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Mr. Buchen

THE WHITE HOUSE
WASHINGTON

October 28, 1974

Dear Mr. Silberman:

Service has been made upon me in connection with my official responsibilities of the attached summons with respect to Hellman, et al. v. Sampson, et al., D. D.C., Civil Action No. 74-1551.

This is to request that the Department of Justice handle this matter on my behalf. If additional information or assistance is required, please contact William E. Casselman II of this office. I would appreciate very much your sending this office copies of any materials you might file with the Court in this matter.

Sincerely,

Philip W. Buchen
Counsel to the President

Honorable Lawrence Silberman
Deputy Attorney General
Department of Justice
Washington, D.C. 20530

Enclosure



United States District Court

FOR THE

District of Columbia

RICHEY, J.

74- 1551

CIVIL ACTION FILE NO. _____

Lillian Hellman, et al.,

Plaintiff

v.

Arthur Sampson, et al.,

Defendant

SUMMONS

To the above named Defendant : Philip Buchen

You are hereby summoned and required to serve upon

Melvin L. Wulf

plaintiff's attorney , whose address

American Civil Liberties Union
410 First Street, S.E.
Washington, D.C. 20008

an answer to the complaint which is herewith served upon you, within 60 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

Clerk of Court.

Deputy Clerk.

Date:

[Seal of Court]

OCT 24 1974

NOTE:—This summons is issued pursuant to Rule 4 of the Federal Rules of Civil Procedure.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

----- X
LILLIAN HELLMAN
630 Park Avenue
New York, New York

BLAIR CLARK
67 Rosedale Road
Princeton, New Jersey

THOMAS BRANDON
Box 346
Scarborough, New York

ADRIAN deWIND
37 W. 12th Street
New York, New York

NORMAN DORSEN
298 W. 11th Street
New York, New York

STEPHEN GILLERS
20 E. 9th Street
New York, New York

JOHN HERSEY
420 Humphrey Street
New Haven, Connecticut

ROBERT SILVERS
250 W. 57th Street
New York, New York

ARTHUR SCHLESINGER, JR.
33 W. 42nd Street
New York, New York

TELFORD TAYLOR
Morningside Heights
New York, New York

HANNAH WEINSTEIN
250 E. 65th Street
New York, New York

Plaintiffs,

v.

ARTHUR SAMPSON
General Services Administration
18th Street & F Street, N.W.
Washington, D.C. 20405

PHILIP BUCHEN
The White House
Washington, D.C.

MCHEY, J.

Civil Action
No.

74- 1551

COMPLAINT
FOR DECLARATORY
AND INJUNCTIVE RELIEF



RICHARD M. NIXON
"Casa Pacifica"
San Clemente, California

H. STUART KNIGHT
Secret Service
1860 G Street, N.W.
Washington, D.C.

Defendants.

----- x

Plaintiffs, by their attorneys, allege as follows
in their Complaint and Cross-Claim against defendant Nixon:

1. This is an action under the Freedom of Information Act, 5 U.S.C. § 552 et seq, and the First Amendment to the Constitution. Plaintiffs seek an order and judgment of this court enjoining defendants from withholding certain specified tape recordings now under their custody and control.

The tape recordings to which plaintiffs seek access consist of 147 specified recordings of conversations in the White House and Executive Office Building (hereinafter "Presidential tap recordings") which are a portion of the subject matter of an alleged agreement between defendants Sampson and Nixon dated September 6, 1974, a copy of which is attached hereto as Exhibit A. A schedule of the 147 specific tape recordings requested in this action is attached hereto as Exhibit B.

JURISDICTION

2. Jurisdiction is conferred upon this court by 5 U.S.C. §§ 552 and 704, 28 U.S.C. §§ 1331 and 1361 and by the First Amendment to the Constitution. The amount in controversy exceeds \$10,000, exclusive of interests and costs.



PARTIES

Plaintiffs

3. Lillian Hellman is a professional writer and playwright who has been awarded numerous prizes for her writings. She is also co-Chairman of the Committee for Public Justice, an organization affiliated with the American Civil Liberties Foundation and concerned with the protection of civil liberties and civil rights of American citizens.

4. Blair Clark is a professional journalist and co-Chairman of the Committee for Public Justice.

5. Thomas Brandon is a professional film-maker and a member of the Executive Council of the Committee for Public Justice.

6. Adrian deWind is a lawyer and a member of the Committee for Public Justice.

7. Norman Dorsen is a Professor of Law at the New York University School of Law and a member of the Executive Council of the Committee for Public Justice.

8. Stephen Gillers is a lawyer and writer and a member of the Executive Council of the Committee for Public Justice.

9. John Hersey is a professional writer and a member of the Executive Council of the Committee for Public Justice.

10. Robert Silvers is a professional editor and a member of the Executive Council of the Committee for Public Justice.

11. Arthur Schlesinger, Jr. is the Albert Schweitzer Distinguished Professor of the Humanities and a professional historian who has won numerous prizes for his historical writings. He is a member of the Committee for Public Justice.



12. Telford Taylor is Professor of Law at the Columbia University School of Law and a member of the Executive Council of the Committee for Public Justice.

13. Hannah Weinstein is a professional film-maker and a member of the Executive Council of the Committee for Public Justice.

Defendants

14. Arthur Sampson is Administrator of the General Services Administration and custodian of the Presidential tape recordings which are the subject matter of this suit. Pursuant to an alleged agreement with defendant Nixon, dated September 6, 1974, he agreed to take possession of certain documents and tape recordings, including the tape recordings at issue in this action, and to permit no persons other than those approved in writing in advance by defendant Nixon to have access to such tape recordings and documents.

15. Philip Buchen is Counsel to the President of the United States. On information and belief he has been delegated authority by the President to supervise possession of and access to the tape recordings at issue in this action.

16. Richard M. Nixon is the former President of the United States and a party to the foregoing alleged agreement with defendant Sampson and others. Under the alleged agreement, defendant Nixon's prior written approval is necessary for any person to be permitted access to the tape recordings at issue in this action.

17. H. Stuart Knight is Director of the United States Secret Service, exercising supervisory authority over agents of the Secret Service who physically control access to the tape recordings at issue in this action.

18. Defendants Sampson, Buchen and Knight are and sued individually in their official capacities. Defendant Nixon is sued individually.

COUNT ONE

19. During the period 1971 to 1973, defendant Nixon had installed a tape recording system in the White House and the Executive Office Building which recorded numerous conversations between the President and other persons. These recordings have been preserved under the control of Secret Service Agents acting under the direction of defendant Knight and his predecessors in office.

20. Many of these Presidential tape recordings contain evidence of possible criminal or impeachable conduct by defendant Nixon and evidence of the abuse of his powers as President.

21. During the course of an inquiry into the impeachment of defendant Nixon, the Judiciary Committee of the House of Representatives subpoenaed 147 tape recordings which it had reason to believe might contain evidence of impeachable offenses by the President. These 147 recordings are the subject matter of this action. Defendant Nixon refused to honor the subpoenas and to deliver the 147 recordings requested, but did make public documents purporting to be the transcripts of approximately 41 of the conversations in question.

22. Following his resignation as President, defendant Nixon entered into an agreement with defendant Sampson which purported: (1) to acknowledge the defendants' ownership of the 147 tape recordings and other Presidential papers; (2) to permit defendant Sampson to accept for deposit said tape recordings and other papers; and (3) to deny access to such recordings to all persons not having the prior written permission of defendant Nixon.

23. Said agreement, to the extent that it applies to the foregoing 147 specified tape recordings, is void and of

no force or validity, because it: (1) acknowledges ownership of the tape recordings by defendant Nixon despite the fact that defendant Nixon does not, under applicable law, own said recordings; (2) may be considered as a gift of said recordings from the government to defendant Nixon which is not permitted by any applicable law or regulation; and (3) denies access to said recordings, which are property of the United States government, to third parties, despite the fact that such access is required under the provisions of the Freedom of Information Act.

24. Defendants Buchen and Knight currently maintain possession or control of the tape recordings at issue in this action with a view toward depositing them with defendant Sampson in accordance with the terms of the defendants' alleged agreement of September 6, 1974.

25. Pursuant to the Freedom of Information Act of 1966, Title 5 U.S.C. section 552(a), plaintiffs requested access to the 147 tape recordings referred to above in a letter to defendant Sampson, dated October 2, 1974, a copy of which is annexed hereto as Exhibit C.

26. By letter dated October 15, 1974, defendant Sampson, through Richard Q. Vawter, Director of Information for the General Services Administration (hereinafter "GSA"), denied plaintiffs' request for access to the tape recordings. (A copy of this letter is attached hereto as Exhibit D.) The purported grounds for refusal were: (1) that GSA did not have the requested materials in its possession, and (2) that the Presidential Libraries Act of 1955, Title 44, U.S.C. §§ 2107-2108, precludes access to the tape recordings.

27. Plaintiffs seek access to the tapes in question

as citizens, and in some instances as members of a non-profit Committee of citizens concerned about issues of public justice which is conducting an inquiry into Watergate events and the abuse of presidential power. As historians, writers, journalists, film-makers and lawyers, plaintiffs also seek access to the tape recordings for their professional pursuits.

28. Plaintiffs have a right, pursuant to the Freedom of Information Act, to inspect and copy at a reasonable cost the tape recordings referred to above, none of which are protected by any form of executive or personal privilege of defendant Nixon, and defendants are improperly withholding the information sought in this action contrary to the disclosure requirements of the Act.

COUNT TWO

29. Paragraphs 1-28 inclusive are hereby incorporated by reference herein.

30. Defendants' denial of access to plaintiffs to the tape recordings referred to above violates plaintiffs' rights under the First Amendment in that it: (1) impedes and curtails the constitutionally protected activities of the plaintiffs acting through the Committee for Public Justice; (2) inhibits their research, writing and publication concerning a historical subject of great public significance; and (3) restricts their rights as citizens to discover if and how the highest office of the land was misused by defendant Nixon and prevents them from establishing through the political process proper safeguards against Presidential abuse of power in the future.

WHEREFORE, plaintiffs demand judgment:

(1) enjoining defendants from withholding access to the tape recordings described in paragraphs 1 and 21 and Exhibit B;

(2) ordering defendants to make promptly available to plaintiffs the tape recordings specified in paragraphs 1 and 21 and Exhibit B;

(3) declaring that the alleged agreement of September 6, 1974, between defendants Sampson and Nixon, is void and illegal and of no force or validity as applied to the tape recordings described in paragraphs 1 and 21 and Exhibit B;

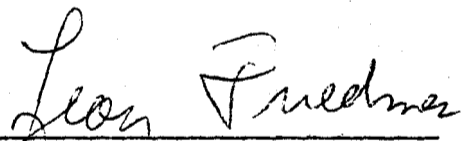
(4) granting plaintiffs such other and further relief as this Court deems just and proper.

Respectfully submitted,

MELVIN L. WULF
c/o American Civil Liberties Union

410 First Street, S.E.
Washington, D.C. 20003
(202) 544-1681

JOHN H. F. SHATTUCK
American Civil Liberties Union
Foundation
22 East 40th Street
New York, New York 10016
(212) 725-1222


LEON FRIEDMAN
Hofstra University
School of Law
Southern California Avenue
Hempstead, New York 11550

TELFORD TAYLOR
Columbia University Law School
Amsterdam Avenue and 116th Street
New York, New York 10027

Dated: October , 1974
New York, New York



EXHIBIT A

September 6, 1974

Honorable Arthur F. Sampson
Administrator
General Services Administration
Washington, D. C.

Dear Mr. Sampson:

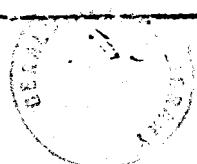
In keeping with the tradition established by other former Presidents, it is my desire to donate to the United States, at a future date, a substantial portion of my Presidential materials which are of historical value to our Country. In donating these Presidential materials to the United States, it will be my desire that they be made available, with appropriate restrictions, for research and study.

In the interim, so that my materials may be preserved, I offer to transfer to the Administrator of General Services (the "Administrator"), for deposit, pursuant to 44 U.S.C. Section 2101, et seq., all of my Presidential historical materials as defined in 44 U.S.C. Section 2101 (hereinafter "Materials"), which are located within the metropolitan area of the District of Columbia, subject to the following:

1. The Administrator agrees to accept solely for the purpose of deposit the transfer of the Materials, and in so accepting the Materials agrees to abide by each of the terms and conditions contained herein.
2. In the event of my death prior to the expiration of the three-year time period established in paragraph 7A hereof, the terms and conditions contained herein shall be binding upon and inure to the benefit of the executor of my estate for the duration of said period.
3. I retain all legal and equitable title to the Materials, including all literary property rights.

- 2 -

4. The Materials shall, upon acceptance of this offer by the Administrator, be deposited temporarily in an existing facility belonging to the United States, located within the State of California near my present residence. The Materials shall remain deposited in the temporary California facility until such time as there may be established, with my approval, a permanent Presidential archival depository as provided for in 44 U.S.C. Section 2108.
5. The Administrator shall provide in such temporary depository and in any permanent Presidential archival depository reasonable office space for my personal use in accordance with 44 U.S.C. Section 2108 (f). The Materials in their entirety shall be deposited within such office space in the manner described in paragraph 6 hereof.
6. Within both the temporary and any permanent Presidential archival depository, all of the Materials shall be placed within secure storage areas to which access can be gained only by use of two keys. One key, essential for access, shall be given to me alone as custodian of the Materials. The other key may be duplicated and entrusted by you to the Archivist of the United States or to members of his staff.
7. Access to the Materials within the secure areas, with the exception of recordings of conversations in the White House and the Executive Office Building which are governed by paragraphs 8 and 9 hereof, shall be as follows:



- 3 -

- A. For a period of three years from the date of this instrument, I agree not to withdraw from deposit any originals of the Materials, except as provided in subparagraph B below and paragraph 10 herein. During said three-year period, I may make reproductions of any of the originals of the Materials and withdraw from deposit such reproductions for any use I may deem appropriate. Except as provided in subparagraph B below, access to the Materials shall be limited to myself, and to such persons as I may authorize from time to time in writing, the scope of such access to be set forth by me in each said written authorization. Any request for access to the Materials made to the Administrator, the Archivist of the United States or any member of their staffs shall be referred to me. After three years I shall have the right to withdraw from deposit without formality any or all of the Materials to which this paragraph applies and to retain such withdrawn Materials for any purpose or use I may deem appropriate, including but not limited to reproduction, examination, publication or display by myself or by anyone else I may approve.
- B. In the event that production of the Materials or any portion thereof is demanded by a subpoena or other order directed to any official or employee of the United States, the recipient of the subpoena or order shall immediately notify me so that I may respond thereto, as the owner and custodian of the Materials, with sole right and power of access thereto and, if appropriate, assert any privilege or defense I may have. Prior to any such production, I shall inform the United States so it may inspect the subpoenaed materials and determine whether to object to its production on grounds of national security or any other privilege.

EXHIBIT A

- 4 -

8. The tape recordings of conversations in the White House and Executive Office Building which will be deposited pursuant to this instrument shall remain on deposit until September 1, 1979. I intend to and do hereby donate to the United States, such gift to be effective September 1, 1979, all of the tape recordings of conversations in the White House and Executive Office Building conditioned however on my continuing right of access as specified in paragraph 9 hereof and on the further condition that such tapes shall be destroyed at the time of my death or on September 1, 1984, whichever event shall first occur. Subsequent to September 1, 1979 the Administrator shall destroy such tapes as I may direct. I impose this restriction as other Presidents have before me to guard against the possibility of the tapes being used to injure, embarrass, or harass any person and properly to safeguard the interests of the United States.
9. Access to recordings of conversations in the White House and Executive Office Building within the secure areas shall be restricted as follows:
 - A. I agree not to withdraw from deposit any originals of the Materials, except as provided in subparagraph B and paragraph 10 below, and no reproductions shall be made unless there is mutual agreement. Access to the tapes shall be limited to myself, and to such persons as I may authorize from time to time in writing, the scope of such access to be set forth by me in each said written authorization. No person may listen to such tapes without my written prior approval. I reserve to myself such literary use of the information on the tapes.
 - B. In the event that production of the Materials or any portion thereof is demanded by a subpoena or other order directed to any official or employee of the United States,

EXHIBIT A

-5-

the recipient of the subpoena or order shall immediately notify me so that I may respond thereto, as the owner and custodian of the Materials, with sole right and power of access thereto and, if appropriate, assert any privilege or defense I may have. Prior to any such production, I shall inform the United States so it may inspect the subpoenaed materials and determine whether to object to its production on grounds of national security or any other privilege.

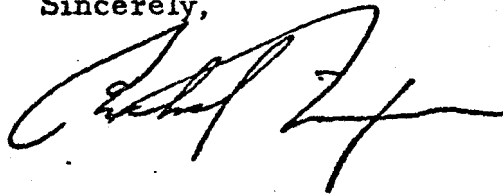
10. The Administrator shall arrange and be responsible for the reasonable protection of the Materials from loss, destruction or access by unauthorized persons, and may upon receipt of an appropriate written authorization from the Counsel to the President provide for a temporary re-deposit of certain of the Materials to a location other than the existing facility described in paragraph 4 herein, provided however that no diminution of the Administrator's responsibility to protect and secure the Materials from loss, destruction, unauthorized copying or access by unauthorized persons is affected by said temporary re-deposit.
11. From time to time as I deem appropriate, I intend to donate to the United States certain portions of the Materials deposited with the Administrator pursuant to this agreement, such donations to be accompanied by appropriate restrictions as authorized by 44 U.S.C. Section 2107. However, prior to such donation, it will be necessary to review the Materials to determine which of them should be subject to restriction, and the nature of the restrictions to be imposed. This review will require a meticulous, thorough, time-consuming analysis. If necessary to fulfill this task, I will request that you designate certain members of the Archivist's staff to assist in this review under my direction.

EXHIBIT A

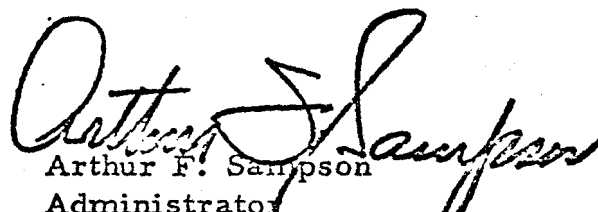
- 6 -

If you determine that the terms and conditions set forth above are acceptable for the purpose of governing the establishment and maintenance of a depository of the Materials pursuant to 44 U.S. C. Section 2101 and for accepting the irrevocable gift of recordings of conversations after the specified five year period for purposes as contained in paragraph 8 herein, please indicate your acceptance by signing the enclosed copy of this letter and returning it to me. Upon your acceptance we both shall be bound by the terms of this agreement.

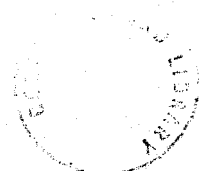
Sincerely,



Accepted by:


Arthur F. Sampson
Administrator
General Services Administration

9/7/74



August 22, 1974

CONGRESSIONAL RECORD — HOUSE

H 9031

1. Certain conversations between the President and Mr. Haldeman or Mr. Ehrlichman or Mr. Dean in February, March and April, 1973, as follows:

(a) Conversations between the President and Mr. Haldeman on or about February 20, 1973, that concern the possible appointment of Mr. Magruder to a government position;

(b) Conversations between the President, Mr. Haldeman and Mr. Ehrlichman on or about February 27, 1973, that concern the assignment of Mr. Dean to work directly with the President on Watergate and Watergate-related matters;

(c) Conversations between the President and Mr. Dean on March 17, 1973, from 1:25 to 2:10 p.m. and March 20, 1973, from 7:29 to 7:43 p.m.

(d) Conversations between the President and Mr. Ehrlichman on March 27, 1973 from 11:10 a.m. to 1:30 p.m., and on March 30, 1973, from 12:02 to 12:18 p.m.; and

(e) Conversations between the President and Mr. Haldeman and the President and Mr. Ehrlichman during the period April 14 through 17, 1973, as follows:

April 14

8:55 to 11:31 a.m.: Meeting among the President, Mr. Ehrlichman and Mr. Haldeman.

1:55 to 2:13 p.m.: Meeting between the President and Mr. Haldeman.

2:24 to 3:55 p.m.: Meeting among the President, Mr. Ehrlichman and Mr. Haldeman.

5:15 to 6:45 p.m.: Meeting among the President, Mr. Ehrlichman and Mr. Haldeman.

11:02 to 11:16 p.m.: Telephone conversation between the President and Mr. Haldeman.

11:22 to 11:53 p.m.: Telephone conversation between the President and Mr. Ehrlichman.

April 15

10:35 to 11:15 a.m.: Meeting between the President and Mr. Ehrlichman.

2:24 to 3:30 p.m.: Meeting between the President and Mr. Ehrlichman.

3:27 to 3:44 p.m.: Telephone conversation between the President and Mr. Haldeman.

7:50 to 9:15 p.m.: Meeting among the President, Mr. Haldeman and Mr. Ehrlichman.

10:16 to 11:15 p.m.: Meeting among the President, Mr. Ehrlichman and Mr. Haldeman.

April 16

12:08 to 12:23 a.m.: Telephone conversation between the President and Mr. Haldeman.

8:18 to 8:22 a.m.: Telephone conversation between the President and Mr. Ehrlichman.

9:50 to 9:59 a.m.: Meeting among the President, Mr. Haldeman and Mr. Ehrlichman.

10:50 to 11:04 a.m.: Meeting among the President, Mr. Haldeman and Mr. Ehrlichman.

12:00 to 12:31 p.m.: Meeting among the President, Mr. Ehrlichman and Mr. Haldeman.

3:27 to 4:02 p.m.: Meeting between the President and Mr. Ehrlichman (Mr. Ziegler present from 3:35-4:04 p.m.).

9:27 to 9:49 p.m.: Telephone conversation between the President and Mr. Ehrlichman.

April 17

9:47 to 9:59 a.m.: Meeting between the President and Mr. Haldeman.

12:35 to 2:30 p.m.: Meeting among the President, Mr. Haldeman and Mr. Ehrlichman (Mr. Zeigler present from 2:10-2:17 p.m.).

2:39 to 2:40 p.m.: Telephone conversation between the President and Mr. Ehrlichman.

3:50 to 4:35 p.m.: Meeting among the President, Mr. Haldeman and Mr. Ehrlichman.

5:50 to 7:14 p.m.: Meeting among the President, Mr. Haldeman and Mr. Ehrlichman (Mr. Rogers present from 5:20-6:19 p.m.).

2. Conversations between the President and Mr. Kleindienst and the President and Mr. Petersen during the period from April 15 through 18, 1973, as follows:

April 15

10:13 to 10:15 a.m.: Telephone conversation between the President and Mr. Kleindienst.

1:12 to 2:22 p.m.: Meeting between the President and Mr. Kleindienst.

3:48 to 3:49 p.m.: Telephone conversation between the President and Mr. Kleindienst.

4:00 to 5:15 p.m.: Meeting among the President, Mr. Kleindienst and Mr. Petersen.

8:14 to 8:18 p.m.: Telephone conversation between the President and Mr. Petersen.

8:25 to 8:26 p.m.: Telephone conversation between the President and Mr. Petersen.

9:39 to 9:41 p.m.: Telephone conversation between the President and Mr. Petersen.

11:45 to 11:53 p.m.: Telephone conversation between the President and Mr. Petersen.

April 16

1:39 to 3:25 p.m.: Meeting between the President and Mr. Petersen (Mr. Zeigler present from 2:25-2:52 p.m.).

8:58 to 9:14 p.m.: Telephone conversation between the President and Mr. Petersen.

April 17

2:46 to 3:49 p.m.: Meeting between the President and Mr. Petersen.

April 18

2:50 to 2:56 p.m.: Telephone conversation between the President and Mr. Petersen.

6:28 to 6:37 p.m.: Telephone conversation between the President and Mr. Petersen.

Memorandum to Committee on the Judiciary Respecting Conversations Requested on February 25, 1974

The following sets forth the facts and bases underlying the requests for the conversations specified in the letter of February 25, 1974 from Mr. Doar to Mr. St. Clair:

(1) Conversations between the President and Mr. Haldeman on or about February 20, 1973, that concern the possible appointment of Mr. Magruder to a government position.

Jeb Magruder was deputy director of the Committee to Re-elect the President and participated in meetings at which plans for the electronic surveillance of the President's political opponents were discussed (Magruder, 2 SSC p. 787-790). Mr. Magruder has testified that he committed perjury before the grand jury investigating the break-in at the Democratic National Committee Headquarters and at the trial of the seven defendants in *United States v. Liddy, et al.* (Magruder, 2 SSC p. 805). Mr. Magruder has testified that he informed Mr. Haldeman in mid-January, 1973 that he was going to commit perjury during the trial (Magruder, 2 SSC p. 832). Mr. Haldeman does not recollect this discussion but does state that he met with Mr. Magruder on February 14, 1973 and on March 2, 1973 about Mr. Magruder's future (Haldeman, 7 SSC p. 2886-87).

Mr. Dean testified that in January and February of 1973 there were discussions about a job for Mr. Magruder (Dean, 3 SSC p. 990). Hugh Sloan, the former treasurer of the President's Campaign Finance Committee, testified he told Mr. Dean that if Mr. Magruder (who Sloan testified made efforts to persuade him to commit perjury) (Sloan, 2 SSC p. 543, 581, 583) were given an appointment requiring Senate confirmation, Mr. Sloan would voluntarily seek out the Senate Committee and testify against Mr. Magruder (Sloan, 2 SSC p. 591). Mr. Dean has further testified that on or about February 19, 1973 he was asked by Mr. Haldeman to prepare an agenda of topics which the President could use as a basis for a meeting with Mr. Halde-

man (Dean, 3 SSC p. 987). That agenda raised as a topic the question of a White House position for Mr. Magruder. The agenda stated that Mr. Magruder "[m]ay be vulnerable (Sloan) until Senate Hearings are completed." (Exhibit 34-34, 3 SSC p. 1243) Mr. Dean has testified that on or about February 20, 1973, Mr. Haldeman met with the President to discuss the topics covered by the memorandum (Dean, 3 SSC p. 988).

Mr. Haldeman testified that at the time he received the agenda he had already told Magruder that a White House job would not be possible "but I think the point here was to check that decision with the President to be sure he concurred." (Haldeman, 7 SSC p. 2891). In March 1973, Mr. Magruder was appointed to a \$36,000 a year government post which did not require Senate confirmation (Magruder, 2 SSC p. 831; Haldeman, 7 SSC p. 2887).

(2) Conversations between the President, Mr. Haldeman and Mr. Ehrlichman on or about February 27, 1973, that concern the assignment of Mr. Dean to work directly with the President on Watergate and Watergate-related matters.

Both Mr. Haldeman and Mr. Ehrlichman have testified that the President decided toward the end of February 1973, that Mr. Dean would work directly with the President on Watergate-related matters and that this decision was discussed with them (Ehrlichman, 7 SSC p. 2739; Haldeman, 7 SSC p. 2891). Mr. Dean has testified that when he met with the President on February 27, 1973, the President told him that Watergate "was taking too much time from Haldeman's and Ehrlichman's normal duties and . . . they were principals in the matter, and I, therefore, could be more objective than they." (Dean, 3 SSC p. 991)

(3) Conversations between the President and Mr. Dean on March 17, 1973, from 1:25 to 2:10 p.m. and March 20, 1973 from 7:29 to 7:43 p.m.

(a) March 17

The President has stated that he first learned at this meeting of the break-in of the office of Daniel Ellsberg's psychiatrist which the White House Special Investigation Unit committed in September 1971 (President's Statement August 16, 1973, Pres. Doc. p. 993).

The White House has also stated that Mr. Dean told the President on this date that no White House aides were involved in the Watergate burglary except possibly Mr. Strachan and that the President suggested that Mr. Dean, Mr. Haldeman and Mr. Ehrlichman testify before the Senate Select Committee (Exhibit 70-A, 4 SSC p. 1798—Memorandum of Substance of Dean's Calls and Meetings With the President).

(b) March 20

The White House has said that in the course of this phone call from the President to Mr. Dean, Mr. Dean stated that there was not a "scintilla of evidence of White House involvement" in Watergate (Exhibit 70-A, 4 SSC p. 1798—Memorandum of Substance of Dean's Calls and Meetings with the President). President Nixon confirmed this statement (President's News Conference August 22, 1972, Pres. Doc. p. 1019). Mr. Dean has testified that during this call he scheduled a meeting with the President to discuss the facts of Watergate and the obstruction of the Watergate investigation (Dean, 3 SSC p. 997-98).

(4) Conversations between the President and Mr. Ehrlichman on March 27, 1973, from 11:10 a.m. to 1:30 p.m. and on March 30, 1973 from 12:02 to 12:18 p.m.

(a) March 27

Mr. Ehrlichman has testified that on March 27, 1973, he met with the President and discussed White House involvement in the break-in at the Democratic National



Committee Headquarters (Ehrlichman, 7 SSC p. 2747). Mr. Ehrlichman has testified that the President instructed him to inform Attorney General Kleindienst that the President had no information that Mr. Ehrlichman, Mr. Colson, Mr. Dean, Mr. Haldeman or any other White House staff had any prior knowledge of the Watergate burglary (Ehrlichman, 7 SSC p. 2748-49; Exhibit 99 p. 2944-45). Mr. Ehrlichman has also testified that the President asked him to inquire of the Attorney General about the procedures for granting immunity (Ehrlichman, 7 SSC p. 2750).

(b) March 30

The President has said that after Mr. Dean's disclosures of March 21 he ordered new investigations. (President's Statement April 17, 1973, Pres. Doc. p. 387; President's Statement April 30, 1973, Pres. Doc. p. 434; President's Statement August 15, 1973, Pres. Doc. p. 993). The President has stated that on this date the President asked Mr. Ehrlichman to take over that investigation from Mr. Dean (President's Statement August 15, 1973, Pres. Doc. p. 993; Ehrlichman, 7 SSC p. 2747).

(5) All conversations between the President and Mr. Haldeman and the President and Mr. Ehrlichman from April 14 through 17, 1973, inclusive.

(6) All conversations between the President and Mr. Kleindienst and the President and Mr. Petersen from April 15 through 18, 1973, inclusive.

(a) April 14, 1973

The President's records indicate that the following meetings and telephone conversations took place between the President and Mr. Haldeman and the President and Mr. Ehrlichman on April 14, 1973:

8:55 to 11:31 a.m.: Meeting between the President and Mr. Ehrlichman in the President's EOB office. (The President's daily diary shows that Mr. Haldeman was present from 9:00 to 11:30 a.m.).

1:55 to 2:13 p.m.: Meeting between the President and Mr. Haldeman.

2:24 to 3:55 p.m.: Meeting among the President, Mr. Ehrlichman and Mr. Haldeman in the Oval Office.

6:15 to 6:45 p.m.: Meeting among the President, Mr. Ehrlichman and Mr. Haldeman in the President's EOB office.

11:02 to 11:16 p.m.: Telephone conversation between the President and Mr. Haldeman.

11:22 to 11:53 p.m.: Telephone conversation between the President and Mr. Ehrlichman.

The President has stated that it was on April 14 that Mr. Ehrlichman reported to him the results of the inquiry of the Watergate matter which the President, on March 30, 1973, ordered Mr. Ehrlichman to conduct (President's Statement August 15, 1973, Pres. Doc. p. 993). Mr. Ehrlichman testified that he informed the President that Messrs. Dean, Magruder and Mitchell were involved in the planning of the Watergate break-in (Ehrlichman, 7 SSC p. 2755, 2757-58, SSC Exhibit 98 at p. 2915-43). The President, according to Mr. Ehrlichman, ordered that the information be turned over to Mr. Kleindienst (Ehrlichman, 7 SSC p. 2758).

It was on April 14 that Mr. Magruder informed Mr. Ehrlichman that he was giving the prosecutors new information with respect to the Watergate break-in and its aftermath. (Magruder, 2 SSC p. 808; Ehrlichman, 7 SSC p. 2765-66). Mr. Ehrlichman and Mr. Haldeman knew that Mr. Dean already had been talking to the prosecutors and on April 14 Mr. Dean told them that Mr. Ehrlichman and Mr. Haldeman were targets of the grand jury investigation (Dean, 3 SSC p. 1014). Thus, when Mr. Ehrlichman telephoned Mr. Kleindienst on the evening of April 14 and was advised by the Attorney General to turn over all information to the Department of Justice to avoid being charged

with obstruction of justice, Mr. Ehrlichman stated that "it doesn't really make any difference any more" since Mr. Dean and Mr. Magruder were talking to the prosecutors (Kleindienst, 9 SSC p. 3577).

(b) April 15, 1973

The President's records indicate that the following meetings and telephone conversations took place among the President, Mr. Haldeman, Mr. Ehrlichman, Mr. Kleindienst and Mr. Petersen:

10:13 to 10:15 a.m.: Telephone conversation between the President and Mr. Kleindienst.

10:35 to 11:15 a.m.: Meeting between the President and Mr. Ehrlichman.

1:12 to 2:22 p.m.: Meeting between the President and Mr. Kleindienst.

2:24 to 3:30 p.m.: Meeting between the President and Mr. Ehrlichman.

3:27 to 3:44 p.m.: Telephone conversation between the President and Mr. Haldeman.

3:48 to 3:49 p.m.: Telephone conversation between the President and Mr. Kleindienst.

4:00 to 5:15 p.m.: Meeting among the President, Mr. Kleindienst and Mr. Petersen.

7:50 to 9:15 p.m.: Meeting among the President, Mr. Haldeman and Mr. Ehrlichman.

8:14 to 8:18 p.m.: Telephone conversation between the President and Mr. Petersen.

8:25 to 8:26 p.m.: Telephone conversation between the President and Mr. Petersen.

9:39 to 9:41 p.m.: Telephone conversation between the President and Mr. Petersen.

10:16 to 11:15 p.m.: Meeting among the President, Mr. Ehrlichman and Mr. Haldeman.

11:45 to 11:53 p.m.: Telephone conversation between the President and Mr. Petersen.

It was on April 15 that Mr. Kleindienst and Mr. Petersen directly brought to the attention of the President the new information which was being conveyed to the prosecutors by Mr. Dean and Mr. Magruder. (President's Statement August 15, 1973, Pres. Doc. p. 993). April 15 was also the date on which the President, beginning at 9:17 p.m., had an important conversation with Mr. Dean that the President has stated was not recorded because the tape had run out (President's Statement November 12, 1973, Pres. Doc. p. 1330; President's News Conference November 17, 1973, Pres. Doc. p. 1346-47). According to Mr. Dean the President stated at that conversation that he was joking when he said earlier that it would be no problem to raise \$1,000,000 (Dean, 3 SSC p. 1016). Following the conversation with Mr. Dean the President had a meeting with Mr. Ehrlichman and Mr. Haldeman at which Mr. Ehrlichman called Mr. Gray with respect to what happened to documents from Mr. Hunt's safe which were given to Mr. Gray in June 1972. Mr. Gray informed Mr. Ehrlichman that the documents were destroyed (Ehrlichman, 7 SSC p. 2675-76).

As the listing of conversations indicates, immediately following each of his various conversations with Mr. Kleindienst or Mr. Petersen, the President had conversations, some of which were quite lengthy, with Mr. Haldeman or Mr. Ehrlichman or both. It was on April 15 that Mr. Petersen suggested to the President that Mr. Haldeman and Mr. Ehrlichman be fired (Petersen, 9 SSC p. 3628-29). The President stated that he owed an obligation of fairness to Mr. Haldeman and Mr. Ehrlichman (Petersen, 9 SSC p. 3628).

(c) April 16, 1973

The President's records indicate that the following meetings and telephone conversations took place among the President, Mr. Haldeman, Mr. Ehrlichman, Mr. Kleindienst and Mr. Petersen:

12:03 to 12:23 a.m.: Telephone conversation between the President and Mr. Haldeman.

8:18 to 8:22 a.m.: Telephone conversation between the President and Mr. Ehrlichman.

9:50 to 9:59 a.m.: Meeting among the President, Mr. Haldeman and Mr. Ehrlichman.

10:50 to 11:04 a.m.: Meeting among the President, Mr. Haldeman and Mr. Ehrlichman.

12:00 to 12:31 p.m.: Meeting among the President, Mr. Ehrlichman and Mr. Haldeman.

1:39 to 3:25 p.m.: Meeting between the President and Mr. Petersen (Mr. Ziegler present from 2:25 to 2:52 p.m.).

3:27 to 4:02 p.m.: Meeting between the President and Mr. Ehrlichman (Mr. Ziegler present from 3:35 to 4:04 p.m.).

8:58 to 9:14 p.m.: Telephone conversation between the President and Mr. Petersen.

9:27 to 9:49 p.m.: Telephone conversation between the President and Mr. Ehrlichman.

On April 16, according to Mr. Dean's testimony, the President asked Mr. Dean to sign a letter of resignation, but Mr. Dean said he would not resign unless Mr. Ehrlichman and Mr. Haldeman also resigned (Dean, 3 SSC p. 1017-1018). The President had further discussions with Mr. Petersen about the prosecutors' evidence of Mr. Haldeman and Mr. Ehrlichman's possible involvement in the Watergate matter and the possibility of granting immunity to Mr. Dean (Petersen, 9 SSC p. 3634; President's Statement April 17, 1973 Pres. Doc. p. 387). Again, prior to and subsequent to his conversations with Mr. Dean and Mr. Petersen the President had a number of conversations with Mr. Ehrlichman and Mr. Haldeman.

(d) April 17, 1973

The President's records indicate that the following meetings and telephone conversations took place among the President, Mr. Haldeman, Mr. Ehrlichman, Mr. Kleindienst and Mr. Petersen:

9:47 to 9:59 a.m.: Meeting between the President and Mr. Haldeman.

12:35 to 2:30 p.m.: Meeting among the President, Mr. Haldeman and Mr. Ehrlichman (Mr. Ziegler present from 2:10 to 2:17 p.m.).

2:39 to 2:40 p.m.: Telephone conversation between the President and Mr. Ehrlichman.

2:46 to 3:49 p.m.: Meeting between the President and Mr. Petersen.

3:50 to 4:35 p.m.: Meeting among the President, Mr. Haldeman and Mr. Ehrlichman.

5:50 to 7:14 p.m.: Meeting among the President, Mr. Haldeman and Mr. Ehrlichman (Mr. Rogers present from 5:20 to 6:19 p.m.).

On April 17 the President issued a statement that there were "major developments" in the Watergate case and "real progress has been made on finding the truth." The President also stated that "no individual holding, in the past or at present, a position of major importance in the administration should be given immunity from prosecution." (Pres. Doc. p. 387) Mr. Dean has testified that by the "no immunity" provision in the April 17 statement, the President was "quite obviously trying to affect any discussion I was having with the government regarding my testimony." Mr. Dean has stated that Mr. Garment, another Presidential Assistant, believed that the "no immunity" provision was inserted into the President's statement by Mr. Ehrlichman (Dean, 3 SSC p. 1020).

Also, on April 17, the pattern of the previous few days is repeated in that prior to and subsequent to conversations between the President and Mr. Petersen there are numerous conversations between the President and Mr. Haldeman and the President and Mr. Ehrlichman.

(e) April 18, 1973

The President's records indicate that the following meetings and telephone conversations took place between the President and Mr. Petersen:

2:50 to 2:56 p.m.: Telephone conversation between the President and Mr. Petersen.

August 22, 1974

CONGRESSIONAL RECORD — HOUSE

H 9033

6:28 to 6:37 p.m.: Telephone conversation between the President and Mr. Petersen.

On April 18, the President learned from Mr. Petersen that Mr. Dean had informed the prosecutors of the break-in by Messrs. Hunt and Liddy of the office of Dr. Fielding, Daniel Ellsberg's psychiatrist. (President's News Conference, August 22, 1973, Pres. Doc. p. 1020; Petersen, 9 SSC p. 3631). There was also a continuation of the discussion respecting possible immunity for Mr. Dean during which the President said he had a tape to prove that Mr. Dean had told the President he had received immunity (Petersen, 9 SSC p. 3630, 3654-56). With respect to the Fielding break-in the President has stated that he first learned of it on March 17, 1973, and that on April 18 he instructed Mr. Petersen to stay out of the matter because it involved national security.

In calling for the above conversations the Committee is seeking to determine:

Whether any of the conversations in any way bear upon the knowledge or lack of knowledge of, or action or inaction by the President and/or any of his senior administration officials with respect to, the investigation of the Watergate break-in by the Department of Justice, the Senate Select Committee, or any other legislative, judicial, executive or administrative body, including members of the White House staff;

Whether any of the conversations in any way bear upon the President's knowledge or lack of knowledge of, or participation or lack of participation in, the acts of obstruction of justice and conspiracy charged or otherwise referred to in the indictments returned on March 1 in the District Court for the District of Columbia in the case of *U.S. v. Haldeman, et al.*; and

Whether any of the conversations in any way bear upon the President's knowledge or lack of knowledge of, or participation or lack of participation in, the acts charged or otherwise referred to in the informations or indictments returned in the District Court for the District of Columbia in the cases of *U.S. v. Magruder, U.S. v. Dean, U.S. v. Chapin* and *U.S. v. Ehrlichman*, or other acts which may constitute illegal activities.

[Copy]

By Authority of the House of Representatives of the Congress of the United States of America

To Benjamin Marshall, or his duly authorized representative:

You are hereby commanded to summon Richard M. Nixon, President of the United States of America, or any subordinate officer, official or employee with custody or control of the things described in the attached schedule, to be and appear before the Committee on the Judiciary of the House of Representatives of the United States, of which the Hon. Peter W. Rodino, Jr. is chairman, and to bring with him the things specified in the schedule attached hereto and made a part hereof, in their chamber in the city of Washington, on or before May 22, 1974, at the hour of 10:00 A.M., then and there to produce and deliver said things to said Committee, or their duly authorized representative, in connection with the Committee's investigation authorized and directed by H. Res. 803, adopted February 6, 1974.

Herein fail not, and make return of this summons.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 15th day of May 1974.

PETER W. RODINO, Jr.,
Chairman.

Attest:

W. PAT JENNINGS,
Clerk.

On behalf of Richard M. Nixon, President of the United States of America, I accept

service of the original subpoena, of which the foregoing is a copy.

Dated: May 15, 1974.

Received by:

JAMES D. ST. CLAIR.

Special Counsel to the President.

Schedule of Things Required To Be Produced Pursuant to Subpoena of the Committee on the Judiciary

The President's daily diaries (as reflected on U.S. Government Printing Office Form "1972 O-472-086" or any predecessor or successor forms) for the period April through July 1972, February through April 1973, July 12 through July 31, 1973 and October 1973.

[Copy]

By Authority of the House of Representatives of the Congress of the United States of America

To Benjamin Marshall, or his duly authorized representative:

You are hereby commanded to summon Richard M. Nixon, President of the United States of America, or any subordinate officer, official or employee with custody or control of the things described in the attached schedule, to be and appear before the Committee on the Judiciary of the House of Representatives of the United States, of which the Hon. Peter W. Rodino, Jr. is chairman, and to bring with him the things specified in the schedule attached hereto and made a part hereof, in their chamber in the city of Washington, on or before May 22, 1974, at the hour of 10:00 A.M. then and there to produce and deliver said things to said Committee, or their duly authorized representative, in connection with the Committee's investigation authorized and directed by H. Res. 803, adopted February 6, 1974.

Herein fail not, and make return of this summons.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 15th day of May 1974.

PETER W. RODINO, Jr., Chairman.

On behalf of Richard M. Nixon, President of the United States of America, I accept service of the original subpoena, of which the foregoing is a copy.

Dated: May 15, 1974.

Received by:

JAMES D. ST. CLAIR.

Special Counsel to the President.

Schedule of Things Required To Be Produced Pursuant to Subpoena of the Committee on the Judiciary

All tapes, dictabelts, other electronic and mechanical recordings, and transcripts, memoranda, notes or other writings of things relating to the following conversations:

1. Meetings among the President, Mr. Haldeman and Mr. Mitchell on April 4, 1972 from 4:13 to 4:50 p.m. and between the President and Mr. Haldeman from 6:03 to 6:18 p.m.

2. Conversations on June 20, 1972 between the President and Mr. Haldeman, and the President and Mr. Colson, as follows:

2:20 to 3:30 p.m.: Meeting between the President and Mr. Colson.

4:35 to 5:25 p.m.: Meeting between the President and Mr. Haldeman.

7:52 to 7:59 p.m.: Telephone conversation between the President and Mr. Haldeman.

8:04 to 8:21 p.m.: Telephone conversation between the President and Mr. Colson.

8:42 to 8:50 p.m.: Telephone conversation between the President and Mr. Haldeman.

11:33 p.m. 6/20 to 12:05 a.m. 6 21: Telephone conversation between the President and Mr. Colson.

3. Conversations on June 23, 1972 between the President and Mr. Haldeman, as follows:

10:04 to 10:39 a.m.: Meeting between the President and Mr. Haldeman (Mr. Ziegler present from 10:33-10:39 a.m.)

1:04 to 1:13 p.m.: Meeting between the President and Mr. Haldeman.

2:20 to 2:45 p.m.: Meeting between the President and Mr. Haldeman (Mr. Ziegler present from 2:40-2:43 p.m.)

Memorandum Setting Forth Facts and Bases Underlying April 19, 1974, Request for Presidential Conversations Necessary for Committee's Inquiry into Watergate and Aftermath

The following sets forth the facts and bases underlying the request contained in Mr. Doar's letter to Mr. St. Clair, dated April 19, 1974, for Presidential conversations necessary for the House Judiciary Committee's inquiry into Watergate and its aftermath. An asterisk following a specified conversation indicates that the Special Prosecutor has subpoenaed such conversation for the trial of the indictment in *United States v. Mitchell, et al.* filed on March 1, 1974 respecting Watergate and its aftermath.

(1) Meetings among the President, Mr. Haldeman, and Mr. Mitchell on April 4, 1972, from 4:13 to 4:50 p.m. and between the President and Mr. Haldeman from 6:03 to 6:18 p.m.*

Mr. Magruder has testified that on March 30, 1972 Mr. Mitchell approved Mr. Liddy's plan for electronic surveillance of the President's political opponents and an entry into the Democratic National Committee Headquarters in Washington. (Magruder, 2 SSC 794-95). Mr. Magruder called Mr. Strachan and indicated the project had been approved, and immediately thereafter, in early April, 1972, Mr. Strachan sent a memorandum to Mr. Haldeman which stated that a sophisticated political intelligence-gathering system for CRP had been approved with a budget of \$300,000. (Magruder, 2 SSC 795; Strachan, 6 SSC 2441, 2452). Mr. Strachan has testified that he prepared a talking paper for a meeting between Mr. Haldeman and Mr. Mitchell which took place at 3:00 p.m. on April 4, 1972, and this talking paper included a reference to the sophisticated intelligence-gathering system. (Strachan, 6 SSC 2453-54). Mr. Haldeman has testified that the 3:00 p.m. meeting was "in conjunction with" the meeting commencing at 4:13 p.m. among the President, Mr. Mitchell and Mr. Haldeman during which matters relating to the political campaign and ITT were discussed. (Haldeman, 8 SSC 3180-81). Mr. Haldeman has testified that his notes of the meeting among the President, Mr. Haldeman and Mr. Mitchell do not indicate a discussion of intelligence. (Haldeman, 7 SSC 2881). Not long after the meeting among the President, Mr. Haldeman and Mr. Mitchell ended, the President met with Mr. Haldeman alone.

(2) Specified conversations on June 20, 1972, between the President and Mr. Haldeman, and the President and Mr. Colson.

The President's records set forth that the following meetings and telephone conversations took place between the President and Mr. Haldeman and the President and Mr. Colson on June 20, 1972:

2:20 to 3:30 p.m.*: Meeting between the President and Mr. Colson.

4:35 to 5:25 p.m.: Meeting between the President and Mr. Haldeman.

7:52 to 7:59 p.m.: Telephone conversation between the President and Mr. Haldeman.

8:04 to 8:21 p.m.*: Telephone conversation between the President and Mr. Colson.

8:42 to 8:50 p.m.: Telephone conversation between the President and Mr. Haldeman.

11:33 p.m., 6/20 to 12:05 a.m.: Telephone conversation between the President and Mr. Colson.

At an earlier meeting on June 20 between Mr. Haldeman and the President (11-26-11-45

* Conversations followed by an asterisk have been subpoenaed by the Watergate Special Prosecution Force.



a.m.), the Watergate matter was one of the items discussed. (Haldeman's Notes, Exhibit 61 *In Re Subpoena Duces Tecum* ("SDT"), Misc. No. 47-73). The tape of that conversation contained an 18 minute and 15 second hum which obliterated the conversation. Also on June 20, a meeting among Mr. Ehrlichman, Mr. Mitchell, Mr. Haldeman, Mr. Dean, and Mr. Kleindienst occurred to discuss the Watergate incident and investigation. (Ehrlichman, 7 SSC 2822; Haldeman, 8 SSC 3039-40). Mr. Strachan has testified that on this date, following Mr. Haldeman's instructions, he shredded the Political Matters Memorandum containing the reference to the plan for electronic surveillance formulated by Gordon Liddy. (Strachan, 6 SSC 2458, 2442). On the evening of June 20, 1972, the President spoke by telephone to Mr. Mitchell. A tape of this conversation was subpoenaed by the Special Prosecutor but was not produced as the President stated that it was not recorded. (President's Statement, November 12, 1973; Pres. Doc. 1329). The President's recorded recollection of this conversation was produced. Mr. Mitchell has testified that in this conversation he and the President discussed the Watergate break-in and Mr. Mitchell expressed regret that he had not kept better control over his men. (Mitchell, 4 SSC 1633). After this conversation with Mr. Mitchell, the President had the four telephone conversations specified with Mr. Haldeman and Mr. Colson.

(3) Specified conversations on June 23, 1972 between the President and Mr. Haldeman.

The President's records set forth that the following meetings took place between the President and Mr. Haldeman on June 23, 1972:

10:04 to 10:39 a.m.*: Meeting between the President and Mr. Haldeman (Mr. Ziegler present from 10:33 to 10:39 a.m.).

1:04 to 1:13 p.m.*: Meeting between the President and Mr. Haldeman.

2:20 to 2:45 p.m.*: Meeting between the President and Mr. Haldeman (Mr. Ziegler present from 2:40 to 2:43 p.m.).

Mr. Haldeman has testified that on the basis of information supplied by Mr. Dean to the effect that the FBI believed that the CIA might have been involved in the Watergate break-in, he raised the possibility of CIA involvement with the President on June 23, 1972. (Haldeman, 8 SSC 3040-41). Mr. Haldeman also testified that the President ordered Mr. Haldeman and Mr. Ehrlichman to meet with Mr. Helms and Mr. Walters at the CIA to determine the CIA's involvement and interest in the Watergate break-in and to request Mr. Walters to meet with Acting FBI Director Mr. Gray to insure that the FBI's investigation of the Watergate participants not be expanded into unrelated matters which could lead to disclosure of non-Watergate related covert CIA operations or other non-related national security activities that had been undertaken previously by some of the Watergate participants. (Haldeman, 7 SSC 2881-85). The President has stated that he instructed Mr. Haldeman and Mr. Ehrlichman to insure that the FBI investigation of the Watergate break-in did not expose either unrelated covert operations of the CIA or the activities of the White House Special Investigations Unit. (President's Statement, May 22, 1973, Pres. Doc. 696). Mr. Haldeman and Mr. Ehrlichman did meet with Mr. Helms and General Walters of the CIA on June 23, 1972, at 1:35 p.m. The three meetings specified above between the President and Mr. Haldeman preceded and followed the meeting among Mr. Haldeman, Mr. Ehrlichman and the representatives of the CIA. (Ehrlichman, 7 SSC 2712; Walters' Memorandum, SSC Exhibit 101, 7 SSC 2948; Haldeman, 8 SSC 3041). At 2:34 p.m., General Walters met with Mr. Gray of the FBI and stated that the FBI Watergate investigation should not be pur-

sued into Mexico and should be tapered off at the five people arrested on June 17, 1972. (Walters' Memorandum of Meeting with Mr. Gray, SSC Exhibit 129, 9 SSC 3815; Gray 9 SSC 3452). Mr. Gray agreed to postpone two interviews involving funds in the bank account of Bernard Barker, one of the men arrested in the Democratic National Committee headquarters.

[Copy]

By Authority of the House of Representatives of the Congress of the United States of America

To Benjamin Marshall, or his duly authorized representative:

You are hereby commanded to summon Richard M. Nixon, President of the United States of America, or any subordinate officer, official or employee with custody or control of the things described in the attached schedule, to be and appear before the Committee on the Judiciary of the House of Representatives of the United States, of which the Hon. Peter W. Rodino, Jr. is chairman, and to bring with him the things specified in the schedule attached hereto and made a part hereof, in their chamber in the city of Washington, on or before June 10, 1974, at the hour of 10:00 A.M. then and there to produce and deliver said things to said Committee, or their duly authorized representative, in connection with the Committee's investigation authorized and directed by H. Res. 803, adopted February 6, 1974.

Herein fail not, and make return of this summons.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 30th day of May, 1974.

Peter W. Rodino, Jr., Chairman.

PETER W. RODINO, JR.,

Chairman.

Attest:

W. PAT JENNINGS,

Clerk.

On behalf of Richard M. Nixon, President of the United States of America, I accept service of the original subpoena, of which the foregoing is a copy.

Dated: 5/31, 1974.

Received by James D. St. Clair.

Special Counsel to the President.

Schedule of Things Required To Be Produced Pursuant to Subpoena of the Committee on the Judiciary

A. All tapes, dictabelts, other electronic and mechanical recordings, transcripts, memoranda, notes and other writings and things relating to the following conversations:

1. Meeting on the morning of November 15, 1972 among or between Mr. Haldeman, Mr. Ehrlichman and Mr. Dean in the President's office at Camp David.

2. Conversation in which the President participated after December 8, 1972 (the date Mr. Hunt's wife died) during which there was a discussion that a commutation of the sentence for Mr. Hunt could be considered on the basis of Mr. Hunt's wife's death.

3. Meeting and telephone conversation on January 5, 1973 between the President and Mr. Colson from 12:02 to 1:02 p.m. and from 7:38 to 7:58 p.m. respectively.

4. Meetings between the President and Mr. Colson on February 13, 1973 from 9:48 to 10:52 a.m. and on February 14, 1973 from 10:13 to 10:49 a.m.

5. Meeting between the President and Mr. Dean on February 27, 1973 from 3:55 to 4:20 p.m.

6. Conversations on March 1, 1973 between the President and Mr. Dean, as follows:

9:18 to 9:46 a.m.: Meeting between the President and Mr. Dean.

10:36 to 10:44 a.m.: Meeting between the President and Mr. Dean (Mr. Kissinger was present until 10:37 a.m.).

1:06 to 1:14 p.m.: Meeting between the President and Mr. Dean.

7. Meeting between the President and Mr. Dean on March 6, 1973 from 11:49 a.m. to 12:00 p.m.

8. Telephone conversations between the President and Mr. Colson on March 16, 1973, from 7:53 to 8:12 p.m., and on March 19, 1973, from 8:34 to 8:58 p.m.

9. Conversations on March 20, 1973 among or between the President, Mr. Haldeman and Mr. Ehrlichman, as follows:

10:47 a.m. to 12:10 p.m.: Meeting between the President and Mr. Haldeman (Mr. Ehrlichman present from 11:40 a.m.-12:10 p.m.).

4:26 to 5:39 p.m.: Meeting between the President and Mr. Ehrlichman.

6:00 to 7:10 p.m.: Meeting between the President and Mr. Haldeman.

10. Conversations on March 21, 1973 between the President and Mr. Ehrlichman and the President and Mr. Colson, as follows:

9:15 to 10:12 a.m.: Meeting between the President and Mr. Ehrlichman.

7:53 to 8:24 p.m.: Telephone conversation between the President and Mr. Colson.

11. Meeting between the President and Mr. Haldeman on March 22, 1973 from 9:11 to 10:35 a.m.

12. Telephone conversations between the President and Mr. Colson on April 12, 1973 from 7:31 to 7:48 p.m.

13. Two telephone conversations between Mr. Ehrlichman and Mr. Gray on April 15, 1973 between 10:16 and 11:15 p.m.

14. Telephone conversation between the President and Mr. Dean on April 17, 1973 from 9:19 to 9:25 a.m.

15. Conversations on April 18, 1973 among or between the President, Mr. Haldeman and Mr. Ehrlichman, as follows:

12:05 to 12:20 p.m.: Telephone conversation between the President and Mr. Haldeman.

3:05 to 3:23 p.m.: Meeting between the President and Mr. Ehrlichman.

6:30 to 8:05 p.m.: Meeting among the President, Mr. Ehrlichman and Mr. Haldeman.

16. Conversations on April 19, 1973 among or between the President, Mr. Haldeman, Mr. Ehrlichman and Mr. Petersen as follows:

9:31 to 10:12 a.m.: Meeting among the President, Mr. Haldeman and Mr. Ehrlichman.

10:12 to 11:07 a.m.: Meeting between the President and Mr. Petersen.

1:03 to 1:30 p.m.: Meeting between the President and Mr. Ehrlichman.

5:15 to 5:45 p.m.: Meeting between the President and Mr. Ehrlichman.

9:37 to 9:53 p.m.: Telephone conversation between the President and Mr. Haldeman.

10:54 to 11:04 p.m.: Telephone conversation between the President and Mr. Ehrlichman.

17. Conversations on April 20, 1973 among or between the President, Mr. Haldeman and Mr. Ehrlichman, as follows:

11:07 to 11:23 a.m.: Meeting between the President and Mr. Haldeman.

12:15 to 12:34 p.m.: Meeting among the President, Mr. Haldeman and Mr. Ehrlichman (Mr. Kissinger was present until 12:16 p.m.).

18. Conversations on April 25, 1973 among or between the President, Mr. Haldeman, Mr. Ehrlichman, Mr. Wilson and Mr. Strickler, as follows:

approximately 9:25 to approximately 10:45 a.m.: Meeting among the President, Mr. Wilson and Mr. Strickler.

11:06 a.m. to 1:55 p.m.: Meeting among the President, Mr. Haldeman and Mr. Ehrlichman.

4:40 to 5:35 p.m.: Meeting between the President and Mr. Haldeman (Mr. Hart present from 5:30 to 5:32 p.m.).

6:57 to 7:14 p.m.: Telephone conversation between the President and Mr. Haldeman.

7:17 to 7:19 p.m.: Telephone conversation between the President and Mr. Ehrlichman.

7:25 to 7:39 p.m.: Telephone conversation between the President and Mr. Ehrlichman.



7:46 to 7:53 p.m.: Telephone conversation between the President and Mr. Haldeman.

19. Conversations on April 26, 1973 among or between the President, Mr. Haldeman and Mr. Ehrlichman, as follows:

8:55 to 10:24 a.m.: Meeting between the President and Mr. Haldeman.

3:59 to 9:03 p.m.: Meeting between the President and Mr. Haldeman (Mr. Ehrlichman was present from 5:57 to 7:14 p.m.)

20. Telephone conversations on June 4, 1973 between the President and Mr. Haldeman from 10:05 to 10:20 p.m. and from 10:21 to 10:22 p.m.

B. All papers and things (including recordings) prepared by, sent to, received by or at any time contained in the files of, H. R. Haldeman, John D. Ehrlichman, Charles W. Colson, John Dean, III and Gordon Strachan to the extent that such papers or things relate or refer directly or indirectly to the break-in and electronic surveillance of the Democratic National Committee Headquarters in the Watergate office building during May and June of 1972 or the investigations of that break-in by the Department of Justice, the Senate Select Committee on Presidential Campaign Activities, or any other legislative, judicial, executive or administrative body, including members of the White House staff.

Memorandum Setting Forth Facts and Bases Underlying Proposed Subpoena for Presidential Conversations Necessary for the Committee's Inquiry into Watergate and Aftermath

The following sets forth the facts and bases underlying the proposed subpoena dated May 30, 1974 for Presidential conversations necessary for the House Judiciary Committee's inquiry into Watergate and its aftermath. An asterisk following a specified conversation indicates that the Special Prosecutor has subpoenaed such conversation for the trial of the indictment in *United States v. Mitchell, et al.*, filed on March 1, 1974, respecting Watergate and its aftermath.

(1) Meeting on the morning of November 15, 1972 among or between Mr. Haldeman, Mr. Ehrlichman and Mr. Dean in the President's office at Camp David.*

Dean testified that on November 15, he met at Camp David with Haldeman and Ehrlichman to inform them of the increased demands for money transmitted by Hunt's lawyer through O'Brien to the White House. At that meeting Dean played a tape of a conversation between Colson and Hunt during which Hunt made demands for money. (Dean, 3 SSC 969; Transcript, SSC Exhibit 152, 9 SSC 3888-91). Also at that meeting Dean testified that Ehrlichman and Haldeman said the President had decided that based on information linking Chapin with Segretti's campaign activities, Chapin would have to leave the White House staff (Dean, 3 SSC 968).

(2) Conversation in which the President participated after December 8, 1972 (the date Mr. Hunt's wife died) during which there was a discussion that a commutation of the sentence for Mr. Hunt could be considered on the basis of Mr. Hunt's wife's death.*

Materials presented to the Committee in executive session indicate that such a conversation took place.

(3) Meeting and telephone conversations on January 5, 1973 between the President and Mr. Colson from 12:02 to 1:02 p.m.* and from 7:38 to 7:58 p.m.* respectively.

On January 3, 1973 in a meeting among Ehrlichman, Colson and Dean, Dean has testified that Colson said he felt it was imperative that Hunt be given some assurances of executive clemency. Ehrlichman said, according to Dean, that he would speak to the President and that Colson should not talk to the President about this matter. Despite Ehrlichman's warning, Dean testified that on January 5, 1973, following a meeting among

Ehrlichman, Colson and Dean, Colson told Dean that he did discuss the offer of executive clemency with the President (Dean, 3 SSC 973-74). Dean also testified that in March and April, 1973, the President stated that he previously had discussed with Colson the possibility of executive clemency for Hunt. (Dean, 3 SSC 995, 1017). Ehrlichman has testified that he met with Colson on January 3 and told him that under no circumstances should executive clemency be discussed (Ehrlichman, 7 SSC 2770-71; 2847-48).

(4) Meetings between the President and Mr. Colson on February 13, 1973, from 9:48 to 10:52 a.m.* and on February 14, 1973, from 10:13 to 10:49 a.m.*

Material in the possession of the Committee indicates that in mid-February 1973 Colson and the President discussed the Watergate matter. Also, in a newspaper interview Colson stated that during a February 14, 1973 meeting he told the President, "you've got to call Mitchell in and have him accept his responsibility" for the Watergate matter. The President replied, according to Colson, that while he wanted to resolve the Watergate matter, he was not willing to do so "at the expense of making an innocent person a scapegoat." (*New York Times*, interview with Mr. Colson, June 10, 1973)

(5) Meeting between the President and Mr. Dean on February 27, 1973, from 3:55 to 4:20 p.m.*

This is the first meeting of Dean with the President since September 15, 1972. Dean has testified that the President told him that Watergate "was taking up too much time from Haldeman's and Ehrlichman's normal duties and . . . they were principals in the matter, and I, therefore, could be more objective than they." Dean also testified that he told the President that he was not sure Watergate could be confined indefinitely, and the President told Dean "we would have to fight back." (Dean, 3 SSC 991-92). The White House has stated that executive privilege and the Senate Select Committee were discussed at this meeting. (Exhibit 70-A, 4 SSC 1796—Memorandum of substance of Dean's calls and meetings with the President).

(6) Specified Conversations on March 1, 1973, between the President and Mr. Dean.

The President's records indicate that the following meetings took place between the President and Dean on March 1, 1973:

9:18 to 9:46 a.m.: Meeting between the President and Mr. Dean.

10:36 to 10:44 a.m.: Meeting between the President and Mr. Dean.

1:06 to 1:14 p.m.: Meeting between the President and Mr. Dean.

Dean testified that on March 1 the President asked him questions about the ongoing confirmation hearings for Gray, and assured him that it was proper for Dean to have received FBI reports about the Watergate investigation. Dean testified the President told him that Gray should not turn over Watergate materials to the Senate Judiciary Committee. Dean told the President that he had met with William Sullivan, a former FBI official, and Sullivan had indicated that the FBI had been used for political purposes in past administrations; the President instructed Dean to get this information about FBI practices from Sullivan. Dean testified also that the President discussed executive privilege during these meetings. (Dean, 3 SSC 993-94). The White House has stated that on March 1 at a meeting with Dean the President prepared for his press conference on March 2, and it was decided that the answer to the question of why Dean was sitting in on FBI interviews during the Watergate investigation was that Dean was conducting an investigation for the President. The President asked Dean to write a report. (Exhibit 70-A, 4 SSC 1796—Memorandum of substance of Dean's calls and meetings with the President).

(7) Meeting between the President and Mr. Dean on March 6, 1973, from 11:49 a.m. to 12:00 p.m.

Dean has testified that at this meeting the President reminded Dean that he should report directly to him and not involve Haldeman and Ehrlichman in Watergate-related matters. (Dean, 3 SSC 994). The White House has stated that executive privilege guidelines were discussed at this meeting, and it was decided that executive privilege would cover former White House personnel as well as present personnel. (Exhibit 70-A, 4 SSC 1796—Memorandum of substance of Dean's calls and meetings with the President).

(8) Telephone conversations between the President and Mr. Colson on March 16, 1973, from 7:53 to 8:12 p.m. and on March 19, 1973, from 8:34 to 8:58 p.m.

On March 16, 1973, David Shapiro, Colson's law partner, met with Hunt. Hunt has testified that he had expected to meet with Colson and not Shapiro. During this meeting, Hunt told Shapiro that he needed money prior to his sentencing. Hunt felt that Shapiro should convey all Hunt had said to Colson. (Hunt, 9 SSC 3705-06). Material in the possession of the Committee indicates that Shapiro reported to Colson on his conversation with Hunt.

(9) Specified conversations on March 20, 1973, among or between the President, Mr. Haldeman and Mr. Ehrlichman.

The President's records set forth that the following meetings took place between the President, Haldeman and Ehrlichman on March 20, 1973:

10:47 a.m. to 12:10 p.m.: Meeting between the President and Mr. Haldeman (Mr. Ehrlichman present from 11:40 a.m. to 12:10 p.m.).

4:26 to 5:30 p.m.: Meeting between the President and Mr. Ehrlichman.

6:00 to 7:10 p.m.: Meeting between the President and Mr. Haldeman.

Materials presented to the Committee in executive session indicate that Haldeman spoke with the President about the Watergate matter on this date, the day prior to Dean's disclosures of White House involvement to the President on March 21, 1973. Also, Dean has testified that on or about March 20, 1973, he informed Ehrlichman of Hunt's threat to tell about the "seamy things" he had done for Ehrlichman unless he received additional money. (Dean, 3 SSC 999). Ehrlichman on March 20 became concerned that Hunt's blackmail attempt might lead to the exposure of the Special Investigations Unit. (Ehrlichman, 6 SSC 2565). Ehrlichman has testified that about this time he had a conversation with the President about the break-in at the office of Dr. Fielding. (Ehrlichman, 6 SSC 2551).

(10) Specified conversations on March 21, 1973, between the President and Mr. Ehrlichman and the President and Mr. Colson.

The President's records indicate that the following meetings and telephone conversations took place between the President and Ehrlichman, and the President and Colson on March 21, 1973:

9:15 to 10:12 a.m.: Meeting between the President and Mr. Ehrlichman.

7:53 to 8:24 p.m.: Telephone conversation between the President and Mr. Colson.

The 9:15 to 10:12 a.m. meeting with Ehrlichman immediately preceded the President's March 21 meeting with Dean (10:12-11:55 a.m.) at which time the President said he first learned of the money payments to the Watergate defendants and the attempt of one of the defendants to blackmail the White House. (President's Statement August 15, 1973, Pres. Doc. 992). As indicated above, it also came shortly after Ehrlichman learned of Hunt's alleged blackmail threat. The telephone conversation between the President and Colson is the first conversation between them after Dean's conversation with



the President on March 21, 1973. Materials in the possession of the Committee indicate that Colson and the President discussed the Watergate matter in this conversation. This is also the date on which it is alleged that a delivery of \$75,000 for the benefit of Hunt was made by LaRue. (*United States v. Mitchell, et al.*, Indictment, overt act 43).

(11) Meeting between the President and Mr. Haldeman on March 22, 1973 from 9:11 to 10:35 a.m.*

This meeting is Haldeman's first meeting with the President following the \$75,000 payment which allegedly was made in the evening of March 21. It immediately precedes a morning meeting among Haldeman, Ehrlichman, Mitchell and Dean, at which Dean testified that Ehrlichman asked Mitchell if Hunt's money problem had been taken care of and Mitchell replied that it was no longer a problem. (Dean, 3 SSC 1000-01; Ehrlichman, 7 SSC 2853). Mitchell has denied making such a statement. (Mitchell, 4 SSC 1650). The second meeting is one of the overt acts alleged in the conspiracy indictment in *United States v. Mitchell, et al.*, (Indictment, overt act 44). The President has stated that he directed this second meeting to take place to determine "the best way to get the whole story out" about the Watergate matter. (President's News Conference, March 6, 1974, Pres. Doc. 293).

(12) Telephone conversation between the President and Mr. Colson on April 12, 1973, from 7:31 to 7:48 p.m.*

Materials in the possession of the Committee indicate that the President called Colson in Boston on April 12, said that he wanted to act promptly on Watergate and asked Colson to prepare a specific set of recommendations. This conversation is the last contact between Colson and the President prior to two meetings which Colson had with Ehrlichman on April 13, 1973 as part of Ehrlichman's inquiry, directed by the President, into the Watergate matter. Ehrlichman has testified that, at Colson's request, they met and Colson told him that Hunt, on April 16, would testify to the grand jury about the payments to the Watergate defendants and that McCord would testify about an attempt to break into the offices of Henry Greenspun, a Las Vegas newspaper publisher. Colson, according to Ehrlichman, said that he had some suggestions to convey to the President. (Ehrlichman, 7 SSC 2800-01; Ehrlichman's notes of this meeting, Exhibit 98, 7 SSC 2933-36).

(13) Two telephone conversations between Mr. Ehrlichman and Mr. Gray on April 15, 1973 between 10:16 and 11:15 p.m.

Ehrlichman has testified that while he was in the presence of the President he, at the President's request, telephoned Gray with respect to the documents that had been taken from Hunt's White House safe shortly after the Watergate break-in and given to Gray. During these conversations, Gray informed Ehrlichman that he had destroyed the documents and Ehrlichman transmitted this information immediately to the President. (Ehrlichman, 7 SSC 2875-76). Gray has confirmed that Ehrlichman made these two telephone calls. (Gray, 9 SSC 3470).

(14) Telephone conversation on April 17, 1973, between the President and Mr. Dean from 9:19 to 9:25 a.m.

On April 17, 1973, the President had a telephone conversation with John Dean. Dean has testified that during this conversation the President stated that he had decided not to request any resignations until after the grand jury took action and that he would issue a statement very shortly. (Dean, 3 SSC 1019).

(15) Specified conversations on April 18, 1973 among or between the President, Mr. Haldeman and Mr. Ehrlichman.

The President's records set forth that the following meeting and telephone conversa-

tions took place on April 18, 1973 among the President, Haldeman and Ehrlichman:

12:05 to 12:20 a.m.*: Telephone conversation between the President and Mr. Haldeman.

3:05 to 3:23 p.m.*: Meeting between the President and Mr. Ehrlichman.

6:30 to 8:05 p.m.*: Meeting among the President, Mr. Ehrlichman and Mr. Haldeman.

These conversations occurred the day after the President's statement on April 17, 1973, during which he stated that "there have been major developments in the [Watergate] case." (President's Statement, April 17, 1973, Pres. Doc. 387). During this period, various White House officials were being summoned to testify before the Watergate grand jury. In addition, shortly before his conversation with Ehrlichman, the President had a telephone conversation with Petersen and stated that Dean had told him that the prosecutors had given immunity to Dean and the President had a tape to prove this statement by Dean. Petersen denied that immunity had been granted. (Petersen, 9 SSC 3630, 3654-56). This was also the date on which the President learned that the prosecutors had been told of the break-in of the office of Daniel Ellsberg's psychiatrist by members of the White House Special Investigations Unit. (President's News Conference, August 22, 1973, Pres. Doc. 1020).

(16) Specified conversations on April 19, 1973, among or between the President, Mr. Haldeman, Mr. Petersen and Mr. Ehrlichman.

The President's records set forth that the following meeting and telephone conversations took place on April 19, 1973, among the President, Haldeman, Ehrlichman and Petersen:

9:31 to 10:12 a.m.*: Meeting among the President, Mr. Haldeman and Mr. Ehrlichman.

10:12 to 11:07 a.m.*: Meeting between the President and Mr. Petersen.

1:03 to 1:30 p.m.*: Meeting between the President and Mr. Ehrlichman.

5:15 to 5:45 p.m.*: Meeting between the President and Mr. Ehrlichman.

9:37 to 9:53 p.m.*: Telephone conversation between the President and Mr. Haldeman.

10:54 to 11:04 p.m.*: Telephone conversation between the President and Mr. Ehrlichman.

In his meeting on April 19, 1973, the President and Petersen spoke about the Watergate investigation. Petersen gave the President a report on the progress of the investigation. The President met with Ehrlichman and Haldeman both immediately prior to the meeting with Petersen and subsequent to that meeting. Moore has testified that on April 19 he told the President that Dean had said that Ehrlichman would have a problem involving the Ellsberg case. (Moore, 5 SSC 1961). Dean, on this date, issued a public statement that he would not be made "a scapegoat" in response to the President's April 17 statement against granting immunity to high White House aides (Dean, 3 SSC 1020). In the evening from 8:26 to 9:32 p.m., the President had his first meeting with John Wilson and Frank Strickler, the attorneys who were retained to represent Haldeman and Ehrlichman in the Watergate matter. The President has produced an edited transcript of that conversation. Immediately thereafter, the President spoke by telephone with Haldeman and then with Ehrlichman.

(17) Specified conversations on April 20, 1973 among or between the President, Mr. Haldeman and Mr. Ehrlichman.

The President's records set forth that the following meetings and telephone conversations took place on April 20, 1973 involving the President, Haldeman and Ehrlichman:

11:07 to 11:23 a.m.*: Meeting between the President and Mr. Haldeman.

12:15 to 12:34 p.m.*: Meeting among the President, Mr. Haldeman and Mr. Ehrlichman.

Materials in the possession of the Committee reflect that on April 20, 1973, Petersen again reported to the President on the progress of the investigation of the Watergate matters and discussed potential conflicts of testimony. Both immediately prior to and subsequent to the conversation between the President and Petersen, there are conversations between the President and Haldeman, with Ehrlichman being present at the second conversation.

(18) Specified conversations on April 25, 1973 among or between the President, Mr. Haldeman, Mr. Ehrlichman, Mr. Wilson and Mr. Strickler.

The President's record set forth that the following meetings and telephone conversations took place among the President, Haldeman, Ehrlichman, Wilson and Strickler on April 25, 1973:

Approximately 9:25 a.m. to approximately 10:45 a.m.: Meeting among the President, Mr. Wilson and Mr. Strickler.

11:06 a.m. to 1:55 p.m.*: Meeting among the President, Mr. Haldeman and Mr. Ehrlichman.

4:40 to 5:35 p.m.*: Meeting between the President and Mr. Haldeman (Mr. Hart present from 5:30 to 5:33 p.m.)

6:57 to 7:14 p.m.*: Telephone conversation between the President and Mr. Haldeman.

7:17 to 7:19 p.m.*: Telephone conversation between the President and Mr. Ehrlichman.

7:25 to 7:39 p.m.*: Telephone conversation between the President and Mr. Ehrlichman.

7:46 to 7:53 p.m.*: Telephone conversation between the President and Mr. Haldeman.

On the morning of April 25, after speaking by telephone with Petersen, the President met with Wilson and Strickler, the attorneys for Haldeman and Ehrlichman, and then had a lengthy meeting with Haldeman and Ehrlichman. Secret Service records indicate that at approximately the time this later meeting ended, Stephen Bull, a Presidential assistant, signed out 22 tapes of Presidential conversations. (Exhibit 7, *In Re SDT*, Misc. 47-73). Bull has testified that he turned over these tapes to Haldeman. (Bull, *In Re SDT*, Tr. 343-45.) Haldeman has testified that he listened to the tape of the March 21, 1973 conversations between the President and Dean. (Haldeman, *In Re SDT*, Misc. 47-73, Tr. 927, 937-38.) The President has stated that Haldeman listened to this tape at the request of the President. (President's Statement, November 12, 1973, Pres. Doc. 1329.) Also on April 25, Petersen and Kleindienst asked the President to change his decision not to send the information about the Fielding break-in to Judge Byrne in the Ellsberg trial. The President did change his decision. (Kleindienst, 9 SSC 3574-75; Petersen, 9 SSC 3631-32; the President's Statement, August 15, 1973, Pres. Doc. 993; President's News Conference, August 22, 1973, Pres. Doc. 1020-21).

(19) Specified conversations on April 26, 1973 among or between the President, Mr. Haldeman and Mr. Ehrlichman.

The President's records set forth that the following meetings and telephone conversations took place on April 26, 1973, among the President, Haldeman, and Ehrlichman:

8:55 to 10:24 a.m.*: Meeting between the President and Mr. Haldeman.

3:59 to 9:03 p.m.*: Meeting between the President and Mr. Haldeman. (Mr. Ehrlichman was present from 5:57 to 7:14 p.m.)

According to Secret Service logs, on April 26, Bull took out a series of Presidential tapes which were returned on May 2, 1973. (Exhibit 7, *In Re SDT*, Misc. 47-73). Halde-



man listened to the tape of March 21, 1973, again at the President's request. (Haldeman, *In Re SDT*, Tr. 937). A lengthy five hour and four minute meeting was held between the President and Haldeman at which Ehrlichman was present for one hour and seventeen minutes. During this meeting, the President called Kleindienst four times (having called him twice earlier in the day) and Petersen twice. Petersen has testified that on this date the President called him to ask if Gray should resign as Acting FBI Director. Gray had acknowledged that he had destroyed documents given to him by Dean in June 1972 from Hunt's White House safe. Petersen also testified that pursuant to the President's instructions, he asked Gray to meet with Kleindienst and him to discuss the situation. (Petersen, 9 SSC 3625). During the course of this meeting in Kleindienst's office, a telephone call was made to the President and the President was advised that Gray did not wish to resign. The President responded that Gray could remain as Acting FBI Director until the situation was analyzed. (Gray, 9 SSC 3591-92; Petersen, 9 SSC 3654; Kleindienst, 9 SSC 3598-99).

(20) Telephone conversations on June 4, 1973 between the President and Mr. Haldeman from 10:05 to 10:20 p.m.* and from 10:21 to 10:22 p.m.*

The President has stated that on June 4, 1973, he listened to tapes of his various conversations with Dean. (President's Statement, November 12, 1973, Pres. Doc. 1329). Haldeman had previously listened to tapes at the President's request. Material in the possession of the Committee indicates the likelihood of the President speaking to Haldeman about certain of the recorded conversations.

In calling for the above conversations, the Committee is seeking to determine:

Whether any of the conversations in any way bear upon the knowledge or lack of knowledge of, or action or inaction by the President and/or any of his senior administration officials with respect to, the investigation of the Watergate break-in by the Department of Justice, the Senate Select Committee, or any other legislative, judicial, executive or administrative body, including members of the White House staff;

Whether any of the conversations in any way bear upon the President's knowledge or lack of knowledge of, or participation or lack of participation in, the acts of obstruction of justice and conspiracy charged or otherwise referred to in the indictments returned on March 1 in the District Court for the District of Columbia in the case of *United States v. Mitchell*, et al., and

Whether any of the conversations in any way bear upon the President's knowledge or lack of knowledge of, or participation or lack of participation in, the acts charged or otherwise referred to in the informations or indictments returned in the District Court for the District of Columbia in the case of *United States v. Magruder*; *United States v. Dean*; *United States v. Chapin*; and *United States v. Ehrlichman*, et al., or any other acts which may constitute illegal activities.

[Copy]

By Authority of the House of Representatives of the Congress of the United States of America

To Benjamin Marshall, or his duly authorized representative:

You are hereby commanded to summon Richard M. Nixon, President of the United States of America, or any subordinate officer, official or employee with custody or control of the things described in the attached schedule, to be and appear before the Committee on the Judiciary of the House of Representatives of the United States, of which the Hon. Peter W. Rodino, Jr. is chairman, and to bring with him the things specified in the schedule attached hereto and made a part

hereof, in their chamber in the city of Washington, on or before July 2, 1974, at the hour of 10:00 A.M., then and there to produce and deliver said things to said Committee, or their duly authorized representative, in connection with the Committee's investigation authorized and directed by H. Res. 803, adopted February 6, 1974.

Herein fail not, and make return of this summons.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 24th day of June, 1974.

Peter W. Rodino, Jr., Chairman.

Attest: W. Pat Jennings, Clerk.

On behalf of Richard M. Nixon, President of the United States of America, I accept service of the original subpoena, of which the foregoing is a copy.

Dated: June 25, 1974.

Received: James D. St. Clair.

Special Counsel to the President.

Schedule of Things Required To Be Produced Pursuant to Subpoena of the Committee on the Judiciary

A. All tapes, dictabelts, other electronic and mechanical recordings, transcripts, memoranda, notes and other writings and things relating to the following conversations:

1. Conversations of the President with Mr. Haldeman and Mr. Ehrlichman, or either of them, between about 12:30 p.m. and about 1:28 p.m., and between about 5:15 p.m. and about 6:32 p.m., March 6, 1972.

2. Conversations between the President and Mr. Haldeman from about 1:40 p.m. to about 2:13 p.m., March 6, 1972.

3. Telephone conversation between the President and Mr. Colson from about 7:36 p.m. to about 8:02 p.m., March 6, 1972.

4. Telephone conversation between the President and Mr. Mitchell beginning about 6:05 p.m., March 14, 1972.

5. Conversation between the President and Mr. Colson from about 1:24 p.m. to about 3:40 p.m., March 18, 1972.

6. Conversations between the President and Mr. Haldeman on March 30, 1972, from about 9:38 a.m. to about 9:58 a.m., about 10:42 a.m. to about 11:10 a.m.; about 11:50 a.m. to about 12:15 p.m.; and about 5:32 p.m. to about 6:08 p.m.

7. Any conversation of the President with Mr. Haldeman and Mr. Colson, or either of them, between about 12:46 p.m. and about 2:32 p.m., March 30, 1972.

8. Any conversation of the President with Mr. Haldeman and Mr. Colson, or either of them, between about 5:32 p.m. and about 6:11 p.m., March 30, 1972.

9. Telephone conversation between the President and Mr. Colson between about 7:33 p.m. and about 7:45 p.m., March 30, 1972.

10. Conversations between the President and Mr. Haldeman from about 9:44 a.m. to about 10:06 a.m.; about 10:48 a.m. to about 11:45 a.m.; about 2:45 p.m. to about 3:00 p.m.; and 6:03 p.m. to about 6:18 p.m., April 4, 1972.

11. Telephone conversation between the President and Mr. Colson between about 10:46 a.m. and about 11:09 a.m., April 4, 1972.

12. Conversation between the President and Mr. Colson between about 11:45 a.m. and 12:23 p.m., April 5, 1972.

B. The President's copies of daily news summaries (and all his notes and memoranda with respect thereto) which were compiled by White House staff members during the period February 22, 1972 through June 9, 1972, inclusive, summarizing news reports by newspapers, periodicals, wire services, and the broadcast media, to the extent that such news summaries relate, directly or indirectly, to any of the following subjects: (a) the International Telephone and Telegraph Corporation (ITT) or any of its subsidiaries,

directors, officers, or employees; (b) litigation or administrative investigations or proceedings, actual or proposed, against or otherwise respecting said corporation, or any subsidiary, director, officer or employee thereof; (c) the nomination of Richard G. Kleindienst to be Attorney General or any proposal, suggestion or consideration of whether to withdraw said nomination; or (d) the hearings before the Senate Judiciary Committee on the nomination of Richard G. Kleindienst to be Attorney General, including the testimony given during such hearings.

Memorandum Setting Forth Facts and Bases Underlying Proposed Subpoena for Recordings of Presidential Conversations and Other Things Necessary for the Committee's Inquiry Relating to ITT and the Kleindienst Confirmation Hearings

The following sets forth the facts and bases underlying the proposed subpoena dated June 24, 1974 for recordings of Presidential conversations and other things necessary for the House Judiciary Committee's inquiry into the ITT case and the hearings before the Senate Judiciary Committee on the nomination of Richard G. Kleindienst to be Attorney General.

In 1969, three antitrust suits were filed by the United States against the International Telephone and Telegraph Corporation (ITT), each seeking to prevent a corporate acquisition or to require a corporate divestiture. During 1970 and 1971, particularly in August of the former year and April of the latter, officials of ITT made numerous contacts with Administration officials for the purpose of attempting to persuade the Administration that the suits should be settled on a basis consistent with the interests of ITT. (Documents supplied to the Committee by the White House; Memo C. W. Colson to H. R. Haldeman, March 20, 1972, Senate Select Committee (SSC) Exhibit 121, 8 SSC 3372.)

Late in December, 1970, ITT won in the District Court one of the three suits, brought in connection with its acquisition of the Grinnell Corporation. The once-postponed deadline for the United States to file its appeal in the United States Supreme Court in the ITT-Grinnell case was April 20, 1971. (Petition of Government filed in Supreme Court on March 19, 1971, and granted by Mr. Justice Harlan on March 20, 1971.)

On April 19, 1971, the President, in the course of a meeting with John D. Ehrlichman and George P. Shultz, telephoned Deputy Attorney General Kleindienst and ordered that the appeal not be filed. The President has said that he took this action because in his opinion the further prosecution by Assistant Attorney General Richard McLaren of the suit was inconsistent with the antitrust policy approved by the President in consultation with his senior economic advisers. During the meeting, the President expressed irritation with McLaren's failure to follow administration policy. (White House "White Paper," *The ITT Anti-Trust Decision*, January 8, 1974, p. 5.) On the following day, the Solicitor General's office obtained from the Supreme Court an extension of the time in which to file the ITT-Grinnell appeal. (White House "White Paper," *supra*, p. 5; Griswold testimony, Kleindienst Confirmation Hearings (KCH) 2 KCH 389; Application for Extension of Time filed in the Supreme Court.)

On April 21, 1971, the President met with Attorney General Mitchell. The Attorney General said that in his opinion it was inadvisable for the President to order no appeal in the Grinnell case, that there would be adverse repercussions in Congress, and that Solicitor General Griswold might resign. The President agreed to follow the Attorney General's advice. (White House "White Paper," *supra*, p. 5.)

Sometime during the spring of 1971, ITT-Sheraton, an ITT subsidiary, made a pledge



to the San Diego Convention and Visitors Bureau in support of a bid by the City of San Diego to attract the 1972 Republican National Convention. (White House "White Paper," *supra*, p. 7.) Evidence indicates that sometime in May or June of 1971, Attorney General Mitchell became aware of the pledge. (Documents supplied to the Committee by the White House; Memo C. W. Colson to H. R. Haldeman, March 30, 1972, SSC Exhibit 121, 8 SSC 3372.)

During June, 1971, the Antitrust Division of the Justice Department decided to try to settle the three ITT antitrust cases. (McLaren, 2 KCH 111-112.) The final settlement was announced on July 31, 1971. (McLaren, 2 KCH 113.) Several authorities have stated that the settlement, calling for the largest antitrust-related corporate divestiture in history, was a good one from the government's standpoint. (See, e.g., Griswold, 2 KCH 374.) It did, however, enable ITT to retain its Hartford Fire Insurance subsidiary, a matter of paramount importance to the company.

On February 15, 1972, the nomination of Richard G. Kleindienst to become Attorney General was forwarded by the President to the Senate for confirmation. (Weekly Compilation of Presidential Documents, Vol. 8, p. 440.) Mr. Kleindienst was to replace John Mitchell, who was leaving the Justice Department to head the Committee for the Re-election of the President. The Senate Judiciary Committee held hearings on this nomination and quickly agreed to recommend confirmation to the Senate. (Report of the Senate Judiciary Committee on the Nomination of Richard G. Kleindienst, 92d Cong., 2d Sess., Executive Rep. No. 92-19, February 29, 1972.)

Before the Senate could act, however, beginning on February 29, 1972, a series of three articles by Jack Anderson was published alleging a link between the ITT-Sheraton pledge and the antitrust settlements and purporting to involve Messrs. Mitchell and Kleindienst. (2 KCH 461-465.) Mr. Kleindienst immediately asked that the Senate Judiciary Committee hearings be reopened so that he could respond to the charges. (2 KCH 95.)

At about the same time, the Securities and Exchange Commission (SEC) demanded that ITT turn over to it documents believed by the SEC to be in the files of ITT's Washington, D.C. office. The documents included several which reflected ITT contacts with the Administration in 1970 and 1971 in connection with attempts to settle the antitrust cases. On March 2, 1972, the first day of the resumed Kleindienst nomination hearings, attorneys for ITT turned copies of one or more of these documents over to White House aide Wallace Johnson. The following week, others of these documents were also furnished to Johnson. Later, during March or April, copies of the documents were provided by ITT to the SEC.

During the course of the hearings, Mr. Kleindienst on several occasions denied having ever received any instructions from the White House with respect to antitrust suits. (2 KCH 157; 2 KCH 191; 2 KCH 353.) On Friday, March 3, 1972, Senator Kennedy asked Mr. Kleindienst about the extension of time to appeal the *Grinnell* case which had resulted from the President's April 19, 1971 telephone call to him. Mr. Kleindienst responded:

"Senator Kennedy, I do not recollect why that extension was asked." (2 KCH 204.)

The following Tuesday, March 7, 1972, Mr. Kleindienst, in a prepared statement, described the circumstances surrounding the request for an extension, omitting any mention of the President's order to drop the case. (2 KCH 249-250.)

On March 14 and March 15, 1972, John Mitchell appeared before the Senate Judiciary

Committee. He testified that there had been no communication between the President and him with respect to the ITT antitrust litigation or any other antitrust litigation. (2 KCH 552; 2 KCH 571.)

In early March, a White House task force, including Messrs. Ehrlichman, Colson, Fielding, Johnson, Mardian and others, was established to keep track of the Kleindienst hearings, and its activities continued throughout the month. Members of the task force met from time to time with Messrs. Mitchell and Kleindienst. Mr. Fielding was given the responsibility of reviewing White House files to collect all documents which related to ITT.

On March 24, 1972, the President held his only press conference during this period. He said that: "... as far as the [Senate Judiciary Committee] hearings are concerned, there is nothing that has happened in the hearings to date that has in one way shaken my confidence in Mr. Kleindienst as an able, honest man, fully qualified to be Attorney General of the United States." (Weekly Compilation of Presidential Documents, Vol. 8, No. 8, pp. 673-674.)

He also said that, "In this Administration we moved on ITT. We are proud of that record." He said that administration action had prevented ITT from growing further and quoted Solicitor General Griswold as to the excellence of the ITT settlement. "We moved on [ITT] and moved effectively ... Mr. McLaren is justifiably very proud of that record ... [and he] should be." (*Id.* at p. 675.)

On the morning of March 30, 1972, Messrs. Colson, Haldeman and MacGregor met. That afternoon, Mr. Colson sent a memorandum to Mr. Haldeman indicating his disagreement with Mr. Haldeman's view, apparently presented at a meeting that morning, that the White House should continue to support Mr. Kleindienst's nomination. His reasons included the possibility that documents would be revealed suggesting that the President was involved in the ITT situation in 1971 and contradicting statements made by Mr. Mitchell under oath. (SSC Exhibit 121, 8 SSC 3372.)

On April 4, 1972, John Mitchell returned to his office after about two weeks in Florida. (Mitchell logs.) That afternoon, he met with the President and Mr. Haldeman at the White House and, according to Mr. Haldeman's testimony before the Senate Select Committee, they discussed the Kleindienst hearings. (7 SSC 2881.) The Committee has received from the President an edited transcript of the tape of this meeting.

On April 19, 1972, Ed Reinecke, Lt. Governor of California, testified that he had not told then Attorney General Mitchell about the ITT-Sheraton financial pledge until September, 1971. Clark MacGregor and Mr. Mardian had met with Mr. Reinecke the morning he testified. On April 3, 1974, Mr. Reinecke was indicted by a District of Columbia grand jury for perjury in connection with that testimony. (Indictment, April 3, 1974, *U.S. v. Reinecke*, Crim. No. 74-155.)

On April 27, 1972, the last day of the hearings, Mr. Kleindienst referred to his earlier testimony about communications with the White House and said:

"I tried to make it clear, Senator Fong, that in view of the posture I put myself in, in this case, I could have had several conversations but I would have had a vivid recollection if someone at the White House had called me up and said, 'Look, Kleindienst, this is the way we are going to handle that case.' People who know me, I don't think would talk to me that way, but if anybody did it would be a very sharp impact on my mind because I believe I know how I would have responded."

No such conversation occurred. (3 KCH 1682.) The Committee needs to examine

certain conversations during the period between February 29 and April 5, 1972, to aid in determining the participation or non-participation, knowledge or lack of knowledge of the President and his senior advisors with respect to testimony before the Senate in the Kleindienst hearings.

The specific conversations referred to in Part A of the schedule attached to the proposed subpoena are as follows:

A. Items 1, 2 and 3 of Part A refer to conversations between the President and Messrs. Haldeman, Ehrlichman or Colson on Monday, March 6, 1972. This was the day after the President returned from a weekend at Key Biscayne, and four days after the ITT document or documents had been delivered to White House aide Johnson. The Kleindienst hearings had resumed the previous Thursday and were continuing. On the same day Mr. Ehrlichman contacted the Chairman of the SEC to discuss ITT documents.

B. On the evening of March 14, 1972, the President and Mr. Mitchell had a telephone conversation. It was their only phone conversation during the month of March of which we are aware. This was the evening of the first day of Mr. Mitchell's testimony during which he twice denied ever having discussed antitrust litigation with the President. Materials respecting the conversation are requested in Item 4 of Part A of the schedule attached to the proposed subpoena.

C. According to Mr. Colson's calendar, he spent the morning of March 18, 1972, on "ITT" matters. He had three telephone conversations with Mr. Mitchell during the morning. That afternoon, the President and Mr. Colson met over two hours. The Kleindienst hearings were still continuing. Item 5 of Part A of the schedule attached to the proposed subpoena covers this conversation.

D. In a memorandum from Mr. Colson to Mr. Haldeman dated March 30, 1972 (Exhibit 121, 8 SSC 3372), Colson indicated that the subjects of discussion among senior White House aides on that date were the Kleindienst hearings, the possibility of withdrawing his nomination, documents relating to the Senate Judiciary Committee hearings, and testimony by Mr. Mitchell before the Committee. The President met with Mr. Haldeman and Mr. Colson on March 30. Haldeman during the course of two of his meetings with the President on March 30 talked by telephone with Kleindienst. Items 6, 7, 8 and 9 of Part A of the schedule attached to the proposed subpoena request materials respecting the March 30 conversations involving the President, Haldeman and Colson.

E. On April 4 and 5, 1972, the President had conversations with Mitchell, Haldeman and Colson. At about this time the President apparently made the decision not to withdraw the Kleindienst nomination. Items 10, 11 and 12 of Part A of the schedule attached to the proposed subpoena call for materials relating to these conversations.

Part B of the schedule attached to the proposed subpoena requests news summaries submitted to the President during the period of the hearings on the nomination of Kleindienst before the Senate Judiciary Committee and the debate by the Senate on that nomination. The summaries are compiled from various news media and submitted to the President daily. From time to time the President makes written comments and notations on these news summaries. The President's copies of these summaries would be probative of the President's knowledge or lack of knowledge of the testimony during, and events surrounding, the hearings and debates on the Kleindienst nomination.

[Copy]

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES OF AMERICA

To Benjamin Marshall, or his duly authorized representative:



You are hereby commanded to summon Richard M. Nixon, President of the United States of America, or any subordinate officer, official or employee with custody or control of the things described in the attached schedule, to be and appear before the Committee on the Judiciary of the House of Representatives of the United States, of which the Hon. Peter W. Rodino, Jr. is chairman, and to bring with him the things specified in the schedule attached hereto and made a part hereof, in their chamber in the city of Washington, on or before July 2, 1974, at the hour of 10:00 a.m. then and there to produce and deliver said things to said Committee, or their duly authorized representative, in connection with the Committee's investigation authorized and directed by H. Res. 303, adopted February 6, 1974.

Herein fail not, and make return of this summons.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 24th day of June, 1974.

Attest:

PETER W. RODINO, JR.,
Chairman.
W. PAT JENNINGS,
Clerk.

On behalf of Richard M. Nixon, President of the United States of America, I accept service of the original subpoena, of which the foregoing is a copy.

Dated: June 25, 1974.

Received: James W. St. Clair.

Special Counsel to the President.

Schedule of Things Required To Be Produced Pursuant to Subpoena of the Committee on the Judiciary

A. The President's daily diaries (as reflected on U.S. Government Printing Office Form "1969-0-332-068" or its successor forms) for the period March 19, 1971 to March 25, 1971, both inclusive.

B. All tapes, dictabelts, other electronic and mechanical recordings, transcripts, memoranda, notes and other writings and things relating to the following conversations:

1. Between the President and John Ehrlichman on March 19, 1971 from approximately 8:30 a.m. to approximately 11:00 a.m.; on March 23, 1971, beginning at approximately 12:00 noon and ending at approximately 1:07 p.m.; on March 25, 1971, beginning at approximately 8:30 a.m.; and on March 25, 1971, beginning at approximately 3:00 p.m.

2. Between the President and John B. Connally on March 20, 1971; March 22, 1971; and on March 23, 1971 from 5:35 p.m. to 5:38 p.m.

3. Between the President and Charles W. Colson on March 19, 1971; March 21, 1971; March 22, 1971 (four conversations); March 23, 1971; March 24, 1971 (three conversations); and March 25, 1971.

Memorandum Setting Forth Facts and Bases Underlying Proposed Subpoena for Recordings of Presidential Conversations and Other Things Necessary for the Committee's Inquiry Into the 1971 Milk Price Support Decision

The following sets forth certain of the facts and bases underlying the proposed subpoena for materials necessary for the Committee's inquiry into the President's 1971 decision to increase milk price supports. The Committee has received additional evidence with respect to this matter in executive session.

Part A of the schedule attached to the proposed subpoena lists:

The President's daily diaries (as reflected on U.S. Government Printing Office Form "1969-0-332-068" or its successor forms) for the period March 19, 1971, to March 25, 1971, both inclusive.

The President's daily diary is a log compiled by the Secret Service of the time and duration of the President's meetings and

telephone conversations throughout the day. The daily diaries would enable the Committee to ascertain whether the President met or spoke with persons likely to be involved with contributions by the milk producer cooperatives during the period when the White House was considering whether to increase milk price supports above the level fixed by the Secretary of Agriculture.

Part B of the schedule attached to the proposed subpoena lists tapes and other things respecting the following specified presidential conversations:

(1) Between the President and John Ehrlichman on March 19, 1971, from approximately 8:30 a.m. to approximately 11:00 a.m.; on March 23, 1971, beginning at approximately 12:00 noon and ending at approximately 1:07 p.m.; on March 25, 1971, beginning at approximately 8:30 a.m.; and on March 25, 1971, beginning at approximately 3:00 p.m.

As the President's principal advisor on domestic affairs, Mr. Ehrlichman participated in the White House review of the Secretary of Agriculture's milk price support decision and the President's decision to increase the milk price support level.

The Committee has received a copy of Mr. Ehrlichman's office diary which indicates that Mr. Ehrlichman met with the President at the times specified above during the period March 19, 1971-March 25, 1971.

(2) Between the President and John B. Connally on March 22, 1971, and on March 23, 1971, from 5:35 p.m. to 5:38 p.m.

Beginning in February, 1971, AMPI representatives communicated with Secretary of the Treasury Connally to urge an increase in milk price supports. Secretary Connally discussed the milk price support issue with the President and participated in the decision to increase the milk price support level.

According to a White House compilation of meetings and telephone calls between the President and Connally, the President met or spoke with Connally on the dates and times indicated above.

(3) Between the President and Charles W. Colson on March 19, 1971; March 21, 1971; March 22, 1971 (four conversations); March 23, 1971; March 24, 1971 (three conversations); and March 25, 1971.

As the White House liaison with the milk producer cooperatives, Mr. Colson communicated frequently with AMPI representatives from 1970 through 1971 regarding political contributions to the President's re-election. Mr. Colson met with representatives of the milk producer cooperatives during the period the President determined to increase the milk price support level.

According to a White House compilation of meetings and telephone calls between the President and Colson, Colson met or spoke with the President on the dates indicated above.

[Copy]

By Authority of the House of Representatives of the Congress of the United States of America

To Benjamin Marshall, or his duly authorized representative:

You are hereby commanded to summon Richard M. Nixon, President of the United States of America, or any subordinate officer, official or employee with custody or control of the things described in the attached schedule, to be and appear before the Committee on the Judiciary of the House of Representatives of the United States, of which the Hon. Peter W. Rodino, Jr. is chairman, and to bring with him the things specified in the schedule attached hereto and made a part hereof, in their chamber in the city of Washington, on or before July 2, 1974, at the hour of 10:00 A.M. then and there to produce and deliver said things to said Committee, or their duly authorized representative, in connection with the Committee's investigation authorized

and directed by H. Res. 303, adopted February 6, 1974.

Herein fail not, and make return of this summons.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 24th day of June, 1974.

PETER W. RODINO, JR., Chairman.

On behalf of Richard M. Nixon, President of the United States of America, I accept service of the original subpoena, of which the foregoing is a copy.

Dated: June 25, 1974.

Received JAMES D. ST. CLAIR.

Special Counsel to the President.

Schedule of Things Required To Be Produced Pursuant to Subpoena of the Committee on the Judiciary

All tapes, dictabelts, other electronic and mechanical recordings, transcripts, memoranda, notes (including notes of H. R. Haldeman), and other writings and things relating to:

(1) A conversation on September 15, 1972, among the President, H. R. Haldeman and John Dean between approximately 6:00 and approximately 6:13 p.m.

(2) A conversation on September 15, 1972 between the President and H. R. Haldeman between 4:43 and 5:27 p.m. (Ronald Ziegler was present between 4:43 and 4:49 p.m.)

Memorandum Setting Forth Facts and Bases Underlying Proposed Subpoena for Recording of Presidential Conversations and Other Things Necessary for the Committee's Inquiry Into Alleged Abuse of IRS

The following sets forth the facts and bases underlying the proposed subpoena dated June 24, 1974 for recordings of Presidential conversations and other things necessary for the House Judiciary Committee's inquiry into alleged abuse of IRS.

(1) Conversation on September 15, 1972 among the President, H. R. Haldeman and John Dean, from approximately 6:00 p.m. to approximately 6:13 p.m.¹

According to an affidavit of SSC Minority Counsel Fred Thompson, he was informed in or about early June 1973 by J. Fred Buzhardt, then Special Counsel for the President, that during the September 15, 1972 meeting Dean reported to the President on the IRS investigation of Larry O'Brien. (4 SSC 1794-96)

On May 28, 1974, the Watergate Special Prosecutor moved Judge Sirica for an order that the recording of this portion of the conversation of September 15, 1972 and the notes of Haldeman relating thereto, be turned over for presentation to the appropriate grand juries, on the basis that the recording is relevant to alleged White House attempts to abuse and politicize the IRS. According to the supporting affidavit of Special Prosecutor Leon Jaworski dated May 28, 1974, evidence assembled by his office substantiates allegations that in September 1972 the White House presented lists of "enemies" to the IRS with the direction that they be audited or otherwise harassed, and that in August and September 1972 the White House unlawfully attempted to have the IRS investigate Larry O'Brien. After listening to the tape of the September 15, 1972 conversation, Judge Sirica orally granted the motion of the Special Prosecutor on June 7, 1974. On June 12, 1974, the Court ordered that the recording of the conversation from 6:00 p.m. until approximately 6:13 p.m., and the notes

¹ The Committee has in its possession a tape of that portion of the September 15, 1972 conversation among the President, Haldeman and Dean which took place between 5:27 p.m. and approximately 6:00 p.m. It also has in its possession a tape of a portion of a conversation between the President and Haldeman on September 15, 1972 from approximately 5:12 p.m. to 5:27 p.m.



taken during that conversation by H. R. Haldeman, be made available to the Special Prosecutor. The President, through his counsel, filed a notice of appeal of that order on June 14, 1974.

Dean has testified before the SSC that during the meeting on September 15, 1972, with the President and Haldeman, they discussed using the IRS to attack their enemies. According to Dean's testimony, the President said that Democratic administrations used the IRS in the past and that after the election they would get people who would be responsive to White House requirements. Dean testified that at that point in the discussion Haldeman started taking notes. (3 SSC 958; 4 SSC 1479-80, 1535) Haldeman testified that there was discussion about the Democratic orientation of the IRS and the reluctance of the IRS to follow up on complaints of possible violations against people who were supporting opponents of the White House, and of cleaning house after the election. (7 SSC 2889)

In addition, other materials presented to the Committee in Executive Session further support the relevance of the recording of this conversation to the Committee's inquiry.

(2) Conversation on September 15, 1972, between the President and H. R. Haldeman between 4:43 and 5:27 p.m. (Ronald Ziegler was present between 4:43 and 4:49 p.m.)

On September 15, 1972 the indictment of the seven defendants in *United States v. Liddy*, charging violations with respect to the break-in at the Democratic National Committee headquarters was announced. The House Judiciary Committee has previously obtained a tape recording of the portion of this conversation from approximately 5:12 to 5:27 p.m. This portion of the conversation relates to the use of the Internal Revenue Service.

By Authority of the House of Representatives of the Congress of the United States of America

To Benjamin Marshall, or his duly authorized representative:

You are hereby commanded to summon Richard M. Nixon, President of the United States of America, or any subordinate officer, official, or employee with custody or control of the things described in the attached schedule, to be and appear before the Committee on the Judiciary of the House of Representatives of the United States, of which the Hon. Peter W. Rodino, Jr. is chairman, and to bring with him the things specified in the schedule attached hereto and made a part hereof, in their chamber in the city of Washington, on or before July 2, 1974, at the hour of 10:00 A.M. then and there produce and deliver said things to said Committee, or their duly authorized representative, in connection with the Committee's investigation authorized and directed by H. Res. 803, adopted February 6, 1974.

Herein fail not, and make return of this summons.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 24th day of June, 1974.

PETER W. RODINO, Jr.,
Chairman.

Attest: W. Pat Jennings, Clerk.

On behalf of Richard M. Nixon, President of the United States of America, I accept service of the original subpoena, of which the foregoing is a copy.

Dated: June 25, 1974.

JAMES D. ST. CLAIR,
Special Counsel to the President.

Schedule of Things Required To Be Produced Pursuant to Subpoena of the Judiciary

A. All tapes, dictabelts, other electronic and mechanical recordings, transcripts,

memoranda, notes and other writings and things relating to the following conversations:

1. Meeting among the President, Charles Colson and H. R. Haldeman on June 23, 1971, between 11:39 a.m. to 12:41 p.m.

2. Meeting between the President and Charles Colson on June 28, 1971 between 6:50 and 7:25 p.m.

3. Meeting among the President, Charles Colson and H. R. Haldeman on July 1, 1971 between 10:28 and 11:49 a.m. (John Ehrlichman was present between 10:58 and 11:49 a.m. and Henry Kissinger was present between 11:22 and 11:24 a.m.)

4. Meetings between the President and John Ehrlichman on September 7, 1971 between 8:33 and 10:35 a.m.; on September 8, 1971 between 3:26 and 5:10 p.m.; and on September 10, 1971 between 3:03 and 3:51 p.m.

5. Meeting among the President, H. R. Haldeman and Charles Colson on September 7, 1971 between 10:37 a.m. and 12:00 p.m. and telephone conversation between the President and Charles Colson on September 10, 1971 between 3:53 and 4:17 p.m.

6. Meeting between the President and Henry Petersen on April 19, 1973 between 10:12 and 11:07 a.m.

7. Meeting between the President and Richard Kleindienst on April 25, 1973.

B. All memoranda, correspondence, papers and things prepared by, sent to, received by, or at any time contained in, the files of Charles Colson, H. R. Haldeman, John Ehrlichman, Egil Krogh and David Young, to the extent that such memoranda, correspondence, papers and things relate or refer directly or indirectly to the origin or to the activities of the White House Special Investigations Unit. These memoranda, correspondence, papers and things include, but are not limited to, all handwritten notes of John Ehrlichman produced by the White House on June 5 and June 6, 1974 pursuant to an order of Judge Gerhard Gesell in *United States v. Ehrlichman* (D.C.D.C. Cr. 74-116).

C. Handwritten notes of John Ehrlichman of a meeting on July 13, 1971 among the President, John Ehrlichman and Robert Mardian.

Memorandum Setting Forth Facts and Bases Underlying Proposed Subpoena for Recordings of Presidential Conversations and Other Things Necessary for the Committee's Inquiry Into Domestic Surveillance Activities

The following sets forth the facts and bases underlying the proposed subpoena dated June 24, 1974 for recordings of Presidential conversations and other things necessary for the House Judiciary Committee's inquiry into Domestic Surveillance activities and their aftermath.

Part A of the proposed subpoena regards tape recordings and other materials respecting the following specified conversations:

(1) Meeting among the President, Charles Colson and H. R. Haldeman on June 23, 1971, between 11:30 a.m. and 12:41 p.m.

The President met with Colson and Haldeman from 11:39 a.m. to 12:41 p.m. Two days later Colson sent to Haldeman a memorandum detailing the political gains to be derived from the prosecution of Daniel Ellsberg. Charles Colson submitted an affidavit in *United States v. Ehrlichman* (D.C. D.C. Cr. 74-116) dated April 29, 1974 in which Colson stated that in meetings during this period the President repeatedly emphasized the gravity of the leaks and his concern about Ellsberg.

(2) Meeting between the President and Charles Colson on June 28, 1971 between 6:50 and 7:25 p.m.

This is the first meeting between the President and Colson following Colson's June 25, 1971 memorandum. Daniel Ellsberg was in-

dicted on this date and surrendered to federal authorities.

(3) Meeting among the President, Charles Colson and H. R. Haldeman on July 1, 1971 between 10:28 and 11:49 a.m. (John Ehrlichman was present between 10:53 and 11:49 a.m. and Henry Kissinger was present between 11:22 and 11:24 a.m.)

Colson's affidavit of April 29, 1974 filed in *United States v. Ehrlichman* states that in a meeting between the President, Haldeman and Colson the President issued directions to stop security leaks at all cost. This is also the day that Colson called Howard Hunt to discuss the Pentagon Papers and Daniel Ellsberg and in a memorandum forwarding a transcript of that conversation to Haldeman, Colson referred to a previous discussion between Haldeman and Colson.

(4) Meetings between the President and John Ehrlichman on September 7, 1971 between 8:33 and 10:35 a.m.; on September 8, 1971 between 3:26 and 5:10 p.m.; and on September 10, 1971 between 3:03 and 3:51 p.m.

According to the testimony of John Ehrlichman (John Ehrlichman testimony, Grand Jury, *People v. Ehrlichman*, June 8, 1973, 604) and his logs, these are the first meetings between the President and Ehrlichman following the Fielding break-in. On September 8, Ehrlichman met with Egil Krogh and David Young (who headed the Plumbers unit) at 10:45 a.m. and later in the day, between 3:26 and 5:10 p.m., met with the President. On September 10, Ehrlichman went directly from a meeting with the President between 3:03 and 3:51 p.m. to meet with Krogh and Young. (Meetings and conversations between the President and Ehrlichman, furnished by the White House and John Ehrlichman logs).

(5) Meeting among the President, H. R. Haldeman and Charles Colson on September 7, 1971 between 10:37 a.m. and 12:00 p.m. and telephone conversation between the President and Charles Colson on September 10, 1971 between 3:53 and 4:17 p.m.

According to the log of meetings and conversations between the President and Colson, and Charles Colson's log, these are the first meetings between the President and Colson following the Fielding break-in. The meeting on September 7, 1971 immediately followed a meeting between the President and Ehrlichman. On September 10, 1971 the President talked to Colson immediately following the President's meeting with Ehrlichman. Ehrlichman met at 4:00 p.m. with Krogh and Young and Colson met with Young at 8:00 p.m.

(6) Meeting between the President and Henry Petersen on April 19, 1973 between 10:12 and 11:07 a.m.

The President, by letter of April 29, 1974, forwarded to Judge Gerhard Gesell in *United States v. Ehrlichman* a transcript of this conversation between the President and Henry Petersen during which there was a discussion of the Fielding break-in. In his letter the President stated that if the Judge desired to hear the tape itself, arrangements could be made with the President's Counsel. Materials in the possession of the Committee indicate that the President discussed internal security considerations.

(7) Meeting between the President and Richard Kleindienst on April 25, 1973.

Richard Kleindienst has testified that he met with the President on April 25, 1973 at the White House to advise the President to send information about the Fielding break-in to Judge Byrne in the Ellsberg case. (Richard Kleindienst testimony, 9 SSC 3574-75, 3607). The President has stated that Kleindienst came to see him and the President instructed that the Justice Department memoranda relating to the break-in be filed with the Court in Los Angeles. (President Nixon's statement, May 22, 1973, 9 Pres. Docs. 696).



Part B of the subpoena requests the following materials:

All memoranda, correspondence, papers and things prepared by, sent to, received by or at any time contained in the files of Charles Colson, H. R. Haldeman, John Ehrlichman, Egil Krogh and David Young to the extent that such memoranda, correspondence, papers and things relate or refer directly or indirectly to the activities of the White House Special Investigations Unit. These memoranda, correspondence, papers and things include, but are not limited to:

(1) All handwritten notes of John Ehrlichman produced by the White House on June 5 and June 6, 1974 pursuant to an order of Judge Gerhard Gesell in *United States v. Ehrlichman* (D.C.D.C. Cr. 74-116).

(2) Handwritten notes of John Ehrlichman of a meeting on July 12, 1971 among the President, John Ehrlichman and Robert Mardian.

Part B of the subpoena seeks materials in the files of specified White House staff members relating to the activities of the White House Special Investigations Unit; the White House staff members listed in Item B were involved in activities relating to the Special Investigations Unit.

Item B refers to the handwritten notes of John Ehrlichman with respect to certain specified meetings. They were produced by the White House on June 5 and June 6, 1974, pursuant to the Order of the Court and arrangements with the White House in *United States v. Ehrlichman* (D.C.D.C. Cr. 74-116) in which Ehrlichman is charged with perjury and other violations in connection with the Fielding break-in. In an affidavit dated June 12, 1974, Fred Buzhardt, Counsel to the President, acknowledged that these materials bore on the issues in that trial.

Item C refers to handwritten notes by John Ehrlichman of a meeting on July 12, 1971 among the President, Ehrlichman and Robert Mardian. Ehrlichman has requested these notes in connection with the forthcoming trial in *United States v. Ehrlichman*, but the White House has refused to produce them. An index supplied by the White House sets forth that the subject matter on these notes concerns "national security wiretaps." Robert Mardian has testified that on July 12, 1971 the President instructed him to pick up the logs and records of the 1969-71 wiretaps from William Sullivan of the FBI and deliver those documents to John Ehrlichman. (Mardian, 6 SSC 2405-08). Ehrlichman has testified that the President asked him to take custody of the wiretap records (Ehrlichman, 6 SSC 2534).

SUPPLEMENTAL, ADDITIONAL, SEPARATE, DISSENTING, MINORITY, INDIVIDUAL, AND CONCURRING VIEWS

Concurring views of Messrs. Rallsback, Fish, Hogan, Butler, Cohen and Froehlich

For reasons we articulated in debate before the Judiciary Committee, the undersigned voted to recommend Articles I and II to the House. We agree in substance with this Report as it relates to those two articles. However, lest anyone infer that we agree without reservation to every point made, and given the lack of adequate time to prepare a detailed response to such points, suffice it to say that we do not necessarily agree that there is clear and convincing evidence to support every conclusion contained in the Report or that every fact referred to is necessary or relevant to support such articles.

TOM RALLSBACK,
HAMILTON FISH, JR.
LAWRENCE J. HOGAN,
M. CALDWELL BUTLER,
WILLIAM S. COHEN,
HAROLD V. FROELICH.

Additional views of Messrs. Brooks, Kastemeier, Edwards, Conyers, Eilberg, Seiberling, Danielson, Rangel, Ms. Jordan, Ms. Holtzman, and Mr. Mezvinsky

On two occasions, Richard M. Nixon has taken the oath set forth in the Constitution of the United States to which all Presidents must swear. In that oath Richard Nixon promised to "faithfully execute the Office of the President of the United States." He swore to "preserve, protect and defend the Constitution of the United States." He promised to "take care that the laws be faithfully executed."

In each of these areas Richard Nixon has violated his solemn obligation to the American people. The evidence is overwhelming that Richard Nixon has used the Office of President to gain political advantage, to retaliate against those who disagreed with him, and to acquire personal wealth. To achieve these objectives he chose a course designed to obstruct the administration of justice, to misuse the functions of agencies of the Federal government, and to abuse the powers of his office in a manner that threatened the sanctity of our democratic form of government and the constitutional rights and safeguards of every American citizen.

Richard Nixon obstructed the due administration of justice by covering up White House involvement in criminal activities. He attempted to prevent the Federal grand juries, Federal prosecutors, the Department of Justice and the Congress of the United States from fully investigating those criminal activities and taking appropriate action. He concurred in the perjury of witnesses, participated in the payment of money to purchase silence, refused to produce evidence, interfered with the Office of the Special Prosecutor and discharged the Special Prosecutor for pursuing the course of justice too forthrightly.

Richard Nixon attempted to use the Internal Revenue Service to harass his enemies and to favor his friends. He directed the Federal Bureau of Investigation and the Secret Service to engage in illegal wiretapping. He endeavored to use the Central Intelligence Agency to sidetrack the Federal Bureau of Investigation's investigation into the illegal entry of the National Headquarters of the Democratic National Committee. He authorized a domestic intelligence operation that would have suspended the constitutional rights of all Americans.

Richard Nixon has continually refused to cooperate with the Congress of the United States in the exercise of its constitutional responsibilities. He has concealed information legitimately subpoenaed by the Congress and its committees. He has supplied misleading information to the Congress and the American people; and he has knowingly permitted his aides and appointees to testify erroneously and dishonestly before various congressional committees.

For these activities the House Judiciary Committee has recommended three articles of impeachment against Richard M. Nixon. These articles are fully supported by the evidence presented to the Committee. They do not, however, include all of the offenses committed by Richard Nixon for which he might be impeached, tried and removed from office.

There is ample evidence that Richard Nixon has violated the Constitution and the laws of the United States in an effort to enrich himself at the cost of the American taxpayer.

Shortly after his election in 1968, Mr. Nixon purchased three private homes. He then prevailed upon agencies of the Federal government to spend thousands of dollars of public funds at those properties. Inter-

sive investigations by the House Government Operations Committee, the General Accounting Office, the Joint Committee on Internal Revenue Taxation, and the U.S. Internal Revenue Service have concluded that many of these expenditures were for Mr. Nixon's personal benefit and served no proper government function.

To preclude the possibility that a President might, because of personal financial considerations, either misuse the office for his own benefit or be held hostage to a hostile Congress, the drafters of our Constitution provided:

"The President shall, at stated times, receive for his service, a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States or any of them."

The meaning of this clause is both clear and certain. Alexander Hamilton, writing in the *Federalist Papers* No. 73, succinctly stated its purpose as follows:

"It is impossible to imagine any provision which would have been more eligible than this. The legislature, on the appointment of a President, is once for all to declare what shall be the compensation for his services during the time for which he shall have been elected. This done, they will have no power to alter it, either by increase or diminution, till a new period of service by a new election commences. . . . Neither the Union, nor any of its members, will be at liberty to give, nor will he be at liberty to receive, any other emolument than that which may have been determined by the first act."

During his term of office, Richard Nixon has received a stated compensation for his services as Chief Executive Officer of our government, including a salary of \$200,000 each year and an annual expense account of \$50,000. Clearly, the payment of thousands of dollars by the Federal government for new heating systems, remodeling den windows, a sewer line, boundary surveys, landscape maintenance, sprinkler systems, and a shuffle board court constitutes additional "emoluments."

In its audit of Mr. Nixon's income tax returns for 1969 through 1972, the Internal Revenue Service concluded that:

"In view of the taxpayer's relationship to the United States Government as its Chief Executive Officer, the above items constitute additional compensation to him for the performance of his services for the Government."

In addition to receiving unlawful emoluments while in office, Mr. Nixon has attempted to evade the payment of his lawful taxes. There is substantial evidence that when Mr. Nixon signed his Federal income tax returns for 1969, 1970, 1971 and 1972, he knowingly attested to false information intending to defraud the American people of approximately one-half million dollars. On his tax returns for those years, he claimed an unlawful deduction for a charitable contribution of his pre-presidential papers when, in fact, no such gift had been made. He or his agents manufactured misleading and dishonest documents to support the deduction. As a result of attesting to false information, Mr. Nixon, for two consecutive years, reduced his tax liability to less than \$1,000 on income of approximately one-quarter million dollars a year.

The Internal Revenue Service has also established that Mr. Nixon unlawfully reduced his taxes by failing to report certain income from the sale of properties in California, New York and Florida. The Senate Select Committee has documented Mr. Nixon's failure to report as income the receipt of \$5,000 of



EXHIBIT C

COMMITTEE FOR PUBLIC JUSTICE

22 EAST 40th STREET
NEW YORK, NEW YORK 10016
(212) 725-1222

October 2, 1974

Committee Members

Sheldon Ackley
Archie Alexander, Jr.
William Van Alstyne
Hannah Arendt
E. Clinton Bamberger, Jr.
Warren Beatty
Derrick A. Bell, Jr.
Viola Bernard
Felicia Bernstein
Leonard Bernstein
Edward J. Bloustein
Wiley A. Branton
Ralph S. Brown, Jr.
Edward Burling
Haywood Burns
Holding Carter, III
Ramsey Clark
Mrs. Robert Clayton
Benjamin Cohen
Robert Coles
Daniel G. Collins
Henry Steele Commager
Barry Commoner
Jack Conway
Vern Countryman
William C. Cunningham, S.J.
Adrian W. De Wind
William Dearing
Ronnie Dugger
Marian Edelman
A. Whitney Ellsworth
Jules Feiffer
Mrs. Marshall Field
Moe Foner
John Kenneth Galbraith
Willard Gaylin
Mrs. Elinor Gimbel
Milton Gordon
Albert Gore
Ernest A. Gross
Ernest Gruening
Thomas H. Guinzburg
Jose A. Guzman
Charles Halpern
V. W. Henderson
Aileen Hernandez
Theodore M. Hesburgh, C.S.C.
Charles Horby
Frank Jones
Kenneth Keniston
George Kiratien
George B. Kistiakowsky
Donald S. Klopfer
Terry Lenzner
John Lewis
Duane Lockard
Ephraim London
J. Anthony Lukas
Shirley MacLaine
Burke Marshall
Louis Martin
Anne Marundell
Jessica Mitford
Charles Morgan
Paul Newman
Mike Nichols
Eleanor Jackson Piel
Frances Fox Piven
Richard Pointier
Justine Wise Pointier
Louis H. Pollak
David Ramage
Bernard Rapoport
William M. Roth
Mrs. Fiona Rust
Carl Sapers
Andre Schiffman
Norbert A. Schlei
Arthur Schlesinger, Jr.
Stephen Schlossberg
John Seigenthaler
Gordon Sherman
William L. Shrier
David Shoup
Neil Simon
George Slaf
McNeill Smith
Jean Stein
Philip Stern
William Styron
James Vorenberg
Dorothy A. Wadsworth
John William Ward
Grace K. Warnecke
James Watson
Berthel M. Webster
Joseph Weinstein
Harris Wolford
Leonard Woodcock
C. Van Woodward
Adam Yarmolinsky

Arthur F. Sampson, Administrator
General Services Administration
18th & F Street, N.W.
Washington, D.C. 20405

Dear Mr. Sampson:

Pursuant to the provisions of 5 U.S.C. Section 552 we respectfully request that you make available to us for inspection the following materials currently under your custody and control:

1. All tape recordings of conversations in the White House and Executive Office Building ("Presidential tape recordings") covered by your purported agreement with Richard Nixon dated September 7, 1974 relating to the Watergate breakin, the investigation of possible criminal activities on Watergate and the coverup of these activities. Initially we would like access to the 98 tapes subpoenaed by the House Judiciary Committee in its impeachment inquiry and specified in the House Judiciary Committee report on Impeachment at 120 Congressional Record H.9031-9041 (August 22, 1974).
2. All Presidential tape recordings relating to the misuse of government agencies (the FBI, the IRS and others). Initially we would like access to the 49 tapes subpoenaed by the House Judiciary Committee in its impeachment inquiry and specified in the House Judiciary Committee report on Impeachment at 120 Congressional Record H.9031-9041 (August 22, 1974).

It is vital for the proper functioning of our government that the extent of Presidential abuse of office be made known so that proper safeguards can be established for the future. The Freedom of Information Act is based on the assumption that all information relating to government operation that the people need to perform their political functions should

.../1

Executive Council

Charles E. Goodell,
Chairman
Lillian Hellman,
Vice-Chairman
Blair Clark,
Vice-Chairman, Treas.
Thomas Brandon
Norman Dorsen
Stephen Gillers
Elinor Gordon
John Hersey
John Minstfield
Aryeh Neier
Robert B. Silvers
Martin Peretz
Stanley K. Sheinbaum
Telford Taylor
Raymond S. Toubh
Hannah Weinstein
Jerome Wiesner

Executive Director
Leon Friedman

.../2

be furnished to them. We therefore request inspection of the Presidential tapes described above, so that the people will be able to discover if and how the highest office in the land was misused over a five-year period.

In addition the undersigned belong to a non-profit Committee of citizens concerned about issues of public justice and are conducting our own inquiry into Watergate events and the abuse of Presidential power. We feel that these materials contain information necessary to carry out our inquiries. As journalists, historians and lawyers the material is also necessary for our professional pursuits.

In view of the fact that the statute contemplates judicial remedies if our request for inspection is denied, we would suggest that none of the material requested be removed from your control pending the initiation of judicial proceedings. We would appreciate a response from you within the next 20 days.

Sincerely,

Lillian Hellman (ent)
Blair Clark (ent)

Lillian Hellman
Blair Clark
Thomas Brandon
Adrian De Wind
Norman Dorsen
Leon Friedman
Stephen Gillers
John Hersey
Robert Silvers
Telford Taylor
Hannah Weinstein

LH/BC:mk

EXHIBIT D

UNITED STATES OF AMERICA
GENERAL SERVICES ADMINISTRATION
WASHINGTON, DC 20405



OCT 15 1974

RECEIVED OCT 11 1974

Ms. Lillian Hellman
Mr. Blair Clark
Vice-Chairmen, Executive Council
Committee for Public Justice
22 East 40th Street
New York, NY 10016

Dear Ms. Hellman and Mr. Clark:

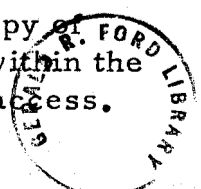
This is in response to your letter of October 2, 1974, in which you request access under the Freedom of Information Act, 5 U.S.C. 552, to

All tape recordings of conversations in the White House and Executive Office Building ("Presidential tape recordings") covered by your purported agreement with Richard Nixon dated September 7, 1974 . . . [i]nitially . . . the 98 tapes subpoenaed by the House Judiciary Committee in its impeachment inquiry and specified in the House Judiciary Committee report on Impeachment at 120 Congressional Record H. 9031-9041 (August 22, 1974),

as well as access to

All Presidential tape recordings relating to the misuse of Government agencies (the FBI, the IRS and others) . . . [i]nitially . . . the 49 tapes subpoenaed by the House Judiciary Committee . . .

The position of the General Services Administration has been that the materials you have requested are the private property of the former President, which position was affirmed by the Attorney General of the United States in an Opinion issued September 6, 1974 (copy enclosed). Subsequent to a letter agreement between the former President and Arthur F. Sampson, Administrator of General Services, dated September 6, 1974, and September 7, 1974, respectively, a copy of which we enclose, these materials are scheduled for deposit within the General Services Administration subject to restrictions upon access.



2

These restrictions do not permit this agency to accommodate a request such as your own without the prior written approval of the former President. Meanwhile, the validity and implementation of this agreement are the subject of negotiation, legislation, and litigation, delaying the actual deposit of these materials within GSA.

In denying you access to these materials, it is the position of this agency that: (1) this agency presently does not have the requested materials in its possession; (2) deposited papers and other historical materials are not "records" within the purview of the Freedom of Information Act (5 U.S.C. 552(a)(3)), and, therefore, are not subject to its provisions; and (3) assuming, for the sake of argument, that the deposited papers and other historical materials are subject to the provisions of the Act, they are exempt from disclosure under the third exception to mandatory public disclosure, i.e., ". . . matters that are . . . specifically exempted from disclosure by statute . . ." (5 U.S.C. 552(b)(3)). The pertinent statute is the Presidential Libraries Act of 1955, which provides that the Administrator of General Services may accept for deposit on behalf of the United States papers and other historical materials which may be subject to restrictions upon access that have been accepted by the Administrator (44 U.S.C. 2107-2108).

You have the right to file an administrative appeal of this decision. Such an appeal should be in writing and addressed to this office.

Sincerely,



RICHARD Q. VAWTER
Director of Information

Enclosures

