

House of Representatives

Washington, D.C. 20515

MEMORANDUM

X Ed--Clark Mollenhoff wants to talk with you. He'd like you to check with the inquiry staff to see if they have received all or part of the evidence Nixon's agreed to ~~supply~~ hand over. Wants to know whether Nixon is complying with his offer. ~~Also, I think~~ I think what he's getting at is maybe Nixon is still dragging his feet. He wants your comments on whatever you find out, if there is anything to say.

kjm

ps-nixon is going on the radio at 12:30 today for a campaign financing speech from the WH.

WORK OF THE IMPEACHMENT INQUIRY

STAFF AS OF MARCH 1, 1974

COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES

NINETY-THIRD CONGRESS

SECOND SESSION

PART A

I. PURPOSE OF REPORT.

The Judiciary Committee met with Special Counsel John Doar and Minority Counsel Albert Jenner on January 29 and 31, 1974, to discuss the status of the impeachment inquiry. At that meeting the Chairman instructed the impeachment inquiry staff to deliver a status report on the factual investigation (but not the facts discovered) as of March 1, 1974.

As outlined in the report of the staff dated February 5, 1974, the investigation has been organized into six areas of inquiry. Within each area, further categorization by subject has been undertaken. The work on each subject has focused primarily on an identification and analysis of pertinent testimony and materials from other investigations.

In each subject area, individual staff members have been preparing working papers bringing together the materials from the other investigations and additional sources -- designed to guide the future course of this inquiry.

The reports do not contain any conclusions. Similarly, nothing in this report summarizing the investigation to date should be construed to reflect conclusions or judgments by the staff concerning the relative gravity of any allegations being investigated, the credibility of any evidence available to the staff, or the existence of any wrongdoing.

These reports are now being carefully reviewed by senior staff members for the purpose of identifying what factual area to concentrate on and what additional facts need to be gathered.

The staff is also engaged in preparing a number of legal memoranda for the benefit of the Committee.

II. STATUS OF THE INQUIRY IN SPECIFIC FACTUAL AREAS

A. Allegations concerning domestic surveillance activities conducted by or at the direction of the White House

(1) The activities of John Caulfield and Anthony Ulasewicz in carrying out surveillance and intelligence activities allegedly at the direction of the White House, including the formation of the plan for the fire bombing of the Brookings Institution and the plan to create a private corporation with security and intelligence gathering capabilities called Operation Sandwedge. Not included in this category are the allegations concerning the use of Mr. Ulasewicz as a conduit for payments to the Watergate Defendants. [See C.(4) below.]

(2) Formation and activities of the Special Investigative Unit (the "Plumbers"), including the burglary of the office of Dr. Lewis Fielding.

(3) The 17 wiretaps instituted in 1969, the wiretaps of various newsmen and the wiretaps alleged to have been conducted by G. Gordon Liddy. This category includes the background, instigation, authorization and disposition of the wiretaps, including the concealment of the wiretap records and their subsequent recovery.

(4) The Dita Beard incident, including the allegation that G. Gordon Liddy was responsible for Mrs. Beard's disappearance from Washington and her seclusion in a Denver hospital, and the report that E. Howard Hunt interviewed her before her public repudiation of the "Dita Beard Memo."

(5) The approach to Judge Byrne during the conduct of the Ellsberg trial, the events surrounding the eventual disclosure to the court of the break-in of Dr. Fielding's office, and the events surrounding the disclosure of electronic surveillance of Morton Halperin.

(6) The "Huston Plan", the Inter-Agency Evaluation Committee and related activities.

Material analyzed and organized in this factual area comes from twelve volumes of the public records of the Senate Select Committee ("SSC"), the closed files and interview files of the SSC, and the weekly compilation of Presidential Documents; depositions, pleadings, briefs and other public records in ten civil and criminal cases related to the Watergate break-in or involving persons relevant to the inquiry (Halperin v. Kissinger, Democratic National Committee v. McCord, Ellsberg v. Mitchell, People v. Ehrlichman, United States v. Krogh, United States v. Russo, et al., United States v. Segretti, United States v. Chapin, Common Cause v. Finance Committee to Re-Elect the President, and United States v. Mitchell); transcripts of hearings before the Senate Foreign Relations Committee on the nomination of Henry Kissinger to be Secretary of State; before the Senate Judiciary Committee on the nominations of Richard Kleindienst to be Attorney General, and L. Patrick Gray to be Director of the FBI; on the CIA

before the Senate Appropriations Committee, the Senate Armed Services Committee, the Senate Foreign Relations Committee, and the House Armed Services Committee; before the Senate Judiciary Committee on the Special Prosecutor; and before the Senate Subcommittee on Investigations of the Committee on Interstate and Foreign Commerce on the independence of the SEC; various secondary sources, including the New York Times Index and other news accounts and summaries. Staff members also have conferred with attorneys in the Los Angeles District Attorney's office on the activities of the Plumbers in connection with the Fielding break-in.

Organization and analysis of the evidence by task force attorneys contained in these sources is substantially complete. Requests for various materials have been made to the Senate Foreign Relations Committee, the House Armed Services Committee, the Senate Subcommittee on Administrative Practice and Procedure, the Senate Permanent Subcommittee on Investigations and the CIA.

The next stage in the inquiry in this area is for senior members of the staff to review the material thus far obtained to determine what inquiries should be pursued fully, what witnesses need to be interviewed and what additional documents in the possession of the White House or other departments of the Executive Branch need to be examined. Letters from the Chairman have been sent to Secretary of State Kissinger, Secretary of Defense Schlesinger and Director of

the CIA Colby requesting security clearances required to examine some of these documents.

Arrangements for interviewing witnesses has begun. The staff faces the usual problem of coordinating the interviews.

B. Allegations Concerning Intelligence Activities Conducted By or At the Direction of the White House for the Purposes of the Presidential Election of 1972.

(1) The employment and supervision of Donald Segretti, allegations concerning campaign "dirty tricks", and the relationship of Mr. Segretti to E. Howard Hunt and Dwight Chapin.

(2) Allegations concerning the cover-up of the activities of Donald Segretti, including discovery by the press and the FBI of the activities of Mr. Segretti, and allegations concerning the concealment of such activities by White House personnel.

(3) The Diem Cables. Allegations that E. Howard Hunt prepared forged diplomatic cables tying the Kennedy Administration to the assassination of President Diem.

(4) Miscellaneous campaign intelligence activities by the Committee to Re-Elect the President, including allegations concerning campaign intelligence and surveillance activities as well as "dirty tricks" allegedly conducted at the instance of the Committee to Re-Elect the President, such as the two "Sedan Chair" operations and related matters.

Materials examined include the testimony contained in the twelve volumes of the SSC hearings; the closed files and interview files of the SSC; the public documents, depositions, briefs and pleadings files in the cases of Carroll v. Ehrlichman, Caulfield and Ulasewicz; Democratic National Committee v. McCord, et al.; United States v. Segretti; and United States v. Chapin; FBI reports of interviews

with relevant witnesses; the logs and diaries of Donald Segretti; relevant memoranda from or to persons allegedly involved in the activities under investigation; the confirmation hearings of L. Patrick Gray, III before the Senate Judiciary Committee; the weekly compilation of Presidential Documents, and various media accounts and other secondary sources.

Review of the preliminary inquiry reports is underway to determine precisely what additional evidence and witness interviews are needed in order to complete these investigations.

C. Allegations Concerning the Watergate Break-in and Related Activities, including Alleged Efforts by Persons in the White House and Others to "Cover-up" Such Activities and Others.

(1) The development of the plan to provide the Committee to Re-Elect the President with an intelligence gathering capability for the 1972 Presidential Campaign, including the presentation of various plans by G. Gordon Liddy.

(2) Destruction of evidence immediately following the Watergate break-in of June 17, 1972.

(3) Allegations concerning the custody, removal and destruction of the files in E. Howard Hunt's safe in the Executive Office Building, and subsequent efforts to conceal those events.

(4) Allegations concerning the secret delivery of substantial sums of money to the seven Watergate Defendants, their attorneys and their agents, as well as assurances respecting executive clemency allegedly made to certain of the defendants.

(5) Allegations concerning attempts by the White House to involve the CIA in an attempt to block or limit the scope of the FBI's investigation of the Watergate break-in.

(6) Jeb Magruder's testimony before the Grand Jury and at the Watergate trial, including the alleged decision to offer perjured testimony to the Watergate Grand Jury and at the Watergate trial, and steps taken to implement that decision.

(7) The alleged attempts by the White House to have the CIA retrieve materials delivered by it to the Department of Justice following the Watergate break-in, including a packet of photographs containing evidence of the break-in of Dr. Fielding's office.

(8) The Gray Confirmation Hearings. This involves the series of disclosures made during the Senate Judiciary Committee hearings on the confirmation of L. Patrick Gray, III.

(9) Watergate and Aftermath, 2/25/73 - 7/16/73, including the response of various individuals to events arising out of the gradual disclosure during this period of the scope of the Watergate incident and related events.

(10) The formation of the Special Prosecutor's Office, the agreements and understandings with respect to that office, and the breakdown of those agreements and understandings.

(11) The removal of Special Prosecutor Archibald Cox following his refusal to acquiesce in the White House demands that he desist from further attempts to subpoena tapes and documents from the White House.

(12) White House tapes, including an analysis of the information that could reasonably be expected to be contained in the tapes originally subpoenaed by the Senate Select Committee and the Special Prosecutor's Office and a review of the efforts to obtain those tapes, their availability and current status.

(13) The apparent obliteration of 18-1/2 minutes of the tape recording of Presidential conversations on June 20, 1972.

The basic sources for the preliminary phase of this inquiry are the twelve volumes of public Senate Select Committee testimony, with exhibits; the closed files of the Senate Select Committee, including executive session testimony; the three volumes of testimony given before the House and Senate Judiciary Committees relating to the Office of the Special Prosecutor; the testimony before the Senate Judiciary Committee on the nomination of L. Patrick Gray, III, to be director of the FBI, Richard Kleindienst to be Attorney General, and Elliott Richardson to be Attorney General; the depositions in the Watergate-related civil suits; and the testimony and exhibits in the Watergate-related criminal prosecutions, including proceedings relating to tape recordings of Presidential conversations.

The task force charged with investigating this general area has nearly completed the task of examining and digesting available testimony and other information in the public domain and in the closed files of the Senate Select Committee and other Congressional committees. This information is contained in reports currently being reviewed by senior members of the staff.

Testimony and exhibits sealed by court order in Watergate-related litigation have not yet been obtained.

D. Allegations Concerning Improprieties in Connection with the Personal Finances of the President.

Preliminary reports have been completed on the following subjects: the President's gift of private papers; the sale of the President's New York apartment; and the improvements to the Key Biscayne and San Clemente properties. These reports do not include a review of the material in the files of the Joint Committee on Internal Revenue Taxation.

Material from Congressional sources examined includes transcripts of hearings before the Government Activities Subcommittee of the House Committee on Government Operations and the Treasury, Postal Service, and General Government Subcommittee of the House Appropriations Committee. Other material reviewed includes the Comptroller General's report entitled "Protection of the President at Key Biscayne and San Clemente (with Information on Protection of Past Presidents)," and various accounts in the news media.

For several months the federal income tax affairs of the President have been the subject of an extensive investigation by the Joint Committee on Internal Revenue Taxation and its highly qualified staff. The results of that investigation will become available shortly. The inquiry staff is prepared to begin immediately to assimilate the results of the Joint Committee's investigation, as they become available.

Meanwhile, the inquiry staff is preparing tentative lists of witnesses to be interviewed and documents to be sought.

E. Allegations Concerning Efforts by the White House to Use Agencies of the Executive Branch for Political Purposes, and Alleged White House Involvement With Election Campaign Contributions.

This general area has been organized into the following categories:

(1) Allegations that contributions to support the President's re-election campaign were given for the purpose of purchasing ambassadorships.

(2) Allegations of White House involvement with illegal campaign contributions exacted from corporations under pressure of threats of governmental retaliation or promises of governmental favors.

(3) Allegations concerning illegal campaign contributions received from foreign nationals in exchange for promises of favorable treatment by government agencies.

(4) Allegations that illegal campaign contributions were received from labor unions.

(5) Allegations that campaign contributions were received from persons in exchange for business with the federal government.

(6) Allegations that in return for a pledge of campaign contributions the President ordered dairy import quotas to be lowered and price support levels to be raised.

(7) Allegations that, in return for support during the 1972 Presidential campaign, the sentences of various prisoners were commuted.

(8) Allegation that the Comptroller of the Currency granted a bank charter to a Minnesota bank in return for campaign contributions.

(9) Allegations that the White House caused friends of the President to be given favored treatment by the Comptroller of the Currency.

(10) Allegations that lawsuits were not prosecuted by the Environmental Protection Agency because of campaign contributions on behalf of the corporations involved.

(11) Allegations that attempts were made by the White House to use the Federal Communications Commission to control and retaliate against media criticism.

(12) Allegations of attempts to obtain campaign contributions in return for promises of assistance with the Federal Housing Administration.

(13) Allegations that attempts were made by the White House to use the Internal Revenue Service to harass "enemies" of the Administration and to prevail upon the IRS to be lenient toward friends of the President and to take positions on tax matters favorable to various entities for political purposes.

(14) Allegations that the Department of Justice failed to prosecute certain lawsuits as a result of campaign contributions by defendants.

(15) Allegations that Administration officials caused the Antitrust Division to permit various mergers and acquisitions to go unchallenged because the participants made campaign contributions to or had personal or political connections with the President.

(16) Allegations that the White House attempted to use the Antitrust Division to control or retaliate against media criticism.

(17) Allegations that an antitrust suit against International Telephone and Telegraph Corporation was settled in return for a pledge of financial help toward the cost of conducting the 1972 Republican National Convention in San Diego and that perjury may have been committed by several administration officials during the Senate hearings on the nomination of Richard Kleindienst as Attorney General.

(18) Allegation that the Antitrust Division dropped an investigation of a corporation because its owner was a friend of the President.

(19) Allegations that Attorney General Mitchell caused the Antitrust Division to substitute civil for criminal charges

against a defendant because of a pledge of financial assistance to the Republican Party.

(20) Allegations that a corporation obtained permission to increase prices after one of its principals made a substantial campaign contribution.

(21) Allegations that the White House exerted influence on various federal agencies to direct their efforts in such a manner as to promote improperly the President's re-election.

(22) Allegations that the White House suppressed criminal proceedings against certain recipients of aid from the Small Business Administration for political reasons, and allegations of favoritism in the Small Business Administration and loan program for persons who supported the President's re-election campaign.

(23) Allegations that the White House participated in the solicitation or receipt of campaign contributions made by Robert L. Vesco, involved in the pending criminal action in New York against John Mitchell and Maurice Stans.

(24) Allegations that preferential treatment was obtained from the Securities and Exchange Commission, the Department of Justice and other agencies to certain individuals who had given political support.

(25) Allegation that the Department of Commerce failed to put into effect certain safety standards because of contributions by the industry involved to the President's re-election campaign.

(26) Allegation that in exchange for a contribution to the President's re-election campaign the Department of the Interior failed to revoke an import allocation grant to an oil corporation.

With respect to all of these matters the staff has completed a preliminary review of material on the public record and from Congressional sources.

As a result of our preliminary inquiry, formal requests for necessary documents and files have been sent by the Chairman to the Secretary of Agriculture, the Secretary of the Interior, the Attorney General (with respect to antitrust matters only), the Federal Communications Commission, the Comptroller of the Currency, the Cost of Living Council, and the Environmental Protection Agency.

All materials requested from the Comptroller of the Currency have been delivered to the staff. Both the Secretary of Agriculture, by General Counsel to the Department of Agriculture, and the Secretary of the Interior, by the Solicitor of the Department of the Interior, have informed the staff that a response to the Committee's request will come from Mr. James St. Clair, Special Counsel to the President. Appointments have been or are being made for meetings between members

of the staff and the Federal Communications Commission, the Cost of Living Council, and the Environmental Protection Agency to discuss provision of the material requested to the staff. The Attorney General has advised the Special Counsel that he will respond directly to the Chairman within several days. He has advised that he has two concerns: First, that disclosure will not endanger any of the prosecutions or investigations of the Special Prosecutor; second, that disclosure will not prejudice any pending or contemplated antitrust actions.

Further requests will be made this week to various agencies including the Small Business Administration, the Federal Home Loan Bank, and the Attorney General (with respect to criminal, pardon and parole matters). It is also expected that material relating to the 1972 Presidential campaign will be requested from the National Archives.

F. Allegations Concerning Other Misconduct.

(1) The bombing of Cambodia. This category involves United States bombing in Cambodia between March, 1969 and August, 1973, and the recording and disclosure of that bombing. A review has been made of state and federal litigation in which the legality of Executive action in bombing and conducting alleged acts of war in Cambodia has been challenged. A summary is being prepared of the legal issues and doctrines on which these lawsuits turn, the results of the particular lawsuits, and compliance by the Executive Branch with judicial orders resulting from the litigation. The public statements and Congressional testimony of Executive Branch officials, including those within the Department of State, Department of Defense, and the Executive Office of the President are being reviewed. Classified material presented to the Senate Foreign Relations Committee and Senate Armed Services Committee will be reviewed as it becomes available. Interviews of Federal civil and military personnel may be undertaken with respect both to the secrecy of the bombing and to the reporting thereof as well as past reporting practices concerning possibly analogous activities.

(2) The impoundment of funds. This category is concerned with impoundments or refusal of the Executive Branch to spend funds appropriated by Congress under legislation not disapproved by the President. The approximately thirty lawsuits in which impoundments

of funds by the Executive Branch have been challenged are being reviewed. A summary is being prepared of the legal issues involved in these lawsuits, the resolution of particular lawsuits, and Executive Branch compliance with court orders and decisions in this litigation. Practices in past administrations with respect to impoundment of funds are also being studied.

(3) The dismantling of the Office of Economic Opportunity. A review has been made of the pleadings, opinions, and decisions and orders in Senator Harrison A. Williams, Jr., et al. v. Phillips, Local 2816 AFGE, et al. v. Phillips, and related lawsuits concerning Executive action taken to dismantle the Office of Economic Opportunity, and of compliance by the Executive Branch with judicial decisions and orders in these cases.

Within the next two weeks senior members of the staff will determine which matters should be pursued further.

III. SUMMARY.

The special inquiry staff submitted a report to the Judiciary Committee on February 5, 1974, outlining the method of organization and operation. That method remains unchanged.

On February 21 the inquiry staff received a list of the recordings, documents and other materials that the Special Prosecutor has received from the White House.

On February 25 we requested from Mr. St. Clair certain recordings of Presidential conversations, certain transcripts of Presidential conversations, as well as other documents furnished to the Special Prosecutor by the President.

We also asked for a few additional documents and things that we believed were necessary to our inquiry.

We also asked Mr. St. Clair to outline generally how White House files, Presidential papers, and Presidential conversations and memoranda were indexed. We had discussed the matter of indexing at our first conversation with Mr. St. Clair.

We have not received any of the material requested but have been advised by letter from Mr. St. Clair that we will receive an answer to our request on Wednesday of this week. There are additional specific items needed from the White House. We are preparing requests now. We also have requested, but not received, a list of items sought by the Special Prosecutor, but not furnished by the

White House. This list may be useful in determining what additional materials to include in our requests.

One of the principal aims of the staff during the next two weeks will be to determine which factual categories require further investigation and study. By eliminating those categories which do not appear to warrant additional inquiry the staff can focus its resources to give the more important subjects the preparation, investigation, and analysis required.

It is not yet possible to predict a date when this inquiry will be completed.

PART B

SPECIAL INQUIRY STAFF AND BIOGRAPHIES OF COUNSEL

Special Inquiry Staff

Counsel		43
Investigators		4
Research Assistants		
Organization of central files and chronology	9	
Acquisition of court transcripts and other documents	2	
Legal research	1	
Clippings and distribution of newspaper articles and Congressional Record	<u>1</u>	
Subtotal		13
Public Information Director		1
Congressional Liaison		1
Security Director		1
Administration		3
Secretaries		25
Clerks		
Mail	4	
Assistance with chronological file	1	
Xerox	2	
Messenger, Xerox, legal library	<u>3</u>	
Subtotal		<u>10</u>
TOTAL		101

The staff also includes five part-time clerical employees.

IMPEACHMENT INQUIRY STAFF LIST

Counsel - 43

Fred Altshuler
Thomas Bell
William Paul Bishop
Robert Brown
Richard Cates, Senior Associate
Special Counsel
Michael Conway
Rufus Cormier
Edward Lee Dale
John B. Davidson
Evan Davis
John Doar, Special Counsel
Samuel Garrison, III, Deputy
Minority Counsel
Constantine Gekas
Richard Gill
Dagmar Hamilton
David Hanes
Albert E. Jenner, Jr., Special
Minority Counsel
John Kennahan
Terry Rhodes Kirkpatrick*
John Labovitz
Lawrence Lucchino*

R. L. Smith McKeithen
Robert Murphy
Bernard W. Nussbaum, Senior
Associate Special Counsel
James B. F. Oliphant
Richard H. Porter
George Rayborn
James Reum
Hillary Rodham
Robert Sack
Stephen Sharp
Robert Shelton
Jared Stamell
Roscoe Starek
Gary Sutton
Edward Szukelewicz
Theodore Robert Tetzlaff*
Robert Trainor
Jean Traylor
Ben A. Wallis, Jr.*
William Weld
William White
Joseph A. Woods, Jr., Senior
Associate Special Counsel

*The resumes of the four counsel employed since February 5, 1974 follow this page.