

(9)/18 Gray

SCREENED
By Cap Date 9/29/04

Plumbers - Gray
Preparation For Nixon
Questioning

TRANSCRIPTS

Gray - Nixon Testimony

2/14/73 - RHN - Ehr

general talk about PCB
as nominee; his knowledge of
Hunt's safe

- then Ervin Comm. problems

- some discussion about

wiretapping and the fact that
Nixon had cut down on the
number of taps - & there

is reference to the 2/14/73
article to the effect that
Hunt rec'd things from Jags

2/16/73 - RMD / Chr. / Gray

- RMD asks Gray how he will handle (1) w/o questions, and (2) wiretapping questions

- then a long discussion about leaks to Time magazine - being accurate; RMD also talks about 1968 wiretapping of his plane -

RMD asks that somebody in FBI has given a lie detector test on this.

- talk about Felt being the leak; RMD says Felt should take a lie detector test.

- RMD talks about a 1 on

very
wary
on
this

1 relationship with Gray whose
letter could tie on stack
of bibles

2/27/73 - Dean & RTW - 3:55-4:20 P.M.

- conv. abt RGK & Ervin
Comm. - exec privilege - that
Clark Mollenhoff is raising ?'s
about it - & that RTW is to
have a press conference

relevant

- start w/ LBJ abusing FBI
- then RTW - as to Brandon,
Kraft, Lake & Halperin were
tagged

- then Time Magazine story →
JWD confronting Sullivan as to leak
- then specific discussion about
Gray stonewalling - & Time story
not being true.

- JWD reviews Sullivan's taking
the records

- discussion of felt as the
leak

- RTW - again talks about
Brandon & Kraft

2/28/73 RMW + JWD - in a.m. 9:12 - 10:23.

- about Ervin Committee & exec privilege - & then on to the Desco investigation

- talk abt. CRP subpoenaing registers

- then about P.C. III - & RMW notes that Foran is not a crony of L.H.

- talk abt. Kennedy being behind Ervin Committee.

- then onto LBJ. use of FBI; then into story of the leak on elsur -> the "Boyer" story - & then things hitting the genuine bas. of Sullivan's departure

- onto felt as possible source & RMW notes how an informer is a pariah

- on top of RMW's plans again.

- then JWD: summarizing Time story; RMW acknowledges Brandon, Kraft, Lake & Halperin; blames Lake on Kissinger; RMW says days were all unproductive

- RMW switches to the sentencing of W/G people

- then on to Sullivan - good; felt a "white rat" - the best second-man

- then on to clerical for

w/g As

- talk about Segretti - r
Dick Duck present
- talk about Kalmbrun &
about questions about private
transactions
- back to w/g: getting
Erin to not admit
wasn't, etc. - also JWD: we'll
put this on the funny pages

RTMw Pedersen - 4/19/73 - 10:12 - 11:27

- RTMw telling Pedersen that "Hunt thing" is national security
- RTMw refers to Brandon
- RTMw scaring Pedersen off. things that could hurt E/Isberg case

4/19/73 - 3:45 - 5:00 - RTMw/Morre

- talk about Horne's

- note -

this is
a general
statement
he will
be
making

slowness on case because
of the Marx/E/Isberg
connection & this is why
the Plumbers

AS PART OF THE INQUIRY INTO THE WIRETAP PROJECT AND THE REMOVAL OF RECORDS THE GRAND JURY IS ALSO INVESTIGATING POSSIBLE PERJURY BY MR. L. PATRICK GRAY DURING HIS CONFIRMATION HEARINGS IN LATE FEBRUARY AND EARLY MARCH, 1973, WHEN HE DENIED KNOWLEDGE OF SUCH AN ELECTRONIC SURVEILLANCE PROJECT.

THE FOCUS OF THIS INVESTIGATION IS ON THE TIME PERIOD OF THE WEEKS BEFORE MR. GRAY'S HEARINGS AND THE EARLY PORTION OF THE HEARINGS THEMSELVES - THAT IS, THE LAST TWO WEEKS OF FEBRUARY, 1973.

BEFORE WE GET TO THOSE DIRECT QUESTIONS, HOWEVER, THERE IS ONE MATTER ABOUT WHICH I WANT TO ASK YOU A FEW QUESTIONS WHICH MATTER IS RELEVANT TO THE GRAY INVESTIGATION. THAT MATTER IS THE ELECTRONIC SURVEILLANCE PROJECT WHICH COMMENCED IN DECEMBER, 1971, AND TERMINATED IN JUNE, 1972, AND WHICH STARTED AS A RESULT OF THE LEAK OF SENSITIVE INFORMATION CONCERNING THE UNITED STATES' POSITION IN THE INDIA-PAKISTAIN CONFLICT IN DECEMBER, 1971, TO JUNE, 1972. IT INVOLVED ELECTRONIC SURVEILLANCE OF SEVERAL INDIVIDUALS BUT PRINCIPALLY THIS YEOMAN RADEFORD. I EMPHASIZE THAT OUR ONLY INTEREST IN THIS PROJECT IS TO THE LIMITED EXTENT THAT IT RELATES TO MR. GRAY.

DO YOU RECALL THE COMMENCEMENT OF THIS PROJECT?

DO YOU RECALL THAT IT WAS HANDLED BY MR. EHRLICHMAN AND, UNDER HIM, MR. YOUNG, AND THAT THEIR PRIMARY LIAISON WAS MR. MARK FELT, AT THE FBI?

NOW, DIRECTING YOUR ATTENTION TO THE PERIOD - I BELIEVE IT WAS APPROXIMATELY MARCH 1, 1972, WHEN MR. MITCHELL RESIGNED AS ATTORNEY-GENERAL AND MR. KLEINDIENST WAS NOMINATED AS THE NEW ATTORNEY-GENERAL.

DO YOU RECALL WHETHER THERE WERE ANY BRIEFINGS OR DISCUSSIONS OF MR. KLEINDIENST CONCERNING THIS PROJECT - WHICH WAS, OF COURSE, QUITE SENSITIVE?

CONTRARIWISE, DO YOU RECALL THAT THERE WAS ANY DECISION NOT TO BRIEF MR. KLEINDIENST ABOUT THIS PROJECT?

DO YOU HAVE ANY DOUBT THAT MR. KLEINDIENST KNEW ABOUT THE PROJECT?

~~DO YOU~~ ON WHAT BASE DO YOU HAVE YOUR OPINION?

(2)

NOW, STILL WITH REFERENCE TO THIS RADFORD PROJECT, LET ME DIRECT YOUR ATTENTION TO EARLY MAY 1972 WHEN MR. HOOVER DIED AND MR. GRAY WAS APPOINTED AS ACTING-DIRECTOR OF THE FBI.

DO YOU RECALL WHETHER THERE WERE ANY BRIEFINGS OR DISCUSSIONS WITH MR. GRAY CONCERNING THIS PROJECT - WHICH WAS STILL BEING CARRIED ON?

~~CONTARIWISE DO YOU RECALL ANY DECISION BY YOURSELF OR BY OTHERS NOT TO BRIEF MR. GRAY ON THIS PROJECT?~~

DO YOU HAVE ANY DOUBT THAT MR. GRAY KNEW ABOUT THE PROJECT?

WHY? WHAT DO YOU BASE THAT OPINION ON?

FINALLY
~~FINALLY~~ WITH REFERENCE TO THE RADFORD PROJECT, I WANT TO DIRECT YOUR ATTENTION TO THE PERIOD OF MID-JUNE, 1972. NOW, THAT OF COURSE WAS WHEN THE WATERGATE BREAK-IN OCCURRED BUT, AT ABOUT THAT VERY SAME TIME THE SUPREME COURT DECIDED THE SO-CALLED KIETH DECISION WHICH STRUCK DOWN THE POLICY OF WARRANT-LESS NATIONAL SECURITY WIRETAPPS IN DOMESTIC SITUATIONS WHERE THERE WAS NO SHOWING OF A SUBSTANTIAL TIE WITH FOREIGN PARTIES.

NOW, AS A RESULT OF THAT DECISION THE FBI DISCONTINUED A CERTAIN NUMBER OF TAPS THAT THEY THEN HAD IN PLACE. ONE OF THESE WAS THE CONTINUING TAP ON MR. RADFORD.

DO YOU RECALL ANY CONVERSATIONS CONCERNING WHICH OF THE ELECTRONIC SURVEILLANCE PROJECTS OF THE FBI HAD TO BE DISCONTINUED IN VIEW OF THE KIETH DECISION? //

MORE SPECIFICALLY, DO YOU RECALL ANY DISCUSSIONS IN WHICH THE RADFORD TAP WAS ARGUED TO BE DISTINGUISHABLE FROM THE OTHER TAPS AND, THEREFORE, NOT WITHIN THE COMPASS OF THE SUPREME COURT DECISION?

IN ANY EVENT, DO YOU RECALL DISCUSSING WITH ANYONE, EITHER MR. EHRlichMAN, OR PERHAPS MR. KLEINDIENST OR MR GRAY THE FACT THAT THE RADFORD PROJECT HAD TO BE DISCONTINUED BY VIRTUE OF KIETH?

THAT THIS WAS PREMATURE?

NOW, I WANT TO SKIP AHEAD IN TIME TO THE MORE DIRECTLY RELEVANT PERIOD OF TIME - LEADING UP TO MR. GRAY'S NOMINATION. ON FEBRUARY 14, 1973, YOU HAD A MEETING WITH MR. EHRLICHMAN WHICH CONCERNED YOUR RESPECTIVE THOUGHTS AS TO WHETHER MR. GRAY WOULD BE THE BEST NOMINEE FOR THE POSITION. WE HAVE BEEN SUPPLIED WITH A TRANSCRIPT OF THAT TAPED CONVERSATION AND IT REFLECTS THAT IN TALKING WITH MR. EHRLICHMAN ABOUT MR. GRAY AND POSSIBLE QUESTIONS WHICH WOULD ARISE IN HIS CONFIRMATION HEARINGS YOU TALKED ABOUT WIRETAPPING PRACTICES IN GENERAL. YOU THEN NOTED HOW THERE HAD BEEN FEWER WIRETAPS DURING YOUR ADMINISTRATION THAN DURING THE EARLIER DEMOCRATIC ADMINISTRATIONS.

2/16/73

NOW, TWO DAYS LATER, YOU AND MR. EHRLICHMAN MEET WITH MR. GRAY FOR YOU TO DISCUSS HIS IMMINENT NOMINATION WITH HIM. YOU BEGIN THAT MEETING - A TRANSCRIPT OF WHICH WE HAVE AGAIN BEEN SUPPLIED WITH BY YOUR ATTORNEYS - BY NOTING FOR MR. GRAY THAT YOU FORESAW TWO SUBSTANTIAL PROBLEMS WHICH COULD BE RAISED AT HIS HEARINGS. ONE OF THESE WAS QUESTIONS ABOUT WATERGATE. THE SECOND WAS QUESTIONS ABOUT WIRETAPPING POLICIES.

NOW, CAN YOU TELL US WHY YOU APPARENTLY BELIEVED THAT THE WIRETAP ISSUE WOULD BE A CONTROVERSIAL ONE AT MR. GRAY'S HEARINGS?

WAS ANY PART OF YOUR CONCERN YOUR BELIEF THAT GRAY WOULD BE QUESTIONED ABOUT THE NATIONAL SECURITY TAPS AND/OR THE RADFORD PROJECT?

~~CONTARIWISE, DO YOU RECALL ANY CONVERSATIONS AROUND THIS TIME - THAT IS THE DAYS AND WEEKS LEADING UP TO GRAY'S NOMINATION, WHEN YOU DETERMINED THAT THIS WOULD NOT BE A PROBLEM AT GRAY'S HEARINGS BECAUSE GRAY DID NOT KNOW ABOUT THESE PROJECTS?~~

NOW, CONTINUING WITH THAT FEBRUARY 16, 1973, MEETING WITH GRAY WHERE YOU DISCUSS HIS NOMINATION THERE ARE SEVERAL OTHER COMMENTS MADE THERE WHICH I WISH TO ASK YOU ABOUT.

FIRST, THE TRANSCRIPT INDICATES THAT YOU EMPHASIZED TO GRAY YOUR CONCERN WITH THE FACT THAT THERE HAD BEEN SO MANY LEAKS FROM THE FBI - PARTICULARLY TO TIME.
- YOU SPEND ALOT OF TIME ON THIS
- YOU DIRECT THAT LIE-DETECTOR TESTS BE GIVEN, INCLUDING ON MARK FELT

DO YOU RECALL EMPHASIZING YOUR CONCERN WITH FBI LEAKS TO GRAY?

NOW, THE FOLLOWING WEEK - AFTER YOUR NOMINATION OF GRAY, IT BECOMES CLEAR THAT TIME MAGAZINE IS PLANNING TO PUBLISH A STORY ALLEGING THAT THERE HAD BEEN A WIRETAP PROJECT CARRIED OUT BY THE FBI AT THE DIRECTION OF THE WHITE HOUSE WHICH INVOLVED ELECTRONIC SURVEILLANCE OF NEWSPAPERMEN AND WHITE HOUSE STAFFERS. IT PROBABLY ALSO BECAME KNOWN TO YOU THAT IN THIS STORY TIME WAS PLANNING IT WAS GOING TO INDICATE THAT MR. HOOVER HAD THREATENED TO DISCLOSE THE WIRETAP RECORDS AND INDICATE ALSO THAT GRAY KNEW ABOUT THE WIRETAPS OR HAD SOME RESPONSIBILITY FOR THEM.

PARA-PHASE

NOW, THE WHITE HOUSE BECAME AWARE OF TIME'S INTENTIONS BOTH BY KLEINDIENST BEING ASKED FOR HIS COMMENTS - SINCE IT WAS ALLEGED THAT HE WAS THE ONE WHO HOOVER THREATENED IN REGARD TO DISCLOSURE OF THE RECORDS, AND BY THE WHITE HOUSE BEING ASKED FOR ITS RESPONSE. DEAN AND MR. EHRLICHMAN HANDLED THE WHITE HOUSE RESPONSE - WHICH WAS A FLAT DENIAL. ALSO, AT THE SAME TIME, THAT DEAN WAS TALKING WITH EHRLICHMAN ABOUT PUTTING OUT A RESPONSE TO THE STORY DEAN WAS CHECKING INTO WHO MIGHT HAVE LEAKED THE STORY - AND HE SPOKE WITH MR. FELT AND MR. SULLIVAN IN THIS REGARD.

|| NOW, THE STORY WAS ACTUALLY PUBLISHED ON FEBRUARY 26, 1973, BUT I WANT TO FIRST FOCUS YOU ON THIS PRE-PUBLICATION PERIOD.

DO YOU RECALL DISCUSSIONS ABOUT TIME'S PLAN TO PUBLISH A STORY?

WITH DEAN OR WITH KLEINDIENST?

IMD. PERHAPS IT MIGHT HELPS TO REFRESH YOUR RECOLLECTION THAT ON THE WEEKEND IMMEDIATELY PRECEDING THE PUBLICATION OF THE STORY - BUT AFTER THE WHITE HOUSE, THROUGH MR. DEAN AND MR. EHRLICHMAN HAD AUTHORIZED A DENIAL - YOU WERE AT CAMP DAVID AND MR. EHRLICHMAN WAS THERE AS WELL. NOW IT APPEARS THAT YOU DID THEN DISCUSS THE MATTER WITH MR. EHRLICHMAN BECAUSE NOTES OF A CONVERSATION YOU HAVE WITH MR. HALDEMAN ON THIS SUBJECT QUOTE YOU AS SAYING THE FOLLOWING:

"TALKED TO EHRLICHMAN RE TIME'S LAST THING ON FBI SUFF. HAD NAMES OF BRANDON AND SAFIRE. EHRLICHMAN TOLD ZIEGLAR JUST STONEWALL IT." ||

// DO YOU RECALL THIS CONVERSATION WITH EHRlichMAN - APPARENTLY FOCUSED DIRECTLY UPON WHAT TIME HAD AND WHAT THE WHITE HOUSE WAS RESPONDING?

// DO YOU RECALL HEARINGS OR DISCUSSING WITH ANYONE THAT TIME HAD THE NAMES OF MR. BRANDON AND MR. SAFIRE AS TWO SUBJECTS OF THE TAPS?

// IN THAT REGARD, DO YOU RECALL ANY PRE-PUBLICATION DISCUSSION OR SPECULATION CONCERNING WHETHER TIME PLANNED TO USE THOSE PARTICULAR NAMES?

// DO YOU RECALL ANY DISCUSSIONS CONCERNING WHETHER THE WHITE HOUSE SHOULD ACKNOWLEDGE THE PROGRAM?

- AND, IF SO, HOW CAN YOU HANDLE IT WITH SAFIRE?

//// CAN YOU TELL US WHY THE STORY WAS DENIED?

WERE YOU CONSULTED ON THIS?

- INSERT (A)

NOW, ON THAT WEEK-END WHEN YOU ARE AT CAMP DAVID AND APPARENTLY HAVE THAT CONVERSATION WITH EHRlichMAN, MR. GRAY IS IN FLORIDA RESTING AND PREPARING FOR HIS CONFIRMATION HEARINGS WHICH ARE TO START IN SEVERAL DAYS.

IT IS OBVIOUS THAT THESE ALLEGATIONS OF WIRE-TAPPING WILL PROBABLY BE RAISED AT HIS HEARINGS.

// NOW, CAN YOU TELL US - BEARING IN MIND THE IMMINENCE OF HIS HEARINGS, AND YOUR PREVIOUSLY EXPRESSED CONCERNS TO MR. GRAY ABOUT LEAKS FROM THE FBI AND THE NECESSITY FOR HIM TO HAVE TO DENY CERTAIN FACTS, WHETHER YOU CALLED HIM - OR SPOKE WITH HIM BY TELEPHONE - CONCERNING THIS MATTER?

// OR DIRECTING THAT SOMEONE ELSE - PERHAPS MR. EHRlichMAN OR MR. KLEINDIENST - CALL GRAY?

// DO YOU RECALL BEING CONCERNED THAT, UNLESS OTHERWISE DIRECTED, MR. GRAY MIGHT ADMIT THAT THE ALLEGATIONS WERE SUBSTANTIALLY TRUE?

// NOW, LATER THE NEXT WEEK, MR. DEAN TELLS YOU THAT MR. GRAY WILL BE "STONE-WALLING" THE STORY, BUT DO YOU RECALL HEARING THIS FIRST FROM MR. EHRlichMAN? OR MR. GRAY?

③
INSERT
①

IS ONE
THERE ARE ~~THE~~ OTHER INDICATIONS - FROM ~~WHICH~~ A
WHITE DOCUMENTS OR TRANSCRIPTS - THAT YOU PROBABLY
DISCUSSED THE MATTER WITH MR. EHRLICHMAN - AND PERHAPS
OTHERS THAT WEEKEND.

FIRST, SEVERAL DAYS AFTER THE WEEKEND
IN A CONVERSATION WITH MR. DEAN YOU ASK
DEAN WHETHER HE THINKS MR. SULLIVAN IS
THE LEAK - IT IS CLEAR THAT MR. DEAN HIMSELF
HAD NOT YET TOLD YOU ABOUT HIS MEETING WITH
MR. SULLIVAN (p. 10) - DO YOU RECALL WHO
TOLD YOU THAT MR. DEAN HAD DONE SO? WHETHER
IT WAS MR. EHRLICHMAN BRIEFING YOU ON WHAT
DEAN HAD DONE TO TRACK DOWN THE LEAK?

SECONDLY, ~~AND~~ IN THE COURSE OF A CONVERSATION
WITH MR. DEAN SEVERAL DAYS AFTER THE WEEKEND
IN REFERRING TO THE ELECTRONIC SURVEILLANCE
OF MR. BRANDON, YOU STATE "OF COURSE, WE
~~WE~~ HAD TO STONEWALL AND SAY NOTHING
EVER HAPPENED" (p. 10)

ARE YOU THERE REFERRING TO CONVERSATIONS
OVER THE WEEK-END - OR, BEFORE, AS TO THE
INITIAL DECISION TO DENY THE TIME STORY?

OR, ARE YOU REFERRING TO SOME EARLIER
OCCASION WHEN SIMILAR ALLEGATIONS HAD BEEN
RAISED?

NOW, ON SUNDAY YOU HAD THE TELEPHONE CONVERSATION WITH MR. HALDEMAN TO WHICH I HAVE ALLUDED AND IN WHICH YOU TELL HIM ABOUT YOUR CONVERSATION WITH MR. EHRlichMAN. MR. HALDEMAN'S NOTES ALSO INDICATE THE FOLLOWING:

"EVERYTHING HANDLED BY DEAN, KLEINDIENST ETC."

DO YOU RECALL ~~WHAT IT WAS THAT HAD TO BE "HANDLED"?~~ WHAT IT WAS THAT HAD TO BE "HANDLED"?

THE PRESS RESPONSE?

HOW ABOUT PREPARING GRAY'S TESTIMONY?

WHO ELSE WAS IT, BESIDES DEAN AND KLEINDIENST, WHO WAS TO DO THE HANDLING? MR. RICHARD MOORE? //

THE NOTES ALSO INDICATE,

"E (EHRlichMAN) AND I STAY OUT OF IT"

WHY?

NOW, ON FEBRUARY 26, 1973, THE ARTICLE ITSELF CAME OUT.

DO YOU RECALL IT? - ARTICLE

// DO YOU RECALL CONVERSATIONS AT THAT TIME ABOUT WHY TIME HAD NOT PUBLISHED THE NAMES OF ANY SUBJECTS - AND, SPECIFICALLY, THE NAMES OF BRANDON AND SAFIRE?

DO YOU RECALL HOW TIME HAD GOTTEN ITS FACTS WRONG AND WHETHER THERE WAS ANY DISCUSSION OF WHETHER THIS WOULD MAKE IT EASIER TO DENY THE STORY?

NOW, ON FEBRUARY 27, 1973, YOU HAD A FAIRLY LENTHY MEETING WITH MR. DEAN IN THE AFTERNOON. WE HAVE THE TRANSCRIPT OF THAT MEETING AND I WANT TO ADDRESS SEVERAL QUESTIONS TO YOU WHICH ARISE FROM IT. BUT, BEFORE I DO LET ME NOTE THAT THERE IS SUBSTANTIAL DISCUSSION THEN ABOUT SEVERAL SUBJECTS WITH WHICH I AM NOT HERE CONCERNED. - THUS, IN WHAT I BELIEVE WAS YOUR FIRST MEETING ALONE WITH MR. DEAN OF ANY SUBSTANCE, THERE WAS A FAIR AMOUNT OF CONVERSATION ABOUT THE ERVIN COMMITTEE AND QUESTIONS ABOUT EXECUTIVE PRIVILEGE.

BUT, THEN THERE IS A SUBSTANTIAL AMOUNT OF CONVERSATION ALSO ABOUT THE FBI, THE DEMOCRATS' MISUSE OR ABUSE OF IT, AND THEN THE QUESTIONS OF LEAKS.

MOST IMPORTANT HERE WAS THE FOLLOWING DIALOGUE:

DEAN: THE WAY IS'S POSTURED NOW, US, WE CAN STONEWALL IT, AH, GRAY CAN GO UP THERE IN HIS CONFIRMATION HEARINGS AND HE'S NOT GOMNA HAVE TO BOTHER WITH IT, BECAUSE THEY'D ACCUSED HIM IN THE THE ARTICLE OF BEING, SITTING ON TOP OF THE BUGS...

PRESIDENT...YEAH

DEAN.... IT WAS THERE ONCE HE CAME, IN,

WHICH IS NOT FACTUAL

PRESIDENT...WELL, THERE WEREN'T ANY

DEAN... ~~IT-WA~~ THERE WERE NONE THERE WHEN HE CAME IN.

PRESIDENT. WELL, THREE YEARS AGO THAT THIS HAPPENED.

DEAN....THAT'S RIGHT.

PRESIDENT....AND THERE HASN'T BEEN A GOD-DAMNED THING SINCE."

// RECALL THIS CONVERSATION?

// ~~RECALL~~ ANY CONVERSATION ABOUT HOW GRAY WAS PLANNING TO "STONE-WALL" THIS MATTER?

// RECALL ANY CONVERSATION ABOUT HOW GRAY COULD STONE-WALL THE STORY - THAT ~~HE~~ COULD TESTIFY TRUTHFULLY - IN A LITERAL SENSE - THAT THERE ~~WOULD~~ BE NO RECORDS OF THE PROJECT?

// DO YOU RECALL ANY CONVERSATION IN WHICH GRAY'S PLANNED STRATEGY OF TESTIMONY WAS DISCUSSED AND IT WAS OPINED THAT HE WOULD HAVE DIFFICULTY BECAUSE THE COMMITTEE - WITH VERY PARTISAN DEMOCRATS - WOULD PRESS HIM?

NOW, THERE ARE TWO OTHER MATTERS DISCUSSED BETWEEN YOURSELF AND MR. DEAN DURING THIS SAME CONVERSATION WHICH ARE RELEVANT HERE.

FIRST, YOU REFER TO CERTAIN OF THE WIRE-TAPS IN QUESTIONS BY THE NAME OF THE SUBJECT - SPECIFICALLY, BRANDON, KRAFT, LAKE AND HALPERIN --- INDICATING, TO DEAN THAT AS TO THESE PEOPLE THERE WAS GOOD JUSTIFICATION FOR THESE TAPS

NOW, DO YOU RECALL DISCUSSING THESE PARTICULAR ONES WITH DEAN?

DO YOU RECALL DISCUSSING WITH ANYONE ELSE - AT ABOUT THIS POINT IN TIME - THESE PARTICULAR SUBJECTS - FROM THE STAND-POINT THAT THEY WERE PEOPLE WHO REASONABLY SHOULD HAVE BEEN SUBJECTED TO SURVEILLANCE?

// DO YOU RECALL, DISCUSSING FROM THE SAME POINT OF VIEW ANY OF THE SUBJECTS OF THE SURVEILLANCE, WHO PERHAPS WERE NOT AS REASONABLE TO TAP FOR FOREIGN POLICY REASONS?

// SAFIRE?
// SEARS?

// BY THE WAY DID YOU CONSIDER THAT THE ELECTRONIC SURVEILLANCE WAS ALL ONE PROJECT SO TO SPEAK - INCLUDING NOT ONLY THE NATIONAL SECURITY COUNCIL PEOPLE - BUT THESE WHITE HOUSE STAFFERS?

DID YOU EVER DIRECT ANYONE ELSE TO BRIEF GRAY ABOUT THE PROJECT FROM THE STAND-POINT OF USING CERTAIN OF THE SUBJECTS SUCH AS BRANDON AS EXAMPLES TO JUSTIFY THE PROJECT?

// BUT AT THE SAME TIME NOT INFORMING GRAY OF OTHER SUBJECTS - SUCH AS JAMIE MCLANE?

THE SECOND MATTER DISCUSSED ON FEBRUARY 27TH WITH DEAN WAS THE QUESTION OF WHO THE SOURCE OF THE LEAK WAS - WITH SPECIFIC REFERENCE TO MR. FELT AND MR. SULLIVAN AS POSSIBILITIES.

DID YOU DIRECT ANY SPECIFIC INVESTIGATION OF WHO THE LEAK WAS?

DID YOU HEAR THAT ANY INVESTIGATION HAD BEEN DONE?

DID YOU HEAR THAT GRAY HAD RECEIVED REPORTS INDICATING WHO HAD ACCESS TO THESE PROJECTS AND WHERE THE RECORDS OF THE PROJECTS WERE - THAT THESE REPORTS HAD BEEN GIVEN BY GRAY TO KLEINDIENST OR TO EHRLICHMAN?

I WANT TO SHOW YOU SUCH A REPORT.

DID YOU EVER SEE THIS OR ANYTHING SUBSTANTIALLY SIMILAR?

~~WAS THE SUBJECT-MATTER OF THAT REPORT, I.E. WHO HAD ACCESS TO THE REPORT AND AN ANALYSIS OF THE TIME MAGAZINE STORY, EVER CONVEYED TO YOU VERBALLY?~~

NOW, ON THE MORNING OF FEBRUARY 28, 1973,
YOU HAVE ANOTHER LONG MEETING WITH MR. DEAN. HERE AGAIN
MUCH OF YOUR CONVERSATION CONCERNED MATTERS NOT OF RELEVANCE
TO THIS INVESTIGATION - SUCH AS THE ERVIN COMMITTEE AND
THE WATERGATE CASE. AGAIN, HOWEVER THERE ARE REFERENCES
TO THE WIRETAP ISSUE, THE TIME ARTICLE, AND TO MESSRS.
SULLIVAN AND FELT.

PARAPHRASE
EXCEPT
DEAN'S
REMARKS

WITHOUT REPEATING THIS MATERIAL, I WILL NOTE
ONLY THAT DEAN INDICATED FIRST - WITH REFERENCE TO GRAY'S
TESTIMONY - AND THE CONFIRMATION HEARINGS WERE TO START THAT
DAY THAT GRAY "IS VERY COMFORTABLE IN ALL OF THE
DECISIONS HE HAS MADE AND I THINK HE'LL BE GOOD", AND THEN
(p. 15), AND THEN, THAT "THIS CURRENT TIME MAGAZINE STORY
WHICH WE ARE STONE-WALLING TOTALLY." PRESIDENT - "ABSOLUTELY"

// NOW, DO YOU RECALL KNOWING THAT GRAY //
WAS GOING TO LIE - IF NECESSARY, ON THIS //
ISSUE, AT HIS HEARINGS.

ON MARCH 1, 1973, KENNEDY ASKS GRAY ABOUT THIS
MATTER AND VIRTUALLY CROSS-EXAMINES HIM; GRAY DOES
STONE-WALL IN THE SENSE THAT HE PARRIES ALL QUESTIONS
BY INDICATING THAT HE HAD HAD THE RECORDS SEARCHED AND
THERE WERE NO RECORDS OF THE PROJECT.

WERE YOU TOLD ABOUT HIS TESTIMONY?

WAS HIS TESTIMONY IN THIS REGARD REVIEWED?

WAS THERE ANY DISCUSSION OR SPECULATION AS
TO WHETHER KENNEDY WOULD PROBE FURTHER -
PERHAPS RAISING THE NAMES OF THE SUBJECTS?

WAS THERE ANY DISCUSSION OR SPECULATION
AS TO WHETHER TIME WOULD PRESS THE
MATTER FURTHER?

~~ANY OTHER COMMENTS ON THIS MATTER YOU WISH TO MAKE?~~

WE WILL ASK THE GRAND JURY IF THEY HAVE ANY
ADDITIONAL QUESTIONS?

Chronology of Events -- Gray Perjury

December 18, 1971: Anderson publishes the India-Pakistan leak.

December 20, 1971: Mitchell meets with Mardian, Kleindienst, and Young re Radford.

December 22, 1971: Mitchell meets with Felt, probably re Radford.

May 2, 1972: Hoover dies and Gray is appointed.

May 3, 1972: Gray meets with Nixon, Haldeman, Ehrlichman and Kleindienst. Notes and memoranda indicates that there is only a general discussion during this meeting and that after the meeting, Gray's appointment is announced.

June 17, 1972: Watergate break-in

June 19, 1972: Kieth decision

June 20, 1972: Radford taps ended. Ehrlichman meets with Nixon -- not Watergate-related. Haldeman meets with Nixon -- 18 1/2 minute gap tape.

June 21, 1972: Gray meets with Felt, Kunkel, Bates re Watergate theories including "leak theory."

October, 1972: High volume of leaks mostly with regard to ~~Gray~~ ^{Seyditi} and Felt is considered as possible source.

Mid-December, 1972: Woodward and Bernstein story re secret Hunt phone billed to Kathy Chenow.

January 8-9, 1973: Krogh confirmation hearings and Sutcliffe inquiry to Gray concerning wiretaps ^{for} the Plumbers. According to Krogh, Gray spoke to Ehrlichman about this inquiry. Also, Haldeman notes of January 8, 1973, indicate decision not to nominate Gray as permanent Director.

February 14, 1973: Nixon meets with Ehrlichman and discusses Gray's nomination. Discussion basically

- as to
Radford
in gen
Nixon's
dealings

centers on Watergate and Ehrlichman notes that he and Dean gave the Hunt files to Gray and that Gray will never testify to those events. There is also a discussion of Mitchell and Magruder perjury and a discussion of that day's Woodward and Bernstein story concerning wiretap information being given to the Plumbers. With regard to that story, Ehrlichman states that only Haldeman and he received any of that "domestic tap stuff." There is also a discussion of Young, but it does not seem clear that Young received wiretap material ³⁰ as far as the matter is discussed in this meeting.

February 15, 1973: Nixon again meets with Ehrlichman and ~~that~~ ^{then} after this meeting Ehrlichman calls Gray and tells him to be at the White House to meet with the President the following morning.

February 16, 1973: Nixon meets with Gray and Ehrlichman. Major points in this discussion are Gray's health, how Gray will handle questions on Watergate, that Gray should not be defensive about wiretapping, that there is a need for a direct relationship between the President and the Director, and that if Nixon instructs Gray to do something, Gray should later be prepared to go out and deny on a stack of Bibles that it ever occurred, that Time magazine has been publishing "truthful" information directly from the Bureau and that the trail leads to Mark Felt, and then there is also a brief exchange when Nixon asks Gray's opinion of Sullivan and Sullivan says that he is against Gray getting back into the Bureau. After the meeting Gray's nomination is announced.

Nixon then states that everyone should be given a lie detector in order to see find out who is leaking

Ask re this

- discussion with people about showing how Felt's had ahead?

There is also a discussion of giving lie detector tests to DeLoach and others in order to get the truth on the "big guy" of our phone.

February 22, 1973: Kleindienst has lunch with Dean Fisher and Hayes Gorey and is informed of the Time magazine allegations concerning wiretapping as well as the Hoover threat to Kleindienst.

February 23, 1973: Dean's recollection of ~~that~~ ^{date} basically is as follows. Late in the afternoon Dean receives a call from Warren saying that Time ^{has a} magazine / story that the FBI, at the direction of the White House, tapped newsmen and White House staff people. Dean then talks to Ehrlichman and suggests that they try ~~and~~ ^{to} track down the leak, ~~and~~ Dean calls Gray. Gray is in Florida so Dean talks to Felt. Dean tries to smoke Felt out as to whether he is the leak. Felt tells him he doesn't know where the leak came from, but the story is true, and that Dean should talk to Sullivan. Dean talks to Mitchell and Mitchell says that he has been called on the story and has told them that it is a "pipe dream" and that he is coordinating his story with the Justice Department. Dean then again speaks to Ehrlichman and is instructed to tell Ziegler to deny the story and also get approval for talking with Sullivan. Dean calls Sullivan and Sullivan comes over and tells Dean about the wiretaps and other abuses of the FBI by Johnson.

6:00 p.m. Nixon departs for Camp David.

6:30 p.m. Ehrlichman departs for Camp David.

February 24, 1973: 2:00 p.m. Ehrlichman departs Camp David.

9:00 p.m. Nixon departs Camp David. Also, Felt talks to Gray in Florida.

February 25, 1973: 2:00 p.m.-2:30 p.m. Nixon talks to Haldeman re Time magazine. Haldeman notes indicate that

- discusses
abt reading
GRAY in
Florida

Nixon has talked to Ehrlichman about the Time magazine article and that Time magazine has the names of Brandon and Safire as subjects of wiretaps. There is a further indication that Ehrlichman told Ziegler to stonewall the story and that everything is being handled by Dean and Kleindienst and that Ehrlichman and Haldeman are to stay out of it.

February 26, 1973: Ehrlichman is out of town in Detroit and New York all day.

Dean talks to Gray and Gray says he'll have no trouble with wiretap allegations because he can give true testimony that there are no records.

February 27, 1973: 12:57 p.m. Ehrlichman talks to Gray, probably in part about Hauge.

2:30 p.m. Dean meets with Kleindienst. According to Dean, they discussed executive privilege, Watergate, and Connolly and then discussed leaks to Time magazine. Dean tells Kleindienst that he has heard from Petersen, ~~and~~ that Petersen has heard from a lawyer from Time magazine that Felt is the source of leaks to Time. Kleindienst calls Petersen into his office and Petersen repeats this allegation. Kleindienst then calls Gray into his office and Gray defends Felt. After the meeting, Dean walks back to Gray's office and in a brief conversation, Gray continues to defend Felt, suggests that Tom ^{Bishop} ~~Smith~~ may be the leak and further states that once he is confirmed he can give all the top people in the FBI a lie detector test to determine who is leaking.

3:55 p.m. Dean meets with Nixon and discusses the executive privilege and the Time magazine article. Nixon, on his own, asks whether or not Dean thinks that Sullivan is the leak. And also in

IMP.

IMP ← discussing the wiretaps, in particular Brandon Nixon states that of course we did it, but "of course we had to stonewall and say nothing happened."

They also discussed the possibility of Felt being the source of the leak and Dean reports ^{on his conversation with Felt.} ~~from his~~ Dean, parroting his ^{states} earlier conversation with Gray, that once Gray is settled in at the FBI he can give everyone a lie detector test.

February 28, 1973: 9:12 a.m. Nixon again meets with Dean and again discusses the Time magazine article and the possibility that Felt is the leak.

March 1, 1973: Gray testifies that there are no records of any such wiretapping as alleged by Time and later boasts to Dean how well he had handled the questioning on the subject.

(From various notes it appears that after February 28, the main concern in Gray's hearings was his offer to let anyone on the Committee have access to FBI files as well as his response to questions on Watergate.)

April 6, 1973: Gray withdraws his name from consideration from the Directorship.

April 19, 1973: Nixon meets separately with Moore and Petersen. In both conversations, Nixon indicates that there was wiretapping done in connection with the Pentagon Papers case.

April 27, 1973: Gray resigns. Ruckelshaus ^{is} was appointed. Also, Fielding burglary ^{is} was revealed to Judge Byrne.

May 3, 1973: Woodward and Bernstein story alleges that there was wiretapping done in connection with the Pentagon Papers case and this was part of the earlier wiretap program involving newsmen and White House staff people. They further alleged that all records ^{have} ~~are~~ apparently been destroyed (from this operation).

May 11, 1973: Nixon meets with Haldeman and Holt at
approximately noon. At almost the same time, *Ellsberg*
Byrne is dismissing the Ellsberg case in *Van Kester*
May 14, 1973: Ruckelshaus press conference regarding
Kissinger wiretaps.

Exhibits - GRAY

- 2/14/73

① - 2/16/73

② - Time article / 2/26/73

~~2/27~~ ④ 2/25/73 - Holloman notes

⑤ - 2/27/73

- 2/28/73

Nixon - on Gray

- Radford was being handled
by Felt.

- assumes he discussed Time
article with Malley, Elm, or Ziegler