

(9)/5

SCREENED
By *Cap* Date *4/20/01*

NIXON TESTIMONY - RICHARD J. DAVIS FILE

Cross ref.

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.

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.

STATEMENT ISSUED BY MR. MILLER'S OFFICE

As appears from the stipulation filed in the United States District Court for the District of Columbia by the Special Prosecutor and the attorney for former President Nixon yesterday, Mr. Nixon on Monday and Tuesday of this week was examined under oath at the Coast Guard station ~~and~~ what used to be the Western White House in San Clemente, California. Some members of one of the Watergate grand juries were present. The examination was conducted by several members of the office of the Special Prosecutor and consisted of a total of approximately eleven hours of questioning over the two day period. The examination covered a wide range of subjects.

Mr. Nixon was not under subpoena. His sworn testimony in California for the District of Columbia grand jury was voluntary and responsive to the expressed desires of the office of the Special Prosecutor for his testimony relative to the grand jury's ongoing investigations. It was the former President's desire to cooperate with the office of the Special Prosecutor in the areas which that office desired to interrogate him, and it was Mr. Nixon's feeling in view of the anticipated length of his testimony,

the present state of his health, and the complications inevitably attendant to extended travel, the examination would be most efficiently conducted in California.

Mr. Nixon's decision to testify followed consultation with his medical advisors. The examination itself was conducted on Monday and Tuesday, June 23 and 24, 1975.

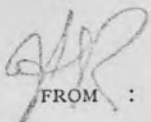
WATERGATE SPECIAL PROSECUTION FORCE

DEPARTMENT OF JUSTICE

Memorandum

TO : ALL STAFF

DATE: June 27, 1975


FROM : Henry S. Ruth, Jr.

SUBJECT:

As some of you know, on Monday and Tuesday of this week, under extreme precautions of confidentiality both preceding and during the two days, members of this Office took sworn testimony from Mr. Nixon about matters pending before Grand Jury III. The attached stipulation was released this morning by Chief Judge Hart at the Courthouse and reflects the only matters about the sworn testimony that are permitted to become public knowledge.

Consequently, no member of this staff shall speak to members of the press, friends, and other persons concerning any aspect relating to the actual occurrence or content of the testimony. As to those who were present during the testimony, no comments shall be made outside the Office concerning any aspect of what he or she saw or heard. In other words, we are treating this, as is our obligation, as we would any other matter involving grand jury testimony. Members of the press may try to reach you at home or in the office at any time of day or night for any scrap of detail. None should be furnished. All calls should be referred to John Barker.

There will be no exceptions to the above ground rules and no violation thereof will be countenanced.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IN RE JANUARY 7, 1974 : Misc. No.
GRAND JURY :

STIPULATION

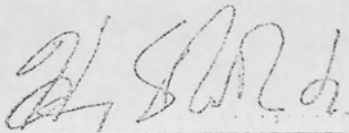
WHEREAS on June 23 and 24, 1975, Richard M. Nixon voluntarily submitted to an examination under oath at the San Mateo Loran Station, United States Coast Guard, San Diego County, California, said examination conducted by the Watergate Special Prosecution Force on matters subject to pending Grand Jury 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 said examination was taken for presentation to and to be made a part of the minutes of the aforesaid Grand Jury; and

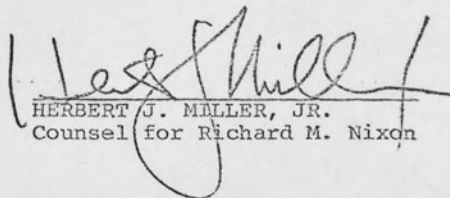
WHEREAS Richard M. Nixon, because inquiries have been made concerning this matter, desires that the fact of this proceeding be made public, but only with the consent of the Court; and

WHEREAS the Special Prosecutor has no objection thereto;

NOW, THEREFORE, counsel for Richard M. Nixon and the Special Prosecutor on this 26th day of June, 1975, hereby stipulate that this statement shall be filed with the Court.



HENRY S. RUTH, JR.
Special Prosecutor



HERBERT J. MILLER, JR.
Counsel for Richard M. Nixon

So ordered:

CHIEF JUDGE

Dated: _____

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

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 ✓

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

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

PRM:bjr DRAFT

WATERGATE SPECIAL PROSECUTION FORCE

DEPARTMENT OF JUSTICE

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."
 - (d) Questions to include:
 - (1) Who contributed?
 - (2) Where was the money kept?
 - (3) How much was there?
 - (4) What did Rebozo pay for?
 - (5) What favors?
 - (6) What was the purpose of the money?

(Documents 1, 3, 4, 6, 9, and 10)

- 2. Hughes' \$100,000 in cash delivered to Rebozo 1969-70. 1970
 - (a) Why held back for '70 races, CREP and Key Biscayne Bank account?
 - (b) When did Nixon learn of deliveries?
 - (c) How decided to return funds?
 - (d) What was the purpose of asking Herbert W. Kalmbach?

and question

3. Hughes' solicitation by Rebozo March-April 1972.
Who asked Rebozo to call Danner?

4. 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~~

*per rebozo called Hughes
ask directly*

5. Davis' \$50,000 in cash delivered to Rebozo, April 5, 1972.
Why did Rebozo hold back until October?

- 6. Andreas' \$100,000 in cash delivered to Woods, 1971.
 - (a) Why not used?
 - (b) Why not reported to Stans?

(Document 2)

7. ~~Moncrief cash received periodically by Woods.~~

*haven't asked Howard
really just miscellane
per ①*

8. Safe deposit boxes held by Rebozo and Woods, February 1968 to April 1970 in New York City at Manufacturers Hanover Trust and held by Rebozo 1970-73 at Key Biscayne Bank and Trust Company and used for storage of campaign funds, including Hughes' \$100,000.

if asked to open + B knew what in

really lol

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

BR knew authority to give to [unclear]

9. Swimming pool and other improvements to President's houses at Key Biscayne in 1969 and 1972 paid for by Rebozo and Abplanalp.

Down BR with [unclear] no details just BR [unclear] discuss with him the [unclear]

really only as lol

10. Earrings purchased from Winstons, New York City, in June 1972 and paid for by Rebozo with money from a '68 campaign account.

11. Unreported contributions from J. Paul Getty.

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

*under
① how [unclear] [unclear] [unclear]*

(Document 5)

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

same as #1

13. Armat Street house Bethesda.
 - (a) loan by Nixon to Rebozo of \$10,000
 - (b) loan by Precision Valve Corporation to Rebozo of \$50,000.

14. Response to IRS request for approval of interview of Rebozo and monitoring of investigation of Rebozo.
 - (a) What did John D. Ehrlichman tell Nixon about his meeting with Rebozo on March 5, 1973?
 - (b) What did John D. Ehrlichman tell Nixon about his meeting with Rebozo on April 6, 1973?

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. ? if asked to open
if knew what went in there
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. *no evidence*
(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. only 1 quarter
12. Earrings for Mrs. Nixon paid for in June 1972 by Woods and Rebozo. only 1 quarter
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 *out*
 - 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). *out*

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

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

T.McB/RR

Davis

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

June 17, 1975

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

Dear Mr. Miller:

As discussed in our meeting yesterday, I would like to obtain unexcerpted copies of certain documents relating to the consideration of persons for ambassadorial appointments. Those documents are:

Group I. E-137 (PMF/RN 4/29/71)
B-275 (Duplicate)

B-77 (PMF & FM/RN 12/16/72)

J-55 (PMF & FM/RN 1/4/73)
C-160 (Duplicate)

J-45 (11/24/71 PMF/RN)

J-47 (PMF/RN 6/26/72)
F-117 (Duplicate)

E-129 (Memo of PMF/Irwin/Macomber Meeting
6/28/72)

D-141 (PMF/RN 8/9/71)

F-123 (McD/PMF 7/24/72)

Group II. C-11 (HRH/AG Talking Paper 6/30/71)
F-11 (HRH/PMF 6/15/71)
F-122 (PMF/HK 7/11/72)
E-37 (H Notes 5/26/71)
J-52 (MS/PMF 11/28/72)

- 2 -

J-51 (11/15/72)

C-132 (11/10/72)

C-133 (undated)

F-124 (Haig/PMF 8/7/72)

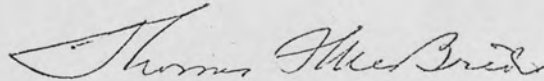
Group I covers documents which were directed to, may have been seen by, or may reflect comments or actions of your client.

Group II covers documents not particularly related to any conversation or action by your client, but where full investigation of other aspects of this matter requires us to see the entire, unexcerpted, document.

In addition, we need the "Haldeman notes" which apparently were attached to document D-41, (Room 522, Container No. 12/3). According to the document the originals of Haldeman notes were attached as "Tab A."

We would like to either have copies, or review unexcerpted copies, of these documents by the end of this week.

Sincerely,



THOMAS F. McBRIDE
Associate Special Prosecutor

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, ✓

Davis

WATERGATE SPECIAL PROSECUTION FORCE

DEPARTMENT OF JUSTICE

Memorandum

TO : Richard J. Davis

DATE: June 9, 1975

FROM : Henry L. Hecht *HLH*

SUBJECT: Identification of Documents

The following documents require further identification as to the time, place and participants of the meetings. One document as indicated below is virtually illegible.

I would appreciate receiving the information as soon as possible so that I may use it in questioning of relevant witnesses.

The documents:

- E-380 4/25/75 in packet 4/29/75 appears to be 1/20/72 9:30A TT/E
- E-382 4/25/75 in packet 4/29/75 appears to be 1/5/72 2:30P A/Fano
- E-383 4/25/75 in packet 4/29/75 appears to be 1/14/72 12:15P TT-E
- F-142 4/28/75 (unable to read) in packet 4/29/75 12/1/72 1:30PM Asper TT, Schultz, Webster, Ehr.

files
chron
Hecht
Horowitz

[Handwritten signature]
[Handwritten initials]

A-34 4/25/75 in packet 4/29/75 appears to be 8/11/75 9:40 A.M. TT/H/E

→ A-36 4/25/75 in packet 4/29/75 appears to be 8/30/72 A/Fano
TT, Ehr, Ziegler
no mention O'Brien, but ref to McGov mail

MISSING IDENT. → 4/25/75 in packet 4/29/75 appears to be 8/26/75 San Cl.
11:20 A.M. TT, E

RJD/bm

June 4, 1975

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

Dear Mr. Miller:

Enclosed is a draft transcript of a May 5, 1971 meeting between Mr. Nixon and Mr. Haldeman and excerpts from a transcript of a conversation including Mr. Nixon, Mr. Haldeman and Mr. Ehrlichman on April 25, 1973.

Very truly yours,

Richard J. Davis
Assistant Special Prosecutor

Enclosure

cc: Files
Chron
Davis ✓

RJD:HLH:les

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

June 4, 1975

HLH
Herbert J. Miller, Esquire
2555 M Street, N. W.
Washington, D. C.

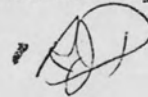
Dear Mr. Miller:

I am enclosing copies of some additional documents which are relevant to our inquiry concerning the Internal Revenue Service's investigation of Lawrence F. O'Brien, Sr:

- (1) 4/25/75 (notes dated 8/26/72 (SC))
- (2) E-380 4/25/75
- (3) E-382 4/25/75
- (4) E-383 4/25/75
- (5) A-34 4/25/75

Of course, if you have any questions, please do not hesitate to contact me.

Sincerely,



Richard J. Davis
Assistant Special Prosecutor

Enclosures

cc: Files
Chron
Hecht
Horowitz
Davis

RJD/bm

June 4, 1975

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

Dear Mr. Miller:

Enclosed are materials relevant to our investigation relating to the decision to increase 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

Enclosure

cc: Files
Chron
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 ✓

Memorandum

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 increase 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.

cc: Files
Chron
Ruth ✓
Tuerkheimer
meg

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

WATERGATE SPECIAL PROSECUTION FORCE

DEPARTMENT OF JUSTICE

Memorandum

Davis

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: 31442601

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

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

May 28, 1975

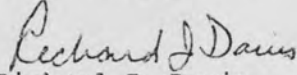
Herbert Miller, Esquire
Suite 500
2555 M Street, N. W.
Washington, D. C. 20037

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
Assistant Special Prosecutor

Enclosures

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 any purpose, let alone for testimony. ~~####~~ 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 the ~~##~~ 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.

RJD/bm

May 26, 1975

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

Dear Mr. Miller:

Enclosed are materials pertinent to what has
been previously described as the "Wiretap" and "Gray"
investigations.

Very truly yours,

Richard J. Davis
Assistant Special Prosecutor

Enclosures

cc: Files
Chron
Davis

HLH:ams

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.

Inset

2

insert

- *5. 1. 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. 2. 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. 3. 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. 4. 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
- Horowitz
- Hecht
- Ruth (2)

Memorandum

TO : Files

DATE: May 19, 1975

FROM : Peter M. Kreindler ^{PMK}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 ^{at} noon, Wednesday.

by

cc: Mr. Ruth
Mr. Davis
Mr. Geller

Davis

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

Memorandum

TO : Jay Horowitz

DATE: May 15, 1975

FROM : Frank Martin *FM*

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? *no*

What does this have to do with

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?

Threats per com story

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?

July 6 tape

Mr. Hoover it destroyed with me

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? *check*

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?

Threats
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?

no
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? *June*

Tap

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?

only for Haig

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

really good next in the questions

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

TO : Jill Volner

DATE: March 4, 1975

 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

5/13 SM JM, HSR, PK, KA, RJD - 11:15

1. Friday filing -

1. we feel have to give some detail of procedures.

will be gen'l

2. More input is what say whether we withdraw

3. per 11/9 - we want it hashed out - they don't want to - ~~since our agent promised an~~
~~as~~ all we ~~off~~ suggest to make available parties to 11/9 agent parties to stipulations

2. Want to take his testimony

18 1/2 minute gap

UCF - Rehago - cash fund

shit - is maximum of all topics - cover -

health is fair - meddling - getting better.

We looking for consensual arrang. if possible

Meeting on 5/20/75 with Miller, Martensen, Davis
+ Puth, Kieckhefer as sep groups McBride, Lohr, Michel,
18 1/2 gap

Tapes Expect Report

1. HRH Notes are public -

a. Will show HRH notes

b. Will id tapes, hearings, transcripts

c. Tapes Report

d. Public statements by Nixon

e. Set of hearings on loans

3 hrs

2. Bluebook

No problem if they speak to SD, Clair
+ T. Best

3. Ambassadors

~~a. For~~

a. Will give envelope ^{no} -

b. Copies of SD, Clair Amb documents

4. UCF

a. Transcripts

b. Betty Memo

5/21 Stan Martensen and us

a. 7/6/71 transcripts

b. 7/10/71 - Ehl notes

c. 7/12/71 - Ehl notes

d. Tapes re discontinuance

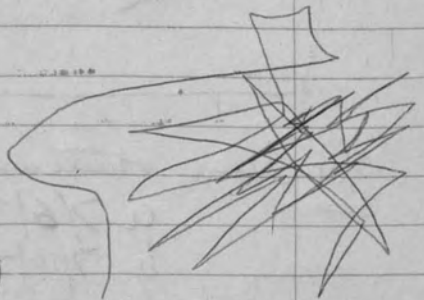
e. Notes re Briggs

f. 10/22/71 Liddy memo

g. 10/23/71 - tape



(source of bank)




5/26

Montenon, Rutt, Kreindler, Davies

letters will be supplied

dates suggested by Montenon are 6/23-6/24
4 hrs each day, but perhaps all OK
Keep going on day 1

They want HSR present at all time, OK for
chief of units, Jack Miller concerned re
Harwitz. Miller's concern is whether
RN, intentionally or otherwise, slipped
up into committing perjury.

HSR believes our whole purpose
is to get information and would be
contrary to purpose. All understand this.
We want (field), ^{on anything per who can question} through HSR will be
present.

After review, we will give some detail
but not questions.

Will accept, but not enthusiastic re
presence of G-3 members - 1 or 2.

They want Miller present - if line
of questioning goes beyond he
can indicate that and to consult
with Nixon. Not protecting ^{very} per
making disclosures. Will correct if
A V wrong.

-2-

We don't ~~at~~ like
we say -
Less objectionable, though not agreeing
to it, is can consult with Miller
before ~~asking~~ answering any questions
since this more closely approximates
role he could play anyway.

Dr. - they want one available,
though not in room.

We will treat this as grand jury
testimony, but point out if this is to be
accurate, must be clear this is what we do.
They would like access to testimony
though not a copy. We make
no commitment.

Peace - they suggest - conf room in
San Clemente govt office complex -
not his property.

alt is conference room at
Laguna Nigel Nigel - 1/2 hr towards
L.A. One of those two will be
acceptable to us.

Reporters - our job.

Will not claim privilege.

#5 R - if Davis at all times. + 1 of
~~Denny~~ 2 for each area.

We say what if Miller not there or
nothing

-3-

Miller probably not accept.

Miller might accept some limitations.

Consulting etc would affect time.

8hr ~~effort~~ est. based on normal flow of questioning.

We could consult with ~~ISJ~~ there
& we ask questions ~~we~~ ^{they} want
us to ask.

Miller may be willing not
to take notes - but they will check
this.

Instructions to Reporter etc

1. Note when people arrive and depart
2. On cases page - how many names left - none or note when present
3. Exhibits - consecutive for all investigation
or A-1
A-2
A-3
B-1
B-2
B-3

A - M. Bude A-1
B - Dacus
C - Michel
D - Harvinty - Wietas & Gray
E - Harvinty - O'Brien
4. All exhibits kept with transcript (copy for indw attys)
5. Limit on # of copies - none made - use one in case safe
6. Aft. each return withdrawn with Jones and ask Gray other questions
7. Tel # to others in case
get lost

Deposition of Richard M. Nixon 6/23

Oath - Chief Judge Schwartz

Introductions - Henry S. Ruth, Jr.

Statement - By Richard M. Nixon

Questioning by Mr. McBride - 9²⁰ ~~10⁰⁰~~
re Ambassadors - 11⁰⁵

Break - 11⁰⁵

Questioning by Mr. Davis - 11²⁰ - 12⁴⁵
Ms Denny

Lunch

Questioning by Mr. Michel - 1⁵⁰ - 3⁵⁵
Ms Denny (Two lengthy conferences and break are consultations by RN with counsel)

Break for Conference - 3⁵⁵
with Counsel & Client

Resume Questioning 4²⁵ - 4³⁰

Deposition of Richard M. Nixon 6/24

Introductions - Henry S. Rutt, Jr.

Questioning by Mr. Harwitz 9⁰² - 10¹²
Mr. Hecht

Richard Nixon Statement 10¹² - 10²⁵
Break 10²⁵

Questioning by Mr. Harwitz 10⁴⁰ - 12⁴⁵
Mr. Martin
(includes long
statements by Mrs. Nixon)

Break 12⁴⁵ - 1

Interview on non-Grand Jury 1 - 3
subjects by Mr. Rutt
Mr. Duce

PMK

D R A F T
5/15/75

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 before them in connection with certain areas of continuing inquiry. We, therefore, now 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 ~~approximately~~ 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 causing the creation of an 18 1/2 minute gap in the tape of a meeting between Mr. Nixon and Mr. Haldeman on June 20, 1972 (and the non-existence of a tape of a meeting between Mr. Nixon and Mr. Dean on April 15, 1973.) ?

[Handwritten initials]

2. The collection of funds by Charles G. Rebozo on Mr. Nixon's behalf and financial transactions between them.
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 ~~in~~ the testimony of L. Patrick Gray at his confirmation hearings.
4. The relationship between campaign contributions and the consideration for Ambassadorships ^{for} ~~of~~ Ruth Farkas, J. Fife Symington, Jr., Vincent deRoulet, Cornelius V. Whitney and Kingdon Gould.
5. The obtaining and/or release of information 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 much greater 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 decorum of Mr. Nixon's appearance. As we have already told you, if necessary, we are prepared to seek permission to convene the Grand Jury in ~~another~~^a secure place in the District of Columbia ~~outside~~^{other than} the courthouse. Also, as we discussed with you on May 13th, if Mr. Nixon is prepared to ~~appear~~^{voluntarily} in the Grand Jury, we would be willing to ~~adjust~~^{postpone} the date of that appearance to sometime in June.

There are also certain subject matters about which we would like to question Mr. Nixon, but for which ~~we will~~^a ~~not be using the Grand Jury~~^{appearance will not be necessary}. These include questions concerning the contributions from the milk industry to the 1972 campaign, the relationship of those contributions to the decision in March, 1971 to adjust the price support for milk, and conversations between Mr. Nixon and Richard Kleindienst in March, 1972, concerning the latter's confirmation hearings. ~~Additionally, because we have been unable to question certain people due to the invocation of the attorney-client privilege,~~ ~~It is~~^{may be} also necessary to ask Mr. Nixon some questions concerning the deletion of specified material from the submission 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 ~~if~~ ^{it}

INSERT
FROM
NEXT
PAGE

(9)

~~may be unnecessary to speak with Mr. Nixon about this matter if we~~
~~Mr. Nixon is willing to waive, to a carefully defined~~ *are able to*
~~degree, any attorney-client privilege which may prevent~~ *ask Mr.*
~~others from discussing this area with us, it may be un-~~ *Burhardt*
~~necessary to question him about it at all.~~ *and Mr.*
St. Clair
a limited
number of
questions
 We are, of
 course, willing to provide you with the same detail about
 these subjects as we are *about those proposed for Grand Jury*
~~concerning those about which he~~
~~will be questioned before the Grand Jury.~~ *questioning.*

INSET

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.~~
~~establishing a convenient time for Mr. Nixon to be served.~~

Very truly yours,

Henry S. Ruth, Jr.
Special Prosecutor

D R A F T
5/15/75

Dear Mr. Miller:

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D R A F T
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Legal Issues Re Subpoena

1. Executor Privilege

- a. As a bar to appearance
- b. Does he have it at all
- c. Definition per subjects

2. Atty Client Privilege

- a. Does he have it at all
- b. Per various subjects

3. Per bona-fides of investigator

Nixon Testimony - Proposal to GJ

In California - office bldg - adjoining property
or 30 miles away

Relevant atty's present + question

Counsel present

a. No interruption - no
speaking either on or off the record

b. Can consult with client

c. Can ask to consult with
HSR outside room

FOIA (b) 6

Under oath + recorded

We supply steno

Two Grand Jurors present -

1. Foreman

2. Second by lot

No promise of access by Miller

Dr. wherever they want

No notes by Miller

INTRODUCTION

My name is _____, and with me is _____ and _____, 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 purpose nature of this proceeding} ~~for the record the circumstances leading up to these proceedings~~ and advise you of your rights and obligations in your appearance here.

~~By letter of May 16, 1975 the Special Prosecutor advised your counsel, among other things, that after consulting with the Grand Jury we felt it necessary to obtain your testimony before the Grand Jury in connection with certain ongoing areas of inquiry being conducted before that body. Your counsel advised us that you were prepared to submit voluntarily to questioning on these subjects, but because of your medical condition and the advice of your physician, you would only agree to do so if the questioning was done in California and did not therefore require you to travel back to Washington to appear in front of the Grand Jury. After consulting with the Grand Jury, they authorized us, as their counsel, to arrange for the taking of your sworn deposition in California as part of the Grand Jury's investigation. Present at such a deposition would be 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~~

This deposition is being taken as part of various investigations being conducted by the 1974 special Grand Jury for the District of Columbia. That body

After a series of meetings with you (counsel) in the presence

In order to assist them with various investigations that body

in California conducted ancillary to the Grand Jury's investigation. Therefore present today are [FOIA(b) 6] and [FOIA(b) 6] both members of the [FOIA(b) 6], 1974 Special 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 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.
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5. The obtaining and/or release of information by the White House concerning Lawrence O'Brien through use of the Internal Revenue Service.

~~As~~
~~Therefore, as we understand it, you are appearing here to~~
~~respond voluntarily with a full understanding of your legal rights.~~
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 into the consideration of certain individuals to become Ambassadors.

1, No copies

2 No one read who not working
on investigation

3 Severe instructions to all not to
say anything

Nixon Testimony (Revised)

GJ

18 1/2 minute gap - bluebook - 2 - 3

2 Rebozo 1 - 2

1 Removal of Whitap Records ^{July, + Aug, 1971} 1 - 1
and Gray _{known re-records + removal} ~~2 1/2 - 3 1/2~~

end of Feb, early March covered
with N. K. D. Ehr. - Gray -
Aml. 1 - 1

IRS (O'Brien) Aug - Sept, 1972 1/2 - 1 1/2 hrs

~~IRS (A Cree - Enemies List) 1/2 = 1~~
~~use to audit~~

Non - GJ

Milk Bribery - 1/2 - 3/4

Washington Post License ~~1/4 - 1/4~~
~~challenge~~

~~III 1/4 - 1/2~~

[Handwritten mark]

Nixon Testimony

C- Bluebook - 18 1/2 minute gap
(Cover-up II) 2 - 3

out
per
1/2
ITT 1/4 - 1/2
Tax 0 - 2

G-5 Rebozo-UCF 1 - 2

? G-5 Removal of Wiretap
Records + Gray 2 1/2 - 3 1/2

? IRS (OBrien) 1/2 - 1

? IRS (Acree - Enemies List) 1/2 - 1

MILK Bribery 1/2 - 3/4

~~CIA~~ 0 - 1

~~Amb.~~ 1 - ~~1/2~~

Washington Post license
challenge 0 - 1/4

~~Hammers~~ 1/4 - ~~1/4~~

~~Jones~~ 1/4 - ~~1/4~~

~~Teamsters~~
1/4 - 1/4
9 - 17 3/4

Nixon Testimony

1. Bluebook - 18 1/2 minute gap - Cover-up II
1/2 a day (GJ)
3 hrs
2. ITT (GJ) 15 minutes
3. Tax - uncertain - 1 1/2 - 2 hrs - (GJ, but issue)
4. Rebozo (GJ) - 2 hrs
5. Removal of Wastap Records (GJ) 3 1/2 hrs
+ Day
6. Fielding Break-in - 15 minutes (issue)
7. IRS - O'Brien - 1 hr (GJ) maybe less
8. IRS - Acree - Enemies List & 1 hr (GJ) maybe less
9. M.I.K. Bribery - 45 minutes
10. CIA
11. Washington Post license challenge 20 minutes
12. Far Kas - GJ - 2 hours ^{but possibly} ~~unless~~
^{strongest}
Whitney
DeKoulet
Spinnington
Angeles
much shorter depending on position Nixon takes
13. Hammer - GJ - 15 minutes
14. Jones - Northrup - GJ - 15 minutes
15. Teamsters Money - 15 minutes

~~#6 Scott~~

Issues re Nixon Testimony

1. Place
2. Duration
3. Time
4. Subjects
5. IF NOT b-J- who present -
ground rules

5/19/75
date29/
page

Outing: Nixon with aide on the links

A New Nixon: Signs of Life

For months after his fall from power last summer, Richard Nixon disappeared in melancholy silence behind the walls of his San Clemente compound, a prisoner of his shame and his failing health. But the former President has lately begun making his first few gingerly steps back into the world. He has ventured as far as Palm Desert for parties in his honor; has started receiving old friends for rambly, reminiscent talk about his better days; has even suffered a few not very communicative words to be borne outside La Casa Pacifica into the press. And he seems, to the vast relief of the Nixon circle, to be making peace at last with his exile. "He's out of the woods physically, and a lot of the emotional turmoil has passed," one family member said hopefully. "He's starting to carve out a new existence."

Nixon remains a severely reduced man, behind the ruddy tan and the rising show of spirit. He said in a chat with a University of Southern California student editor that he is "75 to 80 per cent recovered" from his operation for phlebitis last fall. But he remains underweight and understrength. He strained his bad left leg playing golf recently, and was ordered to lay off for a month and a half; last week, he slipped out anyway for eighteen brisk holes with an aide on a private course near his home. He is burdened as well with trying to make a five-figure pension cover a six-figure stack of medical, legal and mortgage bills. His tireless champion, Rabbi Baruch Korff, has raised and paid \$165,000 for the lawyers alone—and has not yet

Cont'd.

covered half Nixon's debts to them.

Nixon's life, moreover, is still encapsulated in his past. His daily routine—"in form," says one intimate, "if not in substance"—is roughly what it was on his Presidential working vacations in San Clemente. He spends mornings in the house, repairs to his den to work from 1 to 4:30 p.m., then takes a dip and a walk on doctor's orders, and retires for dinner and an evening's TV-watching with Pat. But the principal work, for him and his austerity staff of four, is his memoir, and even that has been slowed by his illness and by a continuing court fight over whether he or the Federal government owns his Presidential papers. His agent, Irving (Swiftly) Lazar, who brought in a reported \$175,000 publisher's advance, says the book will be finished in two years. Nixon himself has told visitors that it will take nearer to five.

Yet friends find it heartening that he is working at all—that, as onetime staffer William Safire put it in a New York Times column last week, he has "begun to look ahead, and no longer spends all his time brooding about everything that went sour." His daughter Julie, who led the last-ditch family fight to save his Presidency, counsels daily with him now on his apologia for it. She advises him by long-distance phone on the outline that is now taking form, and she expects to vet the manuscript as it materializes. "They have more than a father-daughter relationship," says one family intimate. "They're more like associates, or colleagues."

Nixon's social life has revived along with his appetite for work. His return to society was signaled by two visits to his

old friend and bankroller Walter Annenberg's spread in Palm Desert. Guests were struck by his effusive chattiness, rattling on about everything from USC football to his achievements in foreign affairs. He hoped, he said, that there would be a Russia and a China wing in his library, and display space for memorabilia of Pat and the First Family. He did not mention Watergate at all.

Company evenings at home have proliferated in recent weeks—mostly, according to one family member, with "old, old friends from the past" responding to the signs that Nixon's blue period is abating. Billy Graham came around for a candlelight dinner, and was pleased to note that Nixon had been reading a life of Christ from his grandmother's library. Rep. Charles Wiggins, the ex-President's premier defender in the impeachment proceedings, dropped by with some avocados and lemons harvested from a Yorba Linda farm once owned by Nixon's father.

'A Big Mistake': The reports these visitors have brought out from behind the walls have been almost uniformly bullish: they found the former President mending, at ease and well up on current events. "The haunted, hunted look of the final days in the White House-turned-bunker is gone," wrote Safire. One of the pilgrims, the Rev. T. Eugene Coffin, minister of Nixon's Quaker church in Whittier, even discerned an edge of repentance during what he described as a "pastoral visit" late last month—a tone of mea culpa missing from Nixon's previous utterances on Watergate. "There was some wrong that I did," Coffin quoted him as saying. "I made a big mistake."

The Nixon future remains a puzzle, probably even to him; he is, as one old and close associate puts it, "not looking too far ahead." He has, during his exile, floated various trial balloons about being a roving goodwill ambassador or a spokesman for the GOP; the former idea played to leaden silence, and the latter raised such a caterwauling within the GOP that Nixon himself quietly sent out word that he didn't mean it. He has for similar reasons postponed consideration of doing a TV special on his Presidency, though he is said to have had a bid of \$500,000 from a British producer for a talk show with David Frost. "He'd have a lot of impact now, but not the kind he wants," said one friend who argued against it. "He almost has to be forgotten before he can be remembered."

But the Nixon present has quite plainly become more bearable for him with distance in time and space from the events of his downfall. One occasional visitor, with mixed sympathy and irony, likened Nixon in exile to Marlon Brando's Don Vito Corleone come out of the shadows in the last scenes of "The Godfather"—"still vital, living in a detached way, having a pleasant time in the garden with his grandchild." He itches to be out and around, and yet understands, as he told one caller, that the time is not right for him to resurface in public. San Clemente, to that extent, is still his prison; what he has come to now is a kind of truce with his imprisonment. "I'm surviving," he told Safire. The hope in his crowd is that he has even begun to live again.

—PETER GOLDMAN with JANE WHITMORE and JOHN LINDSAY in Washington and JOHN DOTSON and MARTIN KASINDORF in Los Angeles

HSR/flc

WATERGATE SPECIAL PROSECUTION FORCE

DEPARTMENT OF JUSTICE

Memorandum

1542

TO : Jill Volner

DATE: March 4, 1975

HSR
FROM : Henry S. Ruth, Jr.

Cross ref.
ra
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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.

1 hr 15 min
inquiry
facts

h. 4/17/73 tape

i. 5/3/72 Ehl memo

j. 6/20/72 HRH notes

k. 5/16/73 tape

l. Time titles

m. Feb 27, 28, 1973 tapes

n. 2/26/73 FBI memo

o. 1/71 memo re O'Brien

p. 8/3/73 notes - Ehl

q. 8/9/72 - HRH memo

r. IRS interview of O'Brien

s. Summary reports re O'Brien

t. 8/28/73 Baith-Ehl tape

u. 8/29/73 Ehl-Schultz - Baith -
Watters tape

v. 9/15 tape - HRH notes

w. List of 500