the second paragraph ... in order to know and understand the context.
- The name of the game, of course, is to get ourselves springloaded to a position from which we can effectively counter whatever tack Clifford takes ... and it would appear that the memorandum you showed to me provides the basic framework for his plan.
- Al Haig can get you squared away on at least a preliminary scheme. We can build from there.
- Needless to say, this item is every bit as sensitive as the memorandum indicates.

Mr. DOAR. What is that document?

Mr. BUTTERFIELD. This is a copy of the original that--no, this is a copy of a copy, or this is a copy. This is not the original or a copy of the original. This is a copy of a copy. I hope I haven't confused anybody.

Mr. DOAR. But is that your memorandum?

Mr. BUTTERFIELD. Yes; this is my memorandum. This is a copy of the real original.

Mr. DOAR. Is it a true copy?

Mr. BUTTERFIELD. Yes; it is a true copy of the real original.

Mr. DOAR. What were the circumstances of you writing a memorandum to Mr. Magruder about Mr. Hoover's letter of December 29, if you remember?

Mr. BUTTERFIELD. Can I explain this by way of explaining how it came to my attention?

Mr. DOAR. Yes.

Mr. BUTTERFIELD. That will be easier for me. I hope it is easier for you.

I was handed a Herbert Hoover memorandum to the President by a member of the special prosecutor's staff.

Mr. DANIELSON. Isn't Herbert Hoover dead?

Mr. BUTTERFIELD. Oh, excuse me, J. Edgar Hoover.

The J. Edgar Hoover memorandum to the President, as I recall, was dated early January 1970 and it was classified top secret. I was asked by that member of the special prosecutor's staff if I had ever seen that particular J. Edgar Hoover memo to the President.

I looked at it closely. I read it carefully and I said, no. I have never seen this. And the Special Prosecutor staff member said, are you sure you have never seen it?

I said, yes; I am sure.

I have since learned not to be that sure of anything.

He then pulled out his desk drawer an original memo, a memo on original bond paper, and said, here's a memorandum; have you ever seen this? Is this your memo?

This is the one which I claim is not the original.

I looked at it and I read it and I said, gee, that sounds very much like me. That looks like my memo.

Then as I looked at it more carefully, I realized that it was not mine, no question about it.

He said, how do you know it is not your memo?

I said, first of all, are you telling me this is the original, this is my original?

He said, yes.

I said, first of all, if it is really 4 years old, it looks as though it was typed an hour ago. It was not dog-eared, it was brand new, clean. Not that that was any conclusive proof.

I said, second, I never have sent out an original, to my knowledge, that I haven't put my "A" on there, which is the initial I use on memos. I would have put an "A" after my name, meaning that I approved that memo, I had found no typos and my secretary could hand it out. There was no "A" on this memo.

Third, the bad memo has four paragraphs, each preceded by a dash. It is my habit, and I assume it is the habit of most of you, to precede paragraphs by a dash when they are subparagraphs to a lead-in question. I know that is my habit and I am enough of a nitpicker to know that I didn't write that memo for that reason.

Another reason—that was three. Another reason was that the first sentence in the first paragraph said, "It would be interesting to me first of all to go to Al Haig, not to"—it is missing here, but the name was [deleted] et cetera, et cetera. That implied that I had something to do with this J. Edgar Hoover memo, which I have just said I had never seen before.

So for those reasons, I just felt that it was not the original. I guess they felt at the time that I was not being truthful, but of course, I was.

So then I came upon the original. I do recall at this time, and as I have told you already, in January, December of 1969, January of 1970,

I was working a little bit with Magruder. He was sort of under my wing in some ways. He came to me frequently and said, how do I respond to Haldeman's request here, what would you do here? He didn't know exactly how to go about many of the projects which were given to him. He didn't know the names of the mayors and that sort of thing. So I did help him.

So I got hold of the copy of the original and of course, it is dated January 8, 1970, not 1969, although that could have been a normal typo. And there is a lead-in sentence here which says, "In response to your query, here are my initial thoughts:"

Then subparagraph, and there are five subparagraphs instead of four.

The first one says: "You should review the comment of the addressees who respond to Ehrlichman's memorandum." I don't think it is important to go into detail here.

The second paragraph says: "The object of the exercise is to draw up a plan," et cetera.

So the wording is a bit unlike this wording. And there is in fact a lead-in sentence.

That concerned me. I thought, who is passing memos of mine around and purporting them to be originals when they are not?

[Material unrelated to testimony of witnesses deleted.]

MR. BUTTERFIELD. Mr. Chairman, I can say one thing which I think just generally would clear this up.

The J. Edgar Hoover memorandum which was labeled top secret, mentioned information which had been obtained by the FBI by way of sensitive sources, or sensitive means, or something like that. That evidently meant telephone taps. The reason I had been called in on that occasion to be interrogated by the Special Prosecutor's staff was because they thought I knew something about those early telephone taps which the whole world now knows about. The J. Edgar Hoover memo to me said nothing about telephone taps, but I have learned since that if I had been wiser, I would know that "sensitive sources" means telephone taps. To me it means someone overheard someone in a restaurant or something like that. But that is what the Hoover memo was about and it did relate to something Clark Clifford was going to do. But it was about telephone taps.

The implication was that they are handing me an original of mine that sounded very much like I had a deep interest in this J. Edgar Hoover memo and I knew all about it by giving Magruder instructions which related to how we would go about getting to the bottom of this information. It was erroneous. Magruder was given this J. Edgar Hoover memo by someone—by someone—I assume Haldeman or Ehrlichman, but it could have been anyone, could have been the staff secretary. He was given the job of following up in some way and had asked me how to go about it. I said: "In response to your query, what I would have done had I been given this would have been" tick, tick, tick and told him what I would do.

So that in essence is what it is about. I think the Special Prosecutor's staff is now convinced that I had nothing to do with the telephone taps, as I told them I didn't. I was completely unaware of any such activity throughout my tenure at the White House, and I think Mr. Magruder was, too.

Mr. DOAR. The two exhibits were marked—the exhibit that is in the book at book VII, part 1, item 18.2, has been marked as “Exhibit 5.” The letter, the copy of Mr. Butterfield’s original memorandum has been marked as “Exhibit 6.” Inadvertently, when I handed the exhibit to Mr. Butterfield, he had produced for your staff two memorandums on the 8th and I had handed him one relating to an Ehrlichman memorandum rather than the J. Edgar Hoover memorandum.

I want to just show you exhibit 6 now and see if you can verify that as the original, a copy of the original memorandum that you wrote.

I will make copies of those for the members at the recess.

The CHAIRMAN. Is it possible, Mr. Doar, to have those passed around now so some of us can look at them?

Mr. DOAR. Yes.

Mr. BUTTERFIELD. Yes; I can identify this.

Mr. DOAR. Is that the copy of your original?

Mr. BUTTERFIELD. Yes; exhibit 6.

Mr. BUTLER. Mr. Chairman.

The CHAIRMAN. Mr. Butler?

Mr. BUTLER. Just clarification from counsel.

The item which is in our book is the document we are now told was falsified?

Mr. DOAR. That is right. That came to my attention in the course of our interview with Mr. Butterfield.

Mr. BUTLER. Thank you. And the reason we are going into it at this moment is to clear up the information that we were previously given by our staff?

Mr. DOAR. Yes, sir.

Mr. BUTLER. Thank you.

Mr. DOAR. That is all the questions I had, Mr. Chairman.

Mr. Jenner has some.

The CHAIRMAN. Mr. Jenner.

Mr. JENNER. Mr. Butterfield, what, if anything, was done with respect to the preservation of the President’s yellow pad memoranda which you have spoken about pursuant to his habit to write on these yellow pad memoranda, especially in the evening after going to the Mansion?

Mr. BUTTERFIELD. These legal size yellow pads used by the President and a copy of one sheet of which I saw almost every morning, was eventually, after the President had talked these things over with Mr. Haldeman during the day and checked them off himself, or talked them over with whomever, he put them in his out basket, which is where he put everything he was finished with. But my instructions with the yellow sheets were that they were not to be returned to the staff secretary—not returned, but not to go to the staff secretary, of course. These were the President’s little detailed instructions on all kinds of things and there were oftentimes some sensitive things in there—there could well be and I am sure that is understandable. Those yellow sheets I took directly to Rose Woods. So if I led you to believe earlier that absolutely everything in the out basket went to the staff secretary, the yellow sheets were an exception.

There is one other exception. The dictabelt—I guess that is what they are called—when the President dictated, sometimes he would put

the tape in the out box. I knew that the President's tapes, one of those dictabelts, the little circular belts, were to go to Rose Woods. Only Rose Woods and eventually two other girls—eventually three other people, but initially only Rose—typed up the President's dictabelt tapes. But everything else went to the staff secretary.

Mr. JENNER. Thank you.

Now, the yellow pad notes, after reaching Rose Woods, went where?

Mr. BUTTERFIELD. Just in a file in Rose's office, I believe. That I don't know. I don't know. Rose has a number of the President's personal files. She has been his close personal secretary for a long time, since about 1951, I believe, and knew him even before that. She is very much trusted by the President.

I did mention earlier, just to put some of this in context, that the reason we started this office of special files in the summer of 1972 was to bring together all of these kinds of things, things that Rose held such as dictabelts and yellow sheets, things that the central files held, anything that might be personal, anything that might be sensitive, anything that might go into that special part of the Nixon library eventually, that personal part of the Nixon library.

Mr. JENNER. I take it from your testimony, then, that the yellow pad notes and the dictabelts, at least commencing in the summer of 1972, went to the special files?

Mr. BUTTERFIELD. No; I am sure that that is not true. That was the intention. But my guess is, and it is only a guess—after all, I did leave in March of 1973, but at the time, in March of 1973, we had not been successful—I say “we” because there was a concerted effort on to get these things from Rose. But Rose still had them at that time.

Mr. JENNER. Now, that is true both of the yellow pad sheets and the dictabelts?

Mr. BUTTERFIELD. To the best of my knowledge, that is true. Well, I am sure that is true, because Miss Trudy Brown, who now has another name—she is married and I can't think what her name is; Mrs. Fry, I think—who runs that office, I know that in March of 1973, she had not yet gotten the yellow pads or the dictabelts from Rose's office. But she certainly had her hands full doing the other things, getting the other material together.

Mr. JENNER. You have mentioned the matter of dictabelts, that Miss Woods had recorded in those. Would you please tell the ladies and gentlemen of the committee the President's practice or habits in connection with dictation of dictabelts, to the extent that you are knowledgeable?

Mr. BUTTERFIELD. Yes, I think I can tell you that pretty accurately. I walked in on the President many, many times when he was dictating at his Oval Office desk. Almost any time that he was alone for any period of time during the day, other than the time during which he was reading the news summary in the morning, he might well be dictating. He dictated some to Rose personally; he would call Rose in and dictate. But oftentimes, he would do it on the dictabelts.

Sometimes he would call her in and hand her the dictabelts. Other times he would put them in the out basket and I would give them to her.

Mr. JENNER. There has been some testimony before the committee with respect to the President possibly having a habit, not necessarily

pursued every day, of dictating by way of a dictabelt the events of the day. Were you familiar with that?

Mr. BUTTERFIELD. I feel quite sure that he did not do that. I can't speak positively, but I just—it is very possible he did. He was, I will say, preoccupied with history and the place his Presidency would have in history. But he did that late in the evening in the EOB office or the Lincoln Sitting Room if he did it at all. And I don't think that he did.

Mr. JENNER. Mr. Butterfield, all we wish is the best of your knowledge.

Mr. BUTTERFIELD. That is right.

Mr. JENNER. And prefer no speculation.

Mr. BUTTERFIELD. All right.

Mr. JENNER. Were the—tell us if there was a practice, what practice there was, if any, with regard to the preservation and storage of the tapes. Not dictabelt tapes, the recording tapes you have described for us, the recording system.

Mr. BUTTERFIELD. The Technical Security Division of the Secret Service, again the only ones that knew about these tapes, stored them in the little tape boxes. I think these tape spools were the 5-inch in diameter type. I am not even sure of that. They could be 7 inches in diameter. They were put in boxes—

Mr. JENNER. Those cardboard boxes?

Mr. BUTTERFIELD. Little cardboard boxes that everyone who has tapes has. On the box was written "Oval Office" and the date. Or "Cabinet Room" and the dates.

As I say, the Oval Office tape, as I recall, was changed daily. The Cabinet Room tape was not necessarily changed daily. It was changed when it needed to be changed.

These were stored initially in a locker of some kind or a file cabinet in the immediate office of Mr. Wong of the Technical Security Division. Later, after they overflowed, a closet was found down the center hall on the first floor of the EOB and taken over by the Technical Security Division. A number of file cabinets was put into that closet and they were filed there. When I left, that was about to overflow. That was the reason for my mentioning to Bob Haldeman once, I think, perhaps twice, that we really should get some very highly trustworthy girls together and begin typing these tapes, because it would have to be done eventually.

Mr. JENNER. Who in the White House with respect to these tapes marked or identified the container in which each tape was placed? The cardboard container?

Mr. BUTTERFIELD. Who did identify it?

Mr. JENNER. Yes, place the date or other markings of identification on the cardboard box container?

Mr. BUTTERFIELD. I think always it was either Mr. Zumwalt or the other Secret Service man whose name I never have been able to recall. Whoever came over and changed the equipment or checked the equipment every morning.

Mr. JENNER. By the way, Mr. Butterfield, were there other recording systems in the White House in the offices of others on the staff, to your knowledge?

Mr. BUTTERFIELD. Never to my knowledge. I have only read about those since.

Mr. JENNER. Now, you have mentioned in your earlier testimony today that Mr. Haldeman was a very careful note taker. Would you please tell us, if you know, what was done with respect to Mr. Haldeman's notes or Mr. Ehrlichman's if he was in the habit of doing it? If so, would you please tell us?

Mr. BUTTERFIELD. Well, the simple answer to that is that I don't know. Those were their personal notes and they were filed in some way in their own personal offices by their administrative assistants or by their secretaries.

Mr. JENNER. Would you please describe to the members of the committee the means of communication in the way of mechanical or electronic communication between the President and members of the staff? That is, I have in mind a buzzer system or telephone system as the case might be.

Mr. BUTTERFIELD. I see.

Well, on his Oval Office desk he had a buzzer for Haldeman, a buzzer for Rose Woods, a buzzer for me and a buzzer for Steve Bull—four buzzers on his desk right by his telephone. Then he had, of course, the White House line, which is as quick as any hot line. Although I think in addition to the White House line, and I am not sure of this, he had a telephone line to Haldeman, Kissinger and Ehrlichman. But I am not really sure of that. So he could contact Haldeman by buzzer to have him come in or by telephone. He could contact Henry or Ehrlichman by telephone. And frequently he used the phone and the buzzer systems.

In the EOB office, he had no such buzzer system. To the best of my recollection, he only had the telephone. But that was instant communications. You would pick up the phone and a White House operator would say, yes sir, and he would say, get me Bob Haldeman. It was that simple.

Mr. JENNER. You have related to us the dedication of the President and his care in connection with his work. Was there any leisure time for the President?

Mr. BUTTERFIELD. Yes, there was a lot of leisure time for the President, but he chose not to take it in the form of indulging, by way of indulging in recreation. It was my observation that he had no hobbies. The Presidency was his hobby. He bowled occasionally—very, seldom—once every 3 weeks at best on an average. He meditated, he thought, he pondered. He worked on his yellow pad. He thought things over. He thought over his schedule.

He seemed to me to be preoccupied with the Presidency. I say that in a complimentary way. He seemed to me to be preoccupied with his place in history, with his Presidency as history would see it. Perhaps this is normal. I think all of us care a little bit. I know I care what kind of administrator at FAA I am. I would guess that the concept is normal, but that the preoccupation probably is not.

Mr. JENNER. Mr. Butterfield, in referring to the President's preoccupation with his place in history, did you intend that also to be a complimentary remark as you did with respect to the previous matter you mentioned?

Mr. BUTTERFIELD. As opposed to some other comment? No, I—

Mr. JENNER. There was nothing insidious about his preoccupation?

Mr. BUTTERFIELD. No, I just say that my honest opinion is that it was a bit abnormal. You didn't ask me to say that, I know, but he was—

Mr. JENNER. I am not asking you to say anything, Mr. Butterfield, except the truth.

Mr. BUTTERFIELD. Well, that is my opinion. He was wholly taken up with history. He would write little notes on precisely what time he finished handwriting a portion of a speech—3:14 a.m. He made it known to me in various ways that he wanted to be sure that that 3:14 got someplace, was logged. That is the kind of thing I think of when I use the word "preoccupation." But who am I to judge? I think probably one should be preoccupied a bit by his place in history and conscious of what kind of President he is being.

But he had a lot of leisure time, a lot of leisure time, as a President should, so that he can think, so that he can reflect, so that he can meditate, so he can think things out. He is a very organized individual, a very, very disciplined individual. And I think he was smart to see to it through Haldeman that he had that kind of schedule, that he was not unnecessarily bothered. That was his *modus operandi*. That is the way he liked it. And that was Haldeman's preoccupation, incidentally, to see that things went in accordance with the President's likes and dislikes.

Haldeman was dedicated to that task in a very selfless way.

Mr. JENNER. And you intend that to be complimentary, do you not?

Mr. BUTTERFIELD. Not necessarily. Yes, in a way, because I admire that kind of dedication of Mr. Haldeman. But as someone wrote, and I don't know this to be true, there is a danger in the tendency, and I guess it is a tendency, of a President's staff to mirror his personality too closely or to accentuate rather than compensate for his weaknesses and for his isolation. A large, ambitious, and able staff can create for a President an illusion of self-sufficiency sometimes when there is no self-sufficiency. That may have happened there. I am philosophizing now.

Mr. JENNER. Mr. Butterfield, you have given the committee this morning and this afternoon the normal working of the White House, especially in connection with the contacts between the President and his aides in the White House. Was there generally, in general, a difference in method of communication between the President and Mr. Haldeman and Mr. Kissinger and Mr. Ehrlichman as distinguished from others? Were communications with them always in writing as appeared to be in respect to others, or were they more oral? Would you tell the committee about that?

Mr. BUTTERFIELD. Well, yes, the President didn't communicate with very many other people. He did with Mr. Moynihan. He came to like Mr. Moynihan very, very much. He communicated by telephone with a great many people at night, in the evenings, and during the day. But his normal communications, oral and in writing, were just to Haldeman, Ehrlichman and Kissinger. It would be quite unusual for him to communicate with anyone else—perhaps a few times to Colson during that 1972 campaign year. But almost always with Haldeman, almost always with Haldeman.

Haldeman was the alter ego. Haldeman was almost the other President. I can't emphasize that enough. Haldeman was his right-hand

man. He counted so heavily on Haldeman's presence, on Haldeman being at the other end of a telephone within reach when he buzzed. So much of this was done through Bob Haldeman because so much of it had to do with the President's, what I call personal business—the writing, the trips, the itineraries, the advancing of trips, the image making. All of that business was done through Haldeman.

Then Henry, with the national security, and that is the President's favorite subject. I think everyone knows that. So he liked to kick around national security and affairs of State with Henry.

And Ehrlichman to a much less degree, the domestic area. But Ehrlichman also on legal matters, as I said earlier. He still remembered Ehrlichman as counsel to the President. He was not quite sure Ehrlichman had relinquished that title and counted on him heavily there, and occasionally on matters of domestic issues. The President didn't really receive communications from others very often, except through these three people or the staff secretary.

Mr. JENNER. Mr. Butterfield, the committee has been curious about a pi mark. Do you know what a pi mark is?

Mr. BUTTERFIELD. Yes sir.

Mr. JENNER. It has appeared on some of the documents that have been submitted to the committee. Would you tell the committee what the significance of the pi mark would be or might be on a document and the practice of its use?

Mr. BUTTERFIELD. I didn't see it too often, but I saw it occasionally. The pi mark, to the best of my knowledge, meant "P", for the President. I think Haldeman used, would put a "P" in the upper right hand corner or of some corner of papers that he intended to take up with the President, to talk to the President about. I think Higby used the pi mark occasionally. I think Ehrlichman used the pi mark occasionally. But I am not sure.

But that is what it meant. It simply meant this was something that the individual was going to take up with the President. Those symbols were not put on papers going to the President the formal way, through the staff secretary and up to Haldeman and in to me and into the office—never.

The CHAIRMAN. I think while counsel are conferring, we are going to have a recess for 10 minutes.

Mr. JENNER. Thank you, Mr. Chairman. We could use it.

[Recess.]

The CHAIRMAN. The committee will come to order.

[Material unrelated to testimony of witness deleted.]

The CHAIRMAN. Let us proceed.

Mr. JENNER. Thank you, Mr. Chairman.

Mr. Butterfield, you testified during the course of the day that at one time you called for two tapes, or at least you obtained two tapes and you listened to them. Do you recall that?

Mr. BUTTERFIELD. Yes.

Mr. JENNER. Now, from whom did you obtain those tapes? Tell us the circumstances.

Mr. BUTTERFIELD. I simply made a telephone call to Mr. Wong, and said give me a tape. And I probably said give me an Oval Office or maybe I didn't even say that. And I can't recall how I identified the tape, whether I said give me a tape of September 4, or whether I said

give me a specific meeting. I feel certain that I didn't say a specific meeting, but I may well have. I don't recall, but I called up Wong and asked him to send one over.

Mr. JENNER. And would you tell the committee, please, the equipment upon which you listened to the tape?

Mr. BUTTERFIELD. The Secret Service loaned to me a portable tape recorder.

Mr. JENNER. Now, Mr. Butterfield, was the circumstance that two tapes or a tape had been delivered to you by the Secret Service recorded?

Mr. BUTTERFIELD. I am sorry, I didn't get the question, Mr. Jenner.

Mr. JENNER. All right. I will repeat it. Was the fact that the Secret Service had obtained and delivered to you a tape to which you listened, was that recorded in any fashion among the records maintained at the White House?

Mr. BUTTERFIELD. I don't know the answer. My guess is that it was not recorded.

Mr. JENNER. If you don't know the answer, Mr. Butterfield, your guess does not help us any.

Mr. BUTTERFIELD. Well——

Mr. JENNER. Would you be able to tell us whether there was a logging system, to your knowledge, maintained by the Secret Service as to tapes in, tapes out?

Mr. BUTTERFIELD. No, I don't know.

Mr. JENNER. All right.

Mr. BUTTERFIELD. I think my opinion may have a bearing on this because I was so well acquainted with the procedure, I knew no one else was asking for tapes at that time, or I felt that I knew.

Mr. JENNER. How did you know that, Mr. Butterfield?

Mr. BUTTERFIELD. I feel certain I would have been advised by Mr. Wong.

Mr. JENNER. And you were the liaison, White House liaison, White House staff liaison, with the Secret Service and in particular Mr. Wong?

Mr. BUTTERFIELD. That is correct, and they knew of the sensitive nature of the whole taping system, and they knew it was not to be divulged and I just feel that they would let me know if anybody had been requesting tapes.

Mr. JENNER. Now, I will ask you this question, Mr. Butterfield. During all of your time in the White House, did Mr. Wong or any of his assistants in the Secret Service ever speak to you and advise you that a tape had been called for or removed?

Mr. BUTTERFIELD. No; that never happened.

Mr. JENNER. Perhaps you have already answered this next question, but I wish to ask it in any event.

To your knowledge, during all of your time at the White House in the capacities you have indicated to us, did the President ever call for or listen to one of these tapes?

Mr. BUTTERFIELD. No; he did not.

Mr. JENNER. Were you aware—I would like to direct your attention to a question or two on the maintenance of the tapes and taping system. Was there any routine, regularity with respect to the maintain-

ing of that system, and if there was would you please relate to the committee the nature and character thereof?

Mr. BUTTERFIELD. As I recall it, I am quite certain I recall correctly, Mr. Wong assured me that the taping equipment was checked daily. He said daily. I took that to mean precisely what he said, that they checked the tapes and removed from the Oval Office tapes daily and checked the other tapes, and periodically checked for audibility.

Mr. JENNER. In those conversations you had with Mr. Wong, was the subject matter of the checking of the recording system in itself mentioned, apart from checking the tapes?

Mr. BUTTERFIELD. No; frankly, I don't recall that having been mentioned.

Mr. JENNER. During all of your time with the White House, Mr. Butterfield, in the capacity that you have brought to the attention of the committee, was there any occasion other than the one that you have testified to when any failure or irregularity of any kind with the taping system or any tape was brought to your attention.

Mr. BUTTERFIELD. No, sir. None.

Mr. JENNER. During all of your time at the White House, Mr. Butterfield, and to the extent of your personal knowledge, no guessing, was there ever any occasion that came to your knowledge of Mr. Haldeman withholding any information from the President?

Mr. BUTTERFIELD. No, sir, never.

Mr. JENNER. Based upon your experience and your work in the White House, as you have testified, was there ever any indication brought to your attention, directly or indirectly, of Mr. Haldeman doing anything without the knowledge of the President?

Mr. BUTTERFIELD. Anything? Should that be qualified? The answer is yes, I do know of him doing some things without the knowledge of the President, minor things, decisions that he might make on his own relating to staff management. But, on no significant items.

Mr. JENNER. But other than that character of matter, which you have now told the committee, there were never any other occasions brought to your attention or instances?

Mr. BUTTERFIELD. No; never.

Mr. JENNER. Or that came to your attention?

Mr. BUTTERFIELD. No; that would be out of character.

Mr. JENNER. Out of whose character?

Mr. BUTTERFIELD. Out of Mr. Haldeman's character. Out of the character for Mr. Haldeman, in my view.

Mr. JENNER. Go ahead.

Mr. BUTTERFIELD. Out of character for Mr. Haldeman, in my view, altogether out of character.

Mr. JENNER. Was there any occasion during all of the time that you were at the White House that there came to your attention that Haldeman ever did anything without the knowledge of the President?

Mr. BUTTERFIELD. No; never.

Mr. JENNER. Dealing with White House affairs?

Mr. BUTTERFIELD. No; never, nothing unilaterally at all. He was essentially—I may have said this—but an implementer. Mr. Haldeman implemented the decisions of the President as did Mr. Ehrlichman but perhaps to a lesser extent. But Haldeman especially was an

implementer, because the President ran his own personal affairs. He was not a decisionmaker.

Mr. JENNER. Mr. Butterfield, would you repeat that for me? I didn't hear it.

Mr. BUTTERFIELD. I said I did not know Mr. Haldeman to be a decisionmaker. He was entirely, in my view, an implementer. I can hardly recall the decisions, any decisions that he made, unless that it was that the White House staff mess personnel would wear jackets or something along that line. He implemented the President's decisions. The President was the decisionmaker. The President was 100 percent in charge.

Mr. JENNER. One of the members of the committee, Mr. Butterfield, during the course of the recess, expressed some curiosity and concern with regard to whether there were any standards and if so, what they were, as to what documents, papers or matters were to be placed in the, what you have described as the special Presidential file that was instituted in the summer of 1972. If there were standards and tests, would you please relate them?

Mr. BUTTERFIELD. The papers that were to go into the office of special files, which was formed in the summer of 1972, to the best of my understanding at that time, were those which were particularly sensitive, politically or any other way, those which bore on the President's personal life, those which had to do with trip planning. All of Mr. Chapin's trip notes, preparatory to the China trip, for instance, and preparatory to the Soviet Union trip. Those trips that we knew at the time to be historic trips, went into that office. The President's dictabelts were to go there eventually. The President's yellow notes were to go there eventually. The President's handwriting of significant notes to staff members were to go in there eventually, and the memorandum of those who worked on the President's staff were to go, those pieces of paper which were particularly important or had a bearing on the Presidency. Those were the kinds of things that were to go into the office of special files.

Mr. JENNER. Mr. Chairman. Those are all the questions that Mr. Doar and I have.

The CHAIRMAN. Thank you. Mr. St. Clair.

Mr. ST. CLAIR. Thank you, Mr. Chairman.

Mr. Butterfield, I wish you would clarify something for me. Do you recall testifying earlier today that you had spent a number of hours in making an estimate of the percent of time that the staff spent with the President? Do you recall that?

Mr. BUTTERFIELD. Yes, sir.

Mr. ST. CLAIR. You said that you felt that Mr. Haldeman, during the period 1969, 1970, and 1971, spent 72 percent of this time, of the staff time, with the President?

Mr. BUTTERFIELD. Yes, sir.

Mr. ST. CLAIR. Is that correct?

Mr. BUTTERFIELD. Yes, sir, 72 percent of the time that the President spent with staff members.

Mr. ST. CLAIR. The staff. That's right.

Mr. BUTTERFIELD. Yes, sir.

Mr. ST. CLAIR. Now, is that a figure that you computed, or is it a figure that you simply came up with after thinking about it quite a bit?

Mr. BUTTERFIELD. It is a figure I simply came up with after thinking about it quite a bit. I thought of the standard day, and I wrote down times.

Mr. ST. CLAIR. And then you came up with this 72 percent?

Mr. BUTTERFIELD. Yes, sir.

Mr. ST. CLAIR. Then you had a category called others for the years 1969, 1970, and 1971. You said that you felt that was 4 to 5 percent?

Mr. BUTTERFIELD. Yes, sir.

Mr. ST. CLAIR. Were you included in that group?

Mr. BUTTERFIELD. Yes, sir. All others.

Mr. ST. CLAIR. And the answer is yes, is that right?

Mr. BUTTERFIELD. Yes, sir.

Mr. ST. CLAIR. And you were only one of several people that spent 4 to 5 percent of their time in the aggregate of the stafftime with the President?

Mr. BUTTERFIELD. Yes, sir.

Mr. ST. CLAIR. Is that correct?

Mr. BUTTERFIELD. Yes, sir.

Mr. ST. CLAIR. So that it would follow in those years, 1969, 1970, and 1971, that there was a considerable amount of time spent by Mr. Haldeman with the President when you were not at all present, isn't that right?

Mr. BUTTERFIELD. Absolutely.

Mr. ST. CLAIR. So what you have told us about what you have observed with respect to the relationship between the President and Mr. Haldeman while they are together is based pretty much on your surmise, isn't it?

Mr. BUTTERFIELD. No.

Mr. ST. CLAIR. Well, it certainly is not based on your observation, is it?

Mr. BUTTERFIELD. No, sir.

Mr. ST. CLAIR. That is a bad question on my part and, therefore, the answer might not be very appropriate. Is it the fact that your testimony as to your observations with respect to the relationship between the President and Mr. Haldeman are not based on your observations? Is that the fact?

Mr. BUTTERFIELD. They are not based on my direct observations of those two in meetings together.

Mr. ST. CLAIR. Thank you very much.

Now, sir, the same, of course, is true for the year 1972, is it not?

Mr. BUTTERFIELD. Yes, sir.

Mr. ST. CLAIR. And I think you commented there briefly, but correct me if I am wrong, that in that year you said that you spent a negligible amount with the President?

Mr. BUTTERFIELD. Yes, sir.

Mr. ST. CLAIR. Is that correct?

Mr. BUTTERFIELD. That is correct.

Mr. ST. CLAIR. Now, you in that year, of course, were one of a number of other persons who spent in the aggregate—

Mr. BUTTERFIELD. Two percent.

Mr. ST. CLAIR. Two percent?

Mr. BUTTERFIELD. About that, yes, sir.

Mr. ST. CLAIR. Of the staff time that the President spent with his staff?

Mr. BUTTERFIELD. Yes, sir.

Mr. ST. CLAIR. So, that you were something in the neighborhood of 1 percent or less, is that right?

Mr. BUTTERFIELD. I would guess less.

Mr. ST. CLAIR. Now, tell me, sir, in your testimony today, have you been telling us pretty much the sort of shop talk or gossip that went around to the staff regarding the relationships between the President and his principal advisers?

Mr. BUTTERFIELD. I don't believe so, no, sir.

Mr. ST. CLAIR. Well, you certainly weren't testifying as to anything you observed from your own observation, isn't that right?

Mr. BUTTERFIELD. No, again, that is not right.

Mr. ST. CLAIR. Well, you were only with the President a very short part of the time that he spent with his staff, isn't that right?

Mr. BUTTERFIELD. That is correct.

Mr. ST. CLAIR. And Mr. Haldeman was there in 1972 probably 70 times as much with the President as you, is that right?

Mr. BUTTERFIELD. Yes, sir.

Mr. ST. CLAIR. All right, now, Mr. Ehrlichman as well spent time with the President, didn't he?

Mr. BUTTERFIELD. Roughly as indicated.

Mr. ST. CLAIR. Right. Now, is it your testimony that Mr. Ehrlichman had to get Mr. Haldeman's approval before he, Mr. Ehrlichman, could see the President?

Mr. BUTTERFIELD. No, sir, that is not correct. That is not my testimony.

Mr. ST. CLAIR. He had every right to ask to see the President without reference to Mr. Haldeman, did he not?

Mr. BUTTERFIELD. Absolutely.

Mr. ST. CLAIR. Mr. Ehrlichman, you say, was looked upon by the President as far as you know, as sort of the White House Counsel. Is that right?

Mr. BUTTERFIELD. Yes, that's right.

Mr. ST. CLAIR. Mr. Haldeman was not a lawyer, was he?

Mr. BUTTERFIELD. No, he was not.

Mr. ST. CLAIR. So, if the President had any matters of a legal nature that bothered him, or concerned him, he would look to Mr. Ehrlichman, is that it?

Mr. BUTTERFIELD. That's correct.

Mr. ST. CLAIR. And not Mr. Haldeman?

Mr. BUTTERFIELD. That's correct.

Mr. ST. CLAIR. Thank you.

Now, sir, Dr. Kissinger could see the President without Mr. Haldeman's approval too, could he not?

Mr. BUTTERFIELD. He could.

Mr. ST. CLAIR. And did with regularity, did he not?

Mr. BUTTERFIELD. And did with regularity.

Mr. ST. CLAIR. And would meet with the President alone, without Mr. Haldeman being present?

Mr. BUTTERFIELD. Many times.

Mr. ST. CLAIR. Many times. In fact, that was the usual situation, was it not?

Mr. BUTTERFIELD. It was the usual.

Mr. ST. CLAIR. And is it also true that Mr. Ehrlichman would meet with the President from time to time without Mr. Haldeman being there?

Mr. BUTTERFIELD. Yes, to a lesser degree.

Mr. ST. CLAIR. Now, Mr. Colson, after the election in 1972, also saw the President from time to time?

Mr. BUTTERFIELD. Yes, sir.

Mr. ST. CLAIR. Without the necessity of obtaining Mr. Haldeman's prior approval?

Mr. BUTTERFIELD. That's correct.

Mr. ST. CLAIR. They would check in with you, as you told us, simply to see if the President was available, isn't that right?

Mr. BUTTERFIELD. That's correct; or Mr. Bull.

Mr. ST. CLAIR. Or Mr. Bull, is that right?

Mr. BUTTERFIELD. That's right.

Mr. ST. CLAIR. You weren't there to keep these people away from the President, were you?

Mr. BUTTERFIELD. In no way.

Mr. ST. CLAIR. You simply asked if the President was available and would see them, and you would ascertain whether he would or not, and then advise them?

Mr. BUTTERFIELD. That's right, some played by ear and some asked of the President directly.

Mr. ST. CLAIR. Right. And I meant to ask you that, of course, the President would receive phone calls would he not, through the switchboard?

Mr. BUTTERFIELD. Not directly; no, sir.

Mr. ST. CLAIR. Never?

Mr. BUTTERFIELD. Yes; sometimes, from certain individuals.

Mr. ST. CLAIR. If Dr. Kissinger would call, would that be likely a call that would be placed directly to the President?

Mr. BUTTERFIELD. No, it is not.

Mr. ST. CLAIR. Well, what persons in your observation did call the President directly?

Mr. BUTTERFIELD. Mr. Haldeman could, Rose Woods could, Steve Bull could, and I could, and that is all.

Mr. ST. CLAIR. I see. Now, is this some regulation or rule laid down by somebody?

Mr. BUTTERFIELD. Yes, sir.

Mr. ST. CLAIR. Then Dr. Kissinger would not be able to call the President directly?

Mr. BUTTERFIELD. Under normal circumstances; no, sir.

Mr. ST. CLAIR. John Mitchell, when he was the Attorney General?

Mr. BUTTERFIELD. No, sir.

Mr. ST. CLAIR. Could he call the President directly?

Mr. BUTTERFIELD. No, sir.

MR. ST. CLAIR. Under no circumstances?

MR. BUTTERFIELD. To my knowledge, under no circumstances.

MR. ST. CLAIR. That is on some evening, if the Attorney General wanted to speak with the President, he would have to get you out of bed, is that it?

MR. BUTTERFIELD. That's correct, or Mr. Bull. He was the alternate.

MR. ST. CLAIR. By telephone?

MR. BUTTERFIELD. By telephone.

MR. ST. CLAIR. I see. And by what standards did you approve or disapprove the call being placed to the President by, let us say, the Attorney General?

MR. BUTTERFIELD. The simple standard of knowing what the President was doing at the time, and perhaps what his mood was at the time, or some instructions that he may have given us upon our last seeing him.

MR. ST. CLAIR. Would he normally give you instructions, as a regular routine, as to whom he would receive calls from?

MR. BUTTERFIELD. I would say, yes; he would.

MR. ST. CLAIR. This would be normal for each day?

MR. BUTTERFIELD. No, it would not.

MR. ST. CLAIR. Well, would it be normal once a month, just to give us some idea?

MR. BUTTERFIELD. To give you an idea, he may say I don't want to take any calls from Arthur Burns. Or he may say I don't want to take any calls from John Mitchell until further notice.

MR. ST. CLAIR. I see. And do you recall him ever giving you such instructions?

MR. BUTTERFIELD. Yes, I do.

MR. ST. CLAIR. With respect to Mr. Mitchell?

MR. BUTTERFIELD. Not with respect to those two people; no. I was using them as examples.

MR. ST. CLAIR. I see. But certainly not with those two?

MR. BUTTERFIELD. I didn't say that. Certainly not with Mr. Mitchell.

MR. ST. CLAIR. All right. Now, let's move on if we may. You told us something about the flow of documents, and I think it is important that we get this straight. There has been mention of documents that bear the handwritten Greek letter Pi?

MR. BUTTERFIELD. Yes, sir.

MR. ST. CLAIR. And those that bear an Arabic letter?

MR. BUTTERFIELD. P.

MR. ST. CLAIR. P?

MR. BUTTERFIELD. Yes, sir.

MR. ST. CLAIR. Those generally, as I understood it, and let's be sure about it, were documents in the possession of the aide or the assistant who was conferring with the President and indicated, as you understood it at least, that they wanted to talk about the subject matters contained on those documents, is that right?

MR. BUTTERFIELD. Yes; that's right. I didn't see the Pi very often, I might add, but I saw the P frequently.

MR. ST. CLAIR. That was your general understanding?

MR. BUTTERFIELD. That's right.

MR. ST. CLAIR. These were notes on memoranda in the possession of the persons seeing the President?

Mr. BUTTERFIELD. That's right.

Mr. ST. CLAIR. And generally, insofar as you were able to observe, were not handed to the President as such, although that may have happened?

Mr. BUTTERFIELD. That may have happened, but at least they didn't go into his out basket.

Mr. ST. CLAIR. You were in charge of that out basket, weren't you?

Mr. BUTTERFIELD. Yes, sir.

Mr. ST. CLAIR. And in that out basket would be documents that the President—that were addressed to him or were prepared for his signature and actually were directed to him, received by him and reviewed by him, is that not right?

Mr. BUTTERFIELD. That is correct.

Mr. ST. CLAIR. And when he finished those documents, he put them in the out basket?

Mr. BUTTERFIELD. That's right.

Mr. ST. CLAIR. And they become then in your bailiwick, is that right?

Mr. BUTTERFIELD. Yes, sir.

Mr. ST. CLAIR. And when you got them back from the out basket you stamped them "the President has seen this" did you not?

Mr. BUTTERFIELD. Yes; I did.

Mr. ST. CLAIR. And that is a red stamp, isn't that right?

Mr. BUTTERFIELD. Yes; it is.

Mr. ST. CLAIR. And you are quite satisfied, subject to normal human error, that a document that did not bear that stamp was not placed by the President in the out box, is that right?

Mr. BUTTERFIELD. Yes.

Mr. ST. CLAIR. Now, you told us that the President was a very rapid reader. Do you recall that?

Mr. BUTTERFIELD. Yes; I do.

Mr. ST. CLAIR. And he would scan documents quite regularly, would he not?

Mr. BUTTERFIELD. Yes. He did his work very quickly.

Mr. ST. CLAIR. For example, you told us that this daily news summary sometimes amassed a total of approximately 80 pages, did I understand?

Mr. BUTTERFIELD. As I remember it, yes.

Mr. ST. CLAIR. And you say he would scan that within a period of 15 to 20 minutes?

Mr. BUTTERFIELD. That's about right, yes.

Mr. ST. CLAIR. Is that right? And you say he would make notes on it from time to time?

Mr. BUTTERFIELD. That's right too.

Mr. ST. CLAIR. Would you help us, as to how often, let us say in a news summary of 80 pages duration, using that just as an example, how many notes would you normally expect to find in that 80 pages.

Mr. BUTTERFIELD. On an average day, eight to twelve.

Mr. ST. CLAIR. All right. Would there be some days that there would be more?

Mr. BUTTERFIELD. Some days there would be many more.

Mr. ST. CLAIR. And some days there would be none or hardly any, is that right?

Mr. BUTTERFIELD. Very few days that there would be none or hardly any.

Mr. ST. CLAIR. Right. But, on an average, it would be eight to ten, would you say?

Mr. BUTTERFIELD. That's correct. That's a good guess.

Mr. ST. CLAIR. All right. Well, sir, as Mr. Jenner has indicated to you and I am sure the chairman and the committee would agree, we are not interested in your guess. If you have a memory or information, we would be pleased to have it, but not a guess, please.

Mr. DANIELSON. Mr. Chairman?

Mr. ST. CLAIR. I withdraw the instruction.

Mr. DANIELSON. Mr. Chairman, the gentleman knows you can't unring a bell. The guess came from Mr. St. Clair and I want the record clearly to reflect that it does.

The CHAIRMAN. Mr. St. Clair has withdrawn it, and I would suggest that that not be necessary and, of course, I might advise Mr. St. Clair that we have got to remember that we are not conducting any cross-examination.

Mr. ST. CLAIR. I know, sir, and that is why I withdrew that.

The CHAIRMAN. And I would suggest that Mr. St. Clair try to keep to the questions rather than any cross-examination.

Mr. ST. CLAIR. Well, now, sir, you told Mr. Jenner that, to your knowledge, Mr. Haldeman never withheld anything or any information from the President. Is that right?

Mr. BUTTERFIELD. To my knowledge, never.

Mr. ST. CLAIR. But, you really are not in a position to speak with any degree of personal observation as to what Mr. Haldeman said or didn't say to the President, isn't that right?

Mr. BUTTERFIELD. I would tend to disagree with you. I think I was in probably the best possible position. However, I do agree with you that I didn't actually observe.

Mr. ST. CLAIR. Thank you very much.

All right now, with respect to the document flow, you told us that many of the documents directed toward the President originated in the staff secretary's office?

Mr. BUTTERFIELD. Yes, sir.

Mr. ST. CLAIR. And they would be brought up on a regular basis several times a day to your office; is that correct?

Mr. BUTTERFIELD. Having passed through Mr. Haldeman's office.

Mr. ST. CLAIR. All right. That's right. So they would go first to Mr. Haldeman's office?

Mr. BUTTERFIELD. Unless they were signature items pure and simple.

Mr. ST. CLAIR. Well, formal documents?

Mr. BUTTERFIELD. That's correct.

Mr. ST. CLAIR. Would go directly to you, but documents dealing with substantive matters, reports and the like, would go ordinarily to Mr. Haldeman first?

Mr. BUTTERFIELD. That's right.

Mr. ST. CLAIR. For what purpose?

Mr. BUTTERFIELD. For his review for two reasons.

Mr. ST. CLAIR. Well, what were the two reasons?

Mr. BUTTERFIELD. One, I think he wanted an opportunity to—well, I know he wanted an opportunity to superimpose his judgment on Mr.

Kehrli and withdraw any matters which he felt to be trivial or that he knew would not be of interest to the President. And two, he wanted to be aware of the kinds of things that would be on the President's mind during the next 48 hours, the kinds of things the President would be reading.

Mr. ST. CLAIR. I see. It seems to me I recall you said he was not shy about pulling out memorandums from this group that were to be processed by him.

Mr. BUTTERFIELD. That's right. Yes; that is an accurate statement.

Mr. ST. CLAIR. And by pulling out, you mean remove from and not delivered to the President, isn't that right?

Mr. BUTTERFIELD. That's right, extract, send back, cancel out.

Mr. ST. CLAIR. I wonder then, sir, can you tell us that Mr. Haldeman never kept anything from the President in the light of this practice that you have just now told us?

Mr. BUTTERFIELD. Well, I stand by my statement. He never kept anything of any importance from the President, I am sure.

Mr. ST. CLAIR. As far as you know?

Mr. BUTTERFIELD. Yes; as far as I know.

Mr. ST. CLAIR. Although he again engaged in a practice of reviewing memorandums to be delivered to the President and pulled them out if he thought or as you say, he superimposed his judgment on them, is that right?

Mr. BUTTERFIELD. Yes; but if you want to give me an opportunity to explain that, I will.

Mr. ST. CLAIR. Well, just a moment and I will give you an opportunity.

Mr. BUTTERFIELD. All right.

Mr. ST. CLAIR. And he pulled them out so they wouldn't go in to the President, isn't that right?

Mr. BUTTERFIELD. That's right.

Mr. ST. CLAIR. And, of course, you were not privy to all of the information that Mr. Haldeman had, were you?

Mr. BUTTERFIELD. No; I was not.

Mr. ST. CLAIR. And you were not always present when Mr. Haldeman was disclosing information to the President?

Mr. BUTTERFIELD. No; I was not.

Mr. ST. CLAIR. So; isn't the truth of the matter, sir, you cannot state that Mr. Haldeman always told the President everything he knew about?

Mr. BUTTERFIELD. No. I said it would be out of character for him, as I knew him.

Mr. ST. CLAIR. As your judgment of Mr. Haldeman's character?

Mr. BUTTERFIELD. That's right.

Mr. ST. CLAIR. And that's the sole basis of your testimony?

Mr. BUTTERFIELD. That's right. But my judgment is a good one and I was close enough to have a judgment on that matter.

Mr. ST. CLAIR. We have your testimony, sir, of how often you were with the President and Mr. Haldeman now. But, I just want to be sure the record is clear. That's the sole basis for your testimony, that Mr. Haldeman never kept anything from the President?

Mr. BUTTERFIELD. That's right.

Mr. ST. CLAIR. It is your appraisal of Mr. Haldeman's personality or what? His character, I guess you put it, is that right?

Mr. BUTTERFIELD. That's right.

Mr. ST. CLAIR. Now—

Mr. BUTTERFIELD. Would you give me an opportunity to explain why Mr. Haldeman might extract a paper?

The CHAIRMAN. Well, you may go ahead and explain, Mr. Butterfield.

Mr. ST. CLAIR. Sure; if you would like.

Mr. BUTTERFIELD. Mr. Haldeman was handling a polling matter and polling memorandums came in, or a figure on the stock market drop or something like that from Mr. Flanigan. Haldeman would undoubtedly extract that and report it to the President himself. Or he may know that the President had already received that information. If Haldeman were working on a special project for the President, which was often the case, he would extract any memorandums which pertained to that project, because he, himself, was reporting on that project. And those are two examples which came to mind. I just want you to know that I do not believe that I was careless in the statements I made, and that I was as close as anyone to these people, and I was, and could observe, perhaps not directly, but I had an opportunity to observe, to listen to Mr. Haldeman in meetings he and I had and that he had with his deputies and he often, he traveled through my office, so I often knew why he was going in and what had transpired when he was there.

The CHAIRMAN. Mr. St. Clair.

Mr. ST. CLAIR. Thank you.

You say you were as close as anyone to Mr. Haldeman?

Mr. BUTTERFIELD. In a working relationship.

Mr. ST. CLAIR. Other than Mr. Higby, was any one very close to Mr. Haldeman?

Mr. BUTTERFIELD. No; I would say, and I was not as close as Mr. Higby, I stand corrected on that.

Mr. ST. CLAIR. Thank you very much.

Now, sir, let us move along quickly perhaps to some other subjects. With respect to the installation of the taping system, you indicated that Mr. Wong said something to you to the effect of here we go again, or words to that effect. Could you tell the members of the committee what you understood that to mean?

Mr. BUTTERFIELD. The signal I got from that was that the Secret Service themselves had installed a taping system once before, but that was purely my reading of that, of his gesturing, or whatever I said at the time.

Ms. HOLTZMAN. Mr. Chairman. I wanted to raise a note about the question that Mr. St. Clair asked. I don't believe the witness' testimony was ever that he was told by Mr. Wong: "Here we go again." I think the witness referred to gesture and I think there was a mischaracterization of the witness' testimony in the question.

Mr. ST. CLAIR. Well, if there was, Mr. Chairman, I will withdraw it. Do you recall the testimony to which I made reference?

Mr. BUTTERFIELD. Yes, sir.

Mr. ST. CLAIR. In substance, what was that?

Mr. BUTTERFIELD. I believe I did say essentially that, that he either turned to one of the other Secret Service men or shrugged, as if to say, or he may have said, as if to say, here we go again.

Mr. ST. CLAIR. I don't mean to make a big point, but you got this impression?

Mr. BUTTERFIELD. I got this impression.

Mr. ST. CLAIR. May I have your answer then, because I am sorry, I was distracted, to what did you think he was referring?

Mr. BUTTERFIELD. To a previous incident similar to this during which the Secret Service had been asked to install taping equipment.

Mr. ST. CLAIR. Did you ever ascertain to what previous—this would be a previous administration, I take it?

Mr. BUTTERFIELD. Yes; it would, and I was probably influenced by the fact I had heard that rumor in my days in Washington, that there had been.

Mr. ST. CLAIR. Did you ever ascertain what previous administration or administrations had such a system?

Mr. BUTTERFIELD. I never ascertained that, no, sir.

Mr. ST. CLAIR. Now, with respect to the relationship that existed between the White House staff and the Committee to Re-elect the President, first of all you told us you had nothing to do with CREP or CREEP or the Committee to Re-Elect, is that right?

Mr. BUTTERFIELD. That's right.

Mr. ST. CLAIR. Now, you said that there were many meetings with Mr. Mitchell which you presumed dealt with this subject matter, is that correct?

Mr. BUTTERFIELD. That's right, because—

Mr. ST. CLAIR. What period of time are you—

Mr. DONOHUE [presiding]. Let him complete his answer please.

Mr. ST. CLAIR. I am sorry.

Mr. BUTTERFIELD. Well, I should be briefer. As I recall, these meetings picked up in frequency and duration about the time John Mitchell was about the come over to the committee, or just had come over and taken charge.

Mr. ST. CLAIR. Can you help us as to the approximate time of that?

Mr. BUTTERFIELD. No. Well, not other than to say that it was in the spring of 1972.

Mr. ST. CLAIR. All right. Following his leaving or resignation as the Attorney General, could you help us as to the number of meetings of which you were aware that Mr. Mitchell had with the President after he left Washington, or left the Office of the Attorney General?

Mr. BUTTERFIELD. How many meetings do I think Mr. Mitchell had with the President?

Mr. ST. CLAIR. Yes; on an average day, say, or a week, or a month, or whatever would be useful to you.

Mr. BUTTERFIELD. Now, you want me to guess?

Mr. ST. CLAIR. No; I want your best judgment in the same manner that you have made similar judgments, please, unless your previous testimony has been guesses.

Mr. BUTTERFIELD. A good bit of it has been a guess, yes.

Mr. ST. CLAIR. Well, then, go ahead and guess how many times Mr. Mitchell—

Mr. DONOHUE. Your best recollection.

Mr. MANN. Best estimate.

Mr. BUTTERFIELD. I would say at least once a week, one and one-half times a week and in the EOB office for perhaps an hour in the evening, that apart from the trips aboard the Sequoia, which were generally political meetings.

Mr. ST. CLAIR. I see. And these were personal meetings between the President and Mr. Mitchell?

Mr. BUTTERFIELD. Sometimes alone, sometimes with Mr. Haldeman sitting in.

Mr. ST. CLAIR. All right. And sometimes with other people attendant?

Mr. BUTTERFIELD. Yes; that is certainly possible.

Mr. ST. CLAIR. Now, after Mr. Mitchell left the Office of the Attorney General, was there any change in the frequency of these meetings?

Mr. BUTTERFIELD. I can't say for sure.

Mr. ST. CLAIR. What's your best memory?

Mr. BUTTERFIELD. Yes. That is really what I am talking about.

Mr. ST. CLAIR. Well, then, I misunderstood. I am sorry.

Mr. BUTTERFIELD. Yes. It was the spring of 1972 when he was at the committee, I believe he was at the committee at that time.

Mr. ST. CLAIR. Prior to his leaving the office of the Attorney General, did Mr. Mitchell meet with the President about the same regularity?

Mr. BUTTERFIELD. I would say not, no.

Mr. ST. CLAIR. In other words, the frequency stepped up or increased after Mr. Mitchell left.

Mr. BUTTERFIELD. That's right.

Mr. ST. CLAIR. And you would put it at one to two meetings a week?

Mr. BUTTERFIELD. Yes; I would.

Mr. ST. CLAIR. And would that be true, sir, of the period until the election or shortly before the election?

Mr. BUTTERFIELD. More up really to the time of the Republican National Convention. I see it more in my mind's eye as spring on through about August of 1972.

Mr. ST. CLAIR. Now, passing then to another subject matter, you told us something about your observations of the President's decision-making process. Do you recall your testimony in that respect?

Mr. BUTTERFIELD. Of making what? I didn't understand.

Mr. ST. CLAIR. Decisionmaking process.

Mr. BUTTERFIELD. Yes, sir.

Mr. ST. CLAIR. You told us that from your observation or such information as you had, that he often would sort of meditate in the evening after a day of appointments and the like? Do you recall that?

Mr. BUTTERFIELD. Yes. That's right.

Mr. ST. CLAIR. And did you say something that he often would call people on the telephone, business leaders and the like during that period?

Mr. BUTTERFIELD. Not very often business leaders, no. But I think I did refer to calls to business leaders.

Mr. ST. CLAIR. Well, was it his practice, as you observed it, to call a number of people and talk with them on the telephone during the evening?

Mr. BUTTERFIELD. Yes, sir, it was.

Mr. ST. CLAIR. And in general, what were the kinds of people in this sense, what were their positions?

Mr. BUTTERFIELD. Mr. Haldeman two to three times an evening would be normal. Perhaps a call to Hob Lewis, his good friend with the Reader's Digest.

Mr. ST. CLAIR. We don't have to name names, but can you help us? People in the media?

Mr. BUTTERFIELD. No; I don't recall calls to people in the media and when Mr. Colson sort of came into his own in the spring of 1972, frequent calls to Mr. Colson and the calls to Mr. Haldeman then dropped off a bit.

Mr. ST. CLAIR. I see. Well, now, you've told us that during this decisionmaking process that he would, I think you used the word, pepper the conservations with questions? Is that a fair summary of your testimony?

Mr. BUTTERFIELD. Yes; that's what I said.

Mr. ST. CLAIR. And he was always asking questions?

Mr. BUTTERFIELD. Yes.

Mr. ST. CLAIR. Of the people, trying to draw them out. Is that right?

Mr. BUTTERFIELD. Yes; that seemed to be his way, yes, sir.

Mr. ST. CLAIR. And he would consider with them a wide variety of alternatives, isn't that right?

Mr. BUTTERFIELD. That's right; he used them as a sounding board.

Mr. ST. CLAIR. And used them as a sounding board to see how they sound, isn't that right?

Mr. BUTTERFIELD. Used them as a sounding board to see how his ideas sounded in their opinions.

Mr. ST. CLAIR. And sometimes they didn't sound very good, and they were abandoned, isn't that right?

Mr. BUTTERFIELD. They may not be abandoned for that reason, but yes, sometimes, they may not sound very good.

Mr. ST. CLAIR. But certainly not all of the ideas that in the course of this decisionmaking process were adopted?

Mr. BUTTERFIELD. No, they were not.

Mr. ST. CLAIR. A great many of them were rejected, is that right?

Mr. BUTTERFIELD. Yes, but if they didn't sound well, that was not the signal they would be rejected.

Mr. ST. CLAIR. Well, all right, but a number of them were rejected?

Mr. BUTTERFIELD. Yes, sir.

Mr. ST. CLAIR. This was his way of doing things, a little bit peculiar to him, wasn't it?

Mr. BUTTERFIELD. Perhaps peculiar to him.

Mr. ST. CLAIR. Well, do you know anybody else in high public office that arrives at decisions in that manner?

Mr. BUTTERFIELD. Yes.

Mr. ST. CLAIR. Who?

Mr. BUTTERFIELD. I do, in a way.

Mr. ST. CLAIR. You do?

Mr. BUTTERFIELD. Yes; I ask a great many questions, and then I make the decision myself. I don't say it as though it were an unusual practice.

Mr. ST. CLAIR. I see. But at least it is a practice that you observed that the President engaged in?

Mr. BUTTERFIELD. Yes, sir.

Mr. ST. CLAIR. Now, I would like to talk with you a bit about this fund of \$350,000. Is it true that your only conversation with respect to those funds with persons within the White House was with Mr. Strachan?

Mr. BUTTERFIELD. That is right. I don't remember talking to anyone else.

Mr. ST. CLAIR. You never talked with Mr. Haldeman about the money, did you?

Mr. BUTTERFIELD. No, I don't recall.

Mr. ST. CLAIR. And certainly you never talked with the President about it.

Mr. BUTTERFIELD. No.

Mr. ST. CLAIR. Is that right.

Mr. BUTTERFIELD. That is right.

Mr. ST. CLAIR. Now, you did tell us about a circumstance in which Mr. Strachan said to you there were only going to be, I think you said six people that would know about this money, is that right?

Mr. BUTTERFIELD. I may have said that, but upon reflection, I don't think he said six. I said who knows, and he said, here is who knows, and he named six people.

Mr. ST. CLAIR. Well, whatever, he named six people?

Mr. BUTTERFIELD. That is right.

Mr. ST. CLAIR. In that list of names, he did not include the President, did he?

Mr. BUTTERFIELD. That is right.

Mr. ST. CLAIR. And you suggested, and the President?

Mr. BUTTERFIELD. Yes.

Mr. ST. CLAIR. And Mr. Strachan shrugged, as I understand your testimony?

Mr. BUTTERFIELD. That is the way I remember it.

Mr. ST. CLAIR. That is all you remember about it?

Mr. BUTTERFIELD. That is all that happened.

Mr. ST. CLAIR. All right.

Now, this fund, you were told, was for polling and advertising purposes, is that right?

Mr. BUTTERFIELD. That was the drift given to me; yes, sir.

Mr. ST. CLAIR. By Mr. Strachan?

Mr. BUTTERFIELD. Yes. Partly because he represented to me polls and advertising.

Mr. ST. CLAIR. That was his bailiwick, was not it?

Mr. BUTTERFIELD. That was his bag; yes, sir.

Mr. ST. CLAIR. He was the pollster on the staff, so to speak, as I understand it?

Mr. BUTTERFIELD. Yes, he was.

Mr. ST. CLAIR. Therefore, it didn't strike you as unusual that funds for that purpose would be handled by him?

Mr. BUTTERFIELD. No, the request didn't seem like it was from him.

Mr. ST. CLAIR. Now, at one point shortly after you arranged for the delivery of this money to your friend, you received a request to transfer, you said, \$22,000 to a Mr. Joe Baroody?

Mr. BUTTERFIELD. Yes, sir.

Mr. ST. CLAIR. Do you know what business Joe Baroody was in?

Mr. BUTTERFIELD. I didn't know at the time. I think I know now.

Mr. ST. CLAIR. You do know now?

Mr. BUTTERFIELD. I believe I know, having read it in the newspapers.

Mr. ST. CLAIR. He was in the advertising business, wasn't he?

Mr. BUTTERFIELD. Yes, public affairs or advertising; yes, sir.

Mr. ST. CLAIR. So that when this request to transfer money to Mr. Baroody came to your attention, that was consistent with what your basic understanding as to the purposes of these moneys was, is that right?

Mr. BUTTERFIELD. No, because I didn't know at that time.

Mr. ST. CLAIR. I see. That is right.

Ms. HOLTZMAN. Mr. Chairman.

Mr. DONOHUE [presiding]. Ms. Holtzman.

Ms. HOLTZMAN. I am constrained to object to that question. I think the testimony of the witness was clear, and I think it is an argumentative question, and I would ask the Chair to please see that the questioning goes smoothly and we not lead the witness.

Mr. HOGAN. I might say there were no objections when Mr. Jenner was leading the witness.

Mr. LOTT. Let's proceed. Regular order.

Mr. DONOHUE. You may proceed, Mr. St. Clair.

Mr. ST. CLAIR. Thank you. May I have a moment?

Mr. SEIBERLING. May I record an objection right now to further leading of the witness. Whether or not an objection was made before, it seems to me it is objectionable. It is contrary to the rules under which we are supposed to be proceeding. I suggest that you caution Mr. St. Clair to ask questions that are not unduly leading.

Mr. McCLORY. Mr. Chairman.

Mr. BROOKS. Regular order.

Mr. McCLORY. Mr. Chairman, you recognized two of the majority, and I request to be recognized on the question.

Mr. DONOHUE. In view of the time, let's proceed with the examination by Mr. St. Clair.

Mr. ST. CLAIR. Thank you, Mr. Chairman.

When you finally disposed of the balance of these funds, you disposed of them to what person?

Mr. BUTTERFIELD. By disposed, you mean turn in, turn back?

Mr. ST. CLAIR. Turn back, yes.

Mr. BUTTERFIELD. To Gordon Strachan in my office.

Mr. ST. CLAIR. That was sometime in November of 1972?

Mr. BUTTERFIELD. It was on the 28th, in the vicinity of midday.

Mr. ST. CLAIR. Did you ever hear anything further concerning those funds while you were at the White House?

Mr. BUTTERFIELD. No, sir; I never did.

Mr. ST. CLAIR. You left the White House as of March 14, 1973?

Mr. BUTTERFIELD. Yes, sir.

Mr. ST. CLAIR. In fact, is it not the fact, however, that by sometime in approximately mid-February, you had really sort of moved away and changed your office over to the EOB?

Mr. BUTTERFIELD. That is right.

Mr. ST. CLAIR. You were contemplating leaving your position?

Mr. BUTTERFIELD. Yes, sir.

Mr. ST. CLAIR. And what position were you contemplating taking?

Mr. BUTTERFIELD. Administrator at the Federal Aviation Administration.

Mr. ST. CLAIR. For what purpose did you leave the White House and move across to the EOB sometime around mid-February?

Mr. BUTTERFIELD. To concentrate or at least spend more time than I could have in that office studying for my confirmation hearings.

Mr. ST. CLAIR. So that this represented, really, a substantial reduction in your regular duties as an assistant to the President?

Mr. BUTTERFIELD. Yes, almost completely, with the exception of my Cabinet secretary duties. They remained.

Mr. ST. CLAIR. So that you really left the White House about mid-February as far as the performance of your normal duties other than as secretary of the Cabinet, is that right?

Mr. BUTTERFIELD. Well, I left the West Wing, not the White House. But I am with you.

Mr. ST. CLAIR. Well, the West Wing.

Mr. BUTTERFIELD. Yes, sir.

Mr. ST. CLAIR. So that you would have no information regarding the operation of the tape system, for example, after, let's say, February, mid-February 1973?

Mr. BUTTERFIELD. That is probably about right. After the day that I was given permission by Mr. Haldeman to tell Steve Bull about them and then he would take over from that point.

Mr. ST. CLAIR. And about when was that?

Mr. BUTTERFIELD. I believe that was about the third week of February, pretty close to that time, yes.

Mr. ST. CLAIR. From that point on, then, you as a practical matter had little if any responsibility for the operation of the taping system?

Mr. BUTTERFIELD. I would say none after the moment I told Mr. Bull.

Mr. ST. CLAIR. Now I am somewhat confused, sir, about these documents 5 and 6. Do you have copies of each before you?

Mr. BUTTERFIELD. No, but I have them in my mind.

Mr. ST. CLAIR. May I inquire, Mr. Chairman, are they still before members of the committee?

Mr. DONOHUE. A copy has been delivered to the witness.

Mr. ST. CLAIR. Thank you.

Now, as I understand it, sir, exhibit 5,¹ Butterfield exhibit 5, is a document that you recognize as being not yours, is that right?

Mr. BUTTERFIELD. Yes, mine but somewhat amended. Yes.

Mr. ST. CLAIR. Well, it is not one that you wrote?

Mr. BUTTERFIELD. No.

¹ See p. 58.

Mr. ST. CLAIR. The subject matters of the two documents are very similar, are they not?

Mr. BUTTERFIELD. Yes, they appear to be identical in subject matter.

Mr. ST. CLAIR. Now, you first saw exhibit 5¹ when a member of the Special Prosecutor's staff pulled it out of a drawer and showed it to you?

Mr. BUTTERFIELD. That is right.

Mr. ST. CLAIR. Where did you get exhibit 6²?

Mr. BUTTERFIELD. From my own files in my office.

Mr. ST. CLAIR. Where?

Mr. BUTTERFIELD. At the FAA.

Mr. ST. CLAIR. I see.

You have a set of files at the FAA of memoranda prepared by you while you were at the White House?

Mr. BUTTERFIELD. Not a complete set. I first went to—I didn't realize I had this, incidentally. I first went to Miss Trudy Brown in the Office of Special Files and she did not have it. My files didn't appear to me to be complete for the month of January 1970. So I looked in my own office and I did find it.

Mr. ST. CLAIR. I see. Well, in any event, the two documents are substantially the same as to subject matter; it is the form that differs between them, including the date, isn't that right?

Mr. JENNER. Mr. Chairman, the documents speak for themselves.

Mr. ST. CLAIR. I think Mr. Jenner is probably right.

Do you have a complete set of files of your memorandums available to you outside of the White House?

Mr. BUTTERFIELD. Not complete, but fairly much so; yes sir.

Mr. ST. CLAIR. Does that include memorandums sent to you?

Mr. BUTTERFIELD. Not all of them. Again, that is not complete. But I have a good many of the memos sent to me by Mr. Haldeman.

Mr. ST. CLAIR. Do you consider those documents as personal papers?

Mr. BUTTERFIELD. Yes, sir; I do.

Mr. ST. CLAIR. Do you know whether or not there are any regulations that cover the definition of personal papers?

Mr. BUTTERFIELD. There are; yes, sir.

Mr. ST. CLAIR. Are you familiar with those regulations?

Mr. BUTTERFIELD. No, I am not, sir.

Mr. ST. CLAIR. Do you think that the memorandums such as exhibits 5¹ and 6² constitute a personal paper within the definition of those regulations?

Mr. BUTTERFIELD. I really don't know. I consider them personal papers because on file at the White House are all of my memorandums.

Mr. ST. CLAIR. Did you check to see whether exhibit 5¹ or exhibit 6² was on file at the White House?

Mr. BUTTERFIELD. Yes; I did.

Mr. ST. CLAIR. And found that it was not.

Mr. BUTTERFIELD. Well, I still believe it to be there. I found it—

Mr. ST. CLAIR. But you can't find it?

Mr. BUTTERFIELD. Yes.

Mr. ST. CLAIR. You never told anybody before today that you have a set of files that you took with you when you left the White House?

¹ See p. 58.

² See p. 59.

Mr. BUTTERFIELD. No; but that was common practice.

Well, yes, I think I have told someone.

Mr. ST. CLAIR. Now, files that relate to memorandums or letters from Mr. J. Edgar Hoover to the President?

Mr. BUTTERFIELD. Yes; this and other items.

Incidentally, that would not be classified, of course, if it were not in the company of the classified document of Mr. Hoover's.

Mr. ST. CLAIR. This happens to bear a top secret classification on the bottom, does not it?

Mr. BUTTERFIELD. Yes; it does, but that is erroneous.

Mr. ST. CLAIR. Do you determine what the proper classification of documents is yourself?

Mr. BUTTERFIELD. Yes; that is the prerogative of the writer.

Mr. ST. CLAIR. It is?

Mr. BUTTERFIELD. Yes indeed.

Mr. ST. CLAIR. Did you talk with Mr. J. Edgar Hoover?

Mr. BUTTERFIELD. No; but I do know the rules about classifying documents.

Mr. ST. CLAIR. I see. All right.

Well, now, let's see if we can—may I have just a moment to review my notes? I hope I can finish, then, in a few moments.

Mr. DONOHUE. You may.

Mr. ST. CLAIR. I have just about two more subjects, Mr. Chairman.

With respect, sir, to a Mr. John Dean, you knew Mr. Dean, did you?

Mr. BUTTERFIELD. Yes; I did, quite well.

Mr. ST. CLAIR. And you knew that he at some point held the Office of Counsel to the President?

Mr. BUTTERFIELD. Yes; that was his title.

Mr. ST. CLAIR. According to your observation, did the President see Mr. Dean with any regularity while you were at the White House?

Mr. BUTTERFIELD. No; he did not.

Mr. ST. CLAIR. In fact, do you have a memory of Mr. Dean seeing the President at all?

Mr. BUTTERFIELD. Yes; I do have a memory.

Mr. ST. CLAIR. How many times do you recall while you were at the White House?

Mr. BUTTERFIELD. Four times, perhaps.

Mr. ST. CLAIR. Of that magnitude, in any event, is that right?

Mr. BUTTERFIELD. Yes, sir.

Mr. ST. CLAIR. And how long was Mr. Dean at the White House?

Mr. BUTTERFIELD. Mr. Dean was at the White House, as far as I know, from the spring or summer of 1970 until, I guess it was April 30, 1973.

Mr. ST. CLAIR. Over a period, then, of 3 years?

Mr. BUTTERFIELD. About 3 years even, yes.

Mr. ST. CLAIR. Now, you told us that the President seemed to you to be unusually preoccupied with the duties of his office, is that right?

Mr. BUTTERFIELD. With the Presidency and his Presidency's place in history, yes, indeed. And with his duties, too.

Mr. ST. CLAIR. From your observation, he was hardworking?

Mr. BUTTERFIELD. Very.

Mr. ST. CLAIR. Conscientious?

Mr. BUTTERFIELD. Very.

Mr. ST. CLAIR. And very sensitive to the role that his administration would play in history?

Mr. BUTTERFIELD. Yes.

Mr. ST. CLAIR. And very anxious that history would look kindly upon his administration, isn't that right?

Mr. BUTTERFIELD. Understandably; yes.

Mr. ST. CLAIR. And you noticed even some of the most minute details that he would insist on that were consistent with this view?

Mr. BUTTERFIELD. Yes.

Mr. ST. CLAIR. That he therefore would not do anything deliberately that would harm the view that history would look at his administration, is that right? In your appraisal?

Mr. DOAR. Mr. Chairman, I think that question is subject to an objection on the ground that it is argumentative and leading and cross examination.

Mr. ST. CLAIR. I suppose the record should show, Mr. Chairman, whether or not the President's counsel is entitled to cross examine witnesses called. I would just like to know whether I am or not. If I am not entitled to, I won't. If I am entitled to, then I would like to be able to do so.

Mr. DONOHUE. Mr. St. Clair, permit me to read the rule.

Rule No. 4. The President's counsel may question any witness called before the committee subject to instructions from the chairman or the presiding member respecting the time, scope, and duration of the examination.

It does not include cross examination.

Mr. ST. CLAIR. I would like to solicit—

Mr. DONOHUE. I am merely quoting the language and the language makes no mention of cross examination.

Mr. LATTI. Mr. Chairman, Mr. Chairman, Mr. Chairman.

Down on the end. Point of clarification.

When the matter of questioning witnesses was on the floor the day before yesterday, when we had a vote, and Mr. Rhodes was examining Mr. Rodino concerning the cross examination of witnesses, the matter of cross examination of witnesses did come up and he was assured that there would be cross examination.

Mr. DONOHUE. I am merely reading to the committee members the language that is incorporated in the rules as they were adopted by the committee.

Mr. LATTI. But, Mr. Chairman, the chairman of this committee was explaining the rules to the House of Representatives.

Mr. SEIBERLING. Mr. Chairman.

Mr. DONOHUE. Permit me to yield to Mr. Kastenmeier, who is the chairman of the committee that drew these rules. He probably might clarify it for us.

Mr. KASTENMEIER. Mr. Chairman, the word "questioning" was intentionally used as not meaning cross examination and as a matter of fact, when the rules were adopted, at least one member proposed to amend those rules by suggesting cross examination and that amendment was rejected by the full committee. Therefore, under no stretch of the imagination can the word used in the rules be construed to be cross examination.

Mr. RAILSBACK. Mr. Chairman.

Mr. DONOHUE. Mr. Railsback.

Mr. RAILSBACK. Mr. Chairman, I want to emphatically disagree with the construction just placed on by my chairman. I was the ranking member of the subcommittee. When this came up, I specifically examined in the light of the Dennis amendment. I asked Mr. Jenner, who was sitting down in the chair right in front, if there was anything in that rule that would prevent a man from cross-examining. The answer was that of course, there was not. And we can check the record. We can go back and actually check the record.

That is why I supported you, Mr. Chairman, because I was convinced there was nothing that would prevent a cross-examination.

Now, it may be that the Chair has to permit that kind of an examination. In other words, the Chair does have control. But the use of the word "question" certainly does not, in my opinion, necessitate just a direct examination or preclude a cross-examination.

Mr. FLOWERS. Mr. Chairman.

Mr. SEIBERLING. Mr. Chairman.

Mr. DONOHUE. Mr. Seiberling.

Mr. SEIBERLING. Mr. Chairman, the record will be absolutely dispositive of what we discussed, but it seems to me that when we adopted this rule in the full committee, we had a considerable discussion of this subject of cross-examination and it was clearly understood that we were not extending the right of cross-examination.

Furthermore, in response to the gentleman from Ohio, I was on the floor yesterday and I heard the remarks of the chairman. All the chairman did was repeat what is in the rules and said that the President's counsel would have the right to question witnesses, and that is all he said.

Mr. RAILSBACK. Would the gentleman yield?

Mr. SEIBERLING. And in any event, he could not overrule the rules adopted by the full committee.

Mr. RAILSBACK. Will the gentleman yield?

Mr. SEIBERLING. Yes.

Mr. RAILSBACK. I appreciate your yielding.

I would just suggest that if there is any doubt about this, we do have records and we can go back and we can see the question that was put to our staff and the answer that he gave.

Mr. DANIELSON. Will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from California.

Mr. DANIELSON. I might as well add to the record here a bit. The record will show that I vigorously opposed the President's counsel having the opportunity to question witnesses at all. In connection with the debate which followed, the Chair assured me and reassured me that the Chair would control the extent, scope, and nature of the questioning by the President's counsel in order to prevent this from becoming a trial. And that again was discussed in the subcommittee, of which I was a member, though not of very great rank. It was clearly deemed—my objection was that our constitutional power here is simply that of an inquiry. The Senate has the sole power to try impeachments, and we must avoid anything which would even give the color of a trial to these proceedings.

I respectfully submit that cross-examination would. I yield back to Mr. Mann.

Mr. MANN. Mr. Chairman.

Mr. FLOWERS. Mr. Chairman.

Mr. DONOHUE. The Chair recognizes Mr. Mann.

Mr. MANN. Point of inquiry, Mr. Chairman. Does Mr. St. Clair take the position that he has not been cross-examining the witness?

Mr. ST. CLAIR. Do you want me to respond, sir?

Mr. DONOHUE. Would you respond to Mr. Mann's question?

Mr. ST. CLAIR. I believe I have been, but I am seeking the rule of the Chair with respect to whether, from now on, whether I will be permitted to cross-examine.

Mr. DONOHUE. I think Mr. St. Clair would agree that the Chair has given him wide latitude.

Mr. ST. CLAIR. That is correct.

Mr. MANN. Does Mr. St. Clair also agree that there is such a thing as an argumentative question even during cross-examination.

Mr. ST. CLAIR. Quite clearly.

Mr. MANN. Very good.

Mr. LATTI. Mr. Chairman.

Mr. DENNIS. Mr. Chairman.

Mr. McCLORY. Mr. Chairman.

Mr. DONOHUE. Mr. McClory.

Mr. McCLORY. Thank you, Mr. Chairman.

I know what we are interested in here. I am sure on both sides, is getting at the truth. I think it is important that the questioning, while it may not be technically described as cross-examination and I think for that reason the expression "cross-examination" was eliminated from the rules, nevertheless, the questioning which we want to have here is questioning which is going to bring forth the truth from the witnesses.

Now, there were a number of questions which I thought were objectionable on the part of our own counsel, including our own minority counsel, calling for conclusions on the part of the witness which would be highly objectionable from the standpoint of direct examination. Nevertheless, that type of question—

Mr. DONOHUE. Did the gentleman object?

Mr. McCLORY. No. That type of question was asked. I did object at one point to an earlier question but I felt that wide latitude was going to be exercised and I think it disconcerts the questioner if you interpose an objection. Sometimes he loses his train of thought. I would not want that policy to apply with respect to the President's counsel.

As a matter of fact, and as a matter of precedent, the precedents do frequently use the expression "cross-examination" in granting wide latitude to the respondent and to his counsel to engage in cross-examination in connection with an impeachment inquiry. That, it seems to me, is what we should pursue here, the precedents upon which our rule is based and the latitude that we want to extend in order to arrive at the truth in this hearing upon which we can go to the floor of the House of Representatives.

Mr. DONOHUE. The matter before the Chair now is on the objection raised by Mr. Doar and the Chair is inclined to sustain the objection.

Mr. LATTI. Mr. Chairman.

Mr. DENNIS. Mr. Chairman.

Mr. MARAZITI. Mr. Chairman.

Mr. DONOHUE. Mr. St. Clair will continue his questioning.

Mr. ST. CLAIR. I have no further questions.

Mr. RANGEL. Mr. Chairman, I ask unanimous consent that the President's counsel be allowed to ask his final question.

Mr. McCLORY. Will the gentleman yield? I understood he had two areas he wanted to cover.

Mr. DONOHUE. The Chair had no intention of cutting off Mr. St. Clair from asking what questions he asked.

Mr. RANGEL. May I be heard, Mr. Chairman?

We have gone through this. Mr. Mann has asked Mr. St. Clair as to whether or not he feels he has been cross-examining this witness. I recognize that members of this panel have a serious parliamentary question. But I would just hate to see that Mr. St. Clair's last question is not answered when there is no clearcut posture taken by some of the members here. If we are talking about one or several questions, we have been here all day. I just wonder, and certainly any member can object. I am just asking for unanimous consent to allow the President's counsel to conclude his questioning of this witness.

Mr. HUNGATE. Would the gentleman yield?

Mr. RANGEL. I yield.

Mr. DONOHUE. Does counsel persist in his objection?

Is there any objection on the part of the members to have Mr. St. Clair proceed.

Mr. SEIBERLING. Mr. Chairman.

Mr. LATTA. Mr. Chairman, reserving the right to object. I would like to be heard on my reservation.

Mr. SEIBERLING. I believe I made the reservation first.

Mr. DONOHUE. The Chair will hear the gentleman from Ohio.

Mr. LATTA. I would like to say I shall not object. The reason I am reserving to object is to get a clarification as to procedure in the future. If we are going to have objections here by counsel from our committee and counsel on this side, we ought to know it and give both sides the opportunity to object to questions. I would like to have a ruling from the Chair on that procedure. Are we or are we not going to permit the counsel to object?

Mr. DONOHUE. Permit me to read rule 2:

Objections relating to the examination of witnesses or to the admissibility of testimony in evidence may be raised only by the witness or his counsel, a member of the committee, committee counsel, or the President's counsel, and shall be ruled upon by the chairman or the presiding member. Such ruling shall be final unless overruled by a vote of a majority of the members present. In the case of a tie vote, the ruling of the Chair shall prevail.

Mr. LATTA. So the right extends to both sides on an objection?

Mr. DONOHUE. That is right.

Mr. LATTA. Then I withdraw my reservation.

Mr. SEIBERLING. Mr. Chairman, I reserve the right to object and would like to be heard.

Mr. DONOHUE. The Chair will hear the gentleman.

Mr. SEIBERLING. It seems to me that the rule is clear that the chairman's ruling is final unless overruled by majority vote of the committee. Of course, a unanimous consent could take the place of a majority vote. But it seems to me that we have to make clear what our position is with respect to leading questions and cross examination, and there-

fore, I am going to object to the unanimous consent request in order to clarify—I object. Mr. Chairman.

Mr. WIGGINS. Mr. Chairman.

Mr. DONOHUE. Mr. Wiggins?

Mr. WIGGINS. Thank you, Mr. Chairman.

I want to make a suggestion to the Chair and to the members about this matter of cross-examining witnesses or not and the matter of interposing objections to testimony. We are all a group of lawyers here and I think we understand cross examination techniques and are able to understand the evidentiary impact of a given question. If the Chair should announce at this juncture that technical rules of admissibility and technical rules of evidence are to appertain to these proceedings, I fear, Mr. Chairman, that these proceedings are going to get embroiled, because I assure the Chairman that this member is going to start playing that game with great regularity if the other members do. I think it would be the better part of wisdom, Mr. Chairman, if you would recognize that we all understand what is going on here and let the man proceed in a reasonable sort of way until he finishes.

Now, we can attach such weight to the testimony as we see appropriate. But to adhere now to technical rules of evidence is going to invite members to raise objections and get ourselves tied down in 10 and 15 minute dialogues as to whether the objection is properly taken. That would not be productive time.

The question of the gentleman was clearly argumentative and if the Chair wished to rule it out of order on that ground, he has the right to do it. But I hope that you will not cross the bridge of ruling from the Chair that these technical objections are going to become the order of march in these proceedings, because we are not going to get through if that happens.

Mr. DONOHUE. I will ask the counsel, Mr. St. Clair, if he will refrain his question and let's proceed.

Mr. ST. CLAIR. I hope I can remember it.

Mr. DONOHUE. We will have the stenographer read it back.

Mr. ST. CLAIR. That might take her some time to find it.

Based, sir, on your observation of the President and the manner in which he conducted the affairs of the Office, would you agree that he would not deliberately do an act that would cast a reflection on his administration?

Mr. BUTTERFIELD. Based on the simple rules of logic, I would agree, yes sir.

Mr. ST. CLAIR. Thank you. That is all.

Mr. HUNGATE. Mr. Chairman, in line with the discussion just held, and I find myself in some agreement with the gentleman from California regarding technicalities that we don't want to swim in, and the gentleman from Illinois that we are seeking the truth, I am concerned. You have high priced legal—high powered legal talent, rather, on three sides of this man. I wonder whether any witness, unless we are awfully sure he knows what he is doing, should be permitted to appear here without counsel. In short, I haven't objected. If this had been my client, I would have been on my feet half the afternoon. I think witnesses who come here should be staunchly enjoined about their need for counsel. Now, you could commit a felony sitting around here under oath.

That is my suggestion, Mr. Chairman. I hope we will make sure that not only they not waive counsel but that we be reluctant to let them waive counsel.

Mr. McCLORY. Mr. Chairman, may I be recognized for 5 minutes?

The CHAIRMAN [presiding]. I am going to proceed on an orderly basis and I am going to ask the gentleman from Massachusetts if he has any questions?

Mr. DONOHUE. Thank you, Mr. Chairman.

Mr. Butterfield, it was part of your duty or duties to see that the President's daily schedule was carried out smoothly. Is that correct?

Mr. BUTTERFIELD. Yes, sir.

Mr. DONOHUE. And part of your duties were to see that the newspapers, newspaper accounts were placed on his desk the first thing in the morning. Is that correct?

Mr. BUTTERFIELD. That is correct.

Mr. DONOHUE. Was that done on June 18, 1972?

Mr. BUTTERFIELD. I can't answer for sure.

Mr. DONOHUE. The day following the break-in to the Democratic Headquarters.

Mr. BUTTERFIELD. No, it was not done on that day because the President, as I recall, was in Key Biscayne.

Mr. DONOHUE. He was what?

Mr. BUTTERFIELD. He was at Key Biscayne that weekend.

Mr. DONOHUE. At any time, to your knowledge, was the break-in brought to his attention?

Mr. BUTTERFIELD. To my knowledge, no. I mean—

Mr. DONOHUE. You weren't at Key Biscayne with him?

Mr. BUTTERFIELD. No, I was not. Mr. Haldeman was. If Mr. Haldeman traveled with the President, I did not. If Mr. Haldeman didn't, I did. One of us was always with the President.

Mr. DONOHUE. Well, now, you stated that when Mr. Haldeman would visit with the President, he had to pass through your office?

Mr. BUTTERFIELD. He didn't have to. He chose to 90 percent of the time.

Mr. DONOHUE. And in answer to one of Mr. St. Clair's statements, you stated that you were not present and you did not hear the conversation that took place between the President and Mr. Haldeman.

Mr. BUTTERFIELD. Most of the time, that is right. I have sat in on good portions of those conversations. I have a good feel for the kinds of things that are discussed. But I have certainly not been with the President even close to 72 or 62 percent of his staff time.

Mr. DONOHUE. And while Mr. Haldeman was visiting with the President, I think you stated he took rather full notes on the yellow pad that he was wont to carry into the chamber with him?

Mr. BUTTERFIELD. As a rule, he did; yes, sir.

Mr. DONOHUE. And would you have an opportunity of observing what notes he took?

Mr. BUTTERFIELD. Seldom. I have—I have. During the first year that I was there, I—let me change that. During about two-thirds of the first year, I worked directly with Mr. Haldeman. I went in with him, I learned to take notes in the same fashion that he did. I learned to sort of operate as he operated in the President's presence, for the precise

purpose, I mean so that I would not in any way inhibit the President when I worked with him.

Mr. DONOHUE. I have no further questions, at least at this time.

The CHAIRMAN. You have completed your questioning?

Mr. McClory.

Mr. McCLORY. Mr. Butterfield, the taping device that was set up in the White House was purely for historical purposes, was it not? This was to retain the President's conversations and to make a record for historical purposes?

Mr. BUTTERFIELD. I must say no one ever told me that, but you are forcing me to guess again. But I feel that my guess is right, that is what it was for. I knew that the President was conscious of these memos for the President's file, he wanted that kept—

Mr. McCLORY. Well, before the Senate Committee, Mr. Butterfield, you said "There is no doubt in my mind they were installed to record things for posterity for the Nixon library." That was the sole purpose?

Mr. BUTTERFIELD. Yes; there is still no doubt in my mind, but I must say no one ever really told me that.

Mr. McCLORY. You never talked to the President about the taping device at all, did you?

Mr. BUTTERFIELD. Only on the 1 day when I took him into the Cabinet Room, I told him then that it had been installed. I think Haldeman had told him previously. He seemed to be aware that it was ready. But I wanted to check him out on the Cabinet table buttons, and he did walk in with me and look and gave me the indication that he probably would not be pushing many buttons and that I should handle that.

Mr. McCLORY. This was a taping device that operated in the particular rooms where you, or through this system, would activate it depending upon where the President was at a particular time, is that correct? It would not operate in the Oval Room, for instance, if some stranger was in there and you didn't activate it for that room, would it?

Mr. BUTTERFIELD. No; that is right. One of the conditions was—there were two conditions. The President had to be in the Oval Office and there had to be sound.

Mr. McCLORY. Now, you say you listened to only two tapes in the course of your entire experience. Is that right?

Mr. BUTTERFIELD. That is to the best of my recollection. I could have listened once to a Cabinet Room tape, but I do remember two conversations that I had.

Mr. McCLORY. Do you recall in listening to tapes that it would squeak off and squeak on when the voice would activate it?

Mr. BUTTERFIELD. No; I don't recall that.

Mr. McCLORY. In listening to any of the tapes that you listened to, either of the tapes that you listened to, were you aware of the fact that you could not hear the voice part of the time or you could not distinguish what was being said?

Mr. BUTTERFIELD. No; I was aware of no inaudible—I was aware that it seemed to work fine.

Mr. McCLORY. Did you know, as a matter of fact, that it would not record if the voice was too low?

Mr. BUTTERFIELD. No; I didn't know that. This is the first time I have heard of that if that is a fact.

Mr. McCLORY. Well, are you aware of the fact that there are unintelligible parts in the tapes or portions that you can't hear or distinguish?

Mr. BUTTERFIELD. Yes; I am aware of what I read in the newspapers.

Mr. McCLORY. But you were not aware of that while you served as Chief of Security at the White House?

Mr. BUTTERFIELD. Well, I was not the Chief of Security, sir.

Mr. McCLORY. Well, however you described yourself. You had three categories there, did you not?

Mr. BUTTERFIELD. Well, I was responsible for—

Mr. McCLORY. One, you said, "I was in charge of Security at the White House insofar as liaison with the Secret Service was concerned."

Mr. BUTTERFIELD. Yes, sir.

Mr. McCLORY. That is what I mean.

Mr. BUTTERFIELD. But I was not, I am not a security specialist in any sense of the word.

Mr. McCLORY. So you weren't aware of those things?

Mr. BUTTERFIELD. No; I was not aware of those things. The tapes sounded fine to me, incidentally. They were very clear.

Mr. McCLORY. With respect to the dictabelts and the yellow pads that you collected or that were collected for Rose Mary Woods, those would be there what, every day or every couple of days?

Mr. BUTTERFIELD. Every couple of days. Oftentimes, the President hadn't gone through one yellow sheet and he may keep it for several days.

Mr. McCLORY. And when he finished, for instance, a dictabelt, it would be there from the night before and it would be there the following morning?

Mr. BUTTERFIELD. Unless he handed it personally to Rose Woods.

Mr. McCLORY. Then she would transcribe it then in the regular order as far as you know?

Mr. BUTTERFIELD. I can't—I don't—I had better not say anything.

Mr. McCLORY. It went to Rose Mary Woods for transcription?

Mr. BUTTERFIELD. Yes; Rose Woods and then eventually three other ladies. But initially, only Rose typed the President's dictabelts.

Mr. McCLORY. Now, in connection with your determination of this 70 percent or this 72 percent and these various percentages of time that Mr. Haldeman saw or was with the President, did you take occasion to check any of the logs of the White House?

Mr. BUTTERFIELD. No, I do not have access to any of the logs at the White House.

Mr. McCLORY. Did you request the right to examine the logs in order to prepare that kind of an estimate?

Mr. BUTTERFIELD. No, I did not. No, these are—

Mr. McCLORY. This is just a guess on your part?

Mr. BUTTERFIELD. That is right. But I do say—

Mr. McCLORY. You don't have any notes or records of yourself?

Mr. BUTTERFIELD. No.

The CHAIRMAN. The time of the gentleman has expired.

Mr. Brooks?

Mr. BROOKS. No questions, Mr. Chairman.

The CHAIRMAN. Mr. Smith.

Mr. SMITH. Mr. Chairman, I have just a couple of questions.

Mr. Butterfield, you testified as to the percentage of time that the President spent with various members of his staff, but if you can give an estimate of this, how much time everyday on the average did the President give to the staff? For instance, Mr. Haldeman took up about 72 percent of how much time when the President was busy with other things beside the staff?

Mr. BUTTERFIELD. Of course here, I meant 72 percent of the total time the President gave up to his staff members. If you are asking me the average time, I would say—again, I hope you all understand, you are forcing me to use my best judgment, which is nothing more than a guess.

Mr. SMITH. I do.

Mr. BUTTERFIELD. But it is a good guess, because I think I am in a position to guess as closely as anyone.

Mr. SMITH. Well, for instance, would you say that he gave up half the day to staff or a quarter of the day or 2 hours every day? What would be average, would you guess? While he was talking to staff?

Mr. BUTTERFIELD. I would say about 3½ to 4½ hours, anywhere from a third to—a third of a day, perhaps a little over. He just spent a fantastic amount of time with Mr. Haldeman.

Mr. SMITH. It looks as though Mr. McClory's 5 minutes is just up.

You testified, Mr. Butterfield, that one of the tape recorders malfunctioned one time that you remember. Can you tell, how was that discovered?

Mr. BUTTERFIELD. No, I cannot recall. I just remember Mr. Wong telling me. I think he told me on the telephone. He told me that it was a morning up until 1:20 or something like that, 2 o'clock in the afternoon, that was missing.

Mr. SMITH. But he didn't tell you how it malfunctioned or how they discovered it?

Mr. BUTTERFIELD. Yes—well, the fellow who checks the tapes discovered it, and evidently, someone put the thing on backwards. I don't understand tapes.

Mr. SMITH. Did the people who checked the tapes and changed them and so forth, did they work 7 days a week?

Mr. BUTTERFIELD. Well, the Secret Service was on call, as was everyone, 7 days a week. I don't know if those individuals were.

Mr. SMITH. I wondered if they worked on Sunday, for instance, the people that changed the tapes on all of the recorders?

Mr. BUTTERFIELD. Well, I am sure that they—well, I am not sure of anything.

Yes, I think they worked on Sundays. I worked every Sunday.

Many people worked every Sunday. There was always someone in Mr. Wong's office. But I can't say that, I can't say for sure that they were there every Sunday. I would certainly think that the Secret Service would be on duty 7 days a week.

Mr. SMITH. Did they run the same system, do you know, in the Executive Office Building as they did in the White House, in the Oval Room?

Mr. BUTTERFIELD. The answer is, I don't know.

Mr. SMITH. I think you testified that there came a time when Cabinet members had to get approval from you for foreign travel.

Mr. BUTTERFIELD. That is correct. But it was approval from the President.

Mr. SMITH. That is what I was going to ask you. Did you check with the President in that regard?

Mr. BUTTERFIELD. No, I did not. There were a number of things that I could, on which I could speak for the President. That was one of them.

Mr. SMITH. That is all.

Mr. McCLORY. Will you yield to me if you have some time left?

Mr. SMITH. Yes.

Mr. McCLORY. The gentleman is yielding to me, Mr. Chairman.

Could I ask you this, Mr. Butterfield? Mr. Haldeman kept logs and you had logs of the President and Mr. Ehrlichman. Did you keep any logs yourself?

Mr. BUTTERFIELD. No; I did not.

Mr. McCLORY. In connection with the \$350,000 that you handled, did you regard that as a political fund?

Mr. BUTTERFIELD. I suppose so. I didn't give it very much thought. It was described to me as a reserve fund, as Haldeman's reserve fund or Haldeman's contingency fund.

Mr. McCLORY. Did you ever report that or file any report to make any accounting?

Mr. BUTTERFIELD. No.

Mr. McCLORY. Did you check the law as to what legal restraints there might be on the handling of the receipt or the disbursement of funds?

Mr. BUTTERFIELD. No; I did not.

I would like to go back and clarify something I may have answered erroneously.

I said I kept no logs. I did keep a good many of my memos, which Mr. St. Clair mentioned, so to the extent that those are logs or records, I do have those. I have a good many memos that Haldeman sent to me or memos that I sent to Haldeman and he returned to me, which had humorous remarks on them or something.

Mr. McCLORY. Let me just ask one more question. With regard to the daily summary of the news with the markings on them, did that go into this historical recordkeeping that you had of the President's papers?

Mr. BUTTERFIELD. I can't say.

Mr. McCLORY. That is all, thank you.

Mr. BUTTERFIELD. That is the kind of thing that should go in there, yes, sir.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. Edwards?

Mr. EDWARDS. Mr. Chairman, in the interest of moving the proceedings along, I will forgo some penetrating questions that I had in mind.

The CHAIRMAN. Mr. Railsback.

Mr. RAILSBACK. No questions, Mr. Chairman.

The CHAIRMAN. Mr. Hungate?

Mr. HUNGATE. Would you tell us, Mr. Butterfield, do you know whether the Attorney General or any other employee of the Justice

Department had knowledge of this Presidential taping system prior to March 13, 1973, if you know?

Mr. BUTTERFIELD. I don't know.

Mr. HUNGATE. Was Mr. Wong the man in charge of the tapes?

Mr. BUTTERFIELD. Yes; he was the technical expert in charge until he was succeeded by a Mr. Lou Simms. Mr. Lou Simms took over the Technical Security Division something like, I don't know, 6 or 7 or 8 months before the first term ended.

Mr. HUNGATE. I am trying to get some time there. Then Mr. Wong was in charge from 1969, the beginning of the administration, until about when, please?

Mr. BUTTERFIELD. I don't really know. I would be very fuzzy on that. He was transferred to the headquarters of the Secret Service, I think sometime about the summer of 1972.

Mr. HUNGATE. And he was succeeded by Mr. Simms?

Mr. BUTTERFIELD. By Mr. Lou Simms who became Chief of the Technical Security Division.

Mr. HUNGATE. Did anyone follow Mr. Simms on that job while you were there?

Mr. BUTTERFIELD. No; no one.

Mr. HUNGATE. Thank you.

Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Wiggins?

Mr. WIGGINS. Thank you, Mr. Chairman.

During the time that you were in the White House, Mr. Butterfield, did you ever have a personal discussion with the President concerning what is now known as the Watergate break-in or its aftermath?

Mr. BUTTERFIELD. No; never.

Mr. WIGGINS. Did you on occasion sit in on conversations with others held with the President?

Mr. BUTTERFIELD. Yes; I did.

Mr. WIGGINS. Were you present at any time when a conversation occurred with respect to the Watergate break-in or what is now known as its aftermath?

Mr. BUTTERFIELD. No, sir.

Mr. WIGGINS. You had charge of the out basket. Did you read the documents which were in the out basket before you distributed them?

Mr. BUTTERFIELD. Before I stamped them and sent them back to the staff secretary? No; I glanced at them. I checked for comments, the President's comments.

Mr. WIGGINS. Do you recall seeing any document which came out of that out basket which, in any way, related to what is now known as the Watergate break-in or its aftermath?

Mr. BUTTERFIELD. No; never.

Mr. WIGGINS. That is all, Mr. Chairman.

The CHAIRMAN. Mr. Conyers?

Mr. CONYERS. Mr. Chairman, I don't have any questions.

The CHAIRMAN. Mr. Dennis?

Mr. DENNIS. No questions, Mr. Chairman.

The CHAIRMAN. Mr. Waldie?

Mr. WALDIE. No questions.

The CHAIRMAN. Mr. Fish.

Mr. FISH. Thank you, Mr. Chairman.

On this one matter, Mr. Butterfield—I want first of all to thank you very much for your testimony. When you were telling us about the E. Howard Hunt consultant to the White House episode, did I understand you in essence to say that it was in June of 1972 that you were advised by Mr. Wong that Mr. Hunt is on the rolls—I think that is the language you used—“on the rolls.” And did you understand that from Mr. Wong to mean that Mr. Hunt was presently, at that time, in June 1972, on the rolls, or was he referring to an earlier time?

Mr. BUTTERFIELD. I am not sure I remember him saying “on the rolls,” but he said, he is one of our people, he is one of our consultants, or one of the consultants. I did understand him to be speaking, yes; present tense, that he said he was there at that time.

Mr. FISH. And that conversation took place in June 1972?

Mr. BUTTERFIELD. Within about 36 or 48 hours after the break-in was on the radio or wherever, yes, sir.

Mr. FISH. Thank you very much.

I yield to the gentleman from California.

Mr. WIGGINS. I thank the gentleman for yielding. It will take just a moment.

Mr. Butterfield, did you read these news summaries yourself?

Mr. BUTTERFIELD. Not always. In fact, I would say all the way through about 50 percent of the time.

Mr. WIGGINS. You recall the occasion of Mr. Kleindienst's nomination and confirmation hearings in the Senate, do you not?

Mr. BUTTERFIELD. I recall that it was a long drawn out affair.

Mr. WIGGINS. Yes; do you have a personal recollection of the details or contents of a news summary in which the testimony of Mr. Kleindienst was related in that news summary?

Mr. BUTTERFIELD. No; I don't.

Mr. WIGGINS. Thank you.

The CHAIRMAN. Mr. Fish still has the floor.

Mr. FISH. No further questions.

The CHAIRMAN. Mr. Flowers.

Mr. FLOWERS. No questions, Mr. Chairman.

The CHAIRMAN. Mr. Mayne.

Mr. MAYNE. Thank you, Mr. Chairman.

Mr. Butterfield, with regard to the Greek symbol “pi” or the Arabic letter “p”, do I correctly understand your testimony to be that you have no recollection that those symbols were on the papers which passed through your office in the regular manner?

Mr. BUTTERFIELD. No; they were definitely not on the papers which passed through my office in the regular manner, having come from the staff secretary.

Mr. MAYNE. They would be on some paper which a staff member would take in to refer to while he was conferring with the President, and then the staff member would bring that paper out of the Oval Office again with him when the meeting was concluded?

Mr. BUTTERFIELD. Yes. But I would not even be privy to Mr. Ehrlichman's staff papers, only oftentimes to Mr. Haldeman's. Because I frequently was the one who took them in and reviewed those things with the President. Oftentimes, Haldeman would come down with

all of his papers marked "P" and say, you do this. Or Higby would say, you cover these with the President, I have to go someplace. That is the only time I saw that. I would not see anyone else's staff papers.

Mr. MAYNE. But at any rate, those papers with those particular marks on them would never get in the regular channels of the Presidential papers which crossed your desk?

Mr. BUTTERFIELD. They would not, that is right.

Mr. MAYNE. Thank you.

The CHAIRMAN. Mr. Mann.

Mr. MANN. Mr. Butterfield, in connection with your assertion that Mr. Haldeman never withheld anything from the President, were there ever any incidents during your tenure at the White House where a staff memorandum came down or complaints were received or your associates complained or the President sent out word that people were withholding information from the President?

Mr. BUTTERFIELD. No; if I understand your question correctly, I don't remember any such incident.

Mr. MANN. No complaints ever found their way to you or no other staff member ever mentioned to you that he was called on the grill because he was withholding any information from the President?

Mr. BUTTERFIELD. Now, I am not altogether sure that I understand you right. Complaints on the part of, say, Members of the Congress that they weren't getting—

Mr. MANN. No; originating from the Oval Office, any complaints about lack of communication or withholding of information?

Mr. BUTTERFIELD. No; I would say the President was fairly well informed. Everything I am saying to you, incidentally, is judgment, guess. I don't claim to be, to have precise knowledge. I am skittish now, having been interrogated so well by President's counsel.

Mr. MANN. You are not aware of Mr. Haldeman ever chaffing over the fact that the President had fussed at him about not revealing information to him about what was going on?

Mr. BUTTERFIELD. I am not hearing you very well, sir.

Mr. MANN. Mr. Haldeman never communicated to you any revelation that the President had fussed at him about not revealing information to the President?

Mr. BUTTERFIELD. Oh, no, no.

Mr. MANN. Thank you.

That is all.

The CHAIRMAN. Mr. Hogan?

Mr. HOGAN. Thank you, Mr. Chairman.

Mr. Butterfield. I understand the gist of your testimony that Mr. Haldeman took no decisions, made no decisions without the President's knowledge. He was consulted, he consulted the President about all sorts of details and made no decisions on his own without the President's knowledge. Is that the gist of your testimony?

Mr. BUTTERFIELD. Well, no decisions that affected anything other than the staff. Haldeman might make a decision with regard to the new Presidential limousine, that the radio would be on the left or the right, because he knew what the President preferred in the limousine.

Mr. HOGAN. Then I think we can assume that Mr. Haldeman had more authority at the White House than you had?

Mr. BUTTERFIELD. Absolutely. More than anyone.

Mr. HOGAN. Yet you could make decisions without consulting the President whether or not a Cabinet official could travel around the world?

Mr. BUTTERFIELD. That is correct, and a number of other things.

Mr. HOGAN. It seems paradoxical to me.

Mr. BUTTERFIELD. Because I had some functions to perform and Mr. Haldeman did not. Mr. Haldeman was to be free. He was the sounding board, he was the strategic planner. He made a number of decisions with regard to plans, but he took them in and got the President's OK before he implemented them.

Mr. HOGAN. So you could make decisions without consulting the President and he had to always consult the President?

Mr. BUTTERFIELD. He didn't make decisions. Whether he consulted the President or not, he didn't make any decisions.

Mr. HOGAN. I understand.

You did make decisions, but he didn't?

Mr. BUTTERFIELD. That is right. Almost everyone on the White House staff made decisions within his bailiwick and I happened to make a number on behalf of the President.

Mr. HOGAN. You indicated that Pat Buchanan had a very special relationship with the President?

Mr. BUTTERFIELD. Yes; he did.

Mr. HOGAN. Would you explain that to us?

Mr. BUTTERFIELD. Pat Buchanan is especially well thought of by the President and in addition to being a speechwriter, he is one on whom the President calls frequently to sort of assess the entire situation, the political situation or what he thinks the President should do at the time, a trip through the South, a trip overseas, a gathering of Governors or whatever. He uses Mr. Buchanan in some ways as he uses Mr. Haldeman, as sort of a sounding board. He values his judgment.

Mr. HOGAN. Yet Mr. Buchanan had no ready access to the President without going through you or one of the other people, and the President could never talk to him at night or Mr. Buchanan could never talk to him at night without going through you?

Mr. BUTTERFIELD. Yes; but I am not setting myself up as someone who—

Mr. HOGAN. I am just trying to determine whether or not because of the special relationship, it seems to be contradictory with the others.

Mr. BUTTERFIELD. Very few people saw the President. You didn't ask me that, but I could tell you about how often people saw the President. Mr. Buchanan, in a normal year, would probably see the President on business once a month, 12 times. And he did communicate to the President by memo frequently. And the President always had access to him by telephone.

Mr. HOGAN. I can't recall whether he was in the percentile breakdown.

Mr. BUTTERFIELD. No.

Mr. HOGAN. He was not?

Mr. BUTTERFIELD. No.

Mr. HOGAN. So even though he had this very, very close relationship with the President, he spent no staff time in your percentage breakdown with him?

Mr. BUTTERFIELD. No, very little, about 12 times a year. And those were in the process of developing a speech.

Mr. HOGAN. But that time didn't count at all, the time he would be going over speech material? You allocated no percentage to that time in consultation with the President?

Mr. BUTTERFIELD. Well, I was trying not to include all the staff members. I didn't include myself, and I was probably in an average of 25 minutes a day. Or 20 minutes a day, perhaps.

Mr. HOGAN. OK.

Mr. BUTTERFIELD. It was a negligible percentage, sir.

Mr. HOGAN. When was the last time you saw Mr. Haldeman?

Mr. BUTTERFIELD. Well, I don't remember. It was before I left the White House.

Mr. HOGAN. Before you left the White House. You have had no dealings with him since the White House. What is your present relationship with him?

You indicated that you previously had been friends. Is it safe to assume, then, that you no longer are friends?

Mr. BUTTERFIELD. No, that is not safe to assume. That is not at all accurate.

Mr. HOGAN. How long a period of time has that been since you have talked to him? You said it was since before you left the White House.

Mr. BUTTERFIELD. After I left UCLA, that was about 26 years. I simply knew him through the two girls who were friends and we both married the girls that we were going with at the time. I think the ladies corresponded during Christmas time.

When I was in the White House for those 4 years and 2 months, or 1 month, I saw Mr. Haldeman frequently, although sometimes I went as much as 2 weeks without doing business with him. But I saw him frequently.

Mr. HOGAN. But you have no social relationship with him now?

Mr. BUTTERFIELD. I do consider him to be a good friend, but—

Mr. HOGAN. So there is no personal rancor that might—

Mr. BUTTERFIELD. Oh, no.

Mr. HOGAN. At this present time?

Mr. BUTTERFIELD. I should think not.

The CHAIRMAN. The time of the gentleman has expired.

Mr. Sarbanes?

Mr. SARBANES. Thank you, Mr. Chairman.

Mr. Butterfield, I think you said it was in January 1970 that you moved into the office next to the Oval Office, is that correct?

Mr. BUTTERFIELD. It was about that, yes, sir.

Mr. SARBANES. And then Mr. Haldeman went down the hall to what had been the ceremonial office for the Vice President?

Mr. BUTTERFIELD. That is correct.

Mr. SARBANES. Who was on the second floor of the White House? What is the comparable floor plan for the second floor to the one you have given us for the first floor? If you could do that, I would appreciate it.

Mr. BUTTERFIELD. The Director of the Office of Management and Budget was over in this corner, George Shultz, later Weinberger, now Ash. I don't know whether he is there now or not.

Mr. Rumsfeld, counselor to the President, or Assistant to the President with counsel rank, was in this corner.

Mr. DANIELSON. Is that directly over Mr. Haldeman?

Mr. BUTTERFIELD. Yes, directly over Mr. Haldeman.

I was upstairs here, right over Rose Woods, before I moved down, and that office that I was in was taken over by Mr. Finch when he came from HEW.

Ehrlichman was roughly over the Oval Office. Flanagan was in this corner.

So you had Ehrlichman and Ken Cole here [indicating] Finch here, Rumsfeld here, a stairway in this area, Director of the Office of Management and Budget here, and Flanagan over in this corner.

Mr. SARBANES. Was there a further floor to the White House, to the west wing of the White House, up above that one?

Mr. BUTTERFIELD. No.

Mr. SARBANES. I have no further questions, Mr. Chairman.

The CHAIRMAN. Mr. Butler?

Mr. BUTLER. No questions, Mr. Chairman.

The CHAIRMAN. Mr. Seiberling?

Mr. SEIBERLING. Mr. Butterfield, in response to questioning by Mr. St. Clair, you said yes in answer to questions as to whether you were in—you said no in response to questions as to whether you were in a position to observe the manner in which Mr. Haldeman and the President worked up decisions when they were meeting between themselves. In giving that answer, did you mean to indicate that you had no other opportunity to observe Mr. Haldeman's role in the decisionmaking process?

Mr. BUTTERFIELD. No, I didn't mean to indicate that. I appreciate your asking the question.

Mr. SEIBERLING. Could you tell me what sort of opportunities you did have to observe Mr. Haldeman's role in the decisionmaking processes.

Mr. BUTTERFIELD. On some occasions, I sat in on portions of these meetings with the President and Haldeman. I might be in for 5 minutes, I might be in for 10. Sometimes I was in for 10. Sometimes I was in for the entire time, whatever that might be.

I met with Haldeman frequently enough to know the kind of things he was taking up with the President. Haldeman, for quite a long time, had one meeting a week with those that we called informally his lieutenants, or his deputies, those that I mentioned in the chart—Malek and Chapin and Colson and Dean and Ray Price and myself. Haldeman frequently stopped and spoke to me as he went into the President's office and as he came out. I talked daily, many times, to Larry Higby and I knew, as I said earlier, Higby was to Haldeman what Haldeman was to the President. I had a very good feel for the kind of things that were going on in Haldeman's office.

Because I was in and out of the President's office and looking at all of the information in his out basket, in reading the yellow sheet oftentimes, I just felt as though I were quite well abreast of what was going on, what was being discussed with him. But I have to agree with Mr. St. Clair, I was not there during these many, many hours that the two conversed.

Mr. SEIBERLING. Well, what you are telling us is that through 4 years of, or 3 years of associating with them in the position you were in, you picked up a pretty good idea of how Mr. Haldeman and the President worked in working up decisions? Is that what you are telling us?

Mr. BUTTERFIELD. Yes, and I think it was as good an idea as anyone has. And I would say 4 years and 2 months rather than 3, because that first year, I was really working with Mr. Haldeman, watching him take his notes, watching him check off the things that he had talked with the President about, knowing the kind of responses he was getting from the President, seeing the kinds of directions that emanated.

Mr. SEIBERLING. Have you read any of the published transcripts of the tapes?

Mr. BUTTERFIELD. I may have read a total of five pages. I just haven't read much at all. I have just glanced.

Mr. SEIBERLING. In going through the tapes here and the transcript, I have been somewhat surprised at the President's manner of speaking, a seeming incoherence of speaking style, interrupting himself in midsentence, giving instructions by indirection rather than spelling it all out. I wonder if, from your observation, this was the President's customary way of speaking or did he have a different style when he was speaking in different places?

Mr. BUTTERFIELD. I will give you my honest impression of what I have seen in the tapes. I said about 10 pages of the book, but I have read newspaper accounts.

Mr. SEIBERLING. Forgetting what you saw in the tapes, could you give me an explanation, give us an explanation or your impression, rather, as to whether the President customarily, when he was speaking informally, spoke in a kind of staccato, almost incoherent style, or did it vary from time to time and place to place?

Mr. BUTTERFIELD. No, I didn't think it varied. In those kinds of sessions, he sounded much like that, asking lots of questions, interrupting and not completing sentences. Except that—except that to read those transcripts, that appears as though he were not in charge and that is erroneous. He was very, very much in charge and everyone in that office was aware of it and you do not get that impression from those transcripts.

But the other part of the question was that that was his habit, that was his way of answering his own questions and breaking off in midsentence. So the characteristic is true, is accurate. Yet something is missing there.

The CHAIRMAN. The time of the gentleman has expired.

Mr. Cohen?

Mr. COHEN. Thank you, Mr. Chairman.

Mr. Butterfield, how much time did the President spend in the Lincoln Room? On a daily basis?

I was wondering why that room happened to be taped or tapped, a particular phone in that room.

Mr. BUTTERFIELD. Oh, the telephone? If he were not in the Executive Office Building office in the evening, after dinner, and he was there most of the time, 3 or 4 nights out of the week, then after dinner

in the residence, he was in the Lincoln sitting room. That was his favorite room on the second floor, I gather.

Mr. COHEN. Is it fair to say that is where he would make most of his phone calls from when he was not either down in the Oval Office or in the Executive Office Building?

Mr. BUTTERFIELD. I can't be positive of that. There are phones all over the second floor, but he did spend a good bit of time there.

Mr. COHEN. That is where he would do his work?

Mr. BUTTERFIELD. That is where he usually did his work. That is where the briefcase was. I have been up there a number of times and go to him with papers when he was in there.

Mr. COHEN. And that phone was tapped?

Mr. BUTTERFIELD. Yes, that is one of the phones.

Mr. COHEN. You have also mentioned that you are the one who set up the taping system at Camp David, correct?

Mr. BUTTERFIELD. Yes, I was the one who gave the instruction.

Mr. COHEN. Do you know of your own knowledge whether or not there were conversations actually taped while the President was at Camp David?

Mr. BUTTERFIELD. I don't know. It sounds ridiculous that I don't, but I don't know for sure.

Mr. COHEN. Would it be the habit of the Secret Service to have those tapes forwarded to the White House to be cataloged with others?

Mr. BUTTERFIELD. Oh, yes, they were the same Secret Service individuals. I alerted them to the fact that the President was en route or about to go or scheduled to go and they would execute up there in advance, hurriedly, and get that system hooked up. So those are filed along with the others.

But the President didn't meet with people, often, in that study, really. Then he began using other cabins. He began doing his work in other cabins at Camp David.

Mr. COHEN. And the phones were also tapped at Camp David?

Mr. BUTTERFIELD. Yes.

Mr. COHEN. And those phones would be recorded as well?

Mr. BUTTERFIELD. In the cabins, yes, that is right.

Mr. COHEN. I notice you were testifying from notes earlier. Is that correct?

Mr. BUTTERFIELD. I started the rundown on the \$350,000 story from notes, but—

Mr. COHEN. Were those notes made prior to your testimony before the Senate or for this particular—

Mr. BUTTERFIELD. No, they were made this weekend, all of these notes. The answers to anticipated questions, notes that I had, so that I wouldn't delay the proceeding. These are all mine, all recently.

Mr. COHEN. That is all I have.

The CHAIRMAN. Mr. Danielson?

Mr. DANIELSON. Mr. Butterfield, I direct your attention to your testimony about the Presidential news summary of about 80 pages, which is on his desk. In going through that after it came out to your office, did you ever note whether this summary included news stories, recaps of information about the Watergate and the events following the Watergate?

Mr. BUTTERFIELD. Yes, they did.

Mr. DANIELSON. Did you note whether the news summaries gave a fairly accurate representation of a cross-section of the news of the day, whatever that might be?

Mr. BUTTERFIELD. In my opinion, that was the outstanding feature of the news summary.

Mr. DANIELSON. During the year or approximately a year following the Watergate burglary, 9 months that you were there, did you notice that there was frequently reference to Watergate-related news stories within the news summary?

Mr. BUTTERFIELD. No, frankly, I don't recall there being Watergate-related news items in the news summary for very long after the initial break-in.

Mr. DANIELSON. Well, Watergate—the Washington Post, for example, has carried stories about an alleged coverup almost incessantly. Did you ever see such summaries within the news summary?

Mr. BUTTERFIELD. I can't recall. I can't say that I did.

I will say that many things unfavorable to the President were in the news summary. That was the good thing about it; it gave an accurate——

Mr. DANIELSON. How about the Ervin committee, stories about the Ervin committee's hearings. Were they in the news summary?

Mr. BUTTERFIELD. I can't recall. I am not even sure——

Mr. DANIELSON. How about the Dr. Ellsberg psychiatrist—the Ellsberg trial in Los Angeles?

You left there in February of 1973, I see.

Mr. BUTTERFIELD. I left that office and, yes, I wasn't reading news summaries. I was busy, as I say, studying for my confirmation hearings.

Mr. DANIELSON. You mentioned that only four people could telephone the President directly—Haldeman, Butterfield, Bull, and Rose Mary Woods, pursuant to somebody's order. Whose order?

Mr. BUTTERFIELD. I don't think there was any specific order. If there was, that was Mr. Haldeman's order and I feel certain that he would discuss something that personal with the President.

Mr. DANIELSON. Material, papers, going to the President went from staff secretary to Higby to Haldeman to Butterfield to the President to the out basket to Butterfield to the staff secretary, in that order.

Along that route, who could exercise judgment as to extracting materials? Could anyone except the originator, Mr. Haldeman, or the President exercise judgment? Could Mr. Higby?

Mr. BUTTERFIELD. No.

Mr. DANIELSON. Did you?

Mr. BUTTERFIELD. No. I wrote on some, but I would not extract a paper that Haldeman had approved.

Mr. DANIELSON. The staff secretary?

Mr. BUTTERFIELD. He might initially, yes. He might make some decision on his own not to put one in a folder. But once logged in and put in a folder, only Haldeman.

Mr. DANIELSON. In other words, except for the originator and Mr. Haldeman, the judgment was not exercised on what went into and out of the President's office?

Mr. BUTTERFIELD. Yes; that is right. The originator first, the staff secretary second, and Haldeman third, in the order of opportunity.

MR. DANIELSON. What was the distinction, if any, between who had access to the President through you or who had access to the President through Mr. Bull?

MR. BUTTERFIELD. None.

MR. DANIELSON. You sort of were coequal in that respect, were you?

MR. BUTTERFIELD. Well, they really should have contacted Mr. Bull. He was sort of the traffic cop in the who-went-in and who-went-out sense of that word.

MR. DANIELSON. You mentioned that Mr. Kissinger and Mr. Haldeman could see the President without clearance from someone else?

MR. BUTTERFIELD. Oh, yes.

MR. DANIELSON. But the others had to have clearance from someone. From whom?

MR. BUTTERFIELD. From Mr. Bull or myself.

MR. DANIELSON. In other words, if Mr. Mitchell, the Attorney General, wanted to see the President, he would have to contact Mr. Bull or you to see if he could see the President?

MR. BUTTERFIELD. Anyone outside the White House staff who wanted to see the President, in that case Bull or myself, would take it to Haldeman.

MR. DANIELSON. You would take it up with the President?

MR. BUTTERFIELD. No; we would take it to Haldeman and he might take it up with the President. Or yes, I might say, John Mitchell wanted to get in this afternoon. In that case, I might tell Haldeman to mention that to the President. But anyone outside the White House staff, then Mr. Haldeman would get involved.

MR. DANIELSON. Do you recall ever seeing a Presidential notation on a news summary relative to Watergate?

MR. BUTTERFIELD. I don't remember. In the President's handwriting, you mean?

MR. DANIELSON. Yes, a handwritten notation?

MR. BUTTERFIELD. No, sir, I don't.

MR. DANIELSON. You do not recall that there were none, but you don't recall that there were any, is that correct?

MR. BUTTERFIELD. That is correct.

MR. DANIELSON. I have no further questions.

THE CHAIRMAN. The time of the gentleman has expired.

MR. LOTT?

MR. LOTT. Thank you, Mr. Chairman.

First, Mr. Butterfield, I would like to express my appreciation to you for submitting yourself to this occasion here today.

You were phasing out in February of 1973, but you were very much aware or familiar with the President's schedule in the fall and winter of 1972 still, were you not?

MR. BUTTERFIELD. Yes; I was.

MR. LOTT. Was a great deal of the President's time spent during the late fall and winter of 1972 with briefings and matters involving the Vietnam situation, détente? What was—was that the most time-consuming activity during that period of time of the President's schedule?

MR. BUTTERFIELD. My memory doesn't serve me well enough to give you a very accurate answer to that, sir. After the Republican National

Convention, we went to California and but for one or two activities out there, there was usually a very light schedule. Beyond that——

Mr. LOTT. I am talking about——

Mr. BUTTERFIELD. I don't recall very much.

Mr. LOTT. You don't recall October, November, December?

Mr. BUTTERFIELD. No; I just can't.

Mr. LOTT. Did the President receive a number of briefings on these subjects? Do you recall that?

Mr. BUTTERFIELD. Let me back up there. Now that I realize what happened around the world at that time, and peace being about at hand, yes, I do remember the President being quite a bit more busy with Mr. Kissinger and Al Haig during those months.

Mr. LOTT. You would say it was a pretty time-consuming part of the President's schedule?

Mr. BUTTERFIELD. Yes; I would think so. But it almost always was, foreign affairs. But I would certainly guess again that during that time, yes.

Mr. LOTT. During the period of September, October, November 1972, did you have any knowledge as to how much attention the President paid to the campaign that was going on at that time? Would you care to answer that or would you like me to proceed with another question?

Mr. BUTTERFIELD. I am just at a loss as to what kind of answer to give to you. I don't know how to give you an estimate of that. That was certainly on his mind, the campaign.

Mr. LOTT. Let me rephrase the question, then.

Would you say he had more or less relinquished all control over the 1972 campaign during this period?

Mr. BUTTERFIELD. No, oh, no, I would not say that.

Mr. LOTT. He was receiving briefings and having meetings on this subject at that time?

Mr. BUTTERFIELD. Oh, yes.

Mr. LOTT. Who——

Mr. BUTTERFIELD. He was talking to Clark McGregor and talking to Mr. Haldeman and Ehrlichman about the campaign.

Mr. LOTT. This was on a regular basis during the October period of 1972?

Mr. BUTTERFIELD. I can't put my finger on a date. I would be leery of doing that, sir.

Mr. LOTT. You say you were pretty much keeping abreast of everything that was going on at the White House during this period?

Mr. BUTTERFIELD. No, not domestic issues, for instance, but the Haldeman-President relationship, paperwork going in and out, but not really——

Mr. LOTT. How about personnel matters?

Mr. BUTTERFIELD. To a degree, but not necessarily.

Mr. LOTT. But you were not aware that Mr. Hunt was on the payroll. You did testify to that?

Mr. BUTTERFIELD. I had never heard the name Howard Hunt before it was given to me on the telephone by Mr. Wong. He was a total stranger.

Mr. LOTT. In view of your situation, your location there, and what has subsequently occurred and the fact that you were staying abreast of what was going on, did you have any knowledge of the Watergate coverup?

Mr. BUTTERFIELD. Absolutely none.

Mr. LOTT. Did you have any knowledge of the plumber activities?

Mr. BUTTERFIELD. Yes; I knew there was an office where Bud Krogh and David Young worked and that they were engaged in trying to uncover the sources of leaks and that they were called, loosely, the plumbers.

Mr. LOTT. Your understanding of their duties was what?

Mr. BUTTERFIELD. What is that?

Mr. LOTT. What did you understand that the plumbers were doing? You touched on it, but did you have any idea of their real assignment?

Mr. BUTTERFIELD. Simply trying to plug leaks. That is all I know, and on one occasion, some typewriter ribbon was found out on West Executive Avenue by a policeman who turned it in to me. I called Krogh and Young and Young came over and picked it up because the Secret Service or the police had typed out what much of it said. It had to do with the questioning of the Navy admiral and the yeoman. So David Young said, you know, came and picked it up.

Mr. LOTT. But again, considering the physical location or going back to another question just briefly, your physical location and your staying away and everything you did state you had in no way any knowledge of any sort of coverup being developed around you?

Mr. BUTTERFIELD. Yes, and I would correct that impression that I was aware of everything going on. I didn't know what Mr. Malek was doing with regard to recruiting people for the next term or what the personnel office was doing in the recruiting area.

Mr. LOTT. But you were familiar with the activities generally, say, of Strachan and Chapin and Haldeman?

Mr. BUTTERFIELD. Generally, yes.

The CHAIRMAN. The time of the gentleman has expired.

Father Drinan.

Mr. DRINAN. Mr. Butterfield—

The CHAIRMAN. Before Father Drinan puts the question, might I ask the witness whether you would like a 10-minute break. I know you have been going on for about 2½ hours.

Mr. BUTTERFIELD. No; I am fine.

The CHAIRMAN. We have about another hour of questioning.

Mr. BUTTERFIELD. I am fine. I really am.

The CHAIRMAN. OK.

Mr. DRINAN. He doesn't always say that before I examine a witness.

On April 7, 1972, you indicated the circumstances when you contacted your friend and deposited that sum of money, \$350,000, and you have also stated that in your judgment, Mr. Haldeman never withheld information about anything substantial from the President. Would it be your judgment that Mr. Haldeman would have told the President about this \$350,000 received from Mr. Stans?

Mr. BUTTERFIELD. It would be my judgment, if I am free to say, that the President told him to get such a fund, to have such a fund.

Mr. DRINAN. When you heard the instruction that Mr. Haldeman wanted a man who would be free to travel, how would you construe that?

Mr. BUTTERFIELD. Someone who could leave town on a moment's notice. And they seemed to intimate that when the time came, we would want him to leap off, to spring out. We don't want someone who is involved in some work project.

Mr. DRINAN. And would you feel that Mr. Haldeman had also discussed that particular requirement of the job with the President?

Mr. DENNIS. Mr. Chairman, I am going to object to that question. I don't want to object to questions around here, Tom, but what the man feels is going pretty far.

Mr. BUTTERFIELD. Well, I didn't hear it anyway.

The CHAIRMAN. Why doesn't Father Drinan rephrase the question?

Mr. DRINAN. Would you feel that Mr. Haldeman, as you assess his character and as you have testified consistently, that he would have also discussed that qualification of the job with the President?

Mr. DENNIS. Well, I will withdraw the objection.

Mr. BUTTERFIELD. You mean the fact that this person could leave town?

Mr. DRINAN. Yes.

Mr. BUTTERFIELD. No. I just don't know. The answer to that is I don't know. I would guess that they would not get into that detail.

Mr. DRINAN. Mr. Butterfield, why did you say April 7, 1972, was not a red letter day in your life?

Mr. BUTTERFIELD. Well, I meant that I was preoccupied with a great many things. My duties didn't necessarily challenge me much, but I was a very busy person, and I worked long hours, and did just a tremendous number of things during the day. And this was a bother to me to have to leave the White House. I left the White House for lunch only four times in the 4 years, and I just was—this was not something that I was caught up in, or caught up with, or that other than seeing that money, it just—I was unimpressed and I have had nothing to do with campaigns ever in my life. And I—it just—there were many other things on my mind, and that is essentially what I meant. This was nothing special to me. I know that sounds odd and I know people looking back now visualize this person creeping across the bridge with a satchel of money, it all sounds very sinister, and I guess, looking back, it was.

I was in a hurry to get over and deliver it. I assumed it was for a good purpose. I have since related all of this to Mr. Garment. I have been told there is nothing illegal about it, and I was glad to hear that. I certainly didn't think so at the time. And people don't seem to realize that during this time, there was no scandal in government and everything that everyone did was done in the aura of of course it's legal, of course it's normal, where the President is only 20 feet away and that sort of thing.

I don't want to belabor that, because I am sure you have heard it before, but people do fail to think of the situation at the time and the environment or the atmosphere in which we were all working.

Mr. DRINAN. I understand you never discussed that subsequently with Mr. Haldeman. Did you discuss it with anybody else?

Mr. BUTTERFIELD. The \$350,000 fund?

Mr. DRINAN. Yes.

Mr. BUTTERFIELD. Yes, sir. Well, I must tell you that I mentioned it to my wife. I mentioned it to this fellow, Lilly, but I see Mr. Lilly about, oh, once every 10 days, and we might mention it or might, you know, wink at each other, or something and he wondered when his next assignment was coming up. He was eager, have satchel, will travel, and he was eager to move or do something which he thought was contributing to the campaign.

Mr. DRINAN. And that money was transferred?

Mr. BUTTERFIELD. But never to anyone else.

Mr. DRINAN. That money and cash was transferred legally to Mr. Lilly? It was in his name, the safe deposit box, the money that belonged to Mr. Stans and went to the campaign?

Mr. BUTTERFIELD. That is my understanding, but I haven't even discussed it much with Mr. Lilly on purpose.

Mr. DRINAN. I have no further questions. Thank you.

The CHAIRMAN. Mr. Froehlich.

Mr. FROEHLICH. Mr. Butterfield, you indicated that you were upset when you found out that Mr. Hunt was on the White House payroll and he wasn't on your monthly or weekly slips indicating that he was one of the employees, is that correct?

Mr. BUTTERFIELD. Yes, that is correct.

Mr. FROEHLICH. And some days after your being upset, Mr. Hunt was arrested and charged, is that correct?

Mr. BUTTERFIELD. I don't remember.

Mr. FROEHLICH. You were upset with an individual that was participating in a break-in because he was on the payroll, but you didn't investigate it any further? You had no further concern over that incident, or that name from the day in 1972 until you left in February?

Mr. BUTTERFIELD. I wasn't upset with Mr. Hunt at all. I didn't know Mr. Hunt and hadn't heard him, but I was upset, and now we are dramatizing the word upset. I was a little disappointed—although I didn't take it as anything personal. I didn't take it as though they were trying to keep it from me—but I just wondered why someone was not in that book.

Mr. FROEHLICH. The point of my question is after someone is not in that book, and after that someone was arrested, you didn't pay any more attention to that subject?

Mr. BUTTERFIELD. No.

Mr. FROEHLICH. You never heard Hunt mentioned, you never heard of the Watergate break-in mentioned, and you were in and out of the President's office, you knew what Haldeman was bringing to the President, what information he was talking about, the decisions he was asking for and you never heard of anything dealing with Watergate or the coverup from February or from June until February?

Mr. BUTTERFIELD. That's correct. I never heard anything having to do with Howard Hunt as well, and I didn't know everything that Mr. Haldeman was taking in.

Mr. FROEHLICH. OK. You also indicated that as far as, if I understood your testimony, that Mr. Haldeman was in charge of the White House, running the Re-Elect Committee. You said the Re-Elect Com-

mittee was an extension of the White House, that Mr. Haldeman was in charge of that area, did you not?

Mr. BUTTERFIELD. For the President.

Mr. FROELICH. For the President?

Mr. BUTTERFIELD. That's right.

Mr. FROELICH. So you are saying that the President ran the Re-Elect Committee?

Mr. BUTTERFIELD. Absolutely.

Mr. FROELICH. During 1972?

Mr. BUTTERFIELD. He made the big decisions, of course.

Mr. FROELICH. What would be a big decision and what would be a small decision? Give an example.

Mr. BUTTERFIELD. Anything having to do with strategy would emanate from the President and be carried to the Committee via Haldeman and Gordon Strachan. Haldeman or Gordon Strachan.

Mr. FROELICH. You said you didn't see any memos on Watergate or the coverup? Did you see any memos on the Re-Elect the President Committee, memos go in and come out?

Mr. BUTTERFIELD. No. There were no such memos going in and out of the President's office by the normal channels, if there were any at all.

Mr. FROELICH. Did you see any memos of Gordon Strachan's, political memos?

Mr. BUTTERFIELD. Going to the President?

Mr. FROELICH. Yes.

Mr. BUTTERFIELD. No. A Gordon Strachan memo would not go to the President under normal circumstances. A Gordon Strachan memo would go to Mr. Haldeman, and he would relay the information when he spoke to the President next.

Mr. FROELICH. What was your personal contact with Mr. Dean during this period of time, from June of 1972 up until you left?

Mr. BUTTERFIELD. We were friends. I saw him frequently, I guess on almost a daily basis and he was in all the meetings I attended in Mr. Haldeman's office.

Mr. FROELICH. You indicated he was sort of the staff counsel?

Mr. BUTTERFIELD. Yes; I did.

Mr. FROELICH. Do you recall, but all of the time that he was staff counsel, and you were in to meetings with him, never was there any discussion in these meetings on the Watergate?

Mr. BUTTERFIELD. Absolutely not. I said he was staff counsel, and the President didn't look to him as his counsel, and so, Dean ended up being up, in effect, the counsel to all of the staff members, advising us on conflict of interest, et cetera.

Mr. FROELICH. I have no further questions.

The CHAIRMAN. Thank you. Mr. Rangel.

Mr. RANGEL. Mr. Chairman, I have no questions, but I would be glad to yield to Mr. McClory, if he had not finished his line of questioning.

Mr. McCLORY. Well, I thank the gentleman. I have no questions at the moment. Thank you, Mr. Rangel.

Mr. RANGEL. I yield to the gentleman from California, Mr. Waldie.

Mr. WALDIE. Mr. Butterfield, just one question. In your experience, did Mr. Haldeman ever act in excess of the authority granted him by the President in any matter?

Mr. BUTTERFIELD. In my experience, no, sir.

Mr. WALDIE. I have no further questions.

Mr. RANGEL. I yield back the balance of my time.

The CHAIRMAN. Mr. Moorhead.

Mr. MOORHEAD. Yes. Mr. Butterfield, did you have a pretty good grasp of the major topics that were being discussed in the Oval Office by the President and Mr. Haldeman?

Mr. BUTTERFIELD. I would say no. My knowledge of things generally on issues was very shallow.

Mr. MOORHEAD. Was the relationship between the group there at the top, between yourself, Mr. Haldeman, and Mr. Ehrlichman, such that there was conversations between you about major events that were taking place in the campaign?

Mr. BUTTERFIELD. No.

Mr. MOORHEAD. When did you yourself first learn of the Watergate incident?

Mr. BUTTERFIELD. I don't remember whether I heard it on the radio or what. I really think it was that phone call from Mr. Wong, but I may have heard about it through the normal news channel and that was followed closely by Wong's call to me about Hunt. I can't remember how I first heard about it.

Mr. MOORHEAD. But you did have access to the President's out box, as far as any documents that might be there?

Mr. BUTTERFIELD. Yes; I did.

Mr. MOORHEAD. And to a certain extent, to the in box?

Mr. BUTTERFIELD. Well, yes. Yes; I was the in box, and there was no box, but I was the conveyor of papers.

Mr. MOORHEAD. And in all the time that you were there, you saw nothing that would indicate to you that the President knew about the Watergate before it took place?

Mr. BUTTERFIELD. No.

Mr. MOORHEAD. Or was involved in any coverup?

Mr. BUTTERFIELD. Oh, no. Absolutely not. You are correct.

The CHAIRMAN. Ms. Jordan.

Ms. JORDAN. Mr. Butterfield, in taking in signature items for the President to sign, was it his practice to read the item before signing it?

Mr. BUTTERFIELD. Some of these items were not simple documents. Some were recommendations that we give Government aid to a flooded area or a distressed area, and yes, he would sometimes read them. I would say more frequently than not he glanced at them sufficiently to know what they were and what they were about.

Ms. JORDAN. No further questions.

The CHAIRMAN. Mr. Maraziti.

Mr. MARAZITI. Thank you, Mr. Chairman.

Mr. BUTTERFIELD. I have just one point of clarification. As I understood your testimony, you said that Mr. Haldeman implemented the decisions of the President?

Mr. BUTTERFIELD. That's right. That was his sole duty, essentially speaking. He kept himself free to do that, and to follow up on those actions, which he implemented.

Mr. MARAZITI. The thing that I would like to clarify is this: Do you know of your own knowledge that each act that Haldeman performed was ordered to be performed by the President?

MR. BUTTERFIELD. No.

MR. MARAZITI. You don't know that of your own knowledge.

MR. BUTTERFIELD. No. Each act; no.

MR. MARAZITI. All right. In other words, the point I am trying to make is this: It would be possible for Mr. Haldeman to do something that the President did not order or decide?

MR. BUTTERFIELD. That is correct.

MR. MARAZITI. And then in reference to your response to the question of the gentleman from California, I think you answered in your experience, Mr. Haldeman, or from work understanding, or words to that effect, never exceeded his authority, but you can't say that you had specific personal knowledge of this by observation?

MR. BUTTERFIELD. No; I sure can't.

MR. MARAZITI. Thank you.

THE CHAIRMAN. Mr. Thornton.

MR. THORNTON. I have no questions.

THE CHAIRMAN. Mr. Latta.

MR. LATTA. Thank you, Mr. Chairman.

MR. BUTTERFIELD, I am still at a loss to know what these two documents are and what significance they have to this inquiry? Could you tell me in just about 10 seconds? It is exhibit Nos. 5 and 6.¹ What significance are they to our inquiry?

THE CHAIRMAN. I don't believe that the witness can answer that.

MR. LATTA. Let me rephrase the question. I sat here all day and heard references made to these two documents and I don't have the slightest idea what relevance they have to us. Can you explain them to us? I don't know, I am in the dark.

MR. BUTTERFIELD. No; I certainly can't. I can tell you what I thought when this came to light. It looked as though someone was trying to indicate by falsifying a memo that I had something to do with tapping telephones back in 1969.

MR. LATTA. And you don't know who this someone might be?

MR. BUTTERFIELD. No; I have no idea, but that may not be, that may not be what is behind that. I don't know. I can't imagine what.

MR. LATTA. As one member of this committee, I am with you. I don't know either.

MR. FROELICH. Would the gentleman yield?

MR. LATTA. I will be happy to yield.

MR. FROELICH. In the memo that is dated in 1970, it is not on White House stationery, and the memo dated 1969, which is evidently the forgery, is on White House stationery. Can you tell me if there is any significance to that? Do you usually write your memos on White House stationery or not?

MR. BUTTERFIELD. The reason for that, the memo dated erroneously, and I assume that is a typographical error, that is an assumption on my part, is a copy of the memo that was the original, and the originals are always on White House stationery.

The memo that is the accurate memo, the right one, that is properly dated, is a Xerox of the carbon copy.

MR. FROELICH. I see.

¹ See pp. 58 and 59.

Mr. BUTTERFIELD. That is the reason, but I am still in the dark there, and I went before the grand jury on this, incidentally, and I assume that the grand jury was interested in knowing what I knew about telephone taps, which was absolutely nothing, and this was what they were using to sort of prove their point and I hope that I convinced the jury.

Mr. LATTA. I am glad you made that statement, Mr. Butterfield, because I was in the dark, and I didn't want to be in the dark alone.

Mr. BUTTERFIELD. But there could be some other explanation.

Mr. LATTA. Let me ask you a couple of other questions. You made a statement that nothing was ever kept from the President by Mr. Haldeman. As a Member of Congress, we send a lot of communications to the President that never get there. Now, can you tell us what happens to these memos from the time they leave here until the time they get lost? That's a responsibility of Mr. Haldeman, or was it?

Mr. BUTTERFIELD. Probably ultimately, but I would guess that those things go to the Office of Congressional Affairs.

Mr. LATTA. That's where they lose them?

Mr. BUTTERFIELD. I really don't know. I can't say.

Mr. LATTA. Now, how many letters or memos or talking papers on the average each day would you pass through to the President?

Mr. BUTTERFIELD. Not talking papers. Well, yes, briefing papers, briefing papers. Probably an average of five briefing papers or four briefing papers, I will say, 25 information items, 1 eyes-only item, and 25 signature items or probably well, 20 signature items in a day and 25 information items.

Mr. LATTA. This would be the sum total passthrough to the President in 1 day's time?

Mr. BUTTERFIELD. Yes; that's about right.

Mr. LATTA. So, really, there wasn't too much being passed to the President of the United States concerning this vast bureaucracy that we operate under here, called the U.S. Government? So somebody must be stopping them along the line in addition to Mr. Haldeman; wouldn't that be a fair assumption? If the President of the United States only got what you alluded to, what I am getting at, Mr. Butterfield, is I think the impression was probably tried to be left here, which is erroneous in my humble judgment, that the President of the United States knew everything that was going on. And I am really merely pointing this out by asking the question, that the President really didn't know everything that was going on in this Government.

Mr. BUTTERFIELD. Do you want a response?

Mr. LATTA. Did you know—you made the statement that Mr. Haldeman knew everything in the White House. Did you make that statement? Everything that was going on in the White House, that Mr. Haldeman knew?

Mr. BUTTERFIELD. Well, I don't want to stand up to the word everything. I may have said that, and if I said it, I meant it. I think you, most people know what I meant, when I said that. Mr. Haldeman was the chief of staff. He kept abreast of things and I think the President, incidentally, was extremely well informed.

The CHAIRMAN. The time of the gentleman has expired.

Mr. Mezvinsky.

Mr. MEZVINSKY. Mr. Butterfield, I just have really one point that I want to understand. In this chart you have Mr. Haldeman in charge of personal affairs. It says "personal" on exhibit 1¹ that we have in front of us. Does that mean he was privy to his personal affairs, his personal finances? I thought that was Mr. Ehrlichman, as Counsel for the President?

Mr. BUTTERFIELD. No. That word personal was my own word. For all of those things I could have used "miscellaneous." Everything which did not pertain to national security, domestic, congressional, or international trade, all other things. And, as I pointed out, that meant speeches for the President, briefing papers for the President, trips, his schedule, his itinerary, his whole—everything he does personally.

Mr. MEZVINSKY. You said he was a detail man and you went through for us the details on the salads—

Mr. BUTTERFIELD. You are talking about the President?

Mr. MEZVINSKY. And so forth. Did he have the phenomenans as far as your personal knowledge regarding personal finances? Do you have any observations to give us to the President's feeling and concern about his personal finances regarding details?

Mr. BUTTERFIELD. No; I do not.

Mr. MEZVINSKY. I have no further questions.

The CHAIRMAN. Ms. Holtzman.

Ms. HOLTZMAN. Thank you, Mr. Chairman.

Mr. Butterfield, I wanted to clarify something in my mind with respect to people getting in to see the President. Now, members of Mr. Haldeman's staff, his lieutenants as you called them, say Mr. Malek or Mr. Dent, people under his organization chart, would they normally report directly to the President, or would they normally report to Mr. Haldeman?

Mr. BUTTERFIELD. They were not really on Mr. Haldeman's staff in the normal sense of that phrase or that word. They had independent offices, as I said, independent budgets and carried out their business without checking with Mr. Haldeman about details. And if Mr. Malek wanted to send a memorandum to the President on some project that he was on, he would write it. He wouldn't check with Haldeman, he would write the memo and give it to the staff secretary.

Ms. HOLTZMAN. If he wanted to see the President, would he check with Mr. Haldeman first?

Mr. BUTTERFIELD. No. Well, it would—everyone seemed to know that that you just didn't go in there, but if he wanted to see the President during a given day and on that day, he would call Mr. Bull or myself and ask if he could. If he wanted an appointment with the President for say his staff to discuss some business, he would call the appointment secretary. I didn't mention this earlier, and I guess I should have, but if someone wanted to see the President like that, that's what I thought you meant, and then they would call Mr. Bull or myself, and say I need to see the President today.

Now, if someone wanted an appointment, such as John Mitchell, or someone outside or even inside, they would go to the staff secretary and get an appointment.

¹ See p. 11.

Ms. HOLTZMAN. I wanted to follow up on the phrase——

Mr. BUTTERFIELD. I don't mean the staff secretary. The appointment secretary, excuse me, Mr. Chapin.

Ms. HOLTZMAN. I wanted to follow up on the phrase that they didn't, usually didn't, go in there as a practice, and the second rung and the third rung people in the White House, as you have described them, they did not ordinarily seek to see the President personally?

Mr. BUTTERFIELD. No. No. No.

Ms. HOLTZMAN. It would be under very unusual circumstances?

Mr. BUTTERFIELD. Yes. Well, they just wouldn't do it. When I was there, Colson might have wanted to do this occasionally, and maybe Malek once.

Ms. HOLTZMAN. Let's say people on Mr. Ehrlichman's staff, below him.

Mr. BUTTERFIELD. No. No.

Ms. HOLTZMAN. They wouldn't go directly and ask for an interview with the President?

Mr. BUTTERFIELD. No. Mr. Ehrlichman would take that and appraise the President, or he might have Ken Cole accompany him once or Mr. Whitaker could have.

Ms. HOLTZMAN. What kind of tape recording machine did the President have in the Executive Office Building on which he dictated dictabelts?

Mr. BUTTERFIELD. I don't really know. I don't know the type and I couldn't describe it.

Ms. HOLTZMAN. Thank you. I have no further questions, Mr. Chairman.

The CHAIRMAN. Mr. OWENS.

Mr. OWENS. Mr. Butterfield, when the President was out of town, did he receive each day some kind of a news summary?

Mr. BUTTERFIELD. Yes; he did. Well, almost always.

Mr. OWENS. Was it the same summary even if he were in Florida or California?

Mr. BUTTERFIELD. That's correct. Usually in California, I was told by Mr. Haldeman not to send the news summary in, and the President having relayed that message through Haldeman to me. When we were in California, Mr. Haldeman would usually go home to his home in Newport Beach and I would be there with the President and so we would keep the news summaries out in California for some reason. I don't know.

Mr. OWENS. I am still not sure I understood you. The President got them every morning?

Mr. BUTTERFIELD. Yes; we got them every morning. I got the President's copy every morning. They were teletyped to us on the cross-country xerox machine.

Mr. OWENS. You indicated after a given period of time, that there were about 100 copies made of the news summary and distributed quite widely?

Mr. BUTTERFIELD. That's right.

Mr. OWENS. Could you supply us with the names of the persons outside of the White House who might have gotten or had access to those?

Mr. BUTTERFIELD. I never did see the distribution list, but I believe, for instance, I went to the Republican National Committee or probably 4 or 5 copies to the Republican National Committee and perhaps 10 copies to the Committee To Re-Elect the President. But, outside of that I doubt many left the White House staff.

Mr. OWENS. Do you, of your own personal knowledge, know where a set is on file outside the White House?

Mr. BUTTERFIELD. One copy of the news summary?

Mr. OWENS. A complete set.

Mr. BUTTERFIELD. A complete set? No; I do not. No; I do not.

Mr. OWENS. Oh, no. I don't even have one of a news summary. It was something that people discarded as soon as they read it as a rule.

Mr. OWENS. Did I understand you correctly to say that it wasn't the practice of the President to dictate his reminiscence at the end of a day ordinarily?

Mr. BUTTERFIELD. I think I said he could have done it, but I doubted seriously that he did. I never knew of him doing it. I heard Mr. Haldeman say he did it. I never caught him at it or saw him do it.

Mr. OWENS. There wasn't a set of dictabelts ordinarily in the morning in his out basket?

Mr. BUTTERFIELD. No; I would see dictabelts in his out basket maybe one every 2 weeks, something like that.

Mr. OWENS. Well, do you have any estimate of how many dictabelts of his daily remembrances that he may have dictated?

Mr. BUTTERFIELD. As I say, I don't think he did this. He may have done it once.

Mr. OWENS. Do you know of any?

Mr. BUTTERFIELD. No; I don't know of any. The only things dictated to my knowledge were memorandums to Mr. Haldeman or Mr. Ehrlichman, or to Mr. Kissinger and I often saw those. I would usually go take those to Rose or to one of the other three ladies authorized to type his dictabelts.

Mr. OWENS. Last, do you know of your own knowledge whether it was Mr. Haldeman's habit to have Mr. Higby listen in on his conversations on the telephone with Mr. Ehrlichman or with the President?

Mr. BUTTERFIELD. I don't know about that.

Mr. OWENS. You have never heard of that?

Mr. BUTTERFIELD. No; I don't remember.

Mr. OWENS. That practice?

Mr. BUTTERFIELD. I don't remember having heard of that. Yes; I have heard of the practice. I think it is a common practice in many offices.

Mr. OWENS. No; I mean that practice of Mr. Haldeman's?

Mr. BUTTERFIELD. No.

Mr. OWENS. In his conversations with Mr. Ehrlichman or the President?

Mr. BUTTERFIELD. No. No, sir.

Mr. OWENS. Thank you.

The CHAIRMAN. I guess, except for a few questions which I would like to direct to you, Mr. Butterfield, this will conclude your appearance here.

Mr. Butterfield, you say you spent approximately 4 years in the service of the White House?

Mr. BUTTERFIELD. Yes, approximately.

The CHAIRMAN. And during that period of time, you always occupied that place that you have pointed out to us right next to the Oval Office?

Mr. BUTTERFIELD. No; during the last 3 years and about 1 month or 2 months, I occupied that office, and during the first year, I occupied an office sort of upstairs over Rose Mary Woods' office, later occupied by Mr. Finch.

The CHAIRMAN. You stated that you spent a period of about 20 to 25 minutes each day with the President going in and out?

Mr. BUTTERFIELD. Accumulative total, I would say that was an average for me, yes.

The CHAIRMAN. Every day of the week?

Mr. BUTTERFIELD. Yes. Let's say 20 minutes. You know, some days an hour and some days an hour and a half, but the average day, 20 minutes, cumulative total I was in about four times.

The CHAIRMAN. How about when the President went off on his trips, overseas trips, or other trips?

Mr. BUTTERFIELD. I never did go on overseas trips. I went on 30 to 35 percent of the domestic trips, and all of those domestic trips were trips on which Mr. Haldeman did not go. One or the other of us were with the President on all of his travels, every time he moved to Camp David, to Key Biscayne, to San Clemente, wherever.

The CHAIRMAN. So that in a period of 4 years, and especially 3½ years that you spent in that office that you designate next to the Oval Office, you have had an opportunity to observe the President and Mr. Haldeman frequently?

Mr. BUTTERFIELD. Yes, sir; and in more ways than I can adequately describe here.

The CHAIRMAN. And would you say that the statements that you have made to this committee regarding the observations you made and what you heard are based on that cumulative experience that you have had in seeing the President during that period of time?

Mr. BUTTERFIELD. That's right. The whole palaver.

Mr. McCLORY. Mr. Chairman, would you yield?

The CHAIRMAN. I yield.

Mr. McCLORY. For a followup question. Except for just walking in and out for his signature or something, would the President's logs reflect all of the conferences in which you participated where you were there with Mr. Haldeman or Mr. Ehrlichman or someone; they would, would they not?

Mr. BUTTERFIELD. Yes, they should.

Mr. McCLORY. Thank you.

The CHAIRMAN. I yield to Mr. Donohue.

Mr. DONOHUE. Tell me this, Mr. Butterfield—

Mr. BUTTERFIELD. May I say one thing about that? May I?

The CHAIRMAN. Mr. Butterfield would like to add something.

Mr. BUTTERFIELD. I am sorry, sir. I want to get something clear here. If I went in to see the President, nobody in the world would know that except I, I mean except me, whatever is correct, and so it was up to me to then put a little piece of paper and take it over to Mr. Bull's secretary so that it would be logged. I certainly didn't do that reli-

giously, or very often, you know. It didn't matter whether or not I was in. If I was in and out I certainly didn't do that.

Mr. McCLORY. Well, I think what I was getting at more is if the President was conferring with Ehrlichman or with Mitchell or with Haldeman or with Dean or whomever it was and you were present for any period of time during the conference, your name would be included in the log, together with the other names, would it not?

Mr. BUTTERFIELD. Not always, because if the meetings were in the oval office, Mr. Bull's office would not be aware of my having entered through my door there.

Mr. McCLORY. So your name would be omitted from this?

Mr. BUTTERFIELD. My name might oftentimes be omitted, and as I say, I didn't religiously put it in, so I was in and out a bit more than would be reflected by the record that I was in for.

Mr. McCLORY. Were there any other names besides yours that you know of?

Mr. BUTTERFIELD. Mr. Bull's. Only those.

Mr. DONOHUE. Mr. Butterfield, are the daily diaries and the President's weekly abstracts, are they now available at the White House?

Mr. BUTTERFIELD. I know that—

Mr. CHAIRMAN. Mr. Butterfield has no knowledge. He is not there now.

Mr. BUTTERFIELD. No, I don't know. That's right, I am not there.

Mr. DONOHUE. Well, were they kept in the file as they were made up each day or each week?

Mr. BUTTERFIELD. Yes. The appointment secretary kept a copy of the diary, the very detailed diary which includes telephone calls. Several of us kept the abstracts.

Mr. DONOHUE. And insofar as you know, and while you were there, all of the tapes that were made were stored in a particular section of the White House?

Mr. BUTTERFIELD. The Executive Office Building across the street, yes, sir.

The CHAIRMAN. Mr. Butterfield, just a couple of more questions. I don't know whether or not I heard you testify as to this, but if you do know could you tell us who drew up the table of organization which you have presented to us?

Mr. BUTTERFIELD. I did that, sir. And it is—

The CHAIRMAN. No. No. I mean the table of organization of the operations at the White House and of the White House staff?

Mr. BUTTERFIELD. The table of organization I haven't seen.

The CHAIRMAN. Do you know of any table of organizations or a table of operations of the White House staff?

Mr. BUTTERFIELD. No, sir.

The CHAIRMAN. Who hired the personnel of the White House staff?

Mr. BUTTERFIELD. Individuals who were in charge of offices hired personnel, not entirely on their own, but in coordination with the staff secretary.

The CHAIRMAN. Would that be under the direction of Mr. Haldeman?

Mr. BUTTERFIELD. The staff secretary would then work with Mr. Haldeman or with me when I was there with regard to whether or not this person should have an additional secretary or an additional

aide and what his salary might be and where he would be officed. But, that was coordinated by the staff secretary. He was the central coordinator for hiring and firing and allocating office space. But, I have not seen a table or whatever.

The CHAIRMAN. Well, I asked if you knew.

Mr. BUTTERFIELD. No.

The CHAIRMAN. Could you tell me, during the time that you were there, and having testified to the fact that Mr. Haldeman spent a considerable time, at least that the President spent with the staff, and you stated for 1 year it was about 72 percent and then 62 percent, was that spent entirely among the President and Mr. Haldeman with no one else present, do you know?

Mr. BUTTERFIELD. Well, no. That's a good question. I included it as all of the time that Mr. Haldeman spent with the President, whether someone was in there or not. And I just can't recall too many times when Mr. Haldeman was not in there alone. He could be with Mr. Ehrlichman, but I included those in my estimate of this percentage figure when he was with other people. It may have been with Mitchell, or it may have been with Ehrlichman, and it could have been with Kissinger.

The CHAIRMAN. But, most of the time, you state that those meetings were between the President and Mr. Haldeman?

Mr. BUTTERFIELD. Yes, yes, far and away. My guesstimate is about 90 percent of Mr. Haldeman's meeting time with the President was in only the company of the President and no others, about 90 percent.

I think—well, it doesn't accomplish anything by saying—but I think if you would get Mr. Steve Bull, he would be about as knowledgeable as I and I think he would pretty much agree with my figures. I haven't tried to be at all misleading.

Mr. KASTENMEIER. Will you yield on that point, Mr. Chairman?

From the questioning of Mr. St. Clair, there tends to be, at least as I see it, a discrepancy between the ultimately 1 percent time that you spent of the staff time with the President, which go you down to something like that and the 20 minutes or so per day that you just a few minutes ago referred to, which in no instance would be as low as 1 percent of the staff time exclusively of 100 percent.

Mr. BUTTERFIELD. Perhaps not. That thought crossed my mind when I said 20, but a 20 minute figure for me, cumulative total is fairly accurate on a day-to-day basis, week-after-week, month-after-month.

Mr. KASTENMEIER. I take it the 1 percent is not as accurate?

Mr. BUTTERFIELD. I didn't consider myself that I was a very key person here. I was in on mostly administrative items, unless I was discussing social functions, scenarios, or Cabinet meeting agendas, and on those occasions I was in for sometimes quite some time. And you know, this is not gospel.

Mr. McCLORY. Will the gentleman yield just for a clarification?

Mr. Butterfield, you would include in the time, for instance, if you would bring in 20 letters for the President to sign, some of which he might read, and some of which he might just scan, and you would stand there while he was reading them or scanning them, and then while

he signed them, and then perhaps take them out? I mean, you would include that as part of the time that you were in?

Mr. BUTTERFIELD. Yes. Yes, I would. I would include that.

Mr. McCLORY. So that would help explain the discrepancy between the 20 minutes and the 1 percent?

Mr. BUTTERFIELD. Yes, and that wouldn't be logged probably, but I was in for at least three times a day for 5 minutes at a time, at a very minimum, so that's 15 minutes.

Mr. McCLORY. But that was just sort of ministerial?

Mr. BUTTERFIELD. Yes, but in discussing Cabinet agenda or some of the resident's problems or something with Mrs. Nixon, I was liaison between the President and her staff and the whole social side of the house, the military aides. I was say that I was in there.

Mr. McCLORY. But, as far as policy decisions and things like that, arrangements between the President and Haldeman in which they discussed their relative relationships, that would be a very small amount of time that you would be in there?

Mr. BUTTERFIELD. Yes, that's right. But, I was in, I might go in and get the out basket when he was talking with Haldeman and I might get a good flavor for the kind of things being said.

Mr. McCLORY. And overhear?

Mr. BUTTERFIELD. Yes.

Mr. McCLORY. Not a participant?

Mr. BUTTERFIELD. Yes, or I may stop and comment.

Mr. KASTENMEIER. Well, only on that point, I take it that the 1 percent is not really a very accurate figure, but rather you would have us to understand that you saw the President 15 or 20 minutes a day on the average?

Mr. BUTTERFIELD. Yes, that's about right.

Mr. KASTENMEIER. And that's not 1 percent, because when we were talking, at least in terms of Mr. St. Clair was talking about 100 percent of the staff time exposure to the President.

Mr. BUTTERFIELD. Right, which I think I said—

Mr. KASTENMEIER. He got you down to 1 percent.

Mr. BUTTERFIELD. I think I said something like 3½ to 4 hours or something, and that too is a rough guess and 20 minutes is, yes, better.

Mr. KASTENMEIER. One-third of the 4 hours is like maybe one-twelfth.

The CHAIRMAN. Well, 20 minutes a day is about 2½ hours a week, if want to take it on down on that basis, it would be 100 and some odd hours a year and it is a lot of hours, a lot of time.

I have no further questions. And, Mr. Butterfield, we want to thank you for having been as patient as you have been with us and we appreciate your coming.

And the hearing for this afternoon is adjourned until 10 o'clock tomorrow. The first witness will be Mr. O'Brien and I believe followed by Mr. LaRue.

Mr. McCLORY. Mr. Chairman, I move that we make that statement public.

Mr. DENNIS. I second that.

The CHAIRMAN. Well, why don't you ask unanimous consent?

Mr. McCLORY. I ask unanimous consent that this be made public.

The CHAIRMAN. If there is no objection, and objection is not heard, then the statement can be made public.

[Whereupon, at 7:45 p.m., the hearing was recessed, to reconvene on Wednesday, July 3, 1974 at 10 a.m.]

IMPEACHMENT INQUIRY

WEDNESDAY, JULY 3, 1974

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The committee met, pursuant to notice, at 10:20 a.m., in room 2141, Rayburn House Office Building, Hon. Peter W. Rodino, Jr. (chairman) presiding.

Present: Representatives Rodino (presiding), Donohue, Brooks, Kastenmeier, Edwards, Hungate, Conyers, Eilberg, Waldie, Flowers, Mann, Sarbanes, Seiberling, Danielson, Drinan, Rangel, Jordan, Thornton, Holtzman, Owens, Mezvinsky, Hutchinson, McClory, Smith, Sandman, Railsback, Wiggins, Dennis, Fish, Mayne Hogan, Butler, Cohen, Lott, Froehlich, Moorhead, Maraziti, and Latta.

Impeachment inquiry staff present: John Doar, special counsel; Albert E. Jenner, Jr., minority counsel; Samuel Garrison III, deputy minority counsel; and Bernard Nussbaum, counsel.

Committee staff present: Jerome M. Zeifman, general counsel; Garner J. Cline, associate general counsel; Alan A. Parker, counsel; Daniel L. Cohen, counsel; William P. Dixon, counsel; Arden B. Schell, counsel; Franklin G. Polk, associate counsel; Thomas E. Mooney, associate counsel; Michael W. Blommer, associate counsel.

Also present: James D. St. Clair, special counsel to the President; John A. McCahill, assistant special counsel; and Malcolm J. Howard, assistant special counsel.

[Material unrelated to testimony of witness deleted.]

Will the clerk call the witness, bring the witness into the chambers?

[Material unrelated to testimony of witness deleted.]

The CHAIRMAN. Mr. O'Brien, will you please stand?

Mr. O'Brien, you have the right to remain silent and not to provide any testimony or information which will tend to incriminate you. But if you do testify, anything you say here may be used against you in any other legal proceeding. Of course, you have the right to consult with your attorney prior to answering any question or questions. Counsel may accompany you for the purpose of advising you of your constitutional rights.

You have been provided, I understand, with a copy of the rules of the House and the rules of the committee.

Mr. O'BRIEN. That is correct.

The CHAIRMAN. Will you please raise your right hand.

Say after me, do you solemnly swear that the testimony you are about to give before this committee will be the truth, the whole truth, and nothing but the truth, so help me God?

Mr. O'BRIEN. I do.

The CHAIRMAN. Please state your name and be seated.

Mr. O'BRIEN. Paul L. O'Brien.

The CHAIRMAN. Mr. Doar.

TESTIMONY OF PAUL L. O'BRIEN, ACCOMPANIED BY JOHN J. O'DONNELL, COUNSEL

Mr. DOAR. Mr. O'Brien, will you tell the members of the committee your full name?

The CHAIRMAN. Yes, before we proceed, Mr. O'Brien, will you please identify your attorney?

Mr. O'BRIEN. Mr. John Jude O'Donnell.

Mr. McCLORY. What is your middle initial?

Mr. O'BRIEN. J.

Mr. O'DONNELL. Jude.

The CHAIRMAN. Mr. Doar.

Mr. DOAR. What is your occupation?

Mr. O'BRIEN. I am an attorney.

Mr. DOAR. When were you first admitted to the bar?

Mr. O'BRIEN. In 1953.

Mr. DOAR. Are you a member of the Bar of the District of Columbia at this time?

Mr. O'BRIEN. I am, sir.

Mr. DOAR. Have you practiced continuously in Washington since 1953?

Mr. O'BRIEN. I have, sir.

Mr. DOAR. Are you a member of a partnership?

Mr. O'BRIEN. I am, sir.

Mr. DOAR. What partnership?

Mr. O'BRIEN. Hanson, O'Brien, Berney, Stickle & Butler.

Mr. DOAR. How long have you been a member of that partnership?

Mr. O'BRIEN. The partnership has changed over the years but in its various forms, I have been a partner for approximately 6 or 7 years.

Mr. DOAR. Could you, for the committee members, just describe generally the type of practice of law you are engaged in in Washington?

Mr. O'BRIEN. I would describe it as general practice.

Mr. DOAR. Were you retained shortly after June 17, 1972, by the Committee To Re-Elect the President?

Mr. O'BRIEN. I was.

Mr. DOAR. Would you tell the committee just generally what the nature of that retainer was?

Mr. O'BRIEN. I was retained on or about June 23 to serve in a capacity as cocounsel to assist Mr. Parkinson as lead counsel in the civil litigation which had been filed against the Committee To Re-Elect the President.

Mr. DOAR. How long did you continue to represent the Committee To Re-Elect the President?

Mr. O'BRIEN. Until May of 1973.

Mr. DOAR. Did your relationship terminate at that time?

Mr. O'BRIEN. The termination was not formal in the form of the filing of a precipe withdrawing from litigation, but it was formal in that those who were responsible for my employment were informed that I was personally withdrawing.

Mr. DOAR. Now, in March of 1973—let me withdraw the question. Do you know Howard Hunt?

Mr. O'BRIEN. I do.

Mr. DOAR. When did you first meet him?

Mr. O'BRIEN. Sometime in probably early March of 1973.

Mr. DOAR. Where was that first meeting that you had with him?

Mr. O'BRIEN. That was in Mr. William O. Bittman's law offices.

Mr. DOAR. Can you fix the time of that meeting, the date?

Mr. O'BRIEN. I cannot.

Mr. DOAR. Let me ask you this: Did you have a second meeting with Mr. Hunt in March?

Mr. O'BRIEN. I did, sir.

Mr. DOAR. Where was that meeting?

Mr. O'BRIEN. In Mr. Bittman's office.

Mr. DOAR. Can you fix the time and the date of that meeting?

Mr. O'BRIEN. I can, but without specificity, it was on or about the 16th or the 19th of March.

Mr. DOAR. Can you tell—

Mr. O'BRIEN. 1973.

Mr. DOAR. Could you tell the members of the committee who Mr. Bittman is?

Mr. O'BRIEN. Mr. Bittman at that time was a partner in the law firm of Hogan & Hartson and was counsel to Mr. Howard Hunt.

Mr. DOAR. Where is Mr. Bittman's offices in relation to your office?

Mr. O'BRIEN. Essentially across the street. There are two 17th Streets, you know.

Mr. DOAR. Do you have any records or memorandums that you recorded contemporaneously with that meeting that you say took place either on the 16th or 19th of March?

Mr. O'BRIEN. I do not.

Mr. DOAR. How did you happen to meet Mr. Hunt that day?

Mr. O'BRIEN. I met him at the request of Mr. Bittman.

Mr. DOAR. And how did that request from Mr. Bittman come to you?

Mr. O'BRIEN. Mr. Bittman telephoned my office.

Mr. DOAR. And what did he say?

Mr. O'BRIEN. Mr. Bittman telephoned me and informed me that Mr. Howard Hunt was in his office, that Mr. Hunt was scheduled to be sentenced on or about the 23d of March 1973. Mr. Bittman represented that Mr. Howard Hunt had stated that certain alleged commitments made to him had not been kept and he requested that I come to his office and talk with Mr. Hunt.

Mr. DOAR. Had you had previous conversations with Mr. Bittman about Howard Hunt?

Mr. O'BRIEN. I had had numerous conversations with Mr. Bittman.

Mr. DOAR. Since what time?

Mr. O'BRIEN. Since approximately—oh, I would say the first part of December, the latter part of November 1972, although from time

to time since first being hired, I had had an occasional conversation with Mr. Bittman.

Mr. DOAR. And after you got that telephone call from Mr. Bittman, what did you do?

Mr. O'BRIEN. I reluctantly agreed to go to his office and I did go directly to his office.

Mr. DOAR. Was this in the morning or the afternoon?

Mr. O'BRIEN. This was in the afternoon after lunch.

Mr. DOAR. Can you fix the time that you went to Mr. Bittman's office?

Mr. O'BRIEN. Not other than it was in the afternoon and subsequent to lunch.

Mr. DOAR. Do you recall what day of the week the 16th was?

Mr. O'BRIEN. A Friday.

Mr. DOAR. Then the 19th would be Monday?

Mr. O'BRIEN. That is correct, sir.

Mr. DOAR. The following Monday?

Mr. O'BRIEN. Yes, sir.

Mr. DOAR. When you got to Mr. Bittman's office, what did you do?

Mr. O'BRIEN. I was first met by a receptionist. I was then shown to Mr. Bittman's office where Mr. Bittman was on the telephone. He was in the process, I believe, of placing some long distance call. I spoke with Mr. Bittman and he was somewhat apologetic. He said, I am sorry, I told Mr. Hunt that I passed on his remarks. Why don't you go down and see him? He is down the hall.

At that time, I requested Mr. Bittman to join me. Mr. Bittman said that he was tied up in conversation and I should just go down to the end of the hall and he specified an office. As I recall, the office was at the very end of the hallway on which Mr. Bittman's office was located.

I walked down the hallway to that office, whereupon I met Mr. Hunt.

Mr. DOAR. And you had met Mr. Hunt previously?

Mr. O'BRIEN. I had met him on one other previous occasion.

Mr. DOAR. What happened when you went into this office where you met Mr. Hunt? Were you alone with him?

Mr. O'BRIEN. I was alone with him, yes, sir.

Mr. DOAR. Tell the members of the Judiciary Committee what Mr. Hunt said to you and what you said to him.

Mr. O'BRIEN. As best I can recall, Mr. Hunt indicated that he was sorry that he had had to call me over, but that he felt it was most important in his case that, he said that he was being sentenced on the 23d of March, that as I knew, he had already been through considerable tragedy with the loss of his wife, that he had four young children, I gather from approximately age 20 to 11 or 12, whom he had to make arrangements to take care of, and that he felt that there had been commitments to him and that those commitments had not been honored; that the commitments involved fees and family sustenance, and that he was at that time \$60,000 in arrears in legal fees and he had a requirement for family sustenance of approximately \$70,000, which he took to be a 2-year period sustenance, as I understood him; that he would be unable to manage the affairs that were necessary to be taken care of from jail; and that it was important that these matters be taken care of.

Mr. DOAR. Did he say anything further?

Mr. O'BRIEN. Well, at that point, I told Mr. Hunt that I had nothing to do with his commitments, I didn't know from whom his commitments came or what they were for, and that there was nothing that I could do to help him. He seemed somewhat upset with this. He didn't particularly care to hear my protest. He told me that he wanted these facts known. It was at this point, I believe, that I suggested again that there was nothing that I could do about it and that he should contact his good friend, Mr. Colson.

He indicated that he was not necessarily interested in that, that he wanted me to take this message to Mr. Dean. Then he, as best I can describe it, somewhat in lecture form informed me that, among other things, that he had done a number of seamy things for the White House and there was an indication that if there was no action taken, that he would have to review his options.

Mr. DOAR. And what did you say to that?

Mr. O'BRIEN. I left the room. I went back down the corridor, stopped at Mr. Bittman's office. I reported the essence of the conversation.

Mr. DOAR. To whom did you report the essence?

Mr. O'BRIEN. To Mr. Bittman.

Mr. DOAR. Yes. Well, tell us just exactly what you said to Mr. Bittman.

Mr. O'BRIEN. Well, the only portion of that which I recall is that I told him specifically about Hunt's representations concerning commitments and financial requirements.

Mr. Bittman responded, well, I told you that is what he was going to say.

Thereupon, I departed from Mr. Bittman's office.

Mr. DOAR. Did you specifically tell Mr. Bittman that Mr. Hunt had made a demand for a particular sum of money?

Mr. O'BRIEN. I specifically represented to Mr. Bittman the amount of funds that had been mentioned to me.

Mr. DOAR. Which was?

Mr. O'BRIEN. Seventy—\$60,000 and \$70,000, or a total of \$130,000.

Mr. DOAR. Then what did you do next?

Mr. O'BRIEN. I immediately proceeded down to the buildings in which Mr. John Dean had his office.

Mr. DOAR. And how far from the building where Mr. Bittman had his office was that?

Mr. O'BRIEN. Oh, three blocks.

Mr. DOAR. Was that in the Executive Office Building?

Mr. O'BRIEN. Yes, sir.

Mr. DOAR. Did you meet Mr. Dean on that afternoon?

Mr. O'BRIEN. I did, sir.

Mr. DOAR. Do you remember what time of day that was?

Mr. O'BRIEN. I would place it in the late afternoon.

Mr. DOAR. Did you see Mr. Dean that day?

Mr. O'BRIEN. I did, sir.

Mr. DOAR. What was the—did you have a conversation with him?

Mr. O'BRIEN. I did, sir.

Mr. DOAR. What did you say to Mr. Dean?

Mr. O'BRIEN. I repeated to Mr. Dean as exactly as I could the conversation which had taken place in Mr. — in the office in which Mr. Hunt was present.

Mr. DOAR. Did you tell him specifically what Mr. Hunt said about having done some seamy things for the White House?

Mr. O'BRIEN. I did, sir.

Mr. DOAR. And did you tell him what Mr. Hunt said about reviewing his options?

Mr. O'BRIEN. I did, sir.

Mr. DOAR. Could you just relate the conversation to the members of the committee? As best you recollect it?

Mr. O'BRIEN. Now, do you mean—do you want me to reiterate what Mr. Hunt said over again, or do you want Mr. Dean's commentary?

Mr. DOAR. No; I want you to relate first what you said to Mr. Dean and then Mr. Dean's comment.

Mr. O'BRIEN. I told Mr. Dean that I had received a call from Mr. Bittman, who had been most insistent that I come over to his office and meet with Mr. Howard Hunt; that I had gone there reluctantly; that while there, I had seen Mr. Hunt; that the visit had been alone, although that had not been my request; that during the course of that visit, Mr. Hunt represented to me that he had commitments which had not been met; they were financial commitments. He said he had financial commitments for his legal fees and family sustenance; that he represented the legal fees at that time amounted to \$60,000; and that the family sustenance amount was \$70,000.

I also reported too, that I told Mr. Hunt that there was nothing that I could do about it and that I had suggested that he contact his friend, Mr. Colson.

I also reported that Mr. Hunt had stated he had done seamy things for the White House; that he would be sentenced on the 23d, and if his commitments weren't met, that he would have to review his options.

Mr. DOAR. What did Dean say?

Mr. O'BRIEN. Mr. Dean got extremely excited and I think his exact language was, "I am tired of being put in the middle. I am going to bust this God damned thing up."

Mr. DOAR. What else did he say?

Mr. O'BRIEN. Those portions which I recall specifically, Mr. Dean said, "You and I are being"—I apologize for the language—"You and I are being screwed as conduits in this case."

I queried him on this. He said, "We can get stuck with an obstruction of justice."

He then went into some detailed conversation about the fact that while employed here at the Congress, he had been responsible for re-writing certain sections of the Criminal Code and went into a detailed discussion on it. I indicated to him that I had no intention of becoming a conduit. He said he didn't, either.

This was about the sense of the conversation that I can recall at this time.

Mr. DOAR. About how long did you spend with him?

Mr. O'BRIEN. I would estimate that I was with him for half an hour.

Mr. DOAR. Did you see Mr. Hunt again following that conversation on the 16th?

Mr. O'BRIEN. I have never seen Mr. Hunt since that day.

Mr. DOAR. Did you have any further communications with Mr. Dean with respect to messages from Mr. Hunt or from anyone else?

Mr. O'BRIEN. No, sir.

Mr. DOAR. Do you have any personal—did you have any personal involvement after that with respect to communicating requests for money from Mr. Hunt or from any other person to—

Mr. O'BRIEN. Absolutely not.

Mr. DOAR. If I can finish the question, to anyone in the White House?

Mr. O'BRIEN. The same answer, absolutely not.

Mr. DOAR. Following the 19th, did you have a conversation with Mr. John Mitchell?

Mr. O'DONNELL. Mr. Doar.

Mr. Chairman, we have this problem that we brought to the attention of the staff. We have presented to the staff a letter that I wrote to Mr. Mitchell's attorney, William—

The CHAIRMAN. Would you use the mike, please?

Mr. O'DONNELL. We have a problem here because when this testimony was coming up, I contacted the attorneys for Mr. Mitchell, Mr. Hundley and Mr. Cacheris. A copy of that letter the staff presently has.

I also have provided them with the letter from Mr. Cacheris, Mr. Mitchell's attorney, concerning the attorney client privilege. At this time, it becomes a very important problem because Mr. Doar is asking a question that goes into conversations that Mr. O'Brien had with Mr. Mitchell.

The CHAIRMAN. I would like to advise, first of all, Mr. Jenner and Mr. Doar, that while the committee recognizes that there are rules of evidence, that nonetheless, the committee, of course, has certain rules of procedures as well and we have been quite liberal in the interpretation of these rules.

Ms. HOLTZMAN. Mr. Chairman, could I say something?

The CHAIRMAN. Just let me confer with counsel first.

I might advise Mr. O'Donnell that while you have raised this question and we recognize that you are raising this in behalf of your client's rights to do so, nonetheless, under the House rules, there is no recognition of attorney-client relationship privilege. Therefore, I am going to direct you to have your client answer the question.

Mr. O'DONNELL. May I ask, Mr. Chairman, that both of the letters I have referred to—that is, the letter I wrote to Mr. Mitchell's attorneys and the letter I received from Mr. Cacheris—be made a part of the record?

The CHAIRMAN. They will be made a part of the record.

[The above referred to letters follow:]

JUNE 27, 1974.

WILLIAM G. HUNDLEY, Esq.,
PLATO CACHERIS, Esq.,
1709 New York Avenue, N.W.
Washington, D.C.

GENTLEMEN: We have just been informed by a representative of the House Judiciary Committee that Paul L. O'Brien probably will be the first witness during the open session of their hearings on Tuesday, July 2, 1974. As you know,

during the period of their inquiry Mr. O'Brien was an attorney for the Committee to Re-elect the President. Your client, John N. Mitchell, was at one time the chairman of this committee and after his resignation continued on in at least an advisory capacity.

In the past I have talked to both of you concerning a question that I had about the attorney/client relationship between Mr. Mitchell and Mr. O'Brien and the formal privilege that might be associated with it. Nothing specific, to my recollection, was finalized during those informal discussions. Inasmuch as Mr. Mitchell presently is indicted for, among other things, a conspiracy to obstruct justice we wish to solicit from you any observations and positions that you might have concerning Mr. O'Brien's relationship on the privilege issue. We have been informed that the area of inquiry relates to the period March 16, 1973 to March 19, 1973, when Mr. O'Brien had a discussion with Howard Hunt, which conversation he related to John Dean. We do not know what other areas to which they anticipate extending their inquiry.

We would appreciate a prompt response to this letter since there is some time urgency, as you can anticipate. If you need any further information please let me know.

Very truly yours,

JOHN JUDE O'DONNELL.

LAW OFFICES, HUNDLEY, CACHERIS & SHARP, P.C.,

Washington, D.C., June 27, 1974.

JOHN JUDE O'DONNELL, ESQ.,
THOMPSON, MCGRAIL & O'DONNELL,
Union Trust Building,
Washington, D.C.

DEAR JUDE: Responding to your letter of June 27, 1974, we do not believe it in the best interest of our client, Mr. John N. Mitchell, that he waive any privilege that he may have in this and, in particular, we will not waive the attorney-client privilege that existed between Mr. Mitchell and Mr. O'Brien.

Trusting this satisfies your inquiry. I remain,

Sincerely yours,

PLATO CACHERIS.

[Material unrelated to testimony of witness deleted.]

Mr. WIGGINS. Mr. Chairman.

Mr. LATTA. Mr. Chairman.

The CHAIRMAN. Mr. Latta.

Mr. LATTA. Mr. Chairman, you mentioned something that the lawyer-client privilege does not pertain to House rules? What rule are you referring to?

The CHAIRMAN. I am stating that there is no recognition of such a rule in accordance with the rules of the House.

Mr. LATTA. Yes, which rule of the House are you referring to?

The CHAIRMAN. I am not referring to any specific rule. I am stating that there is no such rule regarding the right to claim that lawyer-client privilege.

Ms. HOLTZMAN. Mr. Chairman.

The CHAIRMAN. And as such, although it may be called to the attention of the Chairman, nonetheless, there is no right to invoke it.

Mr. HOGAN. Mr. Chairman, may I be heard on the ruling of the Chair?

Mr. Chairman, it was always my impression that this was a constitutional right that derives from the Constitution.

The CHAIRMAN. The Chair has ruled. If the Chair—

Mr. HOGAN. Could I appeal from the ruling of the Chair?

The CHAIRMAN. If the Chair can, the Chair would like to state that despite the fact that there is suggestion that this is a constitutional

right, those that claim it know that this is not the case. I think that in the interest of expediting the proceeding, we will proceed.

Mr. DENNIS. Mr. Chairman.

The CHAIRMAN. Ms. Holtzman.

Ms. HOLTZMAN. Mr. Chairman, I just wanted to ask a question with respect to that ruling, not to challenge your ruling. It was my impression that Mr. Mitchell, at the time of the question that Mr. Doar was asking, was no longer connected with the Committee to Re-Elect the President. I don't understand the basis, therefore, on which the attorney-client privilege is invoked.

The CHAIRMAN. I don't think it is necessary to belabor the question. The witness is directed to answer the question.

Mr. WIGGINS. Mr. Chairman, a point of clarification is all.

Mr. DENNIS. Mr. Chairman, a point of information.

The CHAIRMAN. Mr. Wiggins?

Mr. WIGGINS. Mr. Chairman, I am not going to argue the Chairman's ruling. There are arguments to be made to the contrary. But at least can we have counsel establish some foundation information here as to the nature of the relationship, whatever it may be, between Mr. O'Brien and Mr. Mitchell at the time of the conversation which he apparently seeks from Mr. O'Brien?

The CHAIRMAN. You may proceed.

May we have the letters, please?

Mr. O'Brien, you may answer Mr. Wiggins.

Mr. DOAR. Mr. O'Brien, could you tell the members of the committee what your relationship was with Mr. Mitchell on the, following the 19th of March 1973? Professional relationship?

Mr. O'BRIEN. I continued to be in contact with Mr. Mitchell through approximately May of 1973.

Mr. DOAR. Were you acting as his attorney at that time?

Mr. O'BRIEN. Mr. Mitchell considered that I was acting as his attorney and I considered that I was acting as his attorney.

Mr. DOAR. When did Mr. Mitchell leave the Committee To Re-elect the President?

Mr. O'BRIEN. If I recall correctly, he left on July 1, 1972 in that he resigned as chairman. However, as a practical matter, Mr. Mitchell never left the committee.

Mr. DOAR. What do you mean by that?

Mr. O'BRIEN. He remained in at least a consultant capacity.

Mr. DOAR. And is the relationship of attorney-client based on the fact that Mr. Mitchell continued to have a continuing relationship with the Committee To Re-elect the President?

Mr. O'BRIEN. Mr. Doar, that question is somewhat difficult, for the reason that the person who claims the privilege is, in effect, Mr. Mitchell. To some extent, he is the more proper person to answer that question. I have been put on notice in writing by Mr. Mitchell's attorney that he does not waive the attorney-client privilege. I raise that issue at this point through counsel for obvious professional reasons.

Mr. DOAR. Let me ask you this: Can you tell the committee whether or not you have testified to conversations with Mr. Mitchell before any grand jury?

Mr. O'BRIEN. The answer to that is yes.

Mr. DOAR. Now, following the 19th of March, did you have a conversation with Mr. Mitchell with respect to arranging an appointment with somebody, with a person at the White House?

Mr. O'DONNELL. Mr. Chairman, is it my understanding that you are directing that Mr. O'Brien answer this particular question?

The CHAIRMAN. That is correct.

Mr. O'DONNELL. Thank you.

Mr. O'BRIEN. Would you be kind enough to repeat the question?

Mr. DOAR. Did you have a conversation following the 19th of March with Mr. Mitchell with respect to the arrangement of a meeting with Mr. Haldeman?

Mr. O'BRIEN. I did have a conversation subsequent to the 19th of March concerning a meeting with Mr. Haldeman. I believe I also had such conversations prior to the 19th of March.

Mr. DOAR. And what was said between you and Mr. Mitchell about that meeting?

Mr. O'BRIEN. I had requested that counsel be permitted to meet with Mr. Haldeman and I had indicated to Mr. Mitchell that I felt that action should be taken to settle the DNC civil litigation; that action should be taken to settle the Common Cause litigation by the release of such information as they desired and the filing of an appropriate report; and that counsel be permitted to confer at that time with the Watergate Committee which was then in session.

Mr. DOAR. Where did that conversation take place?

Mr. O'BRIEN. It was generally telephonic conversation.

Mr. DOAR. Mr. Mitchell being in New York or Washington?

Mr. O'BRIEN. He was in New York and I was in Washington, sir.

Mr. DOAR. And what, if anything, did Mr. Mitchell say? About arranging an appointment for you?

Mr. O'BRIEN. That on or about the 27th, 28th, 29th, of March, right in that period, I received a telephone call from Mr. Mitchell indicating that he had arranged for me to meet with Mr. Haldeman.

Mr. DOAR. Where was that meeting to take place?

Mr. O'BRIEN. Well, initially, it was to take place, as I understood it, in Washington, D.C. But at that particular time, Mr. Haldeman and other members of the White House staff were getting prepared to go to the west coast. I don't recall specifically, but I know that there was a foreign visitor. I think it may have been the Prime Minister of Japan was coming to California to meet with the President. Eventually, I did receive a telephone call indicating that the meeting would take place in San Clemente.

Mr. DOAR. From whom did you receive that telephone call, if you remember?

Mr. O'BRIEN. I think Mr. Mitchell informed me that the meeting would take place in San Clemente and I had a follow-up phone call from Mr. Ehrlichman's secretary asking me if I could meet with Mr. Ehrlichman in San Clemente on the 5th of April.

Mr. DOAR. Did you ever meet with Mr. Haldeman?

Mr. O'BRIEN. I did not meet with Mr. Haldeman.

Mr. DOAR. Did you meet with Mr. Ehrlichman? San Clemente?

Mr. O'BRIEN. I did, sir.

Mr. DOAR. Did you have in the latter part of March a conversation with Mr. LaRue with respect to payment of money to Mr. Hunt?

Mr. O'BRIEN. I did, sir.

Mr. DOAR. And when was that conversation?

Mr. O'BRIEN. It was just prior to my going to California.

Mr. DOAR. And where was that conversation?

Mr. O'BRIEN. As best I recall, it was in Mr. LaRue's office at the committee headquarters.

Mr. DOAR. Could you identify Mr. LaRue for the members of the committee?

Mr. O'BRIEN. Mr. LaRue was at one time an assistant at the White House. During the election, he was special assistant at the campaign to Mr. Mitchell; and following the election, I would describe Mr. LaRue as one of the persons in charge of the committee activities.

Mr. DOAR. What was the—what conversation did you have with Mr. LaRue? Just tell the committee members what he said and what you said.

Mr. O'BRIEN. Mr. LaRue inquired of me as to whether or not I had completed a trust instrument. I had sometime previously been requested to form an entity, either by trust or incorporation, which hopefully would be tax exempt. The purpose of the entity was apparently during the course of the election, there had been a number of key States in which a great deal of computerized data had been gathered. I assume it would be classified as a voter profile. I am not too certain as to the material. It was intended that this information and data base should be preserved and apparently updated every 2 years or as elections occurred. I had the impression that certain funds in the possession of Mr. LaRue were to be turned over to initiate this entity. I did not form the entity because it did not satisfy the tax exempt requirements for a 501(c)(3) organization and that it was not charitable, educational, or scientific.

I felt further that even though it might qualify as a tax exempt organization on some other basis, under the new campaign act, it would be classified as a committee which would be required to report and I had taken no action on it.

I inquired of Mr. LaRue as to his specific interest and he indicated that he had a fair amount of funds, that these funds had to be placed and then, in an offside manner, he indicated that he now had less funds than he had had previously by some \$70,000.

Mr. DOAR. Is this—when you say funds, are you talking about cash funds?

Mr. O'BRIEN. I presume it was cash, sir.

Mr. DOAR. Did he say why he had \$70,000 less?

Mr. O'BRIEN. He did.

Mr. DOAR. What did he say?

Mr. O'BRIEN. He indicated that it had been transmitted to either Mr. Hunt or Mr. Bittman.

Mr. WIGGINS. Mr. Chairman?

The CHAIRMAN. Mr. Wiggins.

Mr. WIGGINS. May I interrupt for just a moment?

I am really troubled by this discussion we had a bit earlier concerning privileges. I would hope that the Chair would reflect and take the

matter under submission and give some thought to the implications of a rule in this regard and not make a ruling of that significance spontaneously from your position as chairman. It is a most important ruling and I do hope the Chair will reflect upon it.

The CHAIRMAN. Well, the Chair would like to state that reviewing a list of the precedents concerning matters that come before committees of the Congress, it has always been asserted that the rules of evidence, legal rules of evidence, do not apply, while in some instances they have been recognized. But, nonetheless, in this case where we are searching for the truth, and in an inquiry of this nature, one must recognize that the assertions made here, which incidentally is not a claim of this sort on behalf of Mr. O'Brien, except that he has been advised that Mr. Mitchell has called this to their attention, and as such, the matter is duly on the record, and I think that Mr. O'Donnell has called to the attention of the Committee that Mr. O'Brien is aware of the fact that this has been raised and that the Committee has directed him nonetheless, notwithstanding this question to testify.

So, I think that the matter is set straight there.

Mr. DENNIS. Mr. Chairman, may I make a short comment along those lines?

The CHAIRMAN. I think the Chair has already ruled, and I think—

Mr. DENNIS. I understand.

The CHAIRMAN. We will not continue to discuss the matter after the ruling has been made. I think that in the interest of expediting the proceedings we will advise the witness to proceed.

Mr. WALDIE. Mr. Chairman? Mr. Chairman, may I ask a question for clarification? I haven't gotten any dates of these conversations, and I wonder if we could get that established?

The CHAIRMAN. Will counsel kindly get the witness to establish the dates.

Mr. DOAR. Can you establish the specific date of your conversation with Mr. Mitchell first?

Mr. O'BRIEN. Well, I had a number of conversations. I can't say that I was in daily contact with Mr. Mitchell, but I was very nearly that frequent.

Mr. DOAR. Can you establish the date of the conversation after your meeting with Mr. Hunt when you asked Mr. Mitchell to arrange a meeting for you with Mr. Haldeman?

Mr. O'BRIEN. Well, I had been requesting this for some time. Sir, and I stated before that I believe my first request was sometime early in March, in discussions with Mr. Mitchell. It would be sometime after the 7th of March.

Mr. DOAR. Can you establish the time when you received the message that you were to go out to San Clemente to meet Mr. Haldeman, the date?

Mr. O'BRIEN. Yes. I testified on the 27th or the 28th of March.

Mr. DOAR. Can you fix the date that you received a call from Mr. Ehrlichman's secretary?

Mr. O'BRIEN. I believe it was on the 29th of March that I received a call from Mr. Ehrlichman's secretary.

Mr. DOAR. And can you fix the date of your conversation with Mr. LaRue?

Mr. O'BRIEN. I have placed it in the same area, the 29th of March. It was just prior to my leaving for California. I left on the 4th of April, so between the 29th and the 4th of April.

Mr. DOAR. That's all of the questions I had, Mr. Chairman.

The CHAIRMAN. Mr. Jenner?

Mr. JENNER. Mr. Chairman, I have no questions of the witness.

The CHAIRMAN. Mr. St. Clair?

Mr. ST. CLAIR. Thank you, Mr. Chairman.

Mr. O'Brien, what was the status of the Committee To Re-elect at the time you had these conversations with Mr. Mitchell about wanting to see Mr. Haldeman?

Mr. O'BRIEN. Mr. St. Clair, I am not certain I know what you mean by the status of the committee. Insofar as I know, it was still in legal existence.

Mr. ST. CLAIR. Was it operating?

Mr. O'BRIEN. If you want a description, I would say it was in shambles, but it was operating.

Mr. ST. CLAIR. Did that condition have anything to do with your request to see Mr. Haldeman?

Mr. O'BRIEN. Well, that certainly was one of the moving forces.

Mr. ST. CLAIR. I take it from your testimony you never did see Mr. Haldeman?

Mr. O'BRIEN. You are correct, sir.

Mr. ST. CLAIR. You did, however, receive a request to see Mr. Ehrlichman?

Mr. O'BRIEN. I received a telephone call that I would meet with him, yes, sir.

Mr. ST. CLAIR. Now, when you did meet with him, he asked in effect, he asked you a number of questions, did he not?

Mr. O'BRIEN. Yes; he did, sir.

Mr. ST. CLAIR. And he asked you in substance to tell him what had gone on with respect to some incidents?

Mr. O'BRIEN. He did, sir. For the most part, it was me speaking rather than he questioning.

Mr. ST. CLAIR. Well, in any event, what was your understanding of the purpose of the meeting with Mr. Ehrlichman?

Mr. O'BRIEN. I know specifically what my understanding was.

Mr. ST. CLAIR. Well, what was it?

Mr. O'BRIEN. As I told him when I went out there, I thought there were some things that the President should be advised of.

Mr. ST. CLAIR. And what did he say?

Mr. O'BRIEN. He said he was pleased to have me there, and that he had just been assigned to the task of looking into this matter, and it was for that reason that I was not seeing Mr. Haldeman.

Mr. ST. CLAIR. And did you understand that was the reason he wanted to talk to you?

Mr. O'BRIEN. I presume that was the reason he wanted to talk to me, sir.

Mr. ST. CLAIR. Even to the extent of asking you to come all the way to California?

Mr. O'BRIEN. I had been to California a number of times, sir.
So—

MR. ST. CLAIR. Well, he requested that you come to California, did he not?

MR. O'BRIEN. I had been told by Mr. Mitchell that the meeting would be in California, so I didn't really perceive it as a request from Mr. Ehrlichman.

MR. ST. CLAIR. Well, when you got there you did not see Haldeman but you did see Ehrlichman?

MR. O'BRIEN. Yes, sir.

MR. ST. CLAIR. And did you get the impression that Ehrlichman was conducting an investigation?

MR. O'BRIEN. He told me he was, sir.

MR. ST. CLAIR. And in connection with the investigation, he asked you to give him some information, did he not?

MR. O'BRIEN. He did, sir.

MR. ST. CLAIR. And did you tell him everything you knew about the subject matter of the investigation?

MR. O'BRIEN. To the best of my knowledge, sir.

MR. ST. CLAIR. And what was the subject matter of the investigation?

MR. O'BRIEN. The subject matter of the investigation was all activities of the committee from the period of time of my employment to date.

MR. ST. CLAIR. Did he ask you any questions specifically relating to Mr. Hunt?

MR. O'BRIEN. No, sir. I don't recall his asking a question specifically as to Mr. Hunt.

MR. ST. CLAIR. Did you recite any information concerning your relationship with Mr. Hunt about which you have testified today?

MR. O'BRIEN. May I take a moment?

MR. ST. CLAIR. Certainly.

MR. O'BRIEN. And refer to some notes.

[Short pause.]

MR. O'BRIEN. The answer is "Yes," sir.

MR. ST. CLAIR. You told Mr. Ehrlichman all you knew about those events then, I gather?

MR. O'BRIEN. Yes, sir.

MR. ST. CLAIR. All right now, sir, to go back to your talk with Mr. Mitchell in which you requested permission to see Mr. Haldeman, you said you were asked, you wanted to find out something about a conference with or conferring with the Watergate Committee then in session.

MR. O'BRIEN. Yes, sir.

MR. ST. CLAIR. Was that the Senate Select Committee?

MR. O'BRIEN. That is correct, sir.

MR. ST. CLAIR. What was the answer?

MR. O'BRIEN. From the——

MR. ST. CLAIR. Did you ever confer with the Senate Select Committee?

MR. O'BRIEN. I did not.

MR. ST. CLAIR. You did not? All right.

Now, sir, let us go back to the events of either the 16th or the 19th. What is your best memory as to which day it was you received this phone call from Mr. Bittman, as a result of which——

Mr. O'BRIEN. Well, my best memory is Friday, the 16th.

Mr. ST. CLAIR. Have you made, sir, any efforts to tie that date down?

Mr. O'BRIEN. I have made every possible effort.

Mr. ST. CLAIR. And have you received some assistance in tying, in serving your memory as a result of these efforts?

Mr. O'BRIEN. Yes, sir.

Mr. ST. CLAIR. And as a result of these efforts, what did you learn that assisted you in stating that your memory is that it was on the 16th?

Mr. O'BRIEN. While in discussions with Mr. Earl Silbert, Mr. Silbert called Mr. Bittman, and Mr. Bittman at that time indicated that the meeting was on the 16th.

Mr. ST. CLAIR. And your best memory is that it was on the 16th, but it could have been the 19th?

Mr. O'BRIEN. It could have been the 19th, sir, but I have a strong feeling that it was on a Friday.

Mr. ST. CLAIR. And did you discuss the date with Mr. Bittman?

Mr. O'BRIEN. I have discussed the date with him.

Mr. ST. CLAIR. And was he able to give any assistance to refresh your memory?

Mr. O'BRIEN. It is his belief that it was on the 16th.

Mr. ST. CLAIR. And did he demonstrate or tell you of any basis for that belief?

Mr. O'BRIEN. He told me that his records indicated that Mr. Hunt was at his office on that date.

Mr. ST. CLAIR. Did he indicate to you any records with respect to Mr. Hunt's presence on the 19th?

Mr. O'BRIEN. He has not so indicated that to me, sir.

Mr. ST. CLAIR. Well, has anyone indicated to you that Mr. Hunt saw Mr. Bittman in his office on the 19th?

Mr. O'BRIEN. No; they have not, sir.

Mr. ST. CLAIR. Has anyone indicated that he did not see Mr. Bittman on the 19th?

Mr. O'BRIEN. No, I understand that to be the case either, Sir.

Mr. ST. CLAIR. All right. Well, in any event, following the call from Mr. Bittman, you went over to his office that same day?

Mr. O'BRIEN. That is correct, sir.

Mr. ST. CLAIR. In the phone call you said that Mr. Bittman made some reference to alleged commitments that had been given Mr. Hunt?

Mr. O'BRIEN. Yes, sir.

Mr. ST. CLAIR. Had you ever heard of any such commitments before this time?

Mr. O'BRIEN. I had heard the allegation before.

Mr. ST. CLAIR. From what source and when?

Mr. O'BRIEN. From Mr. Bittman.

Mr. ST. CLAIR. On this same occasion?

Mr. O'BRIEN. Oh, no, on previous occasions.

Mr. ST. CLAIR. I see. What did you understand those commitments to be?

Mr. O'BRIEN. To amplify the last answer, I had also heard this from Mr. Parkinson as having been represented to him by Mr. Bittman, and I understood the commitments to be legal fees and family sustenance.

Mr. ST. CLAIR. Anything else?

Mr. O'BRIEN. No, sir.

Mr. ST. CLAIR. In connection with those discussions, had anyone ever mentioned the term "hush money"?

Mr. O'BRIEN. They did not.

Mr. ST. CLAIR. Did you have any understanding that the commitments in any way involved a quid pro quo for keeping quiet?

Mr. O'BRIEN. I did not.

Mr. ST. CLAIR. Mr. Bittman had never said that to you?

Mr. O'BRIEN. He had never said anything like that to me.

Mr. ST. CLAIR. And how about Parkinson?

Mr. O'BRIEN. Mr. St. Clair, would you be kind enough to repeat your question?

Mr. ST. CLAIR. Did Mr. Parkinson ever say to you that the commitments were a quid pro quo for keeping quiet or any words to that effect?

Mr. O'BRIEN. He did not.

Mr. ST. CLAIR. In fact, did Mr. Hunt ever say that to you?

Mr. O'BRIEN. Absolutely not.

Mr. ST. CLAIR. Now, sir, as a result of that telephone call from Mr. Bittman, you went over to see him, and he was busy on the telephone so he asked you to go down and see Mr. Hunt alone; right?

Mr. O'BRIEN. Yes, sir.

Mr. ST. CLAIR. Mr. Hunt told you of his family situation?

Mr. O'BRIEN. He did, sir.

Mr. ST. CLAIR. And he mentioned something about the word "seamy things" he had done for the White House?

Mr. O'BRIEN. Yes, sir.

Mr. ST. CLAIR. Did he use the word "seamy"?

Mr. O'BRIEN. He did, sir.

Mr. ST. CLAIR. Did you make any inquiries as to what this might involve?

Mr. O'BRIEN. I did not.

Mr. ST. CLAIR. Did he elaborate?

Mr. O'BRIEN. He did not.

Mr. ST. CLAIR. And then he outlined to you a need for \$130,000?

Mr. O'BRIEN. That is the best of my recollection, the total amount, sir.

Mr. ST. CLAIR. You didn't make any notes of this conversation?

Mr. O'BRIEN. I did not.

Mr. ST. CLAIR. You suggested, as I understand it, that there was nothing you could do for him, and that he ought to perhaps try to see Mr. Colson, is that right?

Mr. O'BRIEN. That's right, sir.

Mr. ST. CLAIR. What did he say to you, as best you can recall, when you suggested he see Mr. Colson?

Mr. O'BRIEN. I can only give you the tone of his comment because I don't recall it specifically by statement, but the general tone was that he really didn't give a damn about listening to my suggestions, that he was telling me.

Mr. ST. CLAIR. Did he direct you to see Mr. Dean?

Mr. O'BRIEN. He did, sir.

MR. ST. CLAIR. You had known Mr. Dean?

MR. O'BRIEN. I know Mr. Dean, yes, sir.

MR. ST. CLAIR. Did Mr. Hunt say to you anything as to why he wanted you to see Mr. Dean?

MR. O'BRIEN. No, sir.

MR. ST. CLAIR. Well, in any event, you did go to see Mr. Dean directly, did you not?

MR. O'BRIEN. I did, sir.

MR. ST. CLAIR. Did you leave Mr. Bittman's office and leave and go directly to Mr. Dean's office?

MR. O'BRIEN. I did, sir.

MR. ST. CLAIR. So if that was when you saw Mr. Hunt, was on the 16th, it was on that same day that you saw Mr. Dean?

MR. O'BRIEN. That is correct.

THE CHAIRMAN. Pardon me, Mr. St. Clair. Was your question, if it were on the 16th?

MR. ST. CLAIR. Yes, sir.

Now, when you saw Mr. Dean, I take it you repeated to him as close to verbatim as possible what Hunt had said to you?

MR. O'BRIEN. Yes, sir.

MR. ST. CLAIR. What did Mr. Dean respond?

MR. O'BRIEN. Well, as I previously testified in this hearing, sir, he was very upset by the communication. He did ask the question: "Why me?" He made the comment that he was tired of being stuck in the middle of this thing, and he was going to blow the matter up.

MR. ST. CLAIR. May I interrupt at this point?

MR. O'BRIEN. Yes, sir.

MR. ST. CLAIR. What did you understand him to mean when he said this thing? What do you think or what did you understand he was referring to?

MR. O'BRIEN. At that point he went right on and elaborated, sir, about conduits, and I knew very well what he was talking about at that point. He was talking about an obstruction of justice.

MR. ST. CLAIR. Yes, and conduits, he said, "You and I are being used as conduits," or words to that effect?

MR. O'BRIEN. Yes.

MR. ST. CLAIR. I cleaned it up a little bit?

MR. O'BRIEN. Yes, sir.

MR. ST. CLAIR. Well, let me ask you this: Did he tell you in any form of words that if you want money you came to the man, fellow, and I am not involved in the money, I don't know a thing about it, I can't help you, you had better scramble about elsewhere?

MR. O'BRIEN. Mr. Dean did not make that statement until he testified for that transcript.

MR. ST. CLAIR. Well, I haven't read, sir, from a transcript of his testimony. I read from a transcript of what he said to the President on the morning of March the 21st, and I am asking you if he ever told you that in any form of words?

MR. O'BRIEN. I should state unequivocally he did not make that statement to me.

MR. ST. CLAIR. In any form of words?

Mr. O'BRIEN. In any form of words.

Mr. ST. CLAIR. Thank you.

The CHAIRMAN. Mr. St. Clair, can we have the date of the transcript identified?

Mr. ST. CLAIR. Yes. I appreciate the suggestion. I have read from page 189 of the President's submission, being the transcript of the meeting between Dean, the President, and later Haldeman in the Oval Office of March 21, 1973, from 10:12 to 11:55 a.m.

Now, did Mr. Hunt, in the course of your conversation with him on the 16th or perhaps on the 19th, ever say in any form of words that, "I will bring John Mitchell down to his knees and put him in jail?"

Mr. O'BRIEN. He did not, sir.

Mr. ST. CLAIR. Did he ever mention Mr. Ehrlichman's name?

Mr. O'BRIEN. It is possible that he did, sir.

Mr. ST. CLAIR. You have a memory of his mentioning Ehrlichman's name, Hunt's mentioning Ehrlichman's name?

Mr. O'BRIEN. Sir, I am vague on the point as to whether he said seamy things for Mr. Ehrlichman or the White House, but it is my best recollection that he said seamy things for the White House. I could not discount the possibility that he may have used Mr. Ehrlichman's name.

Mr. ST. CLAIR. Did Mr. Hunt in anyway, in any form of words, threaten to bring John Ehrlichman down to his knees and put him in jail?

Mr. O'BRIEN. He did not, sir.

Mr. ST. CLAIR. In your talk with Mr. Dean, did the word "black-mail", was it ever used?

Mr. O'BRIEN. It was not, sir.

Mr. ST. CLAIR. Now, sir, did you and any other lawyer at the Re-Election Committee conduct an investigation to find out certain facts prior to March the 21st of 1973?

Mr. O'BRIEN. No, sir. We were fortunate enough to be able to find out what was going on the following day by reading the Washington Post.

Mr. ST. CLAIR. But you had not prior to March 21 conducted any investigation, either alone or in conjunction with anyone else?

Mr. O'BRIEN. Not really, sir.

Mr. ST. CLAIR. Thank you. So that if on the morning of March 21, Mr. Dean stated to the President, "You have these two lawyers over at the Re-Election Committee who did an investigation to find out the facts," that is not an accurate statement?

Mr. O'BRIEN. That is not an accurate statement in that we did not conduct a specific investigation at the point in time. Of course, we were apprised of numerous facts, alleged facts and rumors.

Mr. ST. CLAIR. And rumors?

Mr. O'BRIEN. Yes, sir.

Mr. ST. CLAIR. Thank you. How was the matter left with Mr. Dean after you conferred with him following your meeting with Hunt?

Mr. O'BRIEN. Mr. St. Clair, the matter was left, the best way to describe it, I departed Mr. Dean's office, and I took no further personal action in regard to the matter.

Mr. ST. CLAIR. And none was, so far as you were aware, was expected of you?

Mr. O'BRIEN. Mr. Dean made a comment to me asking me to contact Mr. Mitchell.

Mr. ST. CLAIR. I see. What did he say about that?

Mr. O'BRIEN. He said, have you called John?

Mr. ST. CLAIR. What did you say?

Mr. O'BRIEN. I said "No."

Mr. ST. CLAIR. Any further conversation on that point?

Mr. O'BRIEN. He suggested that I call Mr. Mitchell.

Mr. ST. CLAIR. What did you respond when he suggested that?

Mr. O'BRIEN. I simply remained silent as to that response, and I took no action in that regard.

Mr. ST. CLAIR. You did not call Mr. Mitchell?

Mr. O'BRIEN. I did not, sir.

Mr. ST. CLAIR. Now, have you told us all that you can recall of that conversation?

Mr. O'BRIEN. Yes; to the best of my ability, sir.

Mr. ST. CLAIR. All right. Did you report back to Mr. Bittman at all?

Mr. O'BRIEN. I did not, sir.

Mr. ST. CLAIR. Or to Mr. Hunt?

Mr. O'BRIEN. I did not.

Mr. ST. CLAIR. Thank you. Did you from time to time, sir, have occasion to go into the EOB during the period, let us say, the first 6 months of 1973?

Mr. O'BRIEN. I was in there constantly.

Mr. ST. CLAIR. And were you always logged in, to your knowledge?

Mr. O'BRIEN. No, sir.

Mr. ST. CLAIR. There were occasions when you would go in without being logged in?

Mr. O'BRIEN. The only occasions that I can recall specifically were if I were walking in with persons who had a pass, such as Mr. LaRue, Mr. Dean, people in that category, why there would be no logging in.

Mr. ST. CLAIR. Thank you. I have no further questions, Mr. Chairman.

The CHAIRMAN. Mr. Donohue?

Mr. O'DONNELL. Mr. Chairman, just one clarification.

The CHAIRMAN. Mr. O'Donnell.

Mr. O'BRIEN. I believe, Mr. St. Clair, you did ask a question as to any conversations which I may have had with the Senate select committee which looked into the Watergate matter, and I replied in the negative. I did not make an appearance before that committee, but I did have discussions with staff personnel.

Mr. ST. CLAIR. That is, you were interviewed by the staff?

Mr. O'BRIEN. That is correct, sir.

Mr. ST. CLAIR. And your interview was recorded, was it, or notes made of it, if you know?

Mr. O'BRIEN. It was not recorded. I believe that there may have been some notes made.

Mr. ST. CLAIR. I see. And as a result you were not called then before the committee to testify, I take it?

Mr. O'BRIEN. I was not called to testify, sir.

Mr. ST. CLAIR. Thank you. That's all. Thank you for the clarification.

That is all I have, Mr. Chairman.

The CHAIRMAN. Thank you.

Mr. Donohue? Or excuse me, Counsel.

Mr. DOAR. Mr. Chairman, could I ask one question?

The CHAIRMAN. Counsel.

Mr. DOAR. Subsequent to this meeting that you related to the committee with Mr. Dean at his office, when did you next see Mr. Dean in his office, if you remember?

Mr. O'BRIEN. I recall that I did see Mr. Dean subsequently. I cannot pinpoint the dates for you at the moment, but I certainly could try and give you an answer. I just cannot do it from memory.

Mr. DOAR. Was it within a few days, or can you tell us whether it was before or after you went to California?

Mr. O'BRIEN. I saw Mr. Dean I know after I went to California, but I can only recall once such occasion subsequent to California. I would presume, and I am not certain that I did see him between California and March 16 or 19.

Mr. DOAR. Did you have telephone conversations or did you go over?

Mr. O'BRIEN. Yes; I did have telephone conversations, sir.

Mr. DOAR. Did you go over to his office and see him?

Mr. O'BRIEN. At the moment it is my thought that I did see him in his office, but I just can't answer that with certainty.

Mr. DOAR. Do you have any records that would reflect that one way or the other?

Mr. O'BRIEN. We are, of course, excluding the White House record of some sort which indicates that I was there on the 19th?

Mr. DOAR. Yes; subsequent to the 19th.

Mr. O'BRIEN. No; I would presume that they would show—I would have to go an EOB-type record I would believe.

Mr. DOAR. Have you done that?

Mr. O'BRIEN. No; I have not, sir.

Mr. DOAR. Did you have any further discussions with Mr. Dean about the subject matter of the conversation on either the 16th or the 19th?

Mr. O'BRIEN. You mean following those dates if I had any?

Mr. DOAR. Yes.

Mr. O'BRIEN. No; I have not, sir.

Mr. DOAR. That is all.

The CHAIRMAN. Mr. Donohue?

Mr. DONOHUE. No questions at this time.

The CHAIRMAN. Mr. Hutchinson?

Mr. HUTCHINSON. No questions.

The CHAIRMAN. Mr. Brooks?

Mr. BROOKS. No questions, Mr. Chairman.

The CHAIRMAN. Mr. McClory?

Mr. McCLORY. Thank you, Mr. Chairman.

Mr. O'Brien, at the time that you went to Mr. Bittman's office, you were going in your capacity as an attorney for the Committee to Re-Elect the President?

Mr. O'BRIEN. Yes, sir.

Mr. McCLORY. And did Mr. Bittman at any time talk to you at all about his attorney's fees or did you get the idea that he was calling you because he wanted to get attorney's fees?

Mr. O'BRIEN. No, sir. I did not get the idea that Mr. Bittman was calling me because he wanted to get attorney's fees. I think Mr. Bittman was calling me because of pressures from his client.

Mr. McCLORY. And of course, the attorney's fees that Mr. Hunt, that were owed, were owed to Mr. Bittman, were they not?

Mr. O'BRIEN. They would have gone to his law firm, sir.

Mr. McCLORY. I see. Well, do you know anything about a subsequent payment to Mr. Bittman?

Mr. O'BRIEN. Yes, sir. I just testified in this hearing this morning about learning at the latter part of March, first part of April, prior to going to California from Mr. LaRue that he apparently made a payment of some \$70,000 to either Mr. Bittman or Mr. Hunt.

Mr. McCLORY. For attorney's fees?

Mr. O'BRIEN. That was Mr. LaRue's statement, sir.

Mr. McCLORY. Now, you went to California on the 29th of March? Is that the date?

Mr. O'BRIEN. No; I went on the 4th of April, sir.

Mr. McCLORY. You went on the 4th of April. Now, again did you go in your capacity as an attorney for the Committee to Re-Elect?

Mr. O'BRIEN. Yes, I did, sir.

Mr. McCLORY. And did they pay your expenses for the trip out there?

Mr. O'BRIEN. Yes, they did, sir.

Mr. McCLORY. And during this earlier period, you were endeavoring to see Mr. Haldeman and you called, you called and talked not only to Mr. Mitchell, and you talked to Mr. Moore, Mr. Richard Moore as well; did you not?

Mr. O'BRIEN. Yes, I did, sir.

Mr. McCLORY. I don't think you mentioned that earlier; did you?

Mr. O'BRIEN. No, I didn't, sir.

Mr. McCLORY. You were also trying to get Mr. Moore to arrange for an appointment for you with Mr. Haldeman?

Mr. O'BRIEN. No, sir. I hadn't specifically spoken to Mr. Moore about arranging an appointment with Mr. Haldeman.

Mr. McCLORY. What were you calling Mr. Moore about, Mr. O'Brien.

Mr. O'BRIEN. I would see Mr. Moore from time to time, and I was talking to him about generally the situation of the settling of some of these cases and getting the facts out.

Mr. McCLORY. Did you get the—you certainly got the impression, did you not, when you talked to Mr. Ehrlichman out in California, that the things you were telling him he was learning for the first time; is that correct?

Mr. O'BRIEN. That was his statement, sir.

Mr. McCLORY. And you didn't get any contrary statement?

Mr. O'BRIEN. I did not, sir.

Mr. McCLORY. And in your conversations with Mr. Dean, did Mr. Dean at any time tell you or indicate to you that he had, information that he had or the information that he was getting from time to time from you he had communicated to the President, for instance?

Mr. O'BRIEN. Mr. Dean did not tell me that he had communicated information to the President. Mr. Dean simply indicated to me that he reported to Mr. Ehrlichman and Mr. Haldeman from time to time.

Mr. McCLORY. And did he tell you that he was directed to investigate the subject of the Watergate break-in?

Mr. O'BRIEN. That was my initial understanding from Mr. Dean, yes, sir.

Mr. McCLORY. And then later when you went out to California you found out that Mr. Ehrlichman had been assigned to that task to investigate and bring out all of the facts?

Mr. O'BRIEN. That was what Mr. Ehrlichman represented at my meeting in California, yes, sir.

Mr. McCLORY. Now, you had had some conversations with Mrs. Hunt as well as Mr. Hunt; have you not?

Mr. O'BRIEN. I have had a single conversation with Mrs. Hunt.

Mr. McCLORY. In other words, nothing in your conversation with Mrs. Hunt which would indicate that there was any hush money or any money demanded or being paid for purposes other than for the purposes that you have testified about, attorneys' fees and sustenance?

Mr. O'BRIEN. There was nothing in my conversation with Mrs. Hunt which pertained to money.

Mr. McCLORY. And is there anything in your experience during that period, not that you have heard recently, but during that period that indicated to you that there were demands or threats being made for which cash payments were being demanded?

The CHAIRMAN. The time of the gentleman has expired. The witness may answer the question.

Mr. McCLORY. My timer has not gone off yet, Mr. Chairman. I had this checked at the jeweler's for its accuracy.

The CHAIRMAN. I am afraid there is one timer that is the official timer, and it is in the hands of the Chairman.

Mr. McCLORY. It is keeping bad time, Mr. Chairman.

The CHAIRMAN. The witness will respond to the question.

Mr. O'BRIEN. No threats were ever conveyed to me, sir.

Mr. McCLORY. All right. I thank the gentleman. I yield back the balance of my time.

The CHAIRMAN. You are very patient and liberal, Mr. McClory. Mr. Kastenmeier.

Mr. KASTENMEIER. Mr. Chairman, I just have one question, and that arises out of a response that you made to counsel before it was turned over to the panel. That is, you indicate that White House records confirm that you had called at the White House on March 19; is that correct?

Mr. O'BRIEN. That is correct, sir.

Mr. KASTENMEIER. And does that refer to, in your belief, the meeting you had with Mr. Dean?

Mr. O'BRIEN. Unfortunately it does not persuade me that my strong feeling that the meeting was on the 16th was in error.

Mr. KASTENMEIER. I beg your pardon?

Mr. O'BRIEN. It has not persuaded me that my strong feeling that the meeting was on the 16th is in error.

Mr. KASTENMEIER. Then the committee is left with the inference that the White House records are not very reliable, or is there any other explanation for it?

Mr. O'BRIEN. To the contrary, I could have been there. There is no reason that I wouldn't have been there for another meeting.

Mr. KASTENMEIER. Oh, you might have been there for another meeting?

Mr. O'BRIEN. That is right.

Mr. KASTENMEIER. Can you recall that meeting?

Mr. O'BRIEN. No; in response to questions just made, I said I don't have specific recollection of what the subsequent meetings were, but I can tell you that I certainly was in the EOB a number of times subsequent to the 16th or the 19th.

Mr. KASTENMEIER. And before March 21?

Mr. O'BRIEN. And many, many times before—oh, before March 21?

Mr. KASTENMEIER. Between the 16th and the 19th, that period, that meeting with Mr. Dean, and before March 21, were you there for one or more meetings, the 2- or 5-day period?

Mr. O'BRIEN. Sir, are you asking was I there or was I there on the 20th or the 21st?

Mr. KASTENMEIER. 19th, 20th, or 21st; yes.

Mr. O'BRIEN. Well, the EOB record shows I was there on the 19th. To the best of my knowledge, I was not there on the 20th or the 21st, but I don't have access to those records and I don't know what they show, sir.

Mr. KASTENMEIER. Yes; and if it were not Mr. Dean you would not recall with whom you had a meeting on March 19, is that correct?

Mr. O'BRIEN. If it were not Mr. Dean, I wouldn't recall, and I believe it would have had to have been Mr. Dean that I would have met with on March 19. The only possibility on that date would have been someone like Mr. Fielding who had an office adjacent to Mr. Dean.

Mr. KASTENMEIER. I thank you. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Mr. Smith.

Mr. SMITH. Mr. O'Brien, when you saw John Ehrlichman in California on, I believe it was April 5, 1973, did you tell him that you thought it was possible that an obstruction of justice had been committed?

Mr. O'BRIEN. No, sir, that's not my recollection of what I told him. I explained to him what I felt the situation was. I explained to him that I—it was my opinion that if the funds which had been transmitted had been for the payment of legal services and family sustenance, and no quid pro quo was sought, that there was not a problem, but that if, indeed, the intent of the donor was to compel silence, that that would constitute an obstruction of justice.

Mr. SMITH. Well, at—did you know that there had been any payments to Mr. Hunt or to his attorney prior to Mr. LaRue's telling you about the \$70,000?

Mr. O'BRIEN. The answer to that is "Yes."

Mr. SMITH. Who did you think was paying the money?

Mr. O'BRIEN. My view on that changed. Initially, I had the strong feeling that the funding was from the Central Intelligence Agency.

Mr. SMITH. Then your view changed after that?

Mr. O'BRIEN. It did indeed.

Mr. SMITH. And who did you think was paying the money after that?

Mr. O'BRIEN. There came a time when I was actually informed by Mr. Dean on February 15 that funding was coming from \$350,000 which had been transferred to the White House.

Mr. SMITH. That was February 15 of what year?

Mr. O'BRIEN. 1973.

Mr. SMITH. Now, those were the payments that you thought on April 5, when you were telling Mr. Ehrlichman, if they had been made for legal fees and family sustenance, that there was no problem, but if they had been made to by silence, there might be a problem?

Mr. O'BRIEN. That is right.

Mr. SMITH. Thank you, Mr. O'Brien.

The CHAIRMAN. Mr. Edwards?

Mr. EDWARDS. No questions.

The CHAIRMAN. Mr. Sandman?

Mr. SANDMAN. No questions.

The CHAIRMAN. Mr. Hungate?

Mr. HUNGATE. No questions.

The CHAIRMAN. Mr. Railsback?

Mr. RAILSBACK. Mr. O'Brien, I think you have testified that you spoke with John Ehrlichman on April 5, was it, or was it the 4th?

Mr. O'BRIEN. No, sir, I went to California on April 4 and I spoke with him on the morning of the 5th.

Mr. RAILSBACK. I think you have also said that you really wanted to meet with Mr. Haldeman to convey to him some concerns that you had.

Mr. O'BRIEN. That is correct, sir.

Mr. RAILSBACK. Did you convey those same concerns to John Dean?

Mr. O'BRIEN. I did not, sir. Mr. Dean had conveyed some of his concerns to me. I didn't convey my concerns to Mr. Dean because of the feeling that he might very well be deeper involved than I had knowledge of.

Mr. RAILSBACK. Did you indicate to our staff in an interview that we took than you had some suspicions about Dean?

Mr. O'BRIEN. I may have indicated that in an interview. I don't know, sir. You would have that data available. But I did have some suspicions about Mr. Dean in the latter stages.

Mr. RAILSBACK. I wonder what, if you can tell us what caused your suspicions?

Mr. O'BRIEN. Yes; I can tell you some things. I think the very first thing was in about late August of 1972, Mr. Dean—Mr. Magruder had received a subpoena to produce a desk book which he maintained. This particular book indicated two meetings had taken place between Mr. Magruder, Mr. Liddy, Dean, and others, and Mr. Dean made a comment at the time about Magruder should destroy the book. That was probably the first item. There were—I might add that both Mr. Parkinson and I indicated that could not be done.

There were other items and I would say that it was a feeling. I do want to indicate to this body that I was not and I am not hostile to Mr. Dean. I was very fond of him.

The CHAIRMAN. Excuse me. You say you were very fond of him?

Mr. O'BRIEN. I still am.

But there were times when Mr. Dean, because I feel that he, maybe legitimately or otherwise, felt that counsel didn't have a need to

know, just would not necessarily inform us on matters. But in fairness to Mr. Dean, he was not alone in that category.

I had also had trouble in a situation involving Mr. Magruder in that he had indicated that Mr. Dean had tried to get him to—well, had tried to suborn him to perjury.

Mr. RAILSBACK. When did you first learn of that?

Mr. O'BRIEN. I actually learned of all of the details for the first time from Mr. Magruder on either the 26th or the 29th of March. It was at a meeting in Mr. Parkinson's office when we informed Mr. Magruder he would have to get separate counsel and Mr. Magruder related for the first time to me his involvement.

The CHAIRMAN. The time of the gentleman has expired.

Mr. Conyers.

Mr. CONYERS. I don't have any questions, Mr. Chairman.

The CHAIRMAN. Mr. Wiggins?

Mr. WIGGINS. Mr. O'Brien, you testified that you talked to Mr. LaRue on or about, as I recall, March 19. That was the conversation involving a trust instrument.

Mr. O'BRIEN. No sir.

Mr. WIGGINS. What is the correct date of that conversation?

Mr. O'BRIEN. At the end of March, the first part of April, prior to my going to California, sir.

Mr. WIGGINS. Alright. Did you have any conversation at that time with Mr. LaRue with respect to any other matter, other than this trust instrument?

Mr. O'BRIEN. I am sure I did, sir. I probably had been sitting in his office for maybe over an hour on this particular occasion, would be my guess.

Mr. WIGGINS. Do you remember any conversation concerning the payment of money to Hunt?

Mr. O'BRIEN. Nothing other than I have reported here, sir.

Mr. WIGGINS. My notes do not indicate that you have reported your conversation with LaRue concerning the payment of money to Hunt. Was there such a conversation?

Mr. O'BRIEN. Yes, I indicated that discussion with Mr. LaRue on this date had to do with a legal entity and that the reason was because Mr. LaRue was holding certain cash funds which would fund this entity and that he made the offhand remark that he had less funds now, by some \$70,000, and that he had paid it either to Bittman or Hunt.

Mr. WIGGINS. Yes. Other than that, was there a further discussion about the circumstances of the payment?

Mr. O'BRIEN. No, sir.

Mr. WIGGINS. Now, when you met with Dean on the 16th, did Dean take any action in your presence with respect to the subject matter of that conversation? The action I am thinking about is did he make any telephone calls?

Mr. O'BRIEN. He made none in my presence, sir.

Mr. WIGGINS. Did he tell you what he was going to do as a result of your revelations to him?

Mr. O'BRIEN. He did not, sir.

Mr. WIGGINS. That is all.

The CHAIRMAN. Mr. Eilberg?

Mr. EILBERG. Mr. Chairman.

When you went out to see Mr. Ehrlichman, you conveyed the idea that you wanted the President to be advised. Is that correct?

Mr. O'BRIEN. That is correct, sir.

Mr. EILBERG. What did he say?

Mr. O'BRIEN. He told me he was happy to have me there.

Mr. EILBERG. Did he say that he would communicate with the President?

Mr. O'BRIEN. He did not.

Mr. EILBERG. Did you speak to anyone else while you were there?

Mr. O'BRIEN. In San Clemente?

Mr. EILBERG. Besides Ehrlichman?

Mr. O'BRIEN. No sir.

Mr. EILBERG. Thank you.

The CHAIRMAN. Mr. Dennis?

Mr. DENNIS. Mr. O'Brien, as I understand it, you were in and out of the EOB, is that correct?

Mr. O'BRIEN. Yes sir.

Mr. DENNIS. And sometimes, if I understand you and your experience, you were logged in and sometimes you were not, is that right?

Mr. O'BRIEN. That is correct, sir.

Mr. DENNIS. And apparently, your record shows that you were logged in on the 19th, but if I understand you, it still remains your best opinion that it was on a Friday, the 16th, that you saw Mr. Dean on the occasion that you have testified to this morning, is that right?

Mr. O'BRIEN. Yes sir.

Mr. DENNIS. Mr. Dean suggested that you call Mr. Mitchell. Did he say anything about whether he was going to call Mr. Mitchell?

Mr. O'BRIEN. No, he did not, sir.

Mr. DENNIS. Or whether he was going to call anybody?

Mr. O'BRIEN. No, he did not.

Mr. DENNIS. Or report to anyone in your conversation?

Mr. O'BRIEN. No sir.

Mr. DENNIS. Did Mr. Hunt give you any idea or state to you anything about who had given him these alleged commitments?

Mr. O'BRIEN. He did not.

Mr. DENNIS. Did it come to your attention, Mr. O'Brien, that after the various Watergate defendants had pled guilty or been convicted that the District Attorney made the practice of taking them before the grand jury and taking their testimony?

Mr. O'BRIEN. I had known that was going to happen as early as, I believe, late October 1972, sir.

Mr. DENNIS. And that was true in the case of Mr. Hunt as well as others, was it not?

Mr. O'BRIEN. Yes sir. Counsel for Mr. Hunt had been so informed.

Mr. DENNIS. And it would be a fact that once these people had been convicted and taken before the grand jury, they would have no further rights under the fifth amendment. Is that not true?

Mr. O'BRIEN. Criminal law is not my specialty, sir, but I believe they could still refuse to answer, and of course, then be in contempt of court, which would only add to their sentence. That is always a possibility.

Mr. DENNIS. Well, at any rate, they would not have any fifth amendment rights—

Mr. O'BRIEN. They would not have fifth amendment rights.

Mr. DENNIS. On the matter for which they had been found guilty or convicted?

Mr. O'BRIEN. That is, I believe, the state of the law, sir.

Mr. DENNIS. And of course, there was the matter of their sentence pending however, correct?

Mr. O'BRIEN. That is the manner in which it was handled; yes sir.

Mr. DENNIS. Does it occur to you that with people laboring under those particular circumstances, there would be any particular advantage in paying them money to keep them quiet?

Mr. O'BRIEN. No, I don't see any advantage in doing that, sir.

Mr. DENNIS. That is all, Mr. Chairman.

The CHAIRMAN. Mr. Waldie?

Mr. WALDIE. Do I understand that you never discussed your conversation with Hunt with Mr. Mitchell prior to going to San Clemente?

Mr. O'BRIEN. That is correct, sir.

Mr. WALDIE. So that when you talked to Mr. Ehrlichman at San Clemente, you had not discussed that conversation with Mr. Mitchell at all?

Mr. O'BRIEN. I have not discussed that conversation with him yet.

Mr. WALDIE. Mr. Mitchell was your client, was he not?

Mr. O'BRIEN. He was.

Mr. WALDIE. You were acting, were you not, when you were called by Mr. Bittman, as the attorney for Mr. Mitchell?

Mr. O'BRIEN. Yes, sir.

Mr. WALDIE. Why did you not report the fruits of your engagement when you were acting on his behalf to your client?

Mr. O'BRIEN. After the discussion with Mr. Dean, I felt it would be an impropriety for me to take any further action in which I might be considered a conduit, sir.

Mr. WALDIE. I thought you weren't concerned about what Mr. Hunt said, that there was no wrongdoing proposed by Mr. Hunt. Am I incorrect in that, that you anticipated there might be some wrongdoing by Mr. Hunt?

Mr. O'BRIEN. On the contrary, sir. I have not said I was unconcerned.

Mr. WALDIE. Well, then, tell me—

Mr. O'BRIEN. I was the most concerned man that could be, just because of the fact that I had been requested personally to become involved in a \$130,000 matter.

Mr. WALDIE. That did trouble you?

Mr. O'BRIEN. It certainly did.

Mr. WALDIE. You did not think, however, that it troubled you sufficiently that your client need be involved, since you were called on behalf of your client?

Mr. O'BRIEN. I didn't think that there was a need for me to become further involved in the matter, sir.

Mr. WALDIE. What about your client? Did you ever inform your client as his attorney as to this conversation with Mr. Hunt from that day to this very day you are testifying?

Mr. O'BRIEN. By informing Mr. Dean, my client was informed, sir.

Mr. WALDIE. Did not Mr. Dean ask you to convey that information to Mr. Mitchell?

Mr. O'BRIEN. He did, and I felt that I would take no further action in that regard.

Mr. WALDIE. Did you convey that opinion, that you would take no further action, to Mr. Dean?

Mr. O'BRIEN. I did not, sir.

Mr. WALDIE. So Mr. Dean did not know you were not going to convey that to Mr. Mitchell?

Mr. O'BRIEN. That is correct, sir.

Mr. WALDIE. Did you convey to Mr. Dean your own trepidations about the depth in which you found yourself involved in that matter?

Mr. O'BRIEN. I certainly did.

Mr. WALDIE. And that is why you desired to go to talk to Haldeman, is it not, because of your personal involvement in this matter?

Mr. O'BRIEN. Sir, I had asked to speak to Mr. Haldeman before this time.

Mr. WALDIE. Was it because you were concerned as to the depth you personally were becoming involved in this situation?

Mr. O'BRIEN. I am certain that was a factor.

Mr. WALDIE. All right. Will you explain to me exactly what depth you found yourself in, in your opinion, legally at that point?

Mr. O'BRIEN. Legally, sir, I had been, had received a number of representations from Mr. Bittman about commitments from his client.

Mr. WALDIE. And what were those representations?

Mr. O'BRIEN. That commitments were not being met.

Mr. WALDIE. And what was the extent of the commitments? Did he describe them?

Mr. O'BRIEN. He did not, sir.

Mr. WALDIE. So how were you legally involved at that point in your representation?

Mr. O'BRIEN. Because of the fact that the representations were being made to me and I was becoming involved in it and it was not a matter that I intended to become involved in. I had been hired for civil litigation.

Mr. WALDIE. Why did you then involve yourself at all in the matter? Why did you not tell them that you were not hired for this sort of action?

What, by the way, did you describe this action as, if it was not civil litigation? What was this sort of representation?

Mr. O'BRIEN. At this particular stage, sir, I had been requested by Mr. Mitchell to be prepared to undertake the representation of the committee and its various members before the Watergate Committee.

Mr. WALDIE. So that your authority on behalf of your client, Mr. Mitchell, had been expanded beyond that of civil litigation?

Mr. O'BRIEN. My authority had been expanded. I would not have put that in the realm of criminal litigation, sir.

Mr. WALDIE. Tell me just this question: I am very curious as an attorney how you were able to confer with the client of another attorney without his presence unless you understood that that was to be the arrangement? Did you understand when you arrived at Bittman's office that Bittman wanted no part of your conversation with his client?

Mr. O'BRIEN. Absolutely not.

Mr. WALDIE. Then why did you engage in a conversation with the man's client absent his presence?

Mr. O'BRIEN. That was at his express direction.

Mr. WALDIE. So he did direct you to engage in that meeting absent his presence?

Mr. O'BRIEN. That is correct.

The CHAIRMAN. The time of the gentleman has expired.

Mr. Fish.

Mr. FISH. Thank you, Mr. Chairman.

Mr. O'Brien, I believe you have testified that at your meeting with Mr. Hunt in Mr. Bittman's office, among other things, Mr. Hunt indicated that if there were no action with regard to his requests, if no action were taken, he would have to review his options.

Mr. O'BRIEN. That is correct, sir.

Mr. FISH. Did he elaborate at all to you as to what his options were?

Mr. O'BRIEN. No, he did not.

Mr. FISH. What did this statement mean to you at that time?

Mr. O'BRIEN. I did not particularly focus on the statement at that time, sir. I was most excited about having been asked for \$130,000 and it was not until I sat down with Mr. Dean that I focused on this issue.

Mr. FISH. You later testified that you repeated the conversation that you had with Mr. Hunt to Mr. Dean?

Mr. O'BRIEN. That is correct, sir.

Mr. FISH. And that included this reference to he would have to review his options?

Mr. O'BRIEN. Yes, sir.

Mr. FISH. And you then said that Mr. Dean was upset. Why do you think Mr. Dean was upset?

Mr. O'BRIEN. Sir, I don't possess sufficient clairvoyance to give you a responsive answer as to why Mr. Dean was particularly upset.

The CHAIRMAN. The gentleman is asking for the witness to read somebody else's mind and I think that he is not required to answer that.

Mr. FISH. Mr. Chairman, the witness had testified that he didn't focus on this particular aspect of Mr. Hunt's remarks until he was talking to Mr. Dean and I was wondering whether his expression, "Mr. Dean was upset" came from an observation with respect to the recounting the money or recounting the option statement to Mr. Dean.

Mr. O'BRIEN. Sir, I think that the reason that Mr. Dean was upset was what was the reason the message was being conveyed directly to him.

Mr. FISH. Did you and Mr. Dean discuss any of the possible options that Mr. Hunt might have had in mind?

Mr. O'BRIEN. No, we did not, sir.

Mr. FISH. You later testified that you had a conversation after March 19 with Mr. Mitchell that led to your talk with Mr. Ehrlichman.

Mr. O'BRIEN. That is correct, sir.

Mr. FISH. And that you testified that you told Mr. Ehrlichman all you knew of the matter with Mr. Hunt. At one time, I believe at the end of the cross-examination, you said that after your talk with Mr.

Dean, you left after Mr. Dean requested you call Mitchell, and you were asked did you call Mr. Mitchell and you said no. I wonder if you would like to change that or clarify that answer?

Mr. O'BRIEN. I certainly don't want to change it, sir. I will be glad to clarify it.

I had a number of conversations with Mr. Mitchell afterward, but I did not go into this specific matter.

Mr. FISH. But it did lead to the meeting with Mr. Ehrlichman, one of the purposes of which was to go into these specific matters, is that not correct?

Mr. O'BRIEN. That is right, sir.

Mr. FISH. When Mr. Dean and yourself on February 15 had a conversation, you said you became aware of the \$350,000 fund at the White House?

Mr. O'BRIEN. Yes sir.

Mr. FISH. And do I understand you to say that Mr. Dean made direct reference to, that part of this fund would be used for legal and family assistance support for people like Mr. Hunt?

Mr. O'BRIEN. No; I think there are two points I should clarify. First, I had learned much earlier that a sum of \$350,000 in cash had been transferred to the White House. That information had been obtained from Mr. Hugh Sloan and also had been part of, I believe, a deposition of Mr. Sloan's in the Common Cause case.

On February 15, Mr. Dean informed me that part of this particular fund was being utilized for the legal fees and sustenance payments.

Mr. FISH. One final question, please.

Did you learn from Mr. Dean on whose authority part of this fund was being utilized for this purpose?

Mr. O'BRIEN. Yes; Mr. Dean did make a comment in that area. He said that Mr. Haldeman had to authorize the release of those funds.

Mr. FISH. Thank you. Mr. Chairman.

The CHAIRMAN. Mr. Flowers.

Mr. FLOWERS. Thank you, Mr. Chairman.

Mr. O'Brien, during the period that you have indicated, which was about a year's time, I guess, up until May of 1973, you were one of counsel for the Committee To Re-elect the President in connection with the litigation brought based upon the break-in at the Democratic National Headquarters.

Mr. O'BRIEN. Yes sir.

Mr. FLOWERS. Now, in connection with your serving as counsel or one of the counsel, you had occasion, I believe you said, to meet with attorneys for Mr. Hunt and for any of the other then Watergate defendants, the Cubans or any of the others?

Mr. O'BRIEN. On occasion.

Mr. FLOWERS. During all this period of approximately 1 year, aside from the single instance that you have already testified at length to, when Mr. Hunt broached the subject of \$130,000 to you, were you in any way aware of any support payments, sustenance payments, attorneys' fees payments being made to any of the other Watergate defendants or to Mr. Hunt?

Mr. O'BRIEN. Yes sir.

Mr. FLOWERS. Now, to what extent were you aware of any other support payments or any other payments?

Mr. O'BRIEN. Well, I had heard that \$25,000 had been delivered to Mr. Bittman's office. I had heard that from Mr. Parkinson during the summer of—

Mr. FLOWERS. 1972?

Mr. O'BRIEN. 1972, sir. I had the strong impression that funds were moving as to specific knowledge. I could not attest to the fact that I knew someone got such and such, so much money.

Mr. FLOWERS. It was fairly common knowledge, then—

Mr. O'BRIEN. Yes, it was.

Mr. FLOWERS [continuing]. Mr. O'Brien that these people were paying fairly high priced legal talent out of funds that came from somewhere, and from all appearances, they didn't have the funds themselves. Is that about what you are saying, sir?

Mr. O'BRIEN. I am saying it was fairly apparent that there was high priced legal talent who would not remain in the case very long if they weren't paid.

Mr. FLOWERS. If they weren't getting paid?

Mr. O'BRIEN. Yes, sir.

Mr. FLOWERS. Alright. Now, on another subject, on April 5, when you visited San Clemente and met with Mr. Ehrlichman on the morning of that day, I believe you said, you met with him for what length of time?

Mr. O'BRIEN. I would say about an hour.

Mr. FLOWERS. About an hour's time? And that was the only person that you met with officially out there, or in connection with this matter, anyway?

Mr. O'BRIEN. Right, and the only other people I saw were the security people and Mr. Ehrlichman's secretary.

Mr. FLOWERS. Yes, sir. And during this meeting with Mr. Ehrlichman, did you tell him in substantive detail of your meeting with Mr. Hunt?

Mr. O'BRIEN. I told him about it, of that I am certain. Now—

Mr. FLOWERS. Would you say it was in the same detail that you have told us of your meeting with Mr. Hunt?

Mr. O'BRIEN. I doubt it was in the same specific detail. I was characterizing factual situations for him generally and it depended, to some extent, on his interest as I went down matters.

Mr. FLOWERS. Well, this was the matter that was most concerning you, I gathered. Is that not true, sir?

Mr. O'BRIEN. No; the entire matter concerned me at this point, sir.

Mr. FLOWERS. Did you tell him of your subsequent conversation on the same day with Mr. Dean?

Mr. O'BRIEN. I know I did, sir. I am sorry. I didn't understand your question.

Mr. FLOWERS. You told Mr. Ehrlichman of your later conversation the same day with Mr. Dean?

Mr. O'BRIEN. Yes sir.

Mr. FLOWERS. Did you tell him of Mr. Dean's clear statements and indications that he was not going to become further involved as a conduit for this type of activity?

Mr. O'BRIEN. I don't recall that specifically, sir, no.

Mr. FLOWERS. Well, did you indicate to Mr. Ehrlichman what I gather to have been your impression from Mr. Dean that this was an illegal obstruction of justice proposition that was brooding on the horizon?

Mr. O'BRIEN. I did go into the question of obstruction of justice and whether or not one had been committed and what I thought the state of the law was as to it, sir.

Mr. FLOWERS. With Mr. Ehrlichman?

Mr. O'BRIEN. I did, sir.

Mr. FLOWERS. All of this during the conversation that morning with him?

Mr. O'BRIEN. Yes sir.

Mr. FLOWERS. One final question, sir, and I will be done. Subsequent to your return to Washington after your meeting with Mr. Ehrlichman in early April of 1973, I believe you said your employment as counsel for the committee ceased in May 1973, somewhere in that period of time?

Mr. O'BRIEN. May or June of 1973, yes sir.

Mr. FLOWERS. Now, did you, after that, during the latter part of April and during the month of May, 1973, did you ever have any occasion to talk further with Mr. Bittman about any funds for Mr. Hunt?

Mr. O'BRIEN. I have talked with Mr. Bittman since that date, yes sir.

The CHAIRMAN. The time of the gentleman has expired.

The committee will recess until quarter to two.

[Whereupon, at 12:15 p.m., the committee recessed to reconvene at 1:45 p.m., the same day.]

AFTERNOON SESSION

The CHAIRMAN. At the time we recessed I believe we had gotten through up to Mr. Flowers.

Mr. Mayne.

Mr. MAYNE. I have no questions, Mr. Chairman.

The CHAIRMAN. Mr. Mann.

Mr. MANN. Thank you, Mr. Chairman.

Mr. O'Brien, as attorney for the Committee for the Reelection of the President, when you were contacted by Mr. Hunt there in mid-March with the assertion that commitments had been made to him by implication, by your client, that were not being fulfilled, why didn't you find out who had made these commitments?

Mr. O'BRIEN. That question had been previously asked, sir.

Mr. MANN. I don't recall the answer. Would you give it to us again?

Mr. O'BRIEN. No; that inquiry had been previously asked of Mr. Bittman and his answer as I understood it was that he didn't know who the commitments were from or what the commitments were for and that was reported to me by Mr. Parkinson.

Mr. MANN. But there you were on that day in that private office, confronted with that assertion by Mr. Hunt to the extent of \$130,000 and representing your client, surely you were interested in who allegedly had made such a commitment on behalf of your client?

Mr. O'BRIEN. Excuse me a minute sir.

[Short pause.]

Mr. O'BRIEN. Mr. Mann, as I understand your question, it is what was my reaction to the statement?

Mr. MANN. Yes.

Mr. O'BRIEN. My reaction was one frankly of personal horror that I was being interjected directly into this matter.

Mr. MANN. What was your status with the Committee for the Re-election of the President at that point?

Mr. O'BRIEN. I was acting in the capacity of co-counsel, sir.

Mr. MANN. Didn't you understand that Mr. Hunt was making an assertion that your client had made that commitment to him?

Mr. O'BRIEN. No; I did not understand necessarily that my client had made that commitment to him, sir.

Mr. MANN. You didn't infer from your presence there that your client was being held accountable by Mr. Hunt for the fulfillment of this commitment?

Mr. O'BRIEN. No. I held that I was being placed in the position of transmitting that information to Mr. Dean.

Mr. MANN. Did Mr. Hunt mention Mr. Dean's name?

Mr. O'BRIEN. Yes; he did, sir.

Mr. MANN. What was Mr. Colson's position, as you understood it at that time, with what organization?

Mr. O'BRIEN. Mr. Colson worked at the White House insofar as I knew, sir.

Mr. MANN. In what capacity?

Mr. O'BRIEN. I am not positive of his official title, but I believe he was special assistant to the President, or counsel to the President.

Mr. MANN. And what was the basis of your statement to Mr. Hunt "Why don't you see your friend, Mr. Colson?"

Mr. O'BRIEN. It was my—had come to my attention that Mr. Hunt and Mr. Colson were extremely close friends, sir.

Mr. MANN. As I understood your previous testimony, at the time you left Mr. Dean's office on the 16th or the 19th, whatever, there was no basis for you to assume that Dean was going to do anything in response to your call, was there?

Mr. O'BRIEN. There was no basis for me to assume what action, if any, Mr. Dean would take, sir.

Mr. MANN. Had he not more or less thrown the ball back into your court?

Mr. O'BRIEN. No; I think it was very clear to Mr. Dean that the ball remained on his side of the net.

Mr. MANN. Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Hogan.

Mr. HOGAN. Thank you, Mr. Chairman.

Mr. O'Brien, before the Watergate Committee Mr. Dean testified that Paul O'Brien then told him there were some serious problems and

I should speak with him as soon as I returned to Washington. He told me that Mr. Hunt was off the reservation. I was traveling with Haldeman and told him about the call. When I arrived in Washington that evening I called O'Brien and he told me that Hunt was quite upset and wished to plead guilty, but before he did so he wanted some assurances from the White House that he would receive executive clemency.

My first question is, Do you recall saying to Mr. Dean that Hunt is "off the reservation"?

Mr. O'BRIEN. I do not.

Mr. HOGAN. And did Mr. Hunt discuss executive clemency with you in that meeting?

Mr. O'BRIEN. Let me go back to your previous question. The fact that I do not recall does not mean that I may not have said it. I would like to make that clear.

To answer your second question, I did not discuss executive clemency with Mr. Dean.

Mr. HOGAN. Well, now, did you discuss it with Mr. Hunt?

Mr. O'BRIEN. I did not and I never have discussed it with Mr. Hunt.

Mr. HOGAN. And he further in that same testimony says "O'Brien then told me that Hunt would only take the assurances from Colson," and so forth. That doesn't seem to conform with your testimony about him saying he didn't want to be bothered with Colson, he was telling you. Well, my question is, Did you in fact tell Dean that Hunt said he would only take assurances from Colson?

Mr. O'BRIEN. I did not.

Mr. HOGAN. Now, going back to your testimony about whether or not it was the 16th or the 19th when you were at the EOB, when you were leaving Mr. Bittman's office, did you call Mr. Dean from Mr. Bittman's office?

Mr. O'BRIEN. No, sir.

Mr. HOGAN. Did you——

Mr. O'BRIEN. Not to my recollection. I just left and went straight to his office.

Mr. HOGAN. Well, you didn't go straight to his office because you got stopped presumably by a guard before you got in?

Mr. O'BRIEN. Well, geographically I went straight to his office.

Mr. HOGAN. Well, that's the thrust of my question. What happened when you got to the gate of the EOB? Did you then say you wanted to see Mr. Dean, and did they call his office and get you admitted?

Mr. O'BRIEN. That would have been the only way I could have been admitted, sir.

Mr. HOGAN. Unless of course, you went in with him or someone else who had a pass?

Mr. O'BRIEN. I have no recollection of going in with anyone else, sir.

Mr. HOGAN. But now, you did go in on other occasions with individuals who admitted you on their pass?

Mr. O'BRIEN. Yes, I did, sir.

Mr. HOGAN. So it is possible that you may have been there on the 16th and the 19th?

Mr. O'BRIEN. It is possible that I may have been there on the 16th and the 19th; yes, sir.

Mr. HOGAN. Now, did you have any conversations with Mr. Dean subsequent to the one on the 16th or the 19th about any matters related to this?

Mr. O'BRIEN. Any matters related to this? You mean any matters related to the Hunt conversation?

Mr. HOGAN. Any matters related to the Hunt conversation or the demands for payment?

Mr. O'BRIEN. The answer is "No, sir."

Mr. HOGAN. What other matters might you have discussed with him subsequent to that time?

Mr. O'BRIEN. Well, I can recall one matter I discussed with him. I told him I was going to the U.S. Attorney's Office.

Mr. HOGAN. How frequently did you talk to Mr. Dean?

Mr. O'BRIEN. Almost every day.

Mr. HOGAN. Almost every day? Even following your meeting with him on the 16th or the 19th?

Mr. O'BRIEN. No, sir. There was a rapid deterioration of our contact from that point on.

Mr. HOGAN. In other words, for some period thereafter, you had no contact with him?

Mr. O'BRIEN. No; I did continue to have some contacts with Mr. Dean thereafter.

Mr. HOGAN. Well, I mean how would you define your rapid deterioration of your contacts after the 16th or the 19th? What do you mean by that?

Mr. O'BRIEN. Well, if I can work backwards, datewise, I don't believe that I saw Mr. Dean between say the end of March and the time I went to California. And I may have seen Mr. Dean on one or possibly two occasions after California. Now, between say the 29th and the 19th it would be my best estimate that I might have seen Dean as many as three times.

Mr. HOGAN. Did you talk to him other than see him?

Mr. O'BRIEN. I probably did talk with him. Yes; I did talk with him. I don't know the dates but I know Mr. Dean, for instance, called me when he was at Camp David. Now, I can't recall. I think this is a subsequent period.

Mr. HOGAN. What did you discuss? Well, let me put it this way, Mr. O'Brien, that I understand that the telephone logs of Mr. Dean indicate that he had telephone conversations with you on the 20th, the 21st, and the 22d which was after either meeting of the 16th or the 19th.

Mr. O'BRIEN. That sounds logical.

The CHAIRMAN. The time of the gentleman has expired.

Mr. Sarbanes?

Mr. SARBANES. No questions, Mr. Chairman.

The CHAIRMAN. Mr. Butler.

Mr. BUTLER. I yield 30 seconds to the gentleman from Maryland.

Mr. HOGAN. To return to this, Mr. O'Brien, you remember you met with him on the 16th or the 19th and you talked to him on the 20th, 21st, and 22d presumably but you at no time discussed anything related to the payment at that time?

Mr. O'BRIEN. No, sir.

Mr. HOGAN. During those subsequent conversations?

Mr. O'BRIEN. That is correct.

Mr. HOGAN. Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Butler.

Mr. BUTLER. I yield back, Mr. Chairman.

The CHAIRMAN. You yield back your time?

Mr. Seiberling.

MR. SEIBERLING. No questions, Mr. Chairman.

THE CHAIRMAN. Mr. Cohen.

MR. COHEN. Thank you, Mr. Chairman.

MR. O'BRIEN, I believe in response to Mr. St. Clair's question that at no time did you discuss the payment of hush money or a quid pro quo; correct? That you, in your discussions with either Bittman or Hunt—

MR. O'BRIEN. Oh, that is correct, sir.

MR. COHEN. Did that change after your discussion with Mr. Hunt on the 16th or the 19th?

MR. O'BRIEN. No, it did not, sir.

MR. COHEN. Was it your impression that there was for that first time a quid pro quo expected?

MR. O'BRIEN. No; it was not my impression that there was a quid pro quo expected.

But, certainly at that point, I had had time to reflect on a portion of the language used by Mr. Hunt, which as a lawyer I think I would have to have classified as an implied threat.

MR. COHEN. Implied threat, exactly. And as a matter of fact, let me ask you did you ever state that you wanted to get the hell out of there?

MR. O'BRIEN. Quite often.

MR. COHEN. And you expressed this to the committee for that reason, that you considered it to be an implied threat; isn't that right?

MR. O'BRIEN. You mean this specific item?

MR. COHEN. That specific item where he is now requesting money, or else he may review his option, you considered that to be an implied threat that you didn't want to get involved with?

MR. O'BRIEN. I didn't want to get involved in any way with Mr. Hunt to be frank about it, sir.

MR. COHEN. But at least you considered it to be a threat at that point, implied. How long had the suit by Common Cause and the Democratic Party been pending against the Committee to Re-Elect at the time you spoke with Mr. Hunt?

MR. O'BRIEN. The Common Cause legal action as I recall, was brought some time in August of 1972.

MR. COHEN. So it had been pending 6 or 8 months, well, 8 months?

MR. O'BRIEN. That was the second Common Cause action.

MR. COHEN. And you as counsel for the Committee to Re-Elect had never conducted any sort of investigation as to the facts involving the allegations made by either Common Cause or the Democratic Party?

MR. O'BRIEN. Well, they are separate items, sir. Let us take Common Cause first. Common Cause—

MR. COHEN. Let me stop for a moment. Let me just ask you specifically then, did you ever undertake an investigation into the activities of Jeb Magruder with respect to your committee?

MR. O'BRIEN. We certainly conducted some questioning of Mr. Magruder.

MR. COHEN. As I recall it, you testified earlier that it came to your knowledge that as early as August 1972, Mr. Dean indicated to Mr. Magruder that he ought to burn or get rid of some books, and as I recall your testimony that—

Mr. O'BRIEN. No.

Mr. COHEN. Well, you correct me when I finish the question, but there was a discussion that Mr. Magruder had certain books in his possession that Dean suggested that perhaps he get rid of those particular books and you and Mr. Parkinson said that they should not, he should not do that. Is that incorrect?

Mr. O'BRIEN. It may be it is simply emphasis and maybe I did not make it or state it with clarity, sir. But, so that you will understand, Mr. Magruder had maintained what he called a desk book. It is simply listing his meetings, telephone calls, and that was subpoenaed.

No one had ever, at least counsel had never seen it.

Mr. COHEN. But you thought it would be wrong to destroy that book?

Mr. O'BRIEN. I did.

Mr. COHEN. Did you ever try to determine whether Mr. Magruder had destroyed the book?

Mr. O'BRIEN. He did not, sir.

Mr. COHEN. He did not destroy the book?

Mr. O'BRIEN. No, sir. It was turned over to the U.S. attorney's office.

Mr. COHEN. Thank you. In response to Mr. McClory's question, I believe he asked you whether or not Mr. Ehrlichman gave you the impression when you were talking to him on April 5 that he was hearing about hush money or payments for the first time.

Do you recall answering Mr. McClory? And as I recall, you said that that was his statement that he had heard it for the first time?

Mr. O'BRIEN. Mr. Ehrlichman told me that he was just beginning to get in this matter and that he was not familiar with it and that he had been asked to undertake it by the President.

Mr. COHEN. And your impression—

Mr. O'BRIEN. And left me with the clear impression that this, everything, would be fairly new to him.

Mr. COHEN. I see. And I notice that you have a copy of the Presidential transcripts on your desk. Is it fair to say you have read those?

Mr. O'BRIEN. It is fair to say I have read those.

Mr. COHEN. Do you come to a different conclusion after reading those transcripts as to Mr. Ehrlichman's statement?

Mr. O'BRIEN. Could you tell me specifically what statement you are referring to, sir.

Mr. COHEN. Well, I will withdraw the question for the time being. You said that you are not an expert in criminal law, but you undoubtedly have some expertise in the field of political activity with committees and so forth; is that correct? The Committee to Re-elect, you were counsel?

Mr. O'BRIEN. I was counsel, but I don't know that that on the basis of performance, qualifies one to state anything about expertise, sir.

Mr. COHEN. Well, I tend to agree with you on that one. But, did it come, did it arouse your suspicion at all that early in February of 1973 you found out that political funds had been used for the payment of legal fees and sustenance, did that raise any questions in your mind as counsel to the Committee to Re-elect?

Mr. O'BRIEN. It certainly raised questions in my mind, sir.

Mr. COHEN. But you took no action at that time either with respect to Mr. Dean or anyone else as far as your recommendations or suspicions or concerns?

Mr. O'BRIEN. I did take some action, sir.

Mr. COHEN. Would you tell us what they are or were?

The CHAIRMAN. The time of the gentleman has expired, but we will wait for the witness to respond.

You may respond.

Mr. O'BRIEN. I did contact some people, sir.

The CHAIRMAN. The time of the gentleman has expired. Maybe someone after that would yield him the time.

Mr. BUTLER. Mr. Chairman, I ask unanimous consent that Mr. Cohen can proceed to complete this line of questioning.

Mr. HUTCHINSON. I object. I am not going to tolerate any extensions of this 5-minute rule.

The CHAIRMAN. Mr. Danielson.

Mr. DANIELSON. Mr. O'Brien, during the first 4 or 5 months of 1973, you were one of the attorneys for the Committee for the Re-Election of the President?

Mr. O'BRIEN. Yes, sir.

Mr. DANIELSON. Were you an attorney at that time for John Dean?

Mr. O'BRIEN. No, sir.

Mr. DANIELSON. Were you an attorney at that time for any person other than John Dean who was employed at the White House?

Mr. O'BRIEN. No, sir.

Mr. DANIELSON. What was the occasion of your consulting with John Dean, you have said very nearly constantly during the first part of 1973?

Mr. O'BRIEN. Mr. Dean at the outset introduced himself as counsel to the President, that the matter was of importance, and I was requested to report to him and to keep him informed, as it was his duty to keep the President informed.

Mr. DANIELSON. To report to whom, to Dean?

Mr. O'BRIEN. To him, to John Dean, yes sir.

Mr. DANIELSON. By whom were you requested to so report?

Mr. O'BRIEN. By Mr. Dean.

Mr. DANIELSON. Did you verify that with anybody in higher authority than Mr. Dean?

Mr. O'BRIEN. That was known to Mr. Mardian who had employed me.

Mr. DANIELSON. Mr. Mardian of the Committee to Re-elect the President?

Mr. O'BRIEN. Yes, sir.

Mr. DANIELSON. He was the one who verified that you should report to Dean, is that correct?

Mr. O'BRIEN. Yes. I don't think that it was a formal verification, but it was within his purview of knowledge.

Mr. DANIELSON. All right. Did you maintain time records for the time you spent representing your client at that time?

Mr. O'BRIEN. Only to the extent of hours, sir.

Mr. DANIELSON. Without listing dates at all?

Mr. O'BRIEN. Well, no by days but unfortunately I was totally out of the office, and the days that appeared to be a minimum of 10- and usually 16-hour days and they went 6 and 7 days at a time sir.

Mr. DANIELSON. Am I correct in my understanding from your answer that your time records for this period of time were, in other words, very sketchy?

Mr. O'BRIEN. That is correct, sir; yes.

Mr. DANIELSON. So you cannot pinpoint dates and hours?

Mr. O'BRIEN. That is a problem I have had, sir.

Mr. DANIELSON. Who at the Committee To Re-Elect the President engaged you as their attorney?

Mr. O'BRIEN. Mr. Robert Mardian.

Mr. DANIELSON. I yield the balance of my time to Mr. Waldie of California.

The CHAIRMAN. Mr. Waldie.

Mr. WALDIE. Mr. O'Brien, when after March 16 or 19, when, after your meeting with Hunt, did you next see Mr. LaRue?

Mr. O'BRIEN. If it were on the 16th I may have seen Mr. LaRue as early as the 19th. If it were on the 19th, I may have seen Mr. LaRue as early as the 20th.

Mr. WALDIE. Is it your testimony, however, the first time you conveyed the knowledge to him of Mr. Hunt's demands was March 29?

Mr. O'BRIEN. No; that is not my testimony.

Mr. WALDIE. When was the first time you conveyed to Mr. LaRue the knowledge of Mr. Hunt's demands that were made upon you?

Mr. O'BRIEN. I don't have any recollection and certainly no immediate recollection of any discussion in this area with Mr. LaRue. It may have been as late as April 15.

Mr. WALDIE. So your recollection is you never conveyed the demand from Hunt to Mr. LaRue?

Mr. O'BRIEN. That is correct, sir. I did not convey a demand from Mr. Hunt to Mr. LaRue.

Mr. WALDIE. Neither did you convey it to Mr. Mitchell?

Mr. O'BRIEN. That is correct, sir.

Mr. WALDIE. Why did you discuss it with Mr. Dean, who was not your client and for whom you were not working?

Mr. O'BRIEN. Well, I think that I was under instructions from my client to report everything to Mr. Dean.

Mr. WALDIE. Was that Mr. Mitchell who gave you those instructions?

Mr. O'BRIEN. Frequently, sir.

Mr. WALDIE. So it was your understanding that you were acting on behalf of your client when you reported this to Mr. Dean?

Mr. O'BRIEN. Yes, sir.

Mr. WALDIE. Why then did you tell, or why then did you not convey that directly to Mr. Mitchell if you were just following his instructions to convey that information to Dean? Why were you protecting Mr. Mitchell from this information?

Mr. O'BRIEN. It was not a case of protecting Mr. Mitchell. It was a decision of my own not to become further involved.

Mr. WALDIE. Was it because you believed you were engaged in the course of obstruction of justice as you told Mr. Ehrlichman in San Clemente?

Mr. O'BRIEN. I did not tell Mr. Ehrlichman that, sir.

Mr. WALDIE. May I read from that transcript? Well, let me set it up better. Did you tell Mr. Ehrlichman in your opinion there had been an obstruction of justice involved in the payment of moneys to the defendants?

Mr. O'BRIEN. I told Mr. Ehrlichman there could have been an obstruction of justice, and it depended on the intent of the donor.

The CHAIRMAN. The time of the gentleman has expired.

Mr. Lott.

Mr. LOTT. Mr. O'Brien, didn't you testify this morning that Mr. Hunt, Mr. Hunt directed you or requested that you talk to Mr. Dean?

Mr. O'BRIEN. Yes, sir.

Mr. LOTT. Thank you very much. I yield to Mr. Cohen.

Mr. COHEN. Thank you for yielding.

Mr. O'Brien, as I understand it Common Cause and the Democratic Party had suits pending against the Committee To Re-Elect for some 8 or 9 months prior to March?

Mr. O'BRIEN. Yes, sir.

Mr. COHEN. And shortly after your conversation with Mr. Hunt, and then with Mr. Dean, you had a conversation a few days after with Mr. Mitchell at which time you recommended the settling of the case with the Democratic Party, the release of information to Common Cause and a request for you to appear before the Senate select committee to testify. Would you tell us why you changed your mind after talking with Mr. Hunt and Mr. Mitchell?

Mr. O'BRIEN. I have never indicated I changed my mind, sir.

Mr. COHEN. Well, I am sorry. Then why did you take this action?

Mr. O'BRIEN. Because I thought it was corrective action, and I thought that it should be done. As to Common Cause, I had long urged, and it was known that I had urged that the matter be settled. I knew of no real reason why there should not be a disclosure of the information that was requested, particularly following the election. I mean, I knew the reasons advanced by Secretary Stans, but as far as I was personally concerned, there was no reason for this.

Mr. COHEN. And you requested to go before the Senate committee?

Mr. O'BRIEN. I felt that at that time I possessed too much information which I thought was at conflict in many areas and I felt that—

Mr. COHEN. Conflict with what, sir?

Mr. O'BRIEN. Well, there were conflicts between people in the committee, in occurrences, in statements as to what had occurred and I had for some time felt that the facts should be gotten out.

Mr. COHEN. And going back to the question I originally asked you about political funds being used for legal fees, and sustenance, you indicated you had concern over this and that you expressed that concern to other people. Would you tell us what other people and what times, under what circumstances?

Mr. O'BRIEN. My concern led me to seek an audience with Congressman Barber Conable, among others. And I did eventually have such an audience, and my concern was expressed to him prior to my meeting with Mr. Hunt. And my audience with him was subsequent to my meeting.

Mr. COHEN. On the question of the use of campaign contributions for the payment of fees, that wasn't prior to your discussion with Hunt?

Mr. O'BRIEN. No; it didn't have to do with campaign contributions, sir. It had to do with the general situation that I felt prevailed.

Mr. COHEN. And who were the others?

Mr. O'BRIEN. One, there was one other Congressman from Illinois who was present with Congressman Conable, whose name, I am sorry to state, I forget at the moment.

Mr. COHEN. What was the general condition you were talking about?

Mr. O'BRIEN. Well, you mean what areas did I cover?

Mr. COHEN. That's right.

Mr. O'BRIEN. Well, I expressed to Congressman Conable the difficulty that I was placed in because of attorney-client privilege, and that I had to be very careful as to any disclosures, but I indicated to him that there had been money passed in this case. He asked me if I had. I said, "No, I had not."

Mr. COHEN. How did you know that?

Mr. O'BRIEN. How did I know it? I knew there were requests and—

Mr. COHEN. You didn't have any prior knowledge prior to meeting with Hunt really, did you?

Mr. O'BRIEN. Oh, yes I did, sir.

Mr. COHEN. Would you tell us when you got that knowledge?

Mr. O'BRIEN. Well, as I think I testified here today, I understood back in the summer of 1972 that, from Mr. Parkinson, that \$25,000 had been passed to Mr. Bittman.

Mr. COHEN. That's for legal fees though, right? For legal fees?

Mr. O'BRIEN. Well, what are we talking about?

Mr. COHEN. Well, I don't know at this point.

Mr. O'BRIEN. Well, maybe you can restate your question and I will try to answer it, sir.

Mr. COHEN. What were your general concerns that you were expressing?

Mr. O'BRIEN. My general concern that I was expressing is that, among others, is that there were people who had inconsistent statements that I thought probably were false. I felt that there was serious consequence potentially in these areas for the President of the United States. I raised the issue with Congressman Conable about this. These were the general areas.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. LOTT. Thank you, Mr. Chairman.

The CHAIRMAN. Father Drinan.

Mr. DRINAN. On page 189 of the blue book Mr. Dean said to the President: "All right now, the blackmail is continuing. Hunt called one of the lawyers from the Re-election Committee last Friday to leave it with him over the weekend."

Mr. O'Brien do you have any knowledge or any recollection that Mr. Hunt suggested to you that he should have this money over the weekend?

Mr. O'BRIEN. Oh, no, sir.

Mr. DRINAN. Subsequently Mr. Dean says to the President, "Hunt is now demanding another \$72,000, and another \$50,000 to pay attorneys fees. He wanted it as of the close of business yesterday." And that would have been Tuesday, March 20. Do you have any recollection that Mr. Hunt said that?

Mr. O'BRIEN. You mean that he wanted it on Tuesday?

Mr. DRINAN. Yes.

Mr. O'BRIEN. I don't have any recollection of that.

Mr. DRINAN. Do you think that Mr. Dean had other informants besides yourself with respect to Hunt's demands?

Mr. O'BRIEN. I don't have any way of knowing, sir. But, I can't imagine the circumstance that there was anyone other than me.

Mr. DRINAN. Mr. Dean then talks about you on pages 189 and 190 and he suggests that this will be clandestine, and he identifies you to the President and says that "O'Brien is a ballplayer. He carried tremendous water for us."

The President asked: "Is he Hunt's lawyer?" And Mr. Dean says "No, he is the lawyer for the Re-election Committee." And then Dean said "So he is safe. There is no problem there." I take it that this was secret and clandestine. Would you explain why that is apparently so?

Mr. O'BRIEN. Well first, Father Drinan, I believe that is a premise which you make. I take the position that the relationship between the attorney and the client requires a safeguarding of information that comes into the attorney's possession.

Mr. DRINAN. That would have been so also if you had been Hunt's lawyer. I don't see that that is the reason for the secrecy that Dean implies and strongly suggests and reassures the President that O'Brien is not going to talk. He's safe. There's no problem there. It seems to me the inference is that this is clandestine.

Mr. O'BRIEN. Maybe. Do you have a question or was that a statement, Father?

Mr. DRINAN. No, I am wondering whether you would gather from that that when he assured the President that you were not going to talk that Mr. Dean felt that he may have made some commitment to you, or you to him that you would not disclose this matter?

Mr. O'BRIEN. Let me assure you that I made no such commitment to Mr. Dean nor did Mr. Dean make any such commitment to me.

Mr. DRINAN. Thank you. No further questions.

The CHAIRMAN. Mr. Froehlich?

Mr. FROEHLICH. No questions, Mr. Chairman.

The CHAIRMAN. Mr. Rangel.

Mr. RANGEL. Mr. O'Brien, how long have you been admitted to practice?

Mr. O'BRIEN. Since 1953.

Mr. RANGEL. How long have you known Mr. Bittman?

Mr. O'BRIEN. When you say how long have I known him, I have known him for a couple of years. But, my knowledge or mostly—

Mr. RANGEL. You didn't know him that well?

Mr. O'BRIEN. No, I did not know him that well.

Mr. RANGEL. How did you find yourself in a room with a common burglar being shaken down for \$130,000?

Mr. O'BRIEN. Notwithstanding the characterization of the situation, I found it most unfortunate.

Mr. RANGEL. And did Mr. Bittman explain why you were selected to be the person to be subjected to these types of threats? Hunt wasn't your client?

Mr. O'BRIEN. He certainly was not.

Mr. RANGEL. And so half of this money was supposed to go to Mr. Bittman, is that correct?

Mr. O'BRIEN. \$60,000 in legal fees would go to Mr. Bittman's firm. Yes, sir.

Mr. RANGEL. And Mr. Bittman too. It is your belief that Mr. Bittman already received part of his legal fees?

Mr. O'BRIEN. Oh, yes, sir.

Mr. RANGEL. And I suppose a part of your shock and surprise with this figure is that all he did was allow the man to plead guilty, is that correct? Mr. Hunt?

Mr. O'BRIEN. I know that Mr. Bittman had expended a great number of hours in this case.

Mr. RANGEL. But were you being used because they knew that you were a part of the team, that you had a relationship with Dean?

Why were you selected to have this man who pled guilty to come ask you to deliver messages about what he is going to do if he doesn't get \$130,000?

Mr. O'BRIEN. Because I had been in fairly constant contact with Mr. Bittman from the start of the trial, as were some of the other lawyers, for the purpose of obtaining all of the information we could in preparation to hearings which were coming on before the Senate.

Mr. RANGEL. Let me interrupt. For Mr. Bittman, it wasn't his legal fee, but Mr. Hunt wants money for Mr. Bittman and his family, and you are selected to hear this convict say he needs \$130,000. He wasn't talking with you, you said he lectured to you.

Mr. O'BRIEN. Yes, sir.

Mr. RANGEL. He wasn't asking for advice, he was making demands. Why you, Mr. O'Brien?

Mr. O'BRIEN. Well, all I can suggest is because I am right across the street from Mr. Bittman's office, and because I was in close contact with him.

Mr. RANGEL. No, you were in close contact with people in the White House, isn't that correct? There are a lot of lawyers across the street from Mr. Bittman. Why would you be selected as someone that could get the money that Bittman and Hunt were demanding?

Mr. O'BRIEN. It was certainly known that I was in contact with people in the White House.

Mr. RANGEL. And they knew that you could go in and see John Dean and explain what Hunt was demanding, isn't that correct?

Mr. O'BRIEN. I will agree that Mr. Bittman knew that I could go and see Mr. Dean.

Mr. RANGEL. And Bittman kind of told you that Hunt was uptight, he's going to be sentenced and he wants to talk to you, or strike that out, that he wanted to talk to you about commitments?

Mr. O'BRIEN. He did indeed.

Mr. RANGEL. And when Mr. Hunt told you about knowledge of seamy affairs and reviewing his options, Bittman wanted to make certain that you got that message to the White House, is that correct?

Mr. O'BRIEN. I cannot testify as to what Mr. Bittman wanted to have done.

Mr. RANGEL. But you can believe that you were selected by Mr. Bittman to listen to his client because of your connections in the White House, is that correct?

Mr. O'BRIEN. I think Mr. Bittman was under pressure from his client to contact me or anyone else.

Mr. RANGEL. But you are not a criminal lawyer. You are certainly not a social worker. So obviously, you were selected because of your White House ties. And you said you are not a politician.

You were selected because of your White House ties to listen to Bittman's client, Hunt. Is that correct?

Mr. O'BRIEN. I think only Mr. Bittman can answer that, sir.

Mr. RANGEL. Well, your commitment to the White House and your commitment to Mr. Bittman made you come over to listen to Hunt, though you had no interest yourself, is that correct?

Mr. O'BRIEN. My service as counsel for the committee is what brought me over to talk to Hunt.

Mr. RANGEL. When you finished with Mr. Hunt, you didn't go to the committee, you went to the White House, is that correct?

Mr. O'BRIEN. I went exactly where I was asked to go.

Mr. RANGEL. Thank you. I will turn back the balance of my time.

The CHAIRMAN. Mr. Moorhead?

Mr. MOORHEAD. Mr. O'Brien, prior to the time that you left the committee, had you completed your work on the cases that you were hired to handle, the one filed by Common Cause?

Mr. O'BRIEN. No sir.

Mr. MOORHEAD. Who took over the management of those cases after you had left?

Mr. O'BRIEN. Mr. Parkinson remained.

Mr. MOORHEAD. Was this problem that came up with the Hunt situation the reason that you left the committee?

Mr. O'BRIEN. It certainly was one of the reasons I left.

Mr. MOORHEAD. You have testified that after the particular event that you have testified to here today when you met with Mr. Bittman and Mr. Hunt, that your relationship with Mr. Dean gradually deteriorated. Was that true of your relationship with the Committee To Re-elect also?

Mr. O'BRIEN. Well, the committee—yes, I think that is so. Maybe to a slower and lesser extent, but that was so.

Mr. MOORHEAD. I have no further questions.

The CHAIRMAN. Ms. Jordan?

Ms. JORDAN. No questions, Mr. Chairman.

The CHAIRMAN. Mr. Maraziti?

[No response.]

The CHAIRMAN. Mr. Thornton.

Mr. THORNTON. No questions, Mr. Chairman.

The CHAIRMAN. Ms. Holtzman.

I am sorry, Mr. Latta.

Mr. LATTA. I yield to the lady.

Ms. HOLTZMAN. Thank you, Mr. Chairman.

The CHAIRMAN. Is the gentleman yielding his time to the lady?

Mr. Latta. No, it is a matter of priority. I will only go so far.

The CHAIRMAN. Ms. Holtzman.

Ms. HOLTZMAN. Thank you, Mr. Chairman.

Mr. O'Brien, you stated that you had a concern prior to the time of the March 16 or 19 meeting about the payments that had been made to Mr. Hunt and other defendants in the Watergate case, is that correct?

Mr. O'BRIEN. I had a concern about the entire matter.

Ms. HOLTZMAN. Did you have a concern about those payments that had been made?

Mr. O'BRIEN. I am trying to, in order to answer your question accurately, I would like to indicate to you that I really don't have positive knowledge that they have been made, but I make the assumption that payments had been made. That would be among concerns, of course.

Ms. HOLTZMAN. Was it a concern based on a question of the propriety of the payment of those funds?

Mr. O'BRIEN. At that time, no.

Ms. HOLTZMAN. At that time? What time is that? Prior to the 16th?

Mr. O'BRIEN. Prior, you said, yes.

Ms. HOLTZMAN. Prior to March 16 or 19?

Mr. O'BRIEN. Right.

Ms. HOLTZMAN. Mr. O'Brien, isn't it correct that in July or the summer of 1972, you saw FBI reports in Mr. Dean's office of people at the Committee To Re-Elect the President regarding the Watergate break-in?

Mr. O'BRIEN. That is correct.

Ms. HOLTZMAN. Isn't it also correct that in July 1972, Mr. Sloan had advised you that he had been pressured by Mr. Magruder into making false statements to a grand jury?

Mr. O'BRIEN. That is partially correct. Mr. Sloan had advised Mr. Parkinson and myself that Mr. Magruder had, in his words, attempted to have Mr. Sloan testify that moneys expended amounted to \$40,000 and \$70,000, as I recall the figures.

Ms. HOLTZMAN. And isn't it a fact, Mr. O'Brien, that in January 1973, you became aware that Mr. Magruder had committed perjury before the grand jury, or at least had suspicions before that time?

Mr. O'BRIEN. I certainly had suspicions, but I did not become aware that he had committed perjury.

Ms. HOLTZMAN. In January 1973?

Mr. O'BRIEN. No.

Ms. HOLTZMAN. But you had suspicions that he did?

Mr. O'BRIEN. Yes.

Ms. HOLTZMAN. Isn't it a fact, Mr. O'Brien, that at a meeting in December or January 1972 at which Mr. Bittman was present, the subject of Executive clemency came up?

Mr. O'BRIEN. Yes. However, that was simply in a lawyer-like discussion.

Ms. HOLTZMAN. Well, excuse me, Mr. O'Brien. There were only lawyers at this meeting at which the question of Executive clemency came up; is that correct?

Mr. O'BRIEN. That is correct.

Ms. HOLTZMAN. Thank you.

Mr. O'BRIEN. I would like——

Ms. HOLTZMAN. Wait. I have a question. Then I will let you explain.

Mr. McCLORY. Mr. Chairman, the witness must be given a chance to complete his answer.

Ms. HOLTZMAN. I simply asked him——

Mr. McCLORY. Mr. Chairman, the witness——

The CHAIRMAN. The gentleman is out of order. The lady has stated that she will give him an opportunity to respond.

Ms. HOLTZMAN. Isn't it a fact also, Mr. O'Brien, that shortly after January 8, in response to a request by Mr. Dean, you advised Mr. McCord's attorney, or transmitted information to Mr. McCord's attorney that he would be, he, Mr. McCord, would be contacted by a friend?

Mr. O'BRIEN. That is correct.

Just so the record will be correct, it was Mr. Bittman because Mr. Alch was not available.

Mr. McCLORY. Mr. Chairman, may I inquire, are these cross-examination type questions and do we have two standards or one standard with regard to the propounding of questions?

The CHAIRMAN. I don't think I need to reply to the gentleman.

Ms. HOLTZMAN. Isn't it a fact, Mr. O'Brien, that as of March 16 or 19, the date on which you met with Mr. Hunt, you were well aware of the fact that the Committee To Re-Elect the President or persons within it had a strong interest in not seeing any additional information come out with respect to the Watergate break-in? Or any interest?

Mr. O'BRIEN. In answer to your question, I don't think that the committee as a whole had any reluctance. I think it is quite possible that there were people who had a strong interest as you state.

Ms. HOLTZMAN. My question included the committee or persons who were officers or within the committee had an interest in not having further information come out. What is your answer to that?

Mr. O'BRIEN. I said I thought that there would be persons who qualified under that characterization.

The CHAIRMAN. The time of the gentelady has expired.

Ms. HOLTZMAN. May I give the witness a chance to explain his answer.

Mr. O'DONNELL. Could the witness, Mr. Chairman, explain one particular area rather quickly?

The CHAIRMAN. Yes, absolutely.

Mr. O'BRIEN. So you will understand on the conversation you referred to in November of 1972, if I recall correctly, having to do with executive clemency, that was a situation which I think requires a further explanation in the manner in which you raised it.

There was present Mr. Parkinson, myself, Mr. Bittman, possibly one other attorney. Mr. Bittman raised this issue but not as a request. It was a discussion. I recall Mr. Parkinson stating to him that only the President can give executive clemency and under no circumstances would he ever get involved with anything like that in this case.

Mr. Bittman then stated to, something to the effect that Christmas and Easter were the logical times in which counsel sought Executive clemency for a client. I know I was startled by the discussion and I made the added comment that I didn't think anyone ever sought Execu-

tive clemency before there had even been a trial and guilt established. That was the essence of that conversation.

The CHAIRMAN. Mr. Latta.

Mr. LATTA. Mr. O'Brien, there has been quite a bit of discussion as to the date on which you met first with Mr. Hunt, whether it was the 16th or the 19th. I believe you said if it had been on the 16th, it would have been on a Friday?

Mr. O'BRIEN. That is my belief; yes, sir.

Mr. LATTA. Well, in the conversation that the President had with John Dean on the 21st, in our transcript at page 29¹, about the middle of the page, it says, "Hunt called one of the lawyers from the Re-Election Committee on last Friday"—last Friday—I emphasize that—"to leave it with him over the weekend." There is no doubt in my mind that as you go down in that conversation, he was talking about you. So if it was last Friday from March 21, it has to be March 16.

Would that be a fair deduction?

Mr. O'BRIEN. That would be a fair deduction.

Mr. LATTA. Now, before I pass on from that statement of John Dean's, when he says Hunt called one of the lawyers from the Re-Election Committee on last Friday "to leave it with him" over the weekend, would you say that is a true statement by John Dean?

Mr. O'BRIEN. It is not an accurate statement.

Mr. LATTA. Is it true that you passed the word to him to leave "it" with him over the weekend?

Mr. O'BRIEN. No way, sir.

Mr. LATTA. That would not be an accurate statement by John Dean to the President of the United States?

Mr. O'BRIEN. It would not, sir. I immediately conveyed the information to Mr. Dean.

Mr. LATTA. Passing on down to the bottom of that page,² where John Dean is also talking to the President, he says:

I told this fellow O'Brien, "If you want money, you came to the wrong fellow. I am not involved in the money. I don't know a thing about it. I can't help you. You had better scramble about elsewhere."

What part of any of that is a true statement?

Mr. O'BRIEN. None.

Mr. LATTA. So that would be a false statement by John Dean to the President of the United States on the 21st.

Now, dropping down on page 30 of that transcript,² where John Dean is also talking to the President of the United States, he says:

I will bring John Ehrlichman down on his knees and put him in jail.

Referring back to your conversation with Mr. Hunt. Would that be a true statement by John Dean to the President of the United States?

Mr. O'BRIEN. Mr. Hunt did not say anything like that to me, sir.

Mr. LATTA. At any time when you were talking to Mr. Hunt, was hush money even discussed as hush money or were you just talking about, as you testified about this morning, about paying for attorneys' fees and subsistence for 2 years for his family?

Mr. O'BRIEN. Hush money, money for silence, or however you would characterize it, has never been discussed by me with Mr. Hunt.

¹ See book III, pt. 2, item 67.1, p. 1019.

² See book III, pt. 2, item 67.1, p. 1020.

MR. LATTA. Now, you made the statement this morning about some troubles you had had with John Dean, particularly about the trouble with Magruder, where Dean had said something about perjuring himself. Would you elaborate on that? Where John Dean is supposed to have advised Mr. Magruder about perjuring himself?

MR. O'BRIEN. No; that was Mr. Magruder talking about Mr. Dean.

MR. LATTA. Would you clear up that point?

MR. O'BRIEN. That was a discussion with Mr. Magruder wherein I alleged that at some time prior to his testimony, I believe in September before the grand jury, or it may have been August—I am not certain—that he had been advised by Mr. Dean to make certain statements which were untrue.

MR. LATTA. Mr. Magruder told you this?

MR. O'BRIEN. Yes, sir.

MR. LATTA. Now, coming back to the conversations you had with Mr. Hunt and the conversation you had with Mr. Bittman on that same date, Mr. Bittman well knew that you represented the Committee To Re-Elect the President when he called you?

MR. O'BRIEN. Yes, he did.

MR. LATTA. Had he been in contact with you prior to that time on business with the committee?

MR. O'BRIEN. Yes, he had.

MR. LATTA. On very many occasions?

MR. O'BRIEN. Numerous.

MR. LATTA. Then he knew who to call as far as the attorney for the Committee To Re-Elect the President when he had a problem with the Committee to Re-Elect the President.

THE CHAIRMAN. Is that a statement or a question?

MR. LATTA. I am asking questions.

MR. O'BRIEN. The answer is "Yes."

MR. LATTA. That is all, Mr. Chairman.

THE CHAIRMAN. Mr. Owens?

MR. OWENS. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York and reserve the balance.

THE CHAIRMAN. Ms. Holtzman.

MS. HOLTZMAN. Mr. O'Brien, isn't it a fact also that in July 1972, Mr. Bittman in a meeting at which you were present, mentioned that Liddy had superiors in connection with the Watergate break-in?

MR. O'BRIEN. No, that is not a fact.

MS. HOLTZMAN. He did not mention anything to you regarding superiors that Mr. Liddy may have had in the Watergate break-in at a meeting in July 1972?

MR. O'BRIEN. Mr. Bittman made a statement not as to any representation of Mr. Liddy; that is why I said no, that is not a fact, in response to your question. But I do know what you are attempting to elicit and the answer to what would be your question is that Mr. Bittman, in a meeting on the 6th of July in Mr. Mardian's office, when he indicated that he had been hired as counsel for Mr. and Mrs. Hunt, indicated that his client, Mr. Hunt, had reported to Mr. Liddy and that he thought Mr. Liddy had superiors and there was a denial of that statement by Mr. Mardian.

MS. HOLTZMAN. Mr. Mardian denied that statement in that meeting?

MR. O'BRIEN. Yes.

Ms. HOLTZMAN. Mr. O'Brien, as I gather, and perhaps I am incorrect in this, you are basing your testimony that to your belief, the meeting with Mr. Hunt took place on the 16th, on a basis of Mr. Bittman's advice regarding certain records that he has in his office, is that correct?

Mr. O'BRIEN. In large measure, that is correct. I know that it occurred subsequent to the 15th of March, which was always my focal point for—

Ms. HOLTZMAN. Have you ever seen those records that Mr. Bittman has?

Mr. O'BRIEN. I have not, no.

Ms. HOLTZMAN. Thank you. I have no further questions.

The CHAIRMAN. Mr. Owens.

Mr. OWENS. Mr. O'Brien, just a couple of factual questions.

At what point did you become aware that a payment had been made the evening of March 21? I don't recall your having testified to that point.

Mr. O'BRIEN. You mean that there was—that there was a payment made on March 21? I had no knowledge of the date that the payment was made.

Mr. OWENS. This is the first you have heard that there was a payment subsequently made to Mr. Hunt?

Mr. O'BRIEN. No. As I stated before, I knew from Mr. LaRue in the latter part of March that he had disbursed some \$70,000, as I understood it, to either Mr. Bittman or Mr. Hunt.

Mr. OWENS. Was that the first you heard of that?

Mr. O'BRIEN. Yes, sir.

Mr. OWENS. Did you communicate that to Mr. Ehrlichman on April 5—

Mr. O'BRIEN. I did.

Mr. OWENS [continuing]. That you were aware of that point?

Mr. O'BRIEN. Yes, sir.

Mr. OWENS. And I am not sure I understood your response to Mr. Waldie about the testimony of Mr. Ehrlichman, where he said that you said there has been an obstruction of justice in his opinion. That is a quote from page 2734 of the Senate select committee hearings. Do you dispute that statement by Mr. Ehrlichman?

Mr. O'BRIEN. I do, sir. I was only giving him either side of the question that, A, if it were for legal fees and family subsistence without any quid pro quo for silence, then there was not a problem; if there was silence expected, then I felt that it constituted an obstruction of justice.

Mr. OWENS. You dealt with hypotheticals only? You did not make any kind of a legal judgment, then?

Mr. O'BRIEN. I did not, sir.

Mr. OWENS. Did you ever learn from Mr. Bittman that he had been paid his \$60,000 attorney's fees?

Mr. O'BRIEN. Eventually, I learned from Mr. Bittman that he had been paid by check, I believe the \$60,000. It may have been \$50,000. But I did learn that he had been paid.

Mr. OWENS. Can you pin that down as to when you learned that?

Mr. O'BRIEN. Oh—

Mr. OWENS. And in what way?

Mr. O'BRIEN. I am not positive whether I learned it from him, from the newspaper, or how, sir. But it was, say, in the summer, the late summer of 1973.

Mr. OWENS. Thank you.

The CHAIRMAN. Mr. Mezvinsky.

Mr. MEZVINSKY. Mr. O'Brien, when were you first on notice that payments were being made to defendants? You indicated in response to Mr. Cohen's questions that in fact, you were on notice, and then you related your conversation with a Congressman. Can you give us the date that you were first on notice?

Mr. O'BRIEN. I would say sometime in early August of 1972.

Mr. MEZVINSKY. So you were on notice as early as August 1972 that payments were being made to defendants.

Mr. O'BRIEN. That funds had been delivered to the attorney for one of the defendants.

Mr. MEZVINSKY. And now you did indicate that regarding Mr. Hunt in this conversation, you were very concerned about it, and you did indicate in response to Mr. Cohen that he gave the impression of an implied threat. Why at that time, as early as August of 1972, didn't you view it as improper and causing a problem for you?

Mr. O'BRIEN. It didn't involve me, sir. That was one reason.

No. 2, I didn't have any knowledge of the circumstances. It was remote hearsay.

Mr. MEZVINSKY. So at least for the record, you were on notice in 1972, August of 1972, that payments were made but it seemed to become highly improper with a direct confrontation with Mr. Hunt?

Mr. O'BRIEN. No, that isn't the basis on which it became improper. I knew nothing about the circumstances of the payment other than as a commentary that some funds had been delivered. I didn't know from whom, how, circumstances, or any of the circumstances really surrounding the situation.

In the case of Mr. Hunt's 16th or 19th representations to me, it was involving me directly in the stream with a direct request. Even at that time, had it been simply legal fees and sustenance, as it was his request, I would have still been disturbed by it, but it was after my conversation with John Dean and some cause to reflect upon what I would consider the implied threat of reviewing his options that I had great concern for it.

Mr. MEZVINSKY. But didn't you feel a duty and an obligation to bring it to the attention of those in the White House? Or didn't you even bring it to the attention of those in the White House? You brought it to the attention of one Congressman. But why didn't you bring it to the attention of those in the White House?

Mr. O'BRIEN. I brought it to the attention of the President's counsel.

Mr. MEZVINSKY. Mr. Dean?

Mr. O'BRIEN. Yes, sir.

Mr. MEZVINSKY. When?

Mr. O'BRIEN. On the 16th or 19th of March.

Mr. MEZVINSKY. But what about August? You were on notice as early as August of 1972 that there was a problem involved and that people were being paid. You did raise the point that you were con-

cerned enough that you met with a Congressman. Why did we wait until so long to make a communication on this particular matter?

Mr. O'BRIEN. I think you have either my testimony confused because of my lack of articulation or some misunderstanding on your part, Congressman. There were a myriad of other facts which had occurred between the two periods of time which gave rise to the concern.

Mr. MEZVINSKY. When did you meet with the Congressman?

Mr. O'BRIEN. In the latter part of March.

Mr. MEZVINSKY. I thought you indicated to Mr. Cohen that you met prior to the conversation—

Mr. O'BRIEN. I contacted him prior to the conversation. I had actually met with him but did not have discussions with him. I told him the area that I wanted to talk to him about prior to the visit with Mr. Hunt.

Mr. MEZVINSKY. I have no further questions, Mr. Chairman.

The CHAIRMAN. Mr. O'Brien, if I recall some of your testimony, and I may not be accurate in just the exact words you used, but I recall your stating something to this effect, that when Hunt told you of his, of the problem he was experiencing and you told him that this was not your responsibility, you said something to this effect: He didn't give a damn what I thought, he was telling me.

Is that right?

Mr. O'BRIEN. That is correct.

The CHAIRMAN. Then you also characterized that Bittman talked with you about this matter and you characterized that he was under pressure from his client. Is that correct?

Mr. O'BRIEN. I think that is correct, sir.

The CHAIRMAN. You used the word "pressure," as I recall.

Now, Mr. Hunt, in talking about the fact that he had children and that there were, that he faced possible jail sentence and that there was going to be a period of time, apparently, when he was going to be needing money—did he suggest that he was looking for a handout or a gratuity? Is that what you seemed to interpret from his conversation with you?

Mr. O'BRIEN. I don't think I would characterize it as handout.

The CHAIRMAN. Well, it was not exactly—

Mr. O'BRIEN. I think Mr. Hunt, using his point of view—he was from a long background in intelligence work—felt that he had a commitment from some source and that, as a point of honor, that commitment should be honored.

The CHAIRMAN. From what source?

Mr. O'BRIEN. He did not disclose, sir.

The CHAIRMAN. In other words, you understood, though, that this money that he was requesting and which he stated he was just telling you about and he didn't give a damn what you thought—this was not money that was just going to be paid just for legal fees, but for some other obvious reason which he was not explaining to you or attempting to tell you; is that correct?

Mr. O'BRIEN. No; he specified the legal fees in amount and he specified the family sustenance in amount.

The CHAIRMAN. Yes; well, that family sustenance—do we give money ordinarily out of humanitarian reasons to keep somebody alive? I mean is this what you and your committee were in the habit of doing?

Mr. O'BRIEN. I am not in the habit—

The CHAIRMAN. To the extent of \$70,000.

Mr. O'BRIEN. I am not in the habit of doing it, Congressman; but to answer your question more in the thrust from Mr. Hunt, that would not be such an illogical thought on Mr. Hunt's part, just as he might have viewed someone like Mr. Fechtel, a former employee of the Central Intelligence Agency who was downed in China for 20 years, and whose family apparently received some family sustenance. I would presume that was Mr. Hunt's background approach to this matter. Gary Powers would be another type of situation, I suppose.

The CHAIRMAN. Except that the manner in which you described Mr. Hunt made the suggestion to you was just not a simple request to be helped, but to let you know that he was expecting it or otherwise he would exercise options. Is that not correct?

Mr. O'BRIEN. That was a portion of his statement, yes, sir.

The CHAIRMAN. You testified to your visit with Mr. Ehrlichman. You testified to the effect that you spent some 1 hour with him. Is that correct?

Mr. O'BRIEN. Did I say 1 hour.

The CHAIRMAN. I think you did.

Mr. O'BRIEN. That would be my estimate. It might have been an hour and a half, sir.

The CHAIRMAN. And during that period of time, did Mr. Ehrlichman say anything else to you other than that this matter was a matter that he was going to look into and it had just come to his attention?

Mr. O'BRIEN. Yes; he had some limited discussions in other areas. He knew that I was meeting Mr. O'Connor, an attorney for Mr. Kalmbach, and he suggested that I relay the suggestion to Mr. O'Connor that Mr. Kalmbach, Mr. Chapin, and Mr. Segretti might make a joint statement or article and put forth their story on their activities.

The CHAIRMAN. That was the extent of the conversation for the one hour and a half?

Mr. O'BRIEN. Of his suggestions?

The CHAIRMAN. Yes.

Mr. O'BRIEN. His suggestions were extremely limited. It was mostly a listening situation.

The CHAIRMAN. I have no other questions, and I think that we want to thank you, Mr. O'Brien, for the time you have spent with this committee.

The witness is excused.

Mr. O'BRIEN. Thank you, Mr. Chairman.

The CHAIRMAN. We will recess for one-half hour.

[Recess.]

The CHAIRMAN. The committee will come to order.

Mr. LaRue, please stand.

Mr. LaRue, you have the right to remain silent and not to provide any testimony or information which may tend to incriminate you. But, if you do testify, anything you say here may be used against you in any other legal proceeding. You have the right to consult with your attorney prior to answering any question or questions, as counsel may

advise you regarding your constitutional rights. You have been provided, I understand, with a copy of the rules of the House and the rules of the committee.

Mr. LARUE. Yes, sir.

The CHAIRMAN. Will you now raise your right hand?

Do you solemnly swear, Mr. LaRue, that the testimony you are about to give before this committee will be the truth, the whole truth and nothing but the truth, so help you God?

Mr. LARUE. I do.

**TESTIMONY OF FRED C. LaRUE, ACCOMPANIED BY
FRED VINSON, COUNSEL**

The CHAIRMAN. Would you please state your name, be seated and identify your counsel, please.

Mr. LARUE. My name is Fred C. LaRue. I am represented by counsel, Mr. Fred Vinson.

The CHAIRMAN. Mr. Jenner.

Mr. JENNER. Thank you, Mr. Chairman.

Mr. LaRue, where were you born?

Mr. LARUE. Athens, Tex.

Mr. JENNER. In what year?

Mr. LARUE. 1928.

Mr. JENNER. Are you a married man?

Mr. LARUE. Yes, sir.

Mr. JENNER. Do you have a family?

Mr. LARUE. Yes, sir. A wife and five children.

Mr. JENNER. What is your present residence?

Mr. LARUE. 1026 Hallmark Drive, Jackson, Miss.

Mr. JENNER. How long have you been a resident of Jackson, Miss.?

Mr. LARUE. Approximately 30 years; 33 years.

Mr. JENNER. And in what business or occupation have you been engaged?

Mr. LARUE. I am in the investment business, primarily real estate investment.

Mr. JENNER. Are you college educated?

Mr. LARUE. Yes, sir. Bachelor of Science, University of Oklahoma, 1951.

Mr. JENNER. And do you have a law degree and are you a lawyer?

Mr. LARUE. No, sir.

Mr. JENNER. Would you relate to the ladies and gentlemen of the committee your political history or activity commencing let us say in the sixties?

Mr. LARUE. I was Republican national committeeman for the State of Mississippi for the period 1963 through 1968. I was active in the campaign, Republican campaign for Senator Goldwater in 1964. I was active in the campaign of Richard Nixon prior to the 1968 convention. Subsequent to that convention I was active in the President's campaign of 1968, serving as a special assistant to the campaign director, John Mitchell. In 1972 I joined the Committee for the Re-Election of the President, and later served as special assistant to the campaign directors, Mr. Mitchell and Mr. MacGregor during that campaign.

Mr. JENNER. When did you first meet Mr. Nixon?

Mr. LARUE. I believe, Mr. Jenner, in 1966.

Mr. JENNER. And without elaboration, what was the occasion?

Mr. LARUE. At a Republican western regional conference in Albuquerque, N. Mex.

Mr. JENNER. And did you in the subsequent activities that you have mentioned to us in a general way, did you have occasion to see or meet President Nixon thereafter?

Mr. LARUE. Yes, sir.

Mr. JENNER. And were those meetings largely in connection with your activity on behalf of the Republican Party of the nature and character you have stated?

Mr. LARUE. On behalf of the Republican Party and also on behalf of Mr. Nixon.

Mr. JENNER. Would you tell us what the activities were on your part on behalf of Mr. Nixon?

Mr. LARUE. As I have stated, Mr. Jenner, prior to the convention, Republican Convention in 1968 I worked with the Nixon organization for the nomination process over a period of time, 1967 through the convention.

Mr. JENNER. You have mentioned activity in the 1968 campaign. That is the campaign in which Mr. Nixon was elected President of the United States?

Mr. LARUE. That is correct.

Mr. JENNER. And following the success of the campaign, what activities did you have with regard to let us say the transition, if that was so?

Mr. LARUE. After the campaign in 1968 I remained with the Nixon organization first in New York, later moving to Washington, and worked in the transition process, the process of the transition of the administrations.

Mr. JENNER. Mr. LaRue, would you tell us a little more detail, not too great a length, of your participation in the transition period, which as I understood your testimony, you were located in New York City, is that correct?

Mr. LARUE. At first, that is correct. Yes, sir.

Mr. JENNER. All right, tell us that first part. Mainly what your particular assignments or interests were.

Mr. LARUE. The area I was primarily working in, Mr. Jenner, I guess you would call it personnel and it was the problem of recruiting and selecting personnel that would serve in the Nixon administration.

Mr. JENNER. And when that transition period was completed insofar as your work in New York City was concerned, I take it you moved to Washington to continue in the transition period?

Mr. LARUE. That is correct.

Mr. JENNER. And would you tell us the change, if any, in the nature of your work or activities, transitionwise when you came to Washington, D.C.?

Mr. LARUE. They were primarily of the same nature, Mr. Jenner, still within the framework of personnel selection and personnel recruitment.

Mr. JENNER. I take it there came a time, I would guess some time in 1969, and if my guess is wrong correct me, that the transition stage was largely over?

Mr. LARUE. Yes, sir.

Mr. JENNER. As far as you were concerned?

Mr. LARUE. That is correct, yes, sir.

Mr. JENNER. Did you assume a position as a White House aide or something of that character at the end of that transition period insofar as you participated in the transition period?

Mr. LARUE. Yes, sir. In August of 1969, August or September of 1969, I became a Special Consultant to the President for special projects and worked as a liaison between the Federal Government and the State of Mississippi in the relief efforts following Hurricane Camille.

Mr. JENNER. Did you have a title while you were there?

Mr. LARUE. Special Consultant to the President.

Mr. JENNER. And your duties, at least in the earlier stages, were largely the one you have mentioned; that is, the havoc caused by the Mississippi hurricane?

Mr. LARUE. Yes, sir, that is correct.

Mr. JENNER. And how long did you remain as Special Assistant to the President?

Mr. LARUE. Special Consultant, Mr. Jenner.

Mr. JENNER. Thank you.

Mr. LARUE. Until I joined the Committee for the Re-Election of the President.

Mr. JENNER. And when was that?

Mr. LARUE. The early part of 1972.

Mr. JENNER. So that was approximately, let me see, August or September of 1969 to what was the date in 1972?

Mr. LARUE. The first, you know, the first of the year, January of 1972.

Mr. JENNER. So that is approximately, let us say, 2½ years?

Mr. LARUE. Yes; that's correct.

Mr. JENNER. Did you have an office in the White House?

Mr. LARUE. I had an office in the Executive Office Building.

Mr. JENNER. And was there an entitlement of any character on the door of your office?

Mr. LARUE. No, sir.

Mr. JENNER. And did you become acquainted with White House aides and staff during the 2½ years that you were there?

Mr. LARUE. I would say I became acquainted with quite a few of the staff. I am sure I was not acquainted with all of them, no, sir.

Mr. JENNER. Did you report to anybody in the course of that work?

Mr. LARUE. Are you referring to the—

Mr. JENNER. While you were at the White House? Who your superior was.

Mr. LARUE. I had no specific person to report to, Mr. Jenner, in relationship to the disaster relief. This was, as I say, a liaison function, basically trying to facilitate the relief efforts that were going into the State of Mississippi at that time.

Mr. JENNER. Had you become acquainted with Mr. Haldeman during that period?

Mr. LARUE. I already knew Mr. Haldeman. I knew him previous to that.

Mr. JENNER. I see. Mr. Ehrlichman?

Mr. LARUE. I also knew Mr. Ehrlichman previous to that time.

Mr. JENNER. During your period in the White House for the 2½ years did you have any official contact with either Mr. Haldeman or Mr. Ehrlichman?

Mr. LARUE. During the transition period I had some contact with Mr. Haldeman on a limited basis. And as I recall, during the period in which I was working on the hurricane relief I had a brief contact with Mr. Ehrlichman. I don't specifically recall any with Mr. Haldeman.

Mr. JENNER. During that period of time, did you ever have contact with Mr. Mitchell?

Mr. LARUE. Yes, sir. I did have contact with Mr. Mitchell during this time.

Mr. JENNER. Indicate the nature of it, please.

Mr. LARUE. Mr. Jenner, I would say the nature of this would be during the transition process and would be discussion with Mr. Mitchell of certain persons that were being considered for positions in the administration.

Mr. JENNER. During the 1968 campaign did you have a relationship and contacts with and work with Mr. Mitchell?

Mr. LARUE. Yes, sir.

Mr. JENNER. Would you just indicate, and I don't seek any detail, in general how often and that sort of thing?

Mr. LARUE. How often I had contact with Mr. Mitchell?

Mr. JENNER. Yes.

Mr. LARUE. In the 1968 campaign?

Mr. JENNER. Right, sir.

Mr. LARUE. Virtually on a daily basis.

Mr. JENNER. Was there a campaign office in which you were located?

Mr. LARUE. Yes, sir.

Mr. JENNER. And what was Mr. Mitchell's position in connection with that matter?

Mr. LARUE. He was campaign director.

Mr. JENNER. And you were serving with him and assisting him as campaign director?

Mr. LARUE. Yes, sir.

Mr. JENNER. And taking assignments from him?

Mr. LARUE. That is correct.

Mr. JENNER. Now, when you moved over to CRP, which as I recall you said was early in January?

Mr. LARUE. That is correct.

Mr. JENNER. 1972?

Mr. LARUE. Yes, sir.

Mr. JENNER. Would you tell us the circumstances under which you moved over from the White House to CRP? Who called you, who arranged?

Mr. LARUE. I was asked by Mr. Mitchell to move over to the Re-election Committee.

Mr. JENNER. If you will forgive me, I didn't hear the first part. Did you say Mr. Mitchell called you to move over?

Mr. LARUE. Yes, sir. That's my recollection.

Mr. JENNER. And where was your—did you have an office over in CRP?

Mr. LARUE. Yes, sir.

Mr. JENNER. By the way, what was the address of CRP's offices, street address?

Mr. LARUE. I think 1700 Pennsylvania Avenue, Mr. Jenner.

Mr. JENNER. And the CRP offices were located on what floor of that building or floors?

Mr. LARUE. I think originally the offices were all located on the second floor. I can't be exactly positive of that. As the campaign progressed and the staff grew, we had office space on several floors in the building. I think we had all of the second floor and then part of the fourth floor, and offices literally scattered throughout the building.

Mr. JENNER. Where was your office located when you moved over in early January?

Mr. LARUE. On the second floor.

Mr. JENNER. Where was Mr. Mitchell's?

Mr. LARUE. Mr. Mitchell did not have an office.

Mr. JENNER. Did he ever have an office in CRP?

Mr. LARUE. Yes, sir.

Mr. JENNER. When?

Mr. LARUE. When he became campaign director.

Mr. JENNER. And when was that?

Mr. LARUE. I think that was April of 1972, Mr. Jenner. I'm sorry I just don't know the specific date.

Mr. JENNER. Do I understand his office was also on the second floor when in April he became campaign director?

Mr. LARUE. No, sir. I think his office was on the—his office was on the fourth floor.

Mr. JENNER. I see. Was the location of your office shifted at that time?

Mr. LARUE. Mr. Jenner, I think the location of my office was shifted prior to that to the fourth floor.

Mr. JENNER. I see. When Mr. Mitchell came, his office then was provided for on the fourth floor, so both of your offices were up there?

Mr. LARUE. That is correct.

Mr. JENNER. Were they in proximity?

Mr. LARUE. Pardon me?

Mr. JENNER. Were they juxtapositioned, next to each other, or tell us.

Mr. LARUE. No, sir.

Mr. JENNER. Tell us where yours was located with respect to his, distancewise.

Mr. LARUE. Mr. Mitchell's office was several floors removed from the rest of the campaign offices.

Mr. JENNER. Several doors or floors?

Mr. LARUE. Several floors. I should point out that I think Mr. Mitchell also maintained an office in a law firm which also had offices on the fourth floor, so in effect Mr. Mitchell actually had two offices on the fourth floor.

Mr. JENNER. That's the Mudge, Rose offices?

Mr. LARUE. Yes, sir.

Mr. JENNER. That's their Washington offices? Their main office is in New York City?

Mr. LARUE. That's my understanding; yes, sir.

Mr. JENNER. Now, during the time you were at the White House, had you become acquainted with Mr. Strachan?

Mr. LARUE. Mr. Jenner, I do not think I knew Mr. Strachan until I, or met Mr. Strachan until I moved to the campaign committee.

Mr. JENNER. Thank you. I will ask the same questions as to the following people: Mr. Mardian?

Mr. LARUE. No, I knew Mr. Mardian. I have known Mr. Mardian for several years.

Mr. JENNER. Mr. Magruder?

Mr. LARUE. I am sure I met Mr. Magruder prior to the time I moved to the campaign committee. However, I had no contact of any kind with Mr. Magruder until I did move over to the campaign committee.

Mr. JENNER. Mr. Dean?

Mr. LARUE. I did not know Mr. Dean until I moved to the campaign committee.

Mr. JENNER. Mr. Caulfield?

Mr. LARUE. As I—I think, or as I recall, I met Mr. Caulfield, as I recall I met Mr. Caulfield in the 1968 campaign. I had very limited contact with him, but that's my best recollection, that I met him in 1968.

Mr. JENNER. Did you meet Mr. Hunt at any time?

Mr. LARUE. I never met Mr. Hunt.

Mr. JENNER. Mr. Liddy?

Mr. LARUE. I met Mr. Liddy after I joined the campaign committee.

Mr. JENNER. Mr. McCord?

Mr. LARUE. I met Mr. McCord after I joined the campaign committee.

Mr. JENNER. Now, to whom did you report, if you reported to anyone, when you moved over to the campaign committee?

Mr. LARUE. To Mr. Mitchell.

Mr. JENNER. Now, calling your attention to the 30th of March 1972, did you have occasion then to be in Key Biscayne, Fla.?

Mr. LARUE. Prior to—prior to what date, Mr. Jenner? I'm sorry.

Mr. JENNER. On that day, March 30, 1972?

Mr. LARUE. I'm sorry. I just didn't get your question.

Mr. JENNER. Were you in Key Biscayne, Fla., on the 30th of March 1972?

Mr. LARUE. Yes, sir.

Mr. JENNER. Would you please relate to the committee the circumstances under which that meeting took place and the purpose of the meeting?

Mr. LARUE. I was in Key Biscayne, Mr. Jenner, with the Mitchells who were on a vacation. There were several matters concerning the campaign which needed decisions from Mr. Mitchell. Mr. Magruder and Mr. Flemming from the campaign committee came down to Key Biscayne, and a meeting was set up in which several campaign matters were discussed.

Mr. JENNER. Would you identify Mr. Flemming, please?

Mr. LARUE. Mr. Flemming was working at the Committee To Re-elect the President. I think at that time primarily in the organizational area, selecting or working, I think, in the area of selecting people in the various States that would work in the Nixon campaign.

Mr. JENNER. Was a briefing paper or talking paper prepared for that meeting by anybody?

Mr. LARUE. Well, there was a series of talking papers or briefing papers covering a wide range of subjects; yes, sir.

Mr. JENNER. To be taken up at that meeting?

Mr. LARUE. Yes, sir.

Mr. JENNER. Who prepared that document or documents?

Mr. LARUE. Mr. Jenner, I don't know who prepared each individual document. The documents were all in the possession of Mr. Magruder.

Mr. JENNER. Did he distribute copies of the documents to you and the others?

Mr. LARUE. Mr. Magruder, Mr. Flemming came down the night before the meeting was scheduled. I asked Mr. Magruder to leave all of the briefing papers with me in order that I might put them in a priority order for the meeting the next day.

Mr. JENNER. Now, to your knowledge was a copy delivered to Mr. Mitchell?

Mr. LARUE. No, sir.

Mr. JENNER. Did Mr. Mitchell have a copy of it during the course of the meeting that ensued?

Mr. LARUE. My best recollection of the meeting, Mr. Jenner, is that the papers would be presented to Mr. Mitchell one at a time as that particular subject was brought up and discussed.

Mr. JENNER. Have you had an advance copy; that is, when I say advance, distinguished from what you have said as to Mr. Mitchell?

Mr. LARUE. I had no advance copy other than or knowledge of the papers other than reading the papers the previous night and putting them in a priority order.

Mr. JENNER. And during the course of the meeting, did all of those in attendance have a copy of each segment as you discussed each segment of the memorandums?

Mr. LARUE. Mr. Jenner, as I recall, there was only one copy of each position paper or issue paper.

Mr. JENNER. And it was passed around, was it?

Mr. LARUE. Again, as I recall it, the papers were given to Mr. Mitchell, and both Mr. Magruder and I, I assume Mr. Magruder had read the papers. I had read them previously and as I recall, the paper was given to Mr. Mitchell, and then there was a general discussion.

Mr. JENNER. Now, tell us everybody who was at that meeting.

Mr. LARUE. There was Mr. Mitchell, Mr. Magruder, Mr. Flemming, and myself.

Mr. JENNER. Did Mr. Liddy attend that meeting?

Mr. LARUE. No, sir.

Mr. JENNER. Was one of the papers or segments you have described or to which you have referred dealing with electronic surveillance of possible political opponents?

Mr. LARUE. Yes, sir.

Mr. JENNER. And just tell us generally what that was about, please, as you can recall the paper.

Mr. LARUE. I would like to clarify, Mr. Jenner, that the paper dealing with the electronic surveillance was placed at the bottom of the list which we would discuss that day, and had previously arranged with Mr. Magruder that Mr. Flemming would be excused from the meeting before we discussed that. And I would like to—

Mr. JENNER. Thank you. I appreciate your calling that to the attention of the committee. So that of the persons you have named, when you reached the electronic surveillance briefing papers, Mr. Flemming was excused from the meeting?

Mr. LARUE. That is correct.

Mr. JENNER. All right. Would you then proceed?

Mr. LARUE. I'm sorry, I forgot your question.

Mr. JENNER. Well, my question was, what was the general substance and the specifics if you have that much recollection.

Mr. LARUE. I do not have a specific recollection of the papers, Mr. Jenner, other than it did entail electronic surveillance. There was a budget attached to it.

Mr. JENNER. How much?

Mr. LARUE. I do not recall the exact figure of the budget or the budgeted figure. As I do recall, it was several hundred thousand dollars.

Mr. JENNER. Does \$250,000 refresh your recollection?

Mr. LARUE. I do not recall a specific amount.

Mr. JENNER. But it was several hundred thousand?

Mr. LARUE. Yes, sir.

Mr. JENNER. And during the course of that discussion, did you have any comments?

Mr. LARUE. After Mr. Mitchell read the paper, he turned to me and asked me my opinion of it.

Mr. JENNER. And what was your response?

Mr. LARUE. I told Mr. Mitchell I did not think the project was worth the risk.

Mr. JENNER. Worth what risk, Mr. LaRue?

Mr. LARUE. Only the inherent risk involved in such a project, Mr. Jenner. I guess primarily the risk of this sort of operation being found out.

Mr. JENNER. What sort of an operation was it?

Mr. LARUE. Well, an operation of conducting or entailing electronic surveillance on political opponents.

Mr. JENNER. What did Mr. Magruder have to say about it?

Mr. LARUE. Mr. Jenner, I don't recall any details, or quite frankly, any great deal of discussion about this paper. My only recollection is that Mr. Mitchell read this paper, asked my opinion of it, and I gave him my opinion. And Mr. Mitchell, as I recall, commented that this was not a decision that needed to be made at this time.

Mr. JENNER. What was done with that paper if you know, at the conclusion of that meeting?

Mr. LARUE. Mr. Jenner, I could only assume. As I recall, Mr. Magruder took all of the papers back to Washington with him.

Mr. JENNER. Do you have a recollection at that particular time when that meeting concluded that all of the talking papers or briefing pa-

pers, and those happen to be my expressions, were redelivered to Mr. Magruder?

Mr. LARUE. Yes, sir.

Mr. JENNER. And not retained by anybody else?

Mr. LARUE. That is correct.

Mr. JENNER. OK. Now, your activities in the campaign continued on then from—oh, by the way, was the name Liddy mentioned during the course of that discussion?

Mr. LARUE. Mr. Jenner, I don't recall Liddy's name being mentioned either in the paper or in any discussion.

Mr. JENNER. Was there any discussion in the course of that meeting as to the authorship of the electronic surveillance paper?

Mr. LARUE. Not that I recall; no, sir.

Mr. JENNER. Or any discussion as to the genesis or the authorship of the plan itself?

Mr. LARUE. No, sir.

Mr. JENNER. All right. Now, following March 30, 1972, you continued active in the campaign as an assistant to Mr. Mitchell?

Mr. LARUE. That is correct.

Mr. JENNER. I wish to direct your attention to June 17, 1972, which is a Saturday. Where were you on June 17, 1972?

Mr. LARUE. Los Angeles, Calif.

Mr. JENNER. And in connection with what were you in Los Angeles on that occasion?

Mr. LARUE. This was a campaign function, primarily involving a gathering of Hollywood dignitaries that were going to support the President in the 1972 campaign.

Mr. JENNER. Now, I will use the word team and I don't intend any implication by it, but what was your team that went out to California on that occasion, what group? I am seeking the names of the individuals.

Mr. LARUE. There was Mr. Mardian, Mr. Mitchell, Mr. Magruder, myself, Mr. Porter, and I am sure there were some other advance men there. But, I just don't recall their names of who it would be.

Mr. JENNER. You didn't include Mr. Mitchell. Was he a part of the party?

Mr. LARUE. Yes, I think I did. I'm sorry, he was there. Yes, sir.

Mr. JENNER. Forgive me if I misstated. But, Mr. Mitchell was part of the group, is that correct?

Mr. LARUE. Yes, sir.

Mr. JENNER. Was Mrs. Mitchell also?

Mr. LARUE. Yes.

Mr. JENNER. A part of the group? Where did you stay?

By the way, did your bride accompany you?

Mr. LARUE. Pardon me?

Mr. JENNER. Did your wife accompany you?

Mr. LARUE. She did not accompany me but she met me in California.

Mr. JENNER. Were any of the parties' wives there?

Mr. LARUE. I think all of the wives were there, yes, sir.

Mr. JENNER. Where were you staying?

Mr. LARUE. At the Beverly Hills Hotel.

Mr. JENNER. And was all of the party at the Beverly Hills Hotel?

Mr. LARUE. Yes, sir.

Mr. JENNER. That morning did you have breakfast?

Mr. LARUE. On June 17, yes, sir.

Mr. JENNER. And with whom?

Mr. LARUE. Oh, there was Mr. Magruder, his wife, and I think Mr. Porter and his wife, and my wife and myself.

Mr. JENNER. And were you all at the same table having breakfast, is that correct, sir?

Mr. LARUE. Yes, sir.

Mr. JENNER. Now, during the course of your having breakfast that morning, was there an occasion when there was a long distance telephone call announced for somebody?

Mr. LARUE. Yes, sir. Mr. Magruder got a page and was notified that he had a long distance call.

Mr. JENNER. Did Mr. Magruder leave the table?

Mr. LARUE. Pardon me?

Mr. JENNER. Did he leave the table to respond to the call?

Mr. LARUE. Yes, sir. He left the table, presumably to take the call.

Mr. JENNER. And did he return to the table?

Mr. LARUE. Yes, sir.

Mr. JENNER. How quickly?

Mr. LARUE. I am sorry, Mr. Jenner, I couldn't put—I don't think he was gone for any extended length of time.

Mr. JENNER. All right.

Mr. LARUE. He very shortly returned to the table.

Mr. JENNER. Did he, when he returned to the table, did he have something to say to you?

Mr. LARUE. Yes, sir.

Mr. JENNER. Was it said in the presence of the others?

Mr. LARUE. No, sir. He got me aside and told me about his—he said he had had a rather unusual phone call.

Mr. JENNER. From whom?

Mr. LARUE. From Mr. Liddy.

Mr. JENNER. From Mr. Liddy?

Mr. LARUE. Mr. Liddy in Washington and Mr. Liddy wanted him to go to I think some NASA installation in the suburbs of Los Angeles where they have a secure phone and place a call back to Mr. Liddy on this phone.

Mr. JENNER. That expression has been used several times in the course of the weeks of this presentation. What is a secure phone?

Mr. LARUE. I really don't know, Mr. Jenner. I could only assume that it would be a phone that would be secure from taps.

Mr. JENNER. When he used that expression to you, that was your reaction?

Mr. LARUE. That was my reaction, yes, sir, mentally.

Mr. JENNER. What did you say to him, if anything?

Mr. LARUE. I don't recall specifically the segment of the conversation, Mr. Jenner, other than that I suggested to Mr. Magruder that he could probably use a pay phone and it would probably be just as secure.

Mr. JENNER. When you made that remark to Mr. Magruder, what did he do?

Mr. LARUE. He went back and, I think, used a pay phone and called Mr. Liddy.

Mr. JENNER. Did he return to the table?

Mr. LARUE. Yes, sir.

Mr. JENNER. When he returned to the table, did he have something to say to you?

Mr. LARUE. Yes, sir.

Mr. JENNER. Excuse me, please, Mr. LaRue. Did he say that, did he say what he had to say in the presence of everybody at the table?

Mr. LARUE. No, again, he got me aside.

Mr. JENNER. What did he say?

Mr. LARUE. He said that Mr. Liddy had informed him that there had been a break-in at the Democratic National Committee. I forget the number, four or five persons had been apprehended, and that one of the persons apprehended was Mr. McCord, who was our security man at the re-election committee.

Mr. JENNER. What else did he say?

Mr. LARUE. Well, I don't recall, really, any other aspects of the conversation, Mr. Jenner.

Mr. JENNER. Have you exhausted your recollection?

Mr. LARUE. Yes, sir.

Mr. JENNER. Having exhausted your recollection, did he say anything to the effect or expressly that last night was the night they were going to enter the DNC?

Mr. LARUE. The best of my recollection, Mr. Jenner, is that I think that statement was made prior to the time he placed the call, the call back to Mr. Liddy.

Mr. JENNER. I see. When the long-distance call came in and he responded to that call and he came back to the table and drew you aside and told you that Liddy was calling and that he should go to a secure phone, it was at that time that he made that statement?

Mr. LARUE. That is my best recollection, yes, sir.

Mr. JENNER. Now, would you tell the committee just what Mr. Magruder said?

Mr. LARUE. That he had, you know, he recounted the call from Liddy that he wanted Mr. Magruder to go to a secure phone. You know, I remarked, "I wonder what that is all about."

He said, "I think that last night is when they were going into the DNC."

That is when I suggested to Mr. Magruder that he use a pay phone to call Mr. Liddy back and find out what the problem was.

Mr. JENNER. Did Mr. Magruder identify any of the four other persons?

Mr. LARUE. No, sir.

Mr. JENNER. Having received that news, then what occurred by way of conversations between you and Mr. Magruder or any others who were having breakfast on that occasion, including whatever you said?

Mr. LARUE. Well, after Mr. Magruder talked to Mr. Liddy for the second time, returned to the table, told me of his conversation, I think he suggested that we had better go tell Mr. Mitchell this, or perhaps I suggested it. But anyway, I suggested that I had better talk to Mr. Mitchell alone and give him this information.

MR. JENNER. Where was Mr. Mitchell?

MR. LARUE. Mr. Mitchell was in his room in a conference with some other people.

MR. JENNER. With some celebrities?

MR. LARUE. No, I don't think they were celebrities. As I recall, it was some political people from California. I think specifically, Mr. Jenner, it was Mr. Tom Reed, the national committeeman from California.

MR. JENNER. I see. And you and Mr. Magruder then—this was at some floor above the breakfast floor, on which you were having breakfast?

MR. LARUE. Yes, sir.

MR. JENNER. You and Mr. Magruder went upstairs?

MR. LARUE. I don't recall that Mr. Magruder went upstairs, because I had suggested that I would give this information to Mr. Mitchell. I went upstairs.

MR. JENNER. All right.

Did you reach Mr. Mitchell?

MR. LARUE. Yes, sir.

MR. JENNER. Tell us what you said.

MR. LARUE. Well, I just stepped in the room—

MR. JENNER. You—

MR. LARUE. Pardon me.

MR. JENNER. Go ahead.

MR. LARUE. I stepped into the room where Mr. Mitchell was having his conference and asked him if he minded stepping outside for a minute. We went into a room across the hall that belonged to a security man. I told Mr. Mitchell of the phone call from Mr. Liddy, that four or five persons had been apprehended at the Democratic National Committee and that one of these persons was Mr. McCord.

MR. JENNER. And what did he say, if anything?

MR. LARUE. Mr. Mitchell remarked, "That is incredible."

MR. JENNER. Did he say anything else? That is, did he give you any directions?

MR. LARUE. No, sir, not at that time.

MR. JENNER. Have you now given the substance of the extension of the call of your private conversation with Mr. Mitchell?

MR. LARUE. Yes, sir.

And Mr. Mitchell, you know, said something to the effect, I have got to go back in this meeting and we will get together, you know, as soon as it is over.

MR. JENNER. All right.

Did you get together as soon as it was over?

MR. LARUE. Yes, sir.

MR. JENNER. And where was that meeting?

MR. LARUE. I think, as I recall, in the same room, the security man's room across the hall.

MR. JENNER. And who participated in that conference?

MR. LARUE. To the best of my recollection, Mr. Mitchell, Mr. Magruder, Mr. Mardian, and myself.

MR. JENNER. Would you please give the committee, as best you can recall it after all this passage of time, what was said by the various persons participating in this conference?

Mr. LARUE. I don't recall the specific conversation, Mr. Jenner, other than the fact that Mr. Mitchell suggested that someone call Mr. Liddy, have Mr. Liddy contact Attorney General Kleindienst, and have Attorney General Kleindienst contact Chief Wilson of the Metropolitan Police Department and find out what details he carried about this incident.

Mr. JENNER. Was Mr. Mardian present?

Mr. LARUE. That is my recollection, yes, sir.

Mr. JENNER. Any discussion about the need to obtain additional details—excuse me. Have you exhausted your recollection?

Mr. LARUE. Yes, sir.

Mr. JENNER. Was there any discussion as to the need to obtain additional details of this event?

Mr. LARUE. I don't recall any discussion other than the request from Mr. Mitchell that the call be made to see what details could be gotten through the channel I stated; Mr. Kleindienst to get these details, if any, from Chief Wilson.

Mr. JENNER. Did it occur to you, Mr. LaRue, that this event had anything to do with a meeting back in Key Biscayne on the 30th of March?

Mr. LARUE. Yes, sir.

Mr. JENNER. What did occur to you?

Mr. LARUE. What did occur to me?

Mr. JENNER. Yes.

Mr. LARUE. Well, it occurred to me that this operation could in fact have been sponsored or carried out by the Committee To Re-Elect the President.

Mr. JENNER. Now, was there any discussion of that subject matter at that meeting?

Mr. LARUE. No, sir.

Mr. JENNER. Was there a discussion of that subject matter in a meeting in which Mr. Mitchell participated later in the day?

Mr. LARUE. No, sir.

Mr. JENNER. Was there a discussion of that subject matter in which you and Mr. Magruder participated?

Mr. LARUE. Yes, sir, I verified this fact from Mr. Magruder.

Mr. JENNER. Forgive me.

You do have a low voice and I didn't hear your response.

Mr. LARUE. I verified from Mr. Magruder that the break-in at the DNC, in effect, was an operation conducted by the Committee To Re-Elect the President.

Mr. JENNER. And was anything said by—have you exhausted your recollection of that conversation?

Mr. LARUE. Yes, sir.

Mr. JENNER. Where did it take place?

Mr. LARUE. Mr. Jenner, specifically where it took place or specifically what time of day it took place, I do not know. I can only assume that it took place after we left the Beverly Hills Hotel and went to a meeting with the California delegation at another hotel and I just don't recall the name of that hotel.

Mr. JENNER. I see.

Was anyone present other than yourself or in addition to yourself and Mr. Magruder when Mr. Magruder was relating what you have now said he said?

Mr. LARUE. No, sir.

Mr. JENNER. Have you exhausted your recollection as to that conversation?

Mr. LARUE. Yes, sir.

Mr. JENNER. Did Mr. Magruder—you having exhausted your recollection, for the purpose of properly refreshing it, did Mr. Magruder say anything with respect to the approval of the matter by Mr. Mitchell?

Mr. LARUE. No, sir, that is not my recollection at that time.

Mr. JENNER. Was any reference made to Mr. Liddy?

Mr. LARUE. I am sorry, I just don't recall that, Mr. Jenner.

Mr. JENNER. Now, I think you have said that you subsequently had a conversation with Mr. Mitchell respecting this subject matter after you had discussed the matter with Mr. Magruder. Is that correct?

Mr. LARUE. Are you talking about that day I had a conversation with Mr. Mitchell concerning the break-in?

Mr. JENNER. Yes; and what Mr. Magruder had related to you, in particular, the conversation you have just related that you had with Mr. Magruder.

Mr. LARUE. No, sir, I do not recall a conversation with Mr. Mitchell on that day.

Mr. JENNER. On that subject matter?

Mr. LARUE. No, sir.

Mr. JENNER. All right.

That is on the subject matter of Mr. Magruder's additional conversation with you?

Mr. LARUE. No, sir.

Mr. JENNER. Now, that afternoon, was there a meeting of Mr. Magruder, Mr. Mardian, yourself, and Mr. Mitchell with respect to publicity or issuance of a statement in connection with this matter?

Mr. LARUE. Was there such a meeting?

Mr. JENNER. Yes, sir.

Mr. LARUE. Yes, sir.

Mr. JENNER. Did this occur subsequent to the time that you had had the conversation with Mr. Magruder that you have just immediately related?

Mr. LARUE. Yes, sir.

Mr. JENNER. And where was that conversation?

Mr. LARUE. The conversation regarding the press release?

Mr. JENNER. Yes.

Mr. LARUE. To my best recollection, Mr. Jenner, this was back at the Beverly Hills Hotel.

Mr. JENNER. I see. And whose room, if anyone's?

Mr. LARUE. I am sorry, I can't answer that. Quite frankly, I would have said it would have been Mr. Mitchell's room, but I can't answer that.

Mr. JENNER. Who was present on that occasion?

Mr. LARUE. Mr. Mardian, Mr. Magruder, Mr. Mitchell, myself, Cliff Miller, our public relations man. I don't recall anyone else.

Mr. JENNER. You have mentioned a Cliff Miller. You said he was a public relations man. He was a public relations man for the Committee To Re-Elect the President?

Mr. LARUE. Yes, sir.

Mr. JENNER. And what was the subject matter discussed at that meeting?

Mr. LARUE. Well, the subject matter was the desirability or necessity of some sort of press response to the break-in.

Mr. JENNER. Give us the substance of the conversation attributing, if you can, segments of it to any particular person.

Mr. LARUE. Mr. Jenner, it would be impossible for me to recall any particular segments.

Mr. JENNER. Well, do your best.

Mr. LARUE. The gist of the conversation or the meeting was that since one of the people apprehended at the DNC was Mr. McCord, who was an employee of the Committee To Re-Elect the President, that it was, I think, the general consensus of opinion that it was necessary that we issue some sort of statement.

Mr. JENNER. And was the substance or thrust of that statement discussed between and among one, two, three, four, the five of you?

Mr. LARUE. Yes, sir.

Mr. JENNER. And was a—did Mr. Mitchell participate in the discussion as to the wording of that press release?

Mr. LARUE. Mr. Jenner, I don't know if Mr. Mitchell participated in the discussion of the wording. Mr. Mitchell, as I recall, participated in the decision to issue a statement, and I don't know who actually prepared the statement. I think everyone nitpicked the statement. There were several changes made. Eventually a statement was drawn up and was issued, I think, that afternoon or that night.

Mr. JENNER. When you use the expression, the metaphor "nit-picked," that is, the five of you made specific suggestions here and there as to the wording of the press release?

Mr. LARUE. That is correct.

Mr. JENNER. Now, during the course of this discussion was Gordon Liddy's name mentioned?

Mr. LARUE. I don't recall Mr. Liddy's name being mentioned; no, sir.

Mr. JENNER. Was E. Howard Hunt's name mentioned?

Mr. LARUE. I don't recall that.

Mr. JENNER. I see.

Was that press release eventually finalized at that meeting?

Mr. LARUE. That afternoon or early evening; yes, sir.

Mr. JENNER. You have been questioned about this before, Mr. LaRue, in prior testimony. I have here a Xerox copy of an article that appeared in the Washington Post on June 19, 1972, of which the headline is "GOP Security Aide Among Five Arrested in Bugging Affair," with a picture of Mr. McCord.

There it appears in the fourth paragraph the following, and I will read it to you. I have heretofore shown you this, have I not?

Mr. LARUE. Yes, sir.

Mr. JENNER. "In a statement issued in Los Angeles, Mitchell said McCord and the other four men arrested at Democratic headquarters Saturday 'were not operating either in our behalf or with our consent' in the attempted alleged bugging attempt."

Were those quoted words that appeared in the press release?

Mr. LARUE. Yes, sir.

Mr. JENNER. Now, Mr. LaRue, was that statement true or untrue?

Mr. LARUE. The statement was untrue.

Mr. JENNER. Either that day or night or the next day, did an occasion arise with respect to a telephone call—

Mr. LARUE. Mr. Jenner, if I might interrupt?

Mr. JENNER. Surely, go ahead.

Mr. LARUE. Counsel has reminded me that to make the statement that the press release or the statement made in the press release was true or not true; to this day, Mr. Jenner, I do not know specifically who authorized the break-in at the Democratic National Committee. For me to categorically say that statement is true or not true under those circumstances, I don't think would be proper.

Mr. JENNER. I wasn't seeking to have you so testify, and I did not anticipate that your answer would embrace that particular aspect. All I was asking you about was the quoted portion.

Mr. LARUE. Would you quote that again for me, please, sir?

Mr. JENNER. "In a statement issued in Los Angeles, Mitchell said McCord and the other four men arrested at Democratic headquarters Saturday 'were not operating either in our behalf or with our consent.'"

Mr. LARUE. In my opinion, Mr. Jenner, the statement was untrue.

Mr. JENNER. And the statement did appear in the press release, am I not correct?

Mr. LARUE. That is correct.

Mr. JENNER. Thereafter, during the course of the day or evening or the next day, was there an occasion when Mr. Magruder telephoned Mr. Haldeman in Key Biscayne?

Mr. LARUE. Mr. Magruder related to me that he had talked to Mr. Haldeman. Whether Mr. Haldeman called him or he called Mr. Haldeman, I am not in a position to say. I just don't know.

Mr. JENNER. Thank you.

That conversation that you had with Mr. Magruder, did that occur on Saturday the 17th, or on Sunday the 18th, to the best of your recollection?

Mr. LARUE. To the best of my recollection, it occurred on Saturday the 17th.

Mr. JENNER. And where did it occur with respect to your movement about Los Angeles, some of which you have told us about?

Mr. LARUE. My best recollection is that it occurred, my conversation with Mr. Magruder occurred in the late afternoon or early evening.

Mr. JENNER. I see.

And who was present? In addition to yourself.

Mr. LARUE. In fact, I don't think anyone was present, Mr. Jenner.

Mr. JENNER. Would you please restate what Mr. Magruder has said to you?

Mr. DENNIS. Mr. Chairman—

Mr. McCLORY. Mr. Chairman, may I just interpose this? I just want to inquire whether the newspaper article with respect to which the witness was interrogated recently, is that identified as an exhibit? If not, I would like to have it identified, and I would like to have a copy of it.

Mr. JENNER. Congressman McClory, we were attempting to find the press release itself, and being unable to do so, we did discover this article in the Washington Post, and we will duplicate it and supply a copy to each member of the committee.

Mr. McCLORY. And is it identified as some kind of an exhibit, LaRue exhibit 1 or something?

Mr. JENNER. This exhibit we will identify, Mr. Chairman, as LaRue exhibit 1.

The CHAIRMAN. It will be so identified.

[The document referred to was marked LaRue exhibit No. 1 and follows:]

[LaRue Exhibit No. 1]

[From the Washington Post, June 19, 1972]

GOP SECURITY AIDE AMONG 5 ARRESTED IN BUGGING AFFAIR

(By Bob Woodward and Carl Bernstein)

One of the five men arrested early Saturday in the attempt to bug the Democratic National Committee headquarters here is the salaried security coordinator for President Nixon's re-election committee.

The suspect, former CIA employee James W. McCord, Jr., 53, also holds a separate contract to provide security services to the Republican National Committee, GOP national chairman Bob Dole said yesterday.

Former Attorney General John N. Mitchell, head of the Committee for the Re-Election of the President, said yesterday McCord was employed to help install that committee's own security system.

In a statement issued in Los Angeles, Mitchell said McCord and the other four men arrested at Democratic headquarters Saturday "were not operating either in our behalf or with our consent" in the alleged bugging attempt.

Dole issued a similar statement, adding that "we deplore action of this kind in or out of politics." An aide to Dole said he was unsure at this time exactly what security services McCord was hired to perform by the National Committee.

Police sources said last night that they were seeking a sixth man in connection with the attempted bugging. The sources would give no other details.

Other sources close to the investigation said yesterday that there still was no explanation as to why the five suspects might have attempted to bug Democratic headquarters in the Watergate at 2600 Virginia Ave. NW, or if they were working for other individuals or organizations.

"We're baffled at this point . . . the mystery deepens," a high Democratic party source said.

Democratic National Committee Chairman Lawrence F. O'Brien said the "bugging incident . . . raised the ugliest questions about the integrity of the political process that I have encountered in a quarter century.

"No mere statement of innocence by Mr. Nixon's campaign manager will dispel these questions."

The Democratic presidential candidates were not available for comment yesterday.

O'Brien, in his statement, called on Attorney General Richard G. Kleindienst to order an immediate, "searching professional investigation" of the entire matter by the FBI.

A spokesman for Kleindienst said yesterday, "The FBI is already investigating . . . Their investigative report will be turned over to the criminal division for appropriate action."

The White House did not comment.

McCord, 53, retired from the Central Intelligence Agency in 1970 after 19 years of service and established his own "security consulting firm," McCord Associates, at 414 Hungerford Drive, Rockville. He lives at 7 Winder Ct., Rockville.

McCord is an active Baptist and colonel in the Air Force Reserves, according to neighbors and friends.

In addition to McCord, the other four suspects all Miami residents, have been identified as: Frank Sturgis (also known as Frank Fiorini), an American who

served in Fidel Castro's revolutionary army and later trained a guerrilla force of anti-Castro exiles; Eugenio R. Martinez, a real estate agent and notary public who is active in anti-Castro activities in Miami; Virgilio R. Gonzales, a locksmith; and Bernard L. Barker, a native of Havana said by exiles to have worked on and off for the CIA since the Bay of Pigs invasion in 1961.

All five suspects gave the police false names after being arrested Saturday. McCord also told his attorney that his name is Edward Martin, the attorney said.

Sources in Miami said yesterday that at least one of the suspects—Sturgis—was attempting to organize Cubans in Miami to demonstrate at the Democratic National Convention there next month.

The five suspects, well-dressed, wearing rubber surgical gloves and unarmed, were arrested about 2:30 a.m. Saturday when they were surprised by Metropolitan police inside the 29-office suite of the Democratic headquarters on the sixth floor of the Watergate.

The suspects had extensive photographic equipment and some electronic surveillance instruments capable of intercepting both regular conversation and telephone communication.

Police also said that two ceiling panels near party chairman O'Brien's office had been removed in such a way as to make it possible to slip in a bugging device.

McCord was being held in D.C. jail on \$30,000 bond yesterday. The other four were being held there on \$50,000 bond. All are charged with attempted burglary and attempted interception of telephone and other conversations.

McCord was hired as "security coordinator" of the Committee for the Re-election of the President on Jan. 1, according to Powell Moore, the Nixon committee's director of press and information.

Moore said McCord's contract called for a "take-home salary" of \$1,209 per month and that the ex-CIA employee was assigned an office in the committee's headquarters at 1701 Pennsylvania Ave., NW.

Within the last one or two weeks, Moore said, McCord made a trip to Miami Beach—where both the Republican and Democratic National Conventions will be held. The purpose of the trip, Moore said, was "to establish security at the hotel where the Nixon Committee will be staying."

In addition to McCord's monthly salary, he and his firm were paid a total of \$2,836 by the Nixon Committee for the purchase and rental of television and other security equipment, according to Moore.

Moore said that he did not know exactly who on the committee staff hired McCord, adding that it "definitely wasn't John Mitchell." According to Moore, McCord has never worked in any previous Nixon election campaigns "because he didn't leave the CIA until two years ago, so it would have been impossible." As of late yesterday, Moore said, McCord was still on the Re-Election Committee payroll.

In his statement from Los Angeles, former Attorney General Mitchell said he was "surprised and dismayed" at reports of McCord's arrest.

"The person involved is the proprietor of a private security agency who was employed by our committee months ago to assist with the installation of our security system," said Mitchell. "He has, as we understand it, a number of business clients and interests and we have no knowledge of these relationships.

Referring to the alleged attempt to bug the opposition's headquarters, Mitchell said: "There is no place in our campaign, or in the electoral process, for this type of activity and we will not permit it nor condone it."

About two hours after Mitchell issued his statement, GOP National Chairman Dole said, "I understand that Jim McCord . . . is the owner of a firm with which the Republican National Committee contracts for security services . . . If our understanding of the facts is accurate," added Dole, "we will of course discontinue our relationship with the firm."

Tom Wilck, deputy chairman of communications for the GOP National Committee, said late yesterday that Republican officials still were checking to find out when McCord was hired, how much he was paid and exactly what his responsibilities were.

McCord lives with his wife in a two-story, \$45,000 house in Rockville.

After being contacted by The Washington Post yesterday, Harlan A. Westrell, who said he was a friend of McCord's, gave the following background on McCord:

He is from Texas, where he and his wife graduated from Baylor University. They have three children, a son who is in his third year at the Air Force Academy, and two daughters.

The McCords have been active in the First Baptist Church of Washington.

Other neighbors said that McCord is a colonel in the Air Force Reserve, and also has taught courses in security at Montgomery Community College. This could not be confirmed yesterday.

McCord's previous employment by the OIA was confirmed by the intelligence agency, but a spokesman there said further data about McCord was not available yesterday.

Several address books seized from the suspects contained mostly Spanish names with Miami addresses. Police sources said all of the names in the books were being checked.

In Miami, Washington Post Staff Writer Kirk Scharfenberg reported that two of the other suspects—Sturgis and Barker—are well known among Cuban exiles there. Both are known to have had extensive contacts with the Central Intelligence Agency, exile sources reported, and Barker was closely associated with Frank Bender, the CIA operative who recruited many members of Brigade 2506: the Bay of Pigs invasion force.

Barker, 55, and Sturgis, 37, reportedly showed up uninvited at a Cuban exile meeting in May and claimed to represent an anticommunist organization of refugees from "captive nations." The purpose of the meeting, at which both men reportedly spoke, was to plan a Miami demonstration in support of President Nixon's decision to mine the harbor of Haiphong.

Barker, a native of Havana who lived both in the U.S. and Cuba during his youth, is a U.S. Army veteran who was imprisoned in a German POW camp during World War II. He later served in the Cuban Buro de Investigaciones—secret police—under Fidel Castro and fled to Miami in 1959. He reportedly was one of the principal leaders of the Cuban Revolutionary Council, the exile organization established with CIA help to organize the Bay of Pigs Invasion.

Sturgis, an American soldier of fortune who joined Castro in the hills of Oriente Province in 1958, left Cuba in 1959 with his close friend, Pedro Diaz Lanz, then chief of the Cuban air force. Diaz Lanz, once active in Cuban exile activities in Miami, more recently has been reported involved in such right-wing movements as the John Birch Society and the Rev. Billy James Hargis' Christian Crusade.

Sturgis, more commonly known as Frank Fiorini, lost his American citizenship in 1960 for serving in a foreign military force—Castro's army—but, with the aid of then-Florida Sen. George Smathers, regained it.

The CHAIRMAN. Please proceed.

Mr. JENNER. We will continue to attempt, Mr. Chairman, if I may say, to obtain a copy of the press release itself. So much time has elapsed in the meantime that we have not been able to get one from the newspaper.

My question was, Mr. LaRue, what did Mr. Magruder say to you—

Mr. DENNIS. Mr. Chairman, I assume we are not, of course obviously, we are not going by the rules of evidence here and we have been quite liberal, so perhaps an objection isn't in order, but we haven't had very many straight out, hearsay pieces of testimony here. This obviously is one, assuming that it is offered to prove the trust of whatever Mr. Magruder said.

Are we going to accept hearsay? Is that what we are going to do here completely? What is the Chair's view on that?

It doesn't prove a thing by any ordinary rule, of course.

The CHAIRMAN. I think under the circumstances, the testimony is permissible.

Mr. DENNIS. Very well, Mr. Chairman.

I just wanted to get the ground rules laid down and make the notation that it is strictly hearsay, assuming that it is offered to prove the truth of the matter stated, as I suppose it is going to be.

Mr. JENNER. Staff is not offering it for the truth of the statement, but only that the statement was made, Mr. Chairman.

Mr. DENNIS. Well, in that case, Mr. Chairman—

The CHAIRMAN. I think that is obvious.

Mr. DENNIS. Mr. Chairman, in that case, it is not relevant unless there is some basis for it to show somebody's state of mind that is relevant, or something else.

The CHAIRMAN. I think that counsel is proceeding on theory here where this kind of testimony, as hearsay as it might be, it certainly is permissible under the circumstances. I think that we have been quite liberal.

Mr. DENNIS. Well, we have, Mr. Chairman, and I suspect on the rule of permissible under the circumstances, it is probably competent.

The CHAIRMAN. Mr. Jenner.

Mr. JENNER. Thank you, Mr. Chairman.

Do you have the question in mind, Mr. LaRue?

Mr. LARUE. Would you repeat it please, sir?

Mr. JENNER. The question is would you please state what Mr. Magruder said to you in the course of that conversation?

Mr. LARUE. As I recall, Mr. Magruder stated that he had had a call—could I back up just 1 minute?

Mr. JENNER. Yes, of course. If you wish to think about it, go ahead.

Mr. LARUE. Well, in other words, to get the sequence of events here. I think sometime during the afternoon or early evening of June 17, a decision had been made that Mr. Mardian would return to Washington.

Since none of the senior members of the campaign organization were here, and with this obvious problem arising, that Mr. Mardian would return to Washington. Then later on, Mr. Magruder told me that he had had a call from Mr. Haldeman and that Mr. Haldeman preferred that Mr. Magruder come back to Washington rather than Mr. Mardian, and that Mr. Magruder had taken this up with Mr. Mitchell and in effect, he was the one that would return to Washington.

Mr. JENNER. You have mentioned a conference or a meeting prior to the Magruder conversation you have now related in which the subject matter of Mr. Mardian's return to Washington was discussed. Who participated in that discussion?

Mr. LARUE. Mr. Jenner, I don't recall any such meeting. If there was one, I just don't recall it. I don't think that I was present at any such meeting and I just—who was at the meeting, if there was a meeting, I just don't know. Perhaps this is something that Mr. Mitchell could have just decided himself and told Mr. Mardian. But I did find out that during the course of the evening, Mr. Mardian was supposed to return to Washington. Then later, Mr. Magruder told me of his phone call to Mr. Haldeman.

Mr. JENNER. Did anything else on this subject matter that I have examined you on occur in the balance of that day or evening?

Mr. LARUE. No, sir.

Mr. JENNER. During the course of the day, had there been a discussion—I am seeking to refresh your recollection now—on the subject matter that Mr. Mitchell was going to have a, should have a press conference or was going to have one?

Mr. LARUE. Yes, sir, there was a press conference scheduled for some time in the afternoon immediately following Mr. Mitchell's meeting with the California delegation. We were fairly sure that some question concerning this break-in would be raised at that press conference, because the story was on the wire at that time. However, the question was never raised and so no response was given or no mention of this event was made at the press conference.

Mr. JENNER. You have used the pronoun, "we". Would you tell us, tell the Committee, who "we" is?

Mr. LARUE. Well, Mardian, Magruder, Cliff Miller, and myself.

Mr. JENNER. Is Mr. Mitchell included in that?

Mr. LARUE. No, sir, Mr. Mitchell was at a meeting with the California delegation while this discussion was going on.

Mr. JENNER. All right; the next day was Sunday.

Did you remain in Los Angeles?

Mr. LARUE. We remained in Los Angeles until, I think shortly after noon and then went to Newport Beach, Calif.

Mr. JENNER. And did discussions of this subject matter arise in Newport Beach?

Mr. LARUE. No, sir.

Mr. JENNER. Was there any discussion at Newport Beach as to relating this matter to anybody else?

Mr. LARUE. No, sir.

Mr. JENNER. Have you exhausted your recollection?

Mr. LARUE. Yes, sir.

Mr. JENNER. Does the subject matter of whether Mrs. Mitchell should be advised of it refresh your recollection?

Mr. LARUE. Yes, sir.

Mr. JENNER. Tell us about that.

Mr. LARUE. I raised this question with Mr. Mitchell to the best of my recollection, in Newport Beach, as to whether we should tell Mrs. Mitchell of the facts or of the event concerning the Democratic—the break-in at the DNC.

Mr. JENNER. And it was determined to do so or not to do so?

Mr. LARUE. It was determined not to do so.

Mr. JENNER. Did you return to Washington the next day?

Mr. LARUE. Yes, sir.

Mr. JENNER. And was that on a commercial plane or a private plane?

Mr. LARUE. A private plane.

Mr. JENNER. And who was aboard on that flight returning to Washington?

Mr. LARUE. Mr. Mitchell, Mr. Mardian, a Mr. Keaton.

Mr. JENNER. Identify him, please.

Mr. LARUE. Mr. Keaton is from California. I think he was active in the Finance Committee To Re-Elect the President.

Also on board were two officials of the Gulf Oil Corp. and their wives. And I think Mrs. Mardian was on the plane. I am just not sure about that, and myself.

Mr. JENNER. Was Mr. Dean on the plane?

Mr. LARUE. Mr. who?

Mr. JENNER. Dean.

Mr. LARUE. No, sir.

Mr. JENNER. With the other persons on the plane, I assume little or no discussion was had of this subject matter, the break-in?

Mr. LARUE. That is correct.

Mr. JENNER. And you arrived in Washington in due course?

Mr. LARUE. Yes, sir.

Mr. JENNER. About what time?

Mr. LARUE. I think late afternoon of the 19th.

Mr. JENNER. Here at National Airport?

Mr. LARUE. Yes, sir.

Mr. JENNER. What did all of you do, then, at that point? I am just seeking your movements at the moment.

Mr. LARUE. Well, Mr. Mitchell and I went to his apartment. Mr. Mardian rode with us, and I think we dropped him off at his apartment, which was about two blocks from Mr. Mitchell's. I really don't know what Mr. Keaton did. I think he remained on the plane, and the Gulf—

Mr. JENNER. You needn't bother about Mr. Keaton.

Mr. LARUE. If Mrs. Mardian was on the plane, she got off with Mr. Mardian at his apartment. I am sorry, but I just don't know if she were there or not.

Mr. JENNER. Were you joined at any time thereafter in Mr. Mitchell's apartment by anyone else?

Mr. LARUE. Yes, Mr. Magruder, Mr. Dean, and Mr. Mardian.

Mr. JENNER. And what—did a discussion ensue that involved a break-in at the DNC headquarters?

Mr. LARUE. Mr. Jenner, I just don't recall the specifics of the discussion at the apartment that night other than the discussion regarding some sensitive files that Mr. Magruder had.

Mr. JENNER. Now, that conversation occurred in the presence of Mr. Mitchell, yourself, Mr. Dean—

Mr. LARUE. Mr. Jenner, I am sorry, I can't state that.

Mr. JENNER [continuing]. Mr. Mardian.

Mr. LARUE. Who was present? I can only state that I remember Mr. Magruder was present, Mr. Mitchell was present, and I was present. Whether Mr. Dean or Mr. Mardian or one or both of them were in the apartment at that time, I just don't recall.

Mr. JENNER. You have referred in your last answer, the one before this one, to something Mr. Magruder said about some sensitive papers. Would you tell us that conversation, please?

Mr. LARUE. Well, he just told Mr. Mitchell and I that he had taken some files out of his office, sensitive files pertaining to the electronic surveillance operation, and was seeking guidance on what to do with those files.

Mr. JENNER. Was there any response by anybody to his request for guidance?

Mr. LARUE. As I recall, Mr. Mitchell asked Mr. Magruder if he had a fireplace in his home. He stated he did, and Mr. Mitchell said, well, it might be a good idea if you had a fire tonight.

Mr. JENNER. Is that the substance of the conversation that occurred?

Mr. LARUE. That is the substance, yes; that is what I recall.

Mr. JENNER. That meeting then broke up, did it?

Mr. LARUE. Well, at what point the meeting broke up, I just can't—I know Mr. Magruder left shortly after that. At what point Mr. Dean or Mr. Mardian came or left, I just don't recall.

Mr. JENNER. Mr. LaRue, did you become involved subsequently with respect to the matter of payments of money to the break-in defendants?

Mr. LARUE. Yes, sir.

Mr. JENNER. And their counsel?

Mr. LARUE. Yes, sir.

Mr. JENNER. When did that subject matter first arise?

Mr. LARUE. I would say it first arose, Mr. Jenner, in a meeting Mr. Mardian and I had with Mr. Liddy, I think on June 20, 19—

Mr. JENNER. 1972?

Mr. LARUE. Yes, sir.

Mr. JENNER. Where did that meeting take place?

Mr. LARUE. It took place in my apartment.

Mr. JENNER. And you and Mr. Mardian and Mr. Liddy were present?

Mr. LARUE. Pardon me?

Mr. JENNER. You, Mr. Mardian, and Mr. Liddy were present?

Mr. LARUE. That is correct.

Mr. JENNER. Did Mr. Liddy have anything to say at that meeting?

Mr. LARUE. Yes, Mr. Liddy did.

Mr. JENNER. Tell us what he said.

Mr. LARUE. Mr. Liddy told Mr. Mardian and I of his involvement in the break-in.

Mr. JENNER. At the DNC headquarters?

Mr. LARUE. Yes, sir. He also told us of other activities in which he had been involved.

Mr. JENNER. Tell us what he said.

Mr. LARUE. Specifically, the break-in at the office of Mr. Ellsberg's psychiatrist and the interview of Ms. Dita Beard when she was in the hospital in Denver.

Mr. JENNER. Have you exhausted your recollection as to what he said?

Mr. LARUE. No, sir. He also told us that or brought up the question of commitments. He stated that the people, that he and the people that were apprehended at the DNC had had certain commitments made to them concerning the payments of attorneys' fees and living expenses of their families, and he was inquiring as to whether I thought these commitments would be kept.

Mr. JENNER. Did you say anything in response to Mr. Liddy's dissertation?

Mr. LARUE. Yes, sir, I told him that if the commitments had been made, that I felt they would be kept.

Mr. JENNER. Following that meeting—have you given us the substance of that conversation?

Mr. LARUE. Yes, sir.

Mr. JENNER. Following that meeting, did you have a meeting with Mr. Mitchell and Mr. Mardian?

Mr. LARUE. That is correct.

Mr. JENNER. And where did that meeting take place?

Mr. LARUE. In Mr. Mitchell's office.

Mr. JENNER. And what was the subject matter of that meeting?

Mr. LARUE. This was a briefing to Mr. Mitchell on our meeting with Mr. Liddy.

Mr. JENNER. Would you relate to the best of your ability and recollection as to what was said to him by you and by Mr. Mardian?

Mr. LARUE. I think the briefing was primarily handled by Mr. Mardian. He indicated basically relating what Mr. Liddy had told us of his involvement—

Mr. JENNER. When you say "his" you mean Mr. Liddy's?

Mr. LARUE. Mr. Liddy's involvement in the break-in. We told Mr. Mitchell of Liddy's involvement or about the break-in of Mr. Ellsberg's psychiatrist, about the Dita Beard affair, and about the conversation regarding the commitments.

Mr. JENNER. Was there any response on Mr. Mitchell's part?

Mr. LARUE. I don't recall any specific response. He just, you know, listened to this briefing.

Mr. JENNER. I thought you mentioned the date when this took place. As I recall you said it was on the 20th or 21st of June 1972; am I correct?

Mr. LARUE. That is my recollection; yes, sir.

Mr. JENNER. Thank you.

Now, you mentioned that in connection with my inquiry of you as to your participating in payments or the delivery of money, at least, to the break-in defendants or their counsel?

Mr. LARUE. That is correct. This, I think, was the first instance of the question of payment of money that was raised, to my knowledge.

Mr. JENNER. All right, what next occurred, then, in that connection following the meeting of June 20 or 21?

Mr. LARUE. Would you just like for me to carry you through my knowledge of this?

Mr. JENNER. Yes.

Mr. LARUE. Sometime in late June or—I think late June or early July, I was delivered or became the recipient of \$81,000 in cash. This was in two deliveries, one by Mr. Mardian, who had gotten approximately \$40,000 from Mr. Stans, the other delivery to me of approximately \$41,000 from Mr. Sloan. This \$81,000 represented the cash that was on hand at the Finance Committee to Re-Elect the President.

Sometime later, again late June or early July, Mr. Kalmbach—

Mr. JENNER. Is that Herbert Kalmbach?

Mr. LARUE. Herbert Kalmbach called and asked if I would meet with him at his hotel room.

Mr. JENNER. And where was that?

Mr. LARUE. At the Statler Hilton in Washington. I remember Mr. Kalmbach and—

Mr. JENNER. Was anybody else present?

Mr. LARUE. No, sir.

Mr. JENNER. What did he say and what did you say?

Mr. LARUE. He stated that it would be necessary for certain payments to be made to the defendants and we discussed the best method of, you know, determining what these requirements might be. We just didn't have any idea what he was talking about in terms of amounts of money.

Mr. Kalmbach told me that he had a man that worked for him that was very trustworthy, very discreet, that we could use for this purpose. We determined that probably the best solution to this problem was to have this man that worked for Mr. Kalmbach to contact the defendants' lawyers and see what information we could get. We agreed that Mr. Kalmbach, certainly as soon as he got this information, would get back in touch with me.

Mr. JENNER. Have you exhausted your recollection of that conversation?

Mr. LARUE. Yes, sir.

Mr. JENNER. For the purpose of possibly refreshing your recollection, was anything said about code names or pseudonyms to be used?

Mr. LARUE. Yes, sir.

Mr. JENNER. Would you tell us about that?

Mr. LARUE. Well, Mr. Kalmbach suggested that in our telephone conversation it would probably be better if we used a code name and the code name Bradford was decided on.

Mr. JENNER. And who was to use the code name Bradford?

Mr. LARUE. Well, I don't know if that was ever determined, and it turned out we both used the name Bradford. If he would call me he would use the name Bradford and if I would call him I would use the name Bradford.

Mr. JENNER. I take it, Mr. LaRue that when Mr. Kalmbach would call you with respect to payments or money to be delivered he used the code name Bradford and when you called him on that subject you used the name Bradford also?

Mr. LARUE. That is correct.

Mr. JENNER. On other occasions when you talked with Mr. Kalmbach on subject matter other than these payments, did you call him by his given name? Herb or Herbert?

Mr. LARUE. I don't recall talking to Mr. Kalmbach on the telephone during this time period on other matters. And I am sorry, I just don't recall any such conversations.

Mr. JENNER. All right. Was the gentleman who was to use the code name Rivers identified to you by Mr. Kalmbach on that occasion?

Mr. LARUE. No.

Mr. JENNER. All right, what next occurred?

Mr. LARUE. Well, we had Mr. Rivers or the man who was working for Mr. Kalmbach who had the assignment of making the contacts with the defendants' attorneys. He was not successful in this effort and Mr. Kalmbach got back in touch with me and he decided that Mr. Rivers should try to contact Mrs. Hunt.¹

Mr. JENNER. For what purpose?

Mr. LARUE. To try to determine the amount of money that would be required for the living expenses and the attorneys fees of the defendants.

Mr. JENNER. And give us as best you can the dates when this conversation you are now relating took place.

Mr. LARUE. The best what?

Mr. JENNER. The best recollection you have as to when this conversation you have now related took place?

¹ See p. 211.

Mr. LARUE. I would say early July, Mr. Jenner.

Mr. JENNER. All right. Now, after you received the \$81,000 as you have testified in part from Mr. Stans and part from Mr. Sloan, what did you do with the \$81,000?

Mr. LARUE. That was put in my filing cabinet and locked up.

Mr. JENNER. Did it remain there?

Mr. LARUE. Yes, sir.

Mr. JENNER. Was there any time when it was removed from that filing cabinet?

Mr. LARUE. Well, yes, sir. The cash fund that I kept in the filing cabinet was taken out as the cash was needed and replenished as additional cash was made available to me for that fund.

Mr. JENNER. Tell us what the practice was with regard to the transfer of money, if it was transferred to Mr. Kalmbach for delivery to someone else or the times when you handled the delivery yourself if you did? You were giving a chronology. Would you just proceed with that?

Mr. LARUE. You want a chronology of the cash flow?

Mr. JENNER. Yes, please.

Mr. LARUE. Perhaps the simplest way would be to give you a chronology of cash in and then turn around and give you cash out, if that's all right.

I received \$81,000, \$81,000 from Stans and Sloan in late June or early July of 1972; \$30,000 from Mr. Kalmbach via Mr. Ulasewicz, via Mr. Ulasewicz in September; \$50,000 from Mr. Sloan in December; \$14,000 from Mr. Babcock in January.

Mr. JENNER. Identify Mr. Babcock.

Mr. LARUE. Mr. Tim Babcock, former Governor of the State of Montana. And \$280,000 from Mr. Strachan in January of 1973.

Mr. VINSON. Mr. Chairman?

The CHAIRMAN. Counsel.

Mr. VINSON. The record should appropriately show now that Mr. LaRue kept no detailed records with respect to his cash receipts or his disbursements and those dates and figures that he is now reciting are the result of his attempt to reconstruct these transactions over a period of months.

The CHAIRMAN. Having said that the record will reflect it.

Mr. JENNER. Thank you, Mr. Vinson. I was about to bring that out. I appreciate your doing so.

Now, that is the money in?

Mr. LARUE. That is the money I received and I believe that totals \$455,000.

Mr. JENNER. \$455,000?

Mr. LARUE. Yes, sir.

Mr. JENNER. Perhaps there are some members of the committee who did not take those figures down. Would anyone want them repeated?

All right, would you repeat them, please?

Mr. LARUE. These figures?

Mr. JENNER. And give the approximate dates also.

Mr. LARUE. \$81,000 in late June or early July; \$30,000 in September; \$50,000 in October; \$14,000 in January; \$280,000 in January.

Mr. RANGEL. Mr. Chairman, could I inquire as to who these were from?

The CHAIRMAN. Mr. LaRue, will you please state that?

Mr. LARUE. Yes, sir. I will start at the beginning, Mr. Rangel.

The \$81,000 from Mr. Stans and Mr. Sloan; \$30,000 from Mr. Kalmbach; \$50,000 from Mr. Strachan; \$14,000 from Mr. Babcock; \$280,000 from Mr. Strachan.

Mr. JENNER. All right now, would you relate in chronological order and give the dates as close as you are able to do so of the payments out of those funds commencing with the first?

Mr. LARUE. All right. In July and August, July or August, \$40,000 to Mr. Kalmbach in two installments of approximately \$20,000 each.

Mr. JENNER. Now, I assume when you say that you delivered in two installments it is approximately \$80,000 to Mr. Kalmbach?

Mr. LARUE. No; approximately \$40,000.

Mr. JENNER. Oh, thank you. But you made the delivery?

Mr. LARUE. Yes, sir.

Mr. JENNER. All right. Next.

Mr. MEZVINSKY. What was the date?

Mr. LARUE. I would like—one of those deliveries may have been made through Mr. Dean.

Mr. JENNER. Well, I think in fairness, Mr. LaRue, would you explain that? In fairness to you, sir.

Mr. LARUE. Well, I just don't have any clear recollection of this. Both of these disbursements to Mr. Kalmbach, in trying to reconstruct this as best I could, I think a definite possibility or a possibility that one of these installments was given to Mr. Dean to give to Mr. Kalmbach, one, and as I recall one of the installments was given to Mr. Kalmbach in Mr. Dean's office.

Mr. JENNER. Was Mr. Dean present?

Mr. LARUE. Yes, sir. And I think—there is a possibility that the other installment was given to Mr. Dean for Mr. Kalmbach, or I gave it to Mr. Kalmbach myself. I just don't—I can't state positively.

Mr. JENNER. OK. I think you said the next was in September?

Mr. LARUE. September, \$30,000 to Ms. Anna Chenault.

Mr. JENNER. Please spell that.

Mr. LARUE. C-h-e-n-a-u-l-t.

Mr. JENNER. And identify that person.

Mr. LARUE. That was a contribution that came to the committee through Ms. Chenault. There was some question as to whether there was a foreign national involved in this donation and the decision was made that this money should be returned.

Mr. JENNER. When you say contribution, do you mean there was a contribution to the campaign?

Mr. LARUE. Yes, sir.

Mr. JENNER. Political contribution?

Mr. LARUE. Yes, sir.

Mr. JENNER. All right. Next?

Mr. LARUE. In late September or October \$25,000 was delivered to Mr. Bittman's office.

Mr. JENNER. Would you tell us how that was done and the circumstances and your participation in it?

Mr. LARUE. Yes. I had had a conversation with Mr. Parkinson, one of our attorneys, who had had a conversation with Mr. Bittman regarding a need for \$25,000 for Mr. Hunt. I think this was for a part of Mr. Hunt's legal fees and I arranged a delivery of \$25,000 to be made to Mr. Bittman's office.

Mr. JENNER. How did you do that?

Mr. LARUE. I did this—I called Mr. Bittman.

Mr. JENNER. Did you identify yourself?

Mr. LARUE. I did not identify myself. I used a code name, Baker. I told Mr. Bittman that I understood that there was a need for some money for Mr. Hunt, and that there would be a package delivered to him that day.

Mr. JENNER. Did you tell him how it would be delivered?

Mr. LARUE. Yes, sir. I told him that a messenger would deliver a package to him and addressed to him.

Mr. JENNER. And was that done?

Mr. LARUE. Yes, sir.

Mr. JENNER. And the next payment was when, or delivery?

Mr. LARUE. The next payment in November, \$10,000. This was given to Mr. Stans and was used to reimburse Mr. Fisher.

Mr. JENNER. Give Mr. Fisher's given name, please.

Mr. LARUE. Max Fisher. This was a reimbursement for expenses he had incurred in his activities for the finance committee.

Mr. JENNER. I think you said \$10,000 was given to Mr. Stans. Did you give it to him?

Mr. LARUE. Yes, sir.

Mr. JENNER. All right. What is the next payment, date or delivery?

Mr. LARUE. \$20,000—pardon me, in December \$50,000 was delivered to Mr. Bittman's office.

Mr. JENNER. Excuse me. You mentioned 20 first. What is the figure?

Mr. LARUE. 50.

Mr. JENNER. \$50,000?

Mr. LARUE. \$50,000 to Mr. Bittman's office.

Mr. JENNER. Tell the circumstances and your participation in it, and any communication you had with Mr. Bittman respecting it.

Mr. LARUE. This was again, the need for this money was again communicated to Mr. Dean and I by Mr. Parkinson.

Mr. JENNER. What did Mr. Parkinson say to you and where was it, where did the conversation take place?

Mr. LARUE. This conversation took place in Mr. Dean's office and he had had a conversation with Mr. Bittman. Mr. Bittman had related certain needs that the defendants would have for attorneys' fees, living expenses, litigation fees for the upcoming trial.

I don't recall the exact amount, the figure, the total figure. It was, as I recall, considerably over \$50,000 but Mr. Dean and I made the decision that I should deliver \$50,000 to Mr. Bittman, which I did in December.

Mr. JENNER. Mr. LaRue, do I correctly understand your testimony that the request was for a sum in excess of \$50,000 but that you and Mr. Dean determined that you would not honor the full request but would—

Mr. LARUE. That is correct.

Mr. JENNER. Transfer \$50,000?

Mr. LARUE. That is correct.

Mr. JENNER. All right now, how did you do that?

Mr. LARUE. Again, that was delivered to Mr. Bittman's office by messenger.

Mr. JENNER. What was the contact with Mr. Bittman?

Mr. LARUE. The same as before. I called Mr. Bittman using the made name "Baker" and told him that a package would be delivered that day.

Mr. JENNER. To his office?

Mr. LARUE. Yes, sir.

Mr. JENNER. And that was done?

Mr. LARUE. Yes, sir.

Mr. JENNER. What's the next occasion?

Mr. LARUE. \$20,000 to Mr. Maroulis.

Mr. JENNER. \$20,000 to Mr. Maroulis?

Mr. OWENS. Spell it.

Mr. LARUE. M-a-r-o-u-l-i-s.

Mr. JENNER. Maroulis. That's an attorney. Do you recall his given name?

Mr. LARUE. Peter Margulis.

Mr. JENNER. Peter Maroulis and he represented one of the defendants?

Mr. LARUE. Mr. Liddy.

Mr. JENNER. Mr. Liddy?

Mr. LARUE. Yes, sir.

Mr. JENNER. All right. Tell us how that was accomplished.

Mr. LARUE. Mr. Maroulis, in a conversation with Mr. O'Brien, had stated that he had various expenses relating to his client, Mr. Liddy. I recall I guess he flew his own plane back and forth from wherever he lived to Washington and he had a considerable amount of expenses there and so this money was not only a payment on his fee but also for what expenses he had incurred on Mr. Liddy's behalf.

Mr. JENNER. Can you tell us how that was accomplished and your part in it?

Mr. LARUE. Yes. I called Mr. Maroulis. He had an apartment in Washington. I called him and that money was delivered to his apartment.

Mr. JENNER. Did you use the code name when talking with Mr. Maroulis?

Mr. LARUE. I'm sorry, Mr. Jenner, I don't recall that. I am sure I did because I would not have used my own name.

Mr. JENNER. And the delivery was made by messenger, was it?

Mr. LARUE. Yes, sir.

Mr. JENNER. Was it made directly, to your recollection, or pursuant to your instructions, directly to Mr. Maroulis in hand, or was it left somewhere?

Mr. LARUE. No, sir, it was made directly to Mr. Maroulis.

Mr. JENNER. All right now what was the next one?

Mr. LARUE. In January, \$25,000 to Mr. Bittman.

Mr. JENNER. Now we are 1973?

Mr. LARUE. Yes, sir.

Mr. JENNER. In February 1973 there was how much to Mr. Bittman?

Mr. LARUE. January \$25,000.

Mr. JENNER. I'm sorry. I am a little confused. To go over your chronology again, there was \$10,000 to Mr. Stans. Let's start at that point. Do you have that?

Mr. LARUE. Yes, sir.

Mr. JENNER. And next was \$50,000 to Mr. Bittman?

Mr. LARUE. Correct.

Mr. JENNER. And the next one you mentioned was Mr. Maroulis?

Mr. LARUE. Yes, sir.

Mr. JENNER. That was in——

Mr. LARUE. January of 1973.

Mr. JENNER. January 1973. Would it refresh or does it refresh your recollection that in late January or in February \$10,000 was delivered to——

Mr. LARUE. Yes, sir.

Mr. JENNER. Mr. Charles Saunders?

Mr. LARUE. Yes, sir.

Mr. JENNER. All right. Would you relate that, please?

Mr. LARUE. That was money that was returned to Mr. Saunders, a campaign contribution which was made prior or subsequent to April 7 which required——

Mr. JENNER. 1972?

Mr. LARUE. 1972 which required disclosure. Mr. Saunders did not wish his name disclosed, and that contribution was returned.

Mr. JENNER. All right. Now, would it refresh your recollection that between the delivery to, the return to Mr. Saunders and the \$10,000 payment to Mr. Maroulis that there was a \$35,000 delivery to or on behalf of Mr. Hunt?

Mr. LARUE. Mr. Jenner, in January, or January and early February, there were two deliveries made to Mr. Bittman, one for \$25,000, one for \$35,000. Also during January, the Maroulis \$20,000 was delivered.

The \$10,000 was returned to Mr. Saunders, and you know, trying to put those in exact chronological order, I just can't do it. I can only state that \$25,000 was delivered to Mr. Bittman, and later \$35,000 was delivered to him, and this was in the time frame of January, or January and early February.

Mr. JENNER. All right, Mr. LaRue, I was just looking at the notes that I made when we had our interview on Sunday.

Mr. LARUE. Well, as I recall, Mr. Jenner, I think probably on Sunday I think I told you that I thought the \$35,000 was the first delivery. I see in the notes I have here that the \$25,000 was delivered first, and subsequent to that another delivery of \$35,000.

Mr. JENNER. I am not seeking to question you or question your statement, Mr. LaRue, at all. I am just indicating to you why I happen to have it in a different order as of last Sunday.

Mr. LARUE. Well, I recall Sunday, and I think we did get that in a different order.

Mr. JENNER. All right, Mr. LaRue. The notes I made on Sunday indicate as to Mr. Maroulis \$20,000 rather than \$10,000.

Mr. LARUE. That is correct.

Mr. JENNER. Apparently I am in error.

Mr. LARUE. No, sir. The \$20,000 is correct.

Mr. JENNER. It was \$20,000 to Mr. Maroulis rather than \$10,000?

Mr. LARUE. Yes, sir.

Mr. JENNER. I see. Thank you.

What was next? And when?

Mr. LARUE. In late January or early February, \$35,000 to Mr. Bittman.

Mr. JENNER. Tell us the circumstances and the method by which the delivery was accomplished and your part in it.

Mr. LARUE. This again was a conversation that I had with Mr. O'Brien.

Mr. JENNER. By telephone or in the office?

Mr. LARUE. I can't specifically recall whether this was by telephone or in the office. Sometimes Mr. O'Brien or Mr. Parkinson would relate these requests to me, sometimes to Mr. Dean and sometimes to us jointly at a meeting in Mr. Dean's office.

Mr. JENNER. All right, sir. What is next that you have on your list in the order that you have them on your list?

Mr. LARUE. The next would be \$12,000 to Mr. Art Artime.

Mr. JENNER. That is spelled is it not, A-r-t-i-m-e?

Mr. LARUE. Yes, sir.

Mr. JENNER. And what is his given name, if you recall it?

Mr. LARUE. I'm sorry, I do not recall.

Mr. JENNER. Would you identify him otherwise please?

Mr. LARUE. As I understood Mr. Artime was heading up an organization in Miami that was attempting to raise funds for the Cubans, for the Cuban defendants.

The CHAIRMAN. Counsel, Mr. Jenner?

Mr. JENNER. Yes.

The CHAIRMAN. I think you asked a question regarding how the delivery was effected, and I didn't get the response of the witness.

Mr. JENNER. I don't think there was a response. I apologize, Mr. Chairman. I think I interrupted the witness asking him if he would identify Mr. Artime. Would you continue on?

Mr. LARUE. On how the delivery was made to Mr. Artime?

The CHAIRMAN. To Mr. Bittman I am referring to.

Mr. JENNER. The \$35,000 delivered to Mr. Bittman.

Mr. LARUE. Mr. Chairman, both the \$25,000 payment and the \$35,000 payment were delivered to Mr. Bittman at his home.

[Material unrelated to testimony of witness deleted.]

Mr. JENNER. Now you have said that the two deliveries, the \$25,000 and the \$35,000 to Mr. Bittman, were not to his office, is that correct?

Mr. LARUE. No, they were made at his home.

Mr. JENNER. Would you tell us how that was accomplished?

Mr. LARUE. Well, I would call Mr. Bittman, using the code name Baker, relate my understanding of a need for money and arrange with Mr. Bittman or ascertain what time he would be at his home and this money was delivered by messenger. It was left in his mailbox.

Mr. JENNER. These deliveries were at night?

Mr. LARUE. Yes, sir.

Mr. JENNER. And who made the deliveries?

Mr. LARUE. These deliveries were made by Manyon Millican.

Mr. JENNER. And identify Mr. Manyon Millican, please.

Mr. LARUE. Mr. Millican worked for the Committee To Re-Elect the President during the campaign. I am not certain exactly what his capacity was or whether he was still with the committee in January and February or not. I just don't know that.

Mr. JENNER. Did you speak directly with him in connection with these two deliveries?

Mr. LARUE. Yes, sir.

Mr. JENNER. And did you request that he make the deliveries?

Mr. LARUE. Did I request what?

Mr. JENNER. That he make the deliveries?

Mr. LARUE. Yes, sir.

Mr. JENNER. All right. Now, have you told us or have I asked you to relate how you delivered the \$12,000 to Mr. Artime?

Mr. LARUE. This money was mailed to Mr. Artime in Miami.

Mr. JENNER. And did you do the mailing?

Mr. LARUE. Yes, sir.

Mr. JENNER. Did it come to your attention that Mr. Artime had ultimately received it?

Mr. LARUE. I don't think I ever knew that until much later. I think the Special Prosecutor verified the receipt of that money.

Mr. JENNER. All right. What was the next payment or delivery?

Mr. LARUE. \$75,000 to Mr. Bittman and this was in March.

Mr. JENNER. And tell us now, Mr. LaRue, we have mentioned \$40,000, \$30,000, \$10,000, \$20,000, whatever maybe the dollars, were those dollars or were they in the form of checks or what?

Mr. LARUE. No; it was cash money, the majority in \$100 bills. Occasionally \$50 bills, or sometimes \$20 bills. I would say the great majority of the cash was in \$100 bills.

Mr. JENNER. And let me see, those packages, for example, of \$40,000 were fairly hefty?

Mr. LARUE. Pardon me?

Mr. JENNER. They were hefty?

Mr. LARUE. No, sir. You can get a lot of \$100 bills in a pretty small package.

Mr. JENNER. I see. What kind of envelopes were employed? Manila, plain white, what size?

Mr. LARUE. Mr. Jenner again, I don't have any specific recollection of that. I think it would probably depend on, you know, the amount of money involved. I recall, I think, you know the mailing to Mr. Artime was just in a regular envelope.

However, I am sure the delivery, the last delivery to Mr. Bittman was in a manila envelope.

Mr. JENNER. This is a good breaking point, Mr. Chairman.

Mr. SMITH. One question, Mr. LaRue.

Was that money mailed to Mr. Artime in cash?

Mr. LARUE. Pardon me? I didn't hear the question.

Mr. SMITH. Was the money to Mr. Artime mailed in cash?

Mr. LARUE. Yes, sir.

The CHAIRMAN. Just a moment.

Mr. McCLORY. Mr. Chairman, in accordance with the practice we adopted yesterday, I ask unanimous consent that the statements of the

scope of the testimony of Mr. O'Brien and Mr. LaRue be made public.

The CHAIRMAN. Those that were prepared?

Mr. McCLORY. Prepared by our committee staff.

The CHAIRMAN. Without objection.

Mr. VINSON. Would the scope of Mr. LaRue's testimony go beyond that to which he has testified today, Mr. Chairman?

The CHAIRMAN. It will go beyond that, but I might advise counsel that this does not in any way relate to the substance or to what way he testified, but merely that he testified regarding certain events.

Mr. VINSON. Very well.

The CHAIRMAN. Without objection, it is so ordered.

Mr. JENNER. Mr. Chairman, may I give a copy to Mr. LaRue's counsel?

The CHAIRMAN. Yes, of course. And the Chair would like to state that we are recessing until 3 o'clock on Monday in order to provide Mr. St. Clair an opportunity to appear at the Supreme Court that morning.

[Whereupon, at 5:48 p.m. the hearing was recessed to reconvene at 3 p.m. on Monday, July 8, 1974.]

IMPEACHMENT INQUIRY

MONDAY, JULY 8, 1974

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The Committee met, pursuant to notice, at 3:10 p.m., in room 2141, Rayburn House Office Building, Hon. Peter W. Rodino, Jr. (chairman) presiding.

Present: Representatives Rodino (presiding), Donohue, Brooks, Kastenmeier, Edwards, Hungate, Conyers, Eilberg, Waldie, Flowers, Mann, Sarbanes, Seiberling, Danielson, Drinan, Rangel, Jordan, Thornton, Holtzman, Owens, Mezvinsky, Hutchinson, McClory, Smith, Sandman, Railsback, Wiggins, Dennis, Fish, Mayne, Hogan, Butler, Cohen, Lott, Froehlich, Moorhead, Maraziti, and Latta.

Impeachment inquiry staff present: John Doar, special counsel; Albert E. Jenner, Jr., minority counsel; Samuel Garrison III, deputy minority counsel; and Bernard Nussbaum, counsel.

Committee staff present: Jerome M. Zeifman, general counsel; Garner J. Cline, associate general counsel; Alan A. Parker, counsel; Daniel L. Cohen, counsel; William P. Dixon, counsel; Arden B. Schell, counsel; Franklin G. Polk, associate counsel; Thomas E. Mooney, associate counsel; Michael W. Blommer, associate counsel.

Also present: James D. St. Clair, special counsel to the President; John A. McCahill, assistant special counsel; and Malcolm J. Howard, assistant special counsel.

The CHAIRMAN. The Clerk will please call the witness.

Mr. LaRue, I wish to remind you that you are still under oath.

Mr. LaRUE. Yes, sir.

The CHAIRMAN. Mr. Jenner.

TESTIMONY OF FRED C. LaRUE, ACCOMPANIED BY FRED VINSON, COUNSEL—Resumed

Mr. JENNER. Thank you, Mr. Chairman.

Your counsel, Mr. Vinson, has asked me to refer you to a few pages of the transcript of your testimony to further explain. And the first area, Mr. St. Clair, is on page 2783¹ of the transcript. In order to orient you, Mr. LaRue, I was asking you about the position of your office with respect to the position of Mr. Mitchell's office on the fourth floor of the—what building is that called?

Mr. LaRUE. I don't know the name of the building. I think it's 1700 Pennsylvania Avenue.

Mr. WIGGINS. Mr. Chairman, I hate to interrupt.

¹ See p. 179.

The CHAIRMAN. Mr. Wiggins.

Mr. WIGGINS. Is that a reference to our transcript or the Senate Select Committee?

Mr. JENNER. It is a reference to our transcript, Congressman Wiggins.

It is the building in which the CRP offices were located?

Mr. LARUE. That is correct.

Mr. JENNER. And I had asked you, as Mr. Vinson directed my attention this morning, to tell us where your office was located with respect to his distancewise and the reporter has it that you responded "Mr. Mitchell's office was several floors removed from the rest of the campaign offices." That's on line 9 or 10. And what I was directing my question to is where was your office on the same floor with respect to Mr. Mitchell's office. Would you respond to that please?

Mr. LARUE. I think, as I recall my answer, Mr. Jenner, it was several doors from Mr. Mitchell's office, not floors.

Mr. JENNER. And then on line 12 in which the reporter has your response as several floors, you intended to say it was several doors?

Mr. LARUE. That is correct.

Mr. JENNER. OK. And then, Mr. St. Clair, page 2814.¹ Also to orient you as to this, Mr. LaRue, I asked you a question with respect to all of you going down or not all of you but at least some of you whom you identified going down to Newport Beach on Sunday the 18th. And I asked you if there was any discussion at Newport Beach relating to this matter. Did you speak with anybody else, and you answered no, sir. Let's see if I can clarify that. Was there any discussion among any of you gentlemen down at Newport Beach with respect to the subject matter of the news of the break-in that you had received the day before?

Mr. LARUE. Mr. Jenner. I don't recall any discussion other than the discussion I had with Mr. Mitchell regarding whether or not we should inform Mrs. Mitchell of the break-in.

Mr. JENNER. And that discussion was on your part and whom else?

Mr. LARUE. Mr. Mitchell.

Mr. JENNER. And you have testified to that at page 2813.² Is that sufficient clarity, Mr. Vinson?

Mr. LARUE. There may have been some casual reference to the incident, Mr. Jenner, with some of the other people there, but I don't recall any discussion of any substance.

Mr. JENNER. All right. You say other people there and you mean yourself, Mr. Mardian? I forget who.

Mr. LARUE. Mr. Mitchell, Mr. Mardian, and myself. Yes, sir.

Mr. JENNER. The subject matter was referred to but you don't recall the exact conversation?

Mr. LARUE. That is correct.

Mr. JENNER. Other than the discussion with Mr. Mitchell respecting the subject matter of whether Mrs. Mitchell should be advised?

Mr. LARUE. That is correct.

Mr. JENNER. And the decision there, as I recall, was that she should not be?

² See p. 195.

Mr. LARUE. That is correct.

Mr. JENNER. Mr. Vinson has called my attention also to page 2824¹ of the transcript. I think this is a typographical error, and I will read it to you if I may. At line 7, I said "All right, what next occurred?" And your response was as follows: "Well, we had Mr. Rivers or the man who was working for Mr. Kalmbach who had the assignment of making the contacts with the defendants' attorneys. I was not successful in this effort and Mr. Kalmbach got back in touch with me and he decided that Mr. Rivers would try to contact Mrs. Hunt." Mr. Vinson has asked me to call your attention to that pronoun "I was not successful." Is that correct?

Mr. LARUE. No, sir. It should have been "He was not successful."

Mr. JENNER. He, Mr. Kalmbach, was not successful?

Mr. LARUE. He, Mr. Rivers, was not successful. And also there is a further correction, Mr. Jenner. I would say that the decision to contact Mrs. Hunt was made jointly by Mr. Kalmbach and myself.

Mr. JENNER. All right. Thank you. That is also in that sentence?

Mr. LARUE. Yes, sir.

Mr. JENNER. Mr. LaRue, since you testified last week we have been able to obtain a copy of the press release about which you testified, and we have marked that, Mr. Chairman, and ladies and gentlemen, as LaRue exhibit No. 2. And would you please pass those out.

The CHAIRMAN. Mr. Jenner, are you going to identify this?

Mr. JENNER. Yes, I am. Thank you, Mr. Chairman.

Do you have a copy of LaRue exhibit No. 2 before you, Mr. LaRue?

Mr. LARUE. Yes, sir.

Mr. JENNER. And to the best of your recollection, is that the press release that you testified about last week?

Mr. LARUE. Yes, sir.

Mr. JENNER. Worked on by you, the work done by you and others, and the public relations man, Mr. Miller, as I recall?

Mr. LARUE. Yes, sir.

Mr. JENNER. And now I direct your attention to the fourth paragraph reading: "We want to emphasize that this man and the other people involved were not operating either in our behalf or with our consent."

Was that statement true?

Mr. LARUE. In my opinion, no, sir.

Mr. JENNER. And did you know at the time this press release was prepared and sought to be issued that it was not true?

Mr. LARUE. Yes, sir.

Mr. JENNER. And would you tell us again who participated in the discussion and the preparation of this press release? I think you testified there was some nitpicking about it?

Mr. LARUE. My recollection, Mr. Jenner, was Mr. Magruder, Mr. Mardian, Mr. Miller, Mr. Mitchell, and myself.

Mr. JENNER. And in respect to that particular line reference "We want to emphasize that this man", who was that man?

Mr. LARUE. That would be Mr. McCord.

Mr. JENNER. And was it known to you and known to the others in the course of preparing this press release and its ultimate issuance that the words "This man" referred to Mr. McCord?

¹ See p. 199.

Mr. LARUE. Yes, sir. That certainly is my understanding.

Mr. JENNER. Mr. Chairman, I ask that this document, LaRue exhibit No. 2, be made a part of the record.

The CHAIRMAN. It will be made a part of the record and so designated.

[LaRue exhibit No. 2 follows:]

[LaRue Exhibit No. 2]

STATEMENT BY HONORABLE JOHN N. MITCHELL

LOS ANGELES.—We have just learned from news reports that a man identified as employed by our campaign committee was one of five persons arrested at the Democratic National Committee headquarters in Washington, D.C. early Saturday morning.

The person involved is the proprietor of a private security agency who was employed by our Committee months ago to assist with the installation of our security system.

He has, as we understand it, a number of business clients and interests and we have no knowledge of those relationships.

We want to emphasize that this man and the other people involved were not operating either in our behalf or with our consent.

I am surprised and dismayed at these reports.

At this time, we are experiencing our own security problems at the Committee for the Re-election of the President. Our problems are not as dramatic as the events of Saturday morning—but nonetheless of a serious nature to us. We do not know as of this moment whether our security problems are related to the events of Saturday morning at the Democratic headquarters or not.

There is no place in our campaign or in the electoral process for this type of activity and we will not permit nor condone it.

Mr. JENNER. Now, Mr. LaRue, before the meeting of the gentlemen you have named, including yourself, directed toward the preparation of LaRue Exhibit No. 2, had there been another meeting earlier in the day with respect to the matter of preparing Mr. Mitchell for a contemplated press conference?

Mr. LARUE. Yes, sir. That is correct.

Mr. JENNER. And as I recall your testimony, there was a meeting among you to prepare Mr. Mitchell for that press conference, is that correct?

Mr. LARUE. There was a meeting, certainly not a formal meeting, a discussion between Mr. Mardian, Mr. Miller, Mr. Magruder and ourselves about the desirability of having the statement ready for Mr. Mitchell should he be asked a question during the press conference, and such a statement was prepared.

Mr. JENNER. And what statement was that?

Mr. LARUE. I don't recall the exact statement, Mr. Jenner. It was a reply or a suggested reply for Mr. Mitchell should he be asked a question regarding the break-in.

Mr. JENNER. And was that prepared in writing?

Mr. LARUE. It is my recollection, Mr. Jenner, that a statement was prepared, as I recall just written out in longhand since we did not have any other facilities at the hotel at that time.

Mr. JENNER. And was that document then given to Mr. Mitchell? What was done with that document?

Mr. LARUE. My recollection is that this was discussed with Mr. Mitchell prior to the press conference. I am sure this document was given to Mr. Mitchell to read.

Mr. JENNER. Were you present when the document was discussed with Mr. Mitchell?

Mr. LARUE. I do not recall.

Mr. JENNER. And the document to which you now have reference, did it contain the substance of the fourth paragraph of LaRue Exhibit No. 2?

Mr. LARUE. I cannot recall that, Mr. Jenner.

Mr. JENNER. Well, give us your best recollection as to what the document did provide.

Mr. LARUE. My only recollection is it was a response to an anticipated question concerning the break-in. Beyond that I have no recollection of what the specifics were.

Mr. JENNER. Any reference made in it to Mr. McCord, either in the indirect manner that reference is made to him in exhibit 2 or otherwise?

Mr. LARUE. Mr. Jenner, I just do not have a recollection of that document or the contents of it.

Mr. JENNER. You have said that you all agreed as to what Mr. Mitchell would say or at least you were recommending him to say if he was asked. What question did you anticipate he would be asked or might be asked?

Mr. LARUE. We anticipated he might be asked a question concerning the break-in. This was—the story was on the wire at that time and we anticipated that he may be questioned on this point.

Mr. JENNER. What phase of the break-in?

Mr. LARUE. Mr. Jenner, I don't recall any specific phase other than just an anticipation of some question concerning the break-in.

Mr. JENNER. Might it be, to refresh your recollection—well, I will ask you first, have you exhausted your recollection?

Mr. LARUE. Yes, sir.

Mr. JENNER. Does it refresh your recollection that it was anticipated that someone might ask whether, a reporter ask whether Mr. McCord was an employee of CRP?

Mr. LARUE. Well, Mr. Jenner, I think I have stated I don't have any specific recollection of the response that was recommended or written out. I can only assume that the question of McCord being an employee of the CRP, this was certainly I would assume a question to which we addressed ourselves.

Mr. JENNER. Now, you addressed yourselves to that in what respect? It should be revealed that he was or wasn't?

Mr. LARUE. Was an employee of the committee?

Mr. JENNER. Yes.

Mr. LARUE. Mr. Jenner, I do not recall at any time any suggestion that the question of Mr. McCord's association with the committee would be denied.

Mr. JENNER. You mean in the course of preparing Mr. Mitchell for his press conference?

Mr. LARUE. Yes, sir.

Mr. JENNER. But you are not referring at the moment to the press release, LaRue Exhibit No. 2?

Mr. LARUE. Well, I am—I don't recall any specific discussion of denying an association of Mr. McCord with our committee at any time.

Mr. JENNER. Well, you said that the fourth paragraph of LaRue Exhibit No. 2 was false. Have you not?

Mr. LARUE. That is correct.

Mr. JENNER. False in what respect, Mr. LaRue?

Mr. LARUE. False in the respect that people involved were not operating either in our behalf or with our consent.

Mr. JENNER. Toward the end of the day, with time pressing, we had you go through the moneys you received and the moneys you paid out. Do you recall that toward the end of the day?

Mr. LARUE. Yes, sir. Yes, sir.

Mr. JENNER. Now, I would like to take you back a little bit Mr. LaRue. Give us the genesis of your involvement in this matter, when it commenced, what was the first event?

Mr. LARUE. I would say in retrospect, Mr. Jenner, the first event would be the receipt of the \$81,000 from Mr. Sloan and Mr. Stans.

Mr. JENNER. I see. And then the next event was what?

Mr. LARUE. Would be the meeting with Mr. Kalmbach in his hotel room when we discussed it.

Mr. JENNER. All right now. I want to ask you about that. How did that meeting come about? Did you call Mr. Kalmbach or did he call you or did someone else arrange it?

Mr. LARUE. I do not recall specifically, Mr. Jenner, whether I called Mr. Kalmbach or Mr. Kalmach called me. My recollection is that Mr. Kalmbach called me and arranged the meeting in his hotel room.

Mr. JENNER. And that was at the end of June did you say?

Mr. LARUE. That is my recollection, the end of June or the early part of July.

Mr. JENNER. And had you had any conversation with Mr. Mitchell prior to that time with respect to that possible meeting?

Mr. LARUE. I do not recall the meeting with Mr. Mitchell or a discussion with Mr. Mitchell regarding Mr. Kalmbach, no, sir.

Mr. JENNER. Prior to this meeting?

Mr. LARUE. No, sir.

Mr. JENNER. What did Mr. Kalmbach say to you at that meeting?

Mr. LARUE. Mr. Kalmbach indicated he had undertaken an assignment to determine the financial needs of the defendants.

Mr. JENNER. You say he indicated. What did he say that led you to believe he indicated that?

Mr. LARUE. Well, that is what he told me, that he had undertaken an assignment to determine the needs of the defendants, that it was his understanding I was to work with him on this matter, and we discussed the best method or how we would go about determining these needs.

Mr. JENNER. Have you now exhausted your recollection as to everything that was said at that meeting?

Mr. LARUE. Yes, sir.

Mr. JENNER. Fine. Now, a series of questions with the possibility of refreshing your recollection, sir.

Mr. LARUE. All right.

Mr. JENNER. Did Mr. Kalmbach say anything about his having undertaken an assignment to raise money?

Mr. LARUE. My best recollection is, Mr. Jenner, the question of raising money did come up and the fact that I had the \$81,000 was discussed.

Mr. JENNER. Did he say anything about the fact that he had undertaken to raise the money in addition to what you had?

Mr. LARUE. Again, my best recollection on that is that Mr. Kalmbach indicated that he was attempting to raise money in addition to the \$81,000 which I had.

Mr. JENNER. All right now, did he say what the purpose of his raising additional money was? That is, in addition to the \$81,000 you had?

Mr. LARUE. What the purpose?

Mr. JENNER. Yes, sir.

Mr. LARUE. The purpose of the money that he raised and the money which I had on hand, this money would be used to meet the requirements for the defendants.

Mr. JENNER. Was anything said about commitments? By him?

Mr. LARUE. I don't recall any discussion, Mr. Jenner, at that time about commitments. No, sir.

Mr. JENNER. Had there been any discussion with you about commitments prior to that time with anybody?

Mr. LARUE. Yes, sir, discussion with Mr. Liddy in my apartment on I think June 20.

Mr. JENNER. You testified to that last week, as I recall.

Mr. LARUE. I think that's right, yes, sir.

Mr. JENNER. And thereafter you testified last week that you met, you and Mr. Mardian met with Mr. Mitchell and reported the substance of that conversation to him.

Mr. LARUE. That is correct.

Mr. JENNER. Including the commitments claimed by Mr. Liddy to have been made to the defendants?

Mr. LARUE. That is my recollection of that meeting, yes, sir.

Mr. JENNER. Now, would you tell us what you and Mr. Kalmbach discussed as to method you would employ by way of delivering funds to the defendants or their counsel?

Mr. LARUE. Mr. Kalmbach indicated he had——

Mr. JENNER. Did he indicate it or did he say it?

Mr. LARUE. Well, Mr. Kalmbach said that he had a man he could use who was trustworthy, discreet and that we discussed the best method to determine the needs of the defendants and it was decided that Mr. Kalmbach's man would attempt to determine this through contacts with the defendants' attorneys.

Mr. JENNER. And report back to whom?

Mr. LARUE. He would report back to Mr. Kalmbach.

Mr. JENNER. And Mr. Kalmbach would do what?

Mr. LARUE. Mr. Kalmbach, when he found out this information, he would report this to me.

Mr. JENNER. And was the identity of that gentleman revealed to you by Mr. Kalmbach on that occasion?

Mr. LARUE. No, sir.

Mr. JENNER. Was it ever revealed to you by Mr. Kalmbach?

Mr. LARUE. Not by Mr. Kalmbach, no, sir.

Mr. JENNER. When did you first learn the identity of the gentleman Mr. Kalmbach talked to you about on June 28 or 29?

Mr. LARUE. I think this was first brought to my attention by the U.S. attorney's office.

Mr. JENNER. All right, and who was that gentleman?

Mr. LARUE. It would be Mr. Silbert.

Mr. JENNER. No, I mean what was the identity of the person?

Mr. LARUE. Of Mr. Rivers, the person?

Mr. JENNER. Who was Mr. Rivers, yes?

Mr. LARUE. Well, Mr. Rivers was the code name that was used for this person and that was—I was informed that that was—the code name used by Mr. Ulasewicz.

Mr. JENNER. All right. Was it during that conversation, to refresh your recollection, did you discuss the matter in addition to the code name for Mr. Rivers, a code name for yourself and Mr. Kalmbach?

Mr. LARUE. That is correct.

Mr. JENNER. And what was that code name?

Mr. LARUE. That code name was Mr. Bradford, which both of us used.

Mr. JENNER. And that was to be employed under what circumstances?

Mr. LARUE. In telephone conversations when I would call Mr. Kalmbach I would say that Mr. Bradford was calling and when he would call me he would do the same.

Mr. JENNER. And what was the purpose of devising these code names and using code names for yourself, Mr. Kalmbach, and Mr. Ulasewicz?

Mr. LARUE. I would say the purpose of this, Mr. Jenner, was to try to assure that this operation could not be or would not be connected with either Mr. Kalmbach or I.

Mr. JENNER. Anybody else?

Mr. LARUE. Well, certainly from my standpoint, being a member or an official or connected with the Committee To Re-Elect the President, if I were associated with this operation then I certainly think the committee would have been.

Mr. JENNER. Anybody in the committee, associated with the committee?

Mr. LARUE. Pardon me?

Mr. JENNER. And persons associated with the committee?

Mr. LARUE. Yes, sir.

Mr. JENNER. Did you and Mr. Kalmbach have in mind persons at the White House as well as persons at the committee?

Mr. LARUE. I certainly did not, Mr. Jenner, and I can only speak for myself. And my concern was that my name or—and through my name the committee or persons connected with the committee would be involved.

Mr. JENNER. Now, Mr. LaRue, do you recall a meeting with Mr. Kalmbach and Mr. Dean in September 1972?

Mr. LARUE. Yes, sir.

Mr. JENNER. And what was the date of that meeting? To the best of your present recollection?

Mr. LARUE. I don't recall the specific date, Mr. Jenner.

Mr. JENNER. Was it September 21? Does that help you?

Mr. LARUE. No, sir. It does not.

Mr. JENNER. Well, let me pursue it this way, had you prior to that meeting received funds from Mr. Rivers?

Mr. LARUE. Yes, sir, and I think that date was, I believe, September 19.

Mr. JENNER. That is the date you received some funds from Mr. Rivers, was September 19?

Mr. LARUE. I think that is correct, yes, sir.

Mr. JENNER. And the meeting with Mr. Dean and Mr. Kalmbach took place a day or two after that or shortly after?

Mr. LARUE. Mr. Jenner, my best recollection is that the meeting took place prior to that.

Mr. JENNER. All right. Would you indicate in 1 day or 2, 1 week, 2 weeks?

Mr. LARUE. My best recollection is just a few days prior to that date.

Mr. JENNER. And how did that meeting come about?

Mr. LARUE. As I recall it, that meeting was requested by Mr. Kalmbach.

Mr. JENNER. What that request—to whom did he make the request, if you know?

Mr. LARUE. I do not recall. I don't know whether he made it to me or to Mr. Dean.

Mr. JENNER. And the meeting was held where?

Mr. LARUE. In Mr. Dean's office at the Executive Office Building.

Mr. JENNER. And what was the subject matter of that meeting?

Mr. LARUE. Mr. Kalmbach informed Mr. Dean and I that he wished to cease his activities relating to the raising and distributing of moneys to these defendants. He furnished us an accounting of the receipts and disbursements of moneys up to that point and basically withdrew or withdrew from the operation at that time.

Mr. JENNER. In the course of making that presentation to you and Mr. Dean, did he have any notes, payments of moneys he had raised and received or moneys paid out?

Mr. LARUE. Yes, sir.

Mr. JENNER. And did you have some notes of your own against which you checked Mr. Kalmbach's report?

Mr. LARUE. No, sir, I don't recall having any notes of my own.

Mr. JENNER. Did you have in mind at that time the moneys that you had received and the moneys that you had paid out up to that moment?

Mr. LARUE. Yes, sir. I am sure I had those figures in mind.

Mr. JENNER. And did Mr. Kalmbach refer to an accounting for the funds—did he refer to payments that had been made by him and by you through the means you have described?

Mr. LARUE. I don't think at that time, Mr. Jenner, that I had made any payments other than transferring money to Mr. Kalmbach.

Mr. JENNER. Well, did he account for those?

Mr. LARUE. Yes, sir.

Mr. JENNER. And to your recollection at that time that accounting was accurate in that respect at least?

Mr. LARUE. Yes, sir.

Mr. JENNER. And what did Mr. Dean say or do during the course of that meeting?

Mr. LARUE. Mr. Jenner, I don't recall any specific conversation or activity on Mr. Dean's part. He and I listened to Mr. Kalmbach explain that he wished to get out of the operation, and we looked at his figures which constituted his accounting of the cash receipts and disbursements.

Mr. JENNER. Was there any dispute at that time on your part or Mr. Dean's part as to Mr. Kalmbach's accounting?

Mr. LARUE. Not that I recall, no, sir.

Mr. JENNER. And when Mr. Kalmbach had completed his report to you, what if anything happened at that moment?

Mr. LARUE. The paper on which Mr. Kalmbach had his figures was given to Mr. Dean or to myself. I do not recall, and that paper was destroyed at that meeting.

Mr. JENNER. Why don't you tell us about that. Was it torn up, burned up?

Mr. LARUE. No; it was burned.

Mr. JENNER. Burned?

Mr. LARUE. Yes, sir.

Mr. JENNER. Would you tell the ladies and gentlemen of the committee the circumstances, how that occurred?

Mr. LARUE. Well, after Mr. Kalmbach gave us these figures, he had these figures on a very small sheet of paper, as I recall, notations written in pencil on a very small sheet of paper and he gave the paper, as I say, either to Mr. Dean or myself and it was put in an ashtray and burned.

Mr. JENNER. Now, either you or Mr. Dean put it in the ashtray and it was burned?

Mr. LARUE. Yes, sir.

Mr. JENNER. I see. Now, did you receive—I think you have just testified that 1 day or 2 later you received some moneys from Mr. Kalmbach?

Mr. LARUE. That is correct.

Mr. JENNER. How much was that?

Mr. LARUE. Approximately \$30,000.

Mr. JENNER. You say approximately. Would you give us your best recollection as to how much it was?

Mr. LARUE. \$30,000.

Mr. JENNER. Now I would like to direct your attention to December 1972 next if I might. Mr. LaRue. Did you have a meeting with Mr. Strachan in the forepart of December 1972?

Mr. LARUE. Yes, sir.

Mr. JENNER. And how did that meeting come about, and what was the subject matter, and please indicate as best you can when it took place.

Mr. MAYNE. Mr. Chairman, a point of clarification.

The CHAIRMAN. Mr. Mayne.

Mr. MAYNE. On that last answer, was that \$30,000 received from Mr. Kalmbach or from Mr. Rivers?

Mr. LARUE. That money was received, it is my understanding it was received from Mr. Rivers. If you would like I could give you the circumstances of that.

Mr. MAYNE. Well, I think counsel misspoke, I believe inadvertently in asking the question. The previous questions had indicated it would be Mr. Rivers.

Mr. LARUE. That is correct.

Mr. JENNER. Thank you, Congressman Mayne.

Would you give us the circumstances you have suggested to Congressman Mayne?

Mr. LARUE. Mr. Kalmbach indicated that Mr. Rivers would be in touch with me to make a delivery of this money and I got a call at my apartment late one afternoon from a person who identified himself as Mr. Rivers, requested that I walk across the street to the Howard Johnson motel, walk through the entrance, turn to the left, and that there would be a package on the ledge by the entrance. He also requested that I fold up two magazines or carry two books when I came over to pick up this package. I did this and this was the—this package contained the \$30,000 which I referred to.

Mr. JENNER. Had there been any reference to a discussion of the \$30,000 during the course of the meeting you had with Mr. Dean and Mr. Kalmbach in Mr. Dean's office on what you recall was the 19th of September 1972?

Mr. LARUE. I am sorry, Mr. Jenner, I didn't get that.

Mr. JENNER. I will restate the question if I may, Mr. Chairman.

When Mr. Kalmbach completed his accounting to you and Mr. Dean—

Mr. LARUE. Yes, sir.

Mr. JENNER. At that accounting was there a balance of funds?

Mr. LARUE. This is my recollection, that there was a balance of funds.

Mr. JENNER. Would you tell us about that, then?

Mr. LARUE. Well, this was the balance of funds which Mr. Kalmbach had at this time which he was turning over to me.

Mr. JENNER. And was there anything said at that meeting in Mr. Dean's office to the effect or about the subject matter of you receiving the balance of funds that Mr. Kalmbach had on hand at that time?

Mr. LARUE. Yes, sir; this was discussed at that meeting.

Mr. JENNER. What did Mr. Kalmbach say?

Mr. LARUE. He said that he would have—that he had—as I recall he had this cash surplus left, he would have Mr. Rivers deliver this to me.

Mr. JENNER. All right now, referring back to December 1972 and your meeting with Mr. Strachan, I will ask you again to tell us the circumstances under which that meeting took place, what the subject matter was, what was done by either of you and what was said by either of you.

Mr. LARUE. This meeting took place as a result of conversations I had with Mr. Dean relating a need for money for the defendants. At that time I did not have the necessary money to make the payments to the defendants. Mr. Dean and I had a discussion about the possibility of using part of the money which the White House had in a fund. Later on Mr. Dean, at another meeting, Mr. Dean told me that this money would be available from this fund and that the delivery would be made to my apartment by Mr. Strachan.

Mr. JENNER. All right now, were those meetings and conversations or were those conversations with Mr. Dean, did they take place by telephone, or in your office or in his office?

Mr. LARUE. I don't recollect specifically where they took place, Mr. Jenner, either by phone or in Mr. Dean's office.

Mr. JENNER. All right, Mr. LaRue, you have said that you were in need of money to make payments to the defendants and their counsel. Do I interpret that correctly?

Mr. LARUE. Yes, sir.

Mr. JENNER. Would you explain to the ladies and gentlemen of the committee what your need problem was and how it arose?

Mr. LARUE. The problem, or the need for money was brought to my attention by Mr. Parkinson who had had, as I understood, discussions with Mr. Bittman.

Mr. JENNER. When you say you understood, do you mean that Mr. Parkinson had so reported to you?

Mr. LARUE. Yes, sir.

Mr. JENNER. I think we have identified Mr. Parkinson, but for the purpose of refreshing everybody's recollection, who is Mr. Parkinson?

Mr. LARUE. Mr. Parkinson was one of the attorneys representing the committee.

Mr. JENNER. All right, and you were speaking in terms of needs. Would you relate to the ladies and gentlemen of the committee what Mr. Parkinson said as to moneys?

Mr. LARUE. Mr. Parkinson related his conversation with Mr. Bittman to Mr. Dean and I regarding a need for money for the defendants. This covered a rather wide area including attorneys fees, living expenses, litigation expenses for the upcoming trial.

I don't recall the specific amount of the money that was requested but Mr. Dean and I decided that there would be—that we would make a payment of \$50,000 to the defendants at this time.

Mr. JENNER. And these were the defendants who had been indicted in connection with the Watergate break-in?

Mr. LARUE. Yes, sir.

Mr. JENNER. And the upcoming trial was the trial of that case; is that correct?

Mr. LARUE. That is correct.

Mr. JENNER. You were not in sufficient funds I gather, at that time, to make payment or delivery of \$50,000?

Mr. LARUE. That is correct.

Mr. JENNER. And you communicated that to whom; if you did?

Mr. LARUE. I communicated that to Mr. Dean.

Mr. DANIELSON. Mr. Chairman? Mr. Chairman? I am listening carefully—

The CHAIRMAN. Mr. Danielson.

Mr. DANIELSON. Could we have it a little louder? I was not able to hear whether counsel said that there were not, that there were insufficient funds or there were sufficient funds.

Mr. JENNER. All right.

Mr. LARUE. There were not sufficient funds at that time.

Mr. DANIELSON. Not enough money?

Mr. LARUE. That is correct.

Mr. DANIELSON. Thank you.

Mr. JENNER. I gather from your testimony Mr. Strachan eventually called you?

Mr. LARUE. That is correct.

Mr. JENNER. All right, would you fix that as to the day or week in December 1972, as to the best you are now able to recall?

Mr. LARUE. The best of my recollection would be early December, Mr. Jenner.

Mr. JENNER. Was that a telephone call?

Mr. LARUE. Yes, sir.

Mr. JENNER. What did he say?

Mr. LARUE. He said that he had a package that he was supposed to deliver to me and wanted to arrange a place where this could be delivered. And I suggested my apartment and arranged a time when I would be there.

Mr. JENNER. What took place there after that day?

Mr. LARUE. Mr. Strachan met me at my apartment and delivered this package.

Mr. JENNER. And what was that, in the day or in the evening?

Mr. LARUE. As I recall it would be in the evening, Mr. Jenner.

Mr. JENNER. Since we will be asking you about your apartment later on, would you please tell us where that apartment was located?

Mr. LARUE. Located in the Watergate Complex, Watergate West, 310 Watergate West.

Mr. JENNER. You received an envelope from him? He delivered it in hand; correct?

Mr. LARUE. Yes, sir.

Mr. JENNER. Did you count it or did you look at its contents?

Mr. LARUE. Mr. Jenner, I don't recall whether I opened the envelope at that time or not.

Mr. JENNER. Well, did you eventually open it?

Mr. LARUE. Yes, sir.

Mr. JENNER. And when you opened it, what did you find in it?

Mr. LARUE. It was approximately \$50,000.

Mr. JENNER. In cash?

Mr. LARUE. Yes, sir.

Mr. JENNER. Did you count it?

Mr. LARUE. Yes, sir. I am sure I did.

Mr. JENNER. And your best recollection is there were \$50,000 in it?

Mr. LARUE. Yes, approximately \$50,000.

Mr. JENNER. Well, you say approximately. How close to \$50,000?

Mr. LARUE. Well, that is my recollection, is \$50,000. Certainly within \$2,000 or \$3,000 of that amount.

Mr. JENNER. \$2,000 or \$3,000 more or \$2,000 or \$3,000 less, going either way?

Mr. LARUE. I can only go backwards, Mr. Jenner, in trying to reconstruct receipts and disbursements of money. And I arrived at this figure by I have a specific recollection of \$280,000 being delivered to me at a later date out of a total of \$328,000 delivered to me by Mr. Strachan so this would leave an exact figure of \$48,000.

Mr. JENNER. All right. And did you have a conversation—in your conversation with—did you have a conversation with Mr. Strachan that evening in your apartment?

Mr. LARUE. I don't specifically recall what conversation I had at that time, Mr. Jenner.

Mr. JENNER. All right, did you know or had you been advised prior to this evening when the money was delivered to you by Mr. Strachan the source of those funds?

Mr. LARUE. Yes, sir.

Mr. JENNER. What was the source?

Mr. LARUE. The source was the \$350,000 cash fund which was at the White House.

Mr. JENNER. And how did you come about that information?

Mr. LARUE. The information that that was the source of the funds? That came from Mr. Dean.

Mr. JENNER. Now, you have mentioned that you later received \$280,000.

Mr. LARUE. That is correct.

Mr. JENNER. All right now, is that in the month of December?

Mr. LARUE. No, sir. To the best of my recollection that would be in January.

Mr. JENNER. From whom did you receive that money?

Mr. LARUE. Mr. Strachan.

Mr. JENNER. Tell us the circumstances, how it arose, to whom you talked, or with whom you met, when and where, and what conversation?

Mr. LARUE. Here this again was a conversation with Mr. Dean regarding the need for money for the defendants which I did not have at that time.

Mr. JENNER. You were reporting to Mr. Dean that you needed money or that you didn't have money to meet certain requests?

Mr. LARUE. I reported to Mr. Dean, or I reported to the conversation with Mr. O'Brien regarding the need for money for the defendants or Mr. O'Brien could have reported this to Mr. Dean and I simultaneously. I just don't recall the specific event.

Mr. JENNER. The initial communication with respect to the need of money came from Mr. O'Brien either to you alone or to you and Mr. Dean?

Mr. LARUE. That is correct.

Mr. JENNER. All right. And do you have a recollection as to the amount of money that was talked about at that time as a need of the defendants and if so state it?

Mr. LARUE. Mr. Jenner, I do not have a recollection of the specific amount of money or the specific need for the money. During this time period there were several requests made for money and I don't recall specifically which one triggered my conversation with Mr. Dean regarding my need for funds.

Mr. JENNER. Were you in funds at this moment?

Mr. LARUE. Pardon me?

Mr. JENNER. Were you in sufficient funds at this moment?

Mr. LARUE. Yes, sir.

Mr. JENNER. Did you have sufficient funds to meet these requirements?

Mr. LARUE. No, sir. I did not have sufficient funds.

Mr. JENNER. And you communicated your lack of funds to whom?

Mr. LARUE. To Mr. Dean.

Mr. JENNER. All right. Proceed.

Mr. LARUE. Mr. Dean said he would check on the availability or the possibility of using additional funds from the White House. Later he called me and said that I would be receiving the total funds available at the White House at that time. In other words, they would deliver to me the total sum of money which they had.

He either told me that Mr. Strachan would call me or I was to call Mr. Strachan. I don't recall which was the case. In any event—

Mr. JENNER. Well, either Mr. Strachan called you or you called Mr. Strachan?

Mr. LARUE. Or I called Mr. Strachan, yes, sir. Yes, sir. We arranged a meeting again at my apartment, at which time the \$280,000 in cash was delivered to me.

Mr. JENNER. Was that meeting during the day or in the evening?

Mr. LARUE. In the evening.

Mr. JENNER. And was there anyone present on that occasion or on the previous occasion who delivered money other than yourself and Mr. Strachan?

Mr. LARUE. No.

Mr. JENNER. In what kind of a container, if it was a container, was the \$280,000 in cash delivered to you by Mr. Strachan?

Mr. LARUE. As I recall, it was in a manila envelope.

Mr. JENNER. And how did you determine, if you did determine, that there was \$280,000 in that envelope?

Mr. LARUE. At some point, Mr. Jenner, I counted the money. But I do not recall counting it in the presence of Mr. Strachan. But later I did count the money and there was \$280,000 there.

Mr. JENNER. Now, in connection either with counting the \$50,000 approximately that Mr. Strachan delivered you in December, and/or the \$280,000 delivered to you in January, in the course of counting that money did you put on any protection for your hands?

Mr. LARUE. Yes, sir; I wore gloves.

Mr. JENNER. You wore gloves?

Mr. LARUE. Yes, sir.

Mr. JENNER. And was that on both occasions?

Mr. LARUE. I don't recall specifically, Mr. Jenner. I do recall on one occasion wearing gloves when Mr. Strachan gave me the money, or the package containing the money.

Mr. JENNER. And would you tell the ladies and gentlemen of the committee why you wore gloves in counting the money?

Mr. LARUE. It was to make sure my fingerprints wouldn't be on the money.

Mr. DANIELSON. Mr. Chairman, clarification. I understood the gentleman's answer to the previous question to be—I understood the answer to the last preceding question to be that "when I received the package I wore gloves." His answer is "when I counted the money I didn't want my fingerprints on the money." I want to be sure, is it the package or the money?

Mr. LARUE. On one occasion when I received a package from Mr. Strachan I did have on gloves.

Mr. DANIELSON. And then later when you counted the money you had gloves?

Mr. LARUE. Yes, sir.

Mr. DANIELSON. Thank you.

Mr. JENNER. And do you have a sufficient recollection at the present moment to report to the ladies and gentlemen of the committee whether you did this on both occasions; that is, in December as well as in January?

Mr. LARUE. I do not have sufficient recollection. I specifically recall on one occasion wearing gloves.

Mr. JENNER. Both when you received the package and when you counted its contents?

Mr. LARUE. That is correct.

Mr. JENNER. When you received \$280,000, Mr. Strachan delivered that to you, did he make any request of you?

Mr. LARUE. Yes, sir. He asked if I would like to give him a receipt for that money.

Mr. JENNER. Well, did he say, "I would like for you to," or did he ask for a receipt?

Mr. LARUE. As I recall, Mr. Jenner, he phrased it in the following manner: "I don't guess you would like to give me a receipt for that money."

Mr. JENNER. And what did you say?

Mr. LARUE. I said, "No, I would not."

Mr. JENNER. Had you had any discussion with anybody prior to that time; that is, on the occasion when you had the discussion with Mr. Strachan about a receipt, the subject matter of whether you should or should not give a receipt?

Mr. LARUE. Mr. Jenner, I just—I do not recall any such discussion.

Mr. JENNER. All right. What did you do—excuse me. Prior to your receiving the \$280,000, had you expended the approximately \$50,000 that Mr. Strachan had given you in the fore part of December 1972?

Mr. LARUE. That is correct.

Mr. JENNER. Would you relate to the ladies and gentlemen of the committee the circumstances and the course of events under which you delivered the \$50,000 to someone and when?

Mr. LARUE. Mr. Jenner, there was, I think as I previously testified, a request that came to me or to Mr. Dean and I through Mr. Parkinson for some money or a need for money for the defendants relating to attorneys' fees, living expenses, and litigation expenses.

Mr. JENNER. Yes, sir.

Mr. LARUE. In which a payment of \$50,000 was made.

Mr. JENNER. Tell us how, how that was made if you will, please.

Mr. LARUE. This was made—

Mr. JENNER. And your part in it.

Mr. LARUE. This was made to or sent to Mr. Bittman at his office.

Mr. JENNER. I think you testified last week you telephoned Mr. Bittman on that occasion?

Mr. LARUE. That is correct.

Mr. JENNER. Using what code name?

Mr. LARUE. The code name "Baker."

Mr. JENNER. And what did you say to him?

Mr. LARUE. That I had a package for him which would be delivered to his office shortly.

Mr. JENNER. What did he say? What did he say?

Mr. LARUE. I don't recall any specifics of the conversation, a very terse conversation. He indicated he would be in his office, and I had the delivery made.

Mr. JENNER. Who made the delivery?

Mr. LARUE. This delivery was made by a messenger, the same person who delivered the initial \$25,000 to Mr. Bittman.

Mr. JENNER. Was that an employee of CRP?

Mr. LARUE. Yes, sir.

Mr. JENNER. Would you identify that employee, please?

Mr. LARUE. Mr. Fred Asbell.

Mr. JENNER. Would you spell that last name, please?

Mr. LARUE. A-s-b-e-l-l, or A-s-b-e-l. I am not sure.

Mr. JENNER. OK. Up until the time in mid-September 1972, when Mr. Kalmbach withdrew from the money-raising practice and the cooperating with you in the delivery of funds to defendants or their counsel, who was the source of advice to you as to the amounts of money and the need, in the main?

Mr. LARUE. Up until the time Mr. Kalmbach—

Mr. JENNER. Advised you—

Mr. LARUE. Mr. Kalmbach would be the source.

Mr. JENNER. Mr. Kalmbach?

Mr. LARUE. Of this information.

Mr. JENNER. Now, after Mr. Kalmbach, and let me use the expression retired from this practice, from whom, if from anyone, did you receive your information as to requests or needs of the defendants?

Mr. LARUE. From Mr. Parkinson, from Mr. O'Brien, and from Mr. Dean.

Mr. JENNER. And did there come a time when that advice was received by you only from one of those persons?

Mr. LARUE. Yes, sir.

Mr. JENNER. And that was when?

Mr. LARUE. I would like to clarify that, Mr. Jenner, if I might. I think initially I was receiving these requests through Mr. Parkinson, later through Mr. O'Brien, and the final request from Mr. Dean.

Mr. JENNER. And the final request, is that the one with respect to March 21, 1973?

Mr. LARUE. Yes, sir.

Mr. JENNER. All right.

May I consult with Mr. Doar for a moment?

[Material unrelated to testimony of witness deleted.]

Mr. DOAR. Mr. LaRue, I would like to ask you to fix your recollection on the payment that you have testified to that you made in the middle or latter part of March 1973. Do you remember that?

Mr. LARUE. Yes, sir. Yes, sir.

Mr. DOAR. Can you tell the committee on what day that payment was made?

Mr. LARUE. Not from my own recollection, Mr. Doar; no.

Mr. DOAR. Well, let me ask you several things about that payment to see if we can fix the date.

To whom did you deliver money on that particular day, on that particular occasion?

Mr. LARUE. I arranged for a delivery of money to Mr. Bittman.

Mr. DOAR. Well, now, who did you give it to?

Mr. LARUE. I gave it to Mr. Manyon Millican to deliver for me.

Mr. DOAR. And about what time of the day did you give this money to Manyon Millican?

Mr. LARUE. It would be in the late evening.

Mr. DOAR. And where were you when you gave the money to Manyon Millican?

Mr. LARUE. At my apartment.

Mr. DOAR. And who was in the apartment with you?

Mr. LARUE. Mr. Millican, Miss Frederick, and Mr. Unger.

Mr. DOAR. And who is Miss Frederick?

Mr. LARUE. Miss Frederick is my secretary.

Mr. DOAR. And who is Mr. Unger?

Mr. LARUE. Mr. Unger is a personal friend of mine. He also, also worked for the Committee to Re-Elect the President.

Mr. DOAR. And do you recall the occasion of that get-together in your apartment?

Mr. LARUE. Well, the occasion was to have dinner; specifically, Mr. Doar, was to arrange with Mr. Millican to make this delivery.

Mr. DOAR. Did the four of you that you have mentioned have dinner together in your apartment?

Mr. LARUE. That is correct.

Mr. JENNER. About what time did you get to your apartment that evening for dinner?

Mr. LARUE. I couldn't be specific. It would be some time after I left the office, to the best of my recollection, approximately 6 o'clock.

Mr. DOAR. Had this engagement for dinner been arranged previously, or had it been on the spur of the moment kind of a dinner?

Mr. LARUE. No, this was arranged that day.

Mr. DOAR. Who is Mr. Unger?

Mr. LARUE. As I stated, Mr. Unger is a personal friend of mine. He is an attorney from Cincinnati, Ohio. He was connected with the Nixon campaign in 1968 and was at the Committee To Re-Elect in 1972.

Mr. DOAR. How did Mr. Unger happen to be invited to your apartment that evening for dinner?

Mr. LARUE. Mr. Unger called me late that afternoon, said he was, you know, in town, wanted to know if we could get together, and I told him that I was having dinner over at my apartment and invited him to attend.

Mr. DOAR. And did he—he did come over to your apartment?

Mr. LARUE. That is correct.

Mr. DOAR. Did he say whether he had been in Washington for a number of days or whether it was just 1 day?

Mr. LARUE. I don't recall any such conversation with him, Mr. Doar.

Mr. DOAR. Did anything happen unusual during or after dinner that evening at your apartment?

Mr. LARUE. Yes, sir. I might add this was not the apartment, the 310 Watergate West. This was after I had moved to the Watergate

South. I had only been in the apartment a short time and this was a rather chilly night and it was the first night that I had had a fire lit in the fireplace. During the course of the evening the exhaust fan which exhausts the smoke through the fireplace malfunctioned and all the smoke came back into the apartment and created quite a, you know, an uncomfortable situation.

Mr. DOAR. And just for the record, Mr. Unger's full name again?

Mr. LARUE. Sherman Unger.

Mr. DOAR. Sherman Unger?

Mr. LARUE. Right.

Mr. DOAR. And when was it that you asked Mr. Millican to deliver a package for you?

Mr. LARUE. Just prior to the time he left the apartment.

Mr. DOAR. Can you fix that time?

Mr. LARUE. To the best of my recollection, Mr. Doar, it would be approximately 10 o'clock or 10:30.

Mr. DOAR. And what did you put in the envelope that you gave to Mr. Millican?

Mr. LARUE. \$75,000 in cash.

Mr. DOAR. That was in cash?

Mr. LARUE. Yes, sir.

Mr. DOAR. What kind of bills?

Mr. LARUE. I would say either—certainly predominantly \$100 bills. They were perhaps all \$100 bills. I couldn't be specific, but predominantly they were \$100 bills. There may have been some \$50's and some \$20's mixed in.

Mr. DOAR. When did you put the money in the envelope?

Mr. LARUE. When I—prior to the time I left the office that afternoon.

Mr. DOAR. Where had you gotten the money?

Mr. LARUE. Pardon me?

Mr. DOAR. Where had you gotten the money?

Mr. LARUE. Out of my filing cabinet.

Mr. DOAR. And what instruction or direction did you give to Mr. Millican when you handed him the envelope?

Mr. LARUE. I asked him if he would make a delivery for me to Mr. Bittman or to an address. I don't recall using Mr. Bittman's name. And I instructed him to leave the package in the mailbox.

Mr. DOAR. Was there any writing on the outside of the envelope?

Mr. LARUE. Not that I recall; no, sir.

Mr. DOAR. And did you make any telephone call that evening to find out, to Mr. Bittman or anyone else, about this package?

Mr. LARUE. Yes, sir. I called Mr. Bittman. To the best of my recollection this would be before I left the office to determine if he would be at his residence that evening.

Mr. DOAR. When you called him, how did you identify yourself?

Mr. LARUE. As Mr. Baker.

Mr. DOAR. And what did you say?

Mr. LARUE. I asked him if he would be home that afternoon or that evening, and he said he would and I said that I would—there would be a package delivered to him.

Mr. DOAR. And this was the fourth package that had been delivered to Mr. Bittman's house, is that correct?

Is that correct?

Mr. LARUE. No, sir, I don't think that's correct. I think that was the third package.

Mr. DOAR. The third package?

Mr. LARUE. Yes, sir.

Mr. DOAR. Well, what did Mr. Bittman say to you when you asked him, identified yourself as Mr. Baker and asked him if he would be home that evening?

Mr. LARUE. He said he would be home.

Mr. DOAR. Did you give him a time of delivery of the package?

Mr. LARUE. No, sir, I did not.

Mr. DOAR. Now, did you call him later on that evening?

Mr. LARUE. Yes, sir.

Mr. DOAR. At about what time was that?

Mr. LARUE. As I recall, Mr. Doar, I called him, to the best of my recollection, I called him twice later in the evening. Once to tell him that the package would be delivered shortly and as I recall I also called him later to make sure he had gotten the package.

Mr. DOAR. And when you called him later to make sure he had gotten the package what did he say to you?

Mr. LARUE. He said he had.

Mr. DOAR. And did you identify yourself at that time?

Mr. LARUE. I don't recall.

Mr. DOAR. And when you called him, when Mr. Millican was at your apartment to see if he was—to tell him that the package was going to be delivered, did you tell him who you were at that time?

Mr. LARUE. Again, I don't recall, Mr. Doar.

Mr. DOAR. Now, prior to the dinner you had been at your office, is that right?

Mr. LARUE. Prior to the dinner what?

Mr. DOAR. Prior to the dinner that evening you had been working in your office?

Mr. LARUE. That is correct.

Mr. DOAR. And you made a call to Mr. Bittman from your office?

Mr. LARUE. Yes, sir.

Mr. DOAR. Can you tell us about what time of the day that call was made?

Mr. LARUE. To the best of my recollection, Mr. Doar, it was in the afternoon.

Mr. DOAR. And that was the call that you inquired if he would be home that evening?

Mr. LARUE. That is correct.

Mr. DOAR. Now, prior to the call that you had made to Mr. Bittman did you make any other call that day to anyone else with respect to this particular delivery of cash?

Mr. LARUE. Yes, sir. I talked to Mr. Millican and invited him to dinner.

Mr. DOAR. Did you tell him at that time that you were going to ask him to make a delivery?

Mr. LARUE. I do not recall.

Mr. DOAR. And did you talk to anyone else about the particular delivery of this money?

Mr. LARUE. I talked to Mr. Mitchell.

Mr. DOAR. And do you remember at what time of day you talked to Mr. Mitchell?

Mr. LARUE. I do not recall the time of day I talked to Mr. Mitchell.

My best recollection is I placed a call to Mr. Mitchell the morning of the 21st.

Mr. DOAR. Your best recollection?

Mr. LARUE. Yes, sir.

Mr. DOAR. Have you at any time indicated that it might have been in the afternoon?

Mr. LARUE. Mr. Doar, as I have stated, I have no specific recollection of no—I am not able to state specifically what time I talked to Mr. Mitchell or what time I called Mr. Mitchell. I can only give you my best recollection, which is that it was in the morning.

Mr. DOAR. But, isn't it a fact that when I talked to you on Wednesday you told me that it could have been early in the afternoon?

Mr. LARUE. That is correct.

Mr. DOAR. Now, let me ask you this: When you called Mr. Mitchell, did you place the call and get him on the line right away?

Mr. LARUE. I'm sorry, I do not recollect whether I got him, whether I placed the call, whether I had my secretary place the call, or whether I got him on the line directly or not. I just do not recall.

Mr. DOAR. And when you—but you did talk to Mr. Mitchell?

Mr. LARUE. That is correct.

Mr. DOAR. And when you got Mr. Mitchell on the phone, what did you say to him and what did he say to you?

Mr. LARUE. I told him about a phone call I had earlier with Mr. Dean relating to the needs or to the need for funds for the defendants, specifically \$75,000 which had been requested by Mr. Hunt.

Mr. DOAR. And did Mr. Mitchell ask you any questions?

Mr. LARUE. Yes, he asked me what was the money for? I told him it was my understanding the money was for attorneys' fees and he indicated or he told me that he thought I ought to pay the money, which I made arrangements to do.

Mr. DOAR. And you then called him for instructions about whether or not to make the payments?

Mr. LARUE. That is correct.

Mr. DOAR. Had Mr. Mitchell known about the fact that you had made these previous payments to Mr. Bittman for Mr. Hunt or for others?

Mr. LARUE. I don't recall, Mr. Doar, discussing specifically with Mr. Mitchell any one of these payments or the method of payment or—

Mr. DOAR. I asked you, Mr. LaRue, if Mr. Mitchell was aware of the fact that you had made these previous payments to Mr. Bittman for Mr. Bittman or for the defendants?

Mr. LARUE. Well, I don't know that.

Mr. DOAR. You don't know that?

Mr. LARUE. No, sir.

Mr. DOAR. Didn't you tell me, Mr. Jenner and I, when we interviewed you on Sunday, that Mr. Mitchell was aware of these payments?

Mr. LARUE. I think he was aware of the payments, Mr. Doar. I don't think he was aware of the method of the payments going to Mr. Bittman or through Mr. Bittman.

Mr. DOAR. But he was aware of the payments?

Mr. LARUE. It is my understanding that he was aware of the payments, yes, sir.

Mr. DOAR. Was he aware of the amount of the payments?

Mr. LARUE. I don't know, Mr. Doar, whether he was aware of the amount of the payments or not.

Mr. DOAR. The approximate amount of the payments?

Mr. LARUE. I do not know.

Mr. DOAR. Now, did you have a call—did you get a call from John Dean before you got, you placed the call to Mr. Mitchell?

Mr. LARUE. That is correct.

Mr. DOAR. And when was that call?

Mr. LARUE. Again, to the best of my recollection, Mr. Dean—Mr. Doar—that call came from Mr. Dean in the morning.

Mr. DOAR. And what did Mr. Dean say to you?

Mr. LARUE. Mr. Dean told me that there was a need for money, or that Mr. Hunt had a need for a rather large sum of money. As I recall, the figure was \$60,000 for family support and \$75,000 for his attorneys' fees. Mr. Dean told me that he was getting out of the money operation, that he did not want to have anything else to do with it and that he was just passing this information along to me for whatever use of it I wanted to make of it. I told Mr. Dean that I would not make any payment to Mr. Hunt through Mr. Bittman without authorization from either he or someone else and he suggested that I call Mr. Mitchell, which I did.

Mr. DOAR. Did you use the words "someone higher up" in talking to Mr. Dean?

Mr. LARUE. I don't recall. I don't recall using the words "someone higher up", I just specifically recall telling Mr. Dean I would not, you know, make the payment without someone authorizing it.

Mr. DOAR. And where was Mr. Mitchell that day?

Mr. LARUE. Mr. Mitchell, as I recall, was in New York at his office.

Mr. DOAR. When you talked to Mr. Mitchell, did he ask you any questions about the payment? Other than what you have already told us?

Mr. LARUE. I do not recall any questions other than the ones I have already told you about.

Mr. DOAR. Did you report to him as to the amount of the demand that Mr. Dean had communicated to you?

Mr. LARUE. No, I did not. I reported the \$75,000 request only.

Mr. DOAR. How did you happen to fix on the figure, \$75,000?

Mr. LARUE. Well, this was a figure Mr. Dean had given me.

Mr. DOAR. Didn't he also give you a figure of \$60,000 as well?

Mr. LARUE. Yes, sir.

Mr. DOAR. You didn't communicate that figure to Mr. Mitchell?

Mr. LARUE. I did not.

Mr. DOAR. Then how did that happen?

Mr. LARUE. This was a decision on my part, Mr. Doar, basically to limit the payment to the maximum \$75,000.

Mr. DOAR. How much money did you have on hand at that time?

Mr. LARUE. Approximately \$190,000.

Mr. DOAR. So after Mr. Mitchell authorized you to make the payment, what did you do?

Mr. LARUE. Pardon me, let me check that figure.

Yes, that is correct, approximately \$190,000.

What was your next question? I am sorry.

Mr. DOAR. After Mr. Mitchell authorized you to make the payment, what did you do?

Mr. LARUE. Well, I set in motion the phone call which I have testified to in order to make this delivery, calling Mr. Bittman, arranging a dinner with Mr. Millican, and giving him the money later on to deliver to Mr. Bittman.

Mr. DOAR. How soon after you had talked to Mr. Mitchell did you call Mr. Bittman?

Mr. LARUE. I don't have any specific recollection of the time, Mr. Doar.

Mr. DOAR. Did you have any conversation with anyone else that day about the payment?

Mr. LARUE. Not other than the calls I have testified to with Mr. Bittman.

Mr. DOAR. Do you have any records of your phone calls that you made long distance or local—did you maintain a record of your phone calls?

Mr. LARUE. No, sir.

Mr. DOAR. Do you keep any kind of a diary?

Mr. LARUE. No, sir.

Mr. DOAR. Does your secretary keep any kind of a diary?

Mr. LARUE. No, sir.

Mr. DOAR. And what you are giving us is your best recollection; is that right?

Mr. LARUE. That is correct.

Mr. DOAR. And you are not certain at all about the times during the day that you made these calls?

Mr. LARUE. I cannot be certain, no, sir.

Mr. DOAR. Now, did you make any further payments of money to or on behalf of the defendants or their attorneys subsequent to March—subsequent to the payment that you have just now testified to?

Mr. LARUE. No, sir.

Mr. DOAR. And at that time, if my calculation is correct, you paid out approximately \$282,000 to or for the defendants?

Mr. LARUE. Including the \$75,000. That is correct.

Mr. DOAR. And those payments were all in cash?

Mr. LARUE. Yes, sir.

Mr. DOAR. Did you, in the month of April, go to the U.S. attorney's office to talk with them about these payments?

Mr. LARUE. Yes, sir.

Mr. DOAR. And do you know what day you went to the U.S. attorney's office?

Mr. LARUE. Mid-April. I can't give you the exact date, Mr. Doar.

Mr. DOAR. Just one question more about the payment of \$75,000 you made. Did you meet with Mr. Dean or talk with him the day before the payment was made?

Mr. LARUE. I don't recall the meeting or conversation I had with Mr. Dean the day before, no, sir.

Mr. DOAR. Now, you have told us that you paid out \$282,000 in cash money in the manner in which you have described. What was the purpose, what was your purpose in making those payments?

Mr. LARUE. My purpose, Mr. Doar, was to fulfill the commitments which I understood, which I felt had been made to these defendants.

Mr. DOAR. And when you speak about fulfilling commitments, commitments for what?

Mr. LARUE. Commitments for their attorneys' fees, commitments for their living expenses.

Mr. DOAR. Now, did you enter—were you charged with an information in the U.S. District Court for the District of Columbia in June of last year?

Mr. LARUE. Yes, sir.

Mr. DOAR. And did you enter a plea of guilty—

Mr. LARUE. Yes, sir.

Mr. DOAR [continuing]. To that charge?

Mr. LARUE. Yes, sir.

Mr. DOAR. What, in your mind, was the purpose, was your purpose, in fulfilling this commitment?

Mr. LARUE. My purpose, Mr. Doar, was to protect the 1972 Presidential campaign of Mr. Nixon.

Mr. DOAR. What do you mean by that?

Mr. LARUE. To conceal the fact that the break-in at the Democratic National Committee headquarters was an operation of the Committee To Re-Elect the President.

Mr. DOAR. And was there any other purpose in your mind?

Mr. LARUE. No, sir.

Mr. DOAR. Was there any purpose with respect to what the defendants would or would not do?

Mr. LARUE. Well, it was my feeling, Mr. Doar, that if these commitments were not kept, that the defendants might make statements that would involve the Committee To Re-Elect the President in this event.

Mr. DOAR. Was it your feeling also that they might reveal other activities that they had been engaged in?

Mr. LARUE. Yes, sir.

Mr. DOAR. And that is what you pled guilty to?

Mr. LARUE. That is correct.

Mr. DOAR. That is all the questions I have, Mr. Chairman.

The CHAIRMAN. Mr. St. Clair.

Mr. ST. CLAIR. Sir, if I may divert your attention back to—was it Sunday, June 18, 1972, that you were on the west coast?

Mr. LARUE. June 17, yes, sir.

Mr. ST. CLAIR. As I remember your testimony from last week, you said that you were all sitting around the table and Mr. Magruder received a phone call.

Mr. LARUE. That is correct.

Mr. ST. CLAIR. And that was the first that you heard of the break-in at the DNC?

Mr. LARUE. That is correct.

Mr. ST. CLAIR. Did you have prior knowledge that there was going to be a break-in, prior to that time?

Mr. LARUE. No, sir.

Mr. ST. CLAIR. To your knowledge, did Mr. Mitchell have any such prior knowledge?

Mr. LARUE. To my knowledge, no, sir.

Mr. ST. CLAIR. So that your first knowledge of the break-in was after it had occurred?

Mr. LARUE. That is correct.

Mr. ST. CLAIR. Now, at some point, you said that the press release, exhibit No. 2,¹ which Mr. Jenner has produced for us today, was worked on and the statement contained therein with respect to the Committee To Re-Elect was not true. Do you recall the testimony?

Mr. LARUE. Yes, sir.

Mr. ST. CLAIR. This statement bears the date, "June 18, 1972."

Mr. LARUE. That is correct.

Mr. ST. CLAIR. So I will take that the discussion concerning this press release took place on the day following your learning of the break-in? No, it was the same day that you learned of the break-in?

Mr. LARUE. That is correct; yes.

Mr. ST. CLAIR. Well, now, what was your source of information that the break-in was in fact an operation of the committee?

Mr. LARUE. My source was Mr. Magruder.

Mr. ST. CLAIR. And would you tell us what it was that Mr. Magruder said to you that led you to believe that the break-in was in fact an operation of the committee?

Mr. LARUE. It was in response to a direct question by me, Mr. St. Clair.

Mr. ST. CLAIR. What in substance was the question and what was the response in substance?

Mr. LARUE. In substance, the direct question to Mr. Magruder was, "Was this an operation of the committee?"

Mr. ST. CLAIR. And his response was "yes"?

Mr. LARUE. Yes; it was.

Mr. ST. CLAIR. That was a conversation between you and Magruder; was it not?

Mr. LARUE. That is correct.

Mr. ST. CLAIR. Mr. Mitchell was not present, was he?

Mr. LARUE. No, sir, not that I recall.

Mr. ST. CLAIR. You, following that conversation, or sometime during that day, went to see Mr. Mitchell and pulled him out of a committee meeting, as I recall your testimony.

Mr. LARUE. I think it was before that conversation, Mr. St. Clair.

Mr. ST. CLAIR. It was before that conversation with Mr. Magruder; is that right?

Mr. LARUE. Yes.

Mr. ST. CLAIR. So that when you went to see Mr. Magruder and took him out of the committee meeting, you did not have this information from Mr. Magruder.

Mr. LARUE. When I went to see Mr. Mitchell?

Mr. ST. CLAIR. You are right.

¹ See LaRue exhibit No. 2, p. 212.

Mr. LARUE. Yes, sir.

Mr. ST. CLAIR. Is that right?

Mr. LARUE. Yes.

Mr. ST. CLAIR. So when you told Mr. Mitchell about what you had heard; namely, that there had been a break-in of the DNC and that one of the committeemen was involved, his response was, as I recall it, "That is incredible."

Mr. LARUE. That is correct.

Mr. ST. CLAIR. And I take it you felt it was the same, incredible?

Mr. LARUE. Yes; I did.

Mr. ST. CLAIR. So you are satisfied from what you know, then, that Mr. Mitchell didn't have prior knowledge of the break-in, too, is that right?

Mr. LARUE. I have no knowledge, Mr. St. Clair, whether or not Mr. Mitchell had prior knowledge of the break-in.

Mr. ST. CLAIR. Well, when you told him about it, his reaction was one of surprise?

Mr. LARUE. Mr. Mitchell would hardly have acted in a way that would, I could characterize as emotional. I think the statement "That is incredible," you know, indicates really the extent of his reaction.

Mr. ST. CLAIR. Mr. Mitchell is not given to emotional reactions, at least visible, is he?

Mr. LARUE. No, sir.

Mr. ST. CLAIR. Well, did you interpret the reaction, that "That is incredible," as being one that is consistent with prior knowledge of this event?

Mr. LARUE. I did not consciously make any interpretation, Mr. St. Clair.

Mr. ST. CLAIR. I see.

Well, at sometime during that day, did you report to Mr. Mitchell the substance of your call or your talk with Mr. Magruder?

Mr. LARUE. No, sir.

Mr. ST. CLAIR. So you never told Mr. Mitchell that day that Magruder told you that this had been a committee operation?

Mr. LARUE. No, sir.

Mr. ST. CLAIR. Is that correct?

Mr. LARUE. No, sir.

Mr. ST. CLAIR. Is that correct?

Mr. LARUE. That is correct.

Mr. ST. CLAIR. So this press release, then, at least as far as Mr. Mitchell is concerned, was not known by him to be untrue, as far as you know?

Mr. LARUE. As far as I know, no sir.

Mr. ST. CLAIR. And all you knew about it was what somebody told you about it, namely what Mr. Magruder told you about it?

Mr. LARUE. That is correct.

I would like to clarify that, if I might, Mr. St. Clair.

Mr. ST. CLAIR. Of course; please do.

Mr. LARUE. Other than the conversation with Mr. Magruder, I did sit in on the meeting at Key Biscayne where there was a plan submitted for electronic surveillance. I would like to make that clear as a background, perhaps, to my state of mind at that time.

Mr. ST. CLAIR. Well, I thought your state of mind was that you were not aware of any plan to break in the DNC when you learned of that event. Is that correct, sir?

Mr. LARUE. That is correct.

Mr. ST. CLAIR. Thank you.

And you reported that to Mr. Mitchell and he said to you in substance, again, "That is incredible."

Mr. LARUE. That is correct.

Mr. ST. CLAIR. Now, you did learn from Mr. Magruder that day that as far as his information was concerned, this was a committee operation?

Mr. LARUE. That is correct.

Mr. ST. CLAIR. But you did not report that information to Mr. Mitchell?

Mr. LARUE. No, sir.

Mr. ST. CLAIR. All right, sir. Now, moving along a little bit, you recall testifying that you attended a meeting after you returned to Washington with Mr. Liddy being present?

Mr. LARUE. That is correct.

Mr. ST. CLAIR. Had you known Mr. Liddy before this?

Mr. LARUE. Yes, sir.

Mr. ST. CLAIR. Had you worked with him?

Mr. LARUE. I don't think you could say I had worked with him, Mr. St. Clair.

Mr. ST. CLAIR. What was the extent of your familiarity with Mr. Liddy?

Mr. LARUE. I had met him at the committee and that is really, virtually the extent of it. I had very little contact with Mr. Liddy at the committee.

Mr. ST. CLAIR. I see. He was not a close associate of yours?

Mr. LARUE. No, sir.

Mr. ST. CLAIR. Could you refresh our memory as to the approximate date of this meeting that you had with Mr. Liddy following the event of June 17th?

Mr. LARUE. As I recall, June 20th.

Mr. ST. CLAIR. June 20th. In Washington?

Mr. LARUE. Yes, sir.

Mr. ST. CLAIR. And whose apartment?

Mr. LARUE. My apartment.

Mr. ST. CLAIR. In your apartment.

Is it fair to say, sir, that it was on that occasion that you heard for the first time anything about a commitment to take care of legal fees and living expenses of the defendants?

Mr. LARUE. That is correct.

Mr. ST. CLAIR. Have you now told us all that you can recall that was said on that occasion by those persons present relating to such commitments?

Mr. LARUE. To the best of my recollection, yes, Mr. St. Clair.

Mr. ST. CLAIR. Did you make any notes at that time or shortly thereafter regarding this matter?

Mr. LARUE. No, sir.

Mr. ST. CLAIR. Now, as I recall your testimony, you said that on that occasion, during the course of the conversation, Mr. Liddy made a

statement to the effect that certain commitments had been made to pay for living expenses and attorneys' fees.

Mr. LARUE. That is correct.

Mr. ST. CLAIR. And that is all that you can recall that was said on the subject, isn't it?

Mr. LARUE. Other than my statement to Mr. Liddy that commitments have been made and I felt they would be kept.

Mr. ST. CLAIR. And that is all that you can now recall that was said by any of those persons present on this occasion, is that right?

Mr. LARUE. Yes, sir.

Mr. ST. CLAIR. Mr. Liddy did not tell you who made the commitments, did he?

Mr. LARUE. No, sir.

Mr. ST. CLAIR. He did not say anything to you about a quid pro quo for these commitments, did he?

Mr. LARUE. No, sir.

Mr. ST. CLAIR. He simply asserted that a commitment had been made, is that right?

Mr. LARUE. That is correct.

Mr. ST. CLAIR. And you stated in substance that if a commitment had been made, it would be honored?

[Material unrelated to testimony of witness deleted.]

The CHAIRMAN. Mr. St. Clair.

Mr. ST. CLAIR. Sir, was anything said by Mr. Liddy on that occasion about a quid pro quo for the payment of attorneys' fees and living expenses?

Mr. LARUE. No, sir, not that I recall.

Mr. ST. CLAIR. Did you ever again discuss that commitment with Mr. Liddy?

Mr. LARUE. No, sir.

Mr. ST. CLAIR. Did you ever discuss it with Mr. Hunt?

Mr. LARUE. No, sir.

Mr. ST. CLAIR. Did you ever discuss it with any of the participants in the break-in?

Mr. LARUE. No, sir.

Mr. ST. CLAIR. And did you ever discuss the commitment with Mr. Bittman?

Mr. LARUE. No, sir.

Mr. ST. CLAIR. With any lawyer representing any of the defendants apprehended in that break-in?

Mr. LARUE. No, sir.

Mr. ST. CLAIR. Your only discussion, then, was the one that you have now told us about with Mr. Liddy?

Mr. LARUE. That is correct.

Mr. ST. CLAIR. Thank you.

Now, if I may direct your attention, sir, to the events of the day in March to which you have testified in which \$75,000 was paid. You have told us that you cannot precisely fix the date. Is that correct?

Mr. LARUE. That is correct. Of my own recollection, Mr. St. Clair.

Mr. ST. CLAIR. That is clear.

On whatever date it was, was the first event that happened with respect to this payment a telephone call from Mr. Dean?

Mr. LARUE. That is correct.

Mr. ST. CLAIR. Is it your best memory that that call was placed and received by you in the morning of this date?

Mr. LARUE. That is my best recollection, Mr. St. Clair.

Mr. ST. CLAIR. Thank you.

Was it during this conversation that you learned for the first time of what you describe as a need for additional funds by one of the defendants, Mr. Hunt?

Mr. LARUE. That is correct.

Mr. ST. CLAIR. Would you tell us in substance as best you can recall what it was that Mr. Dean said to you in describing this need?

Mr. LARUE. As I have testified, Mr. St. Clair, he stated that there was a need for additional payment to Mr. Hunt. The figure, as I recall, was attorneys' fees and \$60,000 for family maintenance.

Mr. ST. CLAIR. Did you understand it related to the defendant Hunt?

Mr. LARUE. Yes, sir.

Mr. ST. CLAIR. Did Mr. Dean say anything to you on that occasion regarding allegations of blackmail?

Mr. LARUE. No, sir.

Mr. ST. CLAIR. Have you told us all you can recall that Mr. Dean said to you on that occasion regarding this request or need for funds?

Mr. LARUE. No, sir.

Mr. ST. CLAIR. What else do you recall—

Mr. LARUE. He said, as I have testified, that he was no longer in the business of providing funds for the defendants, that he was withdrawing from this operation, and, you know, I would have to use my best judgment on what to do with the information he had given to me.

Mr. ST. CLAIR. Did he indicate you should do something or did he leave it entirely up to you as you understood it?

Mr. LARUE. As I recall, Mr. St. Clair, he left it up to me and at that point, I told him that I would not make this payment without someone's authorization and it led to his having suggested that I call Mr. Mitchell.

Mr. ST. CLAIR. In going back, sir, to his discussion with you on this occasion regarding the need or the purposes for the money, you understood that \$75,000 was supposed to be attorneys' fees?

Mr. LARUE. That is correct.

Mr. ST. CLAIR. And the balance, \$60,000, for living expenses?

Mr. LARUE. Yes, sir.

Mr. ST. CLAIR. Have you told us all, now, that you can recall regarding that conversation?

Mr. LARUE. All that I recall, yes sir.

Mr. ST. CLAIR. Did Mr. Dean say anything to you on this occasion that Mr. Hunt was making any threats of any kind if he didn't receive the money?

Mr. LARUE. No sir, not that I recall.

Mr. ST. CLAIR. You understood that Mr. Hunt was requesting something in excess of \$120,000?

Mr. LARUE. Yes, sir.

Mr. ST. CLAIR. Whose decision was it to pay him only \$75,000?

Mr. LARUE. That would be, I suppose, my decision, Mr. St. Clair, in that that is the request I passed on to Mr. Mitchell, which he authorized me to pay.

Mr. ST. CLAIR. Mr. Dean indicated the extent of the need, but you are the one who determined that something less than that request would be paid?

Mr. LARUE. Yes, sir.

Mr. ST. CLAIR. So that following your telephone call with Mr. Dean, you placed a call to Mr. Mitchell?

Mr. LARUE. That is correct.

Mr. ST. CLAIR. And in the course of the conversation that then ensued, you advised Mr. Mitchell of this request, did you not?

Mr. LARUE. Of the \$75,000, request for \$75,000.

Mr. ST. CLAIR. And how did you describe the purpose to Mr. Mitchell for this \$75,000?

Mr. LARUE. He specifically asked me the purpose and I told him it was my understanding they were for Mr. Hunt's attorneys' fees.

Mr. ST. CLAIR. Did you discuss with Mr. Mitchell in any form of words the request that Mr. Dean told you about for living expenses?

Mr. LARUE. No, sir.

Mr. ST. CLAIR. Did Mr. Mitchell inquire of you in any form of words on that occasion what had been the practice regarding similar requests?

Mr. LARUE. Pardon me, I didn't understand your question.

Mr. ST. CLAIR. Did Mr. Mitchell in any form of words inquire of you on this occasion what had been the practice regarding similar previous requests?

Mr. LARUE. I do not recall any such discussion with Mr. Mitchell.

Mr. ST. CLAIR. Would you tell us in substance as best you can what it was that Mr. Mitchell said to you when you advised him of this request that you had received from Mr. Dean?

Mr. LARUE. He asked me the purpose of the request. When I told him, he said he thought that I should pay him.

Mr. ST. CLAIR. Did he say anything to the effect that, if I were you I would pay it?

Mr. LARUE. I don't recall.

Mr. ST. CLAIR. But he did ask you the purpose of it, did he not?

Mr. LARUE. Yes, sir.

Mr. ST. CLAIR. Did he say anything to you that indicated that he had prior knowledge of the purpose?

Mr. LARUE. No, sir.

Mr. ST. CLAIR. Following the conversation, then, that you had with Mr. Mitchell, you determined that you would make a distribution of \$75,000?

Mr. LARUE. That is correct.

Mr. ST. CLAIR. And when is it your best memory that you placed this call to Mr. Mitchell?

Mr. LARUE. My best recollection is that the call was placed in the morning.

Mr. ST. CLAIR. And you received the authority, then, in the morning.

Mr. LARUE. I did not—

Mr. ST. CLAIR. To your best recollection.

Mr. LARUE. I would again like to clarify that, Mr. St. Clair. My best recollection is that I placed the call in the morning. At what time I actually talked to Mr. Mitchell, I just do not recall.

Mr. ST. CLAIR. I understand that you are not certain about it, but I also understand it is your best memory that you talked with him in the morning.

Mr. LARUE. My best memory is that I placed the call in the morning. Whether I was successful or what time I was successful in getting Mr. Mitchell on the phone I just do not recall.

Mr. ST. CLAIR. Didn't you tell us that it was your best memory that you got him on the phone when you placed the call but you could not be certain about it? Or words to that effect?

Mr. LARUE. I do not recall, Mr. St. Clair, when I actually talked to Mr. Mitchell. My best recollection is, as I state, that I placed that call to him in the morning.

Mr. ST. CLAIR. And you received the authority that you were seeking from Mr. Mitchell as a result of that call?

Mr. LARUE. Yes, sir.

Mr. ST. CLAIR. Then following that, you placed a call to Mr. Bittman, did you not?

Mr. LARUE. Correct.

Mr. ST. CLAIR. To see if he was going to be home that evening?

Mr. LARUE. Yes, sir.

Mr. ST. CLAIR. You then called Mr. Millican?

Mr. LARUE. Yes, sir.

Mr. ST. CLAIR. And invited him to dinner that night?

Mr. LARUE. That is correct.

Mr. ST. CLAIR. And carried out whatever was necessary thereafter to effect the payment.

Mr. LARUE. That is correct.

Mr. ST. CLAIR. So that then, insofar as you know, the payment of the \$75,000 originated with a call to you from Mr. Dean.

Mr. LARUE. That is correct.

Mr. ST. CLAIR. And resulted from a call that you placed to Mr. Mitchell.

Mr. LARUE. That is correct.

Mr. ST. CLAIR. And you thereafter made the appropriate arrangements to make the payment.

Mr. LARUE. That is correct.

Mr. ST. CLAIR. To your knowledge, did Mr. Haldeman have anything to do whatsoever with this chain of events?

Mr. LARUE. Not to my knowledge.

Mr. ST. CLAIR. Thank you.

Did you have in mind, sir, when you made the distribution of \$75,000 that you were purchasing the silence of anyone?

Mr. LARUE. Mr. St. Clair, I had in mind that—

Mr. ST. CLAIR. No; please answer my question. I will let you answer any—Mr. Chairman, I ask that the witness be instructed to answer the question.

Mr. DANIELSON. Mr. St. Clair, he answered you and—

The CHAIRMAN. We will wait for the President's counsel to frame the question and the witness to answer. The President's counsel is waiting for the answer.

Mr. LARUE. Would you restate that question, Mr. St. Clair.

Mr. ST. CLAIR. Am I permitted? I will try to rephrase it.

You told us, I think, that you were not aware of any threats being made by Mr. Hunt as a result of your call from Mr. Dean.

Mr. LARUE. That is correct.

Mr. ST. CLAIR. You knew that the request was for something more than \$120,000.

Mr. LARUE. More than for \$75,000.

Mr. ST. CLAIR. Well, plus 60.

Mr. LARUE. Plus 60, yes.

Mr. ST. CLAIR. Which is 135.

Mr. LARUE. \$135,000.

Mr. ST. CLAIR. You determined in your own mind to only pay \$75,000.

Mr. LARUE. That is correct.

Mr. ST. CLAIR. Was it your view that by paying \$75,000 you were purchasing the silence of Mr. Hunt?

Mr. LARUE. My view, I said, was that we were fulfilling the commitments that had been made to these defendants.

Mr. ST. CLAIR. And you have told us all that you know about those commitments?

Mr. LARUE. Yes, sir.

Mr. ST. CLAIR. Thank you.

Clearly you did not tell Mr. Mitchell about any threat that Mr. Hunt had been making?

Mr. LARUE. No, sir.

Mr. ST. CLAIR. May I have just a moment, Mr. Chairman, to go over my notes?

The CHAIRMAN. Yes, you may.

Mr. ST. CLAIR. Mr. LaRue, sir, insofar as members of the White House are concerned, is it the fact that you dealt only with Mr. Dean regarding these several payments?

Mr. LARUE. Yes, sir. Also Mr.—I guess you would say I dealt with Mr. Strachan to the extent that he delivered money to me.

Mr. ST. CLAIR. Other than the delivery of that money, you dealt only with Mr. Dean?

Mr. LARUE. That is correct.

Mr. ST. CLAIR. You were asked some questions as to whether or not Mr. Mitchell had known of previous payments that have been made for counsel fees and living expenses in connection with this commitment. Do you recall questions to that effect?

Mr. LARUE. Yes, sir.

Mr. ST. CLAIR. Do you ever recall a conversation with Mr. Mitchell in which he made any reference to having knowledge of any such payments?

Mr. LARUE. I am just trying to recall specifically, Mr. St. Clair.

Mr. St. Clair, in this time frame speaking of—June 17 through April of 1973 or March of 1973, I had almost daily conversations with Mr. Mitchell. It is impossible for me to now go back and sort these out and specifically recall a conversation regarding payments to defendants. I do not recall discussing with Mr. Mitchell at any time the specific amounts of money, the specific methods of payment, or how I would have these delivered or my conversations with Mr. O'Brien or Mr. Parkinson or Mr. Dean. However, I would state that as I recall,

from time to time, Mr. Mitchell and I did discuss the payment, the general subject of payment of money to the defendants and in my opinion, he did have knowledge of this.

Mr. ST. CLAIR. Was this discussion consistent with your discussion with Mr. Liddy?

Mr. LARUE. I don't know if I understand the question, Mr. St. Clair.

Mr. ST. CLAIR. Well, did you learn anything more from Mr. Mitchell about these payments than you already knew from Mr. Liddy?

Mr. LARUE. No sir.

Mr. ST. CLAIR. And that was that a commitment had been made?

Mr. LARUE. This was a discussion with Mr. Liddy, not Mr. Mitchell, Mr. St. Clair.

Mr. ST. CLAIR. I understand. But you learned nothing more from Mr. Mitchell than you had learned from Mr. Liddy regarding these payments, is that correct?

Mr. LARUE. No, sir.

Mr. ST. CLAIR. Is that correct?

Mr. LARUE. That is correct.

Mr. ST. CLAIR. That is all I have, Mr. Chairman, thank you.

The CHAIRMAN. Mr. Doar?

Mr. JENNER. Mr. Chairman, I have a question or two.

The CHAIRMAN. This is going to be in keeping with the rules?

Mr. JENNER. It is. No leading questions.

The CHAIRMAN. OK.

Mr. JENNER. Mr. LaRue, what was the date of the day that Mr. Magruder received, you learned the announcement that Mr. Magruder was being called to the long-distance phone?

Mr. LARUE. I am not sure I understand your question, Mr. Jenner. Pardon me.

Mr. JENNER. As I recall your testimony, you were at breakfast with Mr. Magruder and, I believe, Mr. Mardian in California at the Beverly Hills Hotel?

Mr. LARUE. Yes, I believe Mr. Porter and Mr. Magruder.

Mr. JENNER. Mr. Porter, all right. What I am seeking is the date. What day was that?

Mr. LARUE. It was Saturday. I think the date was June 17.

Mr. JENNER. June 17. And is that the day upon which LaRue Exhibit No. 2¹ was prepared?

Mr. LARUE. That is my best recollection. I might add it was, as I recall, it was released that date. I see a June 18 date penciled in on this. It was my understanding it was released June 17.

Mr. JENNER. That is a longhand penciling. Do you know anything about that longhand penciled note?

Mr. LARUE. No, I don't.

Mr. JENNER. June 18 was a Sunday, was it not?

Mr. LARUE. Yes, sir.

Mr. JENNER. And that was the day that you were down in Newport Beach?

Mr. LARUE. That is correct.

Mr. JENNER. And the press release was prepared the day before, was it not?

¹ See p. 212.

Mr. LARUE. Yes, sir.

Mr. JENNER. You have made reference, in Mr. St. Clair's examination of you, you referred to a conversation you had with Mr. Magruder later in the day.

Mr. LARUE. Of the 17th, that is right.

Mr. JENNER. Of the 17th?

Mr. LARUE. Yes, sir.

Mr. JENNER. Now, you also had a conversation with Mr. Magruder on that subject that morning, did you not?

Mr. LARUE. Yes, sir.

Mr. JENNER. When you returned from the telephone?

Mr. LARUE. That is correct.

Mr. JENNER. At the time he told you about the break-in?

Mr. LARUE. Yes, sir.

Mr. JENNER. And what did he say to you?

Mr. LARUE. The first conversation, Mr. Jenner, was when Mr. Magruder was called or paged, went to the phone, came back and told me that he had this unusual call from Liddy wanting him to go to a secure phone and call him back.

Mr. JENNER. So he went to the phone.

Mr. LARUE. He went to a pay phone and called him—

Mr. JENNER. What I am asking you about is what did you say to him and what did he say to you when he returned from making the call?

Mr. LARUE. The initial call?

Mr. JENNER. The second call. The one he made.

Mr. LARUE. The second call. He recalled, or he told me about his conversation with Liddy, Liddy telling him that there had been a break-in at the DNC and four or five people had been apprehended, one of the persons being Mr. McCord.

Mr. JENNER. And what did you say?

Mr. LARUE. Well, I don't recall exactly what I said. You know, immediately, we discussed, or I discussed the immediate need to inform Mr. Mitchell of this and suggested that I do this, which I did.

Mr. JENNER. All right. Have you exhausted your recollection?

Mr. LARUE. Yes, sir.

Mr. JENNER. For the purpose of refreshing your recollection, didn't you remark to him, "I wonder what that is all about?" And did he not respond to you, "I think that last night is when they were going into the DNC."

Mr. LARUE. I think that conversation, Mr. Jenner, would have occurred after the first phone call.

Mr. JENNER. That is what I was referring to, sir.

Mr. LARUE. I'm sorry. I thought you were referring to the second phone call.

Mr. JENNER. All right. That is all I have.

Mr. DOAR. Mr. LaRue, when did you learn about the existence of the \$350,000 White House fund?

Mr. LARUE. I can't give you a specific time, Mr. Doar. To the best of my recollection, it would be in the summer of 1972, July or August of 1972.

Mr. DOAR. And who did you learn it from?

Mr. LARUE. Well, I had in my possession at that time a summary of cash receipts or cash disbursements from the committee. There was an item on there of \$350,000 to the White House and I confirmed this with Mr. Mitchell.

Mr. DOAR. And did you discuss with Mr. Mitchell the use of that fund for the purpose of paying money to the defendants?

Mr. LARUE. At some point, I did. I do not think so at that time. At a later time, I did discuss this with Mr. Mitchell and——

Mr. DOAR. Later—can you fix the time of that? By month?

Mr. LARUE. I would say it would be sometime in the fall of 1972.

Mr. DOAR. And what did Mr. Mitchell say?

Mr. LARUE. September, October.

He suggested I take that up with Mr. Dean.

Mr. DOAR. This was to use that money for payment to the defendants?

Mr. LARUE. Yes, sir.

Mr. DOAR. Thank you.

The CHAIRMAN. I think the committee will take a 10-minute break.

[Recess.]

The CHAIRMAN. Mr. Edwards?

Mr. EDWARDS. I have no questions, Mr. Chairman.

The CHAIRMAN. Mr. McClory?

Mr. McCLORY. Thank you, Mr. Chairman.

Mr. LARUE, I listened very attentively——

The CHAIRMAN. Excuse me, before we do, we have an official time-keeper.

Mr. McCLORY. Well, I have an official time piece here. I have had this checked over the weekend, Mr. Chairman. Mrs. McClory said you can take this up with her, but you are not going to take it up with me.

Mr. LARUE, I listened attentively to the questions which were put to you by majority and minority counsel for the committee, listening to hear if there was any reference that would be made to the President of the United States in this inquiry. Did you, yourself, have any conversation or any communication at any time with the President of the United States with regard to payments of money or demands or commitments to which you made reference in your testimony?

Mr. LARUE. No, sir.

Mr. McCLORY. Did you in any of your conversations with Mr. Dean, did Mr. Dean tell you that he had any conversations with the President of the United States, or did he tell you that he was calling you in response to a request made by the President or anything of that nature?

Mr. LARUE. No, sir.

Mr. McCLORY. In the discussions that you had out in California immediately after the break-in, did anyone at that time—Mardian, Magruder, Mitchell, or yourself—communicate with the President of the United States?

Mr. LARUE. Not to my knowledge.

Mr. McCLORY. You didn't?

Mr. LARUE. No, sir.

Mr. McCLORY. And you didn't receive any communication directly or through any of these other people from the President of the United States?

Mr. LARUE. No, sir.

Mr. McCLORY. As far as you are concerned and your knowledge of the operation of the Committee To Re-Elect the President, its operation was under the direction and control of Mr. Mitchell and Mr. Magruder essentially, is that correct?

Mr. LARUE. Later on, of course, Mr. MacGregor.

Mr. McCLORY. And Mr. MacGregor. Did you have the feeling when you were working there that Mr. Magruder, Mr. Mitchell, or Mr. MacGregor were taking orders from the White House with regard to the conduct of the Committee To Re-Elect the President?

Mr. LARUE. Mr. McClory, I was aware of, I think, an 8 o'clock staff meeting at the White House which originally, Mr. Mitchell attended, I think later Mr. MacGregor attended.

Mr. McCLORY. What date are we talking about?

Mr. LARUE. This is a daily meeting, I think an 8 o'clock or 8:30 meeting.

Mr. McCLORY. In the White House?

Mr. LARUE. Yes, sir. The scope of that meeting was—I never attended the meetings, so I could not comment on, you know, what was discussed. But from my conversations with Mr. Mitchell, I assume that matters relating to the campaign were discussed at that meeting from time to time.

Mr. McCLORY. You didn't attend any of these meetings?

Mr. LARUE. I did not attend those meetings, no, sir.

Mr. McCLORY. Did the President of the United States attend those meetings?

Mr. LARUE. I have no knowledge of that, Mr. McClory.

Mr. McCLORY. Mr. Mitchell didn't tell you that the President—

Mr. LARUE. No, sir.

Mr. McCLORY. And you didn't get any direction of any of your work at the Committee that the President wanted to do this or the President was directing this?

Mr. LARUE. No, sir.

Mr. McCLORY. That is all I have, Mr. Chairman, thank you.

The CHAIRMAN. Mr. Hungate?

Mr. HUNGATE. I would like to reserve my time, Mr. Chairman.

The CHAIRMAN. Mr. Smith.

Mr. SMITH. Mr. LaRue, on LaRue Exhibit No. 2,¹ which is the press release, in the second paragraph, it says "The person involved is the proprietor of a private security agency." Did that refer also to McCord?

Mr. LARUE. Yes, sir.

Mr. SMITH. And then down in the fourth paragraph, "We want to emphasize that this man"—and I think you testified that was McCord you were talking about, or the press release talked about?

Mr. LARUE. Yes, sir.

Mr. SMITH. Thank you very much.

That is all, Mr. Chairman.

The CHAIRMAN. Mr. Conyers?

Mr. CONYERS. Thank you, Mr. Chairman.

Mr. LaRue, you pleaded guilty to a one-count felony, is that correct?

Mr. LARUE. Yes, sir.

¹ See p. 212.

Mr. CONYERS. In a charge that you conspired with other people to influence, obstruct, and impede the due administration of justice, right? Is that correct?

Mr. LARUE. If you will pardon me just one moment.

Mr. CONYERS, are you referring to a specific paragraph of this?

Mr. CONYERS. I don't have any specific paragraphs. I am just asking you have you pled guilty to a one-count felony information charging that you conspired with other people to obstruct the due administration of justice?

Mr. LARUE. Yes, that is correct.

Mr. CONYERS. All right. And that specifically, it refers to the purpose of obtaining the silence of defendants in the *United States v. Liddy*; namely, Messrs. Barker, Martinez, McCord, DeDiego, and Sturgis. Is that right?

Mr. LARUE. That is correct.

Mr. CONYERS. And further that in this overt act, you received \$280,000 cash, approximately, in the course of this activity, is that right?

Mr. LARUE. That is correct.

Mr. CONYERS. And that in pleading guilty, you agreed to disclose all information in your possession and testify as a witness for the Government in any and all cases with respect to which you might have any information, is that right?

Mr. LARUE. That is correct.

Mr. CONYERS. That includes these proceedings, too, does it not?

Mr. LARUE. Yes, sir.

Mr. CONYERS. Now, if that is the case, then, your testimony then should be generally consistent with that testimony that you gave before the Senate Select Committee. Would that be a fair conclusion to arrive at?

Mr. LARUE. I have fairly tried to make it consistent, Mr. Conyers.

Mr. CONYERS. Now, during the time that you were involved in the conspiracy and to which you pled guilty, did it ever occur to you that perhaps the President of the United States was aware of that conspiracy?

Mr. LARUE. The conspiracy to——

Mr. CONYERS. The conspiracy to which you pled guilty.

Mr. LARUE. To which I pled guilty? No, sir.

Mr. CONYERS. Well, it involved your close association with the former special assistant to the President, Mr. Jeb Magruder, didn't it?

Mr. LARUE. Yes, sir.

Mr. CONYERS. And it involved your continued association on a number of instances with Mr. Kalmbach, the personal lawyer of the President, didn't it?

Mr. LARUE. Yes, sir.

Mr. CONYERS. It involved your close association with Mr. John Dean, the counsel to the President, didn't it?

Mr. LARUE. Yes, sir.

Mr. CONYERS. Then out of all of those contacts with all of those persons who were closely associated with the President during the entire course, didn't it occur to you that perhaps the President had acquiesced in the conspiracy to which you pled guilty?

Mr. LARUE. No, sir, it did not.

Mr. CONYERS. Well, did you ever think that these persons that I have mentioned were, in fact, agents of the President of the United States? They certainly are, are they not?

Mr. McCLODY. That's a highly objectionable question.

Mr. CONYERS. I will rephrase it, Mr. Chairman. I hear an objection. Isn't it correct, sir, that all of the men I have named are representatives of the President of the United States?

Mr. LARUE. Mr. Conyers, to my knowledge these persons were not representatives of the President other than perhaps Mr. Dean.

Mr. CONYERS. Well, who did you think Mr. Kalmbach was?

Mr. LARUE. Mr. Kalmbach was associated with the Committee To Re-elect the President and a private citizen.

Mr. CONYERS. But surely—you didn't know that he was the lawyer for the President of the United States as well as his role as assistant finance chairman?

Mr. LARUE. Quite frankly, Mr. Conyers, I did not know he was the lawyer to the President of the United States at that time, no, sir.

Mr. CONYERS. Well then, if you were giving the money and passing it for attorney's fees and family expenses, why did you plead guilty to an obstruction of justice charge?

Mr. LARUE. Why did I plead guilty?

Mr. CONYERS. Yes. I mean, it is a correct plea, is it not?

Mr. LARUE. Yes, sir, it is a correct plea.

The CHAIRMAN. The time of the gentleman has expired, but I will permit the gentleman to answer the question if he wants to.

Mr. LARUE. I pled guilty, Mr. Conyers, because quite frankly I felt that the activities I had engaged in, and after discussing this with my attorneys, constituted an offense, and I faced up to that fact and pled guilty to it.

The CHAIRMAN. Mr. Sandman.

Mr. SANDMAN. I reserve my time, Mr. Chairman. I pass for now.

The CHAIRMAN. Mr. Eilberg.

Mr. EILBERG. Thank you, Mr. Chairman.

Mr. LARUE, are you familiar with the publicly released White House transcripts?

Mr. LARUE. Pardon me? I didn't understand your question.

Mr. EILBERG. Are you familiar with the publicly released White House transcripts?

Mr. LARUE. I have read part of the transcripts. Certainly not all of them, and basically, only the ones I have read in the newspapers.

Mr. EILBERG. Did you read the ones in which your name was mentioned?

Mr. LARUE. I have read one or two in which my name was mentioned.

Mr. EILBERG. Did you read the one on March 21 in which your name was mentioned?

Mr. LARUE. I don't recall specifically whether I have read that one or not.

Mr. EILBERG. Now, in the tape of March 21 between the time of 5:20 and 6:01 there is reference to the fact that the White House was concerned that Hunt would tell all in order not to go to jail. Is it your position that you didn't know about that feeling at that time?

Mr. LARUE. That is my position, yes, sir.

Mr. EILBERG. And there is also reference in the same conversation that you would have to play some role in keeping Hunt from talking. Are you in a position to comment on that?

Mr. LARUE. The only role I can envision me playing would be a role in the payment of the \$75,000.

Mr. EILBERG. So that your role was done without your knowing of the attitude of the concern in the White House that you would have to do that or else Hunt would tell all, is that correct?

Mr. LARUE. That is correct.

Mr. EILBERG. And do you remember testifying before the grand jury, Mr. LaRue?

Mr. LARUE. Yes, sir. I have testified on several occasions before the grand jury.

Mr. EILBERG. And do you have any indication that your testimony before the grand jury was known to people outside of the grand jury?

Mr. LARUE. No; I have no specific indication, no, sir.

Mr. EILBERG. You have no awareness of that at all?

[Short pause.]

Mr. EILBERG. Mr. LaRue, may I assist you with the tape that was released by the White House on April 16 from the hours of 8:58 to 9:14 with the President and Mr. Petersen and specifically reference is made to the fact as to what you were testifying to in the grand jury. You had no indication, you had no idea that this information was being passed along to anyone else?

Mr. LARUE. No, sir.

Mr. EILBERG. That's all, Mr. Chairman.

The CHAIRMAN. Mr. Railsback?

Mr. RAILSBACK. Mr. LaRue, I am wondering what kind of a telephone arrangement you had at your office. In other words, I am wondering if you were on a tieline, or you were individually billed, if you recall?

Mr. LARUE. You are speaking of the office at the committee?

Mr. RAILSBACK. I am speaking about the office from which you made a call to John Mitchell on March 21?

Mr. LARUE. That would have been the phone in my office which was a part of the telephone system that was installed in the committee.

Mr. RAILSBACK. What I am wondering is if there is a possibility there would have been a telephone company record of the time of that call?

Mr. LARUE. I would doubt that, Mr. Railsback. We had several WATS lines available at the committee, and unless those were busy for an extended period of time I am sure I would have used the WATS line, and it is my understanding there were no records made of those calls.

Mr. RAILSBACK. May I ask you about your recollection of making that call in the morning. I am wondering if you have a recollection as to whether, as to whether it could have been late morning, for instance, before lunch, before you left for lunch, or mid-morning or early morning?

Mr. LARUE. I don't have a specific recollection, Mr. Railsback.

MR. RAILSBACK. Let me just ask you this, could the phone call have been made at around noon, and would that still have been in your view a morning call?

MR. LARUE. If it had been made prior to noon, it would have been, I would have considered it a morning call, yes, sir.

MR. RAILSBACK. And could it have been made at that time?

MR. LARUE. I think I have previously stated that I can't specifically state the time of the phone call either to Mr. Mitchell or from Mr. Dean. I can only give you my best recollection.

MR. RAILSBACK. Is it your recollection that the call was made before you had lunch? Is that why you remember it being in the morning? In other words, I am just wondering why you—what calls your attention to the fact that it was or that you believe that it was in the morning, if anything?

MR. LARUE. I don't think anything calls my attention to it, Mr. Railsback. That is just my best recollection.

MR. RAILSBACK. Can I ask you when do you normally have lunch? At what time?

MR. LARUE. Anywhere from 12:00 to 1:30. Sometimes I would eat lunch in the office.

MR. RAILSBACK. I think maybe you were asked a general question whether you had a meeting with John Dean on March 20th. Is there any or do you have any recollection at all of a possible meeting the evening before March 21st? In other words, the evening of March 20th with John Dean?

MR. LARUE. No, sir. I do not have any recollection of such a meeting.

MR. RAILSBACK. That's all, Mr. Chairman.

THE CHAIRMAN. Mr. Waldie.

MR. WALDIE. Mr. LaRue, you said that the reason you called Mr. Mitchell was because you did not have the authority to make a decision on that matter. Is that correct?

MR. LARUE. That is correct. On none of these payments did I assume the authority to make a decision.

MR. WALDIE. And why—

MR. LARUE. Either to make the payment or to establish an amount.

MR. WALDIE. Why was that, Mr. LaRue? Why did you feel you had not the ability or the authority to make those independent decisions without consulting with either Mr. Dean in the first instance, and then when he withdrew with Mr. Mitchell?

MR. LARUE. Mr. Waldie, I can only say that this is a practice that evolved over the entire course of these activities. That I would confer with Mr. Dean, or with Mr. Dean and Mr. Kalmbach regarding these payments. And at no time did I assume that I had the authority to make these payments.

MR. WALDIE. I understand. Why then in this instance did you vary that practice, and, in fact, assume authority and make an independent decision not to convey the request to receive family payments of \$60,000? You didn't discuss that with anyone.

MR. LARUE. I would say certainly one reason for that, Mr. Waldie, is that this was the first instance that I had discussed specific—

MR. WALDIE. That's a pretty big specific.

Mr. LARUE [continuing]. With Mr. Mitchell. It was also, I would like to point out——

Mr. WALDIE. Wait a minute before you——

Mr. LARUE [continuing]. The common practice——

Mr. WALDIE. Mr. LaRue, wait just a moment before you go on with that. It was the first time you had an occasion to discuss specifics with Mr. Mitchell, and you left out a specific of \$60,000. Why was that?

Mr. LARUE. This was a decision which I made myself, Mr. Waldie.

Mr. WALDIE. I understand that. But, it is the first time you ever made an independent decision, and I am curious as to what prompted this moment as being the first time you had made such an independent decision?

Mr. LARUE. Well, as I was stating, the nature of these—in handling these payments, and the requests would come in due I guess primarily to the limited amount of funds which we had on hand——

Mr. WALDIE. You had \$190,000 on hand at that time, didn't you?

Mr. Latta. Mr. Chairman? Mr. Chairman? Mr. Chairman, maybe Mr. Waldie knows the answers to these questions, but we don't know them down at this end of the table, and if he would just let the witness answer maybe we would all know the answers.

The CHAIRMAN. All right. Mr. Waldie, would you kindly rephrase your question.

Mr. WALDIE. OK. You had \$190,000 on hand at the time the request was made to pay \$130,000. You conveyed only a portion of the request that \$70,000 be paid. That was an independent decision up to which time you had never made an independent decision, and I am asking why did you make this decision this time and not convey the full amount of the request to Mr. Mitchell to get the authority you were seeking?

Mr. LARUE. Mr. Waldie, as I was trying to explain, the nature of the requests as they came in, and the amount of funds available made it necessary I think in every instance that in passing this money on to the defendants through their attorneys I don't recall an instance in which the full amount of the, the full amount of the request was ever passed on. In other words, where I have stated a request for \$25,000 this request could have been for \$70,000 or \$50,000, and in consultation with Mr. Dean or with Mr. Dean and Mr. Kalmbach we would decide an amount of money to be passed on to the defendants which in virtually every instance was less than the request that had been made.

Mr. WALDIE. I understand that, Mr. LaRue, but then why when you only conferred in this instance with Mr. Mitchell did you not engage in that practice of discussing the amount that was requested and determining the amount that should be passed on? You did that in the past when you discussed it with Mr. Dean.

Mr. LARUE. I can't answer that question, Mr. Waldie, other than to say this was the first instance in which I had discussed specific payments with Mr. Mitchell. And rather than to go into all of the background of how Mr. Dean and I or how Mr. Kalmbach and Dean and I had handled these payments in the past, I made the independent decision to only relay the request for the \$75,000.

Mr. WALDIE. Now, did you think that the commitments for which these moneys were being paid were illegal?

Mr. LARUE. Mr. Waldie, initially the question of the legality quite frankly did not enter my mind. Later it did.

Mr. WALDIE. But when later?

The CHAIRMAN. The time of the gentleman has expired. You can answer the question though, Mr. LaRue.

Mr. LARUE. I can't give a specific or an exact time, Mr. Waldie. I do recall that oh, sometime in early April I had a conversation with Mr. Dean in which I broached this subject with him. I was merely asking him his advice on whether he thought I had engaged in illegal activities.

The CHAIRMAN. Mr. Wiggins.

Mr. WIGGINS. Do I understand your answer to be that you came to the conclusion that you may have engaged in illegal activities in April of 1973, long after your last payment of money?

Mr. LARUE. That is correct.

Mr. WIGGINS. And at the time that the payments were made you did not understand your conduct to be illegal, is that true?

Mr. LARUE. Mr. Wiggins, as I have stated initially, the question of legality quite frankly did not occur to me. At what point this did become a concern I really—I can't specifically set a date on this. I do recall, I specifically recall going to Mr. Dean. I think it was in April of 1973, and asking him his opinion on this subject.

Mr. WIGGINS. At the time the payments were made, Mr. LaRue, did you willfully and corruptly make the payments for the purpose of obstructing justice?

Mr. LARUE. Not in my opinion, Mr. Wiggins. No, sir.

Mr. WIGGINS. Well now, you entered a plea of guilty to such a charge, Mr. LaRue.

Mr. LARUE. Pardon me?

Mr. WIGGINS. I said that you entered a plea of guilty with respect to such charge.

Mr. LARUE. That is correct.

Mr. WIGGINS. Prior to entering the plea of guilty did the court inform you of the nature of the charge against you?

Mr. LARUE. Yes, sir, they did.

Mr. WIGGINS. Did your counsel inform you of the nature of the charge?

Mr. LARUE. Yes, sir.

Mr. WIGGINS. Did he tell you that a conspiracy involves an agreement between two or more people to do an illegal act?

Mr. LARUE. Mr. Wiggins, I don't recall the exact conversation I had with my counsel. I had many conversations with him during this period of time, and he presented the facts to me as best or as he understood them and explained the legal ramifications. And I would like to state right here that the decision to enter this plea was my decision. I made it. I did not make it on the advice of counsel. He merely presented me with the facts as he saw them, or understood them, and I made this decision myself.

Mr. WIGGINS. Was part of the motive for your decision the fact that other charges were pending against you, Mr. LaRue, with respect to campaign violations?

Mr. VINSON. Mr. Wiggins, I can perhaps best answer that question.

Mr. WIGGINS. Certainly.

Mr. VINSON. Mr. LaRue's plea resulted from very lengthy plea bargaining, and an element of plea bargaining is almost, or one element, is almost always the presence of or the possibility of a multi-count indictment.

Mr. WIGGINS. I accept that.

One final question, Mr. LaRue. With whom did you conspire to obstruct justice?

[Short pause.]

Mr. WIGGINS. Is this coming out my time, Mr. Chairman?

The CHAIRMAN. We will give you more time.

Mr. LARUE. Mr. Wiggins, the overt acts listed in the information to which I pled listed Mr. Kalmbach and Mr. Magruder.

Mr. WIGGINS. Anyone else?

Mr. LARUE. No, sir.

Mr. WIGGINS. Those are the only persons with whom you agreed to do an illegal act?

Mr. LARUE. Those were the only names that were mentioned in the overt acts.

Mr. WIGGINS. Well, was there anyone else?

Mr. LARUE. Pardon me?

Mr. WIGGINS. Is there anyone else in fact?

Mr. VINSON. Mr. Chairman, I think that calls for a legal conclusion from the witness.

The CHAIRMAN. I think that I will sustain the objection.

Mr. WIGGINS. No further questions, Mr. Chairman.

The CHAIRMAN. Mr. Flowers.

Mr. FLOWERS. Thank you, Mr. Chairman.

Well, Mr. LaRue, I may not have been here when this might have been asked, but I am curious, and I would request that you answer it again if you have, after the \$75,000 was delivered through Mr. Millican to Mr. Bittman, you still had on hand over \$100,000?

Mr. LARUE. That is correct.

Mr. FLOWERS. And what happened then to that sum of money?

Mr. LARUE. That was returned to the Finance Committee to Recollect the President.

Mr. FLOWERS. To whom was it returned?

Mr. VINSON. Again, Congressman Flowers, if I may respond to that, the checks, as I recall it, were delivered to the counsel for the Finance Committee, a Mr. Barker.

Mr. FLOWERS. Well, I would like to go into with Mr. LaRue the nature of the money. I understood this was a cash sum of money?

Mr. LARUE. That is correct.

Mr. FLOWERS. Now, was this cash turned into a bank account?

Mr. LARUE. The cash was deposited into a bank account, yes, sir.

Mr. FLOWERS. In whose bank account?

Mr. LARUE. It was—well, it was deposited in a special account I set up.

Mr. FLOWERS. In a special account? Were you the sole signature on that account?

Mr. LARUE. That is correct.

Mr. FLOWERS. Was it in a Washington bank?

Mr. LARUE. That is correct.

Mr. FLOWERS. Which bank?

Mr. LARUE. Riggs National Bank.

Mr. FLOWERS. In a single account?

Mr. LARUE. That is correct.

Mr. FLOWERS. And then you drew a check or checks?

Mr. LARUE. Two checks as I recall.

Mr. FLOWERS. Two checks? And for what purpose did you draw two checks?

Mr. LARUE. I was specifically requested to draw two checks by the Finance Committee or by the counsel for the Finance Committee.

Mr. FLOWERS. Well, by what person? A Committee can't make a request, Mr. LaRue.

Mr. VINSON. If the chairman will indulge me, I think——

The CHAIRMAN. Mr. Vinson.

Mr. VINSON. I think I am best equipped to answer this question.

Mr. FLOWERS. Well, I respectfully ask that the witness answer the question, counsel, if he can. If he needs your help, then I will be glad to have it, but you are not under oath and you are not testifying here.

Mr. VINSON. No, sir. But, I signed the letter to counsel for the Committee by which the checks were returned.

Mr. LARUE. What was your question?

Mr. FLOWERS. The checks then were returned after your plea, Mr. LaRue, is that correct?

Mr. LARUE. They were returned, as I recall, prior to my plea.

Mr. FLOWERS. Were you engaged in discussions with the U.S. attorney at that time?

Mr. LARUE. Yes, Sir.

Mr. FLOWERS. Through your counsel?

Mr. LARUE. Yes, Sir.

Mr. FLOWERS. And did you give these checks to the Finance Committee on your counsel's advice?

Mr. LARUE. That is correct.

Mr. FLOWERS. Did you personally talk with anyone at the Finance Committee?

Mr. LARUE. As I recall, Mr. Flowers, the request for this money came from correspondence either addressed to me or addressed to my counsel from the Finance Committee.

Mr. FLOWERS. Do you recall of your own knowledge from whom that correspondence came?

Mr. LARUE. No, I do not.

Mr. FLOWERS. It just came from the Finance Committee?

Mr. LARUE. I don't recall whether it came from the Finance Committee or the counsel for the Finance Committee.

Mr. FLOWERS. Well, who was the counsel for the Finance Committee at that time? Was it Mr. Parkinson or was it Mr. O'Brien?

Mr. LARUE. I think it was a Mr. Barker. Mr. Flowers.

Mr. FLOWERS. Mr. Barker?

Mr. LARUE. Yes.

Mr. FLOWERS. Now, who was the principal at the Finance Committee at this point in time?

Mr. LARUE. Mr. Stans.

Mr. FLOWERS. Mr. Stans?

Mr. LARUE. Right.

Mr. FLOWERS. All right, sir, was that the only money that was ever put in this account, that was ever placed in this account?

Mr. LARUE. That is correct.

Mr. FLOWERS. And all of the money was then drawn and made payable to the Committee or to the Finance Committee to Re-Elect the President?

Mr. LARUE. That is correct.

Mr. FLOWERS. And drawn on these two checks?

Mr. LARUE. That is correct.

Mr. FLOWERS. And do you know the date of that?

Mr. LARUE. No, I do not. My best recollection would be May, June, or July of 1973.

Mr. FLOWERS. All right, sir, were these done simultaneously? At the same time?

Mr. LARUE. No; no, sir.

Mr. FLOWERS. Do you know how far apart in time the two checks were?

Mr. LARUE. All I recall is several weeks, Mr. Flowers.

Mr. FLOWERS. All right, sir, now, you have stated that you did not have the authority to make the decision on paying the money. Did you have a feeling, did you have a feeling for who did have that authority?

Mr. LARUE. I think I stated that I declined to assume that authority. I certainly felt that Mr. Dean had that authority and—

Mr. FLOWERS. And you felt Mr. Mitchell had that authority?

Mr. LARUE. I felt Mr. Mitchell had that authority.

Mr. FLOWERS. Did you feel yourself that anyone else had that authority?

Mr. LARUE. I never considered the question, Mr. Flowers, at that time. Had I been asked by someone else to distribute money—

The CHAIRMAN. The time of the gentleman has expired.

Mr. Dennis.

Mr. DENNIS. Mr. LaRue, you have testified that in the morning of the day in March when this final payment was made you had a telephone call from Mr. Dean. Do you have any way by which you can fix the time of that call any more definitely than you have already done?

Mr. LARUE. No, sir.

Mr. DENNIS. You have also testified that on that particular evening you had this dinner party at which the fireplace smoked. Did you call any assistance from the building or anyone else?

Mr. LARUE. No, sir.

Mr. DENNIS. You had employed Mr. Millican I believe on other occasions to take packages out to Mr. Bittman, is that correct?

Mr. LARUE. That is correct, yes, sir.

Mr. DENNIS. And on how many other occasions?

Mr. LARUE. Two other occasions as I recall.

Mr. DENNIS. And if I understand your testimony correctly, you are not able to state of your own knowledge the date of this last payment concerning which you have testified, is that correct?

Mr. LARUE. That is correct.

Mr. DENNIS. Did you ever ask Mr. Liddy who had made these commitments he spoke of?

Mr. LARUE. No, sir.

Mr. DENNIS. Did you ever ask that question of Mr. Dean?

Mr. LARUE. No, sir.

Mr. DENNIS. Mr. Bittman?

Mr. LARUE. No, sir.

Mr. DENNIS. Mr. Parkinson?

Mr. LARUE. No, sir.

Mr. DENNIS. Mr. O'Brien?

Mr. LARUE. No, sir.

Mr. DENNIS. Or anyone else?

Mr. LARUE. No, sir.

Mr. DENNIS. Did Mr. Kalmbach, when he first met with you on the subject of making these payments, say anything to you about whom, if anyone, he was acting for?

Mr. LARUE. No, sir.

Mr. DENNIS. Did you ask him?

Mr. LARUE. No, I did not.

Mr. DENNIS. Have you as yet been sentenced on this plea?

Mr. LARUE. No, sir.

Mr. DENNIS. I think that's all, Mr. Chairman.

The CHAIRMAN. Mr. Mann.

Mr. MANN. No questions, Mr. Chairman.

The CHAIRMAN. Mr. Fish?

Mr. FISH. Thank you, Mr. Chairman.

Mr. LaRue, you have testified that the first time that you heard of commitments was at your meeting on June 20 with Mr. Liddy?

Mr. LARUE. That is correct.

Mr. FISH. And that you took it upon yourself, as I understand it, at that meeting to tell Mr. Liddy that if commitments were made they would be kept?

Mr. LARUE. No, sir. I think I testified that I told Mr. Liddy if commitments had been made that I felt they would be kept.

Mr. FISH. And then could you tell us who authorized the keeping of those commitments?

Mr. LARUE. Pardon me?

Mr. FISH. Could you tell us then who authorized the keeping of these commitments?

Mr. LARUE. I don't have any knowledge of that, Mr. Fish.

Mr. FISH. Well, I believe you testified that subsequent to the meeting with Mr. Liddy you briefed Mr. Mitchell on the Liddy meeting?

Mr. LARUE. That is correct.

Mr. FISH. And that you told him everything Mr. Liddy said including the conversation about commitments?

Mr. LARUE. That is correct.

Mr. FISH. And what did Mr. Mitchell say at this time about the commitments?

Mr. LARUE. I don't recall any response whatsoever from Mr. Mitchell regarding that.

Mr. FISH. So you don't claim you got your authorization from Mr. Mitchell?

Mr. LARUE. No, sir.

Mr. FISH. Did you ask him for his approval?

Mr. LARUE. No, I did not.

Mr. FISH. Subsequently when the money from Mr. Stans and Mr. Sloan was delivered, did you have any conversation with them about commitments?

Mr. LARUE. No, sir.

Mr. FISH. What was Mr. Kalmbach's position with the committee?

Mr. LARUE. Mr. Fish, I don't know that Mr. Kalmbach had any official position with the committee. My understanding or my knowledge was that Mr. Kalmbach had been active in fundraising in 1968, had been active in 1972. As to whether he had any specific title or function, I just don't know.

Mr. FISH. When you speak of a committee that he is associated with in 1972, is that the Finance Committee or CRP?

Mr. LARUE. Finance Committee.

Mr. FISH. The Finance Committee?

Mr. LARUE. Yes, sir.

Mr. FISH. So he was not in the same committee that you were in?

Mr. LARUE. That is correct.

Mr. FISH. And I understand that he told you he had undertaken the assignment to determine the needs of the defendants?

Mr. LARUE. That is correct.

Mr. FISH. And did you think that when he told you this that he was referring to the commitments as you understood them?

Mr. LARUE. Yes, sir, that occurred to me.

Mr. FISH. Did anything else occur to you?

Mr. LARUE. Well, it occurred to me that these commitments were, indeed, going to be kept; yes, sir.

Mr. FISH. Did you ask him whether he was concerned about the commitments?

Mr. LARUE. Not that I recall; no, sir.

Mr. FISH. Did he tell you his authority for undertaking the assignment to determine the needs of the defendants?

Mr. LARUE. No, sir.

Mr. FISH. Are we to understand that then you proceeded upon his statement to act on his say-so and proceed in accordance with the plan and the code name, et cetera, that he had suggested to you?

Mr. LARUE. Yes, that's correct.

Mr. FISH. I have no further questions, Mr. Chairman.

The CHAIRMAN. Mr. Sarbanes?

Mr. SARBANES. I pass, Mr. Chairman.

The CHAIRMAN. Mr. Mayne.

Mr. MAYNE. Mr. LaRue, when was it that you entered your plea of guilty?

Mr. LARUE. I think it was in July of 1973. I can give you the specific date. It was either on the 27th or just prior to that day.

Mr. MAYNE. So almost a full year has gone by since you entered that plea and you have not yet been sentenced?

Mr. LARUE. That is correct.

Mr. MAYNE. Have you been called upon to testify before grand juries and before other bodies in the almost 1 year that has intervened since you entered that plea?

Mr. LARUE. Yes, sir, I have.

Mr. MAYNE. Before what bodies?

Mr. LARUE. Before the grand jury, before the Senate Select Committee, and before or consultation with the special prosecutors.

Mr. MAYNE. Before more than one grand jury?

Mr. LARUE. As I recall, only one grand jury.

Mr. MAYNE. About how much of your time has been taken up with this testimony and with conferring with the counsel for the various prosecutors and other parties in this ensuing 1 year?

Mr. LARUE. That is hard to pinpoint. I can, just pulling a figure out of the air, I would say oh, probably at least 30 days.

Mr. MAYNE. And how much time in conferring with the counsel for this committee?

Mr. LARUE. Oh, perhaps a day. No, I am sorry. That is not correct. About 2 days.

Mr. MAYNE. Have you been given any indication by the court or any representative of the court as to when you will be sentenced?

Mr. LARUE. It is my understanding at the conclusion of the trial.

Mr. MAYNE. Which trial?

Mr. LARUE. The trial in which I will be a witness. It is a trial scheduled for September 9.

Mr. MAYNE. And who are the defendants to be in that trial?

Mr. LARUE. Mr. Mitchell—

Mr. McCLORY. Mr. Chairman, with the prospect that this testimony is going to be released to the public, I hesitate to object to my own colleague's questioning, but I just wonder whether we are not going to be doing serious damage to the witness and to these criminal cases by this line of questioning?

Mr. MAYNE. Well, I will rephrase the question and I hope it will satisfy my colleague.

Mr. McCLORY. It is up to you.

Mr. MAYNE. At any rate, you have been given to understand that after that criminal action is concluded then you may look forward to sentence being imposed?

Mr. LARUE. That is correct.

Mr. MAYNE. And not until then?

Mr. LARUE. That is correct.

Mr. MAYNE. Thank you, Mr. Chairman. I have no further questions.

The CHAIRMAN. Mr. Seiberling.

Mr. SEIBERLING. Mr. LaRue, you stated that from the account that you set up for money that was left over from after the payment to Mr. Bittman in March 1973 that you eventually wrote two checks to the Finance Committee in, I believe you said, June of 1973 or thereabouts?

Mr. LARUE. As I recall, May, June, or July.

Mr. SEIBERLING. And that you thought the checks were written a couple of weeks apart?

Mr. LARUE. I don't recall specifically, but there was a time lapse I think of several weeks between the two.

Mr. SEIBERLING. Well, my question relates to the reasons why you felt it was advisable to write two checks?

Mr. LARUE. I specifically, I was specifically requested by the Finance Committee to initially write one check for a specified amount of money, and then later another check for the balance of the money.

Mr. SEIBERLING. And that was their specific instruction?

Mr. LARUE. Yes, sir.

Mr. SEIBERLING. Do you recall what the amounts of the two checks were?

[Short pause.]

Mr. LARUE. \$48,000 was sent on May 30, 1973, and the balance June 26 of 1973.

Mr. SEIBERLING. And did I understand that you could not recall whom those instructions were given by?

[Short pause.]

Mr. LARUE. I received a letter from Mr. Stans on May 9 requesting the payment of \$48,000.

Mr. SEIBERLING. And did this—

Mr. LARUE. Pardon me just one second.

Mr. VINSON. I realize, Mr. Chairman, that I am not under oath and I am not a witness. However, this interchange of correspondence is in the record of the Senate Select Committee, and it might be simpler for us to make copies available for this committee if it is of interest to the committee rather than have Mr. LaRue try to recollect who wrote whom about what a year ago.

Mr. SEIBERLING. Well, I believe that we have the complete Senate Select Committee materials, and therefore, unless somebody wants the exact copies before the whole committee, why I wouldn't insist upon it, unless the chairman or someone wants it.

The CHAIRMAN. I believe they are already in the record.

Mr. SEIBERLING. May I simply ask Mr. LaRue whether Mr. Stans or anyone else gave you any reasons why they wanted it in two checks in those amounts?

Mr. LARUE. Again, I think this is covered in that correspondence. If I could just take a second to look at this?

Mr. SEIBERLING. All right.

[Short pause.]

Mr. LARUE. If I could quote from the letter from Mr. Barker—

The CHAIRMAN. And who is Mr. Barker?

Mr. LARUE. Mr. Barker is or was the attorney or counsel for the Finance Committee at this time.

I understand that \$3,000 of the \$25,000 item received from Tim Babcock was given to Mr. LaRue. Added to the \$14,000 which you acknowledge, this would make a total of \$17,000 to be accounted for. I suggest that this amount now be paid to the Finance Committee to Re-Elect the President. Out of the \$81,000 received by Mr. LaRue in late June or early July, I understand that he has paid \$30,000 to Anna Chenault for a return to foreign nationals, \$10,000 to Max Fisher for expenses and \$10,000 to Mr. and Mrs. Charles Saunders as a return of their contribution. This leaves \$31,000 of these funds still in his hands which I suggest now be paid to the Finance Committee to Re-Elect the President. In other words, if Mr. LaRue will now pay over \$48,000 at this time it will balance all of the accounts of which the Finance Committee has present knowledge.

Mr. SEIBERLING. Were there any other reasons to your knowledge?

Mr. LARUE. No, sir.

Mr. SEIBERLING. Thank you.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOGAN.

Mr. HOGAN. Thank you, Mr. Chairman.

Mr. LaRue, I think your testimony was that it was not until some time in April when you felt that you might have done something illegal?

Mr. LaRue. That is correct.

Mr. HOGAN. That being the case, why did you feel it was necessary to avoid any fingerprints on the money, or on the package in which it was contained, and why it was necessary to use code names and surreptitious delivery plans?

Mr. LaRue. This was I felt necessary to avoid this operation being tied into the Committee to Re-Elect the President.

Mr. HOGAN. I have no further questions, Mr. Chairman.

The CHAIRMAN. Mr. Danielson.

Mr. DANIELSON. I direct your attention to the meeting of June 20, 1972, at which time Mr. Liddy was present and mentioned commitments. I understand that Mr. Mardian was also present at that time?

Mr. LaRue. That is correct.

Mr. DANIELSON. Have you known Mr. LaRue prior to that time? Mr. Liddy, excuse me. Had you known Mr. Liddy?

Mr. LaRue. Yes, sir.

Mr. DANIELSON. How long had you known Mr. Liddy?

Mr. LaRue. Approximately 5 months, 4 or 5 months.

Mr. DANIELSON. Did you know that he was affiliated with or worked with the Committee To Reelect the President?

Mr. LaRue. Yes, sir.

Mr. DANIELSON. Did you know at that time that Mr. Dean was not a member of the Committee To Reelect the President?

Mr. LaRue. Yes, sir.

Mr. DANIELSON. Did you ever receive money from the White House from anyone other than Mr. Strachan?

Mr. LaRue. No, sir.

Mr. DANIELSON. Did you never receive money from Mr. Dean then? Is that correct?

Mr. LaRue. Mr. Danielson, I would like to comment on that. In my initial interviews with the U.S. Attorney's office and with the Special Prosecutor's office I have stated that of the money which I recalled went to Mr. Kalmbach that there was a possibility that, which went to Mr. Kalmbach, in what I recall is two installments, there is a possibility that one of those installments was passed on to Mr. Kalmbach through Mr. Dean.

Mr. DANIELSON. You are not sure of that though?

Mr. LaRue. I am not sure of that. I just don't recall.

Mr. DANIELSON. If that is true, it came from Mr. Kalmbach to Mr. Dean to you?

Mr. LaRue. No. This would be money in which I passed on to Mr. Kalmbach, but there is a possibility that Mr. Dean was the conduit for this money.

Mr. DANIELSON. In other words, it would be in reverse, if that were true, it would be from yourself, LaRue, to Dean to Kalmbach?

Mr. LaRue. Yes, sir.

Mr. DANIELSON. But the money that you received, that you in turn paid to other persons for the benefit of these defendants came from Mr. Strachan?

Mr. LARUE. That is correct.

Mr. DANIELSON. Did you contact Mr. Dean with any frequency in early 1972 and in the summer of 1972?

Mr. LARUE. Yes, sir.

Mr. DANIELSON. End of 1973 also?

Mr. LARUE. Yes, sir.

Mr. DANIELSON. Would that be as often as once a week?

Mr. LARUE. Yes, sir.

Mr. DANIELSON. Would it be more often than once a week?

Mr. LARUE. I would say more often.

Mr. DANIELSON. Was he your chain of communication to the White House?

Mr. LARUE. I would not classify him as the chain of communication to the White House, Mr. Danielson. I would say he was the person with whom I had been dealing from the very beginning on the cash payments to the defendants.

Mr. DANIELSON. In other words, was this restricted, your contracts with Dean, were they restricted to matters relating to cash payments or did you talk about other things?

Mr. LARUE. No, I am sure we discussed many things. But primarily, these contacts were regarding the cash payments.

Mr. DANIELSON. Did you have direct contact with any other person on the staff of the White House than Dean?

Mr. LARUE. No, sir.

Mr. DANIELSON. So if you needed to contact the White House, you contacted Mr. Dean, is that true?

Mr. LARUE. Well—

Mr. DANIELSON. Well, did you contact Mr. Haldeman directly, for example?

Mr. LARUE. No, sir; I did not contact Mr. Haldeman directly. There were other staff personnel that I may have contacted during this time period on other matters not related to Watergate.

Mr. DANIELSON. Not related to—Watergate never happened until June 17, 1972.

Mr. LARUE. 1972, yes, sir.

Mr. DANIELSON. Prior to that time, you also contacted Mr. Dean, didn't you?

Mr. LARUE. No, sir.

Mr. DANIELSON. You never did until after the break-in?

Mr. LARUE. I don't recall any contact with Mr. Dean until after the break-in.

Mr. DANIELSON. And thereafter, Mr. Dean was your contact with the White House with regard to Watergate, though, is that true?

Mr. LARUE. Yes, sir.

Mr. DANIELSON. On March 21, 1973, after you had talked to Mr. Mitchell, you had talked to Mr. Bittman by telephone to determine whether he would be home?

Mr. LARUE. That is correct.

Mr. DANIELSON. And you talked to Mr. Millican to invite him to your apartment for dinner.

Mr. LARUE. That is correct.

Mr. DANIELSON. And you received a call from Mr. Unger letting you know that he was in town.

Mr. LARUE. That is correct.

Mr. DANIELSON. How long did each of those phone calls take, approximately?

Mr. LARUE. I can't recall specifically, Mr. Danielson. My recollection is that all the calls were very brief.

Mr. DANIELSON. And then the other thing in your schedule was to arrange for the dinner. Did you go home and do the cooking?

Mr. LARUE. As I recall, I did cook the—we had steaks and I cooked the steaks, yes, sir.

Mr. DANIELSON. You got home about 6 o'clock?

Mr. LARUE. That is my best recollection, yes, sir.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DANIELSON. Thank you.

The CHAIRMAN. Mr. Butler.

Mr. BUTLER. No questions, Mr. Chairman.

The CHAIRMAN. Father Drinan.

Mr. DRINAN. Mr. LaRue, on the morning of March 21, 1973, you indicated that both the call from Mr. Dean and your call to Mr. Mitchell occurred in the morning. About what period of time elapsed between those two calls?

Mr. LARUE. My best recollection, Mr. Drinan, is that I placed a call to Mitchell immediately after talking to Dean.

Mr. DRINAN. Mr. Dean was with the President from 10:12 to 11:55 and on both ends, he may have been occupied by other things. The conversation trails off at 11:55. The meeting may well have gone longer. When the President speaks first to John Dean, John Dean says that John—Haldeman caught me on the way in and asked about Gray. So he was tied up. Therefore, as I calculate it, the call from Mr. Dean would have to be prior to 9:45. Could that be consistent with your recollection?

Mr. LARUE. It could be, yes, sir.

Mr. DRINAN. Why do you say, therefore, it could also be at noon?

Mr. LARUE. I have stated, Father Drinan, that I can only give you my recollection or best recollection of the time of this call and it was in the morning. As to pinning it down to a specific time, I just cannot do that.

Mr. DRINAN. If both calls are in the morning and very early in the morning as you have now testified, in other words, they both would have been over by 10 o'clock. Why did you delay for hours before you made arrangements for the delivery of the money?

Mr. LARUE. One obvious reason—I can't, you know, recall my thought process at that time. The pattern of the delivery of the money at that time had been to deliver it in the evening to Mr. Bittman at his residence.

Mr. DRINAN. I have no further questions.

The CHAIRMAN. Mr. Cohen.

Mr. COHEN. Thank you, Mr. Chairman.

Mr. LaRue, on several occasions, your attorney has indicated with respect to receipts for moneys turned over to the various people that you are going back and reconstructing this from memory and your memory isn't all that good. I would assume the same thing is true with respect to your telephone calls. Correct?

Mr. LARUE. That is correct.

Mr. COHEN. Would it be fair to say that perhaps Mr. Mitchell's telephone logs would be a better or more accurate representation as to the time that you actually spoke with him?

Mr. LARUE. I would say so, yes, sir.

Mr. COHEN. Since you, yourself, did not keep logs?

Mr. LARUE. Yes, sir.

Mr. COHEN. And his office apparently did.

Now, if you could just go back with me chronologically, I understand in April of 1972, there was a meeting in Florida at which the so-called Liddy second plan was discussed. You were present.

Mr. LARUE. I think that would be the latter part of March 1972.

Mr. COHEN. I am sorry, in March. At that time, Mr. Mitchell apparently said the matter didn't have to be decided. Is that correct?

Mr. LARUE. That is correct.

Mr. COHEN. On June 17, there is a break-in, correct?

Mr. LARUE. Correct.

Mr. COHEN. And then you received a call or Mr. Magruder received a call out in California, and prior to the press release that we have a copy of dated June 18th, you had a conversation with Mr. Magruder in which he indicated that the Committee to Reelect was involved.

Mr. LARUE. That is correct.

Mr. COHEN. Then you drafted this particular letter, correct?

Mr. LARUE. I did not draft it.

Mr. COHEN. You participated—

Mr. LARUE. I participated in the discussion of it.

Mr. COHEN. In the discussion of it. Then I believe you said it occurred to you personally when you heard about the break-in that it was a Committee to Reelect operation.

Mr. LARUE. That is correct.

Mr. COHEN. Now on June 19th, you had a meeting with Mr. Mitchell and Mr. Magruder and Mr. Mitchell suggested to Magruder that he burn certain files, politically sensitive files.

Mr. LARUE. That is correct.

Mr. COHEN. Would those be the files involving electronic surveillance?

Mr. LARUE. I don't have knowledge of the specifics of those files. I never saw them.

Mr. COHEN. That took place in Mr. Mitchell's apartment?

Mr. LARUE. That is correct.

Mr. COHEN. On the following day, June 20th, Mr. Mardian and yourself met with Mr. Mitchell in Mr. Mitchell's office. At that time, you discussed the Liddy conversation or telephone conversation that you had with Liddy in which Liddy told you and Mardian about the involvement he had in the break-in at the DNC, the break-in at Dr. Fielding's office, the Dita Beard escort out of town, and the commitments made to these defendants.

Mr. LARUE. That is correct.

Mr. COHEN. You related that to Mr. Mitchell?

Mr. LARUE. Correct.

Mr. COHEN. And that is on June 20th.

Mr. LARUE. Correct.

Mr. COHEN. Mr. O'Brien has testified that even though Mr. Mitchell resigned on June 30th, for all practical purposes, he was still very much with the committee. Would you agree with that statement.

Mr. LARUE. I don't know if that is a fair statement or not Mr. Cohen. I would say that certainly Mr. Mitchell was consulted on many matters concerning committee activities. I know I personally consulted with him many times after his resignation. I know from time to time Mr. MacGregor did. But to say that he was active in the campaign, I don't think it would really be a fair statement.

Mr. COHEN. Let me ask you this, Mr. LaRue. Did you ever receive the information on the so-called 302 forms, the FBI's investigations?

Mr. LARUE. Did I receive the information?

Mr. COHEN. Did you ever see copies of them?

Mr. LARUE. No, sir. I saw copies of these forms on one occasion in Mr. Dean's office.

Mr. COHEN. Do you know whether or not Mr. O'Brien ever received copies of those forms?

Mr. LARUE. I—not to my knowledge. I think Mr. O'Brien has been with me in Mr. Dean's office and saw those files also.

Mr. COHEN. Did you ever instruct any of the Committee to Re-elect employees to avoid certain questions by investigators, particularly with respect to the destruction of records?

Mr. LARUE. No, sir.

Mr. COHEN. You did in fact, engage in the destruction of certain documents, did you not?

Mr. LARUE. Did I engage? I have so testified, Mr. Cohen, that I engaged or participated in the destruction of the account which Mr. Kalmbach presented to Mr. Dean and I. I personally destroyed the cash summary which came into my possession, summary of cash disbursements from the Committee.

Mr. COHEN. And that was done after the break-in?

Mr. LARUE. That was done after the break-in.

Mr. COHEN. Mr. LaRue did——

Mr. LARUE. I don't recall any other specific records.

Mr. COHEN. Did you ever start to attempt to raise money on your own in connection with the payments to Hunt? I am referring specifically to did you ever contact Mr. Pappas of Massachusetts?

Mr. LARUE. I did not contact Mr. Pappas of Massachusetts with regard to raising money for this purpose, no sir.

Mr. COHEN. For what purpose did you contact him?

Mr. LARUE. I had many contacts with Mr. Pappas, but not for this purpose.

The CHAIRMAN. The time of the gentleman has expired.

Mr. Rangel?

Mr. RANGEL. Mr. LaRue, these meetings that certain members of the Committee to Re-elect the President held in the White House, was that before, during, and after the Watergate incident?

Mr. LARUE. Are you referring to the 8 o'clock meeting which I alluded to?

Mr. RANGEL. Yes, sir.

Mr. LARUE. Those meetings, as I recall, Mr. Rangel, started shortly after Mr. Mitchell became campaign director.

MR. RANGEL. And do you recall how many members of the Committee to Re-Elect would attend those meetings at the White House?

MR. LARUE. Only Mr. Mitchell and later, Mr. MacGregor.

MR. RANGEL. Now, it is your testimony that you handled money in order to get it to the defendants because you felt that a commitment had been made to them.

MR. LARUE. That is correct.

MR. RANGEL. And you further testified, I believe, that you felt that if the commitment was not kept, it might adversely affect the President's chances of being reelected; is that correct?

MR. LARUE. That is correct.

MR. RANGEL. And that is, that if they were not paid their legal fees or if their families did not receive the money, that the defendants could possibly connect it with the Committee to Re-Elect the President?

MR. LARUE. That is correct.

MR. RANGEL. And the defendants could possibly be connected with people that were in the White House?

MR. LARUE. That is—I don't think I stated the White House. I think I stated that they might be connected with officials at the Committee to Re-Elect the President.

MR. RANGEL. But you also were concerned that if the defendants did come forward and gave certain information, that it might connect, their activities might be connected with those people that were in the White House?

MR. LARUE. No, Mr. Rangel. I think my concern was that it would connect the Committee to Re-Elect the President with the break-in.

MR. RANGEL. Well, it was pretty well known that they were connected with the Committee to Re-Elect the President, was it not?

MR. LARUE. Certainly not to the extent that they were acting on behalf or under the direction of the Committee to Re-Elect the President, no sir; not at that time.

MR. RANGEL. Well, your committee, certain members worked pretty closely with those people that were still on the White House payroll, did they not?

MR. LARUE. Mr. Rangel, I don't know if Mr. Hunt was on the White House payroll or not.

MR. RANGEL. How about Mr. Liddy?

MR. LARUE. I think Mr. Liddy was on the payroll of the Finance Committee to Re-Elect the President.

MR. RANGEL. But did you know that he came from the White House?

MR. LARUE. That is my understanding.

MR. RANGEL. Quite a few people from the committee came from the White House?

MR. LARUE. That is my understanding; yes, sir.

MR. RANGEL. So the White House would be connected through the committee with people that had previously or were still connected with the White House?

MR. LARUE. I think previously connected. I didn't know of any that could have been presently; no, sir.

MR. RANGEL. At the time you were putting on these gloves and handling the money, you had a feeling that your conduct was less than lawful is that correct?

Mr. LARUE. No sir, that was not the reason for keeping these operations secret. I stated that I did not want my fingerprints on the money because I did not want it to be traced through me to the committee, no, sir.

Mr. RANGEL. Just who do you think would be picking up fingerprints off of money? Law enforcement agencies; is that correct?

Mr. LARUE. The FBI can, and I think perhaps did pick up fingerprints off the money that was found on Mrs. Hunt's body or purse after the airplane crash in which she was killed.

Mr. RANGEL. Is it your understanding that the FBI is engaged in the investigation of crimes, violations of the Federal law?

Mr. LARUE. Yes, sir.

Mr. RANGEL. So they would only be involved in checking out illegal activities?

Mr. LARUE. But as a result of this kind of investigation, Mr. Rangel, whether it be legal or illegal, this connection can certainly come about if my fingerprints or somebody else's fingerprints connected with the committee could be found on this money.

Mr. RANGEL. Let me put it this way, that you were concerned that your activities would be revealed by the Federal Bureau of Investigation or some other law enforcement agency, is that correct?

Mr. LARUE. Or—I certainly would not restrict it to the law enforcement agency. In some ways, more effective investigation at this time is being done by the press.

Mr. RANGEL. You mean lifting of fingerprints by the press?

Mr. LARUE. No, but other—they certainly are——

Mr. RANGEL. Mr. LaRue, when you put on those gloves, were you concerned that the press would detect your fingerprints on the money?

Mr. LARUE. No, sir.

Mr. RANGEL. You were concerned that law enforcement agencies would detect your fingerprints, is that correct?

Mr. LARUE. Yes, that is correct.

Mr. RANGEL. Did there come a time when you suspected that one or more of the burglars had money that had come from the committee on them at the time of the arrest?

Mr. LARUE. I am sorry, I didn't get your question.

Mr. RANGEL. Did you believe that a Mr. Barker had money on him at the time of his arrest that was connected with the Committee to Reelect the President?

Mr. LARUE. I found that out sometime later. I didn't know it at the time.

Mr. RANGEL. Did there come a time when you suspected that some of this money may have come from Mr. Sloan to Mr. Liddy and then to Barker?

Mr. LARUE. Yes, sir.

The CHAIRMAN. The time of the gentleman has expired.

Mr. Lott.

Mr. LOTT. No questions, Mr. Chairman.

The CHAIRMAN. Ms. Jordan?

Ms. JORDAN. Mr. LaRue, did you make any effort, now that there is an issue about the time of your telephone call to Mr. Mitchell, did you make any effort to reconstruct the time frame within which that call

was made, either by asking Mr. Mitchell his judgment about when the call was placed, or your secretary?

Mr. LARUE. Ms. Jordan, I have not discussed this with Mr. Mitchell. And I don't quite frankly, recall discussing it with my secretary, no sir.

Ms. JORDAN. Mr. LaRue, do you know the position Gordon Strachan occupied at the White House?

Mr. LARUE. He was some sort of an assistant to Mr. Haldeman is my understanding.

Ms. JORDAN. Some sort of an assistant?

Mr. LARUE. Yes, sir.

Ms. JORDAN. Did you have a practice of receiving funds or instructions from Mr. Strachan?

Mr. LARUE. The only funds, Ms. Jordan, are the ones which I have testified to in, the \$328,000.

Ms. JORDAN. Was that the first time that you had seen Mr. Strachan, when he showed up at your apartment with \$328,000?

Mr. LARUE. No, sir, I met Mr. Strachan shortly after I joined the Committee to Reelect the President.

Ms. JORDAN. Is it correct to assume, Mr. LaRue, that if Mr. Mitchell had not authorized the payment of the \$75,000 to Mr. Bittman, you would not have made that payment?

Mr. LARUE. Not at that time, I would not have made the payment, no.

Ms. JORDAN. No further questions, Mr. Chairman.

The CHAIRMAN. Mr. Froehlich.

(No response.)

The CHAIRMAN. Mr. Thornton?

Mr. THORNTON. Thank you, Mr. Chairman.

Mr. LaRue, at the risk of further exhausting the recollection with regard to the phone call, I did note in your responses to several questions that you stated your recollection was that you placed the call to Mr. Mitchell.

Mr. LARUE. That is correct.

Mr. THORNTON. Leaving open the question whether or not you got Mr. Mitchell at that time or whether he returned your call at some later time.

Mr. LARUE. That is certainly a possibility.

Mr. THORNTON. And so you would not be able to state at this moment whether you did receive simply a statement that he could not receive or answer your call at the time—

Mr. LARUE. I don't recall, Mr. Thornton, on this particular call whether I immediately talked to Mr. Mitchell or whether he called me back. I frequently called Mr. Mitchell when he would be in a conference or perhaps tied up with a client, and he would, I would just ask his secretary to have him return the call. Whether that happened on this occasion, I just do not know.

Mr. THORNTON. I yield back the balance of my time.

The CHAIRMAN. Mr. Moorhead.

Mr. MOORHEAD. Mr. LaRue, the first money that you got to make up the fund that you had was about what date?

Mr. LARUE. Late June or early July of 1972.

Mr. MOORHEAD. And then a short while later, you got an additional \$280,000?

Mr. LARUE. That is correct.

Mr. MOORHEAD. And you put all—did you deposit all of this money in a bank account?

Mr. LARUE. Oh, no, this money was kept in cash in my filing cabinet.

Mr. MOORHEAD. Which was the money that was kept in the Riggs National Bank?

Mr. LARUE. This was the balance of the cash money which I had on hand when I first went to the U.S. attorney's and discussed with them my involvement in the Watergate.

Mr. MOORHEAD. This was after you had made your last payment, then?

Mr. LARUE. That is correct.

Mr. MOORHEAD. And this \$280,000 that you got all at once, you said it was, it came in a manila envelope?

Mr. LARUE. That is correct.

Mr. MOORHEAD. What denomination were these bills?

Mr. LARUE. I can't you know, give you a specific amount. I mean denomination, of the bills, other than to say predominantly \$100 bills.

Mr. MOORHEAD. It would be a pretty big package? That is what I was—

Mr. LARUE. Well, it would not be quite as big as you can probably imagine.

Mr. MOORHEAD. Did you have any supervision at all in the maintenance of this money other than what you have already testified to?

Mr. LARUE. Any supervision of what?

Mr. MOORHEAD. Over the maintenance of the money, or the care, to make sure it was kept safe and so forth?

Mr. LARUE. Well, I had the supervision of the money and—you know, beyond that, the money was given to me and I held it, and to that extent, supervised it, yes.

Mr. MOORHEAD. You basically had a decisionmaking authority if you wanted to exercise it, then, as you made your decision on the \$75,000.

Mr. LARUE. Had I wanted to assume the authority and make that payment, yes, sir, I could have done that. I had the money and I could have made that delivery, yes, sir.

Mr. MOORHEAD. Could you have made other payments on your own if you had decided to?

Mr. LARUE. Well, that calls for—I could have at least made one or made payments up to the point that someone found out I was making them. Then I don't know what would have happened at that point.

Mr. MOORHEAD. Thank you very much.

The CHAIRMAN. Ms. Holtzman.

Ms. HOLTZMAN. Thank you, Mr. Chairman.

Mr. LARUE, on June 17, when you advised Mr. Mitchell that Mr. McCord and others had been arrested as a result of the Watergate break-in and Mr. Mitchell said, "It is incredible," do you know whether Mr. Mitchell was referring to the fact that Mr. McCord had been arrested or the fact that all of these people had been arrested?

Mr. LARUE. No, I do not.

Ms. HOLTZMAN. Did Mr. Mitchell say to you at that point, "It is incredible that this could have happened because I never approved it"?

Mr. LARUE. No, he did not.

Ms. HOLTZMAN. It was your understanding, was it not, that if the commitments to the defendants in the Watergate case had not been kept, that they would have not kept their silence?

Mr. LARUE. I won't say that is my understanding, Ms. Holtzman. I certainly considered that as a possibility, yes, ma'am.

Ms. HOLTZMAN. Did anybody ever say anything to you at the committee that would disabuse you that that could have been a possibility of the purpose of the payments—either Mr. Mitchell, Mr. Mardian, Mr. O'Brien, Mr. Parkinson?

Mr. LARUE. No, I don't recall any such conversation.

Ms. HOLTZMAN. I don't have any further questions, Mr. Chairman.

The CHAIRMAN. Mr. Maraziti?

Mr. MARAZITI. No questions, Mr. Chairman.

The CHAIRMAN. Mr. Owens?

Mr. OWENS. Thank you, Mr. Chairman.

Mr. LaRue, at the risk again of going over plowed ground already, you testified that on June 20, in your meeting with Mr. Liddy and others, that he said commitments have been met but he didn't mention from whom or at what time the commitments were met for support and attorneys' fees. Is that a fair résumé of your testimony?

Mr. LARUE. He told me that commitments had been made. I did not ask him who had made the commitments, no sir.

Mr. OWENS. And he told you nothing, he offered no names, no times, no places?

Mr. LARUE. No, sir.

Mr. OWENS. And you asked nothing?

Mr. LARUE. I did not.

Mr. OWENS. And over the succeeding months, when you paid out, I think you said the sum was a total of \$282,000, to these defendants, that no one at any time, that at no time did you ever ask anyone at any place whether there had been any such commitments?

Mr. LARUE. No sir. I did not.

I would like to point out that during this time period, I was in constant communication, initially with Mr. Kalmbach and Mr. Dean, later with Mr. Dean, and to some extent, with Mr. Mitchell.

Mr. OWENS. And in all those conversations with Mr. Dean and Mr. Kalmbach and Mr. Mitchell, the question never came up, none of you ever raised that question between yourselves?

Mr. LARUE. No, sir.

Mr. OWENS. As to whether those commitments were real?

Mr. LARUE. No, sir.

Mr. OWENS. You are saying there was simply an assumption on the part of all four of you that—

Mr. LARUE. It was an assumption on my part, Mr. Owens. I say it was an assumption on my part, yes sir.

Mr. OWENS. And did I understand you to say that in that meeting on June 20, Mr. Liddy gave no indication that any of, any adverse information relative to the burglary at the DND, and as I recall, you

said that he also spoke that evening about the Fielding break-in and Chappaquiddick and Dita Beard—is that right?

Mr. LARUE. I don't recall Chappaquiddick ever being discussed at this meeting, no sir.

Mr. OWENS. But at least Dita Beard and the Fielding burglary?

Mr. LARUE. Yes, sir.

Mr. OWENS. Did you say that he gave no indication that any of that information might come out until payments were made for attorneys' fees?

Mr. LARUE. No, sir.

Mr. OWENS. No, he gave no such indication?

Mr. LARUE. He gave me indication that their operation or his operation was of such a nature and of such expertise that we had nothing to worry about, that any subsequent investigation would not be able to trace this operation back to him or Mr. Hunt and to the committee.

Mr. OWENS. But he did give an indication that if the sums were paid, the maintenance sums or attorneys' fees, that you could be assured that that information would not come out?

Mr. LARUE. No, sir, this was not discussed. He only discussed the fact that certain commitments had been made and was inquiring of me whether, I guess basically whether I thought these commitments would be kept. I told him I thought they would.

Mr. OWENS. And it is your perception, you are testifying to the committee it is your perception that that was not a part of the motivation factor which you had in carrying out those payments?

Mr. LARUE. No, sir, I have not. I have already testified, I think, to the contrary, Mr. Owens, that it was my feeling that certainly part of the commitment was a quid pro quo on the part of the defendants to maintain their silence, but I had no knowledge of that.

Mr. OWENS. I am sorry. I misphrased my question.

It was not your perception that evening of June 20th that that was the point that Mr. Liddy was trying to make to you?

Mr. LARUE. No, sir, it was not. I thought the point that Mr. Liddy was trying to make to me in recounting the Ellsberg break-in and the incident concerning Dita Beard was to assure Mr. Mardian and myself that he was indeed a very accomplished covert operator and that this was not something new to him, that he was familiar with this type of an operation, had carried it out, and we didn't need to worry about an investigation turning up his connection with it.

Mr. OWENS. But that that coverage was not conditional upon these payments being made?

Mr. LARUE. No, sir.

Mr. OWENS. Thank you.

The CHAIRMAN. Mr. Latta.

Mr. Latta. Thank you, Mr. Chairman. I have just about one question.

Mr. LARUE, all these so-called commitments that you have paid out \$280 some thousand for, were they all for legal fees?

Mr. LARUE. No, sir. They covered also living expenses, some litigation fees that were encountered.

Mr. Latta. To whom did you pay the living expenses?

Mr. LARUE. Pardon me.

Mr. Latta. For whom did you pay the living expenses?

Mr. LaRue. For whom?

Mr. Latta. Right.

Mr. LaRue. It was my understanding that it was for the seven defendants, I think, at this time.

Mr. Latta. I beg your pardon?

Mr. LaRue. For the seven defendants in the original trial.

Mr. Latta. And you did pay out, in addition to legal fees, living expenses for those seven defendants?

Mr. LaRue. Yes, sir.

Mr. Latta. That is all, Mr. Chairman.

Mr. Dennis. Will you yield, please?

Mr. Latta. I will be happy to yield.

Mr. Dennis. On the matter of the living expense payments, did they each get the same amount of money, or did they vary?

Mr. LaRue. No, sir. I don't recall the specific figures, but this was part of the original information which Mr. Kalmbach's man, Mr. Rivers, finally gathered for us when we were trying to determine the commitments or the nature of the commitments or requirements, and these figures were given to us or given to Mr. Rivers, in my understanding, by Mrs. Hunt. The amounts varied. I don't recall the specific amounts.

Mr. Dennis. Did the varying amounts have any relation to or base upon or connection with their former salaries for the Committee?

Mr. LaRue. I think specifically in Mr. Liddy's case, this is correct, yes sir.

Mr. Dennis. In other words, did he get more than these other fellows who were down the line?

Mr. LaRue. As I recall, Mr. Hunt got the greatest amount. I think Mr. Liddy—as I recall, Mr. Liddy was next.

Mr. Dennis. But there was that sort of relationship?

Mr. LaRue. I can only state that in the case of Mr. Liddy, it is my recollection that the amount was—I don't know if it was the exact amount, but it was basically based upon his salary at the Committee, yes, sir.

Mr. Dennis. One more question. Before you heard from Mr. Kalmbach, were you expecting to hear from him?

Mr. LaRue. I don't recall that.

Mr. Dennis. Had no one spoken to you and said, Kalmbach will be calling you?

Mr. LaRue. I don't recall anyone discussing that with me. However, that is strictly my recollection at this point. That is a possibility. I just do not recall whether anyone told me to expect a call from Mr. Kalmbach or not.

Mr. Dennis. Well, were you surprised when you heard from him?

Mr. LaRue. I would not be particularly surprised. I have known Mr. Kalmbach for several years and it would not surprise me to get a telephone call from him, no sir. I was—

Mr. Smith. Will the gentleman yield?

Mr. Latta. Mr. Chairman, if I have any time left, I would like to yield to Mr. Smith.

The Chairman. You have a minute and a half.

Mr. SMITH. I thank the gentleman.

Mr. LaRue, who made these commitments?

Mr. LaRUE. I don't know.

Mr. SMITH. When you talked to Mr. Liddy and he said there were commitments and you said that if there had been commitments made, you were sure they would be honored—

Mr. LaRUE. I said I felt they would be honored, yes sir.

Mr. SMITH. How could you say that if you didn't know who made them?

Mr. LaRUE. That was just my opinion at the time, knowing the circumstances of the situation and the magnitude of the problem that we were facing. I felt that those commitments, if indeed they had been made, I felt they would be kept.

Mr. SMITH. Well, you felt that the committee or somebody on the committee had made commitments?

Mr. LaRUE. I don't think—I don't recall speculating on who made the commitments, but quite frankly, it would not—it was not surprising to me in an operation of this kind that whoever undertook such an operation would have commitments. That was not surprising to me.

Mr. SMITH. I thank the gentleman.

Mr. Latta. That is all, Mr. Chairman.

The CHAIRMAN. Mr. Mezvinsky.

Mr. MEZVINSKY. Thank you, Mr. Chairman.

Mr. LaRue, when you testified last week, you mentioned Mr. O'Brien's name as to the payment and the knowledge of the payments to the defendants. To your best recollection, at what stage did Mr. O'Brien step into the picture regarding the payment to defendants? You mentioned as early as—

Mr. LaRUE. I think the first instance, as I recall, would be the payment to Mr. Maroulis.

Mr. MEZVINSKY. When would that be, if you can remember?

Mr. LaRUE. I think it was in January of 1973.

Mr. MEZVINSKY. And not before? You had said previously that when you were going through the dates, you actually had many in earlier. That surprised me. That is why I would at least like to have that playback.

Mr. LaRUE. In looking at these payments, the last payment in 1972 was a payment of \$50,000 to Mr. Bittman in December. My best recollection is that this is the last payment which I discussed with Mr. O'Brien—with Mr. Parkinson. All subsequent payments were discussed with Mr. O'Brien or Mr. Dean.

Mr. MEZVINSKY. Now, as to the information that you pled guilty to the charges, preceding that, I gather from your testimony that Mr. Mitchell was aware of the payments that were made to the defendants. You did say that?

Mr. LaRUE. I said it was my opinion that he was generally aware of these payments, yes, sir.

Mr. MEZVINSKY. Now, the information that you pled guilty to the charges, I gather the fifth charge is that from on or about June 17, 1972, and continuing thereafter up to March 23, 1973, you did agree—and they have the language here, "conspire with," "to commit offenses against the United States," and it says "to influence, obstruct, and im-

pede the due administration of justice." I presume that is one of the charges that you pled guilty to, is that right?

Mr. LARUE. That is correct.

Mr. MEZVINSKY. Now, then, we come to charge 8, which is a part of that conspiracy regarding the funds, the payments, that you did covertly acquire, transmit, distribute, and pay cash funds for the benefit of the individuals named in the indictment of the case.

Then in the next line, it says both prior and subsequent to the return of the indictment on September 15, 1972. But now here is the language regarding the purpose of the funds: "For the purpose of concealing the identities of other participants in the violations charged in said indictment and the scope of these and related activities."

Are we to assume, then, that the payments of the funds were for the purpose of concealing the identities of these participants, which you pled guilty to in charge 8? Is that correct?

Mr. LARUE. That is correct.

Mr. MEZVINSKY. Then was it your understanding that the payment of the money for the defendants, which would include the March 21 payment, would fall in that particular charge, charge 8, which you pled guilty to, since we had charge 5—

Mr. LARUE. That is correct.

Mr. MEZVINSKY. I have no further questions. I yield to Ms. Jordan.

Ms. JORDAN. I have but one additional question.

Mr. LARUE, we are having trouble fixing the time of the telephone call that you made to Mr. Mitchell or that Mr. Mitchell later placed to you. Now, we have a practice on this committee that the witnesses anticipated testimony, the scope of that testimony is furnished to the committee. Mr. St. Clair has furnished us with the scope of anticipated testimony to be received from Mr. Mitchell, and I read to you the first sentence of that anticipated testimony:

Mitchell will testify that he received a phone call from LaRue sometime in the early afternoon on or about March 21, 1973, concerning a request from Hunt for money to pay legal fees already incurred.

My question, Mr. LaRue, is whether this statement is inconsistent with your recollection of the telephone call to Mr. Mitchell?

Mr. LARUE. I don't feel it is inconsistent with my recollection, depending really on what Mr. Mitchell's testimony is. As was brought out earlier, if indeed, my recollection is correct and that call was placed in the morning, Mr. Mitchell may have been unavailable and was returning that call at a later time, or, as I have previously stated, I cannot specifically state when that call was made and it is certainly a possibility that call was made in the afternoon. I am sorry, but I have exhausted my recollection of the sequence and times of these calls. I understand the importance of the call to the committee, but I am just unable to, you know, give you a precise time when that phone call was made.

Ms. JORDAN. Thank you, Mr. LaRue.

Mr. MEZVINSKY. I have no further questions.

The CHAIRMAN. Mr. Donohue.

Mr. DONOHUE. Mr. LaRue, did I understand that you were a very successful businessman and banker before you became associated with Mr. Nixon and his campaign?

Mr. LARUE. Mr. Donohue, I am not a banker and never have been.

Mr. DONOHUE. But you were a successful businessman?

Mr. LARUE. Well, I was a businessman, yes, sir.

Mr. DONOHUE. And as such, you became associated with Mr. Nixon in his campaign in his first quest for election to the Presidency?

Mr. LARUE. I feel that my association with Mr. Nixon came about because of my political activities, not because of my business activities, Mr. Donohue.

Mr. DONOHUE. But at some time, you became a consultant in the White House?

Mr. LARUE. Yes, sir.

Mr. DONOHUE. And while serving as consultant, did you become acquainted with Liddy, Hunt, and McCord?

Mr. LARUE. No, sir.

Mr. DONOHUE. Did you hear of them while you were serving as consultant?

Mr. LARUE. No, sir.

Mr. DONOHUE. When did you first meet Liddy, Hunt, or McCord? Was it following the break-in to the Democratic National Headquarters?

Mr. LARUE. I met Mr. Liddy and Mr. McCord shortly after I became associated with the Committee to Reelect the President. I have never met Mr. Hunt.

Mr. DONOHUE. Well, isn't it so and do you know—if you know—that the so-called plumbers organization was formed prior to the break-in of the Democratic National Headquarters?

Mr. LARUE. Mr. Donohue, I had no knowledge, information of any sort regarding the plumbers operation until after the break-in at the DNC.

Mr. DONOHUE. Well, in retrospect, you now know that the plumbers was an organization formed within the White House from people that worked in the White House, isn't that so?

Mr. LARUE. That is my understanding, yes, sir.

Mr. DONOHUE. Now, you did state—and correct me if I am wrong—that you recognized that these commitments were such that they had to be honored?

Mr. LARUE. I think I testified that I felt they were of such a nature that I felt they would be honored, yes, sir.

Mr. DONOHUE. And how many payments had you made prior to the payment of \$75,000 to Hunt—

Mr. LARUE. Payments to the defendants or to the attorneys for the defendants?

Mr. DONOHUE. To the different defendants.

Mr. LARUE. Six payments prior to the last payment of \$75,000.

Mr. DONOHUE. And three of those payments were made to Bittman, representing Hunt?

Mr. LARUE. I think four of the payments were made to Mr. Bittman.

Mr. DONOHUE. And did you make a statement that you made these payments realizing that the different defendants involved might have made statements that would be detrimental to the President in his campaign for reelection?

Mr. LARUE. I think I stated, Mr. Donohue, that I felt that the reason I made these payments was to fulfill these commitments and that I

personally felt, or it was my opinion, that a point of commitment was that these defendants would remain silent, yes sir.

Mr. DONOHUE. In other words, you had in mind that you wanted to protect the President in his quest for reelection as President?

Mr. LARUE. I wanted to protect the campaign, yes, sir.

Mr. DONOHUE. Well, when you refer to the campaign, you have in mind the successful election—

Mr. LARUE. That is correct.

Mr. DONOHUE. Of President Nixon.

Mr. LARUE. Yes, sir, that is correct.

Mr. DONOHUE. No further questions.

The CHAIRMAN. Mr. Hungate.

Mr. HUNGATE. Thank you, Mr. Chairman.

Mr. Chairman, before yielding to Mr. Waldie, I would like to express to the witness thanks for his attendance here today and the chance to examine you, Mr. LaRue, for whatever assistance that you give the Committee in our search for the correct solution here; and express a small amount of sympathy for you being here two days and examined. I know of no court in the land that would let 41 lawyers examine you, and indeed, in some cases, cross-examine you. We do appreciate your attendance and the efforts you have given the Committee.

Mr. LARUE. Thank you.

Mr. HUNGATE. I yield to Mr. Waldie.

Mr. WALDIE. Mr. LaRue, on the summation of the money that was delivered to Mr. Bittman, was there any indication that this money was in payment of his attorneys' fees rather than support for Mr. Hunt?

Mr. LARUE. Which payment are you talking about?

Mr. WALDIE. The last payment that was delivered.

Mr. LARUE. The last payment?

Mr. WALDIE. Yes.

Mr. LARUE. No, it was just an indication that it was for attorneys' fees, whether it was entirely Mr. Hunt's attorneys' fees or attorneys' fees for all of the defendants or some of the defendants was just not explained to me. It was just a fact that—

Mr. WALDIE. Was that indication conveyed to Mr. Bittman?

Mr. LARUE. Pardon me?

Mr. WALDIE. Was that indication conveyed to Mr. Bittman?

Mr. LARUE. In my conversation with Mr. Bittman, or my conversations with Mr. Bittman were so limited and terse that I don't think he could get any indication, Mr. Waldie, on what the money was for. I never discussed this with Mr. Bittman.

Mr. WALDIE. Why did you discuss it with Mr. Mitchell and not Mr. Bittman? You had only met half the demand of Mr. Hunt and you discussed with Mr. Mitchell which half you were going to meet. Yet the principals, who would benefit the most from your compliance with the demand, don't know what the money is to be used for. Did you have any desire that it be used for attorneys' fees rather than living expenses?

Mr. LARUE. Did I have any desire?

Mr. WALDIE. Yes.

Mr. LARUE. I quite frankly, Mr. Waldie, at that point doubt if I had any desire one way or another what it would be used for.

Mr. WALDIE. Why did you then suggest to Mr. Mitchell that it should be used for the payment of attorneys' fees when the demand was for additional amounts for living expenses? Why did you make that independent decision at that time, when you didn't really care what the money was used for?

Mr. LARUE. I think I stated earlier, Mr. Waldie, that it had consistently been our practice that we would not—you know, we were not a bottomless pit, and in trying to meet these demands through this period of time, in virtually every instance, we never—

Mr. WALDIE. Please excuse me if I interrupt you because that is not responding to my question. Not what you did in the past, but why at this moment, at this time, did you assign the money to the payment of attorneys' fees and convey that information to Mr. Mitchell without conveying to Mr. Mitchell that you had had a demand for living expenses when you didn't care to what the money was applied? Why did you not just simply say, they are asking for another \$70,000, instead of what they are really asking for?

Mr. LARUE. Well, had I done that. I would assume, Mr. Waldie, I would have said they are asking for \$130,000 and I recommend that we give 75. I did not handle it that way. I simply told Mr. Mitchell that I had had the request from Mr. Dean for \$75,000, or he had had the request from Mr. Hunt and that Mr. Mitchell asked me what the money was for and I told him that it was my understanding that it was for attorneys' fees.

The decision to phrase it or put it in this manner, as I have stated, was my decision. It was based on a practice we, or based on what we had done in handling these payments previous to this time.

Mr. WALDIE. Well, is there some belief on your part that Mr. Mitchell would find it more tolerable to approve a payment of money for attorneys' fees rather than living expenses?

Mr. LARUE. Well, Mr. Mitchell's an attorney. Whether that might influence him, I don't know.

Mr. WALDIE. Well, what did you think?

Mr. LARUE. I was not thinking of it in those terms, Mr. Waldie. I was thinking of it in the terms in which I have described to you, the total demand and I guess basically the amount of money which I thought ought to be paid.

Mr. WALDIE. All right. A final question: When you reduced the demand in half, you complied only with half of what was demanded, were you persuaded that that compliance would be sufficient to continue the silence of Mr. Hunt?

Mr. LARUE. I again didn't think of it in those terms, Mr. Waldie. I hate to be repetitive, but it was just the pattern that we had followed in the past and the pattern which I continued to follow in this payment.

Mr. WALDIE. I have no further questions.

Mr. DONOHUE. Mr. LaRue, when you asked Mr. Dean for his opinion as to whether or not your operations were legal or illegal, what reply did he make?

Mr. LARUE. Mr. Dean?

Mr. DONOHUE. Yes.

MR. LARUE. He advised me that I should, in his opinion, I should get independent counsel.

MR. DONOHUE. He didn't state that it was legal or illegal?

MR. LARUE. No sir.

THE CHAIRMAN. The time of the gentleman from Missouri has expired. All time has expired.

MR. LARUE, we want to thank you for coming here and we appreciate your presence.

MR. LARUE. Thank you, Mr. Chairman, I am glad to be of some help in this matter.

THE CHAIRMAN. The witness is excused, along with Mr. Vinson.

[Material unrelated to testimony of witness deleted.]

[Whereupon, at 7:35 p.m., the committee recessed to reconvene at 9:30 a.m., Tuesday, July 9, 1974.]

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