

(9)/19 Wiretaps

SCREENED
By *adp* On *1/2/2011*

Plumbers - Wireedges
Preparation for
Nixon Questioning

(William) Beecher

(Nick) Sheehan

Hendrick Smith

Overhearings would be disclosed.

- Referred "

~~(1) Do you recall this meeting with Mr. Mardian?~~

~~(2) Do you recall that these NBC wiretaps were discussed at this meeting?~~

(3) Do you recall Mr. Mardian listing any names of people tapped or overheard, other than Messrs. Beecher, Sheehan, and Smith? (Ellsberg) (Tolson)

(4) Did Mr. Mardian have with him a list of people who had been wiretapped?

(5) Did Mr. Mardian state that "overhearings would be disclosed"? - *What did he say or anyone else state on that subject?*

(6) Did Mr. Mardian state that the Justice Department expected Ellsberg's attorney to file motions requiring overhears to be disclosed?

(7) Did Mr. Mardian state that he expected that attorneys for Messrs. Beecher, Sheehan or Smith would file motions requiring overhears to be disclosed?

At this time Hoover, William G. Sullivan and a very few others in the FBI and Justice Department knew about these wiretaps.

~~(1) Did Mr. Mardian state that a number of people in the FBI would have to be told about these wiretaps?~~

~~(2) Did Mr. Mardian state that a number of people in the Justice Department would have to be told about these wiretaps?~~

~~(3) Did Mr. Mardian state that a number of people in the Boston and Los Angeles U.S. Attorney's Offices would have to be told about these wiretaps?~~

Handwritten notes:
- Was this a report in effect of the review of the wiretaps?
- He had come up with this problem - "disclosure by virtue of his review of records?"

? - did you authorize
all wiretaps. ?

(4) Did Mr. Mardian, or anyone else, state that they feared that these people in the "bureaucracy" would "leak" the fact that these wiretaps had occurred?

[Handwritten scribble]

Ehrlichman's notes reflect that you stated that various people in one of the U.S. Attorney's offices were "disloyal."

- WHAT DID THIS MEAN IN CONTEXT OF THIS MEETING?

(1) Were you prompted to make this observation in light of the possibility that if these wiretaps became known to various people in the Justice Department and U.S. Attorney's Offices some of those people might be "disloyal" and would "leak" to the press the fact that these wiretaps had occurred?

Ehrlichman's notes go on to indicate that Mr. Mardian stated that there were a number of wiretap documents ~~located~~ ^{located} in various files and that the NSC had some of these documents and that Mr. Haldeman had some of these documents. There is then an instruction that Mr. Haldeman should get from Haig all the wiretap documents that were in NSC files. Following this you state that you agree and that all the wiretap logs should be obtained and destroyed. It is then stated that someone should tell Hoover to destroy the wiretap records.

(1) Do you recall giving an instruction to destroy the wiretap records? - *or just recovering*

(2) Do you recall giving an instruction that someone should tell Hoover to destroy the wiretap records? *John all together?*

[Handwritten scribble]

(3) Who was instructed to contact Hoover?

(4) What discussion occurred concerning whether or not Hoover would agree to destroy the logs?

(5) What, if any, later discussions did you have with Hoover concerning the wiretaps or the wiretap records?

Later in the same meeting, it is stated that Haig is to return the wiretap records to the FBI and that these records will then be given to Mardian for destruction. Immediately after this, it is stated that Haig should request the FBI, in particular, Mr. Sullivan, to destroy all the wiretap records. This is followed by a statement that Sullivan will contact Mardian concerning the wiretap records.

- (1) Do you recall that the final resolution of this meeting was that Mr. Mardian and Mr. Sullivan were to cause all records of these wiretaps to be destroyed.

ONLY IF NECESSARY

As you can see from Mr. Ehrlichman's notes, there is no mention of any dispute between Mr. Sullivan and Director Hoover. As your attorneys have informed you, there is some evidence that in early August, 1971, there was a concern expressed by Mr. Mardian to Dr. Kissinger, to the effect that Mr. Hoover could not be trusted with control of the wiretap records. With this background, do you now recall that at this July 12, 1971, meeting --

- (1) The principal concern was that "overhearings would be disclosed" and
- (2) That any concern about how Hoover might "use" these wiretap records did not arise until sometime after this July 12, 1971, date.

Also, as you can see from Mr. Ehrlichman's notes, the instruction given with respect to the logs was that they should be destroyed, and there is no indication that the logs should be delivered to Mr. Ehrlichman. Your attorneys have reviewed with you the transcript of a tape recording of an October 8, 1971, meeting that you had with Mr. Mitchell and Mr. Ehrlichman. It is clear from that transcript that it was at this October 8, 1971, meeting that the decision was

made to deliver the wiretap records to Mr. Ehrlichman.

ONLY IF NECESSARY

With this background, do you now recall --

- (1) That at this first meeting with Mr. Mardian the instruction given was to destroy the logs and that sometime later a division was made to give the logs to Mr. Ehrlichman.

— Also during that October 8, 1971, meeting, Mr. Mitchell refers to these wiretaps as being "part of the overall investigation of the Pentagon Papers and this whole mess."

- (1) Do you recall Mr. Mitchell or others referring to the fact that these wiretap records were being used to help in the investigation of

IMP

IMP →

the Pentagon Papers and/or Mr. Ellsberg. *IMP*
 During a conversation on October 25, 1971, you discussed *DID HOOVER THREATEN AS TO ELLSBERG GARDNER?*
 with Mr. Ehrlichman, Mr. Liddy's memorandum concerning J. Edgar Hoover. In that memo Mr. Liddy states that one of the arguments against attempting to remove Mr. Hoover is that, "Hoover could resist and make good his threat against the President." During this meeting with Mr. Ehrlichman you state *on* that in J. Edgar Hoover "we may have/our hands here a man who will pull down the temple with him, including me."

- (1) Do you recall whether or not you were aware that Mr. Hoover had indicated to you or others that he might disclose these wiretaps?
- (2) What was it that Mr. Hoover could do or reveal that would enable him to pull you down with him.

② Do you recall

② Do you recall that earlier, around Easter 1971, there was a controversy involving Mr Hoover, Mr Congressman Boyce and Mr Klendick?

③ Referring to these notes from April 1971, does this refresh your recollection such that you now recall that Mr Hoover had advised with Messrs Mitchell, Klendick or others the fact that if there was a congressional investigation of the FBI he might have to testify about these NSC wiretaps?

④ At or about the time of your Easter meeting with Mr Hoover did you recall discussing these wiretaps with Mr Klendick?

⑤

Referring again to the transcript of your October 25, 1971 meeting with Mr Ehrlichman. During that meeting

you suggest that the Hoover problem should be discussed with Richard Moore?

at or about this time

① Do you recall having discussions with Mr Moore concerning Mr Hoover's retirement?

② Do you recall having discussions with Mr Moore concerning the NSC wiretaps and/or the fact that Mr Sullivan had given the records of these wiretaps to Mr Mondin who later gave them to Mr Richardson.

No recap, would you once again state your present best recollection of the substance of the July 12, 1971 meeting with Mondin in Lou Clinton

③ Do you recall having any other meetings with Mr Mondin during the summer and fall of 1971, that is, meetings that would have concerned the Pentagon Papers.

~~Any thing else you want to add~~

- 6/14 - Mardian asks Times to stop publication
- 6/14-6/15 - Mardian calling Sullivan -
James - focusing on Ellsberg.

6/15/71 - RTW, Ehr & JWM - 3:45 p.m.
- overall concern with
leaks → might have led to a
review of all the elsur
material to see if it led
to other leakers → ~~was~~ with the
idea of having other indictments
- concern w/ N.Y. Times
- " " Dan Rather
- " " getting
Ellsberg before Congressional Comm.
- Ellsberg is known at
this time

6/16 - Colson says that Henry K &
RTW knew abt Ellsberg's
use of drugs

6/17 - RTW, Ehr, Kissinger & - possibly - Ditt
- concern about any
statement by do press interfering
w/ investigators
- a very extended
soliloquy by Kissinger as do
Ellsberg - brilliant student, etc.

6/23 - both Ct. of Appeals
decisions →

6/26 - Argued before Supreme Ct. -

6/29 - RMD / Mitchell phone conv
- discussion about the
"court case" - is this the
civil case?

6/30/71 - Supreme Ct discussion

6/30/71 - RMD / Kissinger & Mitchell, - 2:55-3:07
- Supreme Ct. has double case &
RMD tells Mitchell to
press the 1 sanction - criminal
indictment that they have
- some discussion of
Ertsgang defense: (1) no threat
to national security; & (2) S of L
problem - possibility of perjury
charge

RMD / Mitchell / Kissinger / Land - 5:15-6:33
- a lot of talk abt
Supreme Court case

7/6/71 - transcript - RNN, Halde, Ehr.,
& JNM.

- much conversation about trading down State Dept.
- + Lynn - leaks - guy named [redacted] - RNN's concern that the papers directly involve him
 - RNN talks about people being involved in a conspiracy w/ Ellsberg
 - RNN - using the press - to talk abt "conspiracy"
 - reference to a DOJ trial team working over the weekend & Mitchell getting a briefing from them on what they have found "conspiracy" - work.
 - immediately after the conversation about reviewing the taps material Ehr. talks about a "non-legal approach" & a "situation"
 - much discussion about a conspiracy & the thought that the press is partly to it - but agreement that the press isn't be indicted
 - discussion about Sheehan

8/11/71 - Nixon & Ehr. - 11:53-12:51

- discussion of the FBI's
continuing investigation → the
Bekins van

* - Ehr. says that Jones
is scared to death
of Pentagon Pigeon case

- no discussion of any
"threat" by Jones although
there is discussion as
to when - or whether - Jones
should resign.

10/8/71 - RMW/Mitchell/Chr. - 10:10-10:46.

- discuss moving logs from
Marden's office to Chr.

- talk about confrontation

w/ Howe & the likelihood
that Howe will resign

10/25/71 - RMW + Ehrlichman

- talk about Hoover

resigning

* - in discussion re Sullivan -
Nixon informed that latter
knows all about wiretaps

// says "will he ~~not~~ rat on us?"

Wiretaps

- Ellsberg overhear letters; at
least the Harry - acid-drip.

- try to determine what
RMA was long bet 6/13 + 6/15

Nixon - wiretaps testimony

- no - on Kissinger aspect
- on the Bojgs business -
only in context of the
"Harris threads"

- I agree as to point-by-point of 2/12/71 - but we do have to get some better feeding for what RCM says

- turning ROK off the Congressional investigation idea is good

- ~~but~~ no - on the Moore aspect - where can it lead

Chronology of Events re Removal of Wiretap Records

April 25, 1969: According to Kissinger, he meets with Nixon, Mitchell and Hoover on this day and it is decided that next time there is a major leak, wiretapping will be used to track down the source of the leak.

May 9, 1969: William Beecher (NY Times) reveals secret Cambodia bombing. Four conversations between Kissinger and Hoover on this date and a wiretap is installed on Halperin.

May 12, 1969: Attorney General signs authorization for Halperin wiretap (done three days earlier), as well as wiretaps on Davidson, ^{Sonnenfeld}~~Sign Field~~, and Pursley.

April 30, 1970: Cambodian invasion -- At this time only wiretaps in operation are Halperin and Brandon.

May 4, 1970: Beecher (NY Times) reveals renewed secret bombing of Vietnam. Haig, on behalf Nixon requests wiretaps on Beecher, Pursley, Sullivan and ^{Pedersen}~~Datterson~~.

May 13, 1970: Haig, on behalf of Kissinger, requests wiretaps on Lake and Lord. (Nixon apparently has a vivid recollection of Kissinger insisting upon the Lake wiretap because Lake had been involved in the secret Paris negotiations and Kissinger was afraid

- good reason for Nixon doing it

Lake would talk to Muskie about these negotiations since he was going to work for Muskie.)

May 15, 1970: According to Kissinger, at his request, all wiretap letters are sent from this time on to Haldeman rather than to Kissinger and Nixon.

February 10, 1971: All wiretaps then in operation (Halperin, Brandon, Sonnenfeld, Beecher, Sullivan, ^{Pedersen}~~Patterson~~, Pursley, Lake, Lord) are discontinued. The day before Hoover had asked Sullivan for a list of all taps then

in operation and noted on the bottom of Sullivan's memorandum "inquire of Colonel Haig whether any can be taken off."

March, 1971: (Haldeman notes indicate possible discussion of Hoover retirement.)

April 5, 1971: Congressman Boggs charges that the FBI is wiretapping Congressmen. Nixon or Haldeman calls Hoover to reassure him of their support.

April 6-11, 1971: Kleindienst states that he would welcome a congressional investigation of the FBI.

Hoover calls Kleindienst and says any such investigation might reveal wiretaps done ^{for} ~~to~~ the President. (See Liddy memo to files August 10, 1971.) ^{from Fordson's} Nixon recalls at this time having a breakfast with Hoover (Easter time), but believes there was no problem in terms of Hoover threatening to reveal the wiretaps.

April 12, 1971: Hoover sends memorandum, probably to all Assistant Directors, cutting Mardian out of ~~all the~~ Domestic Intelligence information and implying that the FBI ^{had} wiretapped some people at the President's request. |?

it appears that Hoover was using the electronic surveillance "protecting RTW" - to separate FBI from DID

April 13, 1971: Nixon, Haldeman, Ehrlichman discuss Hoover problem, Nixon states that he discussed with Mitchell Hoover memo suggesting that the FBI had wiretapped some people for the President.

February-May, 1971: Sometime during this period, Mardian probably learned of the wiretaps in connection with preparing responses to Senator Kennedy's request ~~on~~ ^{for} a breakdown of the number of wiretaps conducted by the FBI. (See May 7, 1973, Mardian interview by Glanzer.)

June 13, 1971: Pentagon Papers published.

June 15, 1971: Wells prepares 6/15/71 memo re Morton Halperin.

- 104 Nixon shows a my documents on early P.P. 1/25/71 Jones

Also, Nixon meets with Ehrlichman and Mitchell for a general discussion of the Pentagon Papers and possible grand jury actions. Mitchell, earlier that day, had met with Hoover, Mardian and Kleindienst. Also, Sullivan in a memo refers to Ellsberg as a former assistant to John ^{McNaughton} ~~Norton~~, same description as Sullivan's handwritten notes on the ^{Acid} ~~Aster~~ trip log. (Sullivan admits that he probably consulted this log in preparing his June 15, 1971, memo.)

June 16, 1971 According to whom, Nixon and Kissinger are aware of Ellsberg's Hispanic connections.

June 17, 1971: ~~Nixon meets with Ehrlichman and Kissinger.~~

In this meeting, there is a general discussion of the Pentagon Papers and two specific points of note. First, there is a discussion of the Brookings Institute and the fact that, according to Tom Huston, they have a copy, or the original, of Johnson's 1968 bombing halt file. Nixon cites "Huston's plan and ^{says} ~~said~~ someone should go in and get the files. Ehrlichman's notes of the meeting indicate the President's stating "implement ^a ~~the~~ theft." Second, in this meeting there is a discussion of the fact that Ellsberg used drugs. There is no specific reference by Kissinger to being aware of this fact specifically from the wiretaps. Kissinger states that Ellsberg is getting into drugs and Nixon picks up on this and says is he taking drugs. Kissinger's response is that there is no question about it, and Nixon says, "get it out," i.e. || meaning, leak it to the press. ||

Handwritten scribbles and notes, possibly including dates like 6/13/71.

June 25-30. 1971: This is the period of the Mar~~X~~s interview controversy, resulting in the demotion of Brennan and the subsequent reinstatement of Brennan at the insistence of the Attorney General. This incident was probably discussed at the Presidential level and it

appears from a June 30, 1971, telephone conversation between Mitchell and Nixon that they were discussing this problem and that Mitchell had been able to smooth it over with Hoover.

June 25, 1971: Complaint filed against Ellsberg in Los Angeles and a warrant issued for his arrest.

June 28, 1971: Ellsberg is indicted on two counts -- one theft count and one espionage count. Also, Ellsberg surrenders in Boston. (From the time of Ellsberg's surrender to his Los Angeles arraignment on August 16, 1971, his attorneys continually made motions for the disclosure of the electronic surveillance information.)

July 2, 1971: Internal Security Division requests the FBI to determine whether or not Ellsberg has been overheard. This memo specifically states that this check is in anticipation of defense motions.)

July 6, 1971: Nixon meets with Haldeman, Ehrlichman and Mitchell. There is a general discussion of the progress of the criminal investigation and the grand jury.

at this time it is considered appropriate to involve in making case against Ellsberg

During the conversation, Haldeman raises the possibility of checking the wiretap logs for any information that might be helpful. Mitchell states that the logs are being reviewed at the Bureau. Haldeman then says that he recalls conversations of Sheehan being on the logs. (In fact, there was only one Sheehan conversation.) Nixon asked, "Who's got the time to read it," and notes that "I naturally never saw any of that stuff." Haldeman again states that in light of recent developments, those logs might have much more meaning and Mitchell again notes that they are being reviewed.

July 9, 1971: Olson calls Brennan and asks for an elsur check on various grand jury witnesses, including

to July 2-9, 1971 - Wells & tells Wilson there are no Ellsberg overheard.

M. J. Mardian is now in England; Mardian concerned 2/7 request as to what he is doing with it with Rbk, Franks, Henry

Nixon indicating the O-I-P

Halperin, Warnke, Gelb and Sheehan. Also, on this date Mardian is instructed to go to San Clemente.

Mardian claims he was instructed to do this in a call from Haldeman or Ehrlichman. It should be also noted that according to Dean, Mardian stated that he was going at Kleindienst's instructions.

July 10, 1971: Nixon meets with Haldeman, Ehrlichman and Rose Mary Woods. The initial discussion concerns the Nixon Library, but later gets into Ellsberg. At one point Nixon says that Rogers should be tapping more. (According to Mortenson, Nixon recalls this merely as a general outburst that the State Department was leaking and that everyone should be tapping more and not that he was specifically aware of any wiretapping being done by the State Department.) After this,

Carle's ASBNT CASE

someone states "re grand jury -- don't worry re taps on discovery re witnesses." (Nixon does not recall anything about this reference.)

July 12, 1971: 8:15 a.m. Mardian has breakfast with Ehrlichman. 10:30 a.m. Dean meets with Ehrlichman to turn off the Brookings bombing. 11 a.m. Nixon meets with Haldeman, Ehrlichman and Mardian.

any other meetings bet Nixon + Mardian - if not then it may be the main reason for Nixon's bull-shitting

(Notes typed out on following page)

Also on July 12, 1971 there is the initial formation of the "Plumbers unit" - in short meeting

Post July 12, 1971 - Mardian dictates memo concerning the San Clemente meeting. Next day, apparently after discussing the memo with Kleindienst, Mardian destroys the memo and stenographic notes.

7/12

have Mordansen
review w/
PTW

conv. all him before he
leaves

Mardian In

1st
subject

Don
this
is
the
concern

- (1) Re National Security taps
Especially ^{Special} Coverage Taps
Beecher
Sheehan
Hedrick Smith
Overhearings would be disclosed

Referred

HRH (Haldeman) In
President

- (2) Southern District of New York
Whitney N. Seymour, Jr.
Summer Interns
Disloyal
Lindsey-types
Including North Seymour
- (3) M (Mardian): ~~the~~ ^a number of documents out
NSC has
H (Haldeman) has
- (4) H (Haldeman) recover documents from Haig
- (5) President -- ok. obtain and destroy
all logs
- (6) Tell Hoover to destroy
- (7) M (Mardian): Ordered only to go with grand jury
short of newspaper
Witnesses or newspaper
Indictments
Await instructions from Attorney General
Now at that point
Can make Sheehan (?) Ellsberg cases now
- (8) President -- Let the Committees
Eastland
Ichord
~~List~~ ^{hit} the papers

- (9) E.G. Congressional fight CBS
Don't call newspapers before grand jury
- (10) 10 year Statute of Limitations
Espionage
An inadequate statute
Need to inquire re law is adequate
- (11) M (Mardian): Question is Ichord
Eastland more dependable --
Has best lawyer
Kleindienst and M (Mardian) to Sen. E (Eastland)
President requests him to
Do it soon
- (12) FBI going all out now - *unsub's threat stuff*
- (13) We'll not deny Ichord the stuff
Get Eastland in too
- (14) Haig return documents to FBI
Then to RM (Mardian) for destruction
Haig request the FBI (Sullivan) to destroy all
special coverage
Sullivan will contact Mardian *from P.P.*
- (15) 20% of source documents missing (Ellsberg) - ~~4~~
Can't be found in Government files
- (16) Mathias -- didn't deliver his documents
- (17) President phone call
- (18) Gelb the principal co-conspirator

*From a
Do
whom*

July 13, 1971: FBI memo to Internal Security Division which states that Ellsberg has never been overheard.

July 16, 1971: FBI memo to Internal Security Division which states that Halperin, Warnke and Sheehan have been overheard on foreign establishment wiretap, but does not mention Halperin wiretap or any other overhears from special coverage taps.

July 30, 1971: Wells leaves the FBI to go to work for Mardian. Note: Wells later tells Smith that as of this time he was still working ^{with} of the wiretaps. Also, Kathy Stone's recollection that she was told that the wiretap records were over with "Brennan and Wells."

August 4, 1971: Mardian call~~ed~~ to Mitchell followed immediately by Mitchell call to Sullivan. (Also, Mardian)

meets with Kissinger and states that Hoover is either blackmailing or threatening to blackmail the President with regard to the wiretap records.) Liddy meets with Mardian and McGrath and is told that Wells will head IEC and that Wells is the one man that Hoover fears because of things Wells did for Hoover while he was in the Bureau. (Note: It is probably likely that Nixon had conversations with Mitchell at this time concerning the "Hoover threat," but we have no daily diary information or notes that can lead us to any such conversation.)

August 10, 1971: Liddy memo to files re meeting with Mardian. During this meeting, Mardian recounts being in Kleindienst's office (April, 1971) when Kleindienst received a call from Hoover and Hoover threatened to reveal the wiretaps. Mardian does not tell Liddy that it is a threat to reveal the wiretaps, but only states that apparently Kleindienst did not perceive what the threat was.

Aug 5, 1971

from Kissinger's testimony

August 11, 1971: Young list ^{of} an agenda of items to discuss with Ehrlichman include "Hoover threat - ^{Mardian knows what it is."} Nixon meets with Ehrlichman. General discussion of Pengaton Papers case and the progress of the SALT leak case. Ehrlichman notes that Hoover is scared to death of the Pentagon Papers case because he is afraid that is he doesn't do it right that he will hurt his reputation. Ehrlichman also states that Mitchell has decided that Pat Gray is the person to replace Hoover and that the method of doing this is either to have Gray go over as Hoover's deputy for about six months and then become Director.

Frank memo
 8/11/71
 Page

August 16, 1971: Ellsberg is arraigned in Los Angeles. ~~in the U.S. Attorney's Office,~~ Robert Meyer states that he is authorized by the Justice Department to state that Ellsberg has never been overheard on any electronic surveillance.

August 28, 1971: Sullivan sends his letter to Hoover citing all his various policy disagreements with Hoover's administration of the FBI.

Late August, 1971: According to Brennan, Sullivan goes to Mardian's office with the wiretap logs but Mardian is not there. Sullivan then brings the satchel to Brennan's office and asks him to deliver it upon Mardian's return. Brennan does this but claims not to have been aware of the contents of the satchel.

Early September, 1971: Mardian shows Wells the wiretap records and suggests that Wells may be asked to take custody of the records.

Mid-September, 1971: Nixon meets with Hoover and Hoover tells Nixon that he would be willing to leave if Nixon felt that he was a liability for Nixon in the 1972 campaign.

Wells
 8/11/71
 "Hoover threat?"

This is possibly from 10/20/71
 Page

September 30, 1971: Hoover fires Sullivan.

October 2, 1971: Mitchell tells Hoover that the wiretaps were removed from the FBI with Hoover's concurrence and that the wiretaps ~~had~~ ^{records have} been destroyed.

October 8, 1971: Meeting of Nixon with Ehrlichman and Mitchell. Mitchell discusses the fact that Hoover is searching all over trying to find the wiretap records and that this may lead to a confrontation and suggest that, rather than Mardian holding the records, that they be given to Ehrlichman. Nixon concurs and it is agreed that should Hoover confront Mitchell, it will simply be stated that the wiretap records are in the "President's hands."

October 8-25, 1971: Mardian delivers the wiretap records to Ehrlichman.

October 25, 1971: Meeting of Nixon and Ehrlichman. Nixon and Ehrlichman discuss Liddy's memo on the FBI and during the course of this meeting, Nixon states that with regard to Hoover "we have a man on our hands who may bring the whole temple down with him, including me." They go on to discuss the scenario of ~~rather~~ ^{instead of} ~~that~~ having Hoover resign, in January, 1972, that at that time he would merely state that this is his last year in the Bureau and ~~that~~ after the 1972 election, ~~that~~ whoever is President can appoint the new Director and that he will only stay on only until after the new Director is confirmed. There is also a discussion that Hoover might agree to Pat Gray being nominated as the new Director.

go back do 4/71

November 1, 1971: 3:00 p.m. Mitchell meets with Hoover.

why long before

It was probably at this meeting that Mitchell tells Hoover that the wiretap logs have not been destroyed

but are in Ehrlichman's office. Hoover later tells this to Felt.

November 2, 1971: Nixon meets with Ehrlichman. The tape of this meeting does not exist, but notes indicate that the discussions were generally about strategies for getting rid of Hoover and that there is no specific discussion of the wiretap problem.

6/16/75

TO: Jay Horowitz
FROM: Frank Martin
RE: Nixon's Testimony

I spoke with Stan Mortenson on Wednesday and got a brief outline of his impression of Nixon's response to various questions on both the wiretap and the Gray investigations. Mortenson had done the questioning on this matter and Miller had taken the notes of Nixon's responses. Mortenson did not have those notes with him and, therefore, did not give me a detailed rundown but should be calling me early ~~next~~^{this} week for more detail on Nixon's responses. Given that we have some advance warning on Nixon's likely responses, we should make an initial decision as to whether or not to try to develop the full background in both investigations or to specifically bore in on the July 12, 1971, meeting with Mardian and on the February 23, 1973, to February 28, 1973, ^{time period} concerning Gray. We may also want to get into some detail on the April, 1971, Hoover-Kleindienst-^{Bass}~~logs~~ situation. Also, although not directly related to our original plans on questioning Nixon, we should make some decision with Hank concerning whether or not to get into whether or not Kissinger "initiated" any of the wiretaps. Outlined below as to various specific lines of inquiry is a combination of my readout from Stan concerning Nixon's present recollection, the extent to which Nixon's recollection is either ^{supported}~~reported~~ or contradicted by tapes and documents, and suggestions as to how to approach each line of inquiry.

I. The Wiretaps Themselves

Nixon recalls, in particular, Kissinger being very insistent upon wiretapping Tony Lake because of Lake's participation in the secret Paris negotiations. Apparently,

Nixon's recollection on that subject is rather vivid. Nixon claims to believe that the taps were never of very much value but Kissinger really wanted the wiretaps. Nixon assumes that the wiretaps were discontinued because of their low productivity and has no explanation for his April, 1973, comments concerning "knocking the wiretaps off after the hullabalo out there." As to the Radford taps, Nixon simply believes that they came off in the normal course as a result of Kieth decision. There are various tape references consistent with Nixon's claim not to have been intimately involved in the wiretaps and that Kissinger was the one who was involved. Specifically, on the July 6, ^{KOL} _A tape, Nixon refers to the fact that he never saw any of the wiretap material and on the February 27, and 28th tapes, Nixon refers to Kissinger wanting the wiretaps and he, Nixon, assuming they were done, and also to the fact that Kissinger loved the wiretaps and used to read them all the time. If we want to go into the area of Kissinger's "initiation" of the wiretaps, it seems that Nixon's testimony will be straightforward and that this area could be handled by four or five relatively quick questions. As to Nixon's failure to recollect why the wiretaps were discontinued, he could be pushed a little given his statement on the tapes concerning the "hullabalo" but ^{it} _A does not seem that this would be very productive.

II. July, 1971 -- San Clemente

According to Stan, Nixon has very little recollection of the July 10th, 1971, reference to not worrying "about taps on discovery" and similarly, has very little recollection of the overhear problem as it was discussed in the July 12, 1971, meeting. Nixon does not recall any relationship between the Ellsberg or Pentagon Papers case and the wiretap problem. He also has no or little knowledge concerning

why the wiretaps were not destroyed. As regards the indications of the July 12th notes that newspaper people should not be called before the grand jury, Nixon's recollection is that this was basically a public relations issue regarding suppression of the press. Nixon does recall Mitchell being concerned about Hoover and about the wiretap logs. Nixon also recalls a concern ~~at~~ ^{that} the existence ~~that of~~ these wiretaps might leak to the press as other things had been leaking to the press and that, therefore, the wiretaps should be destroyed. Nixon seems to be confusing the events in July, 1971, which is the overhear problem, with events in October, 1971, which is the ~~old~~ issue of getting the wiretap material away from Hoover ^{and out of Harding's possession and} into Ehrlichman's possession. There are a number of things which are inconsistent with Nixon's recollection of the July 12, 1971, meeting especially the early notes concerning the overhear problem and the instructions for Hoover to destroy the logs which would indicate that Hoover would be cooperating in this effort. In addition, there is Mardian's statement that "the FBI's going all out now" with regard to the Ellsberg case. Also, it should be noted that the July 12, 1971, meeting is the time of the formation of the Plumbers Unit and this would be the logical thing to have happened given the considerations of the problems of "Intelligence Operations" causing problems when it comes to prosecutions. On the July 12th meeting, I would suggest probing point by point through Ehrlichman's notes with the assurance ^{of} Mortenson that he has gone over all this material again with Nixon and has explained to him why the July 12 events are different from the October, 1971, events.

III. Hoover Threat

Nixon recalls meeting with Hoover in early April, 1971, and states that there was no threat from Hoover and

that he never received any such threat. There is some support for Nixon's "impression" in the February, 1973, tapes where he seems to indicate disagreement ^{with the thought} that Hoover would ever threaten him. There is, however, significant contradiction for Nixon's present recollection, in particular, the reference on the October 25, 1971, tape to "Hoover bringing ^a the temple down with him, including me." Nixon now claims that this statement has no meaning to him. It seems that Nixon is confusing again events in April, 1971, August, 1971, and October, 1971. I would suggest probing on the October 25, 1971, tape reference above, as well as the April, 1971, notes which indicate that Hoover was upset over Kleindienst and had threatened to reveal the wiretaps. I would also probe on what was done to turn Kleindienst off on the Congressional investigation idea.

IV. Gray's Nomination

Nixon's recollection is that there had been some initial considerations consistent with the January 8, 1973, Haldeman notes, to not ~~know anything~~ ^{nominate} about Gray. Nixon further recalls that when it came down to trying to find someone else, various political factors indicated that the best they could do would be to send up Gray. This is somewhat confirmed by the February 14, 1973, discussion/concerning ^{with Ehrlichman} nominating Gray. With regard to the meeting with Gray, Nixon recalls the main concern ~~ing~~ being how Gray would handle the Watergate questions, and that this is what he was principally concerned with probing Gray on. Also, Nixon does not assume that his discussion with Gray concerning the need for a direct relationship between the Director and the President meant that he expected Gray to engage in wiretapping or that Gray necessarily knew about the wiretapping that Hoover had done for Nixon as part of this direct

relationship with the President. Stan did not recall, without his notes, how Nixon responded to the tape references to the leaks to Time magazine. Other than for setting Nixon's general concern over Felt and leaks to Time as well as the fact that he pushed for Sullivan during this meeting, there does not seem that there is alot to be gained by probing Nixon in detail on the February 16, 1973, meeting.

V. Time Magazine Story

According to Mortenson, Nixon's recollection is hazy and apparently he has little information about this period, at least from their initial conversation. Nixon states that he assumes ^{that} Gray ~~that he~~ would not necessarily have known about the wiretaps since they were closely held and he believes that only Hoover, Sullivan, Kissinger, Haig, Haldeman, Ehrlichman, and Mitchell would have such knowledge. Nixon further assumes that denying the Time allegations was something that he really would ~~have had to~~ ^{not} have dealt with. There is substantial contradiction for Nixon's view of these events. On the basis of the February 16, 1973, meeting with Gray, it is clear that Nixon would be very concerned about another "truthful" story to Time magazine and about the possibility that Felt and/or Sullivan was the source of this story. In addition, we have the February 25, 1973, notes of Haldeman's conversation with the President concerning the fact that Brandon and Safire were known to Time magazine as subjects of the wiretaps and that this would be an obvious concern to Nixon. This is buttressed by the fact that in his conversations on the 27th and 28th with Dean, Nixon continually refers to Brandon and ~~without being~~ ^{was probably very} ~~basically~~ concerned that it might leak out that Bill Safire had been wiretapped. Safire was still on the White House staff at that time. In addition the Haldeman notes clearly indicate

that Nixon had discussed the subject matter with Ehrlichman while they were at Camp David. Finally, there is a reference in the February 27th tape to Nixon discussing the wiretaps and saying "of course we had to stonewall and say nothing happened." This obviously indicates that this was the decision that had been reached at Camp David or had been reported to Nixon by Ehrlichman at Camp David. Nixon, on the February 28th tape makes an additional reference where Dean states that the Time magazine article is being stonewalled completely and Nixon says "oh, absolutely." It would appear that as to the issues in the Gray investigation, the questioning should concentrate on probing the events of the 24th, ~~and~~ 25th and 26th of February. This is due to the fact that we have a clear indication that Nixon spoke to Ehrlichman, but did not know the substance of that conversation and it is clear that Nixon later talked to Haldeman and he should have some knowledge as to what was done to assure ^{that} the Time allegations would be "stonewalled."

VI. Other Aspects

There are a few other more miscellaneous aspects of the questioning which we should discuss whether or not we should probe deeply on. This includes the Kleindienst knowledge of the wiretaps either as a result of the April, 1971, threat, the July, 1971, San Clemente meeting, and the implementation of the orders given by Nixon at that meeting, and finally discussions with Richard Moore concerning the wiretaps either during 1971, in discussions about replacing Hoover or in discussions about Sullivan's departure from the Bureau. Also, we should probe possibly whether or not Moore had any knowledge at the time of the Gray confirmation hearings and the Time magazine article

about the wiretaps. Finally, there is the question of whether or not there was other wiretapping done in the course of the Ellsberg investigation. There are clear indications in two April 19, 1973, conversations, one with Petersen and one with Moore, that such wiretapping was done and that Nixon knows about it. There are, however, in some of these conversations, some disclaimers ^{as to} ~~of~~ the extent of Nixon's knowledge. I did not get into specifics with Stan concerning this issue, although he did state that as to a notation in Ehrlichman's July 10, 1971, notes concerning the fact that "Roger should be tapping more," it is Nixon's recollection that he was not aware whether or not Rogers was tapping at all, nor did he give a specific order that he should be tapping, but that this was a general statement about the problem of leaks out of the State Department, and an indication that there should be more wiretapping.

My initial ^{inclination} ~~indication~~ is that we should concentrate on July 10, 12, 1971, on February 24, 25, 1973, and possibly on the April, 1971, materials regarding Kleindienst and possible knowledge of the wiretaps.

EXHIBITS -

- 4/71 notes

- 7/6/71 tape

- 7/10/71 Ehr notes

- 7/12/71 " "

10/2/71

10/8/71

Chronology of Events re Removal of Wiretap Records

April 25, 1969 --

According to Kissinger, he meets with Nixon, Mitchell and Hoover on this day and it is decided that next time there is a major leak, wiretapping will be used to track down the source of the leak.

May 9, 1969 --

William Beecher (NY Times) reveals secret Cambodia bombing. Four conversations between Kissinger and Hoover on this date and a wiretap is installed on Halperin.

May 12, 1969 --

Attorney General signs authorization for Halperin wiretap (done three days earlier), as well as wiretaps on Davidson, Sonnenfeld, and Pursley.

April 30, 1970 --

Cambodian invasion -- at this time only wiretaps in operation are Halperin and Brandon.

May 4, 1970 --

Beecher (NY Times) reveals renewed secret bombing of Vietnam. Haig, on behalf Nixon requests wiretaps on Beecher, Pursley, Sullivan and Petersen.

May 13, 1970 --

Haig, on behalf of Kissinger, requests wiretaps on Lake and Lord. (Nixon apparently has a vivid recollection of Kissinger insisting upon the Lake wiretap because Lake had been involved in the secret Paris negotiations and Kissinger was afraid Lake would talk to Muskie about these negotiations since he was going to work for Muskie.)

May 15, 1970 --

According to Kissinger, at his request, all wiretap letters are sent from this time on to Haldeman rather than to Kissinger and Nixon.

February 10, 1971 --

All wiretaps then in operation (Halperin, Brandon, Sonnenfeld, Beecher, Sullivan, Petersen, Pursley, Lake, Lord) are discontinued. The day before Hoover had asked Sullivan for a list of all taps then in operation and noted on the bottom of Sullivan's memorandum "inquire of Colonel Haig whether any can be taken off."

March, 1971 --

(Haldeman notes indicate possible discussion of Hoover retirement.)

April 5, 1971 --

Congressman Boggs charges that the FBI is wiretapping Congressmen. Nixon or Haldeman calls Hoover to reassure him of their support.

April 6-11, 1971 --

Kleindienst states that he would welcome a congressional investigation of the FBI. Hoover calls Kleindienst and says any such investigation might reveal wiretaps done for the President. (See Liddy memo to files August 10, 1971.) Nixon recalls at this time having a breakfast with Hoover (Easter time), but believes there was no problem in terms of Hoover threatening to reveal the wiretaps.

April 12, 1971 --

Hoover sends memorandum, probably to all Assistant Directors, cutting Mardian out of Domestic Intelligence information and implying that the FBI wiretap some people at the President's request.

April 13, 1971 --

Nixon, Haldeman, Ehrlichman discuss Hoover problem, Nixon states that he discussed with Mitchell Hoover memo suggesting that the FBI had wiretapped some people for the President.

February-May, 1971 --

Sometime during this period, Mardian probably learned of the wiretaps in connection with preparing responses

to Senator Kennedy's request for a breakdown of the number of wiretaps conducted by the FBI. (See May 7, 1973, Mardian interview by Glanzer.)

June 13, 1971 --

Pentagon Papers published.

June 15, 1971 --

Wells prepares 6/15/71 memo re Morton Halperin. Also, Nixon meets with Ehrlichman and Mitchell for a general discussion of the Pentagon Papers and possible grand jury actions. Mitchell, earlier that day, had met with Hoover, Mardian and Kleindienst. Also, Sullivan in a memo refers to Ellsberg as a former assistant to John McNaughton, same description as Sullivan's handwritten notes on the Acid trip log. (Sullivan admits that he probably consulted this log in preparing his June 15, 1971, memo.)

June 16, 1971 --

According to Colson, Nixon and Kissinger are aware of Ellsberg-Halperin conversations.

June 17, 1971 --

Nixon meets with Ehrlichman and Kissinger. In this meeting, there is a general discussion of the Pentagon Papers and two specific points of note. First, there is a discussion of the Brookings Institute and the fact that, according to Tom Huston, they have a copy, or the original, of Johnson's 1968 bombing halt file. Nixon cites "Huston's plan" and says someone should go in and get the files. Ehrlichman's notes of the meeting indicate the President's stating "implement a theft." Second, in this meeting there is a discussion of the fact that Ellsberg used drugs. There is no specific reference by Kissinger to being aware of this fact specifically from the wiretaps. Kissinger states that Ellsberg is getting into drugs and Nixon picks up on this and says is he taking drugs. Kissinger's response is that there is no question about it, and Nixon says, "get it out," i.e. meaning, leak it to the press.

June 25-30, 1971 --

This is the period of the Marks interview controversy, resulting in the demotion of Brennan and the subsequent reinstatement of Brennan at the insistence of the Attorney General. This incident was probably discussed at the Presidential level and it appears from a June 30, 1971, telephone conversation between Mitchell and Nixon that they were discussing this problem and that Mitchell had been able to smooth it over with Hoover.

June 25, 1971 --

Complaint filed against Ellsberg in Los Angeles and a warrant issued for his arrest.

June 28, 1971 --

Ellsberg is indicted on two counts -- one theft count and one espionage count. Also, Ellsberg surrenders in Boston. (From the time of Ellsberg's surrender to his Los Angeles arraignment on August 16, 1971, his attorneys continually made motions for the disclosure of the electronic surveillance information.)

July 2, 1971 --

Internal Security Division requests the FBI to determine whether or not Ellsberg has been overheard. This memo specifically states that this check is in anticipation of defense motions.)

July 6, 1971 --

Nixon meets with Haldeman, Ehrlichman and Mitchell. There is a general discussion of the progress of the grand jury. During the conversation, Haldeman raises the possibility of checking the wiretap logs for any information that might be helpful. Mitchell states that the logs are being reviewed at the Bureau. Haldeman then says that he recalls conversations of Sheehan being on the logs. (In fact, there was only one Sheehan conversation.) Nixon asked, "Who's got the time to read it," and notes that "I naturally never saw any of that stuff." Haldeman again states that in light of recent developments, those logs might have much more meaning and Mitchell again notes that they are being reviewed.

July 2-9, 1971 --

Wells tells Wannall there are no Ellsberg overhears.

July 9, 1971 --

Olson calls Brennan and asks for an elsur check on various grand jury witnesses, including Halperin, Warnke, Gelb and Sheehan. Also, on this date Mardian is instructed to go to San Clemente. Mardian claims he was instructed to do this in a call from Haldeman or Ehrlichman. It should be also noted that according to Dean, Mardian stated that he was going at Kleindienst's instructions.

July 10, 1971 --

Nixon meets with Haldeman, Ehrlichman and Rose Mary Woods. The initial discussion concerns the Nixon Library, but later gets into Ellsberg. At one point Nixon says that Rogers should be tapping more. (According to Mortenson, Nixon recalls this merely as a general outburst that the State Department was leaking and that everyone should be tapping more and not that he was specifically aware of any wiretapping being done by the State Department.) After this, someone states "re grand jury -- don't worry re taps on discovery re witnesses." (Nixon does not recall anything about this reference.)

July 12, 1971 --

8:15 a.m. Mardian has breakfast with Ehrlichman.
10:30 a.m. Dean meets with Ehrlichman to turn off the Brookings bombing. 11:00 a.m. Nixon meets with Haldeman, Ehrlichman and Mardian.

Mardian In

- (1) Re National Security taps
Especially Special Coverage Taps
Beecher
Sheehan
Hedrick Smith
Overhearings would be disclosed

Referred

HRH (Haldeman) In
President

- (2) Southern District of New York
Whitney N. Seymour, Jr.
Summer Interns
Disloyal
Lindsey-types
Including North Seymour
- (3) M (Mardian): a number of documents out
NSC has
H (Haldeman) has
- (4) H (Haldeman) recover documents from Haig
- (5) President -- ok obtain and destroy all logs
- (6) Tell Hoover to destroy
- (7) M (Mardian): Ordered only to go with grand jury
short of newspaper
Witnesses or newspaper
Indictments
Await instructions from Attorney General
Now at that point
Can make Sheehan (?) Ellsberg cases now
- (8) President -- Let the Committees
Eastland
Ichord
Hit the papers
- (9) E.G. Congressional fight CBS
Don't call newspapers before grand jury
- (10) 10 year Statute of Limitations
Espionage
An inadequate statute
Need to inquire re law is adequate
- (11) M (Mardian): Question is Ichord
Eastland more dependable --
Has best lawyer
Kleindienst and M (Mardian) to Sen. E (Eastland)
President requests him to
Do it soon
- (12) FBI going all out now
- (13) We'll not deny Ichord the stuff
Get Eastland in too

- (14) Haig return documents to FBI
Then to RM (Mardian) for destruction
Haig request the FBI (Sullivan) to destroy all
special coverage
Sullivan will contact Mardian
- (15) 20% of source documents missing (Ellsberg)
Can't be found in Government files
- (16) Mathias -- didn't deliver his documents
- (17) President phone call
- (18) Gelb the principal co-conspirator

Also on July 12, 1971, there is the initial information
of the "Plumbers Unit."

Post July 12, 1971 --

Mardian dictates memo concerning the San Clemente meeting.
Next day, apparently after discussing the memo with
Kleindienst, Mardian destroys the memo and stenographic
notes.

July 13, 1971 --

FBI memo to Internal Security Division which states
that Ellsberg has never been overheard.

July 16, 1971 --

FBI memo to Internal Security Division which states
that Halperin, Warnke and Sheehan have been overheard
on foreign establishment wiretap, but does not mention
Halperin wiretap or any other overhears from special
coverage taps.

July 30, 1971 --

Wells leaves the FBI to go to work for Mardian. Note:
Wells later tells Smith that as of this time he was
still working with the wiretaps. Also, Kathy Stone's
recollection that she was told that the wiretap records
were over with "Brennan and Wells."

August 4, 1971 --

Mardian call to Mitchell followed immediately by Mitchell call to Sublivan. Liddy meets with Mardian and McGrath and is told that Wells will head IEC and that Wells is the one man that Hoover fears because of things Wells did for Hoover while he was in the Bureau. (Note: It is probably likely that Nixon had conversations with Mitchell at this time concerning the "Hoover threat," but we have no daily diary information or notes that can lead us to any such conversation.)

August 5, 1971 --

Mardian meets with Kissinger and states that Hoover is either blackmailing or threatening to blackmail the President with regard to the wiretap records.

August 10, 1971 --

Liddy memo to files re meeting with Mardian. During this meeting, Mardian recounts being in Kleindienst's office (April, 1971) when Kleindienst received a call from Hoover and Hoover threatened to reveal the wiretaps. Mardian does not tell Liddy that it is a threat to reveal the wiretaps, but only states that apparently Kleindienst did not perceive what the threat was.

August 11, 1971 --

Young list of agenda of items to discuss with Ehrlichman include "Hoover threat -- Mardian knows what it is." Nixon meets with Ehrlichman. General discussion of Pentagon Papers case and the progress of the SALT leak case. Ehrlichman notes that Hoover is scared to death of the Pentagon Papers case because he is afraid that if he doesn't do it right that it will hurt his reputation. Ehrlichman also states that Mitchell has decided that Pat Gray is the person to replace Hoover and that the method of doing this is to have Gray go over as Hoover's deputy for about six months and then become Director.

August 16, 1971 --

Ellsberg is arraigned in Los Angeles. U.S. Attorney Robert Meyer states that he is authorized by the Justice Department to state that Ellsberg has never been overheard on any electronic surveillance.

August 28, 1971 --

Sullivan sends his letter to Hoover citing all his various policy disagreements with Hoover's administration of the FBI.

Late August, 1971 --

According to Brennan, Sullivan goes to Mardian's office with the wiretap logs but Mardian is not there. Sullivan then brings the satchel to Brennan's office and asks him to deliver it upon Mardian's return. Brennan does this but claims not to have been aware of the contents of the satchel.

Early September, 1971 --

Mardian shows Wells the wiretap records and suggests that Wells may be asked to take custody of the records.

Mid-September, 1971 --

Nixon meets with Hoover and Hoover tells Nixon that he would be willing to leave if Nixon felt that he was a liability for Nixon in the 1972 campaign.

September 30, 1971 --

Hoover fires Sullivan.

October 2, 1971 --

Mitchell tells Hoover that the wiretaps were removed from the FBI with Hoover's concurrence and that the wiretap records have been destroyed.

October 8, 1971 --

Meeting of Nixon with Ehrlichman and Mitchell. Mitchell discusses the fact that Hoover is searching all over trying to find the wiretap records and that this may lead to a confrontation and suggest that, rather than Mardian holding the records, they be given to Ehrlichman. Nixon concurs and it is agreed that should Hoover confront Mitchell, it will simply be stated that the wiretap records are in the "President's hands."

October 8-25, 1971 --

Mardian delivers the wiretap records to Ehrlichman.

October 25, 1971 --

Meeting of Nixon and Ehrlichman. Nixon and Ehrlichman discuss Liddy's memo on the FBI and during the course of this meeting, Nixon states that with regard to Hoover "we have a man on our hands who may bring the whole temple down with him, including me." They go on to discuss the scenario of instead of having Hoover resign, in January, 1972, that at that time he would merely state that this is his last year in the Bureau and after the 1972 election, whoever is President can appoint the new Director and that he will only stay on until after the new Director is confirmed. There is also a discussion that Hoover might agree to Pat Gray being nominated as the new Director.

November 1, 1971 --

3:00 p.m. Mitchell meets with Hoover. It was probably at this meeting that Mitchell tells Hoover that the wiretap logs have not been destroyed but are in Ehrlichman's office. Hoover later tells this to Felt.

November 2, 1971 --

Nixon meets with Ehrlichman. The tape of this meeting does not exist, but notes indicate that the discussions were generally about strategies for getting rid of Hoover and that there is no specific discussion of the wiretap problem.

A.] - OUR AREA OF INQUIRY IS THE SO-CALLED NATIONAL SECURITY COUNCIL [REDACTED] ELECTRONIC SURVEILLANCE PROJECT

- THIS INVOLVED SURVEILLANCE OF 17 DIFFERENT INDIVIDUALS - NEWSMEN AND VARIOUS PERSONS ASSOCIATED WITH W. H. + N.S.C.

- PROJECT COMMENCED IN 5/69 - ENDED IN 2/71

- G.J.'S FOCUS IS ON 2 MATTERS RELATING TO THIS PROJECT: (1) CIRCUMSTANCES OF 1971 REMOVAL OF RECORDS FROM FBI TO WHITE HOUSE;

(2) TESTIMONY OF L. PATRICK GRAY ABOUT THIS PROJECT DURING HIS CONFIRMATION HEARINGS - IN 2/73 + 3/73

- FIRST, HOWEVER, A FEW QUESTIONS REGARDING THE PROJECT ITSELF.

B) WHAT WERE CIRCUMSTANCES LEADING UP TO AND SURROUNDING THE START OF PROJECT?

- 4/25 - meeting after Brandon overhears
- 5/9 - Beecher article
- 1st wiretaps: Halgerin
- Davidson
- Sonnenfeldt
- Pursley
- } NSC
- 1000

- So, who were one parties to start of project?

- Any who opposed?

- Was there any plan as to how long it would continue?

~~Of course, it continued a long time why?~~

- Was there any plan as to exactly what would be done with material, i.e. who was to analyze, were there to be prosecutions?

AS FAR AS
HOW MATERIAL
CAME FROM
MR HOOVER?

(3)

C) PROCEDURE

- THERE WERE 2 "PERIODS"
WITHIN THE PROJECT (1) - FROM
5/69 TO 5/70 WHEN 2 IDENTICAL
SUMMARY LETTERS FROM MR
HOOVER WERE PREPARED - ONE TO
YOU - BUT DELIVERED TO MR.
EXTRUCHMAN - AND ONE TO DR.
KISSINGER; (2) FROM 5/70 TO 2/71 -
WHEN THERE WAS 1 LETTER
TO YOU - DELIVERED TO MR. ADAMETIAN

(I) 5/69 - 5/70

- DID YOU GET SUMMARIES
FROM HOOVER?

- DID MR. ENR. WRITE
YOU MEMOS?

- WERE THERE
OCCASIONAL ANALYSES OF
THE MATERIAL - BY
WHOM PREPARED?

- TO WHOM - IN
ONE WRITE HOUSE - WAS
THE MATERIAL
DISSEMINATED?

- DO YOU KNOW
HOW - OR WHERE MATERIAL
WAS FILED?

DID YOU KEEP ANY?

II 5/30 - 2/31 - "

- WHY THE CHANGE
TO HALDEMAN?

SAME QUESTIONS

- DID YOU GET SUMMARIES THEMSELVES OR MEMOS?

- DID YOU GET OCCASIONAL ANALYSES - BY WHOM PREPARED?

- TO WHOM - DISSEMINATED?

- HOW FILED? - WERE THERE COPIES? - SPECIFIC FILES?

III - 2/31 - TERMINATION
OF PROJECT -

- WHY?

- ON 4/15/73

IN A CONVERSATION WITH MR. HENRY PETERSEN YOU REFER TO A "HULLABALOO" CAUSING THE END OF THE PROJECT?

D] OVERALL PROJECT

- DURING LIFE-TIME OF THE PROJECT:

- WERE THERE OCCASIONAL MEETINGS BETWEEN YOURSELF + DR. KISSINGER, DR. MR. MITCHELL?

- WHO KNEW OF THE PROJECT - EITHER IN DETAIL OR IN GENERAL?

~~- AS FAR AS DURATION - WHY?~~
- WHY DID IT CONTINUE SO LONG?
- DID THE FBI URGE CONTINUATION? - WERE THEY USING MATERIALS AS AN INPUT INTO OVERALL INTELLIGENCE PROGRAMS?

D-2 - E] FINALLY, JUST TO MAKE SURE THAT WE HAVEN'T BEEN LED TO CHARACTERIZE THIS THING INACCURATELY -

- WAS THIS ONE PROJECT?
- WAS THERE ANY OTHER SIMILAR FBI PROJECT - REQUESTED BY WH. AT THAT TIME?

- SO THIS WAS RATHER EXTENSIVE + UNUSUAL AT THE TIME?

F] - WE ARE NOT TOO CONCERNED
AT THIS POINT WITH THE
INITIATION OR JUSTIFICATION OF ANY
ONE OF THE WIRETAPS - & WE
ARE AWARE THAT YOU HAVE
INDICATED YOU AUTHORIZED EACH
OF THEM - ~~AND~~ ^{(2) ALSO,} EVIDENTLY YOU
RECALL ^{WELL} THE CIRCUMSTANCES OF
THE INITIATION OF SURVEILLANCE
ON - MR. LAKE

(1) DID YOU
AUTHORIZE
EACH -
BEFORE
IT WAS
PUT ON
YOU
KNEW
ABOUT
IT?

LETTER
TO
SENATE
FOREIGN
RELATIONS
COMMITTEE

- 5/70

- WAS GOING TO
WORK FOR SEN. MUSKIE

// - ANY OBJECTIONS ON
THAT BASIS?

- KISSINGER'S ROLE?

- DIFFERENT HERE THAN
ELSEWHERE?

I INTRODUCE
- FRANK - INTRODUCTION TO

COVER-UP - (1) TIME-WISE,

(2) THROST OF
INVESTIGATION

(6)

-COVER-UP

(7)

A) 6/13 - A SUNDAY - P.P. ARE PUBLISHED -
OBVIOUSLY A MAJOR PROBLEM -

- NOW DO YOU RECALL - IN
THE IMMEDIATE AFTERMATH:

- DISCUSSIONS OF WHAT
THE STUDY WAS?

- MCNAMARA STUDY?

- HOW MANY COPIES
THERE WERE? + WHERE DISTRIBUTED

- WHO HAD WORKED ON IT?

- HALPERIN?

- ELSBERG?

- NOW, ONE OF ELSUR SUBJECTS
WAS HALPERIN -

- DID YOU DISCUSS
CONSULTING THE RECORDS?

- AWARE OF OTHERS
SO DISCUSSING?

COVER-UP

(8)

B) - BY 6/15 IT IS OBVIOUS
THAT ELSBERG IS, ~~THE~~ AT
LEAST, ONE OF PERPETRATORS.
BUT, OF COURSE, IT WAS
NOT CLEAR, WHEN HE HAD
~~THE~~ GOTTEN PAPERS, WHY HE
HAD RELEASED THEM,
AND WHETHER HE HAD
MORE AND, IF SO, WHAT
THEY WERE.

- NOW, DO YOU RECALL THAT - PERHAPS
WITH THESE PARTICULAR CONCERNS
REGARDING ELSBERG IN MIND
~~THE~~ YOU TALKED WITH DR.
KISSINGER WHO TOLD YOU
ABOUT HIM - IT HAPPENED ON
6/17 - KISSINGER SAID:

- ELSBERG - "BRILLIANT"
- "WAS DONE"

- HAD USED
DRUGS.

- RECALL CONJ. - PARTICULARLY
DRUG ASPECT?

- RECALL ANY CONJ. - AS
TO DRUG USE BY
ELLSBERG?

? WHAT
ERRATIC
ACTIVITIES?

COVER-UP

(9)

- RECALL THAT THIS INFORMATION
HAD COME FROM WIRETAPS?

- YOU
- SAY THAT
YOU WANT
IT OUT
ANY
EFFORTS
MADE

- I SHOW YOU 9/3/69 -

- EVER SEEN BEFORE?

- ANYTHING SUBSTANTIALLY
SIMILAR?

- BECOME AWARE OF ANY
INFORMATION AS TO ELSBERG
COMING FROM TAPS?

- ANY DISCUSSION THAT HE
SHOULD BE TAPPED?

- ANY KNOWLEDGE THAT HE
WAS?

- ON 4/19/73 YOU MENTIONED TO
BOB MOORE - o PETERSEN
THAT THERE WAS
WIRETAPPING RE P.P.?

COVER-UP.

(10)

c) on 6/30 ELSBERG INDICATED
BUT INVESTIGATION CONTINUES. YOU
ARE FOLLOWING IT FAIRLY
CLOSELY:

6/30/71 CONU WITH MITCHELL
DISCUSS: ① ELSBERG
DEFENSE - NOT NATIONAL
SECURITY; ② S. of L PROBLEM

- on 7/6 YOU MEET WITH
MITCHELL AGAIN

- CONU. RE THE
POSSIBLE CONSPIRACY - "NEWY'S
STAFF"
- WHETHER PRESS
SHOULD BE INDICATED.

MITCHELL MENTIONS,

→ SPECIFIC REVIEW OF
WIRETAP RECORDS

RECALL THIS CONU?
RECALL ANY SIMILAR
INDICATIONS?

- ANY SPECIFIC PURPOSE?
- ANY SPECIFIC DEADLINE?

COVER-UP

(1)

a) 2/10/71 - YOU MEET WITH
ENR. - AND AGAIN YOU ARE
DISCUSSING THIS CASE.

- ENR THEN STATES. "NO
NEED TO WORRY ABOUT
WIRETAPS BEING DISCLOSED
THROUGH DISCOVERY MOTIONS."

- RECALL THIS?
- " SIMILAR COND'S?

- AT ABOUT THIS TIME
MITCHELL IS LEAVING FOR
2 WEEKS - ENGLAND? - MARRIAGE
WILL TAKE OVER SUPERVISION
OF CASE

COVER-UP

(12)

E) 2/12/71 - AT 11:00 A.M. - MEETING^{STAN CLEGG}
WITH MARDIAN, ENR & NACDE.

- HAD ENR DIRECTED MARDIAN
TO COME?

- WHO HAD?

- WHY?

~~WAS IT TO~~ WAS IT TO
REPORT ON THE REVIEW
OF THE WIRETAP RECORDS?

- WHAT WAS HE TO
BRING?

ENRICHMAN'S NOTES

- GENERALLY 2 SUBJECTS -> ONE
~~FOUR~~ WIRETAPS + ONE
P.P. CASE.

SPECIFICALLY - FIRST NOTES ARE:

"RE: National Security Taps
(Especially) - - Special Coverage
Taps