

(9)/4

SUNSHINE  
Cap Date 1/25/2011

R.M.N. - preparation for GRAND JURY  
Appearance

H. S. R. file



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SEE RICHARD J. DAVIS FILE UNDER TAB (9)

for notes on meetings with President Nixon's attorneys Herbert J. Miller, Jr.  
and Stan Mortenson dated: May 13, 1975, May 20/May 21, 1975;  
May 26, 1975; and

Outline of deposition-taking procedure June 23 and June 24, 1976.

FOR RICH DAVIS handwritten notes re June 24, 1976 questioning  
of Nixon, see Henry Ruth file under tab (9) re preparation  
for grand jury appearance of Richard Nixon.

~~FINAL~~

WATERGATE SPECIAL PROSECUTION FORCE

DEPARTMENT OF JUSTICE

*Memorandum*

TO : Files

DATE: July 7, 1975

FROM : Henry Ruth

SUBJECT: Interview of Richard M. Nixon

Following the conclusion of his 2 days of sworn testimony, Richard Nixon was interviewed by Rich Davis and myself on June 24, 1975, at the Coast Guard Station, San Mateo, California, from approximately 1 p.m. to 3 p.m. in the presence of his attorneys, Herbert J. Miller, Jr., and R. San Montenson. Mr. Davis has written a memo on the interview insofar as it pertained to dairy industry matters. This memo covers three areas of questioning in which the questions were asked primarily by Mr. Davis.

1. Richard Moore's Testimony as to the La Costa Meeting:

Mr. Davis read to Mr. Nixon from the April 19, 1973, transcript of the Moore-Nixon conversation about La Costa, particularly the section at the top of page 50. Mr. Nixon stated that he had no independent recollection of ever discussing Moore's testimony either at the Senate Select Committee or at the grand jury; and the transcript did not refresh his recollection. Nixon stated that he made it a practice not to discuss such testimony with White House witnesses. He did recall, however, that Leon Jaworski at some point had informed a White House lawyer that Richard Moore was not a target of our investigation.

2. Alleged Assaults on Demonstrators:

Mr. Nixon was reminded of the "goons" discussion on the May 5, 1971, tape transcript involving Haldeman and Nixon. The witness stated that, sure, there was plenty of discussion as to how to deal with demonstrators. He said that with 300,000 demonstrators on your doorstep, with an inability to sleep because of all the noise and with vandalism rampant, such as piercing of automobile tires, the witness and others talked many times of various things that could be done about the demonstrators. They probably did talk about some of the drastic things mentioned on the tapes, but they never did anything, to his knowledge, that involved violence. There was no follow through with Fitzsimmons of the Teamsters, there was no roughing up of people, there was nothing involving violence and recruitment of the hardhats. They would urge people to get the hardhats

out to do their own demonstrations about what they felt was the right course of action and Colson may well have talked to Gleason or Brennan (probably Brennan) about that, but not about causing any violence. Chapin's man, as mentioned on pages 10-11 of the transcript, is not something known directly by Mr. Nixon, but he thought that it was Segretti. The witness then referred to the violence he encountered in his 1972 campaign.

As for the April 25, 1973, tape and the reference to the Cubans, Mr. Nixon stated that he knew nothing that might have been coming up during the Hoover services in May 1972 or the anti-war demonstration conducted at the Capitol at the same time. When asked about the Miamians being paid to come up from Florida for that occasion, the witness said he knew nothing about that and he asked: if we had goonsquads and roughnecks and hoodlums doing our work in the Washington, D.C., area, why would we go to the trouble of paying people to come up from Miami? When asked specifically whether or not anyone, including Colson, had ever promised to, or did get, him a Vietcong flag, Mr. Nixon stated that if anyone had ever done so, he would have been turned down outright or the flag would have been burned by Nixon himself. No one had so offered or delivered to him. He does not remember the name "Bill Rhatigan," or such a person, and as to Dick Howard, he does not remember who Howard was. When told that Howard worked for Colson, that stirred some recollection that there was a Dick Howard in the White House, but Nixon does not recall any discussions about Dick Howard controlling or having anything to do with money for demonstrators, counter-demonstrators or the May 3, 1972, incident.

3. The "Bluebook" and Its Transmission to House Judiciary:

In general, the witness stated that he did not want any partial submissions submitted piece-by-piece to the House because of selective leaks that would result, such as the "gol-darn-wop" story in the New York Times. So, he decided that the Watergate tapes should be transcribed all at once, put together in one book and released to the public as well as to the House Committee. He does not know who authored the phrase "material unrelated to Presidential action." The Bluebook was all done in a great hurry and there probably were many mistakes caused by the rush. In fact, one whole tape was omitted by mistake. If there were considered omissions, Buzhardt or St. Clair would have come to RN for decision. Diane Sawyer and Frank Gannon did not work on any substance; rather they worked on such matters as paraphrasing and expletives deleted.

As to the March 17 tape transcript, wherein the first 20 pages were omitted, the witness had no recollection as to the omission. He wonders if it was a clerical error and does not recall Buzhardt coming to him for advice or orders concerning this, or any other, omission of major proportions. At any rate, said Mr. Nixon, there was no attempt to mislead the House that he recalls in this particular omission or any other omission.

As to the omissions of the discussions on the April 16 and April 17 tape transcripts about what happened on March 21, the witness does not recall that the subject of these omissions was raised with him. If it was raised with him, he very well might have decided to omit these portions as being redundant material in that the March 21 tape spoke for itself.

As to the omissions in the April 17 tape transcript of legal fees and Rebozo discussions, again Mr. Nixon has no independent recollection of dealing with that omission. Again however, he stated that if asked, he would have said that that discussion should have been omitted because the matters discussed were never afterwards actually done and therefore they were not related to any action that occurred. (At this point, Nixon stated that as to any omissions he would have dealt with Buzhardt and not with St. Clair.)

As to the omission in the April 14 tape transcript of the pardon discussion between Nixon and Ehrlichman, the witness has no recollection about this transcript.

Again, in general, Nixon does not know if one or more lawyers in the White House listened to tapes other than those in the Bluebook and he did not tell St. Clair what was in the tapes he (the witness) listened to.

As to the offer to the House that Rodino and Hutchinson could listen to the entire tapes of each conversation covered in the Bluebook, Mr. Nixon said that the offer was made in good faith. They did not know ahead of time whether or not the offer would be accepted and among those in the White House, some were guessing the offer would be accepted and others were guessing in the negative. Nixon told his staff that in doing the Bluebook, the staff should assume that Rodino and Hutchinson either will or might come to listen.

Nixon said that this offer precludes any thought of criminality in the preparation of the Bluebook. As far as he knew, no omissions were deliberate other than within proper ground rules. He recalls no specific instructions that he gave to the lawyers other than the general order that material that was irrelevant, that was embarrassing to outside third parties with no additional understanding of the Watergate issues, and that was redundant need not be included.

*Memorandum*

TO : Files

DATE: July 16, 1975

FROM : Richard J. Davis

SUBJECT: Interview of Richard M. Nixon

Following the conclusion of his sworn testimony on June 24, 1975 Richard M. Nixon was interviewed by Henry S. Ruth, Jr. and Richard J. Davis in connection with four areas of inquiry being conducted by this office: 1) his knowledge of the \$2 million dairy fund pledge and the relationship between that pledge and his milk price support decision in March, 1971; 2) the submission of the "bluebook" to the House Judiciary Committee; 3) Richard Moore's testimony concerning the La Costa meeting and; 4) references in various transcripts to the use of "goons" and his knowledge of organized assaults on demonstrators. Mr. Ruth was the questioner in the first area and Mr. Davis the principal one in the remaining areas.

Present also at the interview were Herbert J. Miller, Jr. and R. Stan Mortenson, counsel for Mr. Nixon. At the outset Mr. Miller stated that he had not fully reviewed these areas with Mr. Nixon and that if any problem resulted from this in terms of his client's ability to provide information he would undertake to check the facts out further. No such problem was identified to us during the interview.

Mr. Ruth began this section of the interview by reviewing generally the evidence relating to what had taken place in connection with the milk price support decision in March, 1971. During this narration Mr. Nixon noted that he had raised the support to 85%, but Congressional mail favored it being raised to 90%.

Mr. Nixon was shown the September 9, 1970 briefing memorandum and said he had no recollection of it although he might have scanned it. He stated that it was common talk in the White House, involving Colson, Hillings and Chotiner for example, that the milk producers were big contributors and they hoped to get a big "slug" for the campaign. He, Nixon, never talked to the milk producers about money.

Nixon does not know why Colson was involved in obtaining contributions from this group. He also has no recollection of a later discussion with Colson about the commitment, although he does remember being pressured to attend their convention. He did not do so. Nixon was then shown the Hillings letter and said he had no recollection of seeing it or talking to Colson about it. Nor did he talk to Hillings about this subject. He also has no recollection of a knowing about a Colson statement intended for the milk people that giving to both sides is not being on our side. Wilbur Mills, however, has told him that he got milk money and distributed it to others.

Nixon was referred to page 37 of the March 23rd transcript. After noting that it was disjointed and hard to follow he stated that all he knows is that he did "it" in an upright way since Mills and Albert were told about the decision before it became public. The Colson assignment referred to, he thinks, would be to tell the milk people. At this point Mr. Nixon noted that they didn't keep the commitment and didn't give \$2 million. Ruth mentioned that they did give over \$800,000.

Nixon said that he heard nothing about the matter after making the decision on March 23rd and that he had no knowledge of the attempts to have the milk people reaffirm their commitment.

Nixon was shown the transcript of the last two minutes of the March 23rd tape and advised of the dispute as to its accuracy. He stated that his recollection of the conversation was that Connally said the milk people should make a contribution and asked who should handle it, that he (Nixon) said that he should as he wanted Connally to deal with the milk people. He had in mind Democrats for Nixon as a recipient of the money or some of it. He later told Haldeman to tell Connally which contests the money should be used for apart from possibly this group. He believes Connally learned about the milk people's practice of giving money from Leon Jaworski. He has no indication Connally was aware of the commitment.

While he knew the milk producers would contribute, he didn't know how much and doesn't recall who told him this fact. This knowledge had no effect on his decision although he agrees that the 3/26/71, Haldeman note indicates that the subject of money must have come up in this period.



HR

Dick Moore

(1)

PRD-  
6/24/75

Flight transcript

- never recall discussing Moore's testimony.

- p. 50 at top - crazy - still don't recall anything after that.

LT tells WH longer that Moore not a target.

never talked re GJ or Ervin Com

Boons & May 3, 1972

5-5-71: Table Talk. 300<sup>non</sup> demonstrators, can't sleep, piercing tires.

Never did anything about it. No follow up w/ FitzSimmons. No rough up people - but plenty of discussion.

Re. NY hard hats - ~~but~~ new nothing. - would urge people to get hard hats out to demonstrators.

Calson → Gleason or Barkham. Chapin's man (~~10-11~~) (10-11)? - don't know - thought it was secret. (Apr '72 or Sept '72 - RN to K ranch)

4/25/73 - Calsons - know nothing re coming up - ~~at~~ why not get local? Dick Howard? nothing re money.

(2)

Rhatican problem - never heard  
of him  
VC Flag - not want one. Would  
have told them to burn it

Blue Book -

not want partial submissions  
'cause of leaks, such as got-down way  
Sewyer + Garrison on Paragraphing  
& aptive deleted (not substance)  
Great hurry - probably many mistakes  
of omissions, Bushard or St Clair  
would have come to RW for decision.

3/17: first 20 pp omitted. No  
recollection. clerical error?

Don't recall Bushard coming on  
major omissions - no attempt to instead  
4/16 & 4/17 re discussions about what  
happened on 3/21. No recall the

(Material unrelated to Pres action.  
Not know who authored phrase.)  
point being raised. If so, might not  
put in redundant material. 3/21  
Tape spoke for itself.  
Left out one whole page by  
mistake.

4/17 - Deletes MC legal ~~for~~ see -  
Rebozo omissions.

If asked, would have said yes -  
'cause it wasn't done - not  
action - but no recall.

(Dealt w/ Byrnes - not with  
St. Clair)

4/14 - pardon conversation with  
JE - no recall.

Not know if lawyers listened  
to other tapes.

Not tell St. Clair what was  
in tapes.

Offer re Rodino & McWhinon -  
not know if accept. Some guessung  
yes - others, no. RN says to staff:  
assume they will come, or might  
come.

Not deliberate omissions -  
no specific instruction to lawyers.  
not relevant, embarrassing -  
redundant  
Offer to House in good faith.

(Notes  
& R. Davis)

6/24 Richard Nixon, R.S. Matsumura, H. Miller, H. Ruth  
R. Davis

Jack Miller indicates that  
have not really reviewed  
area + if something develops will  
check points.

H. Ruth on M-ER

RN - Raised it to \$<sup>5</sup>, but Congressional  
mail per 9/70

H Ruth reviewed all the evidence  
relating to contacts in 3/71 etc

Shows 9/9/70 briefing memo -

RN - common talk in WH - Colson,  
Billings, Artimes that milk producers  
big contributors + hope to get big  
slug for the campaign. No recall  
of memo but perhaps scanned it

Per why Colson involved in contributions  
from this group - RN doesn't know

RN never talked to them re money  
(M-ER)

No recall of later caucuses re  
caucused with Colson - only  
pressure to attend their convention

-2-

Hillings letter - no recall of  
Colson talking to him re it  
Also no recall of Hillings letter  
Didn't talk to Hillings

No recall of Wilson ~~speak~~  
concerns ~~to~~ with Chastines that  
going to both sides not being  
on our side.

Mills told him that he got  
milk money and droned out  
to others.

In p 37 of Page 3/23 Transcript  
says disjointed and can't follow.  
all knows as did it in an  
upright way since told Mills,  
speaker before became public.  
Colson assignment he thinks  
would be to tell the milk people.  
PN - They didn't keep the commitment -  
didn't ~~say~~ to give \$2 mil.

~~No~~  
Heard nothing about matter  
after making decision on 3/23.  
(Both renewals parts re getting realignment)  
PN - no knowledge of these events.

Per 2 minutes on 3/23

#Pitt tells him re conflict in what on tape,

His recall is that Cannally sd is that milk people should make contact, who should handle RN - you should. <sup>RN</sup> Had in mind D for Veron. Wanted ~~RN~~ to Cannally to deal with milk people.

Later told HRT should tell Cannally which contacts milk money should be used for. Also possibly for D for Veron

He knew milk producer would involunt. Didn't know how much. No effect ~~in~~ his decision.

Nothing specific per who told him this.

Not sure read sent, 1970 Wilson memo.

RN agrees 3/26 + doc indicates suby of money must draw come up in that period & then referred to RN of Conn. 3/23 conners. Cannally knew about ~~the~~ fact

- 4 -

with people gave - prob. from  
Jawanti.  
No indie usually know so  
continued

*Memorandum*TO : Peter Kreindler

DATE: July 10, 1975

FROM : Henry L. Hecht HLHSUBJECT: Typographical Errors in the Nixon Transcript

In my review of the questioning of Richard Nixon concerning alleged harassment of Larry O'Brien by the IRS, I found the following typographical errors.

- (1) Page 170, line 11, nwxt should read next.
- (2) Page 173, Claud De Sautels should read Claude DeSautels.
- (3) Page 184, line 3, type should read tip.
- (4) Page 184, line 8, type should read tip.
- (5) Page 184, line 25, type should read tip.
- (6) Page 197, Internal Report should read internal report.

Because of the sensitivity of this deposition, I have not made a chron or file copy of this memorandum.



My name is Henry S. Ruth, Jr., and with me is Thomas McBride and Richard Davis, and we are representatives of the Watergate Special Prosecution Force. During the course of this deposition other attorneys from that office will also be present in order to question you concerning certain investigations for which they are responsible. Before we begin this morning, however, we want to outline the nature of this proceeding and advise you of your rights and obligations in your appearance here.

This deposition is being taken as part of various investigations being conducted by the January 7, 1974, Grand Jury for the District of Columbia. In order to assist them with various investigations that body authorized us, as their counsel, after a series of meetings with your counsel, to arrange for the taking of your sworn deposition in California in the presence of two representatives of the Grand Jury. In order to allow this deposition to go forward in such a manner, Chief Judge Hart then signed an order authorizing the presence of two members of the Grand Jury at a deposition in California conducted ancillary to the Grand Jury's investigation. Therefore present today are FOIA (b) 6 both members of the January 7, 1974, Grand Jury. Additionally, a transcript of this proceeding will be read to the Grand Jury in Washington.

The areas of inquiry, as fully discussed with your counsel prior to today, include the following:

1. The circumstances surrounding the 18-1/2 minute gap in the tape of a meeting between you and Mr. Haldeman on June 20, 1972.
2. Alleged receipt of large amounts of cash by Charles G. Rebozo or Rose Mary Woods on your behalf and financial transactions between Mr. Rebozo and you.

3. Attempts to prevent the disclosure of the existence of the National Security Council wiretap program through removal of the records from the FBI, the dealing with any threats to reveal the existence of such records, and the testimony of L. Patrick Gray at his confirmation hearings.
4. Any relationship between campaign contributions and the consideration of ambassadorships for Ruth Farkas, J. Fife Symington, Jr., Vincent deRoulet, Cornelius V. Whitney, and Kingdon Gould, Jr.
5. The obtaining and release of information by the White House concerning Lawrence O'Brien through use of the Internal Revenue Service.

As we understand it, you are appearing here to respond voluntarily to questions in these areas. Your counsel, Herbert J. Miller, Jr., and R. Stan Mortenson, are present in the room and you may consult with them at any time during the questioning. Neither Mr. Miller nor Mr. Mortenson, however, may make any statements or perform any other role during this deposition, although of course, we are available to consult with them outside the hearing room if that becomes necessary. Finally, since this deposition is being conducted ancillary to the Grand Jury, you should be advised that the making of any false material declaration during this deposition is a violation of Title 18, United States Code, Section 1623 which makes it a crime to make such a false statement.

Assuming that you understand everything I have said, we are prepared to begin the questioning. The first area of inquiry will be the consideration of certain individuals to become Ambassadors.

*Butt* \*

*Draft ?*

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

IN RE JANUARY 7, 1974 GRAND JURY	: : : :	Misc. No.
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MOTION OF THE SPECIAL PROSECUTOR

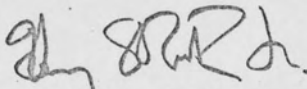
The Special Prosecutor moves this Court for an order:

(1) authorizing the Special Prosecutor to segregate those portions of the transcript of an examination under oath of Richard M. Nixon that the Special Prosecutor believes may appropriately be subject to classification because they contain matters relating to the foreign affairs and national security of the United States, the disclosure of which might seriously jeopardize the national security of the United States; and (2) authorizing the Special Prosecutor to disclose the segregated portions of the transcript to the Deputy Assistant to the President for National Security Affairs for the purpose of determining which portions should be classified. The aforesaid examination was ancillary to the proceedings of the January 7, 1974 Grand Jury of this Court and was conducted by the Watergate Special Prosecution Force on June 23 and 24, 1975, in the presence of two Grand Jurors.

The Special Prosecutor will report to the Court on any action taken by the Deputy Assistant to the President

for National Security Affairs with respect to the segregated portions of the transcript.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "H. S. Ruth, Jr.", written in a cursive style.

---

HENRY S. RUTH, JR.  
Special Prosecutor

Dated: June 27, 1975.

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

\_\_\_\_\_  
IN RE JANUARY 7, 1974  
GRAND JURY  
\_\_\_\_\_

:  
: Misc. No.  
:  
:

O R D E R

WHEREAS on June 23 and 24, 1975, Richard M. Nixon voluntarily submitted to an examination under oath at the San Mateo Loran Station, United States Coast Guard, San Diego County, California, said examination conducted by the Watergate Special Prosecution Force on matters subject to pending Grand Jury investigations, said examination ancillary to and with the consent (based on the health of Richard M. Nixon and other legal considerations) of the January 7, 1974 Grand Jury of the United States District Court for the District of Columbia, and said examination attended by two Grand Jurors with the approval of the Chief Judge of this Court; and

WHEREAS the Special Prosecutor believes that certain portions of the transcript of said examination contain matters relating to the foreign affairs and the national security of the United States, the disclosure of which might seriously jeopardize the national security of the United States;

NOW, THEREFORE, it is by the Court on this 26th day of June, 1975, hereby ORDERED:

1. That the Special Prosecutor may segregate those portions of the transcript of the examination that he believes may appropriately be subject to classification;

2. That the Special Prosecutor may disclose the segregated portions of the transcript to the Deputy Assistant to the President for National Security Affairs for the purpose of determining which portions should be classified; and

3. That the Special Prosecutor shall report to the Court on any action taken by the Deputy Assistant to the President for National Security Affairs.

\_\_\_\_\_  
CHIEF JUDGE

RJD/pr

June 19, 1975

Herbert J. Miller, Jr.  
2555 M Street, N.W.  
Suite 500  
Washington, D.C. 20037

Dear Mr. Miller:

Enclosed are materials related to our investigation into the circumstances surrounding an 18 1/2 minute gap in a recording of a conversation on June 20, 1972 between Mr. Nixon and Mr. Haldeman. The document described as "Safe Access Log" refers to the safe in Rosemary Wood's room in Key Biscayne where she stored the tapes during the weekend of October 4, 1973.

If you have any questions please feel free to contact me.

Very truly yours,

Richard J. Davis

Enclosure

File  
Chron  
Ruth (2) ✓  
Davis

RD/ca

June 19, 1975

Herbert J. Miller, Jr., Esq.  
2555 M Street, N. W.  
Suite 500  
Washington, D. C. 20037

Dear Mr. Miller:

Enclosed are the following transcripts:

1. March 17, 1973 - Richard Nixon, John Dean and  
H. R. Haldeman
2. March 27, 1973 - Richard Nixon, H. R. Haldeman,  
John Ehrlichman and Ronald  
Ziegler (excerpt)
3. April 17, 1973 - Richard Nixon and H. R. Haldeman  
(9:47 a.m.)
4. April 17, 1973 - Richard Nixon, H. R. Haldeman,  
(5:20 p.m.) John Ehrlichman, William Rogers

Very truly yours,

RICHARD J. DAVIS  
Assistant Special Prosecutor

4 Encls.

cc: file  
chron  
Mr. Ruth  
Mr. Davis



Ruth J

PRM:bjr

June 18, 1975

BY HAND

Herbert J. Miller, Esq.  
Miller, Cassidy, Larroca & Lewin  
1320 19th Street, Northwest  
Washington, D. C.

Dear Mr. Miller:

I enclose an "Index to Exhibits" listing every document I intend to show your client during the questioning concerning Unreported Campaign Funds and copies of the following documents which are the only ones on the list which were not previously provided:

- (1) Mr. Haldeman's notes of a meeting with Mr. Nixon, August 20, 1970.
- (2) Newspaper column "Washington Merry-Go-Round" from Washington Post, August 6, 1971, and a typescript of excerpts therefrom.
- (3) Newspaper column "Washington Merry-Go-Round" from Washington Post, January 18, 1973, and a typescript of excerpts therefrom.

Sincerely,

Paul R. Michel  
Assistant Special Prosecutor

Enclosures - 4

cc: Ruth (2) ✓  
Davis  
Michel

Ruth

May 16, 1975

Herbert J. Miller, Esquire  
2555 M Street, N. W.  
Suite 500  
Washington, D. C. 20037

Dear Mr. Miller:

As we have indicated in the past, this office has been evaluating its need to question your client, Richard M. Nixon, in connection with various investigations being conducted by us. It has now been decided that it is necessary to do so. After consulting with the Grand Jury, we have determined that his testimony is required in connection with certain areas of continuing inquiry. Accordingly, we plan to issue a subpoena on May 19, 1975 requiring your client's presence before the Grand Jury on May 29, 1975.

We expect that we will be able to cover the areas of inquiry before the Grand Jury in eight hours of questioning, spread over a two-day period. During that time we plan on covering questions in the following general areas:

1. The circumstances surrounding an 18 1/2 minute gap in the tape of a meeting between Mr. Nixon and Mr. Haldeman on June 20, 1972.
2. Any receipt of large amounts of cash by Charles G. Rebozo or Rosemary Woods on Mr. Nixon's behalf and financial transactions between Mr. Nixon and Mr. Rebozo.
3. Attempts to prevent the disclosure of the existence of the National Security Council wiretap program through removal of the records from the FBI, the dealing with any threats to reveal their existence, and the testimony of L. Patrick Gray at his confirmation hearings.

4. Any relationship between campaign contributions and the consideration for Ambassadorships for Ruth Farkas, J. Fife Symington, Jr., Vincent deRoulet, Cornelius V. Whitney and Kingdon Gould, Jr.
5. The obtaining and/or release of information by the White House concerning Lawrence O'Brien through use of the Internal Revenue Service.

In each of these inquiries, the attorney principally involved in the investigation is prepared, prior to Mr. Nixon's appearance, to discuss with you in more detail the subject matter that your client will be questioned about, to make available any transcripts we have of pertinent tapes, and to identify the principal documents which will be used in the Grand Jury. Additionally, we stand ready to consider any reasonable request you may make aimed at preserving the normal confidentiality of a Grand Jury appearance and at avoiding any unnecessary inconvenience to Mr. Nixon. As we already have told you, if necessary, we are prepared to seek permission to convene the Grand Jury in another secure place in the District of Columbia other than the courthouse. Also, as we discussed with you on May 13th, if Mr. Nixon is prepared to voluntarily appear in the Grand Jury, we would be willing to postpone the date of that appearance to sometime in June.

There are also a small number of subject matters about which we would like to question Mr. Nixon, but for which a Grand Jury appearance will not be necessary. We are, of course, willing to provide you with the same detail about these subjects as we are about those proposed for Grand Jury questioning.

It also may be necessary to ask Mr. Nixon some questions concerning the deletion of specified material from the submission of transcripts of Presidential conversations to the House Judiciary Committee on April 30, 1974. If your client is willing, we are prepared to discuss this with him in an interview. If, however, he declines to be interviewed on this subject, then we would also include this in the areas of Grand Jury inquiry. I should add, however, that it may be unnecessary to speak with Mr. Nixon about this matter if we are able to ask Mr. Buzhardt and Mr. St. Clair a limited number of questions.

RD/ca

-3-

As mentioned above, we will be issuing a subpoena on May 19th. Since we assume that you would like this subpoena to be served with a minimum of inconvenience to your client or publicity, we will contact you at that time to discuss the procedure for service.

Sincerely,

HENRY S. RUTH, JR.  
Special Prosecutor

cc: file  
chron  
Mr. Ruth  
Mr. Kreindler  
Mr. Davis

RUTH ✓

RD/ca

June 18, 1975

Herbert J. Miller, Jr., Esq.  
2555 M Street, N. W.  
Suite 500  
Washington, D. C. 20037

Dear Mr. Miller:

Enclosed are additional documents pertinent to our investigations into the removal of the wiretap records from the FBI, the March 1971 milk price support decision and the Internal Revenue Service's inquiry into the affairs of Lawrence O'Brien.

If you have any questions, please feel free to contact me.

Very truly yours,

RICHARD J. DAVIS  
Assistant Special Prosecutor

Enc.

cc: file  
chron  
Mr. Ruth  
Mr. Davis

RD/ca

June 10, 1975

Herbert J. Miller, Jr., Esq.  
2555 M Street, N. W.  
Suite 500  
Washington, D. C. 20037

Dear Mr. Miller:

Enclosed is a draft transcript of a conversation between Mr. Nixon and Richard Moore on April 19, 1973 and some background materials pertinent to our investigation into the decision to adjust the milk price support in March, 1971.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

RICHARD J. DAVIS  
Assistant Special Prosecutor

cc: file  
chron  
Ruth ✓  
Davis

RD/ca

June 3, 1975

Herbert J. Miller, Jr., Esq.  
2555 M Street, N. W.  
Washington, D. C. 20037

Dear Mr. Miller:

Enclosed are two transcripts of recorded conversations relevant to the "wiretap" investigation. As we have previously advised you, these transcripts are preliminary drafts.

If you have any questions please do not hesitate to contact me.

Very truly yours,

RICHARD J. DAVIS  
Assistant Special Prosecutor

Enclosure

cc: file  
chron  
Ruth ✓  
Davis

Ruth

WATERGATE SPECIAL PROSECUTION FORCE  
United States Department of Justice  
1425 K Street, N.W.  
Washington, D.C. 20005

May 28, 1975

Herbert Miller, Esquire  
Suite 500  
2555 M Street, N. W.  
Washington, D. C. 20037

Dear Mr. Miller:

Enclosed are materials pertinent to the investigations into the causes of the 18 1/2 minute gap in the tape of a conversation recorded on June 20, 1972, and into certain unreported campaign funds (UCF). Additionally, we are enclosing transcripts of various recorded conversations relevant to the "Gray" and "wiretap" investigations. In those instances in which we are supplying transcripts not used at the trial of United States v. Mitchell, et al, we caution you that these are preliminary drafts and do not necessarily constitute complete transcriptions of all that is on these various recordings. We believe, however, that they are sufficiently precise to assist your client in refreshing his recollection on these subjects. We are in the process of completing several other transcripts and these will be supplied to you shortly.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

*Richard J. Davis*  
Richard J. Davis  
Assistant Special Prosecutor

Enclosures



RJD:HSR:bas

WATERGATE SPECIAL PROSECUTION FORCE  
United States Department of Justice  
1425 K Street, N.W.  
Washington, D.C. 20005

May 23, 1975

Herbert J. Miller, Jr., Esq.  
Miller, Cassidy, Larroca & Lewin  
2555 M Street NW.  
Suite 500  
Washington, D.C. 20037

Dear Mr. Miller:

At our meeting with you and Mr. Mortenson on May 20, and with Mr. Mortenson on May 21, we detailed at length the areas in which we intend to seek the grand jury testimony of your client, Richard Nixon. As we indicated at these sessions, we are willing to supply the principal documents which would be used during questioning and which should be helpful in refreshing your client's recollection about the pertinent events in which the grand jury is interested.

We are enclosing copies of the principal documents which will be used in connection with the inquiry into the selection of certain ambassadors and the use of the Internal Revenue Service with respect to Lawrence O'Brien. In those instances where you already have the document involved, we are only identifying on the attached list the document number and package date in which it can be located. In the O'Brien area, there are also a few documents that should remain in our custody. But we would certainly consent to the examination of these documents by you or your designated associate in this office.

As we assemble documents in other areas, we will make them available to you. In addition, as we receive further documents or continue to review our files, other pertinent materials may come to our attention. When and if this occurs, we will advise you of any significant materials.

file  
chron  
Ruth (2) ✓  
Davis  
Kreindler

I understand from Mr. Mortenson that by Monday, May 26, you will provide us a medical report on the current status of your client's health and his ability to travel to Washington, D.C., for testimony. I also understand that you want to talk further about the date and place of the proposed testimony. On that basis, we have not yet served a grand jury subpoena; but if it becomes necessary to serve such a subpoena, we intend, as you agreed, to make the subpoena returnable on May 29. Of course, voluntary testimony would be postponed until sometime in the middle of June 1975.

Sincerely,

HENRY S. RUTH, JR.  
Special Prosecutor

Enclosure

*Memorandum*

426.7258

TO : Henry S. Ruth

DATE: June 3, 1975

FROM : Frank M. Tuerkheimer

SUBJECT: Interview of Richard M. Nixon on Milk

There are basically two areas Nixon should be questioned on in the connection with dairy contributions and the decision-making process: (1) knowledge of the \$2 million commitment; and (2) his involvement in attempting to insure execution of that commitment around the time of the price support decision. In this connection, the White House release on milk and a knowledge of its weaknesses is essential to a thorough examination.

## A. Knowledge of Commitment

Proof that Nixon knew of the commitment is strong. The attached memo was sent to him by Colson on September 9, 1970 prior to a meeting Nixon had with Nelson and Parr. Before seeing the memo, Colson thought he did not discuss the \$2 million commitment with Nixon; after seeing it he said he must have. This is strong evidence that Nixon was aware of the commitment and should be seen in the context of his own statements, which I cannot presently locate, to the effect that he made it a matter of policy to avoid discussing contributions.

Nixon ought also to be asked about his knowledge of the Hillings' letter. The White House paper denies only that he ever saw it, not that he was unaware of its contents. This in turn may lead to questions about the entirety of Haldeman's relation to dairy moneys, a complex and lengthy story.

## B. Nixon Role in Securing Reaffirmation of the Commitment

Our general theory as to what happened in March of 1971 is concisely as follows:

The Administration was forced to increased the price support level because of political pressure from Congress and decided to use inevitable fact of the increase as a

means of solidifying the \$2 million commitment by making it appear to Nelson that the two events were related when in fact they were not. As we also have said, the picture is incomplete; Nixon's recollection may fill in part of the incompleteness, or he may prove it inaccurate.

In any event there are three fact areas involving Nixon which form the basis of potential questioning:

1. His acknowledgment on the March 23 tape that "Colson was dealing . . ." followed by a switch of gears to the statement that in any event there was a good game plan, found at page 37 of the attached transcript. The most likely and probably accurate guess derived from the transcript is that Nixon knew that Colson was instrumental in arranging the Kalmbach/Nelson/Chotiner meeting at which the commitment was to be reaffirmed but that he realized that he had better not spell it out;

2. The last two minutes of the March 23 meeting, as reflected by our transcript of the Nixon/Connally conversation, reveals that Connally spoke about a "substantial allocation of oil in Texas" at Nixon's discretion. Our view is that perhaps because of the presence of a waiter, Connally did not use the word "cash." The milk producers, of course, were headquartered in San Antonio, Texas. In addition, Nixon told Connally that the whole thing was cold political deal;

3. Haldeman's notes show that on March 26, 1971, Nixon told Haldeman to tell Connally who to give the milk money to. Haldeman's check-marks indicate that this was done.

WATERGATE SPECIAL PROSECUTION FORCE

DEPARTMENT OF JUSTICE

*Memorandum*

*Ruth*

TO : Files

DATE: May 30, 1975

FROM : Richard Davis

SUBJECT: Richard Nixon

On May 29, 1975 Henry Ruth, Peter Kreindler, Richard Davis and Thomas McBride met with the Grand Jury. At that time the Grand Jury approved accepting Mr. Nixon's offer to voluntarily submit to being questioned in California by the Special Prosecutor's office. The questioning would be ancillary to the Grand Jury, under oath, subject to the penalties of perjury, in the presence of two Grand Jury members as observers who could request the Prosecutors to ask additional questions and would cover those areas enumerated in the May 16, 1975 letter to Mr. Miller previously approved by the Grand Jury. We told the Grand Jury that Mr. Miller insisted on being present during the questioning as a condition to his agreeing to the procedure, although he agreed not to interrupt the proceedings and to limit his role to consulting his client. The Grand Jury was also advised that if this proposal was agreed to, Mr. Nixon would waive any executive privilege he might have and respond to questions in the enumerated areas.

The Grand Jury was also told that we would continue to negotiate with Mr. Miller on the issue of his presence, but that we favored accepting the plan whether he was present or not. During the discussion we told the Grand Jury that if they rejected the proposal we would proceed to issue a subpoena and the result would be litigation for an unknown period of time. We also advised them of the information supplied to us concerning Mr. Nixon's health. Also, during the discussion in our presence, in which we answered questions, no one expressed opposition to the proposal. The Grand Jury then approved it.

NW#: 36514

DocId: 31442600

We had told the Grand Jury that we suggested that the Foreman and one other juror selected by them by either lot or election be designated as their representatives at this deposition. They decided to proceed by lot and the name selected in that manner was FOIA(b) 6 FOIA(b) 6 was then selected by a second drawing as the alternate.

cc: file  
chron  
Ruth  
Davis  
Kreindler  
McBride

*Nixon testimony*

WATERGATE SPECIAL PROSECUTION FORCE

DEPARTMENT OF JUSTICE

# Memorandum

TO : Peter Kreindler

DATE: May 30, 1975

FROM : Kenneth Geller *KG*

SUBJECT: Administration of oath to Richard Nixon

Here are my preliminary findings on the question of who would be authorized to administer an oath to Richard Nixon in the proposed deposition in California.

Statutes of the United States authorize various officers to administer oaths in certain types of proceedings. The only statutes which would appear applicable to this situation are the following:

1. United States magistrates. 28 U.S.C. § 636(a)(2).
2. Justices and judges of the United States. 28 U.S.C. 459.
3. Each federal clerk of court and his deputies. 28 U.S.C. § 959.
4. The Vice President of the United States. 5 U.S.C. § 2903(c)(1).

5. "An individual authorized by local law to administer oaths in the State, District, or territory or possession of the United States where the oath is administered." 5 U.S.C. § 2903(c)(2). I have not yet checked California law but I would assume this category would include California judges and notaries public.

Several other provisions which would be nice to use do not seem applicable. Rule 6(c) of the Criminal Rules authorizes the foreman of a grand jury to administer oaths, but I would assume that is limited to actual grand jury proceedings and not proceedings ancillary to a grand jury. Similarly, Rule 28(a) of the Civil Rules provides that "the court in which [an] action is pending" may appoint a person to administer oaths in a deposition, but this obviously is not a deposition being taken pursuant to the Federal Rules of Civil Procedure. Finally,

5 U.S.C. § 303 provides:

An employee of an Executive department lawfully assigned to investigate frauds on or attempts to defraud the United States, or irregularity or misconduct of an employee or agent of the United States, may administer an oath to a witness attending to testify or depose in the course of the investigation.

More work must be done on this section, but I have tentatively concluded that our subjects of inquiry would not fall within those enumerated. Indeed, the only reported decision construing section 303 viewed the statute quite narrowly and reversed a perjury conviction. United States v. Doshen, 133 F.2d 757 (3d Cir. 1943).

My tentative conclusion, therefore, is that we use the services of a United States magistrate who, of the categories of persons listed above, can probably be depended upon to be most discreet.

More to come.

cc: Mr. Ruth



Huffman - 2:25 pm  
5/29

Non-quantified hazard  
Such that court should

share in that responsibility

BP will certainly be affected  
by the emotional stress.

H. would be some additional  
hazard.

Could not tolerate it psychol-  
ogically. Not far from crack-ups  
at that time. Probably worse

now. → stress → BP.

# Memorandum

TO : Henry Ruth

DATE: May 28, 1975

FROM : Kenneth Geller *KS*SUBJECT: Nixon Grand Jury Appearance

I have not been involved in any of the recent negotiations with Jack Miller concerning Nixon's grand jury appearance, and I therefore have only hearsay knowledge of Nixon's pending offer in lieu of such an appearance. Nevertheless, in my view we should reject what has been proposed and litigate, if necessary, the grand jury's right to Nixon's in person testimony.

1. First, I think our chances of prevailing in litigation are not insignificant. I assume we could make a compelling showing that we have reason to believe that Nixon has first-hand, noncumulative information relevant to several ongoing grand jury investigations. Moreover, from what I have been told of Nixon's doctor's report, his health claim is weaker than we expected. Executive privilege would not prevent his being called to testify although, like any other privilege, it may allow him to refuse to answer a specific question.

2. I'm not as pessimistic as everyone else that we couldn't get a definitive district court ruling by July 7. An order by Chief Judge Hart that Nixon appear would not be appealable, so he would either have to comply or be held in contempt.

3. I believe firmly that we would not come out of a litigation any worse than we would be under Nixon's current proposal -- i.e., that he testify under oath in California with his attorney present. Indeed, it would not surprise me if Hart tried to force some compromise along these lines, and we might end up being allowed to depose Nixon on the West Coast without Miller being present. (For example, we might point out to Hart during the course of such compromise discussions that Miller represents many other clients whom we want to ask Nixon about).

4. Even if the subpoena were to be quashed in its entirety, I don't think we suffer substantially. There

seems to be universal agreement within the office that Nixon will divulge nothing useful. Anyway, we would never use him as a witness even if he did tell us something of significance. Of course, he might give us a lead to evidence which we could use in court, but the chances of this in my opinion are not strong enough to convince me that we truly gain anything by compromise at this point. If the court quashes the subpoena, at least we will be perceived by the public and by history as having tried to do our job impartially. The dissatisfaction, if there be any, will be with Judge Hart, whose reputation for fairness is questioned by many people anyway. I have long been motivated by the feeling that when the details of a Nixon "deposition" come out -- as they surely will if we agree to such a deal -- we will be criticized (perhaps unfairly but nevertheless vociferously) for the "special treatment" we gave Nixon. Compare the outcry when it was learned that Silbert allowed Stans not to appear before the grand jury.

5. The opinions noted above, which have earned me a reputation as a "hard liner," have been motivated by the firm belief that our bargaining position with Miller has always been stronger than we have been willing to admit to ourselves. Nixon is up to his ears in civil litigation -- Dobrovir has made it clear he intends to seek to depose him -- and is also concerned with salvaging what he can of his place in history. I cannot believe that Nixon desires a public confrontation with our office over the extent of his continuing "cover-up," nor can I believe that Nixon wants (with civil depositions on the horizon) to test his medical claim in its weakest posture -- to avoid a grand jury subpoena. His expected attack upon the new legislation is also dependent in part upon his cooperation with us. In sum, I truly believe that Nixon wants to avoid a confrontation with us at all costs and that with the exception of his coming to Washington, D. C. -- which Nixon is probably paranoid about -- he will give in on everything else in order to avoid such a confrontation. Once before when we called Miller's bluff he backed down and made us an offer which was a significant advance from his previous position. I would not be surprised if Miller were to back down again and would accept a deposition under oath outside of his presence if he were told that the alternative was litigation in public over the whole ball of wax. In any event, as I noted earlier, the downside risk to us from a litigation is slight in my opinion, and well worth the gamble.

*Memorandum*

TO : Henry S. Ruth, Jr.

DATE: May 27, 1975

FROM : Nick Akerman *NA*SUBJECT: White House Goon Squads For Demonstrations

I have listened to the May 5, 1971, conversation between Nixon and Haldeman in which they discussed, among other things, the 1971 May Day demonstration and demonstrations in general. There are two significant items mentioned on this tape. First, Haldeman tells the President that Dwight Chapin has a friend, known only to Chapin, a "real conspirator type," who was organizing a group to "tear things up" at demonstrations. Haldeman states that this fellow had been responsible for the Nixon signs when Muskie was in New Hampshire. There are also references to Rhon Walker, the head of the White House Advance Operation for Presidential appearances, and the advancements, but it is difficult to figure out how they relate to Chapin's unnamed friend other than the fact that Chapin was Walker's boss. Second, Haldeman told Nixon that he (Haldeman) had suggested to Colson that he (Colson) contact Fitzsimmons of the Teamsters to get his (Fitzsimmon's) paid thugs to "beat the shit out of" anti-Administration demonstrators.


In addition to this tape, we have also received Haldeman's notes of July 24, 1970, written nearly a year prior to the May 5th conversation, which relate to using goon squads to beat up demonstrators. The notes read as follows:

get a goon squad to start roughing up demo's  
VFW or Legion -- no insult to P  
use hard hats

It should also be noted that a reference to Dwight Chapin's ability to recruit thugs in late 1971 is found in John Dean's statement to the Senate Watergate Committee. Dean stated:

cc: Files  
Chron  
Ruth (2)  
Horowitz  
Akerman (2)

I was made aware of the President's strong feelings about even the smallest of demonstrations during the late Winter of 1971, when the President happened to look out the windows of the residence of the White House and saw a lone man with a large 10-foot sign stretched out in front of Lafayette Park. Mr. Higby called me to his office to tell me of the President's displeasure with the sign in the park and told me that Mr. Haldeman said the sign had to come down. When I came out of Mr. Higby's office, I ran into Mr. Dwight Chapin who said that he was going to get some "thugs" to remove that man from Lafayette Park. He said it would take him a few hours to get them, but they could do the job. I told him I didn't believe that was necessary. (Emphasis Added)



This Office has received only two allegations relating to White House officials directing goon squads to beat up demonstrators. Both incidents involved Charles Colson and do not relate to the May 5th taped conversation or Haldeman's notes. One is the use of Hunt's Cuban-American friends to assault anti-war demonstrators on May 3, 1972. The other incident which has not been investigated by this Office was the beating up of demonstrators by hard hats on Wall Street in New York City in May, 1970, a year prior to the Nixon-Haldeman taped conversation of May 5, 1971.

If the White House did in fact use Teamsters or some other group to beat up demonstrators on any particular occasion, it is entirely conceivable that this type of incident would not have come to our attention simply because there would have been no reason for anyone to believe that it was linked to the White House.

Read by Dave & Kreindler of Mortenson  
discussed on 5/26 w/ ~~DR~~

Memo to Davis and Kreindler from HR re: Health Status of GJ Witness

Stan Mortenson called Friday evening, May 23, to give us an oral report of Dr. Lundgren's findings.

Mr. Nixon's health has improved substantially since his operation last Fall, and his blood pressure has now stabilized. There are no active blood clots and the patient could travel to Washington, D.C. However, Dr. Lundgren states that there is a clear additional risk, which cannot be quantified, to the advent of ~~health~~ health problems through the combination of travel, the pressures of grand jury testimony and preparation and the possible "Roman circus" atmosphere surrounding Mr. Nixon's first trip ~~for~~ for any purpose, let alone for testimony. ~~Blood~~ Blood pressure will certainly rise and the need for anti-coagulants increase) the health risk if any clot or other health change should occur. For this reason, Dr. Lundgren has recommended no travel until the end of 1975 and Mr. Nixon has agreed. Dr. Lundgren states ~~that~~ that the ~~effects~~ effects of the stress on mental, emotional and physical factors - all in combination - cannot be predicted on a quantified basis and he has advised Mr. Nixon not to come to D.C. for testimony in order to negate these possibly substantial risks to health.

Mr. Nixon would give a sworn deposition in California but will not come to Washington for testimony unless ordered by a court to do so after his attorneys have pursued all available legal remedies. Mr. Nixon fears travel and stress as a health risk and does not wish this at his stage of life.

I told Mortenson we would see him Monday. Jack Miller has not yet approved Stan's original proposal to have two grand jury members present in California. I said that we would also have to discuss their position on their presence at a deposition and the place and conditions thereof.

I said finally that we would have to go to the grand jury Thursday and formulate our own recommendation to them as to grand jury testimony vs. California deposition. Stan also agreed that the May 29 return date still stood firm until further discussions.

HLH:ams

*Ruth 172*

WATERGATE SPECIAL PROSECUTION FORCE

DEPARTMENT OF JUSTICE

*Memorandum*

TO : Rich Davis

DATE: May 22, 1975

FROM : Henry L. Hecht *HLH*

SUBJECT: Provision of documents to Herbert J. Miller for interview re: IRS investigation of Larry O'Brien

The following documents should be used by Herbert J. Miller in preparing his client to be interviewed concerning allegations of White House attempts to use the IRS to harass Larry O'Brien.

1. D-99 3/27/75
2. D-100 3/27/75
3. C-181 4/16/75
4. C-182 4/16/75
5. D-55 3/7/75
6. D-113 4/4/75

I have attached for his use the following:

1. Transcript of a recording of a meeting among the President, H.R. Haldeman and John Dean on September 15, 1972 at 5:27 to 6:17 p.m. (First Installment)
2. Transcript of a recording of a meeting among the President, H.R. Haldeman and John Dean on September 15, 1972 at 5:27 to 6:17 p.m. (Second Installment)
3. Notes of H.R. Haldeman concerning the meeting described in Items 1 and 2.
4. A list of approximately 500 members of McGovern campaign staff and campaign contributors.

- \*5. Memorandum of Interview of Lawrence O'Brien, Sr. on August 17, 1972 (a 6 page version, a 3 page summary, and a 1 page summary.)
- \*6. A memorandum prepared by the IRS concerning the Howard Hughes Project as it relates to Lawrence O'Brien, dated 8/28/72. (the third exhibit has not been included as it refers to numerous taxpayers unrelated to this investigation).
- \*7. Memorandum prepared by the IRS concerning the Hughes Project as it relates to Lawrence O'Brien, undated, but believed to have been prepared on or about 8/30/72.
- \*8. Memorandum prepared by the IRS concerning the Hughes Project as it relates to Lawrence O'Brien dated 9/1/72 but believed to have been revised on or about 9/5/72.

With respect to the last 4 items which are marked with an asterisk (\*), it is important to point out to Mr. Miller that these documents contain tax information and should not be copied or used for any other purposes other than preparing his client.

Attachments

cc: Chron  
Files } front office  
Horowitz  
Hecht  
Ruth (2)

*not sent*



*Memorandum*

TO : Henry S. Ruth, Jr.

DATE: May 22, 1975

FROM : Nick Akerman

SUBJECT: Questions For Former President Nixon

Set forth below are the questions for former President Nixon relating to (1) the assault on demonstrators on May 3, 1972, (2) Richard Moore's Senate and grand jury testimony on the February 13-15, 1972, La Costa meeting; (3) the use of the Post Office Department to obtain information on Presidential candidate George McGovern's campaign contributions, and (4) the 1971 May Day demonstrations.

Assault on Demonstrators

On or about May 3, 1972, did you have any conversations with Charles Colson about an antiwar demonstration, a counterdemonstration or an assault on demonstrators all of which took place on the Capitol steps on the evening of May 3, 1972, when J. Edgar Hoover's body was lying in state in the Rotunda?

In a June 28, 1972, article in the New York Times, it was first reported that the Miamians involved in the Watergate break-in had confronted antiwar demonstrators "outside the Capitol while the body of J. Edgar Hoover lay in state." On or about the time that article was published, did you discuss this incident with Charles Colson or anyone else?

In an April 25, 1973, conversation with Haldeman and Ehrlichman in the Oval Office, there is a discussion about "bringing the Cubans up to rough-up the demonstrators." Who first informed you about this incident?

cc: Files (*front office*)  
Chron "*U*"  
Akerman Chron  
Ruth (2)  
Davis

Was it Colson? Specifically, you state that "Dick Howard gets involved with the money." Who told you that? What did you understand to be Colson's and Rhatigan's role in this incident?

Richard Moore

Subsequent to April 19, 1973, did you have any further discussion with Richard Moore about the February 13-15, 1973, meeting at La Costa or about his testimony on this meeting before the Senate Committee or the Watergate grand jury?

Specifically, did your conversations with Mr. Moore on April 20, 1973, and May 8, 1973, relate to these topics?

Post Office

In a discussion about McGovern's campaign contributions, in the September 15, 1972, tape Haldeman and Nixon engage in the following interchange:

\* \* \*

PRESIDENT: . . . He may have some big angels. I don't think he is getting a hell of a lot of small money. I don't think so. I don't believe this crap. I mean if he -- Have you had your Post Office check yet?

HALDEMAN: That John was going to do. I don't know.

PRESIDENT: That's an interesting thing to check.

HALDEMAN: Yeah.

\* \* \*

When did you first learn about this project to monitor McGovern's mail?

When did this project start?

How often was it done?

Did the purpose and scope of this project extend beyond checking the volume of mail to McGovern?

The 1971 May Day Demonstrations

In a May 5, 1971, conversation with Haldeman, Haldeman and Nixon talk about goon squads being recruited by Colson and Chapin to beat up demonstrators. It will first be necessary to transcribe this tape before I can formulate questions. The questioning, however, will focus on Nixon's knowledge of such goon squads.

# Memorandum

TO : Files

DATE: May 20, 1975

FROM : Paul R. Michel

SUBJECT: Matters and Transactions for Grand Jury Examination of Richard M. Nixon Concerning Unreported Campaign Funds

1. References in taped conversation of April 17, 1973

(a) offer to Haldeman and Ehrlichman of \$2-300,000 *cash* for legal fees,

(b) size of fund "very substantial"

(c) Rebozo used fund to "get things . . . paid for in check."

↑ Questions to include: (d) (Documents 1, 3, 4, 6, 9 and 10)

1. who contributed?  
2. where <sup>the money</sup> was it kept?  
3. how much was that?  
4. what did Rebozo pay for?  
5. what favors?  
6. what was the purpose of money?  
7. what was the purpose of asking Hawk?

2. Hughes \$100,000 in cash delivered to Rebozo 1969-70. *(a) why held back for 70 vaps, CREP & KBR a/c?*  
~~(receipt, report, use and return of the money)~~

*early refusal (b) When did N learn of deliveries? purpose? why not*  
*(c) How decided to return funds? why not*  
6. Andreas \$100,000 in cash delivered to Woods, 1971. *used 70 & 72?*

(Document 2) (a) Why not used?  
(b) Why not reported to Stans?

4.5 Davis \$50,000 in cash delivered to Rebozo April 5, 1972. *when did why did R hold back until Oct.?*

3. Hughes solicitation by Rebozo March-April 1972. *4 from p. 2 who asked R to call Danner?*

6. Moncrief cash received periodically by Woods.

7. Safe deposit box held by Rebozo and Woods February 1968 to April 1970 in New York City at Manufacturers Hanover Trust and

(a) Why opened?  
(b) What was deposited?  
(c) What happened to it?

8. Safe deposit box held by Rebozo 1970-73 at Key Biscayne Bank and Trust Company and used for storage of campaign funds, including Hughes \$100,000.

9. Unreported contributions from J. Paul Getty.

(Document 5)

(a) Why did Mark Rebozo to get \$ from Getty?  
(b) Why did White House want control?  
(c) Purpose of money?  
(d) Was any received?

10. Unreported contributions from Robert L. Vesco (excluding \$250,000 to Stans in 1972).

(Documents 11 and 12)

11. Swimming Pool and other improvements to President's houses at Key Biscayne in 1969 and 1972 paid for by Rebozo and others.

12. Earrings for Mrs. Nixon paid for in June 1972 by Woods and Rebozo. with \$ from a 68 campaign a/c

(purchased from Winston's, N.Y.C.)

13. Communications, directly or through others, between Mr. Nixon and Mr. Hughes re

4

a. ABM controversy (Document 7)

Hughes position  
Cannon's vote

b. Candidate Raggio in Nevada (Document 8)

c. Dunes Hotel

- 14. Armat Street house, Bethesda
  - a. loan by Nixon to Rebozo of \$10,000
  - b. loan by Precision Valve Corp. to Rebozo of \$50,000.

15. ~~Pendleton site for Nixon library (Document 11).~~ ?

- 16. Response to IRS request for approval of interview of Rebozo and monitoring of investigation of Rebozo.

*what did he tell Nixon about his*  
 a) J.D.E. meeting w/ R 3/5/73 + 4/6

(b) 2

*Memorandum*

TO : Files

DATE: May 20, 1975

FROM : Paul R. Michel

SUBJECT: Matters and Transactions for Grand Jury Examination  
of Richard M. Nixon Concerning Unreported Campaign  
Funds

1. References in taped conversation of April 17, 1973
  - (a) offer to Haldeman and Ehrlichman of \$2-300,000 for legal fees,
  - (b) size of fund "very substantial"
  - (c) Rebozo used fund to "get things . . . paid for in check."  
(Documents 1, 3, 4, 6, 9 and 10)
2. Hughes \$100,000 in cash delivered to Rebozo 1969-70.  
(receipt, report, use and return of the money)
3. Andreas \$100,000 in cash delivered to Woods, 1971.  
(Document 2)
4. Davis \$50,000 in cash delivered to Rebozo April 5, 1972.
5. Hughes solicitation by Rebozo March-April 1972.
6. Moncrief cash received periodically by Woods.

7. Safe deposit box held by Rebozo and Woods February 1968 to April 1970 in New York City at Manufacturers Hanover Trust.
8. Safe deposit box held by Rebozo 1970-73 at Key Biscayne Bank and Trust Company and used for storage of campaign funds, including Hughes \$100,000.
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(Document 5)
10. Unreported contributions from Robert L. Vesco (excluding \$250,000 to Stans in 1972).  
(Documents 11 and 12)
11. Swimming Pool and other improvements to President's houses at Key Biscayne in 1969 and 1972 paid for by Rebozo and others.
12. Earrings for Mrs. Nixon paid for in June 1972 by Woods and Rebozo.
13. Communications, directly or through others, between Mr. Nixon and Mr. Hughes re
  - a. ABM controversy (Document 7)
  - b. Candidate Raggio in Nevada (Document 8)
  - c. Dunes Hotel



14. Armat Street house, Bethesda
  - a. loan by Nixon to Rebozo of \$10,000
  - b. loan by Precision Valve Corp. to Rebozo of \$50,000.
  
15. Pendleton site for Nixon library (Document 11).
  
16. Response to IRS request for approval of interview of Rebozo and monitoring of investigation of Rebozo.

*Memorandum*

TO : File

DATE: May 20, 1975

FROM : Paul Michel

SUBJECT: Documents for use in Grand Jury Examination  
of Richard M. Nixon

1. Transcript conversation Nixon, Haldeman and Ehrlichman on April 17, 1973 between 5:20 - 7:14 p.m. (after departure William Rogers) pp. 52-53, 64.
2. Transcript conversation Nixon, Haldeman on April 25, 1973 between 4:40 - 5:30 p.m., p. 31.
3. Transcript conversation Nixon, Haldeman and Ehrlichman April 25, 1973 between 11:06 a.m. and 1:55 p.m., p. 102.
4. Transcript conversation, Nixon, Haldeman and Dean March 21, 1973 between 10:17 - 11:55 a.m., p. 33.
5. Memo from Haldeman to Ehrlichman dated February 17, 1969 re J. Paul Getty.
6. Letter from Rebozo to Kalmbach dated April 28, 1969 re money for "administration-connected costs."
7. Memo from Robert Maheu to Howard Hughes dated July 4, 1969 re Rebozo's discussion with Nixon about A.B.M.

8. Notes by Haldeman of meeting with Nixon on February 19, 1970 re securing Hughes support of Raggio in Nevada.
9. Notes by Haldeman of meeting with Nixon July 20, 1970 re Kalmbach seeking \$500,000 from Hughes and Getty, using Rebozo.
10. Notes by Haldeman of meeting with Nixon May 17, 1971 re Rebozo wanting a review of the Dodd tax case.
11. Notes by Ehrlichman of meeting with Nixon July 12, 1971, re (1) Gilbert Straub and Donald A. Nixon and (2) "holding out 300" for library.
12. Memorandum from Ehrlichman to Helms dated December 2, 1971 re

Referred

APRIL 17, 1972, FROM 5:29 TO 7:14 P.M.

Spend the rest of my life destroying what  
(unintelligible).

PRESIDENT: Let me ask you this, uh, (pause). Legal fees  
will be substantial (unintelligible). It is  
not important, it (unintelligible)--John Dean  
is a lawyer (unintelligible) (tape noise)  
funds for, uh, basically (tape noise) there  
are (unintelligible). (Tape noise). But  
there is a way we can get it to you, and,  
uh,--two or three hundred thousand dollars.  
(Unintelligible) Huh? No, no. Now, let  
me tell you now. I know the problems with  
families and all the rest. Just let me  
handle it. Now how could we do it?

ERLICHMAN: Let's, let's wait and see if its necessary,  
this--that whole thing, I, I, it may not be  
nec--. This guy is like he's doing a  
public service coming over here right  
now and he'd probably be...

PRESIDENT: Let me say, it would be investigations,  
legal, that will lead,--you will find that  
you, you have to do it in cash.

ERLICHMAN: Yeah.

PRESIDENT: That you got a civic, you got, you got a  
government duty. (Unintelligible) important  
thing.

HALDEMAN: (Unintelligible)

PRESIDENT: (Unintelligible - stuttering) No strain.  
Doesn't come outta me. I didn't, I never  
intended to use the money at all. As a  
matter of fact, I told B-B-Bebe, uh,  
basically, be sure that people like, uh,--  
who, who have contributed money over the  
contributing years are, uh, favored and  
so forth in general. And he's used it for  
the purpose of getting things out, paid for  
in check and all that sort of thing.

HALDEMAN: Um hum. Um hum.

APRIL 17, 1973, FROM 5:20 TO 7:14 P.M.

ORNT: Very substantial. Uh, Bebe could, uh, we could, uh, if this is available and, uh,-- I had thought that we'd just throw it in the campaign of '74 with you handling it. Sure. We probably, will make the candidates who are gonna be around in '74.

HALDEMAN: (Laughs)

PRESIDENT: I think so.

HALDEMAN: I'm not so sure.

ERLICHMAN: I think you can take a very strong position on this thing. Throw a lot of distance between anybody that's named in this thing and you'll be that much stronger.

PRESIDENT: A great case on obstruction of justice. I guess the, the real torpedo turns out to be Dean because, because I have stopped teaching and that's their case.

UNIDENTIFIED: No, no, no, no, no.

HALDEMAN: Yeah, the President, had to (unintelligible)...

PRESIDENT: I understand. I understand.

HALDEMAN: ...(unintelligible) can't do that.

APRIL 17, 1973, FROM 5:30 TO 7:14 P.M.

HALDEMAN: Well we're, we're still here for a while.

PRESIDENT: That's right, yeah I can still...

HALDEMAN: We could get him at his (unintelligible) position though. And if it works out that we can stay that's, that's advantageous...

PRESIDENT: Yeah.

HALDEMAN: ...because we could, we could have out of some stuff it would be more useful. And if it works out that we can't stay, we'll work (unintelligible).

PRESIDENT: I want you to uh, I hope you'll let me know about the money. Understand, you, there's no, uh, better use for it, okay?

HALDEMAN: No, I appreciate it very much.

PRESIDENT: You for a libel lawyer, for example...

PRESIDENT: ...and so forth.

PURDICHMAN: These handits usually work (unintelligible) a fee as long as it's any kind of a case.

HALDEMAN: You think there'll be any?

PRESIDENT: Promise to get one okay, the best reason (unintelligible) perhaps, and so forth, let me say that, uh...

PURDICHMAN: But, if we get into a trial phase...

PRESIDENT: ...trial phase...

PURDICHMAN: ... I would go out of town and hire the best God-damn trial lawyer in the world.

2

APRIL 25, 1973, FROM 4:40 P.M. TO 5:30 P.M.

31

1-416

HALDEMAN: You said that, that approach would be wrong...

PRESIDENT: Yeah.

HALDEMAN: ...trying to get the money. No, because don't you feel that clemency was wrong. I think you felt that you had some justification for clemency on Hunt.

PRESIDENT: Right.

HALDEMAN: Because of his family, and he then, actually he had talked about it for all of them because, because the people, they really are being screwed...

PRESIDENT: Right.

HALDEMAN: ...on an equity basis.

PRESIDENT: (Unintelligible).

HALDEMAN: (Unintelligible) you can't move in on immediate clemency. You probably may not be able to do it. But in clemency there can be compassion, not, not concern with with cover-up.

PRESIDENT: Also say, we can say we talked about,-- said (unintelligible) it just won't work. (Unintelligible-with tape noise). We didn't furnish any money, thank God.

HALDEMAN: Right.

PRESIDENT: Remember I told you later that I could get a 100,000?

HALDEMAN: That makes--that rings a bell 'cause you talked about Rose having some money or-- something. I remember that.

PRESIDENT: (Unintelligible with tape noise).

HALDEMAN: You didn't know what kind of a--he had told you that Mitchell had been working up this program with of, uh, financial support for those people. You didn't know what that was. At that point you didn't know whether

3

102

APRIL 25, 1973, FROM 11:06 A.M. TO 1:55 P.M.

PRESIDENT: ...but, but on a leave basis.

EHRlichman: Yeah, and that would be my, that would be my thought, I have a, I have a real practical problem with, with a resignation, which shouldn't really weigh in your consideration.

PRESIDENT: (Unintelligible)

EHRlichman: That's exactly it. (Unintelligible). Well, it is a factor only in this sense, that I then have to get a job, I have to go to work, (unintelligible) practicing law, I can. I mean that is not the problem. I can, I know that immediately where I go relatively good paying thing job. You wouldn't be terribly happy with it, but I would be terribly happy with it, but I would be in a kinda any port in the storm situation at that point. You're with me on that?

ALL: Yeah.

EHRlichman: Uh, uh, to say again I wouldn't wanna to be.

PRESIDENT: Let me ask you this, to be quite candid. Is there any way you can use cash?

EHRlichman: I don't think so.

HALDEMAN: I don't think so.

PRESIDENT: As I said, there're a few, not much (unintelligible) as much I think as 200 there's available in '74 campaign already.

HALDEMAN: That compounds the problem. That really does.

PRESIDENT: That's what I think. Okay. I'd just like you to know that.

EHRlichman: Everybody...



4

MARCH 21, 1973, FROM 10:12 TO 11:55 A.M.

DEAN: That's right. It's a real problem as to whether we could even do it. Plus there's a real problem in raising money. Uh, Mitchell has been working on raising some money. Uh, feeling he's got, you know, he's got one, he's one of the ones with the most to lose. Uh, but there's no denying the fact that the White House, and uh, Ehrlichman, Haldeman, Dean are involved in some of the early money decisions.

PRESIDENT: How much money do you need?

DEAN: I would say these people are going to cost, uh, a million dollars over the next, uh, two years.  
(Pause)

PRESIDENT: We could get that.

DEAN: Uh, huh.

PRESIDENT: You, on the money, if you need the money, I mean, uh, you could get the money. Let's say--

DEAN: Well, I think that we're going--

PRESIDENT: What I mean is, you could, you could get a million dollars. And you could get it in cash. I, I know where it could be gotten.

DEAN: Uh, huh.

5

CONFIDENTIAL

February 17, 1969

MEMORANDUM FOR: MR. EHRLICHMAN

BeBe Rebozo has been asked by the President to contact J. Paul Getty in London regarding major contributions.

BeBe would like advice from you or someone as to how this can legally and technically be handled. The funds should go to some operating entity other than the National Committee so that we retain full control of their use.

BeBe would appreciate your calling him with this advice as soon as possible since the President has asked him to move quickly .

D-74 UCF 3/18/75

FOLDER TITLE: "Memos / John Ehrlichman  
(Feb. 1969)"  
ROOM NUMBER: 522 CONTAINER NUMBER: 8/1

CONFIDENTIAL

Determined to be an  
Administrative Marking  
Not National Security Information  
By [signature] NARA Date 9/8/11

C. G. Rebozo

1111 BROADWAY, NEW YORK 10038  
NEW YORK, NEW YORK 10038

April 23, 1969

6

RECEIVED

APR 29 1969  
KALMBACH, DELLARCO,  
KNAPP & CHILLINGWORTH  
LAW OFFICES

Mr. Herbert W. Kalmbach  
Kalmbach, Dellarco, Knapp & Chillingworth  
Suite 900 Newport Financial Plaza  
550 Newport Center Drive  
Newport Beach, California 92660

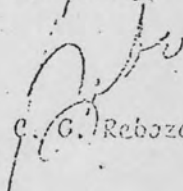
Dear Herb:

Enclosed find an additional check in the amount of \$200.00. This will at least take care of the \$320.00 statement which you now have.

Over the weekend, I spoke with John Ehrlichman and explained to him that it had been decided that the larger balance which I mentioned to you will be kept here in order to take care of frequent administration-connected costs which arise from time to time. Let me know, if you need more help.

Thank you very much.

Sincerely,



C. G. Rebozo

CGR:lh

Enclosure

7  
July 4, 1969

02  
From: Maheu P

1. Channel 10

Howard, the double payment naturally is very intriguing to the local authorities but they feel incapable of making an affirmative decision because their attorneys have informed them that they will not be able to turn down additional government funds if Uncle Sam insists on doing just that. Morgan will get into this matter the first thing Monday morning and report to us forthwith.

654  
2. Water Project

Now that I have the Landmark behind us, I will truly start concentrating on the water project.

99  
3. ABM

Howard, Rebozo has transmitted your message on the ABM to the President. He was very appreciative but Rebozo could not tell from the reaction whether or not the President was ready to countermand the position of his Sec. of Defense. We are continuing our efforts at the legislative level. Howard, I do not think it would be fair to ask the White House to release your concept of the Polaris. As I am sure you are aware, the Navy has been fighting for this concept for a long time now and

018022

I think we could engineer a plan whereby the Navy could issue a release stating that you wholeheartedly agree. Alternatively, we could issue our own release.

4. Taxes

We will follow your instructions on all tax matters.

5. Parvin, et al.

641

We can close the Parvin deal tonight but I still believe they are placing unrealistic values on their properties. They claim that because of the big demand for the hotel-casino properties, the Stardust is worth today 60 million dollars. The Fremont, they say, is worth 40 and the Aladdin 20. They insist that a total price of 135 million is a fair one, since they claim that their other business is well worth 15 million. Howard, obviously these numbers are so damned unrealistic that it would appear we have no alternative except to take the calculated risk that the stock would be depreciated considerably. I mentioned previously that "the attorney" is prepared to deliver to us the Riviera but his commitment is based upon our buying the PD stock from him at 150 dollars a share. He controls 100,000 shares of this stock out of 1,200,000 which are outstanding. My man at Caesars will be back in town tomorrow and I have a meeting scheduled with him immediately upon his return.

699

6. Air West

Howard, our present intelligence indicates that the President's approval and that of the CAB will come down

on Monday or Tuesday of next week. I have your instructions pertaining to capital investments and purchase of additional equipment. We shall proceed accordingly.

2/19

Senate Campaign Group

lock up <sup>H.</sup> Hughes for Paggio in New  
Jersey P to file.

B-156 FOLDER TITLE: H-NOTES JAN-MARCH '70  
3/21/75 ROOM NUMBER: 522 CONTAINER NUMBER: 23/4  
TOWNHOUSE

FOLDER TITLE: H Notes July-Sept 1970

ROOM NUMBER: 522 CONTAINER NUMBER: 23 fit

C-85a Townhouse 3/24/75

120

0910 AF 1

- Kalin short for address 500 AF  
Hughes, Betty, etc. use Postage



10

5/17

E-34  
IRS I  
3/3/75

1000 photos

FOLDER TITLE: 11 Photos April - June '71

ROOM NUMBER: 52 CONTAINER NUMBER: 23-4

1

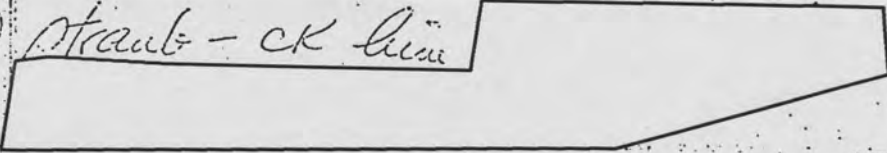
Case  
Contractally - Re Doodie's Fox case  
Can we get a hold of file  
Someone ask for review -

7-12-71  
T-H-E

Mem

11

① Straub - CK line



③ Pencil site for library

Hold out 300

Host

Referred

W. Nelson

INDEX TITLE:

DE Notes of Meeting with 24

Revised 4-23-71 & 8-2-71 (copy)

BOOK NUMBER:

522

CONTAINER NUMBER:

1/2

2/26/75

E-10

Referred

12

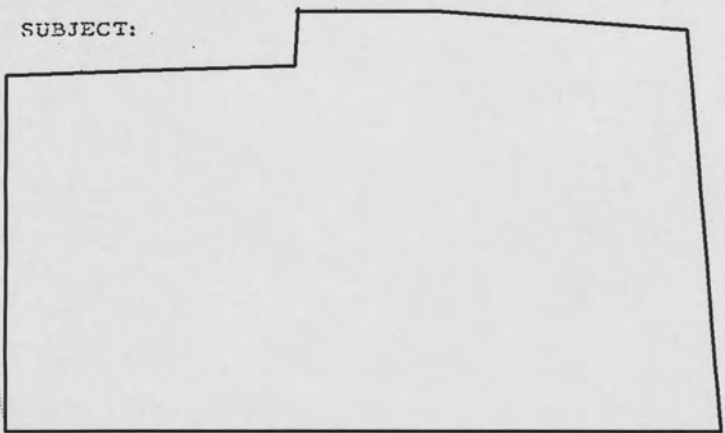
December 2, 1971

~~SECRET~~

MEMORANDUM FOR

Honorable Richard Helms  
Director  
Central Intelligence Agency

SUBJECT:



John D. Ehrlichman  
Assistant to the President  
for Domestic Affairs

~~SECRET~~

FOLDER TITLE: IDE Memos 11/1-12/19/71

ROOM NUMBER: 84 CONTAINER NUMBER: JA # 7959

(CIA)

F32

WATERGATE SPECIAL PROSECUTION FORCE

DEPARTMENT OF JUSTICE

*Memorandum*

TO : Files

DATE: May 19, 1975

FROM : Peter M. Kreindler <sup>PMK</sup>

SUBJECT: Nixon Testimony

Stan Mortenson called this morning to ask whether we would delay issuing the subpoena until Wednesday. I stated that I would have to confer with Mr. Ruth, but that in no event would we delay issuance if it would mean that we would have to change the return date or that in a motion to quash, it would be argued that they had been given less notice. After conferring with Mr. Ruth and Mr. Davis, it was decided that we would agree not to issue the subpoena until Wednesday, and I called Mr. Mortenson, telling him that we expected to hear from him <sup>at</sup> noon, Wednesday.

by

cc: Mr. Ruth  
Mr. Davis  
Mr. Geller

*Memorandum*

After meeting with NA, PK, RD, JH and me, all parties agreed that "office interview" format on both issues was appropriate request. Not grand jury

TO : because of other priorities and the legal problems present - HR  
Henry S. Ruth, Jr. May 15, 1975

FROM : Nick Akerman

SUBJECT: Nixon Grand Jury Testimony

If former President Richard M. Nixon is subpoenaed before the grand jury he should be questioned about his knowledge of the assault on antiwar demonstrators on May 3, 1972, and his knowledge of the facts leading up to Richard Moore's grand jury and Senate testimony on the La Costa meeting.

Assault on Demonstrators

With respect to the assault, there is overwhelming evidence in an April 25th, 1973, White House tape to indicate that Nixon was knowledgeable about this incident either through direct conversations with Charles Colson or others. This tape of a Nixon, Ehrlichman, Haldeman conversation in the Oval Office contains two separate references to facts surrounding this assault including Ehrlichman's statement to the President about "bringing the Cubans up to rough-up the demonstrators." In this connection the involvement of Colson, Rhatigan, and Howard, Colson's administrative assistant, is briefly discussed in terms of what past incidents might come to plague the President in the future.

There is also evidence that the President may have instigated this assault. Magruder has testified that Colson told him that the President wanted the pro-Administration presence at the antiwar demonstration. Although it was a relatively common practice for White House aides to request action in the name of the President when in fact the President made no such requests, Colson was one of the few aides who actually had constant access to the President during this period of time. Indeed, Colson had a number of meetings with the President between May 1, and May 3, 1972. Rhatigan has also testified that Colson would have likely had contact with the President on this project.

cc: Files  
Chron  
Ruth (2)  
Horowitz  
Davis  
Akerman  
Akerman Chron

There are two reasons why the former President should be questioned about this matter. First, he might be able to provide valuable evidence against Colson or

[REDACTED]

Nixon could provide extremely relevant testimony on the assault and on Colson's motive either through his conversations with Colson or others or by directing us to relevant conversations which might have been tape recorded.

The fact that Nixon might not be cooperative and forthcoming on this investigation should not be a deterrent to questioning him.

+ [REDACTED]

The second reason for questioning Nixon about this assault is simply the fact that he does have knowledge of a highly significant crime insofar as it involves an act of violence perpetrated by the same people, i.e. Liddy, Hunt, and the Cuban-Americans who burglarized Dr. Fielding's office and the Democratic National Committee Headquarters. Indeed, when we have overwhelming evidence

that the former President of the United States has significant knowledge of this incident, it would be totally negligent for us not to take his testimony before the grand jury.

Richard Moore

As we have discussed previously, there is evidence that Richard Moore committed perjury before the grand jury and the Watergate Senate Committee when he was questioned about the discussion of funds for the Watergate burglars at the La Costa meeting with Dean, Ehrlichman, and Haldeman. Evidence of this perjury which is presently insufficient to convict Moore consists of John Dean's testimony and a tape of an Oval Office meeting between Moore and Nixon on April 19, 1973. The strongest evidence contained in this tape is that portion of the conversation in which Moore agrees to Nixon's request to be "damn hazy" about his recollection of the La Costa meeting.

Nixon's testimony could establish a perjury case against Moore. Nixon's testimony could clear up some of the ambiguities in the April 19th tape, most significantly, what Nixon believed was Moore's understanding when he was asked to be "damn hazy." There is reason to believe from Nixon's subsequent taped conversations with Ehrlichman and Haldeman (all of which would be inadmissible in a perjury case against Moore) that Nixon clearly expected Moore to lie to the prosecutors. Nixon also would be able to testify to the substance of any other relevant conversations with Moore about La Costa subsequent to April 19th up to the time Moore testified in the Watergate grand jury. There is evidence that at least two such conversations or meetings occurred -- one on April 20, 1973, and another on May 8, 1973.


The likelihood of Nixon testifying against an old friend should not be a factor in deciding whether to question Nixon about this matter in the grand jury. There is overwhelming evidence that Nixon could provide highly relevant evidence, and on that basis alone we would be negligent in not pursuing his testimony.



*Memorandum*

TO : Jay Horowitz

DATE: May 15, 1975

FROM : Frank Martin SUBJECT: Questioning Nixon

The following is an outline of events which Nixon should be questioned about with regard to the Gray and wiretap investigation.

1. April 25, 1969, meeting with Kissinger, Hoover, and Mitchell. Did Nixon order a program of wiretapping? Did Kissinger specifically suggest that wiretapping be used to track down leaks?
2. Why were all the wiretaps discontinued on February 10, 1971?
3. Hoover-Boggs-Kleindienst controversy early April, 1971. Did Hoover threaten to reveal the wiretaps? Did Nixon, or anyone to Nixon's knowledge, discuss with Kleindienst the wiretaps on the fact that Hoover might reveal the wiretaps?
4. Pentagon Papers -- Did Nixon instruct or was he aware of anyone in the White House, Department of Justice, or FBI reviewing the wiretap letters and/or logs with regard to the Pentagon Papers leak or the SALT leak? Was Nixon aware that Ellsberg had been overheard? Same question on Sheehan, Smith, Beecher, Halperin, Warnke, Gelb. Also, was any wiretapping done by the FBI or anyone else with regard to the Pentagon Papers leak?
5. When and from whom did Nixon first learn, prior to the July 12, 1971, meeting, that there was a "problem" with regard to the wiretaps and their possible revelation in connection with the Pentagon Papers litigation?

cc: Files  
Chron  
~~Ruth (2)~~  
Davis  
Martin  
Martin Chron

6. What was the full substance of Nixon's conversation with Ehrlichman on July 10, 1971. Ehrlichman's notes reflect -- "Re: Grand Jury, don't worry re: taps on discovery."

7. What was the full substance of July 12, 1971, meeting with Mardian? ("Overhearings would be disclosed.") With whom did Nixon later discuss the "overhear" problem -- Kissinger, Haig, Mitchell, Moore, Kleindienst, others? Did Nixon make any dictabelt recording of his recollection of this meeting or later meetings on the subject?

8. When, where and from whom did Nixon later receive reports on what had been done as a result of his July 12, 1971, order to destroy the logs? Why were the logs and other records not destroyed?

9. Did Hoover, in early August, 1971, or at any time in the Summer or Fall of 1971, indicate that he might reveal the existence of these wiretaps? If so, did this threat in any way relate to the Pentagon Papers case or other "leak" cases? Did Nixon during this time period ever discuss the wiretaps, Pentagon Papers or other leak cases with Hoover? With whom did Nixon discuss the Hoover threat (Haldeman, Ehrlichman, Kissinger, Haig, Mitchell, Mardian, Kleindienst, Moore, others)?

10. Why were the wiretap records given to Ehrlichman by Mardian? Did anyone other than Ehrlichman have access to those records?

11. Was any attempt ever made to force Hoover to retire? If not, did this decision have anything to do with the Hoover threat?

12. In the Fall of 1971, consideration was given to replacing Hoover with Pat Gray. Did anyone brief Gray on the wiretaps or the Hoover threat?

13. At or about the time of Gray's appointment, May 3, 1972, did anyone discuss with Gray the Radford wiretaps (then in operation) or the NSC wiretaps?

14. With whom did Nixon discuss the discontinuance of the Radford wiretaps? (January 20, 1972). Did anyone discuss this with Gray?

15. At or about the time of Gray's nomination, February 16, 1973, did anyone discuss with Gray the Radford or NSC wiretaps?

16. With whom did Nixon discuss the February 26, 1972, Time article? Did anyone discuss it with Gray? Did Nixon, or anyone else, receive assurances that Gray would deny the Time allegations?

17. Did anyone inform Nixon that Gray would and/or had testified that there were "no records" of the wiretaps alleged by Time?

18. In May, 1973, Ruckelshaus recovered the wiretap records from the White House files of Ehrlichman. With whom did Nixon discuss the Ruckelshaus investigation, and/or the fact that Ellsberg had been overheard on the wiretaps, and/or the fact that the wiretaps somehow related to the Pentagon Papers investigation? What was discussed at Nixon's May 11, 1973, meeting with Haldeman and Haig?

19. Were any of the following individuals aware of the Radford and/or NSC wiretaps: L. Patrick Gray, Richard Kleindienst, Richard Moore?

20. Were any of the following individuals aware that Ellsberg had been overheard and/or that the NSC wiretaps somehow related to the Pentagon Papers investigation: Haldeman, Ehrlichman, Kissinger, Haig, Mitchell, Kleindienst, Mardian, Sullivan, Gray, Moore?

HSR/flc

WATERGATE SPECIAL PROSECUTION FORCE

DEPARTMENT OF JUSTICE

*Memorandum*

1542

TO : Jill Volner

DATE: March 4, 1975

*HR*  
FROM : Henry S. Ruth, Jr.

SUBJECT: Your memo of 3/3/75 on 18-1/2 minute gap.

I appreciate your offer to handle the grand jury interrogation of Mr. Nixon as to the 18-1/2 minute gap.

The matter of Mr. Nixon's testimony is an office-wide problem. Each task force, of course, has their own needs in this regard. I have previously asked Richie Davis to visit each task force head and compile a list of every issue as to which Nixon testimony would be desirable, and also an estimate of time needed for each issue. When that is completed, I will then consider the timing of such testimony. I believe that it is necessary to await our receipt of documents from the White House in order to make such testimony complete.

I am sure that Richie will be visiting you about this.

cc: Mr. Davis  
Mr. Kreindler

✓ File  
Ruth  
CHRON

WATERGATE SPECIAL PROSECUTION FORCE

DEPARTMENT OF JUSTICE

*Memorandum*

TO : Henry S. Ruth  
Special Prosecutor

DATE: March 3, 1975

FROM : Jill Wine Volner *JWV*

SUBJECT: 18-1/2 Minute Gap

Before closing the investigation of the 18-1/2 minute gap in the Presidential tape recording for June 20, 1972, I recommend calling Richard M. Nixon before the grand jury. He is the only witness with potential evidence who has not yet been questioned.

If you agree with this suggestion, I will be glad to take responsibility for implementing it.