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WASHINGTON POST      September 7, 1972      p. A-5

Excerpt

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Cook denied this yesterday and said he met Brown in the hallway several days ago. "I inquired as to the status of the investigation," Cook said. He said he gave "no advice...That's a Committee affair."



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\* \* \* \*

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Patman Charges Pressure -- Six Democrats Among Majority  
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'Facts Will Come Out'

"I predict that the facts will come out," Mr. Patman said, "and when they do, I am convinced they will reveal why the White House was so anxious to kill the committee's investigation. The public will fully understand why this pressure was mounted."

But Representative William B. Widnall of New Jersey, the committee's ranking Republican member, denied Mr. Patman's allegations of pressure from the Nixon Administration. Mr. Widnall said he had had "no contact with the White House at all in connection with this investigation."



November 5, 1973

The Honorable Gerald R. Ford  
H-230, The Capitol  
Washington, D. C.

Dear Jerry:

Pursuant to our telephone conversation today, I am forwarding to you herewith a copy of the sworn statement I filed with the Ervin Committee relative to the allegations made by Mr. Dean when he testified before that Committee early this summer.

Although my statement makes no direct reference to Dean's allegations concerning involvement of the Republican leadership in the House of Representatives relative to the Patman hearings, the statement does correctly reflect the general situation which existed at that time. As a practical matter, Mr. Dean at no time during the course of his direct testimony before the Ervin Committee alleged that you personally had been in any way involved, his references in that testimony having been to "the Republican leadership of the House" (page 106 of his testimony); "Republican leaders" (page 108); and, "House Republican leaders" (page 109).

Rather than in connection with Dean's testimony, I believe your name became associated with the Patman hearings through press reports at that time to the effect that you had met with the Republican members of the Banking and Currency Committee. Of course, as you know, you did meet with us on two occasions, but each of those meetings had been requested by Mr. Widnall, the ranking member, and the other Republican members of the Committee primarily for the purpose of apprising you of the situation which existed and to seek any advice which you and Mr. Arends might care to proffer.

In addition and as was noted by the media at that time, at the request of the Republican members of the Banking and Currency Committee you sent a letter to all Republican members of the Committee urging them to be present for the vote on October 3, stating it to be your opinion, and properly so, that our system of criminal justice dictated against Congressional hearings while criminal proceedings were pending. Of course, this is the position taken by even Archibald Cox when he urged the Ervin Committee to suspend its hearings earlier



The Honorable Gerald R. Ford

- 2 -

November 5, 1973

this year.

I regret that I cannot provide a more substantive response to any suggestions which may have been made that you were in any way improperly involved in the Banking and Currency Committee action, but as you know it is next to impossible to "prove the negative."

With best regards,

Sincerely,

GARRY BROWN

Enclosure



Appendix A:

## Status Report of Cases

### **WATERGATE SPECIAL PROSECUTION FORCE CRIMINAL ACTIONS**

The following matters group by category all WSPF cases and appeals from May 29, 1973 to September 1, 1975:

#### **Watergate Cover-up**

The following have been charged with offenses stemming from events following the break-in at Democratic National Committee Headquarters on June 17, 1972:

#### **Charles W. Colson**

Indicted on March 1, 1974, on one count of conspiracy to obstruct justice (18 USC Section 371) and one count of obstruction of justice (18 USC Section 1503). Pleaded not guilty March 9, 1974. Indictment dismissed by government June 3, 1974, after guilty plea in *U.S. v. Ehrlichman et al.*

#### **John W. Dean III**

Pleaded guilty on October 19, 1973, to an information charging one count of violation of 18 USC Section 371, conspiracy to obstruct justice. Sentenced August 2, 1974, to a prison term of one to four years. Began term September 3, 1974. Released January 8, 1975, pursuant to order reducing sentence to time served.

#### **John D. Ehrlichman**

Indicted on March 1, 1974, on one count of conspiracy to obstruct justice (18 USC Section 371), one count of obstruction of justice (18 USC Section 1503), one count of making false statements to agents of the FBI (18 USC Section 1001) and two counts of making a false statement to a Grand Jury (18 USC Section 1623). Pleaded not guilty March 9, 1974. Section 1001 count dismissed by judge. Found guilty on all other counts January 1, 1975. Sentenced February 21, 1975 to serve 2½ to 8 years in prison. Conviction under appeal.

#### **Harry R. Haldeman**

Indicted on March 1, 1974, on one count of conspiracy to obstruct justice (18 USC Section 371), one count of obstruction of justice (18 USC Section 1503) and three counts of perjury (18 USC Sec-



To Republican Members of Banking and Currency Committee

Dear :

As you know, the House Banking and Currency Committee will meet at 10 o'clock on Tuesday, October 3, to consider investigations of the Watergate Affair. This is a matter of utmost importance and I urge you to be present at the meeting.

Obviously, we desire to see those who have been involved in illegal activities brought to justice, but at the same time, we must be careful not to impinge on the constitutional rights of those who have been indicted by reckless or irresponsible investigations motivated by political considerations. Because of the political overtones of this matter, I think it would be imperative for all Republican Members to be present at the Committee meeting to assure that the investigative resolution is appropriately drawn.

Sincerely,

Gerald R. Ford



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*P-2*

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they're going to get it, right?" Haldeman nodded his approval, and the President glanced at me.

"That's an exciting prospect," I remarked flatly, mustering my hostility toward those who threatened the cover-up. I was trying to sound like a vicious prize fighter and doing a poor job, but I seemed to be pleasing the President. I was taking each apple he handed me, polish-

obtain the next batch of cash. On this note, he and Herb walked out of my office like pallbearers. Now Kalmbach was out; LaRue was in.

Such encounters deflated my confidence, but Haldeman usually pumped me back up. A few days after the Kalmbach ceremony, he saw me in the hall and invited me into his office for a chat. Bob had become very friendly and increasingly open. He had to make a few quick calls, so I wandered around his office examining his mementos.

142 || BLIND AMBITION

hearings. It's going to come to a head pretty soon. Patman's got to get his committee to vote him subpoena power, and it's a close question whether we have the votes to kill it. I've been talking to Bill Timmons\* and Stans and Petersen on this thing, and Mitchell is working on it, too. We think we can give our guys a leg to stand on by telling them that an investigation will

“Any time, my boy.”

Over the next several weeks, there was a good deal of activity to block the Patman investigation. I asked Ken Parkinson to check into the reported contributions of Patman and the other members of his committee. I was in touch with Mitchell, who told me he was working with “some Rockefeller people” to bring pressure on the New York members of the committee. I continued to urge Henry Petersen to write an official Justice Department letter objecting to the hearings on the grounds that the attendant publicity would endanger the rights of Liddy *et al*. Henry gave in finally, and soon all the Republican mem-

"I'm pretty sure he is. Put him down. He'll either take a walk or vote with us."

"Okay, John. Let me know if you have any more names for my tally sheet. I'll stay on it. I think we're over the top."

More arm-twisting and back-room politics and Timmons reported we were safe. On October 3, the Banking and Currency Committee

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W. P. MARSHALL  
CHAIRMAN OF THE BOARD

R. W. MCFALL  
PRESIDENT

INTERNATIONAL SERVICE

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			GERALD R. FORD, M.C. - MINORITY LEADER	

and the following message, subject to the terms on back hereof, which are hereby agreed to

H-230, U.S. CAPITOL  
WASHINGTON, D. C.  
OCTOBER 31, 1972

THE SPEAKER  
U.S. HOUSE OF REPRESENTATIVES  
H-206 U.S. CAPITOL  
WASHINGTON, D. C.

REQUEST YOUR IMMEDIATE INVESTIGATION OF RELEASE OF SO-CALLED HOUSE BANKING AND CURRENCY REPORT ATTRIBUTED TO MAJORITY STAFF. REPORT BASED ON UNNAMED SOURCES, HEARSAY AND INNUENDO REPRESENTS WORST FORM OF LAST-MINUTE SMEAR TACTICS. RELEASE BY STAFF WITH CONGRESS IN ADJOURNMENT INDICATES DELIBERATE VIOLATION OF HOUSE RULES AND PROCEDURES. REQUEST YOU IMMEDIATELY ORDER SUSPENSION OF EMPLOYEES INVOLVED PENDING FULL INVESTIGATION OF VIOLATIONS BY THE HOUSE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT AND THE FAIR CAMPAIGN PRACTICES COMMITTEE.

GERALD R. FORD, M.C.  
MINORITY LEADER

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open meeting  
reporters  
present

has transcript



Mr. EDWARDS. In hindsight, do you think your decision was correct?

Mr. FORD. Well, it is somewhat bolstered by legal scholars. There has been no definitive decision. I think I could produce as many scholars who believe as I do as others might produce for their viewpoint. So I think it is an unresolved matter where there is an honest difference of opinion.

Mr. EDWARDS. Had you discussed the matter previously with the Vice President before he came to the Speaker's?

Mr. FORD. I had on two occasions, as I recollect, at his request, not to just discuss his possibly submitting his letter to the Speaker, but to let him give me and one other Member of the House an opportunity to hear his side of the story, which he told both of us on some two occasions. At the time, in both of those instances, he inferred in the first and talked more affirmatively in the second that he might come up and see the Speaker with this letter requesting action. I did not know the day that he did it until I understood he was in the Speaker's office, however.

Mr. EDWARDS. Did he discuss with you the rather large extent of his criminal involvement before, in these previous discussions, in these discussions before you met in the Speaker's office?

Mr. FORD. He discussed with me and one of my colleagues the allegations that were alleged, not the full extent of them, and his willingness to take an oath that they were untrue.

Mr. EDWARDS. Did he discuss his plan to submit the matter to the House of Representatives with the President?

Mr. FORD. With the President?

Mr. EDWARDS. With the President.

Mr. FORD. I am not familiar one way or another with that.

Mr. EDWARDS. He did not tell you at these previous meetings whether or not he had discussed the matter with the President?

Mr. FORD. He did not.

Chairman ROBINO. Your time has expired.

Ms. Holtzman?

Ms. HOLTZMAN. Thank you, Mr. Chairman.

Mr. Ford, it is very late in the day and you have been patient after a long day, 2 days really of grilling, and I have a few questions to ask of you at this point.

The first regards a report in October 1972 by the staff of the House Banking and Currency Committee which uncovered a number of serious allegations regarding the reelection campaign of President Nixon, including information that large amounts of campaign contributions had been traced to one or more of the Watergate suspects, about a secret Republican fund of at least \$350,000 available that was being used for intelligence-gathering purposes, that a Mexican bank had been used to launder large amounts of campaign funds, that a Federal bank charter had been granted to a large Nixon campaign donor in unusual haste, and that top officials in the Presidential campaign had ordered the bugging of Democrats' National Headquarters as well as the surveillance of bank accounts of Democratic Congressmen and officials.

According to your testimony in the Senate, I understand that you as a Republican leader played a role in the stopping of the investiga-



DELAY IN CALLING UP HOUSE CONFERENCE REPORT ON 1972  
FEDERAL ELECTION DISCLOSURE LAW

The CHAIRMAN. The effective date of the 1972 Federal election disclosure law was delayed some 5 weeks in the House, from December 14, 1971, to January 1972, because of the failure to call up a conference report for final House action. An enormous fundraising drive was conducted by Maurice Stans during the 5-week period prior to the effective date of the law. He raised, reportedly, more than \$11 million for President Nixon during this period. The Stans drive was based on the premise that contributions should be made at that time by all donors who wanted to keep their contributions secret from public scrutiny. Were you ever approached by anyone from the White House, the Nixon Campaign Committee, or the executive branch concerning the issue of delaying final passage of this legislation by the House?

Mr. FORD. To my best recollection, Mr. Chairman, nobody contacted me from any of those areas that you mentioned.

The CHAIRMAN. Did you ever discuss the issue of delaying that legislation with any Members of Congress or with anyone else?

Mr. FORD. Well, naturally, in the job that I had, I had to know what was coming up, what was to be programed at any one time on the floor of the House. I do not now, nor did I then control the programing of legislation. That is the responsibility of the majority party. I may have asked if it was coming up. I may have made some comment, but in any case I was not the person who would make the final decision.

BLOCKING INVESTIGATION BY HOUSE BANKING AND CURRENCY  
COMMITTEE OF WATERGATE BREAK-IN

Mr. Patman, Chairman of the House Banking and Currency Committee tried to go into the captioned matter prior to the election last November. The Republican members of the Committee opposed such action. Thus it is appropriate to know what part Mr. Ford played in blocking the investigation at that time.

The record shows his answers to questions propounded.

Senator BYRD. Representative Ford, will you relate to the Committee your role, if any, in the blocking of an investigation by House Banking and Currency Committee into the Watergate break-in as proposed by Chairman Wright Patman in October of 1968?

Mr. FORD. Senator Byrd, I do not have the full details here, but I can outline, give you the salient points.

Chairman Patman had proposed sometime in October of 1972 that his Committee, the Committee on Banking and Currency in the House, undertake an investigation of certain American banks in trading or handling accounts between an American bank and a foreign bank. And that the Senator—Chairman Patman wanted subpoena authority to carry out this investigation.

A number of members of that Committee on the Republican side and several on the Democratic side were opposed to giving that authority to Mr. Patman. A number of our Republicans on that Committee came to me and said, "Jerry, we think you ought to call a meeting so that we on our side of the aisles could bring the leadership up to date, and perhaps the leadership would give some counsel to the Republican members of the Committee on Banking and Currency."

So my position, as the Republican leader of the House, at his request, called a meeting. We met with the Republican members of that Committee on one or two occasions. They brought us up to date.

We talked about what the policy ought to be in the Committee, but there was no Republican party decision made.

The action taken by the Republicans plus, I think, five Democrats was, I think, to deny Chairman Patman that power of subpoena.

Senator BYRD. You may be aware John Dean testified to the Senate Watergate Committee on June 25 of this year, that House Republican leaders "acted at the request of the White House to block that investigation."

Were you in contact with anyone at the White House during the period of August through October 1972 concerning the Patman Committee's possible investigation of the Watergate break-in?



Nomination of Gerald R. Ford of Michigan  
to be Vice President of the United States  
Hearings before the Committee on  
Rules and Administration, U. S. Senate, November 1973.

128

The CHAIRMAN. Senator Pell?

Senator PELL. In the interest of time, I will limit myself to one question. I would like to return for a moment to this question of inflation and the burdens imposed, particularly, on our older people. The bill that passed the Senate and is in the House now calls for, I think, a 7-percent increase. Before it passed the House, would you urge the President to sign this bill or do you feel that—

Mr. FORD. I believe that if you are going to increase the benefits, you have to, in all honesty, find additional revenue. Now, I have not had a chance to study whether this added benefit payment that is provided in the Senate version requires additional revenue, whether we have to increase the ceiling so that you are taxing more of the income, or whether we have to increase the rates. But if we have not provided in such legislation additional revenues to keep the balance in the social security trust funds—if we have not provided that revenue—I would urge that it be vetoed.

I hope that we can provide enough revenue because, in my opinion, certainly the people in the older age brackets, because of inflation, need the help. And I want to help them. But I do not want to destroy the social security concept by not providing sufficient revenues to finance these additional benefits.

Senator PELL. Thank you very much.

The CHAIRMAN. Senator Byrd?

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So as the Republican leader of the House, upon this request, I called a meeting. We met with the Republican members of that committee on one or two occasions. They brought us up to date. We talked about what the policy ought to be in the committee, but there was no Republican Party decision made. The action taken by the Republicans plus, I think, five Democrats was, I think, to deny Chairman Patman that power of subpoena.

Senator BYRD. You may be aware that John Dean testified to the Senate Watergate Committee on June 25 of this year that House Republican leaders "acted at the request of the White House to block that investigation." Were you in contact with anyone at the White House



during the period of August through October 1972 concerning the Patman committee's possible investigation of the Watergate breakin?

Mr. FORD. Not to my best recollection. The best and, I think most authoritative answer to this question is one that Representative Jerry Brown of the Third District of Michigan submitted to the Ervin committee.

Congressman Brown was very much involved as a member of the Committee on Banking and Currency, and his name was much more closely identified with this problem than was mine.

As a result, he prepared the very detailed statements which I understood were put in the record of the Ervin committee. He was never called to testify. But I would be glad to submit that statement by Congressman Brown because it goes into this whole question in very great depth.

I think it might be helpful to the part of this record if the chairman of the committee would so permit.

The CHAIRMAN. You may supply them for the record.

Mr. FORD. I will, sir.

[The statement referred to follows:]

STATEMENT OF HON. GARRY E. BROWN, A MEMBER OF CONGRESS FROM THE STATE OF MICHIGAN, SUBMITTED TO THE SELECT COMMITTEE ON PRESIDENTIAL CAMPAIGN ACTIVITIES

Mr. Chairman and Members of the Committee, at the outset, let me express my deep appreciation to you, Mr. Chairman, and the Committee for providing me with this opportunity to respond in kind to the allegations made by Mr. Dean in his statement and earlier presentation to this Committee. To say that I was somewhat dumbfounded to learn of the allegations made by Mr. Dean is a gross understatement since my participation in the bipartisan effort by members of the House Banking and Currency Committee, which resulted in the denial of the granting of subpoena authority to the Chairman of our Committee, was in no way connected with the so-called "cover-up" activities in which Mr. Dean has testified he participated.

Perhaps it would be best for me to provide the Committee with a chronological statement of what occurred in this regard on the House side, as best I can recall it, and then provide the Committee with a particularized response to Mr. Dean's several allegations.

Assuming the concurrence of the Committee in this proposed format of my testimony, let me proceed with the chronological statement of activities on the House side, the period of time over which these activities occurred having been late August of 1972 to October 3, 1972, the latter date being the date of the meeting of the House Banking and Currency Committee at which, by a vote of 15 to 20, Chairman Patman's request for subpoena authority was denied.

While back in Michigan fulfilling commitments during the August Recess of the Congress, on either the late afternoon of August 30 or the morning of August 31, 1972, I heard on my car radio that the Banking and Currency Committee was interviewing Mr. Maurice Stans, the Chairman of the Finance Committee to Re-Elect the President, with respect to the handling of campaign contributions since there appeared to be a connection between the handling of some of such funds and the Watergate burglary.

Inasmuch as I had not been notified by my office in Washington, nor had I received any notice in Michigan, that the Committee was meeting for this purpose, I immediately got in touch with my Washington office and determined that Chairman Patman had not called a meeting, nor had he notified my office of the interviews with Stans. I then contacted the Banking and Currency Committee staff to determine the facts with respect to the news broadcast I had heard and determined that no Committee meeting had been called, but rather that certain members of the Banking and Currency Committee staff, at the direction of the Chairman, had individually interviewed Stans. I was unable to ascertain at that time from the staff the justification therefor or the reasons why Committee members had not been advised of Chairman Patman's initiation of such investigation by staff members.

In view of the media attention provoked, it appeared to me Patman's action was prompted by political considerations, so I again called my Washington office and asked my legislative assistant to carefully examine the Rules of the House and the Rules of the Banking and Currency Committee to determine by what authority Patman had initiated such investigation without first seeking the authority of the Committee and by what authority he could do so without even notifying Committee members. As a result of such research by my legislative aide, on Thursday, August 31, 1972 I dictated a letter to Chairman Patman citing the Rules of the House and the Committee and indicating my displeasure over the fact that he had initiated such investigation without seeking the concurrence of the Committee or even notifying Committee members. This letter is attached as Exhibit No. 1.

At this juncture, I should point out that to the best of my recollection, there had been no Committee discussion of our Committee's jurisdiction over, or involvement in, an investigation of the Re-Elect Committee's handling of contributions or their possible involvement in the financing of the Watergate burglary. In short, the Committee staff investigation hit me as a complete surprise.

It being necessary for me to attend the fall Republican State Convention in Detroit September 1 and 2. I did not return to Washington until late Monday, Labor Day, September 4.

Inasmuch as the only information I had been able to develop regarding the content of the interviews by Patman's staff members of Stans was from a Republican staff member who had been present during only a portion of such interviews, I contacted Mr. Stans to attempt to determine the particulars about the staff inquiry, whether or not a transcript had been made of such interviews or any other record of the discussions in order that I might be apprised of the substance of such interviews to the same extent as were the staff members and Mr. Patman. In the course of my discussion of the matter telephonically with Mr. Stans, I requested an opportunity to discuss the matter personally with him and arranged to see him on the morning of September 6.

In view of Mr. Dean's statements on pages 103 and 104 to the effect that he and others associated with the White House were aware of and concerned about the Banking and Currency staff investigation as early as mid-August, I should point out that my first contact of any kind with anyone from the White House or the Finance Committee to Re-Elect the President was this call to Mr. Stans on September 5, 1972.<sup>1</sup>

Also, in view of Mr. Dean's association of the Banking and Currency Committee with what he alleges were cover-up discussions going on at this time, it is essential to keep in mind the limited scope of the Patman investigation. In his letter to me, received September 5, responding to my letter of August 31, 1972, Chairman Patman said that his interest in an investigation was prompted by a letter he had received from a Committee member who urged either Patman or the International Finance Subcommittee Chairman to look into possible violations of the Foreign Bank Secrecy Act by the Committee to Re-Elect the President in connection with the transfer of some of its funds through Mexico. In addition, and subsequently, Patman brought into the scope of his interest the circumstances surrounding a \$25,000 contribution to the Committee to Re-Elect the President by one who was interested in a national bank charter application which was pending. In short, by Patman's own statements, he was justifying jurisdiction of the Banking and Currency Committee over the investigation by limiting its scope to the use of banks in the financial transactions of the Committee to Re-Elect the President, the bank charter matter, and to the Watergate burglary by virtue of the surfacing of funds in the bank account of Mr. Barker, one of those who had been arrested for participation in such burglary.

Not satisfied with Patman's response of September 5, 1972, I immediately drafted a letter to him, which letter was co-signed by several of my Republican colleagues on the Committee, in which we demanded that Patman call a meeting of the Committee to discuss the whole matter. Our letter of September 5, 1972 is attached as Exhibit No. 2.

In view of Patman's rationale for conducting the investigation, in my interview with Mr. Stans on September 6, I attempted to ascertain the true facts from him concerning the handling of campaign contributions, the alleged Mexican

<sup>1</sup> At no time, before, during, and since the period covered by this chronology, have I discussed the Committee's action or the Watergate matter with the President, Mr. Haldeman, Mr. Erlichman, Mr. Dean, Mr. Mitchell, Mr. Colson, or any similar person within the inner group mentioned by Mr. Dean.

"launders" of such funds, and their apparent ultimate deposit in Barker's bank account. Mr. Stans informed me he did not know how or why the funds went to Mexico and ended up in Barker's account, stating that Mr. Gordon Liddy, the general counsel for the Committee, had been the one who made the decisions regarding how contributions were reported, handled, etc. under the new campaign expenditure law. Since my inquiry involved the legality of the handling of such funds, it was agreed I should talk with Mr. Kenneth Parkinson, who was the new legal counsel for the Finance Committee to Re-Elect the President, having succeeded Mr. Liddy, whose services had been terminated.

I met with Mr. Stans personally only this one time, but I may have talked with him three or four times on the phone. During the course of these conversations, I am quite sure I suggested that it might be better for Mr. Stans to testify, rather than to give Patman the opportunity to publicize and take political advantage of Stans' non-appearance, it being the position of most Republican Committee members that Patman's interest in an investigation was more political than anything else.

I discussed the application of the Bank Secrecy Act, the campaign expenditure law, and other aspects of the matter telephonically with Mr. Parkinson several times and met with him on one occasion of which I am certain and possibly a second time very briefly, although I cannot specifically recall a second occasion.

During this time, I had asked my legislative assistant, who is an attorney and a former law clerk for a Federal Court of Appeals Judge, to brief for me the question of the propriety of the appearance of Mr. Stans and others before our Committee. In the course of this research done by both my legislative assistants and myself, it became apparent that such an appearance could prejudice the rights of those who might be indicted as a result of the grand jury proceedings that were then in progress. Appreciation of this problem prompted me to write to both the Attorney General and Mr. Stans requesting the opinion of the Attorney General with respect to the propriety of Mr. Stans' appearance as well as the opinion of Mr. Stans' attorney concerning his own position on the appropriateness of such appearance. These letters are attached as Exhibits No. 3 and 4, respectively. At the time of the writing of these letters, Mr. Stans had not, to my knowledge, decided whether or not he would voluntarily appear before the Committee.

It is this letter of September 8 to the Attorney General which Mr. Dean has said in his statement, ". . . was, in fact, drafted by Parkinson for Congressman Brown." I unequivocally deny this charge. The letter to the Attorney General was dictated by me to my secretary and is my work product in every respect. It is my best recollection that from the conversations I had with Mr. Stans and Mr. Parkinson up to this point it appeared to me no decision had been made as to whether or not Mr. Stans would appear. The decision to write such letters was wholly my own and stemmed from my concern about the propriety of his appearance regardless of what his decision might be, such concern having been prompted by the limited research done by my legislative aide and myself to this time.

It would be asinine for me to say that in the course of my discussions of the matter with Stans and Parkinson I did not mention the concern I felt about the legal ramifications of Mr. Stans' appearance before the Committee and of my belief that the legal opinions of those most closely involved, namely, the Attorney General and Stans, should be obtained. In any such discussions, however, it was always a matter of my apprising Stans and Parkinson of what I proposed to do, rather than receipt by me of suggestions, requests, urgings, etc. from them.

Although I received no written response from the Attorney General to my letter of September 8, on September 12 Ralph Erickson, the Deputy Attorney General, telephoned my office and talked with a member of my staff and advised that he was calling in response to my letter of September 8 and indicated that the Attorney General would be happy to talk with me about the matter but did not intend to respond in writing, suggesting that the questions I had asked were now moot because in the interim Mr. Stans had notified the Committee that he was declining the invitation to testify.

During this period of time, the Banking and Currency Committee, although considering other legislation, had been embroiled in the controversy about the conduct of hearings by the Committee into the Patman charges, the scope of which I have already described. But none of the activities regarding political espionage, bugging, cover-up, etc. which have now surfaced and which are now being discussed were known at the time the Banking and Currency Committee was contemplating its hearings and it must also be kept in mind that Patman's

effort to investigate the matter of the laundered funds and Barker's involvement was analyzed by most of us at that time as being blatantly political in view of the up-coming election.

Chairman Patman finally did discuss the matter with the Committee and, although objection was voiced by many of us, he scheduled a meeting of the Committee for September 14 to receive the testimony of Stans and Phillip S. Hughes, Director of the Office of Federal Elections, General Accounting Office. This was the meeting at which Stans declined to appear.

Because Stans had failed to appear voluntarily, Chairman Patman notified the Committee on September 25, 1972 that he intended to seek the authority of the Committee to issue subpoenas for Stans and several others at a meeting of the Committee to be held October 3. When it became certain that the Chairman would seek subpoena authority, my earlier concern about the propriety of such appearance was renewed and intensified since in the meantime the legal research done by me and my office had clearly established the danger of conducting a Congressional hearing when criminal proceedings were pending regarding the same matter.

As a result, I again wrote to the Attorney General on September 26, 1972, pointing out to him that although the questions I had raised in my September 8 letter might have become moot after Stans had declined to voluntarily testify, Patman's plans to seek subpoena authority made my questions and concerns very real once again. This letter of September 26 is attached as Exhibit No. 5.

Despite my insistence in my letter to the Attorney General of September 26, 1972 for an opinion to be expressed, it wasn't until the late afternoon of October 2 that I learned Mr. Henry Petersen, Assistant Attorney General, had replied to my letter of September 26, not to me, but to Patman. In fact, Patman had received the response from Petersen before I knew that a response had been provided, since I was not given a copy until I requested the same. This letter from Petersen is attached as Exhibit No. 6 and is the same as Dean's Exhibit No. 21.

In this regard, I felt at the time that the Department of Justice and the Attorney General's Office was being most uncooperative and, in fact, was taking a rather untenable position of not wanting to get involved when my research had clearly satisfied me that the success of their prosecutive efforts of those who had been indicted by the grand jury could be seriously jeopardized by public hearings of the Banking and Currency Committee under the law applicable thereto, especially the holding in the *Delaney* case. It having been my position then, and it continues to be my position, as well as that of Archibald Cox, the Special Prosecutor, that public hearings in prejudicing the rights of those who have been accused, necessarily also seriously jeopardize the successful prosecution of these individuals.

In any case, the Committee met on October 3 and, as is well known, voted 20-15 against authorizing the Chairman to issue the subpoenas he has requested.<sup>2</sup>

Although it is of little pertinence to this chronology, I wish to add that consistent with my many-times stated position regarding the Banking and Currency Committee's investigation of this matter, to wit, that such investigation should await completion of criminal proceedings, I wrote to Chairman Patman in early January of this year urging him to designate a staff member or hire outside counsel to monitor the criminal trials of the "Watergate Seven" so that we might be kept current on the proceedings of those trials so we would be prepared to conduct a Committee investigation upon completion of the criminal proceedings.

Needless to say, the Chairman declined to grant my request and in a reply expressing many reasons, closed the door upon any investigation by our Committee.

From the foregoing, it is obvious that Mr. Dean, in his testimony before the Senate Select Committee, either has stated things to be true which he does not know to be true or has engaged in absolute falsehoods. More particularly, I recite the following: (References are to the statement presented to your Committee on June 25, 1973.)

On page 104, Mr. Dean states: "At some point in time during these investigations Mr. Parkinson was put in touch with Congressman Gary (sic) Brown who was a member of the Banking and Currency Committee."

<sup>2</sup> In view of Mr. Dean's testimony about the proposed Patman witness list, I should add at this point that I attempted to determine who Patman wanted to subpoena, but it wasn't until I received such list, hand delivered at 5:05 P.M. on 10/2/72, the evening before the 10/3/72 meeting, that I or anyone else, to my knowledge, knew who Patman intended to subpoena and call as witnesses.

The fact is, Mr. Parkinson was not put in touch with me. I requested an opportunity to talk to Mr. Parkinson during my original contact with Mr. Stans when he could not explain to me the several legal aspects of the handling of funds by Mr. Liddy, the legal interpretation given to the campaign expenditure law as it applied to contributions made to the Committee to Re-Elect the President before and after April 7, 1972, and other aspects of the staff interrogation of Mr. Stans.

Also on page 104, Mr. Dean states:

"To the best of my recollection this may have resulted from discussions between members of the White House Congressional Relations staff with the Republican members of the Banking and Currency Committee to determine who would be most helpful on the Committee and *Brown indicated his willingness to assist.*" (Emphasis added.)

The fact is, I recall no conversation with anyone which could be interpreted as my indicating a "willingness to assist." This is especially true if one interprets, as he must, Mr. Dean's word "assist" as being willingness to assist in the White House efforts to block the Patman Committee hearings for the second reason he states on page 103; that being, and I quote . . . "and second, they just might stumble into something that would start unraveling the cover-up."

It should be pointed out that as of even September 8, 1972, or for that matter as late as October 3, 1972, to my recollection, there had been no public suggestion that a "cover-up" was in progress. The fact that I opposed such hearings at that time because I was satisfied the law made inappropriate and undesirable the conduct of hearings of our Committee while the criminal proceedings were pending and, in addition, thought Patman's desire for such hearings was purely political, while *for other reasons* the White House may have opposed such hearings, may make our goal similar, namely, the blocking of the hearings, but it is totally improper to attribute the same motivation, as Mr. Dean has done.

Again on page 104, Mr. Dean states:

"On September 8th Congressman Brown sent a letter to the Attorney General regarding the forthcoming appearance of Secretary Stans and others before the Patman Committee. I have submitted to the Committee a copy of this letter (Exhibit No. 18), *which was, in fact, drafted by Parkinson for Congressman Brown.*" (Emphasis added.)

The fact is, this letter was not drafted by Parkinson for me, nor to the best of my recollection does my letter to the Attorney General contain any input from Parkinson, although of course, as I have already indicated I had apprised Stans and Parkinson of my plans to solicit the opinion of the Attorney General. On this same page 104, Dean again refers to "Parkinson's drafting the letter for Congressman Brown," which is a repetition of the previous erroneous statement.

I wish to advise the Committee with respect to this statement that upon learning of this charge made by Mr. Dean, I knew it to be so completely erroneous that I sought an explanation for the making of same by Mr. Dean. I attempted to contact Mr. Parkinson to determine whether or not he, or anyone else to his knowledge, might have suggested or stated to Mr. Dean that he, Parkinson, had drafted such letter. Mr. Parkinson was not immediately available and I was unable to talk with him until the late afternoon of Tuesday, June 26, 1973, Dean's statement having been made, as you will recall, in his testimony before this Committee on June 25, 1973. In this telephone conversation with Mr. Parkinson on June 26, Mr. Parkinson unequivocally denied that he had drafted such letter or that he, or anyone else to his knowledge, had advised Mr. Dean that such letter had been drafted by him, Parkinson.

However, in the course of my attempting to learn from Parkinson how Dean could possibly have made this statement, Parkinson recalled that he had prepared a draft of a letter at the request of Mr. Dean which he, Parkinson, understood was to be furnished to the Attorney General *as a proposed response by the Attorney General* to my letter of September 8, 1972 (Dean's Exhibit No. 18, my Exhibit No. 3). I requested a copy of this proposed draft which was prepared by Mr. Parkinson for Mr. Dean and it is attached hereto as Exhibit No. 7. It is Mr. Parkinson's further recollection that subsequent to his preparation of this draft, Mr. Dean took the same for what Mr. Parkinson understood to be a further review or revision by Mr. Dean. Of course, this proposed draft was apparently never used as intended since no response was made at that time to my letter of September 8, 1972.

<sup>3</sup> Although Dean cites no time frame for this statement, it should be remembered I independently and aggressively had commenced opposing the Patman action as early as 8/31/72 and had no knowledge of what Dean says were on-going conversations within his group on the subject.

Although it is relatively insignificant, on page 105 of his testimony, Dean states that no response was sent by the Justice Department to my letter of September 8 prior to the scheduled appearance of Mr. Stans on September 14; whereas, although Dean's discussion of this matter on page 105 may be substantially accurate, I did receive a telephonic response to my letter of September 8 from Deputy Attorney General Erickson in which, as I have above pointed out, he indicated no written response would be provided and that he felt the questions I had raised in my letter of September 8 were moot because of Stan's decision not to appear before the Committee voluntarily.

On page 108, Mr. Dean states:

"I began receiving increasing pressure from Mitchell, Stans, Parkinson and others to get the Justice Department to respond to the September 8th letter of Congressman Brown as a vehicle that Congressman Brown could use in persuading others not to vote in favor of the subpoenas. *Congressman Brown felt that with this document in hand he would give the Republicans and others something to hang their vote on.*" (emphasis added)

The fact is, I know of no basis for these statements since my only purpose in writing to the Attorney General on both occasions, that is, September 8 and September 26, was to attempt to get the Attorney General to recognize the law for what I knew it to be and to appreciate the prosecutorial problems which would be created by public hearings of the Committee. I especially know of no basis in fact for the underlined portion of the foregoing quote from Dean's statement, since I cannot recall having expressed the same to anyone. However, there can be little question but what such a letter would have a favorable impact upon other members.

At the bottom of page 108 and on page 109 of Dean's statement he states that much effort was put forth by many people, including Mr. Timmons, to persuade members of the Committee to vote against the hearings. I can only speak for this member of the Committee in this regard, but I do not recall receiving any urging from anyone at the White House to cast my vote against such hearings.

In fact, I am very certain I had no significant contact from anyone associated with the Administration or the White House regarding the hearings other than the contacts I have already discussed with Mr. Stans and Mr. Parkinson.

To the best of my recollection, my only contacts with White House personnel were insignificant contacts I had in the course of normal legislative business with Dick Cook, the White House liaison agent for the House of Representatives, who, rather than suggesting or urging me to take any course of action, merely inquired of me as to how things were going and whether or not I thought those of us who opposed the hearings would be successful in our opposition. In my discussions with other members of the Committee at that time and since, I have yet to find one who indicated that he or she was pressured in any way to vote as he or she did.

In conclusion, I wish to thank you, Mr. Chairman, and the members of the Committee for your patience in permitting me to provide this probably unnecessarily lengthy statement. My purpose in doing so was to establish for the record not only the absence of culpability on my part, but the absence of culpability on the part of the other members of the House Committee on Banking and Currency in opposing the Patman investigation, to the extent that I have any knowledge of other members' actions.

I hope I have satisfied the Committee and the listening, viewing, and reading audience that what Mr. Dean has concluded was causally related action by the majority of our Committee to what he was doing at the White House, has no basis in fact and should not be so presumed. If opposition to action proposed by one's colleagues, when that opposition is based on principle and proper political motivation, cannot be voiced without such opposition being interpreted as culpable conduct and obstruction of justice, then we certainly have reached a sorry state of affairs in our political and legislative system.

If I have done nothing else, I trust that I have at least somewhat dispelled the "guilt by association" implicit in Mr. Dean's testimony by linking of the House Banking and Currency Committee action with the whole gamut of culpable conduct about which he has testified.

I will be glad to answer any questions the members of the Committee might care to pose.

Thank you.

Senator BYRD. Mr. Ford, you undoubtedly would recall any conversation you might have had during that period of August-October with the President, with Mr. Haldeman, Mr. Ehrlichman, Mr. Dean, or any-

one at the White House, in connection with the proposed investigation by the Patman committee. Do you recall any such conversations that would indicate that the White House wanted you to lend your efforts, as a leader, to blocking such an investigation?

Mr. FORD. I can say categorically, Senator Byrd, I never talked with the President about it, or with Mr. Haldeman, Mr. Ehrlichman, and Mr. Dean. I know emphatically I had no conversation with them now.

Almost daily, during my period as Republican leader in the House, I talked with Mr. Timmons, or someone in the Legislative Liaison Office of the White House, but even in this case I do not recall any conversations concerning this particular matter.

Senator BYRD. Was there any discussion between you and Mr. Timmons or between you and the other members of the Patman committee or any of your colleagues in the House to the effect that the investigation would possibly be harmful to the President, harmful to his reelection chances in the then upcoming Presidential election, or to the Republican Party generally?

Mr. FORD. As I recall the two meetings that I attended, both of which I called, the real issue that was discussed—and Jerry Brown's memo or prepared statement probably expresses it better than I can—was that Mr. Patman, the chairman of the Committee on Banking and Currency in the House, was going about the matter in the wrong way. And as I recall, statements were made he was going on a fishing expedition.

Now, the members on our side of the aisles in that committee were concerned about the procedure and the dangers that that procedure might lead to a precedent. I think, in all honesty, that was the basic thrust of the action of the Republicans. And I think every Republican on the committee voted to deny that responsibility or that power to the chairman. And I think they were joined in that vote by five Democrats, as I recall. So a majority of the committee turned down the authority.

Senator BYRD. But as I understand you, any efforts that you may have contributed toward the stifling or impeding or blocking of such investigation by the Patman committee were not born of your feeling, or at least your feelings as expressed to anyone, that such an investigation would be harmful to the President, harmful to his chances of reelection, or harmful to your party?

Mr. FORD. The answer is no, Senator Byrd.

Senator BYRD. Now, Mr. Ford, as you know, the Attorney General of the United States wears two hats. He is the chief law enforcement officer of the United States and, at the same time, he is the chief political adviser to the administration, regardless of whatever administration may be in power, whether it be a Democratic administration or Republican administration. Do you believe that the Attorney General should participate in partisan political activity such as the congressional elections of 1974, or do you think he should stay in a bipartisan stance such as that traditionally taken, let us say, by the Secretary of State?

Mr. FORD. Certainly the Secretary of State and the Secretary of Defense should refrain from partisan political activity. The Attorney General does not have quite the same responsibilities as the two previously mentioned, but I do believe that he should certainly be circumspect, because as the principal law enforcing officer of the Government

On the subject of Mrs. Ford's health, Jack said the White House is probably the best place to be to get medical treatment for her back and arthritis problems.

He said his mother has been an inspiration for the whole family because of her campaigning abilities.

On the campaign, Michael, who was also on the show, said at one point during the campaign, his father and Jimmy Carter engaged in criticism of each other which "wasn't fair to the American people.

He said he thought the two men should keep the campaign on the high road and said he expressed that viewpoint to his father.

As a family member, Jack said he has tremendous reservations about his father becoming President for the next four years because of the strain.

But, Michael and Jack agreed that because of their father's accomplishments in the past two years, they think he is the best choice.

--Good Morning, America (10/28/76)

WatergateFORD/DOLEJaworski Ridicules Dash

Former Special Prosecutor Leon Jaworski rejects as "silly" Watergate committee lawyer Sam Dash's charge that a stronger prosecutor might have blocked the pardon of Richard Nixon.

Dash suggested in a Women's Wear Daily interview Wednesday that President Ford "wouldn't have dared pardon Nixon" if he thought Jaworski would resist in court or by going to the people.

Jaworski, a Houston lawyer, ridiculed the suggestion.

"I got a call from President Ford at 9:30 am. He pardoned Nixon at 11 a.m. How could I have gone to the people? That shows how silly that is," Jaworski said.

"There was no possible way to attack it. There is no limit to Presidential pardon. It would have to be fought out in the Constitution," Jaworski said.

"I'm sure that when Ford pardoned Nixon, he did not think he would get any kind of reaction" from Jaworski, Dash said, suggesting Ford believed Jaworski was too weary of Watergate to intervene.



Jaworski said Dash was in no position to know whether or not the Special Prosecutor was weary because the two had no contact during the last 8 months of the investigation.

"If his (Dash's) comments (in the interview) are no more erudite than the questions he asked on the Watergate committee, then I'm not concerned," Jaworski said.  
--UPI (10/28/76)

WatergateFORD/DOLE

Attorney General Edward Levi stands by his refusal to investigate President Ford's role in a 1972 Watergate controversy despite a claim that key witnesses never were questioned, the Justice Department said Wednesday.

A Department spokesman restated Levi's decision in response to an NBC News report suggesting Levi acted on incomplete evidence in deciding there are no grounds to investigate the President.

Robert Havel, the Justice spokesman, said Levi explained adequately last week why he turned down Congressional requests to investigate Ford's actions.

"We found no credible evidence and we stand by that," Havel said.

NBC-TV reporter Carl Stern said he had learned Levi made his no-investigation decision without questioning "two of the three most available witnesses" -- Dean and William Timmons.

Stern said investigators did question Cook, but not under oath and without asking to see "supporting records he says he has."

Following Stern's report, Rep. Henry Reuss sent Ford a telegram urging him to answer the charges publicly at a campaign appearance before educators in Milwaukee Thursday.

"I ask that you tell this independent organization of educators whether or not you talked to Richard Cook or any other White House personnel about the...investigation at any time in 1972," Reuss said.



Stern's report also drew a sharp response from Cook, who said he was "anxious to state under oath the circumstances surrounding Dean's distortions regarding me," and who alleged NBC has paid Dean a \$7500 advance for documentary rights to his book. Cook asked the network to explain why it had "concealed" that arrangement.

An NBC spokesman said network news President Richard Wald issued a statement two weeks ago saying: "NBC had no financial interest in the success of John Dean's book. A year ago, when we were planning a documentary on the Nixon administration, we took an option to buy the TV rights to the book he (Dean) was writing.

"We paid \$7500 for that option. It gave us a first negotiating position if we wanted to buy the book; at the insistence of Mr. Dean's lawyer, it expressly ruled out any obligation by Mr. Dean to appear on NBC or do anything at all for NBC unless we decided to pick up that option and pay for the privilege. We haven't picked up the option. We have not paid for the privilege."  
--UPI (10/27/76)



FORD/DOLE CAMPAIGNWatergate ProbeDash Accuses Levi of "Conflict of Interest"

Sam Dash said Thursday Attorney General Edward Levi has been placed in "an essential and inherent conflict of interest" situation by persons urging him to investigate President Ford's alleged role in the Watergate investigation.

Dash also told reporters that Ford and Jimmy Carter differ considerably on almost all Watergate reforms backed by the Citizens' Committee for Watergate Reform.

Dash accused Ford of making "misleading and inaccurate statements" about his role in blocking a 1972 investigation by the House Banking Committee into financing of illegal Watergate activities.

Dash said Ford contended the Special Prosecutor had investigated and cleared him, "and the actual fact is the Special Prosecutor said it was not in his jurisdiction."  
AP, UPI, CBS (10/28/76)

IssuesDole Forgets World War II Comment

Aides to Bob Dole say he can't remember telling a national television audience that this century's wars were "Democrat wars."

Despite his use of the phrase as recently as Monday, the candidate does not recall saying it during his nationally televised debate with Walter Mondale, they said.

Dole told a New Mexico party breakfast Thursday he received an early morning phone call from President Ford, who told him, "we're beginning to put it all together," and urged him to "keep doing what we're doing, it will come out all right for America next Tuesday."

He also quoted Ford as saying, "We've got the momentum. It's moving just right."  
AP (10/28/76)



November 27, 1973

MEMORANDUM

To: Peter W. Rodino, Jr., Chairman  
From: Bob Trainor  
Re: Request to Reopen Ford Confirmation Hearings

I have carefully reviewed the correspondence forwarded to you by Representative Elizabeth Holtzman requesting that the Ford confirmation hearing be reopened to permit clarification of what she believes to be contradictory statements uttered by Mr. Ford concerning his involvement in the Watergate cover-up. In support of her request she references three allegedly inconsistent statements: (1) Mr. Ford's testimony before the Senate Rules Committee on November 5, 1973; (2) Mr. Ford's testimony before this Committee on November 26, 1973, and; (3) an affidavit submitted to this Committee on November 26, 1973, by Mr. William Timmons of the White House staff.

An analysis of these three alleged inconsistent statements discloses that, in fact, they are not inconsistent at all. First, Ms. Holtzman cites Senator Robert Byrd's inquiry of Mr. Ford appearing on pages 128-29 of the printed Senate hearings. In pertinent part the inquiry and response are as follows:

Senator Byrd: Were you in contact with anyone at the White House during the period of August Through October 1972 concerning the Patman Committee's possible investigation of the Watergate breakin?

Mr. Ford: Not to my best recollection. The best and, I think most authoritative answer to this question is one that Representative Jorry (sic) Brown...submitted to the Ervin Committee.

(Congressman Brown's statement was then submitted for the record)



I believe that Mr. Ford's response to Senator Byrd's question was predicated on Mr. Ford's belief that Senator Byrd wished to determine if any contact was made with the White House for the specific purpose of receiving instructions or information relating to the possible Banking and Currency Committee investigation. While Mr. Ford's answer indicates that he could not recall any contact with the White House for the specific purpose of receiving instructions, he expresses an awareness of Mr. Brown's contacts with the members of the Administration during this period.

Furthermore, I believe that Ms. Holtzman's account of Mr. Ford's testimony before the Senate is misleading in the way in which it is presented. Ms. Holtzman recounts in the text of her letter Mr. Ford's answer to Senator Byrd's inquiry in the following manner:

Mr. Ford: Not to my best recollection. (At 284.) Almost daily...I talked to Mr. Timmons, or someone in the Legislative Liaison Office of the White House but even in this case I do not recall any conversations concerning this particular matter. (At 286.)

In truth, all matter appearing after the first sentence "Not to my best recollection (At 284.)" was in response to a second question offered by Senator Byrd appearing on pages 134-35 of the printed Senate hearings. Specifically, Senator Byrd's question and Mr. Ford's response is as follows:

Senator Byrd: Mr. Ford, you undoubtedly would recall any conversation you might have during that period of August-October with the President, with Mr. Haldeman, Mr. Ehrlichman, Mr. Dean, or anyone at the White House, in connection with the proposed investigation by the Patman Committee. Do you recall any such conversations that would indicate that the White House wanted you to lend your efforts as a leader, to blocking such an investigation? (emphasis added)

Mr. Ford: I can say categorically, Senator Byrd, I never talked with the President about it, or with Mr. Haldeman, Mr. Ehrlichman, Mr. Dean. I know I had no conversation with them now.

Almost daily, during my period as Republican leader in the House, I talked with Mr. Timmons, or someone in the Legislative Liaison Office of the White House, but even in this case I do not recall any conversations concerning this particular matter.



It is my interpretation that Mr. Ford's answer was strictly in response to the question of whether he had received instructions from the White House to lead the effort to block the Patman investigation rather than, as Ms. Holtzman would have you believe, in response to the question of whether he had ever, under any circumstances, discussed the Patman matter with Timmons.

In light of the above, Mr. Ford's testimony before the Committee on November 26, 1973, stating that while he never contacted the White House or Timmons specifically for the purpose of discussing the possible Banking and Currency investigation, he may have briefly and generally mentioned the proposed investigation, does not in any way seem inconsistent with his earlier Senate testimony.

An examination of the affidavit submitted by Mr. Timmons does present some question as to the total accuracy of Mr. Ford's statements relating to the Patman investigation. On the one hand, Ford admits that he may have generally discussed the matter with Timmons, while Timmons categorically denies ever having communicated with Ford on the issue. The severity of this inconsistency is slight when viewed in terms of the inability of Ford to recall specific instances where he may have spoken with Timmons about the matter. Ford spoke in terms of his conversations with Timmons on this issue as possible occurrences, stating "we might have discussed very generally the situation there," and "H/e may have asked me that status of..."

Ms. Holtzman suggests on page 3 of her letter that Mr. Timmons' affidavit is deficient in that it covers only the period from September 21 through October, rather than the entire period beginning in August. It appears that Mr. Timmons did not intentionally omit the month of August from his sworn statement but was asked only to consider the "Fall" of 1972. The significance of this one month omission is, at best, slight, since the vote taken by the Banking and Currency Committee considering the authorization of subpoena power did not take place until October 3, 1972. Any concerted effort, it could be argued, to obstruct the investigation certainly would have occurred just prior to the vote.

Of further note is the fact that the Banking and Currency Committee refused to authorize the subpoena power by a vote of 20 to 15. While all of the Republicans present for the vote (14) cast their ballot in opposition to the resolution, they were joined by six Democrats to defeat the resolution. It is apparent therefore, that it took a bipartisan effort to defeat Reuss' resolution and was not purely a Republican effort.



Ms. Holtzman refers in her letter to John Dean's testimony before the Ervin Committee and urges that he be called to testify before this Committee. John Dean, in his testimony, never referred to Mr. Ford by name as a target of White House pressure to obstruct the Banking and Currency investigation. Moreover, Congressman Garry Brown submitted to the Watergate Committee a lengthy statement detailing the Administration's involvement in the matter. He did not indicate that Ford was involved in any way nor was he ever called to appear before the Committee to explain his statement.

In this regard, it is important to remember that this Committee is in receipt of a letter from Senator Ervin stating that his Committee has uncovered no information that in any way bears on the qualifications of Mr. Ford to be Vice President of the United States.



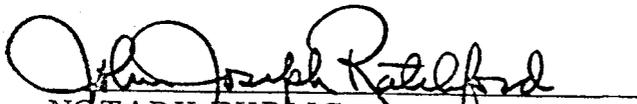
WASHINGTON  
DISTRICT OF COLUMBIA :

AFFIDAVIT

I, WILLIAM E. TIMMONS, being duly sworn according to law, do hereby swear and affirm that during the Fall of 1972 I had no communications, written or oral, with Rep. Gerald R. Ford in regard to any proposal or intention of the Banking and Currency Committee of the House of Representatives to conduct an investigation and/or hold hearings on the Watergate break-in and related issues.

  
WILLIAM E. TIMMONS

Sworn to and subscribed  
before me this 26th day of  
November, 1973.



NOTARY PUBLIC

My commission expires May 31, 1978



November 27, 1973

MEMORANDUM

To: Peter W. Rodino, Jr., Chairman  
From: Bob Trainor  
Re: Request to Reopen Ford Confirmation Hearings

I have carefully reviewed the correspondence forwarded to you by Representative Elizabeth Holtzman requesting that the Ford confirmation hearing be reopened to permit clarification of what she believes to be contradictory statements uttered by Mr. Ford concerning his involvement in the Watergate cover-up. In support of her request she references three allegedly inconsistent statements: (1) Mr. Ford's testimony before the Senate Rules Committee on November 5, 1973; (2) Mr. Ford's testimony before this Committee on November 26, 1973, and; (3) an affidavit submitted to this Committee on November 26, 1973, by Mr. William Timmons of the White House staff.

An analysis of these three alleged inconsistent statements discloses that, in fact, they are not inconsistent at all. First, Ms. Holtzman cites Senator Robert Byrd's inquiry of Mr. Ford appearing on pages 128-29 of the printed Senate hearings. In pertinent part the inquiry and response are as follows:

Senator Byrd: Were you in contact with anyone at the White House during the period of August through October 1972 concerning the Patman Committee's possible investigation of the Watergate breakin?

Mr. Ford: Not to my best recollection. The best and, I think most authoritative answer to this question is one that Representative Jorry (sic) Brown...submitted to the Ervin Committee.

(Congressman Brown's statement was then submitted for the record)



I believe that Mr. Ford's response to Senator Byrd's question was predicated on Mr. Ford's belief that Senator Byrd wished to determine if any contact was made with the White House for the specific purpose of receiving instructions or information relating to the possible Banking and Currency Committee investigation. While Mr. Ford's answer indicates that he could not recall any contact with the White House for the specific purpose of receiving instructions, he expresses an awareness of Mr. Brown's contacts with the members of the Administration during this period.

Furthermore, I believe that Ms. Holtzman's account of Mr. Ford's testimony before the Senate is misleading in the way in which it is presented. Ms. Holtzman recounts in the text of her letter Mr. Ford's answer to Senator Byrd's inquiry in the following manner:

Mr. Ford: Not to my best recollection. (At 284.) Almost daily...I talked to Mr. Timmons, or someone in the Legislative Liaison Office of the White House but even in this case I do not recall any conversations concerning this particular matter. (At 286.)

In truth, all matter appearing after the first sentence "Not to my best recollection (At 284.)" was in response to a second question offered by Senator Byrd appearing on pages 134-35 of the printed Senate hearings. Specifically, Senator Byrd's question and Mr. Ford's response is as follows:

Senator Byrd: Mr. Ford, you undoubtedly would recall any conversation you might have during that period of August-October with the President, with Mr. Haldeman, Mr. Ehrlichman, Mr. Dean, or anyone at the White House, in connection with the proposed investigation by the Patman Committee. Do you recall any such conversations that would indicate that the White House wanted you to lend your efforts as a leader, to blocking such an investigation? (emphasis added)

Mr. Ford: I can say categorically, Senator Byrd, I never talked with the President about it, or with Mr. Haldeman, Mr. Ehrlichman, Mr. Dean. I know I had no conversation with them now.

Almost daily, during my period as Republican leader in the House, I talked with Mr. Timmons, or someone in the Legislative Liaison Office of the White House, but even in this case I do not recall any conversations concerning this particular matter.



It is my interpretation that Mr. Ford's answer was strictly in response to the question of whether he had received instructions from the White House to lead the effort to block the Patman investigation rather than, as Ms. Holtzman would have you believe, in response to the question of whether he had ever, under any circumstances, discussed the Patman matter with Timmons.

In light of the above, Mr. Ford's testimony before the Committee on November 26, 1973, stating that while he never contacted the White House or Timmons specifically for the purpose of discussing the possible Banking and Currency investigation, he may have briefly and generally mentioned the proposed investigation, does not in any way seem inconsistent with his earlier Senate testimony.

An examination of the affidavit submitted by Mr. Timmons does present some question as to the total accuracy of Mr. Ford's statements relating to the Patman investigation. On the one hand, Ford admits that he may have generally discussed the matter with Timmons, while Timmons categorically denies ever having communicated with Ford on the issue. The severity of this inconsistency is slight when viewed in terms of the inability of Ford to recall specific instances where he may have spoken with Timmons about the matter. Ford spoke in terms of his conversations with Timmons on this issue as possible occurrences, stating "we might have discussed very generally the situation there," and "He may have asked me that status of..."

Ms. Holtzman suggests on page 3 of her letter that Mr. Timmons' affidavit is deficient in that it covers only the period from September 21 through October, rather than the entire period beginning in August. It appears that Mr. Timmons did not intentionally omit the month of August from his sworn statement but was asked only to consider the "Fall" of 1972. The significance of this one month omission is, at best, slight, since the vote taken by the Banking and Currency Committee considering the authorization of subpoena power did not take place until October 3, 1972. Any concerted effort, it could be argued, to obstruct the investigation certainly would have occurred just prior to the vote.

Of further note is the fact that the Banking and Currency Committee refused to authorize the subpoena power by a vote of 20 to 15. While all of the Republicans present for the vote (14) cast their ballot in opposition to the resolution, they were joined by six Democrats to defeat the resolution. It is apparent therefore, that it took a bipartisan effort to defeat Mr. Reuss' resolution and was not purely a Republican effort.



Ms. Holtzman refers in her letter to John Dean's testimony before the Ervin Committee and urges that he be called to testify before this Committee. John Dean, in his testimony, never referred to Mr. Ford by name as a target of White House pressure to obstruct the Banking and Currency investigation. Moreover, Congressman Garry Brown submitted to the Watergate Committee a lengthy statement detailing the Administration's involvement in the matter. He did not indicate that Ford was involved in any way nor was he ever called to appear before the Committee to explain his statement.

In this regard, it is important to remember that this Committee is in receipt of a letter from Senator Ervin stating that his Committee has uncovered no information that in any way bears on the qualifications of Mr. Ford to be Vice President of the United States.



WASHINGTON  
DISTRICT OF COLUMBIA

AFFIDAVIT

I, WILLIAM E. TIMMONS, being duly sworn according to law, do hereby swear and affirm that during the Fall of 1972 I had no communications, written or oral, with Rep. Gerald R. Ford in regard to any proposal or intention of the Banking and Currency Committee of the House of Representatives to conduct an investigation and/or hold hearings on the Watergate break-in and related issues.

  
WILLIAM E. TIMMONS

Sworn to and subscribed  
before me this 26th day of  
November, 1973.

  
NOTARY PUBLIC  
My commission expires May 31, 1978



Confirmation of Gerald R. Ford as Vice President  
of the United States

DISSENTING VIEWS OF MS. ELIZABETH HOLTZMAN

I cannot in good conscience recommend that this House confirm Gerald R. Ford as Vice President of the United States. First, the Judiciary Committee's investigation remains incomplete in two critical respects: the constitutionality of Mr. Ford's taking office and certain unresolved conflicts in his testimony. Second, despite Mr. Ford's personal affability and the rectitude of his personal finances, he does not meet the high standards which, under the 25th Amendment, we are bound to apply to his nomination.

*The Constitutional Impediment*

Article I, Section 6 of the Constitution prohibits a Representative, during his term, from appointment to "any civil Office under the Authority of the United States . . . the emoluments whereof shall have been increased during such time." In this term Congress has passed Public Law 93-136, which increased the civil service retirement benefits for the Vice President. There is little question that this increased benefit constitutes an "emolument."

Unfortunately, this Committee did not adequately explore whether this emolument is a bar to Mr. Ford's assuming office when confirmed. No witnesses were heard on this question, and no legal memoranda were available to the Committee when it disposed of this question.

Yet, the question is a serious one. The constitutional debates and the policy of the emoluments clause would indicate that it applies to an appointed vice president. I have attached an analysis prepared by a Professor at the Yale Law School indicating that the confirmation of Gerald Ford as Vice President might well run afoul of Article I, Section 6.

This House has an obligation to assure that whoever is confirmed does not serve under a constitutional cloud. At this stage of the proceedings no such assurance can be given. Clearly, if remedial legislation is needed to perfect the confirmation, it ought to be enacted now.

*The Unresolved Conflicts in Mr. Ford's Testimony*

A second and equally important unresolved problem concerns Mr. Ford's statements about his role in the effort, which some have alleged was initiated and coordinated by the White House, to halt the investigation into certain aspects of the Watergate affair by the House Banking and Currency Committee in late summer and fall of 1972. In his Senate testimony, the nominee admitted having organized two meetings for Banking and Currency Committee Republicans to "discuss" the investigation, but he firmly denied acting to halt the investigation at the behest of the White House.

Indeed, Mr. Ford broadly and explicitly denied having discussed the matter of the investigation with any White House official during the entire period that the proposed investigation was an issue in the House. See page 284 of typed Senate Transcript.)



On the last day of his testimony before the House, however, Mr. Ford for the first time made sworn statements which indicated that he had indeed discussed the matter of the Patman investigation with Mr. Timmons, a White House liaison officer. (See pages 706-707 of House typed transcript.)

Mr. Ford's House testimony therefore calls into question his testimony before the Senate. Because this testimony came at the very end of the hearings, it was impossible to pursue further the nature and content of the "general" discussions Mr. Ford then recalled, and to resolve the contradiction with earlier testimony. To do so before the nominee is confirmed is imperative, because at a time when the American people are clamoring for absolute candor from their national leaders, the House would do a disservice both to them and to the nominee by leaving unresolved in the record a disturbing and serious contradiction about a matter bearing directly on Mr. Ford's fitness for the Vice Presidency.

I am therefore constrained to recommend that action on the confirmation be postponed until this problem and the constitutional questions are answered.

#### *Obligations under the 25th Amendment*

By requiring Congress to act as the surrogate of the American people, the 25th Amendment places a heavy burden on the Members of this House. Under any circumstances, we must scrutinize a nominee for Vice President in light of his fitness for the Presidency. In these times, however, when the nation is enfeebled by the public's loss of faith in its leaders, and when, thus enfeebled, we are nearly overwhelmed by the most serious conjunction of domestic and foreign policy problems we have faced in many years, we must insist that the person we confirm as Vice President can, if he becomes President, recapture public confidence and give us honest, compassionate, imaginative and outstanding leadership.

Mr. Ford does not meet this test.

#### *The Secret Bombing of Cambodia*

Unfortunately, he cannot claim truly high marks for candor. Knowing full well that Mr. Nixon had lied to the American people about the secret bombing of Cambodia, Mr. Ford nonetheless gave his personal assurance on the floor of the House in 1970 that Mr. Nixon had never deceived the Congress or the public. Should we accept as a potential President a man who shrugs off as "political license" his own failure to be candid with his colleagues and the public, and who affirmatively defends, as Mr. Ford did during our hearings, the right of a President to lie?

#### *The Banking and Currency Committee Investigation*

The nominee's judgment also comes into question when we examine his leadership role in killing the House Banking Committee's Watergate investigation before the 1972 presidential election. The Committee's staff had uncovered evidence that illegal campaign funds had been used to finance the Watergate break-in and that high White House officials were implicated in the affair. Mr. Ford admits that he helped block the investigation.



Mr. EDWARDS. In hindsight, do you think your decision was correct?

Mr. FORD. Well, it is somewhat bolstered by legal scholars. There has been no definitive decision. I think I could produce as many scholars who believe as I do as others might produce for their viewpoint. So I think it is an unresolved matter where there is an honest difference of opinion.

Mr. EDWARDS. Had you discussed the matter previously with the Vice President before he came to the Speaker's?

Mr. FORD. I had on two occasions, as I recollect, at his request, not to just discuss his possibly submitting his letter to the Speaker, but to let him give me and one other Member of the House an opportunity to hear his side of the story, which he told both of us on some two occasions. At the time, in both of those instances, he inferred in the first and talked more affirmatively in the second that he might come up and see the Speaker with this letter requesting action. I did not know the day that he did it until I understood he was in the Speaker's office, however.

Mr. EDWARDS. Did he discuss with you the rather large extent of his criminal involvement before, in these previous discussions, in these discussions before you met in the Speaker's office?

Mr. FORD. He discussed with me and one of my colleagues the allegations that were alleged, not the full extent of them, and his willingness to take an oath that they were untrue.

Mr. EDWARDS. Did he discuss his plan to submit the matter to the House of Representatives with the President?

Mr. FORD. With the President?

Mr. EDWARDS. With the President.

Mr. FORD. I am not familiar one way or another with that.

Mr. EDWARDS. He did not tell you at these previous meetings whether or not he had discussed the matter with the President?

Mr. FORD. He did not.

Chairman RODINO. Your time has expired.

Ms. Holtzman?

Ms. HOLTZMAN. Thank you, Mr. Chairman.

Mr. Ford, it is very late in the day and you have been patient after a long day, 2 days really of grilling, and I have a few questions to ask of you at this point.

The first regards a report in October 1972 by the staff of the House Banking and Currency Committee which uncovered a number of serious allegations regarding the reelection campaign of President Nixon, including information that large amounts of campaign contributions had been traced to one or more of the Watergate suspects, about a secret Republican fund of at least \$350,000 available that was being used for intelligence-gathering purposes, that a Mexican bank had been used to launder large amounts of campaign funds, that a Federal bank charter had been granted to a large Nixon campaign donor in unusual haste, and that top officials in the Presidential campaign had ordered the bugging of Democrats' National Headquarters as well as the surveillance of bank accounts of Democratic Congressmen and officials.

According to your testimony in the Senate, I understand that you as a Republican leader played a role in the stopping of the investiga-



tion plan in connection with the report by the Banking and Currency Committee investigation. This is not my question, Mr. Ford; let me finish.

Now, I understand also from your testimony that although you met with Mr. Timmons of the White House virtually every day, you did not discuss with him these matters of the allegations in the Banking and Currency staff report and you did not discuss the White House role or White House interest in stopping the investigation by the Banking and Currency Committee; is that correct?

Mr. Ford. Well, first I should make one correction. I never testified before the Ervin committee.

Ms. HOLTZMAN. No, no, I mean before the Senate Rules Committee, I said before the Senate.

Mr. Ford. Oh, I thought you inferred Senator Ervin's committee.

Ms. HOLTZMAN. I set forth a story there and I have subsequently included in the testimony over there the detailed statement that our colleague, Mr. Brown, submitted to the Ervin committee involving the whole matter.

Mr. Ford. Now, I said over there that—and by over there I mean the Senate committee—that I did not discuss the action that I took, which was to call two Republican meetings of members of the Banking and Currency Committee with Mr. Timmons or anybody else.

Ms. HOLTZMAN. I understand. What I wanted to ask you was, did you discuss with Mr. Timmons or with anybody else at the White House whether or not the allegations made by the Banking and Currency staff had any basis in fact or not.

Did you discuss with them, let's say up to the period of November 1?

Mr. Ford. I do not remember discussing those allegations with anybody on the White House staff in 1972.

Ms. HOLTZMAN. OK.

Well, my question then is really—it goes on the action that you took with respect to that proposed Banking and Currency Committee investigation.

In a letter, as I understand it, reported in the press on November 1, 1972, you called the committee staff report the worst form of last-minute smear tactics, and I am concerned that this was done without an apparent attempt to verify with the White House people the charges that had been made by that committee.

Mr. Ford. Well, my release in that regard was predicated on the information that was given to me by the members on our side of the aisle of the Committee on Banking and Currency.

Ms. HOLTZMAN. Well, as I understand it then, these committee meetings—and I read Mr. Brown's, Congressman Brown's statement—the problem that they felt with the Patman-proposed investigation was that it was going to be a fishing expedition, and you, as minority leader, attended these sessions.

Did you ever inform them one way or the other that you had no information one way or another as to the truth or falsity of these charges?

Mr. Ford. I was asked by several members on our side of the aisle on that committee to call the committee together. That was and is a responsibility, as the Republican leader in the House, to get groups like that together when they have a problem. I did it. I presided.



They discussed the position that they as a group ought to take in those hearings or in those committee meetings, and in the course of the discussions at those several meetings, comments were made by various members as to the information they thought might be available, and they thought that Mr. Patman was going on a fishing expedition, and they had beliefs they thought were sound, and, therefore, decided to vote to postpone any action.

I think all the Republicans voted one way with the help of five Democrats.

Ms. HOLTZMAN. I understand that but I, as I said, was concerned and still am concerned that statements were made in an attempt to block that committee investigation, and some of the charges out of which it arose have subsequently turned out to be true, without real investigation it seems by anyone as to whether or not those charges had any basis in fact.

Mr. FORD. Well, I think what disturbed a number of members was that Patman committee, which is the Committee on Banking and Currency, has limited jurisdiction. It does not have the broad jurisdiction of the Ervin committee in the Senate that can cut across jurisdictional lines between one standing committee and another. The Subcommittee on Banking and Currency has rather arbitrary jurisdictional limits and some of the things that were included in, as I recollect, in Mr. Patman's prospective investigation, and some of the things that subsequently turned up in the Ervin committee were well beyond the jurisdictional limits of Mr. Patman's Committee on Banking and Currency.

Ms. HOLTZMAN. But I take it that the laundering, the use of international banks, which still appears to turn out to be the case, for the use of illegal campaign funds, probably did fall within the jurisdiction of that committee.

Mr. FORD. Yes, I gather that particular item did, and I would not argue that but some of the other items were, I think a little beyond the Banking and Currency Committee jurisdiction.

Ms. HOLTZMAN. That might be.

I would like to turn to another area. I am sure I am not going to have time to finish it, but I feel it is importance simply to dispel any remaining cloud that might arise at a future time.

I must say that I myself have reviewed the very intensive financial investigation which has been made both by the IRS people and by the committee staff, and I must say that I personally, and I am sure many other people, are relieved that the stress thus far, and it has been virtually complete, have shown that you personally have not profited from your public trust, aside, of course, from your salary.

Mr. FORD. Thank you.

Ms. HOLTZMAN. And your honorariums. But we do live in a time of enormous public distrust of various political people and in view of the charges that have been surrounding the White House itself with respect to campaign contributions and alleged favors done in response to those campaign contributions, I would like to raise some instances that have come to our attention which do not reflect any improper conduct on your part, but I would like to give you the opportunity under oath to dispel any possible impropriety at this time so that nobody can say that we, as a committee, did not review this area and you were not given an opportunity to comment on it.



Mr. FORD. I probably would have given it to my then administrative assistant, Mr. Meyer, and he would have communicated with Mr. Mark or Mr. Morton.

Ms. HOLTZMAN. Well, I would like to draw your attention again to another letter that was contained in the files transmitted to me last Wednesday by Mr. Becker, in which you are writing again to Mr. Gordon and it is dated March 21, 1972, and in the second paragraph you say—this is a letter apparently signed by you, has your name at the bottom:

I must also thank you for your generous check made out to the D.C. Committee to Re-elect Gerry Ford. I am turning this check over to the Chairman of this Committee and did want you to know my personal gratitude.

Does this letter in anyway refresh your recollection as to whether the chairman of that committee, Mr. Mark, might have kept records as to campaign contributions?

Mr. FORD. That was a thank you letter to Mr. Gordon.

Ms. HOLTZMAN. Right.

Mr. FORD. As I indicated a moment ago, Mr. Gordon was a very long and dear friend of mine. He apparently sent me or my office a check and I transmitted it to Mr. Mark.

This does not refresh my memory as to the procedure that Mr. Mark or Mr. Morton used. That was something that was internal as far as they were concerned.

Ms. HOLTZMAN. Does this letter in anyway refresh your recollection as to the amount of the contribution made by Mr. Gordon?

Mr. FORD. I am sorry.

Ms. HOLTZMAN. Do you recall at this time the amount of the contribution made by Mr. Gordon to the District of Columbia Committee?

Mr. FORD. I do not recall precisely, but it would be a fair guess that it would be about \$500.

Ms. HOLTZMAN. Thank you. I notice on top of the letter a notation "campaign." Does that refer to any file called "campaign?"

Mr. FORD. It is not in my handwriting. I assume that is a notation for the filing setup, and presumably this was a letter in that file that was given on your request.

Ms. HOLTZMAN. Well, if there is such a file marked "campaign" from which this came, I wonder if you would be kind enough to have your staff review it and allow our staff to examine it. Perhaps it contains other indications of campaign contributions to the District of Columbia Committee in 1972.

Mr. FORD. I will be very glad to, and I think that is how we got these other letters.

Ms. HOLTZMAN. That may be. Thank you, Mr. Ford, in that respect. I also wanted to clarify the record with respect to my questions on the Banking and Currency Committee investigation. I gather it was your testimony that you did not have any conversation with Mr. Timmons or anybody else in the White House regarding either of the following: One, an intention on the part of the White House to squelch the Banking and Currency Committee investigation, and second, the truth or falsity of any of the allegations made.

My question is, we talked about, prior to November 1, 1972, and that was your testimony, that you did not have such conversations. I would just like to clarify the date. Would that go back to the time at which

the Banking and Currency Committee worked, became public around toward the latter part of August 1972?

Mr. FORD. I believe so. As I recall my testimony, I said I never called Mr. Timmons on this matter specifically. I also said in the course of our discussions about many legislative matters we might have discussed very generally the situation there, but I never called him nor he called me concerning these particular problems in the Committee on Banking and Currency.

Ms. HOLTZMAN. Well, I did not mean to misconstrue your testimony. I thought that that was the gist of it.

But getting back to around the end of August deadline, the only conversation you might have had are the ones you just referred to now?

Mr. FORD. That is my best recollection.

Ms. HOLTZMAN. Can you recall now what conversations you had with Mr. Timmons, even though they may have occurred in the context of another phone call or about another subject?

Mr. FORD. He may have asked me the status of, one, any legislation before the committee; and two, my appraisal of what the committee might do. But it would not go into him urging me to do something with our members of the committee or any Democrats on the committee or my saying I had done this, because they are not involved in it, and my only role was getting our members and our side together.

Ms. HOLTZMAN. Did he express to you at any time, let us say toward the end of August 1973, to the beginning of November, any concern he might have had about the status of the Banking and Currency Committee investigation?

Mr. FORD. That is a long time ago, and the details of that kind of a conversation I could not actually relate to you. Whenever we talked about that matter it was in general terms, not as to action requested by them or action taken by me.

Chairman RODINO. The time of the gentlelady has expired.

All requests for time have expired.

Mr. CONYERS. A question is outstanding. I was granted 10 minutes.

Chairman RODINO. The gentleman was asked as to what time, and the gentleman asked for 10 minutes and that 10 minutes has expired, and other members yielded to the gentleman. Now, is the gentleman making any further request for time?

Mr. CONYERS. I have several questions, Mr. Chairman, that I would like to get on the record, and I would ask for a sufficient amount of time to develop them.

Chairman RODINO. What is a sufficient amount of time?

Mr. CONYERS. Five minutes. Mr. Chairman.

Chairman RODINO. Five minutes. The gentleman is recognized for 5 minutes.

Mr. CONYERS. I thank the Chair.

Mr. Ford, is it true that you helped Mr. Kellogg in his attempt to obtain an ambassadorship?

Mr. FORD. I was asked to endorse an ambassadorship that Mr. Kellogg wanted.

Mr. CONYERS. Right. Did he not make a substantial contribution to the Republican National Committee?

Mr. FORD. It is my understanding that Mr. Kellogg, prior to the election of 1968 or in 1968, made a contribution of \$30,000 to the New York State Republican campaign fund. Sometime in 1969, virtually



DELAY IN CALLING UP HOUSE CONFERENCE REPORT ON 1972  
FEDERAL ELECTION DISCLOSURE LAW

The CHAIRMAN. The effective date of the 1972 Federal election disclosure law was delayed some 5 weeks in the House, from December 14, 1971, to January 1972, because of the failure to call up a conference report for final House action. An enormous fundraising drive was conducted by Maurice Stans during the 5-week period prior to the effective date of the law. He raised, reportedly, more than \$11 million for President Nixon during this period. The Stans drive was based on the premise that contributions should be made at that time by all donors who wanted to keep their contributions secret from public scrutiny. Were you ever approached by anyone from the White House, the Nixon Campaign Committee, or the executive branch concerning the issue of delaying final passage of this legislation by the House?

Mr. Ford. To my best recollection, Mr. Chairman, nobody contacted me from any of those areas that you mentioned.

The CHAIRMAN. Did you ever discuss the issue of delaying that legislation with any Members of Congress or with anyone else?

Mr. Ford. Well, naturally, in the job that I had, I had to know what was coming up, what was to be programed at any one time on the floor of the House. I do not now, nor did I then control the programing of legislation. That is the responsibility of the majority party. I may have asked if it was coming up. I may have made some comment, but in any case I was not the person who would make the final decision.

BLOCKING INVESTIGATION BY HOUSE BANKING AND CURRENCY  
COMMITTEE OF WATERGATE BREAK-IN

Mr. Patman, Chairman of the House Banking and Currency Committee tried to go into the captioned matter prior to the election last November. The Republican members of the Committee opposed such action. Thus it is appropriate to know what part Mr. Ford played in blocking the investigation at that time.

The record shows his answers to questions propounded.

Senator BYRD. Representative Ford, will you relate to the Committee your role, if any, in the blocking of an investigation by House Banking and Currency Committee into the Watergate break-in as proposed by Chairman Wright Patman in October of 1968?

Mr. Ford. Senator Byrd, I do not have the full details here, but I can outline, give you the salient points.

Chairman Patman had proposed sometime in October of 1972 that his Committee, the Committee on Banking and Currency in the House, undertake an investigation of certain American banks in trading or handling accounts between an American bank and a foreign bank. And that the Senator—Chairman Patman wanted subpoena authority to carry out this investigation.

A number of members of that Committee on the Republican side and several on the Democratic side were opposed to giving that authority to Mr. Patman. A number of our Republicans on that Committee came to me and said, "Jerry, we think you ought to call a meeting so that we on our side of the aisles could bring the leadership up to date, and perhaps the leadership would give some counsel to the Republican members of the Committee on Banking and Currency."

So my position, as the Republican leader of the House, at his request, called a meeting. We met with the Republican members of that Committee on one or two occasions. They brought us up to date.

We talked about what the policy ought to be in the Committee, but there was no Republican party decision made.

The action taken by the Republicans plus, I think, five Democrats was, I think, to deny Chairman Patman that power of subpoena.

Senator BYRD. You may be aware John Dean testified to the Senate Watergate Committee on June 25 of this year, that House Republican leaders "acted at the request of the White House to block that investigation."

Were you in contact with anyone at the White House during the period of August through October 1972 concerning the Patman Committee's possible investigation of the Watergate break-in?

Mr. FORD. Not to my best recollection.

The best and, I think, the most authoritative answer to this question is one that Representative Jerry Brown of the Third District of Michigan submitted to the Ervin Committee.

Congressman Brown was very much involved as a member of the Committee on Banking and Currency, and his name was much more closely identified with this problem than mine.

As a result, he prepared the very detailed statements which I understood were put in the record of the Ervin Committee.

Senator BYRD. Mr. Ford, you undoubtedly may recall now any conversation you might have had during the period of August-October with the President, with Mr. Haldeman, Mr. Ehrlichman, Mr. Dean, or anyone at the White House, in connection with the proposed investigation by the Patman Committee.

Do you recall any such conversations that would indicate that the White House wanted you to lend your efforts as a leader to cloaking such an investigation?

Mr. FORD. I can say categorically, Senator Byrd, I never talked with the President about it, Mr. Haldeman, Mr. Ehrlichman, and Mr. Dean.

I know emphatically I had no conversation with them now.

Almost daily, during my period as Republican leader in the House, I talked with Mr. Timmons, or someone in the Legislative Liaison Office of the White House, but even in this case I do not recall any conversations concerning this particular matter.

Senator BYRD. Was there any discussion between you, Mr. Timmons, or between you and the other members of the Committee or any of your colleagues in the House to the effect that the investigation would possibly be harmful to the President, harmful to his re-election chances in the then upcoming Presidential election, or to the Republican party generally?

Mr. FORD. As I recall the two meetings that I attended, both of which I called, the real issue that was discussed, and Jerry Brown's memo or prepared statement probably expresses it better than I can, was that Mr. Patman, the Chairman of the Committee on Banking and Currency in the House, was going about the matter in the wrong way. And as I recall, statements were made he was going on a fishing expedition.

Now, the members on our side of the aisle in that Committee were concerned about the procedure and the dangers that that procedure might lead to as a precedent.

I think, in all honesty, that was the basic thrust of the action of the Republicans. And I think every Republican on the Committee voted to deny that responsibility or that power to the Chairman. And I think he was joined in favor by five Democrats, as I recall.

So the majority turned down the authority.

Senator BYRD. But as I understand you, there was no—as I understand you, any efforts that you may have contributed towards the stifling or the impeding or the blocking of such investigation by the Patman Committee was not born of your feeling, or at least your feelings as were expressed to anyone, your feeling that such an investigation would be harmful to the President and harmful to his chances of re-election or harmful to your party or harmful to his re-election?

Mr. FORD. The answer is no, Senator Byrd.

## INFLATION

Senator PELL. Notwithstanding the fact that this administration has been beset by many troubles, I think there is one national domestic problem that is probably of more concern to everyone today than any other problem, and that is the question of inflation.

I was wondering what you saw as your contribution toward ending this tendency toward inflation?

Mr. FORD. I agree the greatest domestic problem we have today is inflation. I think there are four ways you can go about trying to remedy it.

First, you have to identify where the major areas of inflation are.

No. 1 is food. No. 2 is petroleum.

Other than those two areas, I think we have made a reasonably good battle with considerable success against inflation, but food and petroleum are serious.

The Congress asked that the President approve an agricultural bill aimed at increasing supply. I think this is good legislation. I believe it will help alleviate some of the problems as to the supply of food, and that would mean a holding of the line, hopefully a reduction in the cost of food.



The CHAIRMAN. Senator Pell?

Senator PELL. In the interest of time, I will limit myself to one question. I would like to return for a moment to this question of inflation and the burdens imposed, particularly, on our older people. The bill that passed the Senate and is in the House now calls for, I think, a 7-percent increase. Before it passed the House, would you urge the President to sign this bill or do you feel that—

Mr. FORD. I believe that if you are going to increase the benefits, you have to, in all honesty, find additional revenue. Now, I have not had a chance to study whether this added benefit payment that is provided in the Senate version requires additional revenue, whether we have to increase the ceiling so that you are taxing more of the income, or whether we have to increase the rates. But if we have not provided in such legislation additional revenues to keep the balance in the social security trust funds—if we have not provided that revenue—I would urge that it be vetoed.

I hope that we can provide enough revenue because, in my opinion, certainly the people in the older age brackets, because of inflation, need the help. And I want to help them. But I do not want to destroy the social security concept by not providing sufficient revenues to finance these additional benefits.

Senator PELL. Thank you very much.

The CHAIRMAN. Senator Byrd?

Senator BYRD. Representative Ford, will you relate to the committee your role, if any, in the blocking of an investigation by the House Banking and Currency Committee into the Watergate breakin as proposed by Chairman Wright Patman in October of 1972?

Mr. FORD. Senator Byrd, I do not have the full details here, but I can give you the salient points.

Chairman Patman had proposed sometime in October of 1972 that his committee, the Committee on Banking and Currency in the House, undertake an investigation of certain American banks in trading or handling accounts between an American bank and a foreign bank. And Chairman Patman wanted subpoena authority to carry out this investigation.

A number of members of that committee on the Republican side and several on the Democratic side were opposed to giving that authority to Mr. Patman. A number of our Republicans on that committee came to me and said, "Jerry, we think you ought to call a meeting so that we on our side of the aisle could bring the leadership up to date, and perhaps the leadership would give some counsel to the Republican members of the Committee on Banking and Currency."

So as the Republican leader of the House, upon this request, I called a meeting. We met with the Republican members of that committee on one or two occasions. They brought us up to date. We talked about what the policy ought to be in the committee, but there was no Republican Party decision made. The action taken by the Republicans plus, I think, five Democrats was, I think, to deny Chairman Patman that power of subpoena.

Senator BYRD. You may be aware that John Dean testified to the Senate Watergate Committee on June 25 of this year that House Republican leaders "acted at the request of the White House to block that investigation." Were you in contact with anyone at the White House



luring the period of August through October 1972 concerning the Patman committee's possible investigation of the Watergate breakin?

Mr. FORD. Not to my best recollection. The best and, I think most authoritative answer to this question is one that Representative Jerry Brown of the Third District of Michigan submitted to the Ervin committee.

Congressman Brown was very much involved as a member of the committee on Banking and Currency, and his name was much more closely identified with this problem than was mine.

As a result, he prepared the very detailed statements which I understood were put in the record of the Ervin committee. He was never called to testify. But I would be glad to submit that statement by Congressman Brown because it goes into this whole question in very great depth.

I think it might be helpful to the part of this record if the chairman of the committee would so permit.

The CHAIRMAN. You may supply them for the record.

Mr. FORD. I will, sir.

[The statement referred to follows:]

STATEMENT OF HON. GARRY E. BROWN, A MEMBER OF CONGRESS FROM THE STATE OF MICHIGAN, SUBMITTED TO THE SELECT COMMITTEE ON PRESIDENTIAL CAMPAIGN ACTIVITIES

Mr. Chairman and Members of the Committee, at the outset, let me express my deep appreciation to you, Mr. Chairman, and the Committee for providing me with this opportunity to respond in kind to the allegations made by Mr. Dean in his statement and earlier presentation to this Committee. To say that I was somewhat dumbfounded to learn of the allegations made by Mr. Dean is a gross understatement since my participation in the bipartisan effort by members of the House Banking and Currency Committee, which resulted in the denial of the granting of subpoena authority to the Chairman of our Committee, was in no way connected with the so-called "cover-up" activities in which Mr. Dean has testified he participated.

Perhaps it would be best for me to provide the Committee with a chronological statement of what occurred in this regard on the House side, as best I can recall it, and then provide the Committee with a particularized response to Mr. Dean's several allegations.

Assuming the concurrence of the Committee in this proposed format of my testimony, let me proceed with the chronological statement of activities on the House side, the period of time over which these activities occurred having been late August of 1972 to October 3, 1972, the latter date being the date of the meeting of the House Banking and Currency Committee at which, by a vote of 15 to 20, Chairman Patman's request for subpoena authority was denied.

While back in Michigan fulfilling commitments during the August Recess of the Congress, on either the late afternoon of August 30 or the morning of August 31, 1972, I heard on my car radio that the Banking and Currency Committee was interviewing Mr. Maurice Stans, the Chairman of the Finance Committee to Re-Elect the President, with respect to the handling of campaign contributions since there appeared to be a connection between the handling of some of such funds and the Watergate burglary.

Inasmuch as I had not been notified by my office in Washington, nor had I received any notice in Michigan, that the Committee was meeting for this purpose, I immediately got in touch with my Washington office and determined that Chairman Patman had not called a meeting, nor had he notified my office of the interviews with Stans. I then contacted the Banking and Currency Committee staff to determine the facts with respect to the news broadcast I had heard and determined that no Committee meeting had been called, but rather that certain members of the Banking and Currency Committee staff, at the direction of the Chairman, had individually interviewed Stans. I was unable to ascertain at that time from the staff the justification therefor or the reasons why Committee members had not been advised of Chairman Patman's initiation of such investigation by staff members.



In view of the media attention provoked, it appeared to me Patman's action was prompted by political considerations, so I again called my Washington office and asked my legislative assistant to carefully examine the Rules of the House and the Rules of the Banking and Currency Committee to determine by what authority Patman had initiated such investigation without first seeking the authority of the Committee and by what authority he could do so without even notifying Committee members. As a result of such research by my legislative aide, on Thursday, August 31, 1972 I dictated a letter to Chairman Patman citing the Rules of the House and the Committee and indicating my displeasure over the fact that he had initiated such investigation without seeking the concurrence of the Committee or even notifying Committee members. This letter is attached as Exhibit No. 1.

At this juncture, I should point out that to the best of my recollection, there had been no Committee discussion of our Committee's jurisdiction over, or involvement in, an investigation of the Re-Elect Committee's handling of contributions or their possible involvement in the financing of the Watergate burglary. In short, the Committee staff investigation hit me as a complete surprise.

It being necessary for me to attend the fall Republican State Convention in Detroit September 1 and 2, I did not return to Washington until late Monday, Labor Day, September 4.

Inasmuch as the only information I had been able to develop regarding the content of the interviews by Patman's staff members of Stans was from a Republican staff member who had been present during only a portion of such interviews, I contacted Mr. Stans to attempt to determine the particulars about the staff inquiry, whether or not a transcript had been made of such interviews or any other record of the discussions in order that I might be apprised of the substance of such interviews to the same extent as were the staff members and Mr. Patman. In the course of my discussion of the matter telephonically with Mr. Stans, I requested an opportunity to discuss the matter personally with him and arranged to see him on the morning of September 6.

In view of Mr. Dean's statements on pages 103 and 104 to the effect that he and others associated with the White House were aware of and concerned about the Banking and Currency staff investigation as early as mid-August, I should point out that my first contact of any kind with anyone from the White House or the Finance Committee to Re-Elect the President was this call to Mr. Stans on September 5, 1972.<sup>2</sup>

Also, in view of Mr. Dean's association of the Banking and Currency Committee with what he alleges were cover-up discussions going on at this time, it is essential to keep in mind the limited scope of the Patman investigation. In his letter to me, received September 5, responding to my letter of August 31, 1972, Chairman Patman said that his interest in an investigation was prompted by a letter he had received from a Committee member who urged either Patman or the International Finance Subcommittee Chairman to look into possible violations of the Foreign Bank Secrecy Act by the Committee to Re-Elect the President in connection with the transfer of some of its funds through Mexico. In addition, and subsequently, Patman brought into the scope of his interest the circumstances surrounding a \$25,000 contribution to the Committee to Re-Elect the President by one who was interested in a national bank charter application which was pending. In short, by Patman's own statements, he was justifying jurisdiction of the Banking and Currency Committee over the investigation by limiting its scope to the use of banks in the financial transactions of the Committee to Re-Elect the President, the bank charter matter, and to the Watergate burglary by virtue of the surfacing of funds in the bank account of Mr. Barker, one of those who had been arrested for participation in such burglary.

Not satisfied with Patman's response of September 5, 1972, I immediately drafted a letter to him, which letter was co-signed by several of my Republican colleagues on the Committee, in which we demanded that Patman call a meeting of the Committee to discuss the whole matter. Our letter of September 5, 1972 is attached as Exhibit No. 2.

In view of Patman's rationale for conducting the investigation, in my interview with Mr. Stans on September 6, I attempted to ascertain the true facts from him concerning the handling of campaign contributions, the alleged Mexican

<sup>2</sup> At no time, before, during, and since the period covered by this chronology, have I discussed the Committee's action on the Watergate matter with the President, Mr. Haldeman, Mr. Erlichman, Mr. Dean, Mr. Mitchell, Mr. Colson, or any similar person within the inner group mentioned by Mr. Dean.



"rendering" of such funds, and their apparent ultimate deposit in Barker's bank account. Mr. Stans informed me he did not know how or why the funds went to Mexico and ended up in Barker's account, stating that Mr. Gordon Liddy, the general counsel for the Committee, had been the one who made the decisions regarding how contributions were reported, handled, etc. under the new campaign expenditure law. Since my inquiry involved the legality of the handling of such funds, it was agreed I should talk with Mr. Kenneth Parkinson, who was the new legal counsel for the Finance Committee to Re-Elect the President, having succeeded Mr. Liddy, whose services had been terminated.

I met with Mr. Stans personally only this one time, but I may have talked with him three or four times on the phone. During the course of these conversations, I am quite sure I suggested that it might be better for Mr. Stans to testify, than to give Patman the opportunity to publicize and take political advantage of Stans' non-appearance, it being the position of most Republican Committee members that Patman's interest in an investigation was more political than anything else.

I discussed the application of the Bank Secrecy Act, the campaign expenditure law, and other aspects of the matter telephonically with Mr. Parkinson several times and met with him on one occasion of which I am certain and possibly a second time very briefly, although I cannot specifically recall a second occasion.

During this time, I had asked my legislative assistant, who is an attorney and a former law clerk for a Federal Court of Appeals Judge, to brief for me the question of the propriety of the appearance of Mr. Stans and others before our Committee. In the course of this research done by both my legislative assistant and myself, it became apparent that such an appearance could prejudice the rights of those who might be indicted as a result of the grand jury proceedings that were then in progress. Appreciation of this problem prompted me to write to both the Attorney General and Mr. Stans requesting the opinion of the Attorney General with respect to the propriety of Mr. Stans' appearance as well as the opinion of Mr. Stans' attorney concerning his own position on the appropriateness of such appearance. These letters are attached as Exhibits No. 3 and 4, respectively. At the time of the writing of these letters, Mr. Stans had not, to my knowledge, decided whether or not he would voluntarily appear before the Committee.

It is this letter of September 8 to the Attorney General which Mr. Dean has said in his statement, "... was, in fact, drafted by Parkinson for Congressman Brown." I unequivocally deny this charge. The letter to the Attorney General was dictated by me to my secretary and is my work product in every respect. It is my best recollection that from the conversations I had with Mr. Stans and Mr. Parkinson up to this point it appeared to me no decision had been made as to whether or not Mr. Stans would appear. The decision to write such letters was wholly my own and stemmed from my concern about the propriety of his appearance regardless of what his decision might be, such concern having been prompted by the limited research done by my legislative aide and myself to this time.

It would be asinine for me to say that in the course of my discussions of the matter with Stans and Parkinson I did not mention the concern I felt about the legal ramifications of Mr. Stans' appearance before the Committee and of my belief that the legal opinions of those most closely involved, namely, the Attorney General and Stans, should be obtained. In any such discussions, however, it was always a matter of my apprising Stans and Parkinson of what I proposed to do, rather than receipt by me of suggestions, requests, urgings, etc. from them.

Although I received no written response from the Attorney General to my letter of September 8, on September 12 Ralph Erickson, the Deputy Attorney General, telephoned my office and talked with a member of my staff and advised that he was calling in response to my letter of September 8 and indicated that the Attorney General would be happy to talk with me about the matter but did not intend to respond in writing, suggesting that the questions I had asked were now moot because in the interim Mr. Stans had notified the Committee that he was declining the invitation to testify.

During this period of time, the Banking and Currency Committee, although considering other legislation, had been embroiled in the controversy about the conduct of hearings by the Committee into the Patman charges, the scope of which I have already described. But none of the activities regarding political espionage, bugging, cover-up, etc. which have now surfaced and which are now being discussed were known at the time the Banking and Currency Committee was contemplating its hearings and it must also be kept in mind that Patman's



effort to investigate the matter of the laundered funds and Barker's involvement was analyzed by most of us at that time as being blatantly political in view of the up-coming election.

Chairman Patman finally did discuss the matter with the Committee and although objection was voiced by many of us, he scheduled a meeting of the Committee for September 14 to receive the testimony of Stans and Phillip S. Hughes, Director of the Office of Federal Elections, General Accounting Office. This was the meeting at which Stans declined to appear.

Because Stans had failed to appear voluntarily, Chairman Patman notified the Committee on September 25, 1972 that he intended to seek the authority of the Committee to issue subpoenas for Stans and several others at a meeting of the Committee to be held October 3. When it became certain that the Chairman would seek subpoena authority, my earlier concern about the propriety of such appearance was renewed and intensified since in the meantime the legal research done by me and my office had clearly established the danger of conducting a Congressional hearing when criminal proceedings were pending regarding the same matter.

As a result, I again wrote to the Attorney General on September 26, 1972 pointing out to him that although the questions I had raised in my September 5 letter might have become moot after Stans had declined to voluntarily testify, Patman's plans to seek subpoena authority made my questions and concerns very real once again. This letter of September 26 is attached as Exhibit No. 5.

Despite my insistence in my letter to the Attorney General of September 26, 1972 for an opinion to be expressed, it wasn't until the late afternoon of October 2 that I learned Mr. Henry Petersen, Assistant Attorney General, had replied to my letter of September 26, not to me, but to Patman. In fact, Patman had received the response from Petersen before I knew that a response had been provided since I was not given a copy until I requested the same. This letter from Petersen is attached as Exhibit No. 6 and is the same as Dean's Exhibit No. 21.

In this regard, I felt at the time that the Department of Justice and the Attorney General's Office was being most uncooperative and, in fact, was taking a rather untenable position of not wanting to get involved when my research had clearly satisfied me that the success of their prosecutive efforts of those who had been indicted by the grand jury could be seriously jeopardized by public hearings of the Banking and Currency Committee under the law applicable therein, especially the holding in the *Delaney* case. It having been my position then and it continues to be my position, as well as that of Archibald Cox, the Special Prosecutor, that public hearings in prejudicing the rights of those who have been accused, necessarily also seriously jeopardize the successful prosecution of these individuals.

In any case, the Committee met on October 3 and, as is well known, voted 20-15 against authorizing the Chairman to issue the subpoenas he has requested.<sup>2</sup>

Although it is of little pertinence to this chronology, I wish to add that consistent with my many-times stated position regarding the Banking and Currency Committee's investigation of this matter, to wit, that such investigation should await completion of criminal proceedings, I wrote to Chairman Patman in early January of this year urging him to designate a staff member or hire outside counsel to monitor the criminal trials of the "Watergate Seven" so that we might be kept current on the proceedings of those trials so we would be prepared to conduct a Committee investigation upon completion of the criminal proceedings.

Needless to say, the Chairman declined to grant my request and in a reply expressing many reasons, closed the door upon any investigation by our Committee.

From the foregoing, it is obvious that Mr. Dean, in his testimony before the Senate Select Committee, either has stated things to be true which he does not know to be true or has engaged in absolute falsehoods. More particularly, I recite the following: (References are to the statement presented to your Committee on June 25, 1973.)

On page 104, Mr. Dean states: "At some point in time during these investigations Mr. Parkinson was put in touch with Congressman Gary (sic) Brown who was a member of the Banking and Currency Committee."

<sup>2</sup> In view of Mr. Dean's testimony about the proposed Patman witness list, I should add at this point that I attempted to determine who Patman wanted to subpoena, but it wasn't until I received such list, hand delivered at 5:05 P.M. on 10/2/72, the evening before the 10/3/72 meeting, that I or anyone else, to my knowledge, knew who Patman intended to subpoena and call as witnesses.



The fact is, Mr. Parkinson was not put in touch with me. I requested an opportunity to talk to Mr. Parkinson during my original contact with Mr. Staus when he could not explain to me the several legal aspects of the handling of funds by Mr. Liddy, the legal interpretation given to the campaign expenditure law as it applied to contributions made to the Committee to Re-Elect the President before and after April 7, 1972, and other aspects of the staff interrogation of Mr. Staus.

Also on page 104, Mr. Dean states:

"To the best of my recollection this may have resulted from discussions between members of the White House Congressional Relations staff with the Republican members of the Banking and Currency Committee to determine who would be most helpful on the Committee and Brown indicated his willingness to assist."<sup>3</sup> (Emphasis added.)

The fact is, I recall no conversation with anyone which could be interpreted as my indicating a "willingness to assist." This is especially true if one interprets, as he must, Mr. Dean's word "assist" as being willingness to assist in the White House efforts to block the Patman Committee hearings for the second reason he states on page 103; that being, and I quote . . . "and second, they just might stumble into something that would start unraveling the cover-up."<sup>3</sup>

It should be pointed out that as of even September 8, 1972, or for that matter as late as October 3, 1972, to my recollection, there had been no public suggestion that a "cover-up" was in progress. The fact that I opposed such hearings at that time because I was satisfied the law made inappropriate and undesirable the conduct of hearings of our Committee while the criminal proceedings were pending and, in addition, thought Patman's desire for such hearings was purely political, while for other reasons the White House may have opposed such hearings, may make our goal similar, namely, the blocking of the hearings, but it is totally improper to attribute the same motivation, as Mr. Dean has done.

Again on page 104, Mr. Dean states:

"On September 8th Congressman Brown sent a letter to the Attorney General regarding the forthcoming appearance of Secretary Staus and others before the Patman Committee. I have submitted to the Committee a copy of this letter (Exhibit No. 18), which was, in fact, drafted by Parkinson for Congressman Brown." (Emphasis added.)

The fact is, this letter was not drafted by Parkinson for me, nor to the best of my recollection does my letter to the Attorney General contain any input from Parkinson, although of course, as I have already indicated I had apprised Staus and Parkinson of my plans to solicit the opinion of the Attorney General. On this same page 104, Dean again refers to "Parkinson's drafting the letter for Congressman Brown," which is a repetition of the previous erroneous statement.

I wish to advise the Committee with respect to this statement that upon learning of this charge made by Mr. Dean, I knew it to be so completely erroneous that I sought an explanation for the making of same by Mr. Dean. I attempted to contact Mr. Parkinson to determine whether or not he, or anyone else to his knowledge, might have suggested or stated to Mr. Dean that he, Parkinson, had drafted such letter. Mr. Parkinson was not immediately available and I was unable to talk with him until the late afternoon of Tuesday, June 26, 1973. Dean's statement having been made, as you will recall, in his testimony before this Committee on June 23, 1973. In this telephone conversation with Mr. Parkinson on June 26, Mr. Parkinson unequivocally denied that he had drafted such letter or that he, or anyone else to his knowledge, had advised Mr. Dean that such letter had been drafted by him, Parkinson.

However, in the course of my attempting to learn from Parkinson how Dean could possibly have made this statement, Parkinson recalled that he had prepared a draft of a letter at the request of Mr. Dean which he, Parkinson, understood was to be furnished to the Attorney General as a proposed response by the Attorney General to my letter of September 8, 1972 (Dean's Exhibit No. 18, my Exhibit No. 3). I requested a copy of this proposed draft which was prepared by Mr. Parkinson for Mr. Dean and it is attached hereto as Exhibit No. 7. It is Mr. Parkinson's further recollection that subsequent to his preparation of this draft, Mr. Dean took the same for what Mr. Parkinson understood to be a further review or revision by Mr. Dean. Of course, this proposed draft was apparently never used as intended since no response was made at that time to my letter of September 8, 1972.

<sup>3</sup> Although Dean cites no time frame for this statement, it should be remembered I independently and aggressively had commenced opposing the Patman action as early as 8/31/72 and had no knowledge of what Dean says were on-going conversations within his group on the subject.



Although it is relatively insignificant, on page 105 of his testimony, Dean states that no response was sent by the Justice Department to my letter of September 8 prior to the scheduled appearance of Mr. Stans on September 14: whereas, although Dean's discussion of this matter on page 105 may be substantially accurate, I did receive a telephonic response to my letter of September 8 from Deputy Attorney General Erickson in which, as I have above pointed out, he indicated no written response would be provided and that he felt the questions I had raised in my letter of September 8 were moot because of Stan's decision not to appear before the Committee voluntarily.

On page 108, Mr. Dean states:

"I began receiving increasing pressure from Mitchell, Stans, Parkinson and others to get the Justice Department to respond to the September 8th letter of Congressman Brown as a vehicle that Congressman Brown could use in persuading others not to vote in favor of the subpoenas. Congressman Brown felt that with this document in hand he would give the Republicans and others something to hang their vote on." (emphasis added)

The fact is, I know of no basis for these statements since my only purpose in writing to the Attorney General on both occasions, that is, September 8 and September 26, was to attempt to get the Attorney General to recognize the law for what I knew it to be and to appreciate the prosecutorial problems which would be created by public hearings of the Committee. I especially know of no basis in fact for the underlined portion of the foregoing quote from Dean's statement, since I cannot recall having expressed the same to anyone. However, there can be little question but what such a letter would have a favorable impact upon other members.

At the bottom of page 108 and on page 109 of Dean's statement he states that much effort was put forth by many people, including Mr. Timmons, to persuade members of the Committee to vote against the hearings. I can only speak for this member of the Committee in this regard, but I do not recall receiving any urging from anyone at the White House to cast my vote against such hearings.

In fact, I am very certain I had no significant contact from anyone associated with the Administration or the White House regarding the hearings other than the contacts I have already discussed with Mr. Stans and Mr. Parkinson.

To the best of my recollection, my only contacts with White House personnel were insignificant contacts I had in the course of normal legislative business with Dick Cook, the White House liaison agent for the House of Representatives, who, rather than suggesting or urging me to take any course of action, merely inquired of me as to how things were going and whether or not I thought those of us who opposed the hearings would be successful in our opposition. In my discussions with other members of the Committee at that time and since, I have yet to find one who indicated that he or she was pressured in any way to vote as he or she did.

In conclusion, I wish to thank you, Mr. Chairman, and the members of the Committee for your patience in permitting me to provide this probably unnecessarily lengthy statement. My purpose in doing so was to establish for the record not only the absence of culpability on my part, but the absence of culpability on the part of the other members of the House Committee on Banking and Currency in opposing the Patman investigation, to the extent that I have any knowledge of other members' actions.

I hope I have satisfied the Committee and the listening, viewing, and reading audience that what Mr. Dean has concluded was causally related action by the majority of our Committee to what he was doing at the White House, has no basis in fact and should not be so presumed. If opposition to action proposed by one's colleagues, when that opposition is based on principle and proper political motivation, cannot be voiced without such opposition being interpreted as culpable conduct and obstruction of justice, then we certainly have reached a sorry state of affairs in our political and legislative system.

If I have done nothing else, I trust that I have at least somewhat dispelled the "guilt by association" implicit in Mr. Dean's testimony by his linking of the House Banking and Currency Committee action with the whole gamut of culpable conduct about which he has testified.

I will be glad to answer any questions the members of the Committee might care to pose.

Thank you.

Senator BYRD. Mr. Ford, you undoubtedly would recall any conversation you might have had during that period of August-October with the President, with Mr. Haldeman, Mr. Ehrlichman, Mr. Dean, or any-



me at the White House, in connection with the proposed investigation by the Patman committee. Do you recall any such conversations that would indicate that the White House wanted you to lend your efforts, as a leader, to blocking such an investigation?

Mr. Ford. I can say categorically, Senator Byrd, I never talked with the President about it, or with Mr. Haldeman, Mr. Ehrlichman, and Mr. Dean. I know emphatically I had no conversation with them now.

Almost daily, during my period as Republican leader in the House, I talked with Mr. Timmons, or someone in the Legislative Liaison Office of the White House, but even in this case I do not recall any conversations concerning this particular matter.

Senator Byrd. Was there any discussion between you and Mr. Timmons or between you and the other members of the Patman committee or any of your colleagues in the House to the effect that the investigation would possibly be harmful to the President, harmful to his reelection chances in the then upcoming Presidential election, or to the Republican Party generally?

Mr. Ford. As I recall the two meetings that I attended, both of which I called, the real issue that was discussed—and Jerry Brown's memo or prepared statement probably expresses it better than I can—was that Mr. Patman, the chairman of the Committee on Banking and Currency in the House, was going about the matter in the wrong way. And as I recall, statements were made he was going on a fishing expedition.

Now, the members on our side of the aisles in that committee were concerned about the procedure and the dangers that that procedure might lead to a precedent. I think, in all honesty, that was the basic thrust of the action of the Republicans. And I think every Republican on the committee voted to deny that responsibility or that power to the chairman. And I think they were joined in that vote by five Democrats, as I recall. So a majority of the committee turned down the authority.

Senator Byrd. But as I understand you, any efforts that you may have contributed toward the stifling or impeding or blocking of such investigation by the Patman committee were not born of your feeling, or at least your feelings as expressed to anyone, that such an investigation would be harmful to the President, harmful to his chances of reelection, or harmful to your party?

Mr. Ford. The answer is no, Senator Byrd.

Senator Byrd. Now, Mr. Ford, as you know, the Attorney General of the United States wears two hats. He is the chief law enforcement officer of the United States and, at the same time, he is the chief political adviser to the administration, regardless of whatever administration may be in power, whether it be a Democratic administration or Republican administration. Do you believe that the Attorney General should participate in partisan political activity such as the congressional elections of 1974, or do you think he should stay in a bipartisan stance such as that traditionally taken, let us say, by the Secretary of State?

Mr. Ford. Certainly the Secretary of State and the Secretary of Defense should refrain from partisan political activity. The Attorney General does not have quite the same responsibilities as the two previously mentioned, but I do believe that he should certainly be circumspect, because as the principal law enforcing officer of the Government