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U.S. Department of Justice

Federal Bureau of Investigation
Washington, D.C. 20535

December 1, 2017

MR. JOHN GREENEWALD JR.
SUITE 1203
27305 WEST LIVE OAK ROAD
CASTAIC, CA 91384-4520

FOIPA Request No.: 1356764-001
Subject: ANDERSON, JACK NORTHMAN

Dear Mr. Greenewald:

Records responsive to your request were previously processed under the provisions of the Freedom of Information Act. Enclosed is one CD containing 1,315 pages of previously processed documents and a copy of the Explanation of Exemptions. This release is being provided to you at no charge.

Please be advised that additional records responsive to your subject exist. If this release of previously processed material does not satisfy your information needs for the requested subject, you may request the additional records for processing.

Requester Response

- Yes, process and provide me the additional records responsive to my subject.
- No, close my request.

Please submit your response within thirty (30) days by mail or fax to—Work Processing Unit, 170 Marcel Drive, Winchester, VA 22602, fax number (540) 868-4997. Please cite the FOIPA Request Number in your correspondence.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S. C. § 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

For questions regarding our determinations, visit the www.fbi.gov/foia website under "Contact Us." The FOIPA Request Number listed above has been assigned to your request. Please use this number in all correspondence concerning your request. Your patience is appreciated.

You may file an appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site: <https://foiaonline.regulations.gov/foia/action/public/home>. Your appeal must be postmarked or electronically transmitted within ninety (90) days from the date of this letter in order to be considered timely. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so that it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS) at 877-684-6448, or by emailing ogis@nara.gov. Alternatively, you may contact the FBI's FOIA Public Liaison by emailing foipaquestions@fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so that it may be easily identified.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Hardy", with a stylized flourish at the end.

David M. Hardy
Section Chief,
Record/Information
Dissemination Section
Records Management Division

Enclosure(s)

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1356764-1

Total Deleted Page(s) = 2
Page 50 ~ b6; b7C;
Page 119 ~ b6; b7C;

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U. S. Department of Justice

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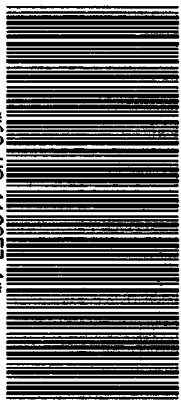
Transfer-Call 421

62-110857

SERIALS 1-

SECTION 1

62-110857-11



3-28-66

1 - Mr. Walters
1 - [redacted]

Airtel

To: SAC, WFO

From: Director, FBI

CHANGED;
UNKNOWN SUBJECT
(EMPLOYEE OF DEPARTMENT OF
JUSTICE, WASHINGTON, D.C.):

[redacted]

[redacted] - SUSPECT

[redacted]

~~OPAL GINN
JACK N. ANDERSON
ADMINISTRATIVE INQUIRY
THEFT OF GOVERNMENT PROPERTY~~

Re Bureau telephone calls to WFO, 3-25-66, concerning the matter captioned "Unsub, Employee of Department of Justice, Washington, D.C., [redacted] Jack N. Anderson, Administrative Inquiry, TGP." The caption of this case has been changed to reflect the identity of [redacted] - Suspect, and to include Opal Ginn as a subject.

This will confirm information and instructions furnished WFO on 3-23-66.

SA [redacted] was advised on 3-25-66 of the following information.

Senator Thomas J. Dodd advised Assistant to the Director C. D. DeLoach on the afternoon of 3-24-66 that he (Dodd) had hired former Special Agent [redacted] (a private investigator from New York) to inquire into various phases of the disappearance of records from Dodd's Office.

1 - New York (Info)

WAF:rmm (6)

MAILED 11
MAR 28 1966
COMM-FBI

- Tolson _____
- DeLoach _____
- Mohr _____
- Wick _____
- Casper _____
- Callahan _____
- Conrad _____
- Felt _____
- Gale _____
- Rosen _____
- Sullivan _____
- Tavel _____
- Trotter _____
- Tele. Room _____
- Holmes _____
- Gandy _____

REC-9
MCT-42

110857-1
SEE NOTE PAGE 4.

15 MAR 28 1966

79 APR 6 1966
MAIL ROOM TELETYPE UNIT

Airtel to SAC, WFO
CHANGED; UNSUB (EMPLOYEE OF DEPARTMENT OF JUSTICE)

b6
b7c

According to Senator Dodd, [] interviewed [] (a former employee of []) and was told by [] that at one time she had made a photostat or xerox copy of a 1287-page report on Joe Valachi for Anderson. This report allegedly had been brought to [] office by an unnamed employee of the Department of Justice who was highly nervous and urged [] to expedite her work as the report had to be returned to the Department's files before the day was over.

Senator Dodd further stated that [] told [] she had received a number of threatening telephone calls and was very frightened. As a result, [] drove [] to his New York residence.

SA [] was instructed to have WFO take immediate steps to locate and interview [] concerning the reported copying of a 1287-page report on Joe Valachi. [] was to be specifically questioned as to whether this document was an FBI report or a transcript of Joe Valachi's book.

A review of Bureau files was made and no report approaching 1287 pages in length has ever been sent to the Department. Available information indicates that the document delivered to Jack Anderson for copying may have been the manuscript of Joe Valachi's book which he wrote while incarcerated at the District of Columbia Jail. An article appearing in the "Washington Post" on 3-21-65 indicated that Anderson had reviewed this book and described it as "1150 pages long after being typed by Justice Department stenographers."

b6
b7c

On the afternoon of 3-25-66, Special Agent [] [] was also briefed on the foregoing information. In addition, he was advised that former Special Agent [] had attempted to telephonically contact Mr. DeLoach on 3-25-66. SA [] was instructed to return [] call for Mr. DeLoach to determine the purpose of this call. In addition, SA [] was instructed to ascertain if [] was with [] and if so, to make arrangements for Bureau Agents to interview []

Airtel to SAC, WFO
CHANGED; UNSUB (EMPLOYEE OF DEPARTMENT OF JUSTICE)

Following SA [redacted] telephonic contact with [redacted] on the afternoon of 3-25-66, Supervisor [redacted] WFO, was instructed to have two WFO Agents most familiar with the Dodd investigation who had previously interviewed [redacted] to proceed to New York for the purpose of interviewing [redacted] on the morning of 3-26-66. Supervisor [redacted] was also instructed to contact the New York Office to have two New York Agents familiar with the Joe Valachi matter be available on the morning of 3-26-66 to assist the WFO Agents in interviewing [redacted]. It was indicated that separate signed statements should be taken from [redacted] concerning the two unrelated matters

Bureau files show that [redacted] has been employed in the Tax Division, Department of Justice, Washington, D.C., on various occasions since 1953. She was last investigated as a Departmental Applicant in early 1961, at which time she was a [redacted] to the Assistant Attorney General, Tax Division. In connection with the last investigation, [redacted] application dated 3-4-61 listed Opal Ginn, 5415 Connecticut Avenue, Washington, D.C., as a reference. [redacted] resided at this same address from 1953 to 1955. For further information concerning the applicant investigation on [redacted] WFO is referred to your file [redacted]

NOTE:

Information supplied to Mr. DeLoach by Senator Dodd on 3-23-66 is contained in DeLoach to Tolson Memorandum dated 3-24-66, captioned "Senator Thomas J. Dodd, Bribery, Conflict of Interest." A summarization of this information was made available on 3-25-66 to SA [redacted] WFO, by SA [redacted]

Information concerning the review of Bureau files in the Joe Valachi matter is contained in Gale to DeLoach Memorandum dated 3-25-66 captioned "Senator Thomas J. Dodd, Bribery, Conflict of Interest. This information was telephonically furnished to Supervisor [redacted] WFO, 3-25-66 by SA [redacted]

SA [redacted] was briefed on the afternoon of 3-25-66 by Section Chief L. M. Walters concerning the information Senator Dodd had provided Mr. DeLoach on 3-23-66. He was also informed of the [redacted] call to Mr. DeLoach on 3-25-66 and instructed to return this call as noted herein. Instructions for two WFO Agents most familiar with the Dodd investigation who had previously interviewed [redacted] to proceed to New York were telephonically furnished to Supervisor [redacted] WFO, by Section Chief L. M. Walters on 3-25-66.

3/29/66

b6
b7C

Airtel

1 - Mr. Walters
1 - [redacted]

To: SAC, WFO
From: Director, FBI

UNSUB; (EMPLOYEE OF DEPARTMENT OF JUSTICE, WASHINGTON, D. C.)

[redacted] - SUSPECT
[redacted] OPAL GINN
JACK N. ANDERSON
ADMINISTRATIVE INQUIRY; TGP

ReBuairtel dated 3/28/66 and Butelcall to WFO 3/28/66.

This will confirm instructions furnished to Supervisor [redacted] concerning captioned matter on 3/28/66.

WFO was instructed to contact the personnel office of the Department of Justice on the morning of 3/29/66 to determine whether [redacted] is still employed in the Department and if not, obtain available background information on her as well as her last known address.

WFO also was instructed to immediately interview [redacted] regarding the Valachi manuscript. The interview with [redacted] is to be conducted without any prior arrangement or appointment with her and the results of this interview are to be furnished the Bureau immediately upon completion.

For the information of WFO, the current Washington, D. C., telephone directory lists one [redacted] at [redacted]. It is not known if this individual is identical with the subject in this case.

- Tolson _____
- DeLoach _____
- Mohr _____
- Wick _____
- Casper _____
- Callahan _____
- Conrad _____
- Felt _____
- Gale _____
- Rosen _____
- Sullivan _____
- Tavel _____
- Trotter _____
- Tele. Room _____
- Holmes _____
- Gandy _____

WAF:ba (5)

NOTE: Instructions to Supervisor [redacted] WFO, on 3/28/66, as set out herein were furnished telephonically by SA [redacted]

MAIL ROOM TELETYPE UNIT

REC-9 110857-2
MAR 29 1966

b6
b7C

b6
b7C

The Attorney General

March 31, 1966

Director, FBI

PERSONAL

UNKNOWN SUBJECT (EMPLOYEE OF DEPARTMENT OF JUSTICE, WASHINGTON, D. C.)

- 1 - Mr. DeLoach
- 1 - Mr. Rosen
- 1 - [redacted]
- 1 - Mr. Walters
- 1 - [redacted]
- 1 - Mr. Gale
- 1 - Mr. Wick

[redacted]

[redacted] - SUSPECT
[redacted]; OPAL GINN

JACK N. ANDERSON
ADMINISTRATIVE INQUIRY
THEFT OF GOVERNMENT PROPERTY

4-
5-
1-

Reference is made to my memorandum of March 29, 1966, concerning the copying of a 1200-page manuscript of Joe Valachi's story for Jack N. Anderson, associate of columnist Drew Pearson. It was indicated that the Valachi manuscript may have been taken to Anderson by [redacted] an employee of the Department of Justice.

4
5
1

[redacted] to the Assistant Attorney General, Tax Division, Department of Justice, was interviewed on March 29, 1966, regarding this matter. [redacted] executed a sworn signed statement to the effect that she never typed, saw, or made available to Mr. Anderson, or any member of his staff, a copy of the Joe Valachi manuscript. She claimed to have no knowledge of anyone else having furnished Mr. Anderson or any of his representatives with a copy of this document.

MAILED 22
MAR 31 1966
COMM-FBI

[redacted] said that she is a social acquaintance of Miss Opal Ginn, secretary to Mr. Anderson, and that to the best of her knowledge she has visited Anderson's office only on one or two occasions, the last time being approximately one year ago. She advised that Miss Ginn and she, [redacted] have a tacit agreement not to discuss business matters at any time.

- Mr. Tolson.....
- Mr. DeLoach.....
- Mr. Mohr.....
- Mr. Wick.....
- Mr. Casper.....
- Mr. Callahan.....
- Mr. Conrad.....
- Mr. Felt.....
- Mr. Gale.....
- Mr. Rosen.....
- Mr. Sullivan.....
- Mr. Tavel.....
- Mr. Trotter.....
- Tele. Room.....
- Miss Holmes.....
- Miss Gandy.....

[redacted] to former Assistant Attorney General Louis F. Oberdorfer whose advice she sought after the interview was completed but before she signed the statement. Mr. Oberdorfer volunteered that the Valachi manuscript was not handled in the Tax Division.

110857-3

APR 1 1966

NOTE: See cover memo (Rosen to DeLoach, 3/30/66, WAF:rmr, captioned same as above.

Mail Room Teletype Unit

The Attorney General

Investigation is continuing in an effort to identify the person who made the Valachi manuscript available to Mr. Anderson and, if necessary, this will include interviews with employees of the Department of Justice who had access to it. The results of this investigation will be made available to you upon completion.

- 1 - The Deputy Attorney General - PERSONAL
- 1 - Mr. Fred M. Vinson, Jr. - PERSONAL
Assistant Attorney General

3/29/66

PLAINTEXT

TELETYPE

URGENT

TO: SAC, ST. LOUIS
FROM: SAC, WFO (62-9411)

JAN 21 1966

UNSUB (EMPLOYEE DEPARTMENT OF JUSTICE, WASHINGTON, D. C.)

[REDACTED] - ET AL - SUSPECTS, ADMINISTRATIVE
INQUIRY, TGP.

ST LOUIS REQUESTED TO REVIEW PERSONNEL FILE AND FURNISH
RESULTS RE [REDACTED] FORMER GOVERNMENT EMPLOYEE.
DEPARTMENT OF JUSTICE RECORD REFLECTS EMPLOYED FEBRUARY
FIFTEEN, SIXTY ONE, RESIGNED JULY TWELVE, LAST IN OFFICE
ASSISTANT AG TAX DIVISION. [REDACTED] DATE OF BIRTH [REDACTED]
[REDACTED] SOCIAL SECURITY NUMBER [REDACTED]
[REDACTED]

BUREAU ADVISED.

- 1 - Teletype Unit
- 1 - Bureau
- 1 - WFO

PMK:ddd
(3)

AIRTEL

REC-9 110887-4
 NOT RECORDED
 MAR 30 1966
 SIX

79 APR 6 1966
1289

UNITED STATES GOVERNMENT

Memorandum

Tolson	_____
DeLoach	_____
Mohr	b6 _____
Wick	b7C _____
Casper	_____
Callahan	_____
Conrad	_____
Felt	_____
Gale	_____
Rosen	_____
Sullivan	_____
Tavel	_____
Trotter	_____
Tele. Room	_____
Holmes	_____
Gandy	_____

TO : Mr. DeLoach *D.*

DATE: April 1, 1966

FROM : A. Rosen *R.*

- 1 - Mr. DeLoach
- 1 - Mr. Rosen
- 1 - [redacted]
- 1 - Mr. Walters
- 1 - [redacted]

SUBJECT: UNKNOWN SUBJECT (EMPLOYEE OF DEPARTMENT OF JUSTICE, WASHINGTON, D.C.)

[redacted]

[redacted] - SUSPECT
[redacted]; OPAL GINN;

JACK N. ANDERSON
ADMINISTRATIVE INQUIRY; THEFT OF GOVERNMENT PROPERTY

With reference to my memorandum earlier today, SAC Alexander, New York Office, was instructed this morning to have New York Agents contact the two employees of private investigator [redacted] who will be escorting [redacted] to Florida on an Eastern Airlines flight which leaves New York at 12:00 o'clock noon today.

At this time it should be explained to [redacted] employees and to [redacted] that we would like to interview her briefly. If either the investigators or [redacted] balk and are not agreeable to the interview being conducted, they should not be pressured and Agents should discontinue their efforts to interview [redacted]

b6
b7C

[redacted] was instructed that in this event, New York should contact [redacted] and ascertain the address at which [redacted] can be contacted in Florida.

[redacted] was instructed to furnish a teletype to the Bureau and the Washington Field Office, setting out the results of the above.

ST-104 REC-87

62-110897-5

This is for information and record purposes.

EFK:rmr
(6)

rmr

[Handwritten signature]

APR 1 1966
[Handwritten initials]

491

F. J. [unclear]

The Attorney General

March 29, 1966

Director, FBI

PERSONAL

UNKNOWN SUBJECT (EMPLOYEE OF
DEPARTMENT OF JUSTICE, WASHINGTON, D. C.)

[redacted]

SUSPECT

[redacted]; OPAL GINN

JACK N. ANDERSON
ADMINISTRATIVE INQUIRY
THEFT OF GOVERNMENT PROPERTY

- 1 - Mr. DeLoach
- 1 - Mr. Rosen
- 1 - [redacted]
- 1 - Mr. Walters
- 1 - [redacted]
- 1 - Mr. Gale
- 1 - Mr. Wick

On March 24, 1966, Senator Thomas J. Dodd advised an official of this Bureau that before he learned the FBI would be authorized to investigate the theft of documents from his office he employed [redacted] a private investigator from New York, to inquire into various phases of the disappearance of such documents. [redacted] worked for only two or three days and is now off the case.

According to Senator Dodd, [redacted] interviewed [redacted] (a former employee of Washington, D. C., public relations man [redacted] whose office is located adjacent to that of columnist Jack Anderson). [redacted] reportedly informed [redacted] among other things, that at one time she made for Anderson a Photostat or Xerox copy of a 1287-page report on Joe Valachi. This report allegedly had been brought to [redacted] office by an unnamed employee of the Department of Justice who was highly nervous and urged [redacted] to expedite her work as the report had to be returned to the Department's files before the day was over.

Senator Dodd stated he did not know whether or not this was an FBI report but [redacted] allegedly implied that it was. [redacted] reportedly also told [redacted] she had received a number of threatening telephone calls and was very frightened. Consequently, [redacted] drove [redacted] to his New York residence.

[redacted] who resides at [redacted] was interviewed by Special Agents of this Bureau at our New York Office on March 26, 1966. At that time she was staying temporarily at the residence of [redacted]

- Tolson _____
- DeLoach _____
- Mohr _____
- Wick _____
- Casper _____
- Callahan _____
- Conrad _____
- Felt _____
- Gale _____
- Rosen _____
- Sullivan _____
- Tavel _____
- Trotter _____
- Tele. Room _____
- Holmes _____
- Gandy _____

LEK:ba (12) *NOTE:* See cover memo, LEK:ba, 3/29/66, Rosen to DeLoach, captioned same as above.

MAIL ROOM TELETYPE UNIT

R

The Attorney General

[redacted]
[redacted] furnished the following information:

In early 1965, Opal Ginn, Jack Anderson's secretary, asked [redacted] to make a Xerox copy of a manuscript of Joe Valachi's story. [redacted] is certain this was Valachi's story and not an FBI report as she read parts of the manuscript which was approximately 1200 pages in length. [redacted] did not see the person who brought this manuscript to the office and Miss Ginn did not say how or from whom it was obtained but she did say it had to be returned the next day.

[redacted] said it is her belief that this manuscript, a copy of which she made while a friend of hers (whose identity she refused to reveal) was present, was brought to Anderson by an employee of the Department of Justice. [redacted] was very evasive with respect to naming the Department of Justice employee she suspected; however, she said she believes this individual to be one of three females mentioned favorably in an article written by Jack Anderson which appeared in "Parade" magazine, possibly in December, 1965. Only one of the three individuals named therein is an employee of the Department of Justice, according to [redacted]

On March 27, 1966, [redacted] telephonically contacted our Washington Field Office from Connecticut and advised that the Justice Department employee referred to above is [redacted]
[redacted]

The files of this Bureau show that a Departmental Applicant investigation was conducted in April and May, 1953, concerning [redacted]

[redacted] At that time she was [redacted] to the chief trial attorney in the Tax Division. A further Departmental Applicant investigation concerning [redacted] was conducted in March and April, 1961. At that time she was employed as [redacted] [redacted] to the Assistant Attorney General, Tax Division. It is noted [redacted] application dated March 4, 1961, in connection with this employment listed Opal Ginn, 5415 Connecticut Avenue, Washington, D. C., as a reference.

The Attorney General

Investigation with respect to the theft of documents from Senator Dodd's Office is continuing and copies of reports setting out the results thereof will be forwarded to the Criminal Division. Our Washington Field Office has determined that [redacted] is no longer employed by the Department. She will be located and interviewed regarding the Valachi manuscript and you will be furnished the results thereof.

b6
b7c

- 1 - The Deputy Attorney General - PERSONAL
- 1 - Mr. Fred M. Vinson, Jr. - PERSONAL
Assistant Attorney General

FBI

Date: 3/28/66

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL _____
(Priority)

Mr. Tolson	_____
Mr. DeLoach	_____
Mr. Mohr	_____
Mr. Wick	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. Felt	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Trotter	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

TO: DIRECTOR, FBI

FROM: SAC, WFO (52-New) (P)

UNSUB: Employee Department of Justice, Washington, D.C.;

JACK N. ANDERSON
ADMINISTRATIVE INQUIRY: TOP
(OO:WFO)



_____ states OPAL GINN, Secretary to JACK N. ANDERSON, requested _____ to make Xerox copy of a manuscript of JOSEPH VALACHI's story, prior to June in early 1965. No FBI reports involved and she knew it was VALACHI's story because she read parts. Manuscript contained approximately 1200 pages. GINN did not tell _____ where or how manuscript obtained and _____ did not see person who brought manuscript to office. GINN said manuscript had to be returned next day. _____ reported a friend of hers was present when she made copies but she declined to identify person. _____ was evasive in identifying employee of Dept. of Justice whom she supposed brought manuscript to ANDERSON because she said employee would be fired and _____ would be a "blabber mouth" in the eyes of friends in Washington, D.C. _____ said ANDERSON stated in a column he had copy of VALACHI book and she questioned why matter was not investigated at that time. Based on supposition _____ believes employee is one of three females favorably named in an article written by JACK N. ANDERSON which appeared in "Parade" magazine possibly December, 1965. Only one of three persons named is employee of Dept. of Justice.

~~will attempt to locate article 3/28/66.~~

3 - Bureau
1 - WFO

LBC:llw
(4)

AIRTEL

REC-37 MCT-43 62-11021-7
MEMO ROSEN TO DELOACH
3/29/66 EFK
MEMO TO AG, CC DAG, AND ANDERSON
3/29/66 EFK

C. E. [unclear]

6-1166

Approved: 54 APR 8 1966
Special Agent in Charge

Sent _____ M Per _____

WFO 52-New

b6
b7C

[redacted] telephonically advised from Connecticut,
on 3/27/66, that the Department of Justice employee,
mentioned above, is [redacted]

UNITED STATES GOVERNMENT

Memorandum

Tolson	_____
DeLoach	_____
Mohr	_____
Wick	_____
Casper	_____
Callahan	_____
Conrad	_____
Felt	_____
Gale	_____
Rosen	_____
Sullivan	_____
Tavel	_____
Trotter	_____
Tele. Room	_____
Holmes	_____
Gandy	_____

TO : Mr. DeLoach *DL*

DATE: March 29, 1966

FROM : A. Rosen *Rosen*

- 1 - Mr. DeLoach
- 1 - Mr. Rosen
- 1 - [redacted]
- 1 - Mr. Walters
- 1 - [redacted]
- 1 - Mr. Gale
- 1 - Mr. Wick

SUBJECT: UNKNOWN SUBJECT (EMPLOYEE OF DEPARTMENT OF JUSTICE, WASHINGTON, D.C.)

ST
C

[redacted] - SUSPECT
[redacted]; OPAL GINN
JACK N. ANDERSON
ADMINISTRATIVE INQUIRY; THEFT OF GOVERNMENT PROPERTY

4-1
5-1
1-1

[redacted] (former employee of Washington, D.C., public relations man [redacted] was interviewed in New York Office 3/26/66 by Washington Field Office (WFO) Agents most familiar with investigation involving theft of documents from Senator Dodd's office.

[redacted] said that in early 1965, at request of Opal Ginn (Jack Anderson's secretary) she, [redacted] made Xerox copy of manuscript of Joe Valachi's story. [redacted] is certain this was manuscript of Valachi story (approximately 1200 pages) and not FBI report as she read parts of same. Ginn did not say how or from whom she obtained manuscript but [redacted] suspects it was brought to Anderson by an employee of the Department of Justice. [redacted] was evasive with respect to naming Justice Department employee but said she is believed to be one of three females mentioned favorably in article by Anderson in "Parade" magazine, possibly in December, 1965 (only Justice Department employee mentioned therein, according to [redacted]). On 3/27/66, [redacted] telephonically contacted WFO from Connecticut and identified Justice Department employee as [redacted].

Our files show [redacted] has been employed in Tax Division, Department of Justice, Washington, D.C., on various occasions since 1953. She was first investigated as a Departmental Applicant in April and May, 1953, at which time she was [redacted] to the chief trial attorney, Tax Division. She again was investigated as a Departmental Applicant in March and April, 1961, at which time she was [redacted] to the Assistant Attorney General, Tax Division.

Investigation on both occasions was favorable in connection with the last investigation, [redacted] application dated March 4, 1961, listed Opal Ginn, 5415 Connecticut Avenue, Washington, D.C., as a reference. When contacted 3/30/61,

REC-87 62-110857-8

Enclosure *point*

54-110857-8 (8) 3/29/66

CONTINUED - OVER

6-111

Memorandum to Mr. DeLoach
RE: UNKNOWN SUBJECT (EMPLOYEE OF DEPARTMENT OF JUSTICE)

Ginn said she had known [redacted] for ten or twelve years on a social basis and recommended her highly. [redacted]

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It is noted that in connection with the investigation relating to the theft of documents from Senator Dodd's office, [redacted] advised that she was present in [redacted] office on Sunday, June 27, 1965, when Opal Ginn and [redacted] (former employee of Senator Dodd) made Xerox copies of Senator Dodd's records. [redacted] declined to sign a statement.

RECOMMENDATION:

(1) Attached for approval is a memorandum to the Attorney General, with copies for the Deputy Attorney General and Assistant Attorney General Vinson, summarizing the information made available by Senator Dodd concerning the Valachi incident; our interview with [redacted] with respect to same as set out above; and our prior Departmental Applicant investigations of [redacted]. This memorandum states that investigation with respect to the theft of documents from Senator Dodd's office is continuing and reports will be forwarded to the Criminal Division; also that [redacted] is being interviewed regarding the Valachi manuscript.

This memorandum to the Attorney General is being marked Personal in view of the indicated involvement of a Justice Department employee in the removal of the Valachi manuscript from the Department's files.

(2) Our WFO has been instructed to expedite the interview of [redacted]. The Director will be furnished a summarization of the results of this interview when completed and a communication will be sent to the Attorney General advising him of the same. We have now learned that [redacted] is no longer employed in the Department. WFO is making every effort to locate and interview her today.

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b7c

Director advised 8/18
A *R* *JAM* *Keene* *Jo* *Q* *ginn* *wf*
[Signature]

4/1/66

Airtel
REC-81

62-115857-9

1 - [redacted]

To: SAC, WFO (62-9411)

From: Director, FBI

UNSUB; (EMPLOYEE OF DEPARTMENT OF JUSTICE, WASHINGTON, D.C.)

[redacted] -- SUSPECT

ET AL.
ADMINISTRATIVE INQUIRY; TGP
OO: WFO

In view of the denial by [redacted] that she had any connection with the Valachi manuscript, Bureau desires that a full inquiry be made to determine the circumstances surrounding the handling of this document in an effort to identify the individual in the Department of Justice who was responsible for making the Valachi manuscript available to Anderson.

In line with prior oral instructions furnished WFO, this will include, but not be limited to, interviews with Jack Anderson, Opal Gina, [redacted] and associates of [redacted]. The foregoing interviews in this case should be conducted at the same time these persons are interviewed in connection with the theft of records from the office of Senator Thomas J. Dodd.

The following instructions concerning this matter are now being set forth for WFO. If after completion of the above-noted interviews the identity of Justice employee has not yet been established, it will be necessary to interview Justice employees who typed the manuscript as well as other persons who have access to typed copies. This would include efforts to determine the number of copies made, account for all such copies, and attempt to ascertain.

- Tolson _____
- DeLoach _____
- Mohr _____
- Wick _____
- Casper _____
- Moham _____

WAF:ba (4) See Note Pg Two.

(Handwritten initials)

(Handwritten initials)

Airtel SAC, WFO
RE: SENATOR THOMAS J. DODD

the identities of other agencies and persons who may have received copies of the manuscript in connection with their official duties. It may be necessary to make appropriate inquiries of personnel of these agencies concerning their handling of the document.

The Bureau desires that this matter be afforded expedited and preferred handling. You should keep the Bureau advised on a current basis of the progress of this investigation.

NOTE: The oral instructions to WFO as set out in paragraph 2 of this airtel were furnished to SA [redacted] on 3-31-66 by SA [redacted]

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b7c

UNITED STATES GOVERNMENT

Memorandum

b6
b7C
Tolson _____
DeLoach _____
Casper _____
Callahan _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Trotter _____
Tele. Room _____
Holmes _____
Gandy _____

TO : Mr. DeLoach

DATE: March 30, 1966

FROM : A. Rose

- 1 - Mr. DeLoach
- 1 - Mr. Rosen
- 1 - [redacted]
- 1 - Mr. Walters
- 1 - [redacted]
- 1 - Mr. Gale
- 1 - Mr. Wick

SUBJECT: UNKNOWN SUBJECT (EMPLOYEE OF DEPARTMENT OF JUSTICE, WASHINGTON, D.C.)

[redacted] - SUSPECT
[redacted]; OPAL GINN

JACK N. ANDERSON

ADMINISTRATIVE INQUIRY; THEFT OF GOVERNMENT PROPERTY

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4-1
5-1

[redacted] (former [redacted] to Assistant Attorney General Louis F. Oberdorfer, Tax Division) furnished sworn signed statement on 3-29-66 denying that she typed, saw, or made available to Jack Anderson or any member of his staff a copy of the Valachi manuscript. [redacted] is now [redacted] to Oberdorfer in his private law practice. Oberdorfer (whose advice [redacted] sought after interview but before signing statement) volunteered to Agents that Valachi manuscript was not handled in Tax Division.

The interview with [redacted] was based on a statement by [redacted] (former employee of [redacted] who made copy of manuscript for Opal Ginn, (Jack Anderson's secretary) that she believed manuscript was made available to Ginn by employee of Department, namely, [redacted] although she had no positive information as to how manuscript came into possession of Opal Ginn.

When interviewed, [redacted] also said she had no knowledge of anyone else having furnished Anderson or any of his representatives a copy of the Valachi manuscript. [redacted] said she is a social acquaintance of Opal Ginn and she, [redacted] has visited Anderson's office only on one or two occasions, the last time being approximately one year ago. She said she and Miss Ginn have a tacit agreement not to discuss business matters at any time.

RECOMMENDATIONS:

REC-22

REC-81

62-110857-9

(1) In view of the denial by [redacted] she had any connection with the Valachi document, we are going forward with a full inquiry to determine the circumstances surrounding the handling of the manuscript in an effort to identify the individual in Justice who was

Enclosure sent 3-31-66

WAF:rmr (8)

CONTINUED OVER

Memorandum to Mr. DeLoach
RE: UNKNOWN SUBJECT (EMPLOYEE OF DEPARTMENT OF JUSTICE,
WASHINGTON, D. C.); [redacted]

responsible for making the document available to Anderson. This will include but not be limited to interviews with Anderson, Opal Ginn, Anderson's secretary, [redacted] (a Washington, D.C., Public Relations man in whose office the manuscript was copied), and associates of [redacted] (former [redacted] employee who copied the document).

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In addition, it may be necessary to interview Justice employees who typed the manuscript as well as other persons who had access to typed copies. This would include efforts to determine the number of copies made, account for all such copies, and attempt to ascertain the identities of other agencies and persons who may have received copies of the manuscript in connection with their official duties. It may be necessary to make appropriate inquiries of personnel of these agencies concerning their handling of the document. This matter will be afforded expedite and preferred handling, and you will be furnished a summarization of the results of this investigation.

(2) Attached for approval is a memorandum to the Attorney General, with copies for the Deputy Attorney General and Assistant Attorney General Vinson, summarizing the interview with [redacted]. This memorandum is marked personal in view of the indicated involvement of a Justice Department employee in the removal of the Valachi manuscript from the Department's file.

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The Attorney General is being advised that our investigation is continuing in an effort to identify the person who made the Valachi manuscript available to Anderson, and if necessary it will include interviews with Department of Justice employees who had access to it.

Expedite
AIRTEL TO WFO
4/1/66 WAF:ba
[Handwritten initials and signatures]

TELETYPE UNIT
MAR 31 1966
ENCODED MESSAGE

REC-22
ST-107

- Mr. Tolson.....
- Mr. DeLoach.....
- Mr. Mohr.....
- Mr. Wick.....
- Mr. Casper.....
- Mr. Callahan.....
- Mr. Conrad.....
- Mr. Felt.....
- Mr. Gale.....
- Mr. Rosen.....
- Mr. Sullivan.....
- Mr. Tavel.....
- Mr. Trotter.....
- Tele. Room.....
- Miss Holmes.....
- Miss Gandy.....

FBI NEW YORK

5:35 PM EST URGENT 3/31/66 M.F.R.

TO DIRECTOR (((11))) AND WASHINGTON FIELD (62-9411)

FROM NEW YORK 2 PAGES

UNSUB; (EMPLOYEE OF DEPARTMENT OF JUSTICE, WASHINGTON, D.C.);

[REDACTED] DASH SUSPECT; [REDACTED] OPAL

GINN; JACK N. ANDERSON. ADMINISTRATIVE INQUIRY THEFT OF GOVERNMENT PROPERTY.

5-1
4-1
1-1

REWFO TELCALL TO NY, MARCH THIRTYONE, SIXTYSIX.

[REDACTED] PRIVATE INVESTIGATOR, ADVISED THAT [REDACTED]

[REDACTED] EMPLOYEE, TALKED WITH [REDACTED] DURING EVENING OF MARCH TWENTYEIGHT, SIXTYSIX, AND [REDACTED] STATED THAT SHE CALLED A JUSTICE DEPT. EMPLOYEE FROM [REDACTED] RESIDENCE DURING EVENING OF MARCH TWENTYSEVEN, SIXTYSIX. [REDACTED] REFUSED TO DISCLOSE IDENTITY OF THIS INDIVIDUAL; HOWEVER, INDICATED SHE HAD DATED THIS EMPLOYEE AND THIS INDIVIDUAL ASSISTED IN REMOVING THE VALACHI MANUSCRIPT FROM JUSTICE DEPT.

END PAGE ONE

REC-19
EX-112
11051-10
APR 5 1966

COPIES TO WFO
57 APR 20 1966

MR. DELOACH FOR THE DIRECTOR

PAGE TWO

NY

[] ESTIMATED THAT [] MADE APPROXIMATELY TEN CALLS FROM HIS RESIDENCE DURING AFTERNOON AND EVENING OF MARCH TWENTYSEVEN, SIXTYSIX. TELEPHONE COMPANY HAS ADVISED [] THEY WILL BE UNABLE TO FURNISH NUMBERS THAT [] CALLED UNTIL AFTER APRIL NINETEEN, SIXTYSIX, [] BILLING DATE.

[] ADVISED [] INFORMED HIM SHE CALLED JUSTICE DEPT. EMPLOYEE FROM [] RESIDENCE DURING EVENING OF MARCH TWENTYSEVEN, SIXTYSIX. [] REFUSED TO IDENTIFY THIS EMPLOYEE, BUT STATED SHE HAD DATED HIM IN THE PAST AND THIS EMPLOYEE HAD DELIVERED THE VALACHI MANUSCRIPT TO ANDERSON'S OFFICE. [] STATED SHE HAD TRIED TO CONTACT THE JUSTICE DEPT. EMPLOYEE DURING EVENING OF MARCH TWENTYSIX, SIXTYSIX; HOWEVER, HE WAS NOT AT HOME.

^{New York}
~~NY~~ TELEPHONE OFFICIALS HAVE ADVISED THAT BILLING DATE FOR [] TELEPHONE IS APRIL NINETEEN, SIXTYSIX, AND THAT IT WILL TAKE THEM A MINIMUM OF FIVE WORKING DAYS AFTER APRIL NINETEEN SIXTYSIX, TO FURNISH NUMBERS CALLED FROM HIS PHONE.

END

WA..EFH R RELAY

FBI WASH DC

CC-MR. ROSEN

TELETYPE UNIT
MAR 31 1966
ENCODED MESSAGE

- Mr. Tolson _____
- Mr. DeLoach _____
- Mr. Mohr _____
- Mr. Wick _____
- Mr. Casper _____
- Mr. Callahan _____
- Mr. Conrad _____
- Mr. Felt _____
- Mr. Gale _____
- Mr. Rosen _____
- Mr. Sullivan _____
- Mr. Tavel _____
- Mr. Trotter _____
- Tele. Room _____
- Miss Holmes _____
- Miss Gandy _____

FBI NEW YORK
 11:00 PM EST URGENT 3/31/66 M.F.R.
 TO DIRECTOR (((15))) AND WASHINGTON FIELD (62-9411)
 FROM NEW YORK 2 PAGES

UNSUB; (EMPLOYEE OF DEPARTMENT OF JUSTICE, WASHINGTON, D.C.); [REDACTED]
 [REDACTED] - SUSPECT; [REDACTED]; OPAL

GINN; JACK N. ANDERSON ADMINISTRATIVE INQUIRY THEFT OF GOVERNMENT
 PROPERTY

RETEL AND NYTELCALL TO BUREAU

[REDACTED] ADVISED THAT TWO OF HIS INVESTIGATORS ARE PRESENTLY
 WITH [REDACTED] ADVISED THAT [REDACTED] IS INTOXICATED AND STATES
 SHE WILL NOT TALK WITH BUAGENTS. [REDACTED] ADVISED THAT ON INSTRUCTIONS
 FROM SENATOR DODD TWO OF HIS MEN ARE FLYING WITH [REDACTED] TO MIAMI, FLORIDA
 TOMORROW FOUR ONE SIXTYSIX. ACCORDING TO [REDACTED] WILL BE STAYING
 WITH FRIENDS OR RELATIVES OF SENATOR DODD AT WEST PALM BEACH, FLORIDA.

[REDACTED] STATES THAT DUE TO FEAR OF FLYING [REDACTED] WILL BE IN AN
 INTOXICATED STATE WHEN SHE DEPARTS FROM NEW YORK CITY BY PLANE.

END PAGE ONE

MCT-47
 EX-112 REC-19 62-11251-11
 APR 5 1966

PAGE TWO

NY

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b7c

PRESENT SCHEDULE FOR [] IS THAT SHE WILL DEPART ON EASTERN AIRLINES FLIGHT AT TWELVE NOON FOUR ONE SIXTYSIX FROM NYC. [] IS OF THE OPINION THAT IF AN ATTEMPT IS MADE TOMORROW TO INTERVIEW [] PRIOR TO HER DEPARTURE SHE MAY DECIDE NOT TO GO TO FLORIDA AND IS SHE MAKES THIS DECISION [] MEN ARE BEING INSTRUCTED TO LEAVE HER AND [] WILL ADVISE SENATOR DODD OF SITUATION AND THAT HE [] IS DROPPING THE CASE.

UACB, NYO WILL ATTEMPT TO INTERVIEW [] PRIOR TO HER DEPARTURE TO MIAMI.

END

WA..LRC R RELAY (WFO)

FBI WASH DC

UNITED STATES GOVERNMENT

Memorandum

Tolson	_____
DeLoach	_____
Mohr	_____
Walters	_____
Casper	_____
Callahan	_____
Conrad	_____
Felt	_____
Gale	_____
Rosen	_____
Sullivan	_____
Tavel	_____
Trotter	_____
Tele. Room	_____
Holmes	_____
Gandy	_____

TO : Mr. DeLoach

DATE: April 1, 1966

FROM : A. Rosen *fox*

- 1 - Mr. DeLoach
- 1 - Mr. Rosen
- 1 - [redacted]
- 1 - Mr. Walters
- 1 - [redacted]
- 1 - Mr. Wick

SUBJECT: UNKNOWN SUBJECT (EMPLOYEE OF DEPARTMENT OF JUSTICE, WASHINGTON, D. C.); [redacted]

[redacted] - SUSPECT:
[redacted]; OPAL GINN;
JACK N. ANDERSON
ADMINISTRATIVE INQUIRY; THEFT OF GOVERNMENT PROPERTY

In connection with our investigation to determine how Jack Anderson (Drew Pearson's associate) obtained a copy of the Joe Valachi manuscript, [redacted] (New York private investigator hired by Senator Dodd) and [redacted] (an employee of [redacted]) furnished the following information to our New York Office on 3/31/66:

[redacted] (who advised our Agents on 3/26/66 that while she was employed by [redacted] she assisted in making a copy of the Valachi manuscript which she believed had been furnished to Anderson by [redacted] of the Department of Justice) advised [redacted] on 3/28/66 that she, [redacted] had called a Department of Justice employee, whom she refused to identify, from [redacted] New York residence on the evening of 3/27/66. [redacted] reportedly indicated she had dated this employee and that this was the person who had delivered the Valachi manuscript to Anderson.

Our New York Office ascertained from the Telephone Company that records of long-distance calls placed from [redacted] residence will not be available until approximately April 24, 1966. *62-11057-12*

It is noted that in a sworn signed statement given to our Agents on 3/29/66, [redacted] denied that she typed, saw, or made available to Anderson or any of his employees a copy of the Valachi manuscript.

[redacted] also advised our New York Office 3/31/66 that two of his investigators are with [redacted] who is intoxicated and who

EFK:ige
(7)

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CONTINUED - OVER

54 APR 14 1966

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4-1
5-1

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b6
b7C

[Handwritten signature]

Memorandum to Mr. DeLoach
Re: UNKNOWN SUBJECT (EMPLOYEE OF
DEPARTMENT OF JUSTICE, WASHINGTON, D. C.)

has said she will not talk with Bureau Agents. [] said that on the instructions of Senator Dodd two of his, [] men are flying ^{TO FLORIDA} with [] today (4/1/66) aboard an Eastern Airlines flight leaving New York at 12:00 o'clock noon. While in Florida, [] will be staying with friends or relatives of Senator Dodd at West Palm Beach.

[] advised further that due to [] fear of flying she will be in an intoxicated state when she leaves New York. [] expressed the opinion that if an attempt is made to interview [] on 4/1/66 prior to her departure she may decide not to go to Florida. If she makes this decision, [] has instructed his men to leave her and [] will advise Senator Dodd of the situation and that he, [] is dropping the case.

ACTION TAKEN:

It is noted [] previously has stated she received threatening telephone calls and is afraid she might be hurt. This is the reported reason why [] took her to his home in [] from Washington, D. C., where she resides. Despite the fact that [] has stated [] will be inebriated this morning before leaving for Florida, it is important that she be interviewed at the earliest possible moment and an attempt made to pin her down on this latest information in an effort to identify the Department of Justice employee who she now states made available the Valachi manuscript to Anderson. Our New York Office has been instructed to attempt to interview [] this morning before she leaves for Florida.

F
Right.
✓
EP

UNITED STATES GOVERNMENT

Memorandum

Tolson	_____
DeLoach	_____
Mohr	_____
Wick	_____
Casper	_____
Callahan	_____
Conrad	_____
Felt	_____
Gale	_____
Rosen	_____
Sullivan	_____
Tavel	_____
Trotter	_____
Tele. Room	_____
Holmes	_____
Gandy	_____

TO : Mr. DeLoach

DATE: April 5, 1966

FROM : A. Rosen *ham*

- 1 - Mr. DeLoach
- 1 - Mr. Rosen
- 1 - [redacted]
- 1 - Mr. Walters
- 1 - [redacted]
- 1 - Mr. Wick

SUBJECT: SENATOR THOMAS J. DODD
BRIBERY; CONFLICT OF INTEREST

This is to advise you of the current investigative status of the captioned case, as well as the matters which have evolved therefrom and to recommend that our Washington Field Office (WFO) be authorized to proceed with interviews of columnist Jack N. Anderson; Opal Ginn (Anderson's secretary); [redacted] and [redacted] (free-lance writer and former [redacted] of the Peace Corps).

I. ALLEGATIONS AGAINST SENATOR DODD:

At the request of the Attorney General, we photographed approximately 5,000 pages of documents that were made available by Jack Anderson and obtained some collateral information through interviews with Anderson. He stated he had further material in the form of personal and shorthand notes which he would put into understandable form and make available to us. He has not yet done this. We furnished the Department a report and copies of the documents on 3/18/66 and advised the Department we were maintaining contact with Anderson to obtain additional material he might furnish. The Department has not requested any investigation to date with respect to possible substantive violations of law indicated by the material furnished.

II. THEFT OF RECORDS FROM SENATOR DODD'S OFFICE:

To date, we have interviewed 54 present and former employees of Senator Dodd and the Senate Juvenile Delinquency Subcommittee (which Dodd heads and whose office is located immediately adjacent to Dodd's). Interviews with 6 remaining present and former employees are being expedited. ~~Numerous collateral interviews with outside individuals have been completed.~~

We have established that ~~191~~ ⁶²⁻¹¹⁰⁸⁵⁷ large number of Dodd's records and correspondence were Xeroxed in the Washington, D.C., office of [redacted] on 6/13/65 by Opal Ginn (Anderson's secretary) assisted in part by [redacted] former [redacted] and [redacted]

57 APR 18 1966
WAF:bjg (7)

CONTINUED - OVER

ORIGINAL FILED IN 58-6157-12

Memorandum to Mr. DeLoach
RE: SENATOR THOMAS J. DODD

[redacted] (all former employees of Senator Dodd) were involved in making these records available to Anderson. All of these persons have refused to discuss their participation.

Remaining major interviews regarding theft of Dodd's records consist of interviews with Anderson, [redacted] Ginn, and [redacted]. With respect to [redacted] it is indicated he may have been Anderson's entree to the Dodd story and records. He reportedly is now a free-lance writer and is collaborating with Anderson on a book. He was formerly [redacted] of the Peace Corps and also formerly [redacted] of the Inspection Service of the Office of Economic Opportunity.

III. JOE VALACHI'S MANUSCRIPT:

Our inquiries in this phase were based on information furnished by [redacted] that Opal Ginn prepared a copy of the Valachi manuscript, which [redacted] thought was delivered to Anderson by a Justice Department employee. [redacted] suspected one [redacted] who upon interview denied any knowledge of the matter.

We have been pursuing this aspect concurrently with our investigation of the theft of Dodd's records, but no further identification of the Justice Department employee has been obtained. Anderson, Ginn, and [redacted] are now logical interviewees concerning the Valachi manuscript. If they will not identify the Justice Department employee, an exhaustive investigation into the administrative handling of the Valachi manuscript within the Department will be necessary. WFO has been instructed to afford all aspects of this case continuous and expeditious attention.

RECOMMENDATIONS:

If you approve, our WFO will be authorized to proceed with immediate interviews of: Jack Anderson (concerning all 3 matters mentioned above); Opal Ginn (concerning matters 2 and 3); [redacted] (concerning matters 2 and 3); and [redacted] (covering item 2 above) for full details of their involvement in these matters. Should any of these individuals request the interviews be conducted in the presence of their attorney or anyone else, the interviews will be immediately discontinued.

Handwritten notes and signatures:
A large handwritten 'N' with a slash through it.
Handwritten initials 'OR' and 'DR'.
Handwritten note: 'AIRTEL 9/16/66 TO WFO WFO bjc'.
Handwritten signature 'JAM'.
Handwritten initials 'RC' in a circle.
Handwritten signature 'JMM'.
Handwritten signature 'WJ'.

FBI

Date: 4/4/66

PLAIN TEXT

Transmit the following in (Type in plaintext or code)

AIRTEL

b6
b7c

Via (Priority)

TO : DIRECTOR, FBI
(ATT: ACCOUNTING AND FRAUD SECTION)

FROM : SAC, NEW YORK

SUBJECT: UNSUB; (EMPLOYEE OF DEPARTMENT OF JUSTICE, WASHINGTON, DC)
[redacted] SUSPECT;
[redacted]; OPAL GINN; JACK N. ANDERSON
ADMINISTRATIVE INQUIRY
TGP

Re telephone call 4/4/66.

Attached herewith are originals and one copies of affidavits secured from SAs [redacted] and [redacted]

Inasmuch as there appears to be no dereliction of duty on the part of the above agents no administrative action is being recommended.

4/6/66
1 - copy of each incl - retained as tidbits 2248
wjg

58-6157

C. C. Mich

3 - Bureau (Encls. 8)
1 - New York
WMA:RAR
(5)

~~ENCLOSURE~~
~~ENCLOSURE~~

62-110857-5
APR 11 1966
NOT RECORDED
203 APR 11 1966

ORIGINAL FILED IN 58-6157-1

Approved: _____ Sent _____ M Per _____

Special Agent in Charge

57 APR 15 1966

UNITED STATES GOVERNMENT

Memorandum

- Tolson
- DeLoach
- Mohr
- Wick
- Casper
- Callahan
- Conrad
- Felt
- Gale
- Rosen
- Sullivan
- Tavel
- Trotter
- Tele. Room
- Holmes
- Gandy

TO : Mr. DeLoach

DATE: April 8, 1966

FROM : A. Rosen

1 - Mr. DeLoach

1 - Mr. Rosen

1 - [redacted]

1 - Mr. Walters

1 - [redacted]

1 - Mr. Wick

1 - Mr. Gale

SUBJECT: SENATOR THOMAS J. DODD
BRIBERY; CONFLICT OF INTEREST

Walters

This is to advise you of the results of our efforts to date to interview columnist Jack N. Anderson; Opal Ginn (Anderson's secretary); [redacted] and [redacted] (free-lance writer and former [redacted] of the Peace Corps). Contacts with these individuals were approved pursuant to my memorandum of April 5, 1966, (attached).

Op2

JACK N. ANDERSON

Anderson was interviewed afternoon of 4/7/66 (he refused to make himself available earlier). With respect to the allegations against Senator Dodd, Anderson stated no further information from his personal and shorthand notes will be furnished because his live informants and sources are available for contact if such should be desired.

As regards the theft of records from Dodd's office, Anderson stated that the records were not stolen since they are all now located in the Senator's files. Anderson refused to discuss the duplication of Senator Dodd's records. He launched into a tirade against the Department of Justice for investigating the copying of Dodd's records rather than the allegations against Dodd himself. Anderson stated, he feels the Director should have refused to do an investigation of this type when requested by the Attorney General.

Anderson declined to identify his source of the Valachi manuscript. He indicated his source is not a "kid" but "highly placed" and if we were to conduct investigation which resulted in the identification of Anderson's source of this manuscript it would cause nothing but embarrassment to the Department of Justice. Anderson expressed disgust that no interest had been shown in the Valachi manuscript until the Dodd matter came up; he pointed out that he first printed an article about this manuscript over one year ago.

Enclosure
EFK:WAF:DC
(8)
57 APR 18 1966

62-11055-7
NOT RECORDED
CONTINUED 1966 OVER

COMM. OFFICE
10 APR 14 1966

6-way

ORIGINAL FILED IN 58-6159-102

Memorandum to Mr. DeLoach
RE: SENATOR THOMAS J. DODD

OPAL GINN

Anderson said that Ginn is out of town until early next week. He did not say where she is located at the present time but he stated he plans to talk with her before she is contacted by Bureau Agents and caution her not to make any comment concerning the copying of various material if she, in fact, has any such information.

[redacted]
[redacted] was interviewed by Washington Field (WFO) on the afternoon of 4/6/66. He stated that Anderson is a close friend of his and he permits Anderson to use the Xerox machine in his, [redacted] office, whenever Anderson desires to do so. [redacted] said he learned from Opal Ginn that she had used his Xerox to copy some Valachi papers. Since this was a large job, he billed "Parade" magazine for \$54 on 3/15/65 and received a check in payment from Anderson.

[redacted] said he learned from his former [redacted] [redacted] that his Xerox machine had been used to copy certain material relating to Senator Dodd. This work was done on 6/13/65 and he billed Anderson for \$51.87 on August 9, 1965. [redacted] claimed he was not present when any of the above-mentioned material was copied and he does not know the sources utilized by Anderson to obtain such material.

[redacted]
Efforts to locate [redacted] in Washington, D. C., on 4/6/66 and 4/7/66 were unproductive. Information received on 4/7/66 indicates [redacted] may be in New York and our New York Office has been instructed to locate and interview [redacted] immediately.

OTHER INVESTIGATION

We have completed interviews with all employees and former employees of Senator Dodd as well as other collateral interviews. No pertinent information other than that mentioned in my memorandum of April 5, 1966, was developed. It is noted it was pointed out in my April 5, 1966, memorandum that investigation indicated that five former employees of

↓ ↓
CONTINUED - OVER

Memorandum to Mr. DeLoach
RE: SENATOR THOMAS J. DODD

Senator Dodd were involved in making his records available to Anderson. These persons refused to discuss their participation when contacted.

ACTION BEING TAKEN:

Efforts to locate Opal Ginn and [redacted] [redacted] are continuing. WFO is assembling a voluminous report of its investigation concerning the theft of Dodd's documents. As soon as it is received, a copy of same, as well as copies of reports prepared by other offices which have conducted investigation and which will represent completion of all investigation with respect to the theft of Dodd's records will be forwarded to Assistant Attorney General Vinson by memorandum. This memorandum will request Vinson's advice as to whether prosecution will be undertaken.

RECOMMENDATION: *WAF:gs* MEMO ROSEN TO DELOACH 4/12/66 WAF:gs. MEMO ADG VINSON 4/12/66 WAF:gs.

It is noted an article appeared in the "Washington Post" 3/21/65, to the effect that Anderson reviewed the Valachi book described as "1,150 pages long after being typed by Justice Department stenographers."

In connection with our investigation concerning the Valachi matter, all our inquiries outside the Department have been completed except talking with Ginn who Anderson states he will caution not to make any comment to Bureau Agents concerning the copying of material if she, in fact, has such knowledge. If this matter is to be pursued further it will now be necessary to go to the Department and interview stenographers, attorneys, clerks and anyone else who had access to the original and copies of the Valachi manuscript made in the Department. The Valachi material is not a Government document as it was written by Valachi while he was in jail and our inquiries would be of an administrative nature. Initially our inquiries were based on an allegation that FBI reports on Valachi had been copied. Our investigation has clearly established the falsity of this allegation.

↓
CONTINUED - OVER



Memorandum to Mr. DeLoach
RE: SENATOR THOMAS J. DODD

It may be desirable to tell the Attorney General that in view of the foregoing we do not plan to make any inquiry into the Department's administrative handling of the Valachi manuscript unless the Attorney General so instructs.

4/14/66
Rosen to DeLoach MEMO
MEMO to AG, cc DAG &
AAG V. [unclear] dated 4/15/66

Yes,
J

~~R~~

V.

Q

W

W

R

J

R

UNITED STATES GOVERNMENT

Memorandum

b6
b7C

Tolson	_____
DeLoach	_____
Mohr	_____
Wick	_____
Casper	_____
Callahan	_____
Conrad	_____
Felt	_____
Gale	_____
Rosen	_____
Sullivan	_____
Tavel	_____
Trotter	_____
Tele. Room	_____
Holmes	_____
Gandy	_____

TO : Mr. Rosen

DATE: March 31, 1966

FROM : L. M. Walters

- 1 - Mr. Rosen
- 1 - [redacted]
- 1 - Mr. Walters
- 1 - [redacted]
- 1 - [redacted]

SUBJECT: UNSUB; (EMPLOYEE OF DEPARTMENT OF JUSTICE, WASHINGTON, D. C.);

[redacted] SUSPECT
 [redacted] OPAL GINN;
 JACK N. ANDERSON
 ADMINISTRATIVE INQUIRY; THEFT OF
 GOVERNMENT PROPERTY

5-1
4-1
1-1

At approximately 7:15 p. m., 3-31-66, Night Supervisor [redacted] New York Office, was advised that efforts were to continue to locate and interview [redacted] to determine whom she called in the Justice Department. SA [redacted] advised that at this moment they do not know the whereabouts of [redacted] but this matter is being given expeditious attention.

CWC:hw
(6)

EX-112

REC 17

62-110857-13

ADDENDUM: CWC:hw 3-31-66

At approximately 10 p. m., 3-31-66, SA [redacted] PR 5 1966 New York Office, advised that [redacted] had been located by investigators for [redacted] and she was completely inebriated. [redacted] men are under instructions to place [redacted] on a flight at 12 Noon, April 1, 1966, for West Palm Beach, Florida, where she is to reside in an apartment. Night Supervisor [redacted] furnished these facts to SAs [redacted] and Walters who concurred that Agents should interview [redacted] at approximately 9 a. m., 4-1-66. New York was further instructed to immediately incorporate in a teletype all developments regarding location of [redacted]

b6
b7C

F-128

6/10

UNITED STATES GOVERNMENT

Memorandum

Tolson	_____
DeLoach	_____
Mohr	_____
Wick	_____
Casper	b6 _____
Callahan	b7c _____
Conrad	_____
Felt	_____
Gale	_____
Rosen	_____
Sullivan	_____
Tavel	_____
Trotter	_____
Tele. Room	_____
Holmes	_____
Gandy	_____

TO : Mr. Rosen *RM*

DATE: April 1, 1966

FROM : L. M. Walters *L.M.W.*

- 1 - Mr. Rosen
- 1 - [redacted]
- 1 - Mr. Walters
- 1 - [redacted]
- 1 - [redacted]

SUBJECT: UNKNOWN SUBJECT (EMPLOYEE OF DEPARTMENT OF JUSTICE, WASHINGTON, D.C.)

[redacted]

[redacted] - SUSPECT
[redacted]; OPAL GINN;

JACK N. ANDERSON
ADMINISTRATIVE INQUIRY; THEFT OF GOVERNMENT PROPERTY

walters 4-5-66
RM

Mr. Nathaniel E. Kossack, Criminal Division of the Department, visited the Accounting and Fraud Section this morning (4-1-66), at which time he inquired as to the original source of the Bureau's information concerning the reported copying of the Joe Valachi manuscript for Jack Anderson. Mr. Kossack was informed as set forth in our memoranda to the Attorney General of 3-29-66 and 3-31-66, that the information originated from [redacted] (former employee of [redacted] who has acknowledged making a xerox copy of the manuscript of the Joe Valachi story.

The foregoing is for record purposes.

WAF:rmr
(6) *rmr*

EX-112

REC 1762-110857-14

3 APR 5 1966

WAF

50A 1128

FBI WASH DC*

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

MAR 31 1966

FBI ST LOUIS

TELETYPE

9-34 AM CST URGENT 3-31-66 MFW

TO: DIRECTOR AND WASHINGTON FIELD (62-9411)

FROM: ST. LOUIS (62-4598) 2P

Mr. Tolson	_____
Mr. DeLoach	_____
Mr. Mohr	_____
Mr. Wick	_____ b6
Mr. Casper	_____ b7C
Mr. Callahan	_____
Mr. Conrad	_____
Mr. Felt	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Trotter	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

UNSUB (EMPLOYEE DEPARTMENT OF JUSTICE, WASHINGTON, D. C.)

[REDACTED] - ET AL - SUSPECTS, ADMINISTRATIVE

INQUIRY TGP.

[REDACTED]

[REDACTED]

REWFOTEL, MARCH TWENTYNINE, LAST.

FILES OF FEDERAL RECORDS CENTER, ST. LOUIS, INDICATED

[REDACTED] EMPLOYED JANUARY FIFTEEN, FIFTYONE, TO MARCH TWELVE, FIFTYTHREE BY EXECUTIVE OFFICE OF PRESIDENT, COUNCIL OF ECONOMIC ADVISERS, WASH., D.C. EMPLOYED FROM APRIL FIVE, FIFTYFOUR, TO AUGUST TEN, FIFTYSEVEN, BY FOREIGN OPERATIONS ADMIN., WASH., D.C., AND FRANKFURT, GERMANY. EMPLOYED FROM MAY TWENTYSEVEN, FORTYTHREE TO JANUARY FOURTEEN, FIFTYONE, FROM MARCH TWENTYTHREE, FIFTYTHREE, TO APRIL TWO, FIFTYFOUR, AND FROM FEBRUARY FIFTEEN, SIXTYONE, TO JULY TWELVE, SIXTYFIVE, BE DEPT. OF JUSTICE, TAX DIVISION, WASH., D.C., WHEN SHE RESIGNED AS [REDACTED] TO WORK WITH PRIVATE LAW FIRM.

b6
b7C

REC-15 62-110857

15

WITH THE EXCEPTION OF FORWARDING ADDRESS, ALL BACKGROUND INFORMATION AVAILABLE IN OFFICIAL PERSONNEL FOLDER WAS SET

END PAGE ONE

TWO COPIES WFO

file 6-woz

SL 62-4598

b6
b7c

PAGE TWO

FORTH ON STANDARD FORM EIGHTYSIX, DATED MARCH FOUR, SIXTYONE,
COPY OF WHICH WAS FURNISHED TO WFO BY BULET TO WFO, DATED MARCH
THIRTEEN, SIXTYONE, IN CASE CAPTIONED; [REDACTED]

[REDACTED]

FORWARDING ADDRESS WAS SHOWN AS [REDACTED]

[REDACTED] IN JULY, SIXTYFIVE.

PHOTOGRAPH NOT AVAILABLE IN FILE. RUC.

END

WA...BJH

FBI WASH DC*

TU CLR

F B I

Date: 3/31/66

Mr. Tolson	_____
Mr. DeLoach	_____
Mr. Mohr	_____
Mr. Wick	_____
Mr. Casper	b6 _____
Mr. Callahan	b7c _____
Mr. Conrad	_____
Mr. Felt	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Trotter	_____
Mr. Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL _____
(Priority)

TO: DIRECTOR, FBI
FROM: SAC, WFO (62-9411) (P)

UNSUB; (Employee of Department
of Justice, Washington, D. C.)

[Redacted] - Suspect *D.S.*

Opal Ginn
Janet N. Anderson
ADMINISTRATIVE INQUIRY; TGP
(OO:WFO)

b6
4/19
14
5

ReBuairtel, 3/28/66, and WFO phone call to New
York, 3/31/66.

D.C.
DAVID MARTIN, Executive Assistant to Senator THOMAS
J. DODD, advised 3/31/66 as follows: [Redacted] telephoned
MARTIN from New York and said [Redacted] advised [Redacted] (associate
of [Redacted] that [Redacted] said she had telephoned from [Redacted]
residence to an unknown person in Justice Department whom
she stated she had dated in past and indicated this person
was individual who assisted in removal of JOSEPH VALACHI's
manuscript.

b6
b7c

New York field division telephonically contacted
by WFO and furnished information regarding [Redacted] New York
requested to contact [Redacted] and [Redacted] to determine full facts
and identify Department of Justice employee.

- 3 - Bureau
- 2 - New York
- 3 - WFO

LBC:mjw
(8)

AIRTEL

6
62-110857-16
APR 5 1966
6-waf

Approved: *[Signature]*
Special Agent in Charge

Sent _____ M Per _____

FBI NEW YORK

1230 AM URGENT

4-2-66

AXIS

TO DIRECTOR ---1--- AND WASHINGTON FIELD

TO WASHINGTON VIA WASHINGTON

FROM NEW YORK

TELETYPE UNIT

APR 2 1966

ENCODED MESSAGE

Mr. Tolson	
Mr. DeLoach	
Mr. Mohr	
Mr. Wick	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Miss Holmes	
Miss Gandy	

SUBJECT: UNSUB; (EMPLOYEE OF DEPARTMENT OF JUSTICE, WASHINGTON DC)

[REDACTED] - SUSPECT; [REDACTED]

OPAL GINN; JACK N. ANDERSON ADMINISTRATIVE INQUIRY ISF

Office of Government Property

RE NY TELETYPE THREE THIRTY ONE SIXTY SIX

[REDACTED] WAS LOCATED AT [REDACTED] RESIDENCE FOUR ONE SIXTY SIX. [REDACTED] DECLINED TO GO TO MIAMI, FLORIDA WITH [REDACTED] EMPLOYEES.

[REDACTED] ADVISED THAT SHE DID NOT CALL ANY JUSTICE DEPARTMENT EMPLOYEE WHILE IN NEW YORK AND DENIES THAT SHE TOLD [REDACTED] OR ANY OF HIS EMPLOYEE, THAT SHE HAD CALLED A JUSTICE DEPARTMENT EMPLOYEE ON SUNDAY THREE TWENTY SEVEN SIXTY SIX AND FURTHER DENIED THAT SHE HAD EVER DATED AN EMPLOYEE OF THE JUSTICE DEPARTMENT.

[REDACTED] INDICATED THAT SHE MIGHT CONTACT SENATOR DODD AND JACK ANDERSON WHEN SHE RETURNED TO WASHINGTON DC. SHE COMMENTED THAT WHEN SHE GETS TO WASHINGTON DC SHE MIGHT CONSIDER PRESSING KIDNAPPING CHARGES AGAINST [REDACTED]

[REDACTED] DEPARTED NEW YORK CITY FOUR ONE SIXTY SIX VIA PENN RR, DEPARTING NEW YORK AT SIX THIRTY PM ARRIVING TEN FIFTY PM WASHINGTON DC.

END AND ACK

WA...LRC R RELAY (WFO)

69 APR 20 1966
FBI WASH DC

TWO COPIES TO WFO

REC-110

62-110453-17

16 APR 5 1966

6-wof

b6
b7c

b6
b7c

UNITED STATES GOVERNMENT

Memorandum

b6
 Tb7C _____
 DeLoach _____
 Mohr _____
 Wick _____
 Casper _____
 Callahan _____
 Conrad _____
 Felt _____
 Gale _____
 Rosen _____
 Sullivan _____
 Tavel _____
 Trotter _____
 Tele. Room _____
 Holmes _____
 Gandy _____

TO : Mr. Rosen *[Signature]* DATE: 4/5/66

FROM : L. M. Walters *[Signature]*

SUBJECT: UNKNOWN SUBJECT; (EMPLOYEE OF
 DEPARTMENT OF JUSTICE,
 WASHINGTON, D. C.)

1-Mr. Rosen
 1-
 1-Mr. Walters
 1-
 1-

1-
 4-
 5-

[Redacted]
[Redacted] - SUSPECT;
[Redacted]

OPAL GINN;
 JACK N. ANDERSON
 ADMINISTRATIVE INQUIRY;
 THEFT OF GOVERNMENT PROPERTY

With respect to the allegation (DeLoach to Tolson memo 4/2/66) relayed by *[Redacted]* at the White House from Senator Dodd to the effect that the FBI thinks *[Redacted]* *[Redacted]* should be held in protective custody but cannot assume protective custody of her because the Justice Department will not allow them to do this and the Director's notation with reference thereto to make certain no one in the FBI said this, this is to record that New York Office was telephonically instructed on 4/4/66, to obtain affidavits from all Agents who have been in contact with *[Redacted]* *[Redacted]* or any of *[Redacted]* employees in connection with captioned matter or the related case involving theft of records from Senator Dodd's office. These instructions were given to Relief Supervisor *[Redacted]* in absence of SAC Alexander. *[Redacted]* was instructed to cover the specific allegation in the affidavits as well as whether any statement or comment was made by the Agents from which such inference could be drawn. *[Redacted]* was instructed to telephone the results 4/4/66, and follow with the affidavits by cover airtel.

b6
 b7C
[Handwritten mark]

Later on 4/4/66, *[Redacted]* called and advised that there were four Agents, each of whom had furnished an affidavit categorically denying that any such comment was made or any comments that might be so construed. The four Agents are *[Redacted]* and Supervisor *[Redacted]* stated the affidavits would be forwarded immediately.

ACTION:

None..for information and record purposes. APR 6 1966

REC-11
 EX-105
 110-57-18

[Signature]
 54 APR 13 1966
 LMW:gka
 (5)

[Handwritten signature]

UNITED STATES GOVERNMENT

Memorandum

- Tolson _____
- DeLoach _____
- Mohr _____
- Walters _____
- Casper _____
- Callahan _____
- Conrad _____
- Felt _____
- Gale _____
- Rosen _____
- Sullivan _____
- Tavel _____
- Trotter _____
- Tele. Room _____
- Holmes _____
- Gandy _____

TO : MR. TOLSON

DATE: 4/4/66

FROM : E. D. DeLoach

cc Mr. DeLoach
Mr. Gale
Mr. Rosen
Mr. Wick

b6
b7c

SUBJECT:
SENATOR THOMAS J. DODD
BRIBERY; CONFLICT OF INTEREST

Jack Anderson called me late Saturday, 4/2/66. He stated he wanted to tip us off in confidence that Drew Pearson may make derogatory comments concerning the FBI in his column within the near future.

I asked Anderson the basis for such potential comments. He stated he personally had offered to bring in all witnesses in the theft of files from Senator Dodd's office and have them interviewed at one time in his presence. The FBI, however, had ignored this offer and had interviewed these witnesses on an individual basis. I told him this was perfectly logical as an investigative step and that it would be ridiculous to interrogate all witnesses in his presence.

Anderson said this was not the only thing. I asked him what else he had. He stated there had been delay on the part of the FBI in investigating the derelictions of Senator Dodd. I told him this was ridiculous. I mentioned that, as he and Pearson well knew, the FBI has no authority to investigate such matters unless the Department of Justice determines there is a possible violation within FBI jurisdiction. I told him in all instances of this nature we must necessarily wait upon the Department to make up its mind. Anderson stated he would try to explain this to Pearson; however, Pearson might not listen to him.

ORIGINAL FILED IN 58-6157

I told Anderson I thought ~~it was~~ ~~not~~ ~~recording~~ ~~time~~ in carrying on a conversation if he expected ~~me~~ ~~to~~ ~~believe~~ this.

162-110857-

RECORDED
191 APR 11 1966
6 APR 8 1966

Anderson stated he had another complaint. He mentioned that one day last week there were nine agents operating out of Senator Dodd's office and apparently at Senator Dodd's directions. He stated this was in connection with interviewing Dodd's personnel regarding the theft of documents from Dodd's office. I told him here again he should get correct facts before he called me. I stated the agents were operating out of the Senate Juvenile Delinquency Subcommittee offices, which had been loaned to them for the purpose of interviewing personnel. I mentioned that the agents at no time had operated under Dodd's directions; that Dodd had nothing to do with the interrogation. Anderson stated this might be true; however, it was his understanding that the agents were questioning people in Dodd's private office. I told him this was not true.

CEB:CSH (6)

CONTINUED - OVER

PIERS REC. UNIT

57 APR 20 1966

Handwritten notes: "Hand 1 DeLoach 4/4/66 T&P:ml"

Mr. Tolson

Anderson said he also wanted to mention that, in connection with the investigation involving possible impersonation of an FBI agent by Former Agent [redacted] (the investigator hired by Dodd) Special Agent [redacted] of our Washington Field Office had been very abusive in asking questions regarding [redacted]. I asked Anderson for specifics. He stated it was his understanding that [redacted] asked such questions as "You know, of course, that [redacted] has never impersonated an agent," and "Isn't it ridiculous to assume that [redacted] impersonated an FBI Agent?"

Anderson stated he had been told that FBI Agents, in conducting this investigation, have been very defensive with respect to [redacted] activities. I told him we would look into the matter involving Special Agent [redacted] and nail down the allegation. However, I doubted very seriously that agents had attempted to excuse [redacted] activities in any manner whatsoever. I stated, to the contrary, the witnesses who allegedly had claimed that [redacted] had impersonated an FBI Agent, had emphatically denied that [redacted] had stated or claimed he was currently with the FBI. As a matter of fact, both witnesses stated that [redacted] had made it clear to them that he was a private investigator.

Anderson stated this might be true; however, the record looks spotty inasmuch as [redacted] has a record of wire tapping and has been previously employed by [redacted] and [redacted]. Anderson mentioned that everyone knows that [redacted] and [redacted] hated Anderson and Pearson.

I asked him what this had to do with the FBI. He stated both [redacted] and [redacted] had formerly been with the FBI and, therefore, there was a close partnership. I told Anderson this did not follow at all. [redacted] stated when a person leaves the FBI he leaves once and for all. Anderson stated the general public does not realize this. I told him if he were a good newspaperman he certainly should realize this.

Anderson told me that in his opinion Dodd has violated three Federal laws at least. He stated he and Pearson have evidence and witnesses. He said this was not a case of disgruntled employees, inasmuch as even after some employees left Dodd's service, Dodd attempted to get them back. He mentioned that on one occasion Dodd even went to a restaurant one night to beg an employee to come back.

Mr. Tolson

Anderson stated he knew something else which the FBI might want to look into. He mentioned that in the Summer of 1964 one of Dodd's employees overheard Dodd talking to the head of the New York Office of the FBI. Dodd asked if this FBI representative would have him picked up at the airport by an FBI car and delivered to the Essex House in New York City. At that time Dodd supposedly had an appointment with General Klein.

Anderson stated he, of course, could understand the FBI's motives in doing this, inasmuch as Dodd was a powerful man on the Hill. He stated he would not blame the FBI for being of service to Dodd. He added, however, that he hoped the FBI would not shirk in its investigation of Dodd, just because Dodd was a powerful individual.

I asked Anderson if he had ever heard of the FBI shirking its investigations in any case. He replied in the negative. I told him I would check on the matter of picking Dodd up and delivering him to the Essex House.

Anderson stated he would like the privilege of calling and talking to me occasionally about the captioned case. I told him under the circumstances at this stage of the game it would be far better for him to call the Justice Department, inasmuch as that Department was the one making the decisions as to investigative activity. I stated I had no objections to his calling me if he had any complaints regarding the FBI; however, such calls would be a waste of time unless he had the correct facts.

ACTION:

(1) The General Investigative Division will issue instructions to the Washington Field Office to have SA [] prepare a signed affidavit regarding the above-mentioned allegations that he was abusive in interviewing witnesses concerning the possible impersonation case involving former Agent []

Yes & promptly - MEMO ROSEN TO DE LOACH 4/4/66 WAF:ba

(2) The Crime Records Division will determine from Assistant Director Malone in New York whether he made a car available in the Summer of 1964, or at any other time, to Senator Dodd, so that Dodd could be transported to the Essex House in New York.

Yes & sooner
MR. WICK IS HANDLING THIS.
[Signature]

4/2/66

b6
b7C

GENERAL INVESTIGATIVE DIVISION

This is the case in which [redacted] claims she made a copy of the Joe Valachi manuscript for Opal Ginn (Jack Anderson's secretary). [redacted] said she believed this manuscript was made available to Ginn by an employee of the Department of Justice, namely [redacted] was interviewed and denied all knowledge of this matter. [redacted] reportedly now claims the manuscript was delivered to Anderson's office by a Department employee whom she formerly dated. Our New York Office has been attempting to locate and interview [redacted] to pin her down on this latest information in an effort to identify the Justice employee. [redacted] was to fly from New York to Florida 4/1/66, accompanied by two employees of [redacted] [redacted] (private investigator retained by Senator Dodd).

COPY SENT TO MR. TOLSON

EFK

[Handwritten signatures and initials]

UNITED STATES GOVERNMENT

Memorandum

Tolson	_____
DeLoach	_____
Mohr	_____
Wick	_____ b6
Casper	_____ b7C
Callahan	_____
Conrad	_____
Felt	_____
Gale	_____
Rosen	_____
Sullivan	_____
Tavel	_____
Trotter	_____
Tele. Room	_____
Holmes	_____
Gandy	_____

TO : Mr. DeLoach *DL*

DATE: April 4, 1966

FROM : A. Rosen *AR*

- 1 - Mr. DeLoach
- 1 - Mr. Rosen
- 1 - [redacted]
- 1 - Mr. Walters
- 1 - [redacted]
- 1 - Mr. Wick
- 1 - Mr. Gale
- 1 - Mr. Mohr
- 1 - Mr. Callahan

SUBJECT: UNKNOWN SUBJECT (EMPLOYEE OF DEPARTMENT OF JUSTICE, WASHINGTON, D.C.)

[redacted] - SUSPECT
 [redacted]; OPAL GINN
 JACK N. ANDERSON
 ADMINISTRATIVE INQUIRY; THEFT OF GOVERNMENT PROPERTY

In response to the Director's inquiry as to whether we interviewed [redacted] before she left New York, this is to advise that she was interviewed by our New York Office on 4/1/66 prior to her departure from that city. It is noted my memorandum of April 1, 1966, stated that efforts would be made to do this.

The purpose of our contacting [redacted] was to pin her down with respect to the statement attributed to her by private investigators [redacted] and [redacted] (employed by Senator Dodd) that she, [redacted] had called a Department of Justice employee, whom she refused to identify, from [redacted] New York residence on the evening of 3/27/66. [redacted] also reportedly stated she had dated this employee and that this was the person who had delivered the Valachi manuscript to Jack Anderson. This information was furnished on 3/31/66 by [redacted] who also said two of his men were flying [redacted] to Florida on 4/1/66 and in view of her fear of heights, she would be intoxicated when she left New York.

REC-42 62-110857-19

[redacted] flatly refused to fly so she did not go to the airport on 4/1/66. She was located by our New York Office at [redacted] residence that day. [redacted] stated she did not call any Justice Department employee while she was in New York and she denied she had made such a statement to [redacted] or any of his employees. [redacted] further denied that she had ever dated an employee of the Department of Justice. [redacted] left New York City for Washington, D. C., by train at 6:30 p.m., 4/1/66.

b6
b7C

WAF:b
(10)

CONTINUED - OVER

54 APR 20 1966

62 15 APR 8 1966

WAF

Memorandum to Mr. DeLoach

RE: [redacted]

[redacted] was contacted by our Agents in Washington, D. C., this afternoon (4/4/66) at which time she furnished a signed statement concerning her participation in the copying of records stolen from the office of Senator Dodd. In addition, she identified an individual assisting in copying of the Valachi manuscript as one [redacted] who may be an employee of the Xerox Corporation. We are making further inquiries to identify, locate and interview him.

With respect to the Director's instructions that we should make certain no one in the FBI said the FBI thinks [redacted] should be held in protective custody, but we could not assume custody of her because the Justice Department would not allow us to do this, this is to advise the Special Agents of our New York and Washington Field Offices who have conducted interviews concerning [redacted] have categorically denied that they made such statements or that they made any comments that could be so construed.

ACTION:

Our New York and Washington Field Offices are forwarding to the Bureau affidavits prepared by the Agents indicated above.

R *JMM* *V.* *R* *AS* *JMM*
CD *WJ*
R

UNITED STATES GOVERNMENT

Memorandum

Tolson	b6
DeLoach	_____
Mohr	b7C
Wick	_____
Casper	_____
Callahan	_____
Conrad	_____
Felt	_____
Gale	_____
Rosen	_____
Sullivan	_____
Tavel	_____
Trotter	_____
Tele. Room	_____
Holmes	_____
Gandy	_____

TO : Mr. DeLoach

DATE: April 1, 1966

FROM : A. Rosen *R*

- 1 - Mr. DeLoach
- 1 - Mr. Rosen
- 1 - [redacted]
- 1 - Mr. Walters
- 1 - [redacted]

SUBJECT: UNKNOWN SUBJECT (EMPLOYEE OF DEPARTMENT OF JUSTICE, WASHINGTON, D.C.)

[redacted] - SUSPECT
[redacted] OPAL GINN

JACK N. ANDERSON

ADMINISTRATIVE INQUIRY; THEFT OF GOVERNMENT PROPERTY

5-1
4-1
1-1

SAC Alexander, New York, called at 2:50 p.m. this afternoon and furnished the following information concerning efforts to locate and interview [redacted] to ascertain the identity of the Justice Department employee she now is reported to have stated made the Valachi manuscript available to Jack Anderson.

[redacted] was to fly from New York to Florida today aboard an Eastern Airlines flight departing from New York at 12:00 o'clock noon. Alexander advised that neither [redacted] nor the two employees of private investigator [redacted] who were to accompany her on this flight, showed up at the airport. New York Agents got in touch with [redacted] who stated that [redacted] (who has an inordinate fear of heights) flatly refused to fly to Florida. She indicated she was willing to go by train, but the railroads are on strike. [redacted] said [redacted] had been staying at the Seabreeze Inn on Long Island, and she asked the investigators to drive her to [redacted] house today, which they did. She remained at [redacted] house only briefly and departed, and [redacted] does not know where [redacted] is at the present time. However, he expects that [redacted] will get in touch with him later today.

Handwritten signature

b6
b7C

Our Agents in New York are attempting to locate and interview [redacted]. A detailed teletype will be forwarded to the Bureau tonight concerning today's developments in this matter.

REC-35
62-110857-20

The foregoing is for information and record purposes.

EFK: rmr
(6)

Handwritten signatures and dates:
 785
 1966
[Signatures]

Handwritten initials and date:
 40
 6-407

FBI

Date: 3/25/66

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL _____
(Priority)

Mr. Tolson	_____
Mr. DeLoach	_____
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. Felt	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Trotter	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

TO : DIRECTOR, FBI
FROM: SAC, WFO (62-New)

UNSUB; Employee Department
of Justice, Washington, D. C.

JACK ANDERSON
Administrative Inquiry;
TGP
(OO:WFO)

REC-1
wyz
[Redacted Box]

Re Bureau telephone call to WFO this date.

SA [Redacted] telephonically talked to [Redacted]
Investigator for Senator THOMAS J. DODD on this
date, pursuant to an earlier telephone contact he made
to the Bureau. This call made to [Redacted] home,
[Redacted] at approximately 4:00 p.m.

[Redacted] advised [Redacted]
[Redacted] whom he had earlier interviewed regarding possible
theft of records from the Senator's office, telephonically
contacted him at the Fairfax Hotel on the evening of March
23, and indicated fear for her life and wanted to leave
the city. Whereupon, on that evening [Redacted]
and himself drove to New York. [Redacted] spent
the night at the Manhasset Motor Lodge, Manhasset, Long
Island and since 3:00 p.m. on March 24, has been staying in
the [Redacted] home.

b6
b7c

- 3 - Bureau
- 2 - New York
- 1 - WFO

LSH:lmr
(6)

AIRTEL 149

57 APR 14 1966

REC-21

MCT-18

62-110351-21

APR 5 1966

6-wof

G. E. Nick

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

WFO 62-New

[redacted] said in the discussion of the DODD records, she mentioned in early June, 1965 she had reproduced a report from the Department of Justice on VALACHI. She said this report consisted of 1287 pages, was reproduced in the offices of [redacted] Washington, D. C., and was returned on the same day. [redacted] said he asked her if it was an FBI file and who brought the file to [redacted] office. She said it was a "Department of Justice" file and although she did not know exactly who brought the file, she has suspicions.

[redacted] stated during the course of conversations with [redacted] she commented if JACK ANDERSON or DREW PEARSON hurt her mother or sister, and indicated that it might be physically, she had enough information that could put them in jail for the rest of their life. [redacted] also stated she had indicated she might "slip away" in view of the fears she was experiencing.

Arrangements have been made for WFO Agents to meet with New York Office Agents on morning of March 26 to interview [redacted] in New York Office regarding all aspects.

F B I

Date: 3/29/66

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL _____
(Priority)

TO: DIRECTOR, FBI
FROM: SAC, WFO (62-9411) (P)



UNKNOWN SUBJECT;
(Employee of Department of Justice,
Washington, D.C.)

[Redacted]

[Redacted] - SUSPECT

[Redacted]

OPAL GINN
JACK N. ANDERSON
Administrative Inquiry
THEFT OF GOVERNMENT PROPERTY
(OO:WFO)

ReBuairtel, 3/28/66.

[Redacted] Former [Redacted] to Assistant Attorney General, Tax Division, Department of Justice, interviewed 3/29/66, executed signed sworn statement to effect she never typed, saw nor made available to JACK N. ANDERSON or any member of his staff a copy of JOSEPH VALACHI manuscript. [Redacted] said she had no knowledge of anyone else having furnished ANDERSON or any of his representatives with copy.

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[Redacted] is social acquaintance of OPAL GINN, Secretary to ANDERSON. States to best of knowledge has visited ANDERSON's office on one or two occasions. One

- 3 - Bureau (Enc. 1)
- 3 - WFO
- LBC:bjw
- (6)

ENCLOSURE

MCT-43

APR 5 1966

62-11857-22
6-007

AIRTEL ROUTING UNIT

ERROR LETTER SENT

Approved: 199 Special Agent in Charge Sent _____ M Per _____

ABC-7.5.66

WFO 62-9411

occasion some years ago, other possibly one year ago. GINN and [] have tacit agreement not to discuss business matters at any time.

Enclosed herewith is one copy of an FD-302 reflecting interview of [] by New York agents. Copy of this will be included in WFO report.

FEDERAL BUREAU OF INVESTIGATION

Date 3/28/66

[redacted] furnished the following information regarding a report on the JOSEPH VALACHI story, which she helped to make a Xerox copy of.

This report was copied on a Xerox 813 machine in the office of [redacted] where she was employed at the time by [redacted]. She could not pinpoint the date of the occurrence but recalled it happened in the period between June 1964 and June 1965. It probably occurred in approximately October 1964, or February - March, 1965, which time she established by the fact that a friend, who assisted her in the copying, wore a topcoat. The Senate public hearings on JOSEPH VALACHI were long past at the time of the occurrence.

OPAL GINN, JACK ANDERSON's secretary, brought the report to [redacted] office and began the task of copying it. When first observed by [redacted] GINN had the report separated and spread out. [redacted] began to help GINN late in the work day, between 4 and 5 PM, and the job lasted until approximately 10 P.M. It was [redacted] habit to give GINN such assistance on a big chore of this type. This definitely occurred on a regular work day, rather than a weekend, but she could not pinpoint the day of the week. [redacted] was assisted for a period of time by a gentleman friend and she recalled that he had copied 300 pages in a period of one hour. She had called him on the phone and he came to the office and assisted her. He was not present at the completion of the chore. [redacted] refused to identify this friend but said she would contact him in an effort to establish the date.

On 3/26/66 at 201 E. 69th Street File # _____
New York, N. Y. 10021
 by SAS [redacted] & [redacted] Date dictated 3/28/66

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This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

62-110857-22
ENCLOSURE

[] described the report in question as consisting of approximately 1200 pages, probably less, but not less than 1100 pages. The pages were numbered by typewriter and contained in two maroon or reddish-marble plastic covers of a commercial type, which she had seen before in business offices and stationery stores. These covers were on the front and back of each group of pages. The pages in each file were held together by fasteners of the Acco type and said fasteners came through the top cover and were exposed outside the cover. One or both of the files had a common type gummed label on the top cover but she could not recall what was written thereon.

The report, which was copied, was a typewritten report but not the original, however, it was a good copy and was possibly the third or fourth carbon copy. [] expressed her belief that it came from an electric typewriter because the impressions of the typing were uniformly even. She is familiar with an IBM Executive Typewriter and its spacing and did not believe that the report was typed on such a machine.

The paper consisted of white legal size, 8-1/2 x 13" and was "white tissue, quite thin". [] examined a piece of commonly used onionskin type paper and advised the paper in question seemed softer but this could be the result of handling. The report was double or triple spaced but she believed it was double spaced.

She became aware that she was copying the JOSEPH VALACHI story as a result of scanning the material while copying it. The report was in narrative form and written in the first person singular. The grade of English was very poor and the language was such that it was difficult to understand. She reread certain pages in order to understand them. The language was such that she felt it was an original draft. She could not recall for sure if the spelling and punctuation were in conformity with good usage.

When the chore was completed at approximately 10 PM, she and OPAL GINN went to dinner at Trader Vic's Restaurant. She could not recall taking either copy of the report with them to dinner and expressed her belief that GINN probably put the material in her office on the fifth floor before they left the building for dinner. The copy which they had prepared was contained in a shopping bag. She said that OPAL GINN did not discuss this matter with her other than to say that the report had to be returned by the next morning. GINN either told [] that the report came from the Justice Department or [] read this in the report.

[] advised that she did not know for a fact the identity of the person or persons who made the report available to GINN, however, she surmised that it was made available by a female employee of the U.S. Department of Justice, whom she would not name. She said that JACK ANDERSON wrote an article, not a column, in a weekend edition of PARADE MAGAZINE, which appeared in the WASHINGTON POST in approximately December, 1965, concerning a group of people and their humanitarian efforts in connection with volunteer work at the Children's Hospital. The woman identified in this article by name and employed at the Department of Justice is the individual [] believes furnished the report.

[] advised further that she recalls reading a column by JACK ANDERSON, written at some time between October 1965 and the present, in which he indicated that he had received a copy of the JOSEPH VALACHI story from the Department of Justice.

The Attorney General

April 13, 1966

Director, FBI

PERSONAL

UNKNOWN SUBJECT (EMPLOYEE OF
DEPARTMENT OF JUSTICE, WASHINGTON, D. C.)

- 1 - Mr. DeLoach
- 1 - Mr. Rosen
- 1 - [redacted]
- 1 - Mr. Walters
- 1 - [redacted]
- 1 - Mr. Gale
- 1 - Mr. Wick

[redacted] - SUSPECT
[redacted] OPAL GINN

JACK W. ANDERSON

ADMINISTRATIVE INQUIRY; THEFT OF GOVERNMENT PROPERTY

Reference is made to my memoranda of March 29 and 31, 1966, in the captioned matter.

Enclosed is one copy each of the reports of Special Agent [redacted] dated April 11, 1966, at Washington, D. C., and Special Agent [redacted] dated April 12, 1966, at Washington, D. C., which set out the results of investigation conducted in connection with this case. It has now been established that the document which was duplicated was a copy of the manuscript of the Joe Valachi story and not an FBI report as originally indicated.

This completes all investigation with the exception of interviews with employees of the Department of Justice who had access to the Valachi manuscript. If this matter is to be pursued further it will be necessary to interview Department employees such as attorneys, stenographers, clerks and anyone else who had access to the original and copies of the Valachi manuscript made in the Department.

In view of the foregoing, we do not plan to make any inquiries into the Department's administrative handling of the Valachi manuscript unless you so instruct.

Enclosures (2)

REC 45 ✓ 62-11287-23

- Tolson _____ 1 - The Deputy Attorney General PERSONAL - Enclosures (2)
- DeLoach _____
- Mohr _____
- Wick _____
- Casper _____ 1 - Mr. Fred M. Vinson, Jr.
- Callahan _____ Assistant Attorney General PERSONAL - Enclosures (2)
- Conrad _____
- Felt _____
- Gale _____
- Rosen _____ EFK:me
- Sullivan _____ (12)
- Tavel _____
- Trotter _____
- Tele. Room _____
- Holmes _____
- Gandy _____

19 APR 14 1966

57 APR 13 1966
See memo to DeLoach memo dated 4/12/66. EFK:me

MAIL ROOM TELETYPE UNIT

APR 13 1966
COMM-FBI

APR 13 5 21 PM '66

JMM

[Handwritten initials]

UNITED STATES GOVERNMENT

Memorandum

Tolson _____
 DeLoach _____
 Mohr _____
 Wick _____
 Casper _____
 Callahan _____
 Conrad _____
 Felt _____
 Gale _____
 Rosen _____
 Sullivan _____
 Tavel _____
 Trotter _____
 Tele. Room _____
 Holmes _____
 Gandy _____

TO : Mr. DeLoach

DATE: April 12, 1966

FROM : A. Rosen

- 1 - Mr. DeLoach
- 1 - Mr. Rosen
- 1 - [redacted]
- 1 - Mr. Walters
- 1 - [redacted]
- 1 - Mr. Gale
- 1 - Mr. Wick

SUBJECT: UNKNOWN SUBJECT (EMPLOYEE OF DEPARTMENT OF JUSTICE, WASHINGTON, D. C.)

b6
b7C

[redacted]

[redacted] - SUSPECT
[redacted]; OPAL GINN

JACK N. ANDERSON
ADMINISTRATIVE INQUIRY; THEFT OF GOVERNMENT PROPERTY

B

Our inquiries concerning the reported copying of a Joe Valachi report by columnist Jack Anderson have established that the material duplicated was a manuscript of the Valachi story and not an FBI report as originally indicated. This is not a Government document (it was written by Valachi while he was in jail). Further investigation would be of an administrative nature and would require our delving exhaustively into the administrative handling of this manuscript in the Department. In line with the Director's approval, there is attached a memorandum to the Attorney General transmitting a copy of Washington Field Office (WFO) reports setting out results of investigation conducted and stating that no further inquiries will be made unless the Attorney General so instructs.

This is the case in which Senator Thomas J. Dodd reported on 3/24/66. that [redacted] (former [redacted] of [redacted] had informed a private investigator employed by Dodd that she, [redacted] had made a copy of a voluminous report on Joe Valachi for Jack Anderson which had been brought to [redacted] office by an unnamed employee of the Department of Justice. Senator Dodd said he did not know if this was an FBI report but [redacted] implied that it was.

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b7C

REC-1

62-110857-24

When interviewed by our Agents, [redacted] stated that in early 1965, at the request of Opal Ginn (Jack Anderson's secretary) she, [redacted] made a Xerox copy of the manuscript of Joe Valachi's story (approximately 1200 pages). [redacted] is certain this was a copy of the Valachi manuscript and not an FBI report as she read portions of it. Homer suspected this manuscript had

Enclosure sent
62-110857 4-13-66 CONTINUED - OVER

53 APR 22 1966

EFK:me
(8)

[Handwritten signature]

Memorandum to Mr. DeLoach
RE: UNKNOWN SUBJECT (EMPLOYEE OF DEPARTMENT OF JUSTICE,
WASHINGTON, D. C.)

been made available to Anderson by an employee of the Department of Justice named [redacted] but [redacted] had no evidence to bolster this suspicion.

We interviewed [redacted] who formerly was employed in the Tax Division of the Department as [redacted] to then Assistant Attorney General Louis F. Oberdorfer. [redacted] said she is a social acquaintance of Opal Ginn but denied that she typed, saw or made available to Jack Anderson or any member of his staff a copy of the Valachi manuscript. Former Assistant Attorney General Oberdorfer (who now employs [redacted] in his private law office) volunteered that the Valachi manuscript was not handled in the Tax Division.

On 3/31/66, Senator Dodd's private investigator reported that [redacted] had said on 3/28/66, that she formerly had dated a Justice Department employee (whom she refused to identify) and this individual had assisted in removing the Valachi manuscript from Justice Department files. We reinterviewed [redacted] on 4/1/66, to pin her down on this at which time she denied having made any such statement and denied she ever dated a Justice Department employee.

Anderson was interviewed on 4/7/66. He declined to identify his source of the Valachi manuscript. He indicated his source is not a "kid" but "highly placed" and if we were to conduct investigation which resulted in the identification of his source of this manuscript it would cause nothing but embarrassment to the Department of Justice. Anderson expressed disgust that no interest had been shown in the Valachi manuscript until the Dodd matter came up and pointed out that he, Anderson, first printed an article about this manuscript over one year ago. (It is noted an article appeared in the "Washington Post" on 3/21/65, to the effect that Anderson had reviewed the Valachi book described as over 1150 pages long after being typed by Justice Department stenographers.)

Anderson's secretary, Opal Ginn, when interviewed 4/11/66, declined to discuss the duplication of the Valachi material.

Other investigation conducted, such as interviews with [redacted] and [redacted] (a friend of [redacted] who was present when the Valachi manuscript was copied) has not identified the Justice Department employee who made same available to Anderson.



CONTINUED - OVER

Memorandum to Mr. DeLoach
RE: UNKNOWN SUBJECT (EMPLOYEE OF THE DEPARTMENT OF JUSTICE,
WASHINGTON, D.C.)

RECOMMENDATION:

All investigation outside the Department of Justice has been completed and it has been established that the material duplicated was not an FBI report, but a manuscript of the Valachi story. This is not a Government document. Further investigation would be of an administrative nature and would require our delving exhaustively into the administrative handling of the manuscript in the Department. This would necessarily include interviews with attorneys, stenographers, and clerks and anyone else who had access to the original and copies of the Valachi manuscript made in the Department. In line with the Director's approval, there is attached a memorandum to the Attorney General, transmitting a copy of WFO reports setting out results of investigation conducted and stating that no further inquiries will be made unless the Attorney General so instructs.

This memorandum to the Attorney General (with copies for the Deputy Attorney General and Assistant Attorney General Vinson) are being marked Personal in view of the indicated involvement of a Justice Department employee in the removal of the Valachi manuscript from the Department's files.

[Handwritten initials and marks: a checkmark, a large 'S', and several illegible signatures]

BEST AVAILABLE COPY

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The Attorney General

April 14, 1966

Director, FBI

- 1 - Mr. DeLoach
- 1 - Mr. Rosen
- 1 - [redacted]
- 1 - Mr. Walters
- 1 - [redacted]
- 1 - Mr. Wick

SENATOR THOMAS J. DODD
THEFT OF FILES

This is to advise you that all investigation into the theft of the files from the office of Senator Thomas J. Dodd has been completed and the results have been made available to the Department.

In addition to the above and pursuant to your request of February 18, 1966, columnist Jack N. Anderson was contacted and photographs made of documents which he made available. These reportedly were copies of documents from Senator Dodd's files. These photographs together with information provided by Mr. Anderson were forwarded to Assistant Attorney General Fred M. Vinson, Jr., as enclosures to my memorandum of March 18, 1966.

In line with the request of Assistant Attorney General Vinson dated March 3, 1966, investigation was conducted with respect to the theft of records from Senator Dodd's office. Reports setting out the results of such investigation were forwarded to Mr. Vinson as enclosures to my memorandum of April 13, 1966.

This investigation established that a large volume of Senator Dodd's records and correspondence was copied on June 13, 1965, in the Washington, D. C., office of [redacted] by Oral Ginn (Anderson's secretary) assisted in part by [redacted] (Davidson's former [redacted]). Five former employees of Senator Dodd were indicated to be involved in making these records available to Anderson. These individuals declined to discuss their participation. Anderson declined to identify his sources or to make any comment concerning the duplication of records.

During this investigation, information was received to the effect that Anderson had obtained, from an unidentified employee of the Department of Justice, a report on Joseph Valachi which also was duplicated in [redacted] office.

NOTE: This memorandum has been prepared in line with the Director's instructions.

ENCLOSURE

NOT RECORDED
191 APR 20 1966

50 APR 22 1966

MAIL ROOM TELETYPE UNIT

MAILED 14
APR 14 1966
COMM-FBI

- Tolson
- DeLoach
- Mohr
- Wick
- Casper
- Callahan
- Conrad
- Felt
- Gale
- Rosen
- Sullivan
- Tavel
- Trotter
- Tele. Room
- Holmes
- Gandy

ORIGINAL FILED IN 58-6157-130

The Attorney General

Since it was indicated that this might be an FBI report, an investigation was undertaken. Copies of reports setting out results of this investigation were forwarded to you as enclosures to my memorandum of April 15, 1966.

The investigation conducted established that the document in question was not an FBI report but, rather, a copy of a manuscript written by Valachi. The identity of the employee of the Department of Justice, who allegedly made same available to Anderson, was not definitely determined. Anderson declined to name his source but did say this individual was highly placed and if he, Anderson, were to identify this source, it would be embarrassing to the Department. My memorandum which transmitted the investigative results to you pointed out that unless you so instruct, no inquiries will be made into the Department's administrative handling of the Valachi manuscript.

In the absence of a request for an investigation within the investigative jurisdiction of the FBI, no further action is contemplated with reference to the theft of files from Senator Dodd's office or the circumstances surrounding the copying of the Valachi manuscript.

Further, with respect to the material made available by Anderson, photographic copies of which were furnished the Criminal Division by letter dated March 18, 1966, the FBI has not been asked to investigate the charges that have been made by Pearson and Anderson concerning alleged Conflict of Interest or other irregularities on the part of Senator Dodd.

1 - The Deputy Attorney General

DO-7

FROM

OFFICE OF DIRECTOR, FEDERAL BUREAU OF INVESTIGATION

TO

OFFICIAL INDICATED BELOW BY CHECK MARK

- MR. TOLSON _____
- MR. DELOACH _____
- MR. MOHR _____
- MR. WICK _____
- MR. CASPER _____
- MR. CALLAHAN _____
- MR. CONRAD _____
- MR. FELT _____
- MR. GALE _____
- MR. ROSEN _____
- MR. SULLIVAN _____
- MR. TAVEL _____
- MR. TROTTER _____
- MISS HOLMES _____
- MISS GANDY _____

This is a grossly inappropriate statement that 300 had not & is not in -

at the time of the change of control of interest

- SEE ME _____
- NOTE AND RETURN _____
- PREPARE REPLY _____
- SEND MEMO TO ATTORNEY GENERAL _____
- FOR YOUR RECOMMENDATION _____
- WHAT ARE THE FACTS? _____
- HOLD _____

REMARKS: *at the change made by Anderson & Palam...*

has not advised...

ENCLOSURE

62-110857-

NOT RECORDED
191 APR 20 1966

11 APR 20 1966

see memo to AG dated 4/14/66

file copy

4/18/66

FEDERAL BUREAU OF INVESTIGATION

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b7c

REPORTING OFFICE WASHINGTON FIELD	OFFICE OF ORIGIN WASHINGTON FIELD	DATE 4/11/66	INVESTIGATIVE PERIOD 3/28/66 - 4/9/66
TITLE OF CASE UNSUB; (Employee of Department of Justice, Washington, D. C.) [redacted] - SUSPECT [redacted]; OPAL GINN, JACK N. ANDERSON		REPORT MADE BY [redacted]	TYPED BY kba
		CHARACTER OF CASE ADMINISTRATIVE INQUIRY, THEFT OF GOVERNMENT PROPERTY	

REFERENCES: Buairtel to WFO, 3/28/66, 3/29/66, and 4/1/66.
Bu telephone call to WFO, 4/8/66.

- C -

ADMINISTRATIVE DATA

Extra copies are being maintained by WFO in event additional investigation is needed.

Bureau telephonically instructed WFO to submit closing report.

39 APR 11 1966

REC-104

*11 copies
4/11/66
Xerox copies of
pgs 18, 19 & 21 need
for disc. to Dept office
carbon copies of these pages destroyed.*

293,828.
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 1-3-91 BY SP8 BJB/bmg

APPROVED *[Signature]* SPECIAL AGENT IN CHARGE

COPIES MADE:
5 - Bureau
3 - Washington Field (62-9411)

100 XEROX
APR 26 1966

DO NOT WRITE IN SPACES BELOW

62-110857-25

REC-104

17 APR 11 1966

Dissemination Record of Attached Report			
Agency	DP6	AA6	AG
Request Recd.	1	1	1
Date Fwd.			
How Fwd.	<i>by cover memo 4/13/66</i>		
By	<i>[Signature]</i>		

Notations
[Handwritten notes and stamps]

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to:

Report of: [redacted]

Office: Washington, D. C.

Date: 4/11/66

Field Office File #: 62-9411

Bureau File #:

Title: UNKNOWN SUBJECT; (Employee of Department of Justice, Washington, D. C.) [redacted]

[redacted] - SUSPECT
[redacted] OPAL GINN, JACK N. ANDERSON

Character: ADMINISTRATIVE INQUIRY
THEFT OF GOVERNMENT PROPERTY

Synopsis:

[redacted] former [redacted] to [redacted] advised in late 1964 or early 1965, OPAL GINN, JACK N. ANDERSON's secretary, came to [redacted] office to use Xerox machine. [redacted] determined GINN was copying JOSEPH VALACHI manuscript. [redacted] assisted GINN and had [redacted] of Xerox Company assist in speeding up operation as material was voluminous and had to be returned next day. [redacted] supposed [redacted] former Department of Justice employee, might have furnished VALACHI story to ANDERSON. [redacted] denies any knowledge of story. [redacted] says his Xerox machine was used in March, 1965, to copy VALACHI story. ANDERSON declined to identify source who furnished him manuscript. ANDERSON said source is not a "kid" but highly placed and if identified, which he does not intend to do, it would cause Department of Justice nothing but embarrassment.

- C -

293,828
APR 13 1966
SEARCHED INDEXED
SERIALIZED FILED
APR 13 1966
FBI - WASH DC
Sp8 [signature]

WFO 58-995

DETAILS: AT WASHINGTON, D. C.

This investigation was predicated on information furnished to the Federal Bureau of Investigation (FBI) on March 24, 1966, by Senator THOMAS J. DODD.

DODD advised he had hired former Special Agent (SA) [redacted] (a private investigator from New York) to inquire into various phases of the disappearance of records from his office. According to DODD, [redacted] interviewed [redacted] (a former employee of [redacted]) and was told by [redacted] that at one time she had made a photostat or Xerox copy of a 1,287 page report on JOE VALACHI for JACK N. ANDERSON (co-author of Washington Merry-go-round). This report allegedly had been brought to [redacted] office by an unnamed employee of the Department of Justice who was highly nervous and urged [redacted] to expedite her work as the report had to be returned to the Department's files before the day was over.

FEDERAL BUREAU OF INVESTIGATION

Date 3/29/66

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22*

James [unclear]

At approximately 4:00 p.m. on March 25, 1966.

[redacted] telephonically advised SA [redacted] from his home, [redacted] that he was employed as Investigator for Senator THOMAS J. DODD and had interviewed one [redacted]

[redacted] concerning the possible theft of records from Senator DODD's office. He stated that on Wednesday evening past, March 23, 1966, he received a telephone call from [redacted] at the Fairfax Hotel where he had been staying. He said he had already checked out of the hotel and was located at a restaurant where he was eating. During the course of the conversation, [redacted] indicated a fear for her life and wanted to get out of town. According to [redacted] asked him if she could accompany him to New York; whereupon, [redacted] and [redacted] [redacted] drove to New York by automobile, leaving during the evening of March 23, 1966, and arriving at Manhasset, Long Island, at 3:00 a.m. on March 24, 1966. [redacted]

*66
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24*

[redacted] stated [redacted] checked in at Room 102 of the Manhasset Motor Lodge located on Northern Boulevard in that city, and [redacted] a Staff Assistant, stayed in the same hotel occupying either Room 101 or 103. [redacted] said he drove on to his home in [redacted]

[redacted] stated on the morning of March 24, 1966, he telephonically contacted Senator DODD's office and told DAVID MARTIN, a Staff Assistant to the Senator, that [redacted] was in New York. At 3:00 p.m. on that date, [redacted] brought [redacted] to [redacted] home, where she was currently staying at the time of the call. [redacted] advised during the conversation that [redacted] expressed fear for the

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On 3/25/66 at Washington, D. C. File # WFO 62-9411

by SA [redacted] /cll Date dictated 3/29/66

WFO 62-9411

2

safety of her mother and a sister and had indicated that she might "slip away" where she could not be reached, in view of the fears she was experiencing. She also said that if Jack Anderson or Drew Pearson hurt her mother or sister that she had enough information that could put them in jail for the rest of their lives. He said she did not mention what information she had as she was "close mouthed and a heavy thinker." He said he thought [redacted] was referring to physical harm when mentioning her mother and sister.

He stated he did not know what plans [redacted] had regarding her future stay in his home and stated that she had several friends in New York City. He mentioned on the evening of March 24, 1966, a [redacted] who is employed in the movie industry, [redacted] and his wife all went to dinner at Manero's Restaurant, Roslyn, Long Island.

[redacted] advised during the telephone conversation that in the discussion with [redacted] concerning Senator DODD's records, she mentioned that in early June, 1965, she had reproduced in the office of her employer, [redacted] a report from the Department of Justice on VALACHI. She said this report consisted of 1,287 pages and was returned to the Department of Justice on the same day that it was taken. [redacted] said he asked her if it was a Federal Bureau of Investigation (FBI) file and also inquired as to who took the file to [redacted] office. She said it was a "Department of Justice" file and although she did not know exactly who brought the file, she has suspicions.

She stated at the time the file was being reproduced in [redacted] office, OPAL GINN was present.

FEDERAL BUREAU OF INVESTIGATION

Date 3/28/66

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[redacted] advised that sometime, which she felt was the latter part of 1964 or possibly early 1965, OPAL GINN, Secretary to JACK N. ANDERSON, desired to use the Xerox machine in the office of [redacted] who was [redacted] employer at that time.

[redacted] stated she observed that Miss GINN had a large volume of legal size white manifold paper. [redacted] stated she then started to help Miss GINN in the Xeroxing of this paper. She stated that she observed it was typewritten and after reading some of the material on the paper, she noted that it was in very poor English and written in a narrative style. After reading further, she determined that it was written by JOSEPH VALACHI.

She noted that inasmuch as there was such a large volume of papers, she attempted to estimate the time it would take to run this material off and recalls that as a result of her estimation, there were approximately 1,200 or less pages total for Xeroxing.

[redacted] stated she recalled Miss GINN telling her that the papers had to be returned the next morning but that she did not state who would pick them up or who had furnished them to her.

[redacted] stated she recalled after they completed the Xeroxing that the original set was placed back into two red plastic-type binders, both of which had backs to them. She stated further she thought this material was kept together by Acco-type fasteners. After being exhibited a black plastic-type folder currently used by the Bureau for

On 3/26/66 at New York, New York File # _____
by SAs [redacted] and [redacted] PMK:c11 Date dictated 3/28/66

containing items such as accounting reports, et cetera, [] [] stated that it was very similar, only red in color and longer, in order to cover the legal size paper used in the manuscript.

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In further connection with this matter, [] stated that there was no one present at the time this material was Xeroxed other than herself and Miss GINN. However, she did recall that a male individual did arrive there while they were in the process of Xeroxing and did assist them in running off some of the pages. She refused at this time to divulge this individual's name. In answer to question put to her if she knew the identity of the individual from the Justice Department who furnished this manuscript to ANDERSON, she stated that she would not at that time divulge that person's name but in the ensuing conversation indicated that this individual was a female and to the best of her knowledge was still employed by the Department of Justice.

In an effort to establish the approximate date when the Xeroxing of the manuscript was conducted, [] stated she would attempt to contact the individual whom she referred to above as assisting in the Xeroxing and see if that individual could give the day, month and year.

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[] stated that she was definitely sure the typewritten pages copied was the story by JOSEPH VALACHI in a narrative form and felt that it was probably the first typing from VALACHI's longhand notes due to the very poor and rough English used.

She further stated that she saw nothing indicating the matter being Xeroxed to be a Federal Bureau of Investigation report or anything referring to the Federal Bureau of Investigation in a reporting style. She indicated that the parts of the manuscript which she read were definitely in the first person and there was no doubt in her mind that it was by JOSEPH VALACHI.

[redacted] did state that the individual whom she thinks furnished the manuscript to ANDERSON was the subject of an article in the "Parade" magazine, a Sunday supplement, written by JACK ANDERSON concerning three Government employees whom she referred to as "do-gooders."

In this connection, she stated that this individual on one day of the week did volunteer work at one of the local hospitals in Washington, D. C. [redacted] stated she felt this article was published sometime in December, 1965.

FEDERAL BUREAU OF INVESTIGATION

Date 3/28/66b6
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[redacted] furnished the following information regarding a report on the JOSEPH VALACHI story, which she helped to make a Xerox copy of.

This report was copied on a Xerox 813 machine in the office of [redacted]

[redacted] where she was employed at the time by [redacted]. She could not pinpoint the date of the occurrence but recalled it happened in the period between June 1964 and June 1965. It probably occurred in approximately October 1964, or February - March, 1965, which time she established by the fact that a friend, who assisted her in the copying, wore a topcoat. The Senate public hearings on JOSEPH VALACHI were long past at the time of the occurrence.

OPAL GINN, JACK ANDERSON's secretary, brought the report to [redacted] office and began the task of copying it. When first observed by [redacted] GINN had the report separated and spread out. [redacted] began to help GINN late in the work day, between 4 and 5 PM, and the job lasted until approximately 10 P.M. It was [redacted] habit to give GINN such assistance on a big chore of this type. This definitely occurred on a regular work day, rather than a weekend, but she could not pinpoint the day of the week. [redacted] was assisted for a period of time by a gentleman friend and she recalled that he had copied 300 pages in a period of one hour. She had called him on the phone and he came to the office and assisted her. He was not present at the completion of the chore. [redacted] refused to identify this friend but said she would contact him in an effort to establish the date.

On 3/26/66 at 201 E. 69th Street File # _____
New York, N. Y. 10021
by SAS [redacted] & _____ Date dictated 3/28/66

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[] described the report in question as consisting of approximately 1200 pages, probably less, but not less than 1100 pages. The pages were numbered by typewriter and contained in two maroon or reddish-marble plastic covers of a commercial type, which she had seen before in business offices and stationery stores. These covers were on the front and back of each group of pages. The pages in each file were held together by fasteners of the Acco type and said fasteners came through the top cover and were exposed outside the cover. One or both of the files had a common type gummed label on the top cover but she could not recall what was written thereon.

The report, which was copied, was a typewritten report but not the original, however, it was a good copy and was possibly the third or fourth carbon copy. [] expressed her belief that it came from an electric typewriter because the impressions of the typing were uniformly even. She is familiar with an IBM Executive Typewriter and its spacing and did not believe that the report was typed on such a machine.

The paper consisted of white, legal size, 8-1/2 x 13", and was "white tissue, quite thin". [] examined a piece of commonly used onionskin type paper and advised the paper in question seemed softer but this could be the result of handling. The report was double or triple spaced but she believed it was double spaced.

She became aware that she was copying the JOSEPH VALACHI story as a result of scanning the material while copying it. The report was in narrative form and written in the first person singular. The grade of English was very poor and the language was such that it was difficult to understand. She reread certain pages in order to understand them. The language was such that she felt it was an original draft. She could not recall for sure if the spelling and punctuation were in conformity with good usage.

When the chore was completed at approximately 10 PM, she and OPAL GINN went to dinner at Trader Vic's Restaurant. She could not recall taking either copy of the report with them to dinner and expressed her belief that GINN probably put the material in her office on the fifth floor before they left the building for dinner. The copy which they had prepared was contained in a shopping bag. She said that OPAL GINN did not discuss this matter with her other than to say that the report had to be returned by the next morning. GINN either told [] that the report came from the Justice Department or [] read this in the report.

[] advised that she did not know for a fact the identity of the person or persons who made the report available to GINN, however, she surmised that it was made available by a female employee of the U.S. Department of Justice, whom she would not name. She said that JACK ANDERSON wrote an article, not a column, in a weekend edition of PARADE MAGAZINE, which appeared in the WASHINGTON POST in approximately December, 1965, concerning a group of people and their humanitarian efforts in connection with volunteer work at the Children's Hospital. The woman identified in this article by name and employed at the Department of Justice is the individual [] believes furnished the report.

[] advised further that she recalls reading a column by JACK ANDERSON, written at some time between October 1965 and the present, in which he indicated that he had received a copy of the JOSEPH VALACHI story from the Department of Justice.

FEDERAL BUREAU OF INVESTIGATION

1Date 3/28/66

At approximately 1:00 p.m., March 27, 1966, [] telephonically contacted the Washington Field Office of the Federal Bureau of Investigation desiring to speak to SA []. The call was completed through the use of the Bureau's switchboard and at this time [] advised SA [] that the name of the individual, which she had previously declined to furnish in connection with her comments concerning the Xeroxing of the manuscript by JOSEPH VALACHI, was one [].

[] stated that to the best of her knowledge, [] was still employed at the Department of Justice. She again, in response to questions, stated that [] was not present at the time of the Xeroxing of the manuscript. She further related that it was again only a supposition on her part that [] was the individual who furnished the manuscript to ANDERSON and she bases this supposition on an article she read in the "Parade" magazine, which she stated she thought was published sometime in December, 1965.

The "Parade" magazine is a Sunday supplement furnished to various newspapers throughout the United States.

On 3/27/66 at Washington, D. C. File # _____
by SA []: c11/kba Date dictated 3/28/66

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WFO 58-995

LBC:kba

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A review of "Parade" articles which were located in the newspaper and periodicals section of the Library of Congress was made by SA [redacted] on March 28, and 29, 1966. An article by JACK N. ANDERSON was located in the December 19, 1965, issue of "Parade" which stated as follows:

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"Glamorous PEGGY GOODING, secretary to former Assistant Attorney General LOUIS OBERDORFER, keeps Wednesday nights free to work at Children's Hospital. She is one of many volunteers who burp, bathe and feed the infant children. She also spends part of her paycheck and begs money from others to buy the little ones blankets, gowns and bootees. Typically, both young ladies, embarrassed over being singled out, don't consider their good deeds extraordinary."

WFO 58-995

LBC:kba

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[redacted] Placement Section, Department of Justice, advised SA [redacted] on March 29, 1966, that [redacted] was appointed to the position of [redacted] Office of the Assistant Attorney General, Tax Division, Department of Justice, on February 15, 1961, as a grade GS-9. [redacted] resigned on July 12, 1965, to take a position with a private law firm. [redacted] was born [redacted] and her Social Security Number is [redacted]

[redacted] said [redacted] personnel file was forwarded to St. Louis, Missouri, August 26, 1965.

FEDERAL BUREAU OF INVESTIGATION

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Date 3/31/66

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[redacted] was interviewed at her office, [redacted] is employed as a [redacted]
[redacted]
[redacted]

executed the following signed sworn statement.

"March 29, 1966

"I, [redacted] being first duly sworn, hereby make the following free and voluntary statement to [redacted] and [redacted] who have identified themselves to me as Special Agents of the FBI. I have been advised by Special Agent [redacted] [redacted] that I do not have to make any statements, that any statement I make can be used against me in court and that I have a right to talk with a lawyer of my own choice or anyone else without saying anything at all. No threats or promises have been made to induce me to make any statements.

"I was employed as [redacted]
[redacted]
[redacted] from February 15, 1961 until July 12, 1965. I resigned from [redacted] to accept a position with [redacted]

"I wish to state that I have never typed, seen nor made available to JACK N. ANDERSON or any member of his staff a copy of the Joseph Valachi manuscript. I have no knowledge of anyone else having furnished Mr. ANDERSON or any of his representatives with a copy of the Valachi story.

On 3/29/66 at Washington, D. C. File # WFO 62-9411

by SAs [redacted] and [redacted] /mee Date dictated 3/31/66

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WFO 62-9411

2

"I am a social acquaintance of Miss OPAL GINN who is secretary to JACK N. ANDERSON. However, we have a tacit agreement that we do not discuss business matters at any time. To the best of my recollection I have visited Mr. ANDERSON's office on only one or two occasions. The last occasion was possibly a year ago when I joined Miss GINN together with another friend for dinner. To the best of my recollection the prior occasion was some years ago.

"I have read this statement consisting of one page and it is true and correct.

/s/

[Redacted Signature]

"Sworn to and subscribed before me on March 29, 1966, at Washington, D. C.

[Redacted Name] Special Agent,
Federal Bureau of Investigation

"Witness: [Redacted Name] Special Agent,
Federal Bureau of Investigation"

After the statement was completed and prior to the time it was executed, [Redacted] asked if she might talk briefly with her employer. [Redacted] talked with [Redacted] in his room adjacent to the conference room for approximately one minute and returned and executed the statement.

In addition, [Redacted] advised that JACK N. ANDERSON wrote an article for "Parade" magazine, issue of December 19, 1965, in which he included [Redacted] She said the article referred to the Christmas spirit [Redacted]

[Redacted] said the article was inspired by OPAL GINN who is ANDERSON's secretary.

WFO 62-9411

3

[] stated she had no knowledge how ANDERSON
obtained a copy of the JOSEPH VALACHI story.

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FEDERAL BUREAU OF INVESTIGATION

Date 3/31/661b6
b7C

At the conclusion of the interview and after the execution of a signed statement by [REDACTED]

[REDACTED] appeared at the entrance to the conference room in which the interview with his [REDACTED] was conducted. [REDACTED] exchanged greetings with Special Agent [REDACTED] whom he has been acquainted with for some time, and remarked that he couldn't understand this matter because the JOSEPH VALACHI story was never in his division and no one in his division would logically have had access to the manuscript.

On 3/29/66 at Washington, D. C. File # WFO 62-9411

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by SAs [REDACTED] and [REDACTED] /mee Date dictated 3/31/66

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FEDERAL BUREAU OF INVESTIGATION

b6
b7cDate 4/1/66

[redacted] Private Investigator, New York State, advised that on Monday evening, March 28, 1966, one of his investigators, [redacted] had taken [redacted] out for a few drinks and during the evening [redacted] commented to [redacted] that she had placed a telephone call to a Justice Department employee from [redacted] residence during the evening of March 27, 1966. According to [redacted] [redacted] claimed that she had dated this individual in the past and that this individual had assisted in removing the VALACHI manuscript from the Justice Department to the office of JACK ANDERSON. [redacted] also stated that [redacted] informed [redacted] that she had received \$20.00 from JACK ANDERSON for her assistance in photo copying the VALACHI manuscript.

[redacted] stated that it was his estimate that [redacted] [redacted] made approximately ten telephone calls from his residence during the afternoon and evening of March 27, 1966. He stated that he had been in contact with the New York Telephone Company to determine if he could ascertain the identity of the numbers that she had called; however, he was informed by the Telephone Company that they could not furnish him this information until sometime after April 19, 1966, which is the date of his billing.

3/31/66

New York, NY

NY 62-13542

On _____ at _____ File# _____

SA [redacted] /RAR

4/1/66

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b7c

by _____ Date dictated _____

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FEDERAL BUREAU OF INVESTIGATION

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4/1/66

Date _____

_____ advised that he had taken _____ out for some drinks during the evening of March 28, 1966, and that she had informed him that on Sunday evening, March 27, 1966, she had called an individual with the Department of Justice who had delivered the VALACHI file to JACK ANDERSON's office. He stated that _____ would not disclose the name of this individual, but _____ indicated that it was a man whom she had dated in the past.

_____ stated that _____ kept refusing to disclose the identity of this individual and that he could offer no further information concerning this person other than it was his belief that she had contacted this individual at his residence inasmuch as _____ had stated that she attempted to contact this individual late Saturday evening, March 26, 1966; however he was not at home.

at New York, NY

File# NY 62-13542

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b7C

by _____

RAR

Date dictated 4/1/66

WFO 62-9411

PMK:CMS

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On March 31, 1966, Mr. DAVID MARTIN, Executive Assistant to Senator THOMAS J. DODD, advised SA [redacted] that [redacted] private investigator for Senator DODD, telephoned MARTIN from New York and advised that [redacted] had told [redacted] an associate of [redacted] that [redacted] said she had telephoned from [redacted] residence to an unknown person in the Department of Justice. Further, [redacted] is reported to have stated she had dated this individual in the past and indicated this person was the individual who assisted in the removal of JOSEPH VALACHI's manuscript.

FEDERAL BUREAU OF INVESTIGATION

b6
b7cDate 4/4/66

On April 1, 1966, [redacted] consented to an interview by [redacted] and [redacted] who identified themselves as Special Agents of the Federal Bureau of Investigation. No threats or promises were made to her and SA [redacted] advised her that she did not have to talk and that anything she said could be used against her in a court of law. SA [redacted] also advised [redacted] that she had a right to consult an attorney before making any statements.

[redacted] stated that regarding a Justice Department report on JOSEPH VALACHI which she had previously indicated she was instrumental in copying by Xerox machine, this report was copied in April, 1965.

[redacted] advised that she has never dated a Department of Justice employee and further stated that she never told [redacted] or any of his employees that a boy whom she dated was employed by the Justice Department and helped remove the aforementioned VALACHI report from the Justice Department.

[redacted] also advised that when she returns to Washington, D.C., she might contact Senator THOMAS DODD and JACK ANDERSON and everyone else involved regarding this entire matter. She further stated that she might consider pressing kidnapping charges against [redacted].

On 4/1/66 at New York, New YorkFile # WFO 62-7411
NY 62-13542b6
b7cby SAS [redacted]
[redacted] psc/ljsDate dictated 4/4/66

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FEDERAL BUREAU OF INVESTIGATION

Date April 8, 1966b6
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1

On April 5, 1966, [] was exhibited the following statement concerning information she furnished with relation to her activities in using [] Xerox machine for copying the JOSEPH VALACHI Story. After reading the statement, [] indicated that it was correct but that she did not desire to sign it at this time. She stated she felt uneasy about the whole matter involving the VALACHI situation as well as her activities in the copying of Senator DODD's material. Therefore, she felt she would rather wait a few days to consider the matter before signing any statements.

The statement concerning this matter is set out below as follows:

"Washington, D.C.
April 5, 1966"

"I, [] make the following free and voluntary statement to [] who has identified himself to me as a Special Agent of the Federal Bureau of Investigation. I have been advised by Special Agent [] that I do not have to make a statement and that any statement made by me can be used in court. No threats or promises have been made to me for giving this statement.

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"I recall that sometime in late 1964 or early 1965 while I was still employed by []

On 4/5/66 at Washington, D.C. File # WFO 62-9411

by SAs [] and []
[] PMK:CMS Date dictated 4/8/66

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WFO 62-9411

2

[redacted] that OPAL GINN, JACK N. ANDERSON's Secretary, came into our office to use the Xerox machine. At this time I noticed she had a large volume or quantity of papers, which I can best describe as being white, flimsy, typewritten and legal size. I recall from the typing that it probably was a copy and not an original.

"OPAL started running the papers through [redacted] [redacted] Xerox machine and I offered to help her, and did so when I had time from my other duties. While running off some of the papers, I noticed it was written in poor English. I read further and realized it was a story or manuscript written by JOSEPH VALACHI. The story was in narrative form and not questions and answers.

"Due to the large volume or quantity of the material to be run off I knew it would take a long time to complete it. In this respect, I recall that OPAL GINN told me that the material had to be returned the next morning. I estimated that there were approximately 1200 or less pages in all. I decided to telephone a friend of mine who worked for the Xerox Company to see if he could come help us to speed up the operation. I do not desire to reveal this individual's name.

Shortly thereafter the person called arrived and assisted us in running off some of the papers. He was not aware at first of the contents of the material, but later ascertained it was the Valachi story.

"After we completed the Xeroxing, the original material was placed inside of two red or maroon colored plastic binders. I recall they were held together by Accotype fasteners that come up through the top of the binders and folded down.

WFO 62-9411

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"I wish to state at this time I did not see anyone with OPAL GINN when she brought the manuscript into [] office nor did she tell me anyone was waiting for it. I wish to add that I do not know of any Department of Justice employee involved with furnishing the manuscript to OPAL GINN.

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"I also wish to state that I did not make any telephone call to a Department of Justice employee in March, 1966. I did attempt to telephonically contact the individual who helped us run off the Valachi manuscript while I was in New York in March, 1966.

FEDERAL BUREAU OF INVESTIGATION

Date April 9, 1966b6
b7C

[redacted] telephonically contacted SA [redacted] and advised she had been thinking the matter over and desired to state that [redacted] a Xerox employee, was the individual who helped her run off some of the VALACHI papers.

On 4/6/66 at Washington, D. C. File # WFO 58-995
by SA [redacted] : kba Date dictated 4/9/66

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FEDERAL BUREAU OF INVESTIGATION

Date 4/7/661

[redacted] employee of the [redacted]
 [redacted] who resides [redacted]
 [redacted] advised that he recalls sometime
 in possibly the latter part of February or early March,
 he received a telephone call from [redacted].
 He stated [redacted] asked him if he would mind assisting
 her in speeding up a Xeroxing process. He stated as a
 result of this call he went to [redacted] to
 the office of [redacted] where he met [redacted]
 [redacted] and OPAL GINN. He stated he knew GINN was JACK
 ANDERSON's secretary.

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[redacted] advised that after arriving he showed
 them how to speed up the Xeroxing process and recalls he
 thereafter ran off approximately 100 to 200 copies. During
 this time he stated that while running this material off
 and reading some of the material typewritten on the papers,
 he ascertained from [redacted] that it was the VALACHI
 story. He stated he could not recall any of the details of
 the material.

[redacted] stated that he did not see anyone else
 in the office at this time and recalls that he stayed in
 the office approximately one hour and left prior to the
 completion of the Xeroxing process.

On 4/5/66 at Washington, D.C. File # WFO 62-9411
 by SA [redacted]
 and [redacted] /bjw Date dictated 4/7/66

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FEDERAL BUREAU OF INVESTIGATION

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b7CDate 4/7/66

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[redacted]
[redacted] was contacted at his office at which time he was immediately advised of the identity of the interviewing agents. [redacted] advised he declined to furnish any information at this time under oath, but stated he would be happy to cooperate with the Federal Bureau of Investigation (FBI) and would furnish a signed statement under oath regarding this matter as long as he could make this statement in the presence of his friend and attorney, [redacted]. He advised [redacted] was not in town at this time.

[redacted] was advised by SA [redacted] that he did not have to make any statement, that anything he did state could be used in a court of law, and that he had the right to consult an attorney before making any statement.

In connection with [redacted] records, it was noted he billed "Parade" magazine for Xerox expenses in the sum of \$54 and the statement was dated March 15, 1965. It was also noted the billing statement carried the initials J.N.A., #28, March 29, 1965. [redacted] was queried as to what this billing to "Parade" magazine represented. He stated that apparently he received a check from ANDERSON as a result of his billing ANDERSON for a large number of Xerox copies run through his machine. He was then queried as to whether or not he knew what material was run through on this occasion. [redacted] stated he did not recall.

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At this point he was queried if it could have been the VALACHI story that had been Xeroxed. [redacted] stated yes. He recalled that around March, 1965, OPAL GINN had told him they had previously used the machine for Xeroxing some papers on the VALACHI story.

On 4/6/66 at Washington, D.C. File # WFO 62-9411
by SAs [redacted] and [redacted] /bjw Date dictated 4/7/66

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WFO 62-9411

2

[redacted] upon being asked where the material on the VALACHI story was obtained that had been run off on the Xerox machine, stated he knew ANDERSON was writing a book on the VALACHI story and that he presumed ANDERSON had interviewed VALACHI.

In this connection, [redacted] furnished the agents with a Xerox copy of the above-noted bill as well as a Xerox copy of an invoice from the Xerox Corporation to [redacted] [redacted] dated March 8, 1965, invoice number 087721, covering period from December 31, 1964 through February 26, 1965.

WFO 62-9411
PMK:bjw

On April 6, 1966, [redacted]
[redacted] advised SAs [redacted] and [redacted] that he
does not recall receiving any information from [redacted]
[redacted] concerning the Xeroxing of the JOE VALACHI manuscript.

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FEDERAL BUREAU OF INVESTIGATION

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b7c1Date April 6, 1966

[redacted] was interviewed in the office of Regional Data and Financial Management, Region Three, General Services Administration (GSA), 7th and D Streets, S. W.

After [redacted] was advised as to the purpose of the interview, he was told by SA [redacted] he did not have to discuss the subject matter with the Agents and any statement he made could be used against him in a court of law. He was advised he could also seek the services of counsel if he desired. Prior to the commencement of the interview, he was placed under oath by SA [redacted]

[redacted] was asked if he had any knowledge either directly or indirectly that a transcript of the "Joseph Valachi Story" or any documentation on this subject matter had been removed from the files of the Department of Justice and reproduced in the office of [redacted] located in the [redacted] or at any location by JACK N. ANDERSON, the columnist, or in behalf of ANDERSON or DREW PEARSON, or for the benefit of anyone else. [redacted] stated that he has no information whatsoever concerning this subject matter. He stated that he had never heard this subject matter discussed by [redacted] or by anyone else. He said he had no knowledge concerning any records being removed from the Department of Justice, that would relate to JOSEPH VALACHI.

On 4/4/66 at Washington, D. C. File # WFO 62-9411
 by SA [redacted] and SA [redacted] LSH/mrb/kba Date dictated 4/6/66
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FEDERAL BUREAU OF INVESTIGATION

Date April 8, 19661

JACK N. ANDERSON was interviewed at his office, 1612 K Street, N.W., Washington, D.C. Inquiry was made of ANDERSON concerning the alleged obtaining of the JOSEPH VALACHI manuscript from the Department of Justice and the copying of the same at the office of [REDACTED]

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ANDERSON declined to identify the source who furnished him the JOSEPH VALACHI manuscript. ANDERSON said the source is not a "kid" but highly placed and if he were to identify the source, which he does not intend to do, it would cause the Department of Justice nothing but embarrassment. He suggested that the Department of Justice not inquire too closely into the matter in order that an embarrassing situation could be avoided.

ANDERSON expressed disgust that no interest was expressed in the VALACHI story, which was printed over a year ago, until the alleged theft of Senator THOMAS J. DODD's documents came up.

ANDERSON said that his secretary, OPAL GINN, was out of town at the time of instant interview and she would be back in the office next week. He said he intended to talk to her before she was interviewed by Agents and he would caution her not to make any comment concerning duplication of records if she had any such information. He said he thought she would follow his advice.

On 4/7/66 at Washington, D.C. File # WFO 62-9411

by SAs [REDACTED] and [REDACTED] LBC:CMS Date dictated 4/8/66

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WFO 58-995

LBC:kba

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On April 1, 1966, the Buffalo Office reported that the billing records of the Xerox Corporation at Rochester, New York, reflect that an 813 Copier was installed in the office of [REDACTED]

[REDACTED] on July 31, 1964, effective August 1, 1964. The meter reading at the time of the installation was 203. The meter readings submitted to the Xerox Corporation and billed accordingly were as follows:

August 19, 1964	203-500
October 15, 1964	500-1708
December 14, 1964	1708-2959
January 11, 1965	2959-3476
March 8, 1965	3476-5833
April 12, 1965	5853-6333
June 16, 1965	6333-7134
July 13, 1965	7134-8776
August 11, 1965	8776-8964
October 7, 1965	8964-9737
November 12, 1965	9737-10237
December 15, 1965	10237-10484
February 12, 1966	10484-11057
March 19, 1966	11057-11253

A review of the charges reflects the March 8, 1965, billing is high.

FEDERAL BUREAU OF INVESTIGATION

b6
b7C

REPORTING OFFICE WASHINGTON FIELD	OFFICE OF ORIGIN WASHINGTON FIELD	DATE 4/12/66	INVESTIGATIVE PERIOD 4/11/66
TITLE OF CASE CHANGED UNSUB; (Employee of Department of Justice, Washington, D. C.) [Redacted]		REPORT MADE BY [Redacted]	TYPED BY yel
[Redacted] - SUSPECT; [Redacted]		CHARACTER OF CASE ADMINISTRATIVE INQUIRY, THEFT OF GOVERNMENT PROPERTY	

OPAL B. GINN;
JACK N. ANDERSON

Title in this case "Changed" to show name of OPAL GINN as OPAL B. GINN.

REFERENCE: Report of SA [Redacted] 4/11/66.

- C -

EXP. PROC.

*4/12/66
3 X copies made to [unclear]*

CC TO: SS (TSD)
REQ. REC'D 7-16-75
AUG 13 1975
ANS.
BY: A.B.D./PCG

Case has been: Pending over one year Yes No; Pending prosecution over six months Yes No

APPROVED *J. D. M.*
SPECIAL AGENT IN CHARGE

COPIES MADE:
5 - Bureau
3 - Washington Field (62-9411)

DO NOT WRITE IN SPACES BELOW

62-110851-26

APR 12 1966

MCT-1

REC 5

*1 retained for T.
(10)*

Dissemination Record of Attached Report			
Agency	AG	DAG	AAG/Anderson
Request Recd.	1	1	1
Date Fwd.			
By	Cover memo 4/15/66		

Notations

- A* -

COVER PAGE

STAT. SECT.

55 APR 21 1966
7 Xerox copies sent

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to:

Report of: [REDACTED]

Office: Washington, D. C.

Date: 4/12/66

Field Office File #: 62-9411

Bureau File #:

Title: UNKNOWN SUBJECT; (Employee of Department of Justice,
Washington, D. C.)
[REDACTED] - SUSPECT;
[REDACTED]Character: OPAL B. GINN;
JACK N. ANDERSON

ADMINISTRATIVE INQUIRY, THEFT OF GOVERNMENT PROPERTY

Synopsis:

Miss OPAL B. GINN, Secretary to JACK N. ANDERSON, stated she could not tell anything about the reproduction of any material in connection with a so-called VALACHI story, and declined to further discuss the matter.

.. C -

DETAILS: AT WASHINGTON, D. C.

FEDERAL BUREAU OF INVESTIGATION

4/12/66

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1

Date

Miss OPAL B. GINN, Secretary to Mr. JACK N. ANDERSON, Room 506, 1612 K Street, N. W., was advised by Special Agent (SA) [redacted] that she did not have to make any statements, that anything she said could be used against her in court, and that she was entitled to consult an attorney of her own choice, or anyone else, before making any statement.

Miss GINN advised that she has been employed by Mr. ANDERSON for about twelve years. She currently resides at 5415 Connecticut Avenue, N. W., Washington, D. C.

Miss GINN stated that she could not tell anything about the reproduction of any material in connection with a so-called (JOSEPH) VALACHI story. She stated she preferred not to discuss this matter without first consulting with her employer, JACK ANDERSON.

During the course of the interview, Miss GINN received a telephone call from Mr. ANDERSON, and arranged for SA [redacted] to talk to Mr. ANDERSON while he was on the telephone.

After receiving the phone call from Mr. ANDERSON, Miss GINN repeated that she would not discuss the matter further without talking to Mr. ANDERSON. She indicated that if she should wish to furnish any information after talking to Mr. ANDERSON, she would contact SA [redacted]

The following description of Miss GINN was obtained at the time of interview:

Name	OPAL B. GINN
Sex	Female

4/11/66

Washington, D. C.

WFO 62-9411

On _____ at _____ File # _____

SAs [redacted] and

b6
b7C

[redacted] / RFM:yel

4/11/66

by _____ Date dictated _____

WFO 62-9411

Race	White
Age	Approximately 35
Height	Five feet ten inches - five feet eleven inches
Weight	150 - 160 pounds
Hair	Dark
Complexion	Fair
Occupation	Secretary
Residence	5415 Connecticut Avenue, N. W., Washington, D. C.

FEDERAL BUREAU OF INVESTIGATION

4/12/66

Date _____

During the course of the interview with Miss OPAL B. GINN, Secretary to Mr. JACK N. ANDERSON, Room 506, 1612 K Street, N. W., Mr. ANDERSON called his office and Miss GINN arranged for Agent to talk to Mr. ANDERSON.

Mr. ANDERSON stated that he would have to direct his secretary, Miss GINN, not to answer any questions concerning reproduction of any documents which involved his news sources. He said this would entail giving information as to how he goes about gathering news and from whom he obtains it, a matter which he would not discuss, even in court, without permission of the source.

4/11/66

Washington, D. C.

WFO 62-9411

On _____ at _____ File # _____

by SA /yel

Date dictated 4/12/66

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b7c

Tolson _____
 DeLoach _____
 Mohr _____
 Wick _____
 Casper _____
 Callahan _____
 Conrad _____
 Felt _____
 Gale _____
 Rosen _____
 Sullivan _____
 Tavel _____
 Trotter _____
 Tele. Room _____
 Holmes b6 _____
 Gandy -b7c _____

UPI-64

(VALACHI)

WASHINGTON--THE JUSTICE DEPARTMENT TODAY WAS ACCUSED OF TRYING TO BUY OFF HOODLUM JOE VALACHI'S GHOST WRITER BECAUSE OF PRESSURE FROM ITALO-AMERICAN POLITICAL GROUPS.

THE CHARGE CAME FROM AUTHOR PETER MAAS, WHO ORIGINALLY GOT TENTATIVE APPROVAL FROM THE JUSTICE DEPARTMENT TO EDIT VALACHI'S MEMOIRS, THEN WAS SUED YESTERDAY BY THE DEPARTMENT TO BLOCK PUBLICATION.

MAAS ACCUSED ATTY. GEN. KATZENBACH OF BEING IN THE "BOOK SUPPRESSION BUSINESS" AND LACKING THE "BACKBONE" TO STAND UP TO POLITICAL PRESSURE.

THE JUSTICE DEPARTMENT, ACCORDING TO MAAS, GAVE HIM UNLIMITED ACCESS TO VALACHI'S MANUSCRIPT AND TO VALACHI HIMSELF, WHO WAS KEPT IN THE DISTRICT OF COLUMBIA JAIL AFTER HIS APPEARANCE BEFORE A SENATE INVESTIGATING COMMITTEE IN 1963.

BUT MAAS SAID EVERYTHING CHANGED WHEN "A POLITICAL PRESSURE GROUP" STORMED INTO THE JUSTICE DEPARTMENT TO DEMAND THAT THE ATTORNEY GENERAL REVERSE HIMSELF.

KATZENBACH WAS VISITED ON FEB. 2 BY ITALIAN-AMERICAN LEADERS, INCLUDING FOUR CONGRESSMEN WHO OBJECTED TO PUBLICATION OF VALACHI'S MEMOIRS ON GROUNDS IT CREATED AN UNFAIR IMAGE OF ALL ITALIANS.

AFTER THAT MEETING, MAAS SAID THINGS WENT DOWN HILL, ENDING WITH THE JUSTICE DEPARTMENT FILING SUIT TO BLOCK PUBLICATION OF THE VALACHI BOOK ON THE GROUNDS IT WOULD BE HARMFUL TO ITS LAW ENFORCEMENT ABILITY.

THE DEPARTMENT WENT SO FAR AS TO MAKE "MORE THAN ONE ATTEMPT" TO MAKE A FINANCIAL SETTLEMENT WITH HIM, MAAS SAID. HE GAVE NO DETAILS OF THE OFFER. BUT HE SAID IN THE ONE OFFER MADE DIRECTLY TO HIM BY A DEPARTMENT SPOKESMAN "NO DOLLAR AND CENT FIGURE WAS MENTIONED."

THE DEPARTMENT CLAIMED THAT MAAS WAS GIVEN ONLY TENTATIVE APPROVAL TO EDIT THE MANUSCRIPT. IN ITS SUIT IT TOLD THE COURT THAT MAAS VIOLATED THE CONDITIONS OF THIS TENTATIVE AGREEMENT ON SEVERAL POINTS, INCLUDING APPLYING FOR A COPYRIGHT.

PUBLICATION OF THE BOOK ALSO WOULD VIOLATE A BUREAU OF PRISON REGULATION BARRING PRISONERS FROM WRITING STORIES ON THEIR LIFE OF CRIME.

A COURT HEARING ON THE JUSTICE DEPARTMENT REQUEST WILL BE HELD TOMORROW AFTERNOON.

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-A-

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176 MAY 18 1966

51 MAY 10 1966

WASHINGTON CAPITAL NEWS SERVICE

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esa

U.S. NOW ASKS BAN ON VALACHI'S BOOK

Sues After Protests to Bar Memoirs It Had Cleared

Special to The New York Times
WASHINGTON, May 10

The Justice Department, in a turnabout that followed protests by Italian-American leaders, sued today to block the publication of the memoirs of Joseph M. Valachi, the convicted Mafia figure.

The department, which gave Valachi permission to publish his memoirs last December, asked federal district court here to bar Valachi's editor, Peter Maas of New York, from disseminating or publishing the manuscript in any form.

Attorney General Nicholas deB. Katzenbach was visited on Feb. 2 by 12 Italian-American leaders, including four Congressmen, who objected that the Valachi book would only serve to downgrade the image of Americans of Italian descent.

According to the suit, the Justice Department informed Mr. Maas a week later that it had had a change of heart about the book.

After the suit was filed today, the department delivered copies of its press release on the case to the four House members—Peter W. Rodino, Dominick V. Daniels, and Joseph G. Minish, all New Jersey Democrats, and Frank Annunzio, an Illinois Democrat—and other Congressmen who had inquired about the decision.

Approval of Manuscript

The suit alleged that the Justice Department's agreement with Mr. Maas gave the department the absolute right to approve the final edited manuscript prior to any dissemination.

It contended that the decision to permit publication was tentative, and that this provision gave the department the right to decide against any publication.

According to the suit, Mr. Maas violated the agreement by continuing to edit the material after he had been informed that the Government would probably not permit its publication. Further, the suit said, he applied for a copyright on portions of the manuscript without obtaining Justice Department permission.

Mr. Katzenbach was also reportedly upset at the publication of quotes from the 1,180-page manuscript in a syndicated column by Jack Anderson published last Feb. 14.

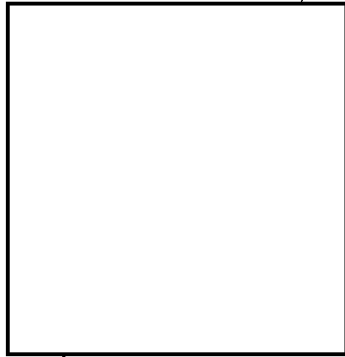
Will Reply Today

Mr. Maas, who first wrote of Valachi's revelations in a Saturday Evening Post article in 1963, was unavailable for comment tonight. His attorneys announced that he would hold a news conference here tomorrow.

The suit said that publication of the memoirs "would be injuries to the Department of Justice in the exercise of its responsibilities for law enforcement," and that it would be inconsistent with the Bureau of Prisons' regulation prohibiting the publication by a prisoner of a manuscript dealing with his life of crime.

It asked the court to order Mr. Maas to return all copies of the Valachi manuscript, entitled "The Real Thing," which was delivered to Mr. Maas for editing in December.

- Tolson _____
- DeLoach _____
- Mohr _____
- Walters _____
- Casper _____
- Callahan _____
- Conrad _____
- Felt _____
- Gale _____
- Rosen _____
- Sullivan _____
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- Trotter _____
- Tele. Room _____
- Holmes _____
- Gandy _____



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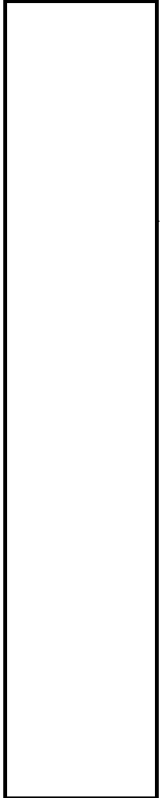
- The Washington Post and Times Herald _____
- The Washington Daily News _____
- The Evening Star _____
- New York Herald Tribune _____
- New York Journal-American _____
- New York Daily News _____
- New York Post _____
- The New York Times _____
- The Baltimore Sun _____
- The Worker _____
- The New Leader _____
- The Wall Street Journal _____
- The National Observer _____
- People's World _____
- Date _____

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MAY 11 1966



MAY 10 1966

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l.a.

Suit Attacks Valachi Memoirs

By John P. MacKenzie
Washington Post Staff Writer

An embarrassed Justice Department disclosed yesterday that it no longer thinks publication of the Joseph Valachi memoirs of the Cosa Nostra will serve the public interest.

The Department filed a lawsuit in District Court here saying the memoirs would be downright "injurious" to the Government "in the exercise of its responsibilities for law enforcement."

Named as defendant in the suit was Peter Maas, the freelance writer who had been chosen by the Department and Valachi to bring the story of organized crime to the American people.

Samples Submitted

Maas charges Maas breached an agreement by submitting a sample of the manuscript to a literary agent for submission to prospective publishers and informed the Department he would continue disseminating the excerpts despite Attorney General Katzenbach's decision March 16 to withdraw permission to publish. No reason was given for Katzenbach's reversal.

Maas, a New Yorker who agreed to be sued here, said he was "stunned" by the Government's action. He called a news conference for 10 a.m. today in the office of his lawyer, Gilbert Hahn Jr.

The suit seeks an order enjoining Maas from taking further steps to market the 1180-page manuscript typed by Government secretaries from a longhand document written by Valachi in a Washington jail cell. A court hearing for a 10-day restraining order was set for 2 p.m. today.

Return of Copies Asked

The suit also asks the court to order the return of two copies it turned over to Maas for editing with the understanding that no attempts would be made to publish the memoirs without Government

Katzenbach had been widely criticized for giving special treatment to an avowed hoodlum by exempting him from a Bureau of Prisons regulation, against writings by inmates about their criminal careers.

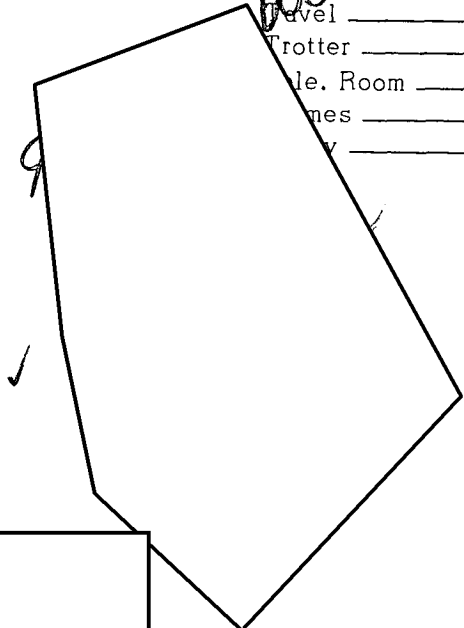
Special criticism came from Americans of Italian descent who complained that Katzenbach was helping to perpetuate an ethnic gangster image.

Valachi, who had been transferred to the Federal prison at Milan, Mich., was Exhibit A in the Department's 1963

quest for wiretapping and other legislation aimed at mobsters. But his Senate testimony

produced no information about anyone behind bars.

- Tolson _____
- DeLoach _____
- Mohr _____
- Wick _____
- Casper _____
- Callahan _____
- Conrad _____
- Felt _____
- Gale _____
- Rosen _____
- Sullivan _____
- Tavel _____
- Trotter _____
- Tele. Room _____
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- The Washington Post and Times Herald _____
- The Washington Daily News _____
- The Evening Star _____
- New York Herald Tribune _____
- New York Journal-American _____
- New York Daily News _____
- New York Post _____
- The New York Times _____
- The Baltimore Sun _____
- The Worker _____
- The New Leader _____
- The Wall Street Journal _____
- The National Observer _____
- People's World _____
- Date _____

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51 MAY 19 1966

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gr/aw

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1356764-1

Total Deleted Page(s) = 3
Page 196 ~ Referral/Direct;
Page 300 ~ Referral/Direct;
Page 314 ~ Referral/Direct;

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65- HQ-60573

SECTION 1

SERIALS 1-



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U. S. Department of Justice

DO NOT DESTROY

MATERIAL MUST NOT BE REMOVED FROM OR ADDED TO THIS

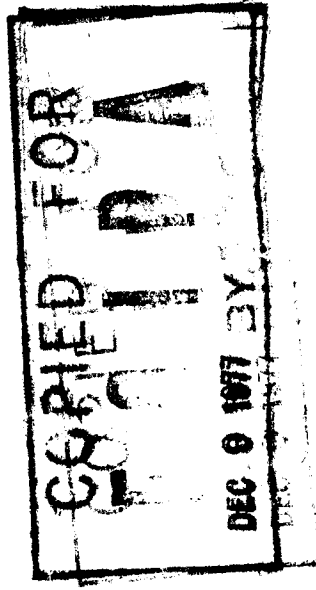
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FEDERAL BUREAU

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FOIPA # 296451 INVESTIGATION



PICKETT STREET

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DATE 06-25-2007 BY 60324 auc/baw/rs/ljm

1064442

USE CARE IN HANDLING THIS FILE

Transfer Call 421

FORM NO. 18-1-65

December 13, 1951

1:58

MEMORANDUM FOR MESSRS. TOLSON
LADD
NICHOLS
BELMONT

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3-28-88 BY SP-8/STJ
265,955

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Secretary of Defense Lovett called me this afternoon and stated that the President wanted him to discuss with me what appears to be a rather serious leak on what occurred at a meeting last Monday at the White House. He said that the President was desirous of trying to trace out the source of this leak. Secretary Lovett stated that the meeting related to plans in Korea and general European matters. He said that the press reports have been very speculative in this regard.

Drew Pearson
Anderson

Secretary Lovett stated that to his recollection the following were in attendance at the meeting: The three Chiefs of Service, General Collins, Admiral Fechteler, and General Vandenburg; the three Secretaries or Acting Secretaries, Frank Pace, Francis Whitehair replacing Kimball, and Tom Finletter; Jim Webb and Matthews from the State Department; possibly Ed Foley representing Secretary Snyder; General Bradley, and Secretary Lovett. He stated that from the White House were General Vaughan, Admiral Dennison, and possibly Connelly or Short. He added that he could not remember whether he saw both Connelly and Short, but just before going into the room he recalls seeing them both.

The Secretary related that the following has happened. Yesterday afternoon an individual by the name of Anderson, who appears to be a leg-man for Drew Pearson, went up to Whitehair and said, "I've got a story of the Monday meeting; thought you would like to take a look at it," and Whitehair reportedly said he didn't want to take a look at it. Apparently Anderson either read him or showed him certain excerpts which startled Whitehair so in their apparent accuracy that he came back and spoke to his Navy colleagues about it and they advised Admiral Dennison and Dennison advised the President. The President then called General Bradley and suggested to Bradley that he get hold of Pearson or Anderson and ask to see this report; that Anderson subsequently last night around seven o'clock came over to General Bradley with the report, which was

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already on the Bell Syndicate wires and Bradley persuaded Anderson to delete two major statements by red-penciling them, stating that they were either a breach of security or definitely not within the national interest. Anderson, according to Secretary Lovett, appeared to have agreed to this.

Secretary Lovett stated that General Bradley called him after the meeting and said that in his opinion the statement is presumably coming out this Saturday and that it is not too harmful but the story was not killed. He stated that the President appears to be relieved but he is very apprehensive as to the leak of information concerning the meeting. Secretary Lovett stated that he thought it was a terrible thing when the President could not talk to his supposedly intimate advisors without having someone go out and talk about it. He stated that it was the President's desire that he talk with me and find out what could be done.

I told the Secretary that the important thing was first to find out who was at the meeting and then find out if any of them, upon returning, had read any memoranda on the meeting or advised someone in their own office. I told him I would be very glad to assign the matter to Assistant Director Belmont. Secretary Lovett stated that General Bradley is out of town but he would have his Executive Officer, Colonel Randall, try to collect some information on the matter this afternoon.

The Secretary is attending budget hearings this afternoon but will return to his office at 6:30 PM. I told him that Mr. Belmont will be in his office (Secretary Lovett's) promptly at 6:30 to discuss the matter.

Very truly yours,

John Edgar Hoover
Director

cc - Mr. Nease

JEH:eff

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. LADD

DATE: December 14, 1951

FROM : MR. BELMONT

SUBJECT: ALLEGED LEAK FROM WHITE HOUSE CONFERENCE
DECEMBER 10, 1951, TO JACK ANDERSON, LEG MAN
FOR DREW PEARSON
ESPIONAGE - X

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3-28-88 BY SP8/BJJ/...

Tolson	✓
Ladd	✓
Clegg	
Glavin	✓
Rosen	
Tracy	
Harbo	✓
Belmont	✓
Mohr	
Tele. Room	
Nease	
Gandy	

At 9:00 A.M. on December 14, 1951, SAC Hood and Special Agents Kenneth T. Delavigne and Carl Graham, of the Washington Field Office, were briefed in my office on the investigation requested by the President in the above-entitled matter. They were furnished copies of my memorandum dated December 13, 1951, setting forth the results of the interview with Secretary Lovett.

Mr. Hood was advised that this investigation was to be handled on a special Basis and it was to be completed as rapidly as possible. He was advised to put whatever personnel is necessary on the investigation to accomplish this. He was advised to submit a daily teletype showing the progress of this matter.

Supervisor Roach, of the Liaison Unit, was called in at the same time and was instructed to contact Admiral Dennison this morning for the purpose of advising him that Secretary Lovett had brought up the question of a possible microphone in the Cabinet Room. Mr. Roach was instructed to advise Admiral Dennison that if it was desired, we would make a check of the Cabinet room to ascertain whether there was a microphone in the room. Mr. Roach called me later from the White House to advise that Admiral Dennison is sick. Because the President's request came through Admiral Dennison, I asked Mr. Roach to try to reach the Admiral by telephone and see whom he should discuss this with. Mr. Roach did so and spoke to Matt Connelly, who stated that by all means a check should be made of the room. Arrangements were made with the Laboratory to immediately send Mr. Pfafman and Mr. Corbett to the White House this morning to contact Mr. Roach for the purpose of checking the Cabinet room.

At approximately 11:00 A.M. I spoke again to SAC Hood and advised him that we must bear down vigorously on this investigation, that the President is personally interested, and

AHB:mer

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OTHERWISE.

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111 - DECEMBER

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will undoubtedly be making inquiry concerning it for the purpose of making examples of any persons responsible. I advised Mr. Hood that Mr. Hennrich was being placed in direct charge of this investigation and Mr. Hood should report to him. I told him that as many men should be put on this as is necessary to handle the investigation expeditiously, bearing in mind that some of the officials may be leaving town for the holidays. I told him that we should work on a 7-day week basis to get this cleared up promptly. I told him that the men to go on this case should be seasoned, mature men and not the type who are going to resign and talk about Bureau investigations afterwards. Mr. Hood was advised that Mr. Hennrich would sit in on some of the interviews on a high level. I pointed out that we were anxious that not only a thorough job be done on this but that the proper impression was made during the interviews.

I advised Mr. Hood that we wanted to be advised daily of developments and if any unusual developments or a break in the case occurred, we wanted to be advised at once. Mr. Hood was advised that the Agents working on this should keep their mouths shut, that we did not want any bull sessions in the WFO, and the investigation was to be considered confidential.

I also briefed Mr. Hennrich along the above lines and told him that we want to keep the Director advised by memorandum each morning and that we want to advise the Director telephonically of any break in the case or unusual incidents of importance. I also advised Mr. Hennrich that we do not want any talk about this case here at the Bureau and it is not to be discussed outside the Bureau at this time.

Well handled. now
keep on top of it.

H

Office Memorandum • UNITED STATES GOVERNMENT

TO : A. H. Belmont

DATE: December 15, 1951

FROM : C. E. Hendrich

Tolson	<input checked="" type="checkbox"/>
Ladd	<input checked="" type="checkbox"/>
Clegg	<input checked="" type="checkbox"/>
Glavin	<input checked="" type="checkbox"/>
Nichols	<input checked="" type="checkbox"/>
Rosen	<input checked="" type="checkbox"/>
Tracy	<input checked="" type="checkbox"/>
Harbo	<input checked="" type="checkbox"/>
Belmont	<input checked="" type="checkbox"/>
Mohr	<input checked="" type="checkbox"/>
Tele. Room	<input type="checkbox"/>
Nease	<input type="checkbox"/>
Gandy	<input type="checkbox"/>

SUBJECT: ALLEGED LEAK FROM WHITE HOUSE CONFERENCE, DECEMBER 10, 1951, TO JACK ANDERSON, LEG MAN FOR DREW PEARSON
ESPIONAGE - X

Drew Pearson's column which appeared in the Washington Post this morning does not carry the story involved in this investigation. You will recall that our information was that it would appear in his column for today.

During an interview with Colonel Clifton of General Bradley's staff, it was disclosed that Robert Allen's column in the New York Post for December 13 did carry a column purportedly very similar to that which had been displayed by Jack Anderson to Acting Secretary Whitehair and General Bradley. We were unable to obtain a copy of the New York Post last night in Washington. I called the New York Office and arranged to have the column dispatched by teletype. A copy is attached. SA [redacted] of the New York Office advised that this column appeared only in one late edition of the New York Post and that earlier editions did not carry the story. You will note that the column contains what purports to be quotes by the President, General Bradley, General Vandenberg and General Collins. The quoted remarks allegedly were made at a "big conference" after the President's return. SAC Hood has been instructed to make copies of this available to the Agents handling the interviews in order that the authenticity of the alleged quotes can be verified.

Colonel Clifton revealed that Clayton Fritchey, Chief of Public Information for the Defense Department, has stated that he was playing cards with Drew Pearson on the evening of December 12 when Jack Anderson was called over to the Pentagon and on that occasion Pearson exhibited to him a copy of the draft for the column in question. Fritchey is alleged to have made the statement that he did not see anything objectionable in the column as it was originally written nor in the column as it was edited by General Bradley. We will follow through on this and Fritchey will be interviewed.

I have instructed SAC Hood that in connection with the interviews conducted, the interviewees should be asked specifically as to what restrictions they considered themselves

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DATE 3-28-88 BY SP8/BJG

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Attachment
CEH:hmb

RECORDED - 92

INDEXED - 92

65-60573-3

under when disclosing information which went on at the December 10 conference and that we definitely establish the security regulations and precedents in connection with disclosures of items discussed and especially, of course, any specific restrictions which may have been placed on this particular conference.

ACTION:

Interviews as outlined in my memorandum of December 14 are continuing today. It would be advantageous at this point to know whether Pearson actually had the Jack Anderson item on the Bell Syndicate wires and if so whether the complete column was killed. It is suggested that this problem be referred to Mr. Nichols' office for an opinion as to whether we can safely make inquiries in this regard.

In the event inquiries can be made, the specific time of filing the column and the specific time of killing the column, if it was killed, should be obtained.

1/17/51
Discussed with Mr. Hennrich.
HBM

Office Memorandum • UNITED STATES GOVERNMENT

- Mr. Tolson ✓
- Mr. Ladd ✓
- Mr. Nichols ✓
- Mr. Belmont ✓
- Mr. Clegg _____
- Mr. Glavin _____
- Mr. Harbo _____
- Mr. Rosen _____
- Mr. Tracy _____
- Mr. Laughlin _____
- Mr. Mohr _____
- Tele. Room _____
- Mr. Nease _____
- Miss Gandy _____

TO : DIRECTOR, FBI

DATE: December 15, 1951

FROM : SAC, WFO (65-6060)

~~TOP SECRET~~

SUBJECT: DREW PEARSON,
 ALLEGED LEAK FROM WHITE HOUSE CONFERENCE
 DECEMBER 10, 1951, TO JACK ANDERSON, LEG-MAN
 FOR DREW PEARSON,
 ESPIONAGE - X.

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 3-28-88 BY SP8/aj/68

As a matter of interest, there is attached hereto a memorandum dated December 10, 1951, prepared by THOMAS K. FINLETTER, following his attendance at the President's Conference at the White House on December 10, 1951.

It is requested that the original and a copy be returned to the Washington Field Office.

DECLASSIFIED BY kofo Ted/rap
 ON 10/3/72

Att.
 RBH:DDJ

12/18/51
 SAC WFO (for personal review)
 CEH

RECORDED - 5

*(This is interesting
 we should find out
 who saw this, how
 many copies etc)*

APPROPRIATE AGENCIES
 FIELD OFFICES
 ROUTING
 ATTACHED TO
 12/27/51

5 12/18/51
 memo to the
 Director
 CEH/51

1064442

December 10, 1951

MEMORANDUM FOR THE SECRETARY OF DEFENSE

1. The conference with the President today on the Korean situation failed to bring out certain important points.

2. At the meeting it was decided that, since we now have what we went into Korea to get, namely the defeat of the aggression, we should adopt the attitude of conceding all points within reason to get the cease-fire.

3. What wasn't said, however, is that once we get a cease-fire, from that moment on our military position deteriorates. The Chinese, free from our interdiction campaign, can bring in men and materiel - and no inspection teams of ours are going to stop them. Our morale will go down. Our fighting ability will go down. And our domestic support for the operation will go down further than it already has.

4. Moreover, the attaining of the cease-fire may fail to defeat the Russo-Chinese plan of pinning down large quantities of our military power in Korea. This results from the fact that an agreement to permit the gradual withdrawal of UN and Communist troops, without a firm decision in advance by the UN to punish a violation of the cease-fire by aggressive means, is not to our interest, and cannot be carried out without risking all we have fought for in Korea. Once we withdraw our troops they are going to be very hard to put back. On the contrary it would be easy for the Communists to withdraw beyond the Yalu and come back whenever they want to.

In short, a cease-fire without a firm position and statement as to what the UN intends to do if the terms of the cease-fire are broken and without provision for the rapid withdrawal of UN troops, is a disadvantageous operation from our point of view.

5. The question arises what then should we do? The following is suggested:

a. Make a provision in the cease-fire arrangements which will result in the United Nations ground troops being pulled out as rapidly as they can be after the signing of the cease-fire.

b. Leave a thin line of South Korean troops, and maybe even a token United Nations force, in South Korea.

c. Make arrangements with our major allies to issue a joint statement, approved by the UN, serving notice on China that we no longer intend to hold the Korean front by great ground forces as at present, but that if the Chinese run over our modest forces that will bring down vast retaliatory action by the UN on the mainland of China. We should also consider whether this statement might not contain a request to Russia to use her best efforts to prevent the Chinese from violating the cease-fire agreement.

d. We must agree with our friends in the UN what this vast retaliatory action means. It presumably would mean a naval blockade, harassment of the lines of communication by bombing, continuing the use of guerrilla troops, and maybe releasing Chiang for action on the mainland. The question of certain other special air action would have to be considered; also the use of the A-bomb. These are, however, in a way, questions of detail. The important thing is to get agreement with our friends in UN to be ready to go through with a good tough campaign, but without the use of ground troops other than Chiang's.

Mr. Tolson	_____
Mr. Ladd	_____
Mr. Nichols	_____
Mr. Belmont	_____
Mr. Glavin	_____
Mr. Harbo	_____
Mr. Rosen	_____
Mr. Tracy	_____
Mr. Gurnea	_____
Mr. Mohr	_____
Tele. Rm.	_____
Mr. Nease	_____
Miss Gandy	_____

12-15-51

WASHINGTON FROM WASH FIELD

15 2:00 P.M.

DIRECTOR

U R G E N T

DREW PEARSON, ALLEGED LEAK FROM WHITE HOUSE CONFERENCE DEC TEN FIFTY ONE,
 TO JACK ANDERSON, LEG-MAN FOR DREW PEARSON, ESP DASH X. GEN. ROBERT LANDRY
 AIR FORCE AID TO THE PRESIDENT, ATTENDED MEETING AT WHITE HOUSE DEALING
 WITH PROBLEMS IN WESTERN PACIFIC AND WESTERN EUROPE ON DEC. TEN LAST, AND
 REGARDS IT AS MOST IMPORTANT HE HAS ATTENDED THERE. HE KNEW OF CONFERENCE
 BEING SCHEDULED WHILE AT KEY WEST WITH PRESIDENT. FOLLOWING STAFF CONFERENCE
 WITH PRESIDENT AT TEN A.M., DECEMBER TEN LAST, LANDRY INQUIRED IF STAFF
 SHOULD ATTEND THE MAIN CONFERENCE, AND PRESIDENT ADVISED AFFIRMATIVELY.
 LANDRY STATES NO STENOGRAPHER PRESENT, AND HE KNOWS OF NO NOTES MADE DURING
 OR AFTER CONFERENCE. CONFERENCE LASTED APPROXIMATELY ONE HOUR. HE SAW
 NO ONE ENTER OR LEAVE ROOM DURING CONFERENCE. NO AGENDA FURNISHED IN
 ADVANCE. PRESIDENT ENTERED, SHOOK HANDS WITH ALL PRESENT AND STARTED
 CONFERENCE BY EXPRESSING CONCERN OVER WORLD CONDITIONS, ESPECIALLY IN
 KOREA. PRESIDENT EXPRESSED FEAR THAT LET-DOWN OF PEACE NEGOTIATIONS
 WOULD LOWER MORALE IN THIS COUNTRY AND ALSO STATED HE WAS INTERESTED
 BECAUSE IT WOULD BE A DIFFICULT YEAR. PRESIDENT ASKED FOR VIEWS ON
 THESE MATTERS AND FOR BRIEFING ON KOREAN SITUATION BY GEN. BRADLEY. BRADLEY
 REPORTED LITTLE PROGRESS ON ARMISTICE AND THAT UN COULD NOT YIELD ON ANY
 MAJOR POINTS. LANDRY BELIEVES BRADLEY BROUGHT UP QUESTION OF REHABILITATION

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OF RAILROADS, ROADS, ETC., BUT BRADLEY THOUGHT IT NOT A MAJOR ISSUE AND WAS ONE ON WHICH UN MIGHT YIELD. PRESIDENT WANTED ADVISERS OPINIONS ON THIS. BRADLEY ALSO DISCUSSED RED AIR FORCE SITUATION. GEN. COLLINS ASSURED PRESIDENT UN FORCES COULD NOT BE DISLODGED FROM KOREA. DISCUSSION OF WHAT UN TO DO IF ARMISTICE FAILED LED TO STATEMENT THAT THEN UN MIGHT HAVE TO USE CERTAIN THINGS AND REDS SHOULD BE SO ADVISED. ADMIRAL FECHTELER OPPOSED ANY COMMITMENT WE MIGHT BE FORCED TO CHANGE THROUGH INTERNATIONAL CHARGE, BUT INSISTED ON TAKING A FIRM STAND. GEN. VANDENBERG SPOKE OF AIR SITUATION AND RECOMMENDED COMPLETE WITHDRAWAL TO JAPAN OF OUR FORCES IN KOREA, IN EVENT OF CEASE FIRE, TO AVOID BEING TRAPPED AND TELL REDS IF THEY PROCEED FURTHER, IT MEANS ALL-OUT WAR. VANDENBERG'S VIEW ON THIS DIFFERS FROM OTHERS PRESENT. PRESIDENT FINALLY AGREED WITH BRADLEY-S VIEW ON REHABILITATION OF RAILROADS AND ROADS. SECRETARY LOVETT OPPOSED YIELDING OF ANY MAJOR POINTS TO REDS. ACTING SECRETARY OF NAVY, WHITEHAIR, OF OPINION ASIATIC PEOPLE CONTENT TO CARRY ON NEGOTIATIONS INDEFINITELY. SECRETARY FRANK PACE AGREED WITH BRADLEY AND FELT UN WON ITS POINT IN STOPPING AGGRESSION AND PUSHING ENEMY BACK TO ITS OWN LAND AND THESE POINTS TO BE CONSIDERED IN PRESENT NEGOTIATIONS. PACE ALSO CONCERNED OVER BUILD-UP OF RED AIR FORCE. FREEMAN MATTHEWS, OF STATE DEPARTMENT, OF OPINION PROGRESS MADE ON PEACE NEGOTIATIONS AND STATE DEPT. AND MILITARY MEN ARE IN AGREEMENT ON NEGOTIATIONS. RELATIVE WESTERN EUROPE, SECRETARY LOVETT EXPRESSED CONCERN OVER FRENCH FINANCES AND STATED BRITAIN CANNOT MEET MILITARY COMMITMENTS. HIS OPINION GERMANY IS KEY TO BUILD-UP OF STRENGTH OF WESTERN EUROPE. PACE STATED HE FOUND TROOP MORALE AND SPIRIT GOOD IN

AUSTRIA AND GERMANY. LANDRY BELIEVES PRESIDENT CONTENT WITH PRESENT
POLICIES OF NEGOTIATIONS. PRESIDENT STATED GLAD FOR THEIR IDEAS AND
EMPHASIZED THERE MUST BE NO LET-DOWN. LANDRY DOES NOT RECALL PRESIDENT
STOPPING TO CONVERSE WITH ANYONE WHILE DEPARTING FROM CABINET ROOM,
ON LEAVING CONFERENCE, LANDRY STOPPED IN MAT CONNOLLY-S OFFICE, AND JOE
SHORT, SECRETARY, ASKED IF PRESIDENT DESIGNATED SOMEONE TO SEE SHORT ABOUT
ISSUING PRESS RELEASE. ADMIRAL DENNISON AND CONNOLLY WERE PRESENT THEN.
LANDRY SAID NO AND SUGGESTED SHORT SEE PRESIDENT OR LOVETT. LANDRY
KNOWS OF NOTHING BEING PUT IN WRITING ABOUT THIS CONFERENCE. HE STATES
HE HAS DISCUSSED IT WITH NO ONE BUT PRESIDENT SINCE THEN. LANDRY STATES
NOT PERSONALLY ACQUAINTED AND HAS HAD NO CONTACT WITH DEW PEARSON OR
JACK ANDERSON. LAST SAW PEARSON OVER ONE YEAR AGO. HAS NO INFORMATION
CONCERNING POSSIBLE SOURCE OF LEAK OF INFORMATION.

HOOD

cc. Mr Belmont

Mr. Tolson	_____
Mr. Ladd	_____
Mr. Nichols	_____
Mr. Belmont	_____
Mr. Mohr	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. DeLoach	_____
Mr. Evans	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Trotter	_____
Tele. Room	_____
Miss Gandy	_____

12-15-51

WASHINGTON FROM WASH FIELD 15 5:30 PM

DIRECTOR URGENT

DREW PEARSON, ALLEGED LEAK FROM WHITEHOUSE CONFERENCE DEC TEN, FIFTYONE, TO JACK ANDERSON, LEG-MAN FOR DREW PEARSON, ESP DASH X. JAMES E. LAY, JR., EXECUTIVE SECRETARY, NATIONAL SECURITY COUNCIL, INTERVIEWED HIS OFFICE THIS DATE. HE FURNISHED GENERAL INFO AS TO TOPICS DISCUSSED AT PRESIDENT'S CONFERENCE MORNING OF DEC TEN LAST. LAY STATES HE TOOK PERSONAL NOTES AT CONFERENCE FOR BENEFIT OF PRESIDENT AND PLACED THEM IN LAY'S OFFICE SAFE. HE DESCRIBED NOTES AS PERSONAL PROPERTY OF PRESIDENT, THEREFORE NO REQUEST MADE BY INTERVIEWING AGENTS TO PRODUCE NOTES PENDING BUREAU AUTHORITY. LAY STATES HIS SECRETARY WOULD HAVE ACCESS TO SAFE BUT DOUBTS ANYONE BUT HE PERSONALLY COULD INTERPRET THEM. LAY ADVISED HE BRIEFED HIS DEPUTY, S. EVERETT GLEASON, AS TO COMMENTS OF VARIOUS INDIVIDUALS PRESENT AT CONFERENCE. STATES GLEASON IS HIS ALTERNATE AND KEEPS HIM PERSONALLY ADVISED ON SUCH MATTERS IN ORDER THAT HE BE AS WELL INFORMED AS LAY. LAY COMMENTED AS FOLLOWS CONCERNING FOLLOWING PORTION OF ROBERT S. ALLEN ARTICLE AS REFLECTED IN NY TEL. QUOTE THE UN CAN HAVE A CEASE FIRE IN KOREA BUT AT THE COST OF IMPORTANT CONCESSIONS TO THE REDS. THAT'S WHAT THE JOINT CHIEFS TOLD THE PRESIDENT

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IN THEIR BIG CONFERENCE WITH HIM AFTER HIS RETURN. GEN BRADLEY DECLARED THE PROTRACTED TRUCE NEGOTIATIONS HAVE REACHED THE POINT WHERE A FEW CONCESSIONS ON BOTH SIDES COULD BRING AN AGREEMENT IF THE COMMUNISTS REALLY WANT ONE. END QUOTE. LAY DESCRIBED THIS AS A GOOD SUMMATION OF BRADLEY'S IDEAS PRESENTED AT THE CONFERENCE. AS TO THE ALLEGED STATEMENT OF GEN VANDENBERG IN ALLEN'S ARTICLE, QUOTE I WANT A CEASE FIRE IF ONE CAN BE WORKED OUT THAT IS FAIR AND PROPER. BUT I DON'T SEE HOW WE CAN SAFELY DO ANYTHING THAT WILL ENABLE THE REDS TO BUILD UP THEIR AIR STRENGTH. THAT IS WHAT PERMITTING THEM TO BUILD AIR FIELDS WILL AMOUNT TO. SUCH BASES IN NORTH KOREA WILL BE OF GREAT COMBAT VALUE TO THEM IF THEY DECIDE TO BREAK THE TRUCE NEXT SPRING, WHICH I WOULDN'T PUT PAST THEM. UNQUOTE. LAY STATED THAT THIS QUOTATION WAS DEFINITELY ERRONEOUS AND WAS NOT DISCUSSED BY VANDENBERG AT THE CONFERENCE. ACCORDING TO LAY, VANDENBERG MADE NO SUCH STATEMENT AT THE CONFERENCE, BUT INDICATED AGREEMENT WITH SUGGESTION OF GEN BRADLEY THAT POSSIBLY CONCESSIONS ON AIR FIELDS MIGHT BE MADE IN THE FUTURE. LAY COULD NOT RECALL A STATEMENT ATTRIBUTED TO GEN J. LAWTON COLLINS THAT THE COMMUNISTS' REFUSAL TO AGREE ON ROTATION OF TROOPS WAS QUOTE AN UNFAIR DEMAND AND THE ONLY REASON THE REDS ARE MAKING IT IS TO TRY TO FORCE US TO GIVE IN ON AIR FIELDS. END QUOTE. LAY FURTHER COULD NOT RECALL A

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STATEMENT ATTRIBUTED TO COLLINS BY ALLEN AS TO THE REPLACEMENT
ISSUE THAT QUOTE THE REDS WOULD HAVE THE SAME RIGHT AS US ON
THAT AND I DON'T SEE WHY THEY SHOULD OBJECT TO IT EXCEPT FOR
TRADING PURPOSES. UNQUOTE. LAY DESCRIBED ALLEN'S REPORT AS TO
THE PRESIDENT'S STATEMENT REGARDING CONCESSIONS AS AN
EXCELLENT RESUME OF THE PRESIDENT'S ATTITUDE. LAY WAS OF THE
OPINION THAT INFORMATION RELATING TO THE PRESIDENT'S ATTITUDE
AS TO CONCESSIONS COULD ONLY HAVE COME FROM SOMEONE ATTENDING
THE CONFERENCE INASMUCH AS HE DID NOT BELIEVE THAT SUCH ATTITUDE
WAS CLEARLY KNOWN TO ANYONE UNTIL THE CONFERENCE. UNDERSECRETARY
OF STATE JAMES E. WEBB AND ASS'T SECRETARY OF STATE H. FREEMAN
MATTHEWS INTERVIEWED DEC FOURTEEN LAST. BOTH FURNISHED GENERAL
INFORMATION AS TO MATTERS DISCUSSED AT CONFERENCE. ROBERT S.
ALLEN ARTICLE NOT AVAILABLE THAT DATE AND THUS THEIR REACTIONS
THERE TO NOT KNOWN AT PRESENT. EFFORTS WILL BE MADE TO DISCUSS
SAID ARTICLE EARLY NEXT WEEK.

HOOD

cc. Mr. Belmont

Mr. Tolson	_____
Mr. Ladd	_____
Mr. Nichols	_____
Mr. Belmont	_____
Mr. Clegg	_____
Mr. Glavin	_____
Mr. Harbo	_____
Mr. Rosen	_____
Mr. Tracy	_____
Mr. M. Sullivan	_____
Mr. Mohr	_____
Tele. Room	_____
Mr. Nease	_____
Miss Gandy	_____

12-15-51

15

7:00

WASHINGTON FROM WASH FIELD

DIRECTOR

U R G E N T

DREW PEARSON, ALLEGED LEAK FROM WHITE HOUSE CONFERENCE DECEMBER TEN, FIFTY ONE, TO JACK ANDERSON, LEG-MAN FOR DREW PEARSON, ESPIONAGE DAST

ADMIRAL WILLIAM M. FECHTELER, CHIEF OF NAVAL OPERATIONS, ON INTERVIEW, ADVISED HE ATTENDED WHITE HOUSE CONFERENCE TEN THIRTY AM, MONDAY, DECEMBER

TEN LAST, ALSO ATTENDED BY MESSRS. LOVETT, WHITEHAIR, PACE, FINLETTER; GENERALS BRADLEY, COLLINS AND VANDENBERG, AS WELL AS MESSRS. WEBB AND

MATTHEWS, STATE DEPT. ALSO PRESENT, IN ADDITION, WERE MR. LAY, ADMIRAL DENNISON, ADMIRAL LANDRY, GENERAL VAUGHAN AND GENERAL CABELL. FECHTELER

RECALLED ALL PRESENT WERE SEATED WHEN PRESIDENT ARRIVED, AND AFTER SHAKING HANDS AND PERSONALLY GREETING EVERYONE IN ROOM OPENED THE MEETING.

GEN. BRADLEY, AS FIRST SPEAKER, GAVE A RESUME OF THE MILITARY SITUATION IN KOREA, DISCUSSED THE GROUND SITUATION, COMMENTED ON THE AIR BUILD-UP

OF THE COMMUNISTS FORCES AND MENTIONED THE NAVY AND AIR INTERDICTION IN THE EASTERN SECTION. FOLLOWING GEN. BRADLEY, MR. LOVETT SPOKE, IN

GENERAL DETAILS, CONCERNING THE PROGRESS OF THE KOREAN PEACE NEGOTIATIONS AND BROUGHT OUT THAT ALL WERE EXASPERATED BY THE SLOWNESS; HOWEVER, SOME

PROGRESS HAD BEEN MADE THOUGH NOT AS FAST AS WE WISHED. ACCORDING TO FECHTELER, THE PRESIDENT PROCEEDED AROUND THE CONFERENCE TABLE ASKING

FOR VIEWS OF THE STATE DEPT., AND MR. WEBB DEFERRED TO MR. MATTHEWS, WHO

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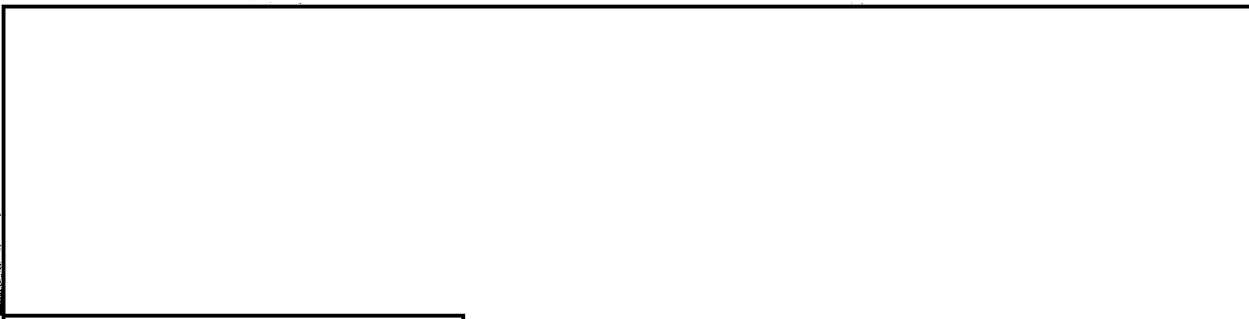
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SPOKE BRIEFLY, DETAILS NOT RECALLED. THEREAFTER, MR. FINLETTER MENTIONED THE IMPORTANCE IN GETTING AN ARMISTICE AND MENTIONED THE IMPORTANCE IN NOT PERMITTING COMMUNISTS TO REBUILD THEIR AIRFIELDS. ADM. FECHTELER STATED HE NEXT VOICED HIS MISGIVINGS RE PROPOSALS OF THE STATE DEPT. TO HAVE THE SIXTEEN NATIONS OF THE UN MAKE CERTAIN THREATS TO THE COMMUNISTS AS TO WHAT WOULD BE DONE IF THEY VIOLATED THE TERMS OF THE ARMISTICE, AND HE RECALLED, AT THIS POINT, EITHER MR. WEBB OR MR. MATTHEWS OF THE STATE DEPT. VOICED SOME DISAGREEMENT WITH ADM. FECHTELER AND INDICATED THAT A THREAT OF RETALIATION WOULD BE SOME DETERRENT TO THE COMMUNISTS SHOULD THEY VIOLATE THE TERMS OF THE ARMISTICE. FECHTELER STATED, APPARENTLY, SOME PLACE IN THE CONFERENCE THERE WAS SOME QUESTION AS TO THEIR ABILITY TO HOLD OUT IN KOREA, AND GENERAL COLLINS TOOK SOME EXCEPTION AND MADE A STATEMENT TO THE EFFECT THAT THE COMMUNISTS CAN'T RUN US OUT OF KOREA. ADM. FECHTELER RECALLED GENERAL VANDENBERG TALKED ABOUT THE RUSSIAN MIGS PAREN RUSSIAN AIRPLANES UNPAREN, AND IN RELATION TO THE MIGS AND THE PRESENT BUILD-UP OF THE COMMUNISTS AIR FORCES, GEN. VANDENBERG POINTED OUT THE VULNERABILITY OF OUR AIR FORCES IN RELATION TO THE BUILD-UP OF COMMUNISTS AIR FIELDS. FECHTELER STATED MR. WHITEHAIR ALSO MADE A SHORT TALK, ALTHOUGH ON MATTERS GENERALLY NOT PARTICULARLY IMPORTANT TO THE POINTS UNDER DISCUSSION. HE ALSO RECALLED THERE WAS SOME DISCUSSION OF THE SITUATION IN EUROPE AND RECALLED MR. PACE GAVE A GLOWING REPORT ON THE MORALE OF OUR FORCES IN EUROPE. ADM. FECHTELER POINTED OUT HE GATHERED AT THIS CONFERENCE THAT THERE HAD BEEN SOME PRIVATE

PRIOR CONVERSATIONS WITH PRESIDENT TRUMAN OVER THE POINTS IN DISCUSSION AND HE EXPRESSED THE BELIEF THAT INSTANT CONFERENCE WAS A SORT OF WINDOW DRESSING TO FORMALIZE THE POLICY. FECHTELER WAS COGNIZANT THAT JACK ANDERSON, PEARSON LEG-MAN, HAD PREPARED A COLUMN RELATIVE TO THIS CONFERENCE, HAVING LEARNED THIS ON WEDNESDAY, DECEMBER TWELVE, FROM DAN KIMBALL, SECRETARY OF THE NAVY. FECHTELER ADVISED HE DID NOT KNOW DREW PEARSON, ANDERSON OR ANY PEARSON EMPLOYEES, AND HAD NO SUGGESTION AS TO HOW LEAK MAY HAVE OCCURRED. ALTHOUGH FECHTELER CONFIDENTIALLY POINTED OUT THAT



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FECHTELER ALSO CONFIDENTIALLY POINTED OUT HE SHARED THE GENERAL FEELING THAT SECURITY AT THE STATE DEPT. WAS NOT ALL THAT COULD BE DESIRED, ALTHOUGH HE POINTED OUT HE WAS MAKING NO INFERENCES OR ACCUSATIONS, AND AGAIN INSISTED HE HAD NO SUGGESTIONS AS TO HOW INSTANT LEAK MAY HAVE OCCURRED. ADMIRAL FECHTELER WAS MADE COGNIZANT OF THE COLUMN BY ROBERT S. ALLEN IN THE NEW YORK POST DECEMBER THIRTEEN, WHICH WAS BASED UPON THE WHITE HOUSE CONFERENCE, AND ALTHOUGH FECHTELER ADVISED HE COULD NOT VERIFY ANY OF THE CONTENTS AS TO ACTUAL QUOTATIONS HE CONSIDERED THE ALLEN COLUMN TO BE SUBSTANTIALLY AN ACCURATE REPORT OF THE SUBSTANCE OF THE CONFERENCE AND EXPRESSED THE BELIEF IT MUST HAVE BEEN PREPARED ONLY THROUGH THE ASSISTANCE OF A LEAK FROM SOMEONE

PRESENT. AFTER GOING OVER THE ALLEN COLUMN, FECHTELER CONCLUDED HE
COULD SEE NO INACCURACIES IN IT.

MAJOR GENERAL CHARLES P. CABELL, USAF, JOINT CHIEFS OF STAFF,
ADVISED HE ATTENDED THE WHITE HOUSE CONFERENCE MONDAY, DECEMBER TEN; THAT
THIS WAS THE FIRST SUCH CONFERENCE HE EVER ATTENDED AND DID SO ONLY AS AN
OBSERVER AND TOOK NO PART IN THE DISCUSSIONS. GENERAL CABELL WAS UNABLE
TO RECALL SPECIFICALLY WHAT WAS SAID, BY WHOM AND IN WHAT ORDER THE
SPEAKERS OFFERED THEIR CONTRIBUTIONS. CABELL WAS UNAWARE THAT INSTANT
INVESTIGATION HAD BEEN UNDERTAKEN, ALSO UNAWARE THAT ANY ALLEGED LEAK
HAD OCCURRED CONCERNING THE PRESIDENTIAL CONFERENCE. CABELL ADVISED HE
DID NOT KNOW DREW PEARSON EXCEPT BELIEVES HE MET PEARSON CASUALLY ON
ONE OCCASION A LONG TIME AGO AND PROBABLY WOULD KNOW BY SIGHT; DOES
NOT KNOW JACK ANDERSON OR ANY OTHER PEARSON EMPLOYEE. IN CONNECTION WITH
THE DISCUSSION AT THE CONFERENCE, CABELL ADVISED HE COULD NOT RECALL
ANY MENTION MADE ABOUT EXTENDING THE CEASE FIRE NEGOTIATIONS DEADLINE,
AND SAID HE DID NOT THINK THE PRESIDENT OR ANYONE ELSE PRESENT MENTIONED
THIS. HE SAID THERE MIGHT HAVE BEEN A QUESTION POSED BY SOMEONE IN ATTENDANCE
CONCERNING WHAT WOULD HAPPEN WHEN THE THIRTY DAY DEADLINE WAS PASSED,
AND NO AGREEMENTS REACHED, BUT CABELL POINTED OUT THAT QUESTION HAD
ARISEN MANY TIMES PREVIOUSLY, IN VARIOUS JOINT CHIEFS OF STAFF MEETINGS
ATTENDED BY CABELL, AND HE COULD NOT RECALL THAT THAT POINT WAS MENTIONED
AT THE PRESIDENTIAL CONFERENCE. THE TEXT OF THE COLUMN OF ROBERT S. ALLEN
IN THE NEW YORK POST DECEMBER THIRTEEN LAST WAS BROUGHT TO THE ATTENTION OF

GENERAL CABELL, AND HE EXPRESSED THE BELIEF IT WAS NOT AN ACCURATE ACCOUNT OF THE PROCEEDINGS IN THE PRESIDENTIAL CONFERENCE. FOR INSTANCE, CABELL POINTED OUT THAT HE BELIEVES THE COMMENTS ATTRIBUTED TO GENERAL COLLINS IN THE ALLEN COLUMN WERE MORE IN LINE WITH THINGS GENERAL COLLINS HAD SAID PREVIOUSLY, INCLUDING COMMENTS MADE BY HIM AT FORMER CHIEFS OF STAFF MEETINGS. CABELL BELIEVED THE STATEMENT ATTRIBUTED BY ALLEN TO PRESIDENT TRUMAN WAS ACCURATE IN SUBSTANCE, BUT WAS NOT A VERBATIM ACCOUNT. IN APPRAISAL OF THE ALLEN COLUMN, CABELL STATED IT CONTAINED A CONTINUOUS THREAD TO INDICATE ALLEN HAD AN INFORMANT WHO ATTENDED THE CONFERENCE. CABELL POINTED OUT SOME OF THOSE IN ATTENDANCE AT THE CONFERENCE WERE NOT KNOWN TO HIM; ALSO OTHERS WERE NOT INTIMATELY KNOWN TO HIM, BUT HE COULD NOT SUGGEST ANY PERSON OR PERSONS ATTENDING THAT CONFERENCE AS HAVING BEEN RESPONSIBLE FOR ANY LEAK.

HOOD

cc: Mr. Belmont

Mr. Tolson	<input checked="" type="checkbox"/>
Mr. Ladd	<input checked="" type="checkbox"/>
Mr. Nichols	<input checked="" type="checkbox"/>
Mr. Belmont	<input checked="" type="checkbox"/>
Mr. Clegg	<input checked="" type="checkbox"/>
Mr. Glavin	<input checked="" type="checkbox"/>
Mr. Harbo	<input checked="" type="checkbox"/>
Mr. Rosen	<input checked="" type="checkbox"/>
Mr. Tracy	<input checked="" type="checkbox"/>
Mr. Laughlin	<input checked="" type="checkbox"/>
Mr. Mohr	<input checked="" type="checkbox"/>
Tele. Room	<input checked="" type="checkbox"/>
Mr. Nease	<input checked="" type="checkbox"/>
Miss Gandy	<input checked="" type="checkbox"/>

12-15-51

15

8:00 P.M.

WASHINGTON FROM WASH FIELD

DIRECTOR

U R G E N T

DREW PEARSON, ALLEGED LEAK FROM WHITE HOUSE CONFERENCE DECEMBER TEN, FIFTY ONE, TO JACK ANDERSON, LEG-MAN FOR DREW PEARSON, ESPIONAGE DASH PRESIDENTIAL AIDE GENERAL HARRY VAUGHAN INTERVIEWED THIS DATE. UNABLE SUGGEST IDENTITY PERSON RESPONSIBLE FOR LEAK. STATES, HOWEVER, FROM STANDPOINT OF SECURITY, STATE DEPT. WEAKEST OF ALL GOVERNMENT DEPARTMENTS THIS AREA, BUT HAS NOTHING SPECIFIC TO INDICATE STATE DEPT. INVOLVED IN LEAK OF INFORMATION UNDER INVESTIGATION. VAUGHAN WAS FURNISHED MATERIAL CONTAINED IN ALLEN ARTICLE, APPEARING IN NEW YORK POST DECEMBER THIRTEEN, AND INFORMS MATERIAL, WHILE NOT CONSISTING QUOTES OF STATEMENTS AND VIEWS EXPRESSED AT CONFERENCE, IS EXTREMELY ACCURATE, AND STATES IT WOULD BE QUOTE MIRACULOUS UNQUOTE IF THE INDIVIDUAL WRITING IT DID SO WITHOUT ACTUALLY HAVING ATTENDED THE CONFERENCE OR WITHOUT HAVING ACCESS TO A PERSON WHO DID ATTEND. DENIES ANY TYPE OF PERTINENT CONTACT WITH PEARSON OR ASSOCIATES AND STATES PEARSON HAS SOME ENMITY TOWARD HIM FOR NUMER OF YEARS.

SECRETARY OF THE ARMY FRANK PACE INTERVIEWED THIS DATE AND ADVISED THAT HE COULD NOT FURNISH ANY INFORMATION RELATIVE TO THE ALLEGED LEAK. THE ARTICLE PREPARED BY ROBERT S. ALLEN WAS READ TO PACE, AND HE ADVISED THAT IT WAS POSSIBLE THAT SOMEONE, WHO WAS NOT IN ATTENDANCE, COULD HAVE PREPARED IT, BUT THAT THIS WAS IMPROBABLE. HE STATED THAT THE

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MATERIAL APPEARING IN THE ARTICLE WAS SUBSTANTIALLY THAT WHICH WAS DISCUSSED AT THE CONFERENCE. HOWEVER, HE STATED THAT THE INFORMATION ATTRIBUTED TO GENERAL COLLINS WITH RESPECT TO QUOTE UNTIL HELL FREEZES OVER UNQUOTE DEFINITELY WAS NOT STATED BY GENERAL COLLINS. PACE ADVISED THAT HE HAS MET PEARSON ON TWO OCCASIONS AND HAS NOT SEEN HIM FOR THE PAST SIX MONTHS, AND HAS NOT SEEN OR TALKED TO ANY OF PEARSON-S EMPLOYEES OR ASSOCIATES FOR THE PAST THREE MONTHS. DENIES THAT HE HAS DISCUSSED THE CONFERENCE WITH ANYONE OTHER THAN POSSIBLY SECRETARY LOVETT OR SECRETARY FINLETTER.

HOOD

W. M. Belmont

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

Mr. Tolson	
Mr. Boardman	
Mr. Nichols	
Mr. Belmont	
Mr. Mohr	
Mr. DeLoach	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Miss Holmes	
Miss Gandy	

DEC 15
TELETYPE

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DIRECTOR AND WFO URGENT

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DATE 3-28-88 BY SP8 BTJ/STW

ATTENTION INSPECTOR CARL HENNRICH
COLUMN OF ROBERT S. ALLEN, N. Y. POST DEC., THIRTEEN FIFTYONE. REF
TEL CALL INSPECTOR HENNRICH DEC FOURTEEN LAST. NY POST "BLUE FINAL"
EDITION DEC THIRTEEN LAST CONTAINS COLUMN OF ALLEN WHICH IS QUOTED
AS FOLLOWS. "REDS- CEASE-FIRE TERMS N. G. BY ROBERT S. ALLEN -
WASHINGTON, DEC, THIRTEEN- THE UN CAN HAVE A CEASE FIRE IN KOREA,
BUT AT THE COST OF IMPORTANT CONCESSIONS TO THE REDS.

THAT-S WHAT THE JOINT CHIEFS TOLD THE PRESIDENT IN THEIR BIG
CONFERENCE WITH HIM AFTER HIS RETURN. GEN. BRADLEY DECLARED THE POR-
TRACTED TRUCE NEGOTIATIONS HAVE REACHED THE POINT "WHERE A FEW CON-
CESSIONS ON BOTH SIDES COULD BRING AN AGREEMENT IF THE COMMUNISTS
REALLY WANT ONE."

"WHAT DO THEY WANT QUESTIONMARK" ASKED THE PRESIDENT.

"THE DEADLOCK GETS DOWN TO THIS," EXPLAINED BRADLEY. "WE ARE DE-
MANDING THE RIGHT TO CONTINUE TO ROTATE OUR TROOPS AS WE HAVE BEEN
DOING FOR MONTHS. THE REDS ARE FLATLY REFUSING TO ALLOW THAT. THEY
ARE INSISTING ON A COMPLETE FREEZE ON REPLACEMENTS AND WEAPONS. BUT
THEY HAVE INDICATED THEY WOULD MAKE CONCESSIONS ON THAT IF WE WILL
ALLOW THEM TO BUILD SOME AIRFIELDS IN NORTH KOREA. WE HAVE REFUSED
TO DO THAT. OBVIOUSLY, THEY ARE USING THE ROTATION ISSUE TO TRY TO
WREST CONCESSIONS FROM US ON THE AIRFIELD DEMAND."

END OF PAGE ONE

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PAGE TWO

GEN. HOYT VANDENBERG VIGOROUSLY OPPOSED GIVING ANY GROUND ON THAT.

"I WANT A CEASE FIRE, IF ONE CAN BE WORKED OUT THAT IS FAIR AND PROPER," DECLARED THE AIR CHIEF OF STAFF. "BUT I DON-T SEE HOW WE CAN SAFELY DO ANYTHING THAT WILL ENABLE THE REDS TO BUILD UP THEIR AIR STRENGTH. THAT IS WHAT PERMITTING THEM TO BUILD AIRFIELDS WILL AMOUNT TO. SUCH BASES IN NORTH KOREA WILL BE OF GREAT COMBAT VALUE TO THEM, IF THEY DECIDE TO BREAK THE TRUCE NEXT SPRING, WHICH I WOULDN-T PUT PAST THEM."

GEN. J. LAWTON COLLINS WAS INCLINED TO FAVOR SOME TERMS ON THE AIRFIELD DISPUTE. HE THOUGHT SOMETHING COULD BE WORKED OUT ON THAT. BUT THE ARMY CHIEF OF STAFF WAS ADAMANT IN INSISTING THE COMMUNISTS BE REQUIRED TO AGREE TO ROTATION OF UN GROOPS.

"THAT WOULD BE A SERIOUS BLOW TO THE MORALE OF OUR MEN," COLINS ARGUED. "I AM STRONGLY OPPOSED TO ANY CONCESSION ON THAT. IT IS AN UNFAIR DEMAND, AND THE ONLY REASON THE REDS ON MAKING IT IS TO TRY TO FORCE US TO GIVE IN ON AIRFIELDS."

"OUR ARMY CAN HOLD THE PRESENT LINE UNTIL HELL FREEZES OVER, AND I AM FLATLY OPPOSED TO GIVING THE SLIGHTEST GROUND ON THE REPLACEMENT ISSUE. THE REDS WOULD HAVE THE SAME RIGHT AS US ON THAT, AND I DON-T SEE WHY THEY SHOULD OBJECT TO IT, EXCEPT FOR TRADING PURPOSES."

END OF PAGE TWO

PAGE THREE

BRADLEY AGREED WITH COLLINS, BUT EMPHASIZED THE IMPORTANCE OF NOT ALLOWING THE COMMUNISTS TO BUILD UP A POWERFUL AIRFORCE.

PRESIDENT TRUMAN LISTENED INTENTLY TO THE MILITARY LEADERS AND SAID NOTHING UNTIL THEY FINISHED. THEN HE TOLD THEM-

"AS YOU KNOW I AM VERY ANXIOUS TO BRING THE FIGHTING TO AN END IF THAT IS POSSIBLE. BUT I WILL NOT AGREE TO CONCESSIONS TO THE COMMUNISTS THAT WE MAY REGRET LATER ON. WE WANT TO BE VERY CAREFUL THAT WE DO NOT SELL OURSELVES SHORT IN OUR EAGERNESS TO SECURE A TRUCE FOR OUR MEN."

ALSO DISCUSSED WAS THE QUESTION OF BUILDING UP THE SOUTH KOREAN ARMY, AS THIS COLUMN HAS REPORTED WAS PROPOSED BY GENERAL RIDGWAY.

COPY OF COLUMN MAILED BUREAU DECEMBER FIFTEEN

SCHEIDT

END

NY R 1 WA LEA

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44

~~ORIGINAL~~ DIRECTOR

12-15-51

WASHINGTON FROM WASH FIELD

15

9:45 A.M.

DIRECTOR

U R G E N T

DREW PEARSON, ALLEGED LEAK FROM WHITE HOUSE CONFERENCE DEC TEN FIFTY

ONE TO JACK ANDERSON, LEG-MAN FOR DREW PEARSON, ESPIONAGE DASH, COL.

WILLIS MATTHEWS, AID TO GEN OMAR BRADLEY, ADVISED THAT UPON THE RETURN

OF GEN BRADLEY FROM WHITE HOUSE ABOUT SIX THIRTY PM WEDNESDAY DEC

TWELVE, BRADLEY ADVISED MATTHEWS AND COL CHESTER V. CLIFTON, PRESS

RELATIONS OFFICER FOR JOINT CHIEFS OF STAFF, THAT PRES TRUMAN WAS GREATLY

CONCERNED OVER FACT THAT DREW PEARSON POSSESSED KNOWLEDGE OF WHITE HOUSE

CONFERENCE ON MONDAY DECEMBER TEN AND THAT A COLUMN HAD BEEN PREPARED

CONTAINING DETAILS OF THAT CONFERENCE. BEFORE ANDERSON ARRIVED GEN.

BRADLEY TELEPHONED SEC ROBERT LOVETT AND FRANCIS P. WHITEHAIR AND DISCUSSED

LEAK AND PRESIDENTS CONCERN. COL MATTHEWS STATED MATTER OF CONCERN TO

COL CLIFTON, PRESS OFFICER, AND HE WAS IN AND OUT CONFERENCE ROOM

DURING ANDERSONS VISIT, HOWEVER, HE RECALLED THAT GEN BRADLEY HAD

READ ALOUD THE COLUMN TEXT RELATING TO INSTANT CONFERENCE AND HE

REMEMBERED THAT REFERENCE WAS MADE TO THE PRESIDENTS ENTERING THE WHITE

HOUSE CONFERENCE ROOM, SHAKING HANDS WITH EVERYBODY AND A REFERENCE TO HIS

SUNTAN WAS MADE. HE ADVISED THAT HIS RECOLLECTION WAS THAT THE PRESIDENT

WAS QUOTED RATHER FREELY AND IT WAS INDICATED THE INFORMATION EMANATED

FROM A SOURCE CLOSE TO THE WHITE HOUSE OR AN INFORMED SOURCE. HE RECALLED THERE

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DATE 3-28-88 BY SP8 [unclear]

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WAS REFERENCE TO CEASE FIRE AND THAT THE PRESIDENT WAS OPPOSED TO THE COMMUNISTS REBUILDING AIR FIELDS, ROADS, ETC. HE DID NOT RECALL ANY MENTION WAS MADE OF EXCHANGE OF PRISONERS. COL MATTHEWS STATED THERE WERE TWO ITEMS WHICH WERE PARTICULARLY OBJECTIONABLE TO GEN BRADLEY AND ANDERSON AGREED HE WOULD DELETE ANYTHING CONSTITUTING SECURITY VIOLATIONS.

HE STATED HE REMEMBERED ONE OBJECTIONABLE ITEM IN WHICH IT WAS STATED THAT WE ARE ANXIOUS FOR AN ARMISTICE AND WOULD GO TO ALMOST ANY LENGTH. FURTHER, THE PRESIDENT HAD URGED THAT WE NOT GO AND MAKE ANY FOOLISH MISTAKE THEREAFTER. MATTHEWS COULD NOT RECALL THE SECOND ITEM. HE INDICATED GEN BRADLEY

DID NOT COMMENT ON THE TRUTH OR ACCURACY OF COLUMN AND STATED THAT HE, COL MATTHEWS, URGED GEN BRADLEY TO CIRCLE WITH A PENCIL THE OBJECTIONABLE ITEMS WHICH GENERAL BRADLEY DID. HE STATED THE MEETING WITH ANDERSON ENDED AMICABLY AND IT WAS AGREED THAT THE COLUMN WAS NOT HARMFUL AS CORRECTED.

COL CLIFTON, WHO IS INTIMATELY ASSOCIATED WITH THE PRESS, AND ANDERSON PARTICULARLY FURNISHED MORE COMPLETE INFORMATION. HE CONFIRMED THE ABOVE REGARDING ARRIVAL OF GEN BRADLEY FROM WHITE HOUSE AT SIX THIRTY PM DEC

TWELVE AND STATED GEN BRADLEY HAD RELATED THAT ANDERSON HAD VISITED FRANCIS WHITEHAIR THE PREVIOUS DAY ON PRETEXT OF WANTING TO MEET HIM AND THEN PRODUCED A PAPER AND READ A DESCRIPTION OF WHAT TRANSPIRED AT THE PRESIDENTIAL CONFERENCE. IN THIS, ANDERSON DIRECTLY QUOTED ADM WILLIAM FECHTELER AND GEN HOYT VANDENBERG WHICH ALARMED WHITEHAIR WHO REPORTED THE MATTER TO

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THE PRESIDENT. COL CLIFTON STATED IN THE LATE AFTERNOON DEC TWELVE GEN BRADLEY VISITED WHITE HOUSE TO CLEAR A CABLE TO GEN RIDWAY AND WAS INFORMED OF THE LEAK BY THE PRESIDENT WHO WAS GREATLY DISTURBED. GEN BRADLEY VOLUNTEERED TO HANDLE THE MATTER AS THE PRESIDENT FELT THE STORY MIGHT UPSET THE ENTIRE TRUCE NEGOTIATIONS. GEN BRADLEY RELATED WHITEHAIR HAD CALLED PEARSON CONCERNING THE COLUMN AND PEARSON DECLARED NOTHING IN THE COLUMN ENDANGERED SECURITY AND ADDING THE COLUMN HAD ALREADY BEEN DESPATCHED. COL CLIFTON STATED HE DEEMED IT ADVISABLE TO VERIFY THIS AND CONTACTED RUSS WIGGINS, WASHINGTON POST, WHO INFORMED HIM THE STORY DID NOT APPEAR IN COLUMNS PREPARED FOR PUBLICATION DEC THIRTEEN AND FOURTEEN. CLIFTON THEREAFTER CONTACTED ANDERSON AND TOLD ANDERSON THERE WAS GREAT ALARM OVER THE COLUMN WHICH ENDANGERED THE PEACE NEGOTIATIONS. IN REPLY ANDERSON TOLD CLIFTON IF THERE WAS ANYTHING IN THE COLUMN THAT WAS A VIOLATION OF SECURITY HE DID NOT WANT TO PUBLISH IT.

ANDERSON AGREED TO BRING THE COLUMN OVER TO GEN BRADLEY'S OFFICE AND GO OVER IT AND SAID HE WOULD DO SO IF IN EXCHANGE COL CLIFTON WOULD TELL HIM HOW CLIFTON HAD FOUND OUT ABOUT THE COLUMN. TO THIS CLIFTON SAID HE AGREED. SHORTLY THEREAFTER ANDERSON CAME OVER TO THE PENTAGON TO GEN BRADLEY'S OFFICE AND THERE IN THE PRESENCE OF GEN BRADLEY, ANDERSON, CLIFTON AND COL MATTHEWS, THE COLUMN WAS READ ALOUD BY GEN BRADLEY. GEN BRADLEY POINTED TO TWO ITEMS IN THE COLUMN WHICH GEN BRADLEY CONSIDERED DANGEROUS AS REFLECTING THINKING AT HIGH LEVEL WHICH WOULD LEAD COMMUNISTS TO BELIEVE WE WERE TOO

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ANXIOUS FOR AN ARMISTICE. CLIFTON STATED THE COLUMN INDICATED THAT THE PRESIDENT COMMENTED WE SHOULD DO EVERYTHING WE CAN TO OBTAIN A CEASE FIRE BUT SHOULD MAKE NO CONCESSIONS THAT WE WILL REGRET LATER. HE STATED GEN BRADLEY FELT THIS SHOULD BE CHANGED AND IT WAS AGREED THAT THE FIRST PORTION SHOULD BE DELETED AND MADE TO READ THAT THE PRESIDENT COMMENTED WE SHOULD NOT MAKE ANY CONCESSIONS WHICH WE WOULD REGRET LATER. THE SECOND OBJECTIONABLE ITEM INDICATED THAT WE WOULD GRANT AN EXTENSION OF A FEW DAYS IF DETAILS WERE NOT WORKED OUT BY DEC TWENTY SEVEN FIFTY ONE. GEN BRADLEY INSISTED THIS SHOULD BE CHANGED AND MADE TO READ: UNDOUBTEDLY THERE WILL BE SOME DETAILS THAT WILL HAVE TO BE WORKED OUT AFTER THE DEC TWENTY SEVEN DEADLINE.

FOLLOWING THE TWO CORRECTIONS AT THE PLACES MARKED ON THE TEXT BY GEN BRADLEY AS COL MATTHEWS HAS STATED IT WAS AGREED ALL AROUND THAT THE COLUMN WOULD NOT BE HARMFUL AND IN FACT MIGHT BE HELPFUL. ALTHOUGH GEN BRADLEY DID NOT APPROVE OR DISAPPROVE THE PUBLICATION AND DID NOT AFFIRM OR DENY THE TRUTH OR ACCURACY OF THE STATEMENTS, THE CORRECTIONS IMPOSED ON HIM BY ANDERSONS PRESENTATION IN EFFECT CONSTITUTED AN APPROVAL. COL CLIFTON INDICATED THIS IS NECESSARY ROUTINE HANDLING OF STORIES WHICH CONSTITUTE ACCOMPLISHED SCOOPS OF NEWS AND ALTHOUGH THEY ARE UNABLE TO PREVENT PUBLICATION THEY ENDEAVOR TO PROTECT NATIONAL INTEREST BY PERSUADING REPORTERS NOT TO PUBLISH ANY ITEMS WHICH WOULD ENDANGER NATIONAL SECURITY. COL CLIFTON ALSO RECALLED THE COLUMN MENTIONED

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THE PRESIDENTS ENTRANCE INTO THE CONFERENCE ROOM WHERE HE GREETED EVERYONE IN GOOD SPIRITS AND ASKED QUOTE HOW DO YOU ALL LIKE MY SUNTAN UNQUOTE. HE ALSO RECALLED AN ITEM SUBHEADED QUOTE SILENT ADMIRAL UNQUOTE WHICH QUOTED A STATEMENT BY ADM FECHTELER THAT THE NAVY STANDS READY TO CARRY ON ITS PART IN THE KOREAN WAR IF CALLED ON ANY TIME, ANY PLACE AND UNDER ANY CONDITIONS. COL CLIFTON ADVISED IN DEALING WITH ANDERSON THE LATTER STATED HE HAD MORE DETAILS THAN SET FORTH IN THE COLUMN AND MENTIONED TWO ITEMS, ONE QUOTING GEN COLLINS CONCERNING ROTATION OF TROOPS AND WHAT SHOULD BE DONE ABOUT IT. ANOTHER QUOTED GEN VANDENBERG CONCERNING HOW THE AIR WAR WOULD AFFECT US. ANDERSON CLAIMED THAT HE HAD OMITTED THESE ITEMS AS AFFECTING SECURITY. COL CLIFTON STATED THE COLUMN OF ROBERT S. ALLEN IN THE NY DAILY MIRROR LAST NIGHT DEC THIRTEEN FIFTY ONE CONTAINED A FULL RESUME OF THE WHITE HOUSE CONFERENCE AND IN FACT WENT INTO GREATER DETAIL THAN DID THE PEARSON COLUMN. CLIFTON EXPRESSED THE OPINION THAT ALLEN HAD SCOOPED PEARSON BY TWO DAYS AND IN ADDITION TO THE MATERIAL USED BY ANDERSON IN THE ORIGINAL COLUMN BEFORE DELETION OF TWO ITEMS BY GEN BRADLEY. THE COLUMN IN THE NY MIRROR BY ALLEN ALSO CONTAINED THE TWO QUOTATIONS FROM GEN COLLINS AND FROM GEN VANDENBERG, WHICH QUOTATIONS JACK ANDERSON HAD DECLINED TO USE ON THE GROUNDS OF SECURITY. COL CLIFTON STATED HE HAD DISPLAYED THIS COLUMN TO CLAYTON FRITCHEY, CHIEF OF PUBLIC

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INFORMATION, DEPT OF DEFENSE, WHO INFORMED CLIFTON HE WAS FAMILIAR WITH THE MATTER, THAT HE WAS AT THE HOME OF DREW PEARSON PLAYING BRIDGE ON THE EVENING OF DEC TWELVE WHEN ANDERSON CALLED PEARSON TO INFORM HIM OF THE CALL RECEIVED FROM GEN BRADLEYS OFFICE.

FRITCHEY RELATED TO CLIFTON THAT PEARSON HAD DISPLAYED A COPY OF THE COLUMN TO FRITCHEY WHO EXPRESSED THE OPINION THAT IT WAS NOT HARMFUL. LATER AFTER THE CHANGES WERE MADE UPON OBJECTION BY GEN BRADLEY AS RELATED BY CLIFTON TO FRITCHEY, CLIFTON STATED

FRITCHEY EXPRESSED THE OPINION HE DID NOT SEE ANYTHING WRONG WITH PUBLISHING THE COLUMN IN EITHER FORM. IN CONCLUSION COL CLIFTON REMARKED THAT HE WAS FAMILIAR WITH PEARSONS STYLE OF WRITING AND

INFORMATION TECHNIQUES AND BELIEVED THE SOURCE OF INSTANT LEAK WAS SOME INDIVIDUAL WHO ATTENDED THE PRESIDENTS CONFERENCE.

COL CLIFTON EXPRESSED THE OPINION THAT AFTER READING THE STORY BY ROBERT ALLEN IN THE NY MIRROR, CLIFTON CONCLUDED IN ALL PROBABILITY THE SAME SOURCE WAS RESPONSIBLE FOR GIVING THE STORY TO BOTH COLUMNS.

HOOD

Mr. Tolson	_____
Mr. Ladd	_____
Mr. Nichols	_____
Mr. Belmont	_____
Mr. Clegg	_____
Mr. Glavin	_____
Mr. Harbo	_____
Mr. Rosen	_____
Mr. Tracy	_____
Mr. Laughlin	_____
Mr. Mohr	_____
Tele. Room	_____
Miss Gandy	_____

12-16-51

WASHINGTON FROM WASH FIELD

16

9:45

DIRECTOR

U R G E N T

DREW PEARSON, ALLEGED LEAK FROM WHITE HOUSE CONFERENCE DECEMBER FIFTY ONE, TO JACK ANDERSON, LEG-MAN FOR DREW PEARSON, ESPIONAGE

THOMAS K. FINLETTER, SECRETARY, AIR FORCE, ON INTERVIEW, ADVISED HE

WAS NOT INVITED TO WHITE HOUSE CONFERENCE SCHEDULED FOR TEN THIRTY AM, DECEMBER TEN LAST, UNTIL ABOUT ONE HALF HOUR BEFORE THAT TIME. HE HAD NO PRIOR BRIEFING FOR THE CONFERENCE. HIS DESCRIPTION OF WHAT TRANSPIRED AT CONFERENCE WAS LESS DETAILED, BUT AGREES SUBSTANTIALLY WITH WHAT OTHER PERSONS INTERVIEWED HAVE SAID. HE BELIEVES THE PRESIDENT, PRIOR TO THE CONFERENCE, HAD THE IDEA THE COMMUNISTS WERE OUT-TRADING THE UNITED STATES, BUT LATER AGREED WITH OTHERS AT THE CONFERENCE THIS WAS NOT THE CASE. FINLETTER PREPARED NO NOTES DURING CONFERENCE. AFTER THE CONFERENCE, GENERAL VANDENBERG DICTATED A MEMORANDUM TO FINLETTER-S SECRETARY CONCERNING HIS VIEWS ON WITHDRAWAL OF TROOPS FROM KOREA IN EVENT OF CEASE FIRE ORDER. FINLETTER TORE UP THIS MEMO AND PREPARED A SECOND ONE OF HIS OWN ON THE SAME SUBJECT AND PERSONALLY DELIVERED THE ORIGINAL OF THIS TO SECRETARY LOVETT. ON DECEMBER ELEVEN LAST FINLETTER PREPARED A THIRD MEMO FOR LOVETT. EIGHTEEN OF THE TWENTY PREPARED COPIES WERE AVAILABLE WITH ONE HAVING PREVIOUSLY GONE TO VANDENBERG AS WELL AS LOVETT. ONE COPY OF THIS MEMO FURNISHED BUREAU BY MY MEMO OF DECEMBER FIFTEEN LAST. THE VANDENBERG MEMO AND FINLETTER-S FIRST MEMO WERE TORN

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TO PIECES AND ARE STILL MAINTAINED IN FINLETTER-S OFFICE. HE STATES
HE DOES NOT KNOW JACK ANDERSON AND HAS NOT SEEN PEARSON FOR SOME MONTHS,
AND HAS DISCUSSED THE CONFERENCE WITH NO UNAUTHORIZED PERSON. HE HAS
NO SUSPICIONS AS TO WHOM MIGHT BE RESPONSIBLE FOR LEAK OF INFORMATION.

HOOD

cc: Mr. Belmont

Mr. Tolson	_____
Mr. Ladd	_____
Mr. Nichols	_____
Mr. Belmont	_____
Mr. Clegg	_____
Mr. Glavin	_____
Mr. Harbo	_____
Mr. Rosen	_____
Mr. Tracy	_____
Mr. Laughlin	_____
Mr. Mohr	_____
Tele. Room	_____
Mr. Nease	_____
Miss Gandy	_____

12-16-51 8:00 PM

WASHINGTON FROM WASH FIELD

16

DIRECTOR *RBH*

U R G E N T

DREW PEARSON, ALLEGED LEAK FROM WHITE HOUSE CONFERENCE, DECEMBER TEN, FIFTYONE TO JACK ANDERSON, LEG-MAN FOR DREW PEARSON. ESPIONAGE - X. FRANCIS P. WHITEHAIR, UNDERSECRETARY OF THE NAVY INTERVIEWED TODAY. ADVISED HE ATTENDED WHITE HOUSE CONFERENCE DECEMBER TEN IN PLACE OF SECRETARY DAN KIMBALL. ARRIVED AND LEFT ALONE, RETURNING IMMEDIATELY TO PENTAGON WHERE HE FURNISHED RESUME TO SECRETARY KIMBALL SAME AFTERNOON. MADE NO NOTES OR MEMOS AND DISCUSSED CONFERENCE WITH NO ONE ELSE. FOLLOWING DAY BETWEEN FIVE AND SIX PM, JACK ANDERSON, WHOM HE HAD NEVER MET, VISITED HIS OFFICE WITHOUT APPOINTMENT, INTRODUCED HIMSELF, AND STATED DREW PEARSON DESIRED THAT HE MAKE ACQUAINTANCE OF WHITEHAIR, AS ANDERSON COVERS PENTAGON FOR PEARSON. THEY EXCHANGED PLEASANTRIES, THEN ANDERSON STATED HE UNDERSTOOD WHITEHAIR ATTENDED THE WHITE HOUSE CONFERENCE AND INQUIRED WHO WAS PRESENT, FOLLOWING THIS WITH A QUERY AS TO WHETHER THERE WERE ANY JOKES TOLD IN THE CONFERENCE. WHITEHAIR STATED HE ANSWERED NEITHER OF THESE QUESTIONS, INDICATING IT WAS IN THE BEST INTEREST OF THE COUNTRY NOT TO DISCUSS THE CONFERENCE. HE STATED ANDERSON THEN PULLED FROM HIS POCKET A GLOSSY PAPER, FOLDED LIKE A NEWSPAPER, AND ASKED IF IT WERE NOT TRUE THAT GENERAL VANDENBERG STATED THAT WE SHOULD REACH AN ARMISTICE WITH THE COMMUNISTS AND WITHDRAW, AND THAT WE SHOULD NOT GO BEYOND THE YALU RIVER. WHITEHAIR DECLINED TO CONFIRM THIS QUERY, AND

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PAGE TWO.....

ANDERSON THEN ASKED DIDN'T JIMMY WEBB SAY THAT WE SHOULD REACH AN ARMISTICE AND THEN IMPOSE A THREAT IN THE EVENT THE ARMISTICE TERMS WERE VIOLATED. ANDERSON ALSO ASKED IF ADMIRAL FECHTELER HAD NOT OPPOSED THIS PROPOSITION OF INCLUDING A WARNING TO THE COMMUNISTS IN THE NEGOTIATIONS. WHITEHAIR STATED HE DID NOT ANSWER EITHER QUESTION, BUT DID STATE ADMIRAL FECHTELER TALKS VERY LITTLE ABOUT ANYTHING. ANDERSON WAS PERSISTENT, AND INQUIRED WHETHER WHITEHAIR SAW THE PRESIDENT AND MAY HAVE INQUIRED REGARDING THE PRESIDENT BEING TANNED. WHITEHAIR STATED HE MAY HAVE, INDICATING IN THE AFFIRMATIVE THAT HE SAW THE PRESIDENT, WHICH WAS OBVIOUS, AND HE COULD NOT RECALL ABOUT THE SUNTAN OF THE PRESIDENT. HE STATED ANDERSON THEN PUT THE PAPER AWAY AND HE GAVE ANDERSON A LECTURE TO THE EFFECT THAT SUCH MATERIAL MAY BE DANGEROUS TO THE US AND GIVE COMFORT TO THE ENEMY, BUT THAT ANDERSON SHOULD DRAW NO INFERENCES FROM ANYTHING STATED BY HIM. WHITEHAIR EXPRESSED THE BELIEF ANDERSON'S ORIGINAL INTENTION WAS TO MERELY OBTAIN ANECDOTES OR PLEASANTRIES AS WINDOW DRESSING FOR THE COLUMN, AND HAD NOT INTENDED TO REVEAL TO WHITEHAIR HIS MATERIAL, BUT THAT THIS WAS A DEVELOPMENT FROM WHITEHAIR'S REFUSAL TO COOPERATE AT THE OUTSET. WHITEHAIR ADVISED THAT ON WEDNESDAY MORNING, AROUND EIGHT O'CLOCK, HE DISCUSSED THIS INCIDENT WITH SECRETARY KIMBALL AND TOLD HIM THE ENTIRE STORY. HE ADVISED, APPARENTLY KIMBALL RELATED THE INCIDENT TO ADMIRAL FECHTELER AND LATER IN THE MORNING, ADMIRAL FECHTELER BROUGHT THE MATTER TO THE ATTENTION OF ADMIRAL DENNISON, WHO HAD COME OVER TO THE PENTAGON ABOUT ELEVEN THIRTY AM ON ANOTHER MATTER. WHITEHAIR SURMISED DENNISON RETURNED AND BROUGHT THIS MATTER TO THE ATTENTION OF THE

PAGE THREE. . .

PRESIDENT, AND LATER DENNISON THEN CONTACTED WHITEHAIR, AND ADVISED HIM THE PRESIDENT DESIRED THAT WHITEHAIR BRING THIS MATTER TO THE ATTENTION OF SECRETARY LOVETT, AND AT THE SAME TIME, ADVISED MR. LOVETT THAT THE FBI SHOULD BE ADVISED. WHITEHAIR STATED HE FELT THE IMPORTANT THING WAS TO STOP THE STORY AND AT HIS SUGGESTION, ADMIRAL DENNISON CALLED BACK AND OBTAINED THE PRESIDENT'S AUTHORIZATION TO CONTACT PEARSON. HE THEREAFTER PHONED DREW PEARSON, WHOM HE HAD MET ON SEVERAL OCCASIONS SINCE HIS APPOINTMENT AS NAVY UNDER-SECRETARY IN AUGUST OF THIS YEAR. HE STATED HE APPEALED TO PEARSON ON TWO GROUNDS. FIRST: THAT HE WAS GREATLY EMBARRASSED BY PEARSON'S ACTION IN SENDING HIS YOUNG MAN TO VISIT WHITEHAIR ON A FRIENDLY BASIS AND, SECONDLY; AND MOST IMPORTANT, THAT DISCLOSURES OF THE CONFERENCE DISCUSSIONS MIGHT INJURE THE COUNTRY. PEARSON REPLIED THAT HE WISHED WHITEHAIR HAD CALLED HIM YESTERDAY. WHITEHAIR DECLARED THAT PEARSON STATED THAT QUOTE YOU NEEDN'T WORRY, YOU DIDN'T TELL ANDERSON ANYTHING UNQUOTE AND ALSO INSISTED THAT THE STATEMENT WOULD NOT HURT THE PRESIDENT OR THE COUNTRY, AND AS A MATTER OF FACT, PEARSON THOUGHT THE PRESIDENT WOULD LIKE IT. AS INDICATED, WHITEHAIR ADVISED HE KNEW PEARSON AND EXPLAINED THAT HE HAD FIRST RECEIVED AN INVITATION TO VISIT PEARSON WHEN HE WAS GENERAL COUNSEL ESA, AND WAS INVITED BY PEARSON ALONG WITH MIKE DISALLE, HOWEVER, HE DID NOT ACCEPT THIS INVITATION. ON A SATURDAY AFTERNOON, SHORTLY AFTER HIS APPOINTMENT, HE WAS AGAIN INVITED TO THE HOME OF PEARSON FOR AN INFORMAL BUFFET SUPPER AND ACCEPTED, DRIVING JUSTICE HUGO BLACK AND HIS WIFE TO PEARSONS IN WHITEHAIR'S CAR. HE RECALLED

PAGE FOUR.....

THAT ON THIS OCCASION, PERSONS PRESENT INCLUDED: MR. AND MRS. ABE FORTAS; WALTER CRONKHITE; A SISTER OF PEARSON, AND FRED BLUMENTHAL, PEARSON'S OFFICE MAN AND REPORTER. HE RECALLED THAT SOMETIME LATER, PEARSON HAD DROPPED INTO HIS OFFICE FOR A BRIEF VISIT, INQUIRING HOW HE LIKED HIS JOB, AND EXCHANGING SMALL TALK. ON ONE OTHER DAY, PEARSON DROPPED IN VERY BRIEFLY WHILE IN THE BUILDING TO SEE THE SECRETARY OF NAVY, KIMBALL. WHITEHAIR STATED HE KNEW NO OTHER REPORTER ASSOCIATED WITH PEARSON, WITH THE EXCEPTION OF BLUMENTHAL, WHOM HE HAD ALSO SEEN IN HIS OFFICE IN CONNECTION WITH A MATTER RELATING TO THE HARVEY MACHINE COMPANY AND ITS EFFORTS TO OBTAIN A LOAN, WHICH PEARSON APPARENTLY OPPOSED. WHITEHAIR LIKEWISE DID NOT KNOW ROBERT S. ALLEN OR TRIS COFFIN, WITH WHOM PEARSON WAS ASSOCIATED UNTIL RECENTLY. THE NEW YORK POST COLUMN OF ROBERT ALLEN DATED DECEMBER THIRTEEN, WAS DISPLAYED TO WHITEHAIR, WHO READ IT AND STATED IT WAS UNDOUBTEDLY BASED ON KNOWLEDGE OF SOMEONE WHO ATTENDED THE CONFERENCE. HE STATED THAT THE QUOTATIONS OF THE PRESIDENT AND GENERAL COLLINS APPEARED REASONABLY ACCURATE, MENTIONING THAT COLLINS HAD STATED THAT QUOTE FOR MY MONEY THE COMMUNISTS CANNOT DRIVE US OUT OF THIS COUNTRY; RATHER THAN UNTIL WE'LL FREEZE OVER UNQUOTE. WITH REFERENCE TO BRADLEY'S ALLEGED QUOTATIONS, HE STATED HE DID NOT RECALL THAT BRADLEY HAD PLACED ROTATION OF TROOPS CONTRA UN CONCESSIONS ON AIRFIELDS AS INDICATED IN THE COLUMN, BUT THAT BOTH MATTERS WERE DISCUSSED IN GENERAL. BRADLEY'S PRESENTATION OF THE POINTS AT ISSUE IN THE TRUCE NEGOTIATIONS. WHITEHAIR COULD OFFER NO SUSPECT AND HAD NO SUGGESTIONS FOR

PAGE FIVE.....

SOLUTION OF THE LEAK TO ANDERSON, PEARSON, OR ALLEN. HE AFFIRMATIVELY
DECLARED HE DID PLACE COMPLETE RELIANCE IN ADMIRAL FECHLEDER
AND SECRETARY PAGE, AND OF COURSE PROCLAIMED HIS OWN INTEGRITY.
HE EXPLAINED THIS WAS NO REFLECTION ON ANYONE ELSE PRESENT, BUT
THAT HE HAD MORE INTIMATE ASSOCIATION WITH THESE TWO MEN.

H O O D

cc: Mr. Belmont

Office Memorandum • UNITED STATES GOVERNMENT

Mr. Tolson ✓
 Mr. Ladd ✓
 Mr. Nichols ✓
 Mr. Clegg ✓
 Mr. Glavin ✓
 Mr. Harbo ✓
 Mr. Rosen ✓
 Mr. Tracy ✓
 Mr. Egan ✓
 Mr. Gurnea ✓
 Mr. Harbo ✓
 Mr. Mohr ✓
 Mr. Pennington ✓
 Mr. Quinn ✓
 Mr. Nease ✓
 Miss Gandy ✓

TO : DIRECTOR, FBI

DATE: 12-17-51

FROM : SAC, WFO (65-6060)

SUBJECT: DREW PEARSON
 Alleged Leak from White House
 Conference, December 10, 1951
 to JACK ANDERSON, Leg-man for
 DREW PEARSON
 ESPIONAGE - X

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 DATE 3-28-88 BY SP8/ty/fo

The following persons have been interviewed by Agents of the WFO in connection with this investigation:

- General OMAR BRADLEY
- Admiral WILLIAM FECHTELER
- General CHARLES CABELL
- Secretary FRANK C. PACE
- Secretary THOMAS K. FINLETTER
- Acting Secretary FRANCIS P. WHITEHAIR
- Acting Secretary JAMES E. WEBB
- H. FREEMAN MATTHEWS
- JAMES LAY
- General HARRY VAUGHN
- General ROBERT LANDRY

The following interviews will be held on Monday, December 17, 1951:

- General JOE COLLINS
- CLAYTON FRITCHEY (Department of Defense)
- S. EVERETT GLEASON (National Security Council)

Short reinterviews will be had with Messrs. WEBB and MATTHEWS in order to obtain their comments relative to the news column of ROBERT S. ALLEN that appeared in the New York Post December 13 last.

General HOYT S. VANDENBERG is out of the city and the date of his exact return is unknown; however, this will be available to us on December 17.

Admiral DENNISON of the White House has been ill and it is not known if he will be available on December 17.

Admiral SOUERS of the White House is absent from the city until December 19th.

The above interviews will in all probability conclude the inquiries of this office, unless unforeseen developments occur. The investigation will continue to be expedited.

RBH/agg

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COMMUNICATIONS INDUSTRY
 EMPLOYED BY
 (EMP. CARD)

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. D. M. LADD *sl*

FROM : MR. A. H. BELMONT *sl*

SUBJECT: ALLEGED LEAK FROM WHITE HOUSE CONFERENCE,
DECEMBER 10, 1951,
TO JACK ANDERSON, LEG MAN FOR DREW PEARSON;
Espionage - X.

DATE: December 13, 1951 *W*

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In accordance with instructions, Mr. Hennrich and I interviewed Secretary of Defense Lovett at his office in the Pentagon, starting at 6:30 p.m. and ending at 7:45 p.m. today (December 13). Mr. Lovett was alone. The interview concerned information in the possession of Jack Anderson, leg man for Drew Pearson, which information Mr. Lovett believed came from one of the Government representatives attending a White House conference on the afternoon of December 10, 1951, presided over by President Truman. The information concerned was of a "top secret" nature.

DEVELOPMENTS PRIOR TO THE CONFERENCE

In laying the groundwork for the conference itself, Mr. Lovett advised that the Defense Department had been considering four points in connection with the present cease-fire discussions in Korea, as follows, which points were presently matters of conflict between the United Nations Forces and the Communist peace representatives:

1. The UN representatives desire to rotate the soldiers in Korea in order to allow the men who have been in the field to come home after a certain period of service. This rotation by UN is man for man and, as a matter of fact, there are some 5,000 less UN soldiers in Koreanow than at the beginning of the peace talks. On the contrary, the Communists have rotated by replacing divisions or armies, with the result that they now have over 200,000 more men in Korea than when the peace talks started.
2. The exchange of prisoners of war. The UN wants to exchange man for man to insure the return of all UN prisoners and also because the UN has a far greater number of Communist prisoners (approximately 175,000 to 10,000) than there are UN prisoners under the control of the Communists. Mr. Lovett advised that there is a humanitarian principle involved also, as it is felt that the Communist prisoners will be liquidated if they are returned in toto.

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3. A special Air Force problem involving the question of whether the Communists should be allowed to build air fields in North Korea after the cease fire preceding the armistice.
4. The question of whether the Communists should be allowed to repair roads, bridges, railroads, etc., after the cease fire has been put into effect.

Mr. Lovett stated that there had been a full agreement on the first three points and, as a result, instructions on these three points had already been sent to General Ridgeway. However, on point No. 4 regarding rehabilitation and repairs, the President called from Key West on Saturday, December 8, as he wanted further explanation of this point because he could not see why we should allow the Communists to build up by such rehabilitation and repairs during the cease-fire period. As a result, a conference was called by the President for 10:30 a.m., Monday, December 10, 1951, and the White House issued invitations to the Secretaries of the three Services, the three Chiefs of Staff, General Bradley and Mr. Lovett from Defense, the Acting Secretary of State, and the Deputy Under Secretary of Political Affairs. On Sunday, December 9, Mr. Lovett requested that the Director of the Joint Staff, General Cabell, be present also. The purpose of the conference was to consider this question of rehabilitation and repairs. The position of the Defense Department was that such rehabilitation and repairs were as necessary in South Korea as they were in North Korea and that we would probably lose more than we would gain if both sides were prohibited from rehabilitating and repairing the areas under their jurisdiction.

WHITE HOUSE CONFERENCE OF DECEMBER 10, 1951

Mr. Lovett advised that he had made inquiry, since talking with the Director, of Secretary Frank Pace and General Joe Collins, and, as best the three of them could remember, the following were present at the conference:

President Truman

Secretary of Defense Lovett

General Omar Bradley - Chief of Staff

General Joe Collins - Army

General Hoyt S. Vandenberg - Air

Admiral William Fechtler - Navy

General Cabell - Joint Staff

Secretary Frank C. Pace - Army

Secretary Thomas K. Finletter - Air

Acting Secretary Francis P. Whitehair - Navy

Acting Secretary James E. Webb - State

Mr. H. Freeman Matthews - State

Admiral Sidney Souers - White House

James Lay - National Security Council

General Vaughan - White House

Admiral Dennison - White House

General Robert Landry - White House

In addition to the above, Mr. Lovett said that

Joe Short and Matt Connelly, press representatives of the White

House, were at the conference, but he does not know how long or whether they merely came in and out delivering messages. Mr. Lovett had previously indicated to the Director that Mr. Edward Foley of the Treasury Department may have been present, but he now believes that Foley was not there.

The President came in and shook hands with everyone at the conference and it was remarked that he looked tan and fit. The conference then discussed the question of repairs and rehabilitation and, after it was explained to the President that we would lose as much as we would gain through such prohibition and there was unanimous agreement on this point, the President agreed and approved the instructions authorizing a dispatch to General Ridgeway on that point.

Mr. Lovett advised that the President then asked about the NATO agreement in Rome. Mr. Lovett and General Bradley discussed this at the conference.

A discussion then ensued as to "how tough do you get if there is a violation of the armistice." Mr. Lovett advised it was pointed out that every condition that is put into an armistice points up necessary action if the Communists should violate that particular condition and such a violation would immediately raise a question of what action would the UN Forces take if the Communists violated a condition of the armistice. It was decided it would be better to take a general stand and make general conditions in the armistice, rather than get too specific, and at the same time make it plain to the Communists that if the armistice were not kept "there would be a hell of a war" and that any breaking of faith in the armistice would result in a war extending to other fields, such as China, and that it would not result in a resumption of just the Korean war.

Mr. Lovett advised that the White House conference, which was held in the Cabinet Room, lasted from 10:30 a.m. until approximately 11:45 a.m. on December 10.

Mr. Lovett advised that at the close of the conference the President called aside Mr. Webb and spoke to him briefly near the door. Mr. Short went outside and advised the press, who were present in the White House in great number and who had been clamoring for information, that they had discussed world affairs, including Korea. Mr. Lovett said that Mr. Short made no further statement.

In answer to our questions, Mr. Lovett advised that all of the above-listed individuals were present throughout the conference, with the exception of Short and Connelly. There was no secretary taking notes and no minutes were kept of the meeting. There was no written agenda prepared for the items to be taken up. He noted no one taking notes, although Admiral Dennison, General Vaughan, and General Landry were behind him and he did not know as to them. Mr. Lovett stated that he made no notes and dictated no memorandum following the conference. Mr. Lovett did not know and had not made inquiry as to whether any other persons dictated memoranda following the conference. Relative to the inquiries that Mr. Lovett had indicated he would cause Colonel Randall to make, these were merely inquiries as to who was present at the conference.

ACTIVITIES OF JACK ANDERSON

Mr. Lovett advised that yesterday afternoon (December 12), exact time not known to him, Jack Anderson, leg man for Drew Pearson, contacted Acting Secretary Whitehair (probably not in his office) and showed to Whitehair or read to him a story which purported to be almost a verbatim account of the important things set forth above which occurred at the conference at the White House on December 10. Mr. Lovett said that Whitehair was shocked and told Anderson it would be a bad idea to publish this material. Whitehair spoke to his executive officer about Anderson's visit and they agreed that Admiral Dennison should be advised. Admiral Dennison reported this to the President, who was very much upset. The President got word to General Bradley, who called Pearson or Anderson, and Anderson was asked to come over and bring his story. Anderson came to see General Bradley about 7:00 p.m. and brought the story, which was read by General Bradley and his aides, Colonel Clifton and Colonel Matthews. Bradley attempted to get Anderson to "kill" the story entirely, but Anderson said he had checked with Pearson and that the story was already on the Bell Syndicate wires and would come out this Saturday, December 15. Anderson said it was impossible to "kill" the story. General Bradley and his aides marked in red pencil two parts which they stated would be especially injurious to the security of this country, and Anderson said he would recommend that these two parts be "killed." The first part was a statement attributed to

the President that if we did not get a cease fire by December 27, we should arrange to extend the time. The second part related to concessions we might be prepared to make to the Communists.

In answer to our queries, Mr. Lovett advised that he did not know the full content of Anderson's paper. He stated that neither Whitehair nor General Bradley had secured a copy of Anderson's paper and that the only source from which the contents could be obtained in the Government would be recollections of Whitehair, General Bradley, and Bradley's two aides. He said that when the article comes out on Saturday, it will be possible for these gentlemen to compare it with what they read on Anderson's paper. He advised that he did not know the exact excerpts of Anderson's paper which shocked Whitehair, but rather thought it was the fact that Anderson had what appeared to be an accurate picture of the conference. He pointed out that Anderson's story had background which would indicate that it must have come from someone actually at the conference; for example, it started out by saying that the President, tanned and fit, walked briskly into the conference room and shook hands with everyone, including his own White House aides. Other background information made it appear that the story must have been given to Anderson by someone actually at the conference.

Mr. Lovett was asked whether all of the items in Anderson's story pertained to the conference and, specifically, whether the two items which General Bradley red-penciled occurred at the conference. Mr. Lovett stated that he did not recall any discussion at the conference of extending the time if we did not get a cease fire by December 27, although he conjectured that this might have happened while the President was talking to Mr. Webb at the door. He said that the second point (on concessions we might make) was probably covered in some measure at the conference. We asked whether there were any items mentioned at the conference that were not in Anderson's story. He did not know. We asked whether, in view of the fact that three of the four points covered in the cease-fire agenda had already been acted on and dispatched to General Ridgeway prior to the conference, it would be possible that the story was secured from these

dispatches or from sources other than those within the actual conference. He stated he had not thought of this and that it might be possible. We pointed out that if Anderson's story carried an item concerning the cease fire date of December 27, and this was not discussed at the conference, it was very pertinent and therefore it was very necessary that the exact story by Anderson be furnished us, in so far as possible, for comparison purposes as to exactly what went on at the conference. Mr. Lovett said that when the story comes out, such a comparison can be made. He said that General Bradley would not be back until Saturday, December 15, but that his two aides, Colonels Clifton and Matthews, were available for interview.

Mr. Lovett related that when Anderson came over to see General Bradley, at Bradley's request, he came over on a basis of trade; that is, "if he would bring the article over and give Bradley a chance to screen it, Bradley would tell him where the Defense Department learned that he had this information." After Bradley and his aides had gone over the story and red-penciled it, Anderson asked where they had learned he had the story. General Bradley told him from the President, whereupon Anderson "damn near fell off the chair." After leaving Bradley's office and while walking down the corridor, Anderson commented, "I guess Whitehair must have told."

Mr. Lovett related that when Whitehair told of Anderson's visit to him, he said that he told Anderson, "For god's sake tell Pearson that if he publishes this story it will throw suspicion on me," pointing out that he was the newest member of the conference and that it was known he had a longstanding acquaintance with Pearson. Whitehair definitely told Lovett he did not give out any information on the conference, and Lovett stated this was borne out by the fact that Whitehair reported Anderson's visit to him and that had Anderson got it from Whitehair, he would not have come back to Whitehair to verify it.

ATTITUDE OF MR. LOVETT

Mr. Lovett advised he believed that this story was leaked by a member of the conference and that it was done deliberately. He said he based this feeling on the fact the story had color and background that it would be difficult to secure from anyone who was not at the conference, and that the story set forth what various persons said at the conference.

Mr. Lovett went on to relate that he was extremely concerned about leaks in the Defense Department and he earnestly wanted to find out one person who was responsible for leaks, in order that he could make an example of him. He advised that he believes these leaks occur in four ways:

1. By flannel mouths who talk too much at cocktail parties;
2. Through officials who wanted to show that they "knew it all";
3. Through officials who assumed that everyone in the Pentagon was cleared for all types of security information, with the result that they talked to anyone in the Pentagon;
4. Through leaks by members of Congress.

Mr. Lovett was asked to explain this last point. He said that frequently members of Congress, such as members of the Senate Armed Services Committee or members of other Congressional committees who had to consider such things as appropriations for the armed services, would call the Defense Department for information on the current situation in Korea or in some phase of the Defense Department activities. Rather than write a reply, the Defense Department sends up an officer, who talks to the Congressman and furnishes him the information. This is done with the understanding that it is very confidential and "in 99 out of 100 cases" the Congressman observes the confidence. Mr. Lovett was asked whether it was necessary to furnish such information to the Congressmen. He stated that unless the information is furnished, the Defense Department does not

get its appropriations or satisfactory action from the Congress. Mr. Lovett advised that he could recall four instances where Congressmen betrayed confidences to the papers and, as he recalls these individuals, they were Senator Kane, another Senator, and two Representatives - "Gavin and Zand or someone like that." He was not at all sure of this.

Mr. Lovett advised he was certain that Generals Bradley and Collins and Secretary Pace had not given out any information from this conference and had not fallen into any pitfalls, such as dictating memoranda after the conference. He said he was sure of them.

Mr. Lovett advised that in the matter of dealings with Congress, some difficulty had been experienced with the Air Force, in that Secretary Finletter and General Vandenberg had gone direct to Congress, after rules adverse to the Air Department had been made in the Department of Defense. He said he could not say how this could pertain to this particular matter, however.

Mr. Lovett further advised it was well known that the Armed Services used Pearson "to send up trial balloons" on their problems, in order to find out what the reaction would be.

It was our impression that Mr. Lovett was rather frank with us and he appeared to be sincere in his desire to get to the bottom of leaks in the Defense Department.

REQUEST FOR INVESTIGATION

Mr. Lovett advised that General Bradley called him yesterday (December 12) and said that the President would call Lovett this morning (December 13). Bradley said that the President had asked that Lovett call Director Hoover and see if this leak could be traced. This morning (December 13) Admiral Dennison did call Mr. Lovett and requested him to call the Director and ask that this leak be traced. Lovett asked Dennison why he was being requested to call the FBI and asked whether there was any feeling on the part of the President that the

Defense Department was responsible for this leak. Admiral Dennison said "no," but it was felt that Lovett would follow through more vigorously than their own Executive Staff. Mr. Lovett advised that it occurred to him the President might want the request to come from outside the White House so that it would not exclude the members of the White House staff. Mr. Lovett said that he, Secretary Pace, General Collins, and General Bradley were the only ones in the Defense Department who know of the request for investigation.

It was pointed out to Mr. Lovett that if a full investigation is launched into this matter, it may be necessary to talk with everyone who was at the conference and, on that basis, we would like to know if this request for investigation emanated direct from the President and if we could so state in conducting the investigation. He said it did and we should.

Mr. Lovett said it had occurred to him that possibly there was a microphone in the Cabinet Room.

It was pointed out to Mr. Lovett that we had previously conducted investigations for leaks along this same line and that it was apparent a condition existed in the Defense Department where information supposedly restricted to a very small tight group of officials received wide dissemination as a result of memoranda dictated following the conference, which, in turn, went through many hands.

It was further pointed out to Mr. Lovett that on the basis of our discussion with him, there was doubt whether all of the information contained in Anderson's story covered topics discussed at the conference in question; therefore, it was highly desirable that we know exactly what was in Anderson's story and exactly what topics were discussed at the conference, for comparison purposes. He reiterated that such an analysis can be made when Pearson's article comes out on Saturday, December 15.

RECOMMENDATION:

From the above information, it appears that we will be required to make an investigation. It likewise appears that under the set of circumstances, the chances of success are small. The only accurate sources of information would be Anderson and Pearson, who will not talk if past experience with them is indicative. The individual who gave the information to Anderson would be a fool to talk.

Nevertheless, it is believed we should follow the logical steps, even though they will probably only prove that this information has had rather wide dissemination.

The suggested steps, in order of preference, are:

1. Interview Colonels Clifton and Matthews of General Bradley's office at once for full details as to what was in Anderson's story.
2. Interview Whitehair for the same information and at the same time interview him as a possible source of information to Pearson. Secure from him his recollection of what went on at the conference.
3. Interview General Bradley upon his return Saturday, December 15, for his recollection of what went on at the conference and the details of Anderson's story.
4. Secure a copy of Pearson's column for Saturday, December 15, in order to compare it with the information supplied us as to what went on at the White House conference.
5. Interview every individual who attended the White House conference, with the possible exception of President Truman, to secure their detailed recollections of what went on at the conference and the topics discussed. The purpose of this is to get a composite picture against which we can compare the picture obtained of Anderson's story and the resultant Pearson column. Ascertain from all persons who attended the conference whether they made notes; whether they dictated memoranda; whether they discussed the conference with other persons; and

what distribution was made of any memoranda dictated and through whose hands they passed. Secure copies of these memoranda for comparison with Pearson's column.

6. Follow up any logical leads by interviews with other persons having access to this information.
7. In addition to the above, inasmuch as Mr. Lovett brought up the question as to whether there might not be a microphone in the Cabinet Room, it is recommended that Admiral Dennison be contacted and advised that this question was raised by Mr. Lovett and, if Admiral Dennison so desires, we have Laboratory representatives make a thorough check of the Cabinet Room for a possible microphone.

As this will be a lengthy investigation, it is recommended that the experienced Agents of the WFO who conducted the prior investigation of the alleged Pearson leak be called in for briefing and instructed to conduct this investigation at once.

In keeping with the above recommendation, I contacted SAC Hood of WFO tonight (December 13) and he will bring Agents to my office at 9:00 a.m. on December 14 for proper briefing, in order that this investigation may be immediately instituted.

I approved all
recommendations
last night.

12/14/51

D.

Office Memorandum • UNITED STATES GOVERNMENT

TO : D. M. Ladd *DL*

FROM : A. H. Belmont *AB*

SUBJECT: ALLEGED LEAK FROM WHITE HOUSE CONFERENCE
 DECEMBER 10, 1951, TO JACK ANDERSON, LEG MAN
 FOR DREW PEARSON
 ESPIONAGE - X

DATE: December 15, 1951

- Tolson _____
- Ladd _____
- Clegg _____
- Glavin _____
- Harbo _____
- Rosen _____
- Tracy _____
- Belmont _____
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At 12:25 P.M. today, Secretary Lovett called to furnish two bits of information which he had picked up subsequent to our interview with him on the night of December 13.

Mr. Lovett advised that it is his understanding now that James Lay did take notes during the conference of December 10.

Mr. Lovett further advised that Clayton Fritchie, Public Relations Department of Defense, came to see him and showed him a column by Robert Allen, former partner of Drew Pearson, which has information similar to that which appeared in the story of Jack Anderson. Mr. Lovett advised that he has not seen the Pearson column as anticipated in today's papers. He advised that Clayton Fritchie informed him that he was at Pearson's house on the evening when Anderson was called down to General Bradley's office and that Fritchie saw the articles at Pearson's home.*

I informed Secretary Lovett that we had obtained a copy of the column by Robert Allen, which Secretary Lovett referred to above, and that we are using this as one basis for questions in the interviews that are presently going on. I advised Secretary Lovett that as he was undoubtedly aware, we had launched an investigation into this matter immediately following our interview with him on December 13 and a number of interviews had been conducted and additional interviews are being conducted over the week end with persons who attended the conference.

Secretary Lovett advised that he would call me in the event any additional information came to his attention. I thanked him for his thoughtfulness.

AHB:hmb *hmb* * We had received this same information during an interview with Colonel Clayton of General Bradley's office on December 14.

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EDITORIAL SECTION

Letters • Cartoons • Columns • Press
Digests • Labor and Business News

WASHINGTON FOREIGN

Reds' Cease-Fire Terms N. G.

By Robert S. Allen

Washington, Dec. 13—The UN can have a cease fire in Korea, but at the cost of important concessions to the Reds.

That's what the Joint Chiefs told the President in their big conference with him after his return. Gen. Bradley declared the protracted truce negotiations have reached the point "where a few concessions on both sides could bring an agreement if the Communists really want one."

"What do they want?" asked the President.

"The deadlock gets down to this," explained Bradley. "We are demanding the right to continue

to rotate our troops as we have been doing for months. The Reds are flatly refusing to allow that. They are insisting on a complete freeze on replacements and weapons. But they have indicated they would make concessions on that if we will allow them to build some airfields in North Korea. We have refused to do that. Obviously, they are using the rotation issue to try to wrest concessions from us on the airfield demand."

Gen. Hoyt Vandenberg vigorously opposed giving any ground on that.

"I want a cease fire, if one can be worked out that is fair and proper," declared the Air Chief of

Staff. "But I don't see how we can safely do anything that will enable the Reds to build up their air strength. That is what permitting them to build airfields will amount to. Such bases in North Korea will be of great combat value to them, if they decide to break the truce next spring, which I wouldn't put past them."

Gen. J. Lawton Collins was inclined to favor some terms on the airfield dispute. He thought something could be worked out on that. But the Army Chief of Staff was adamant in insisting the Communists be required to agree to rotation of UN troops.

"That would be a serious blow

to the morale of our men," Collins argued. "I am strongly opposed to any concession on that. It is an unfair demand, and the only reason the Reds on making it is to try to force us to give in on airfields."

"Our Army can hold the present line until hell freezes over, and I am flatly opposed to giving the slightest ground on the replacement issue. The Reds would have the same right as us on that, and I don't see why they should object to it, except for trading purposes."

Bradley agreed with Collins, but emphasized the importance of not allowing the Communists to build up a powerful airforce.



President Truman listened intently to the military leaders and said nothing until they finished.

Then he told them:

"As you know I am very anxious to bring the fighting to an end if that is possible. But I will not agree to concessions to the Communists that we may regret later on. We want to be very careful that we do not sell ourselves short in our eagerness to secure a truce for our men."

Also discussed was the question of building up the South Korean army, as this column has reported was proposed by General Ridgway.

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NEW YORK POST
"Blue Final" Edition
DECEMBER 13, 1951

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Office Memorandum • UNITED STATES GOVERNMENT

TO : A. H. BELMONT

DATE: December 17, 1951

FROM : C. E. HENRICH *eh*

SUBJECT: DREW PEARSON, Alleged Leak from
White House Conference,
December 10, 1951, to JACK ANDERSON,
Leg-Man for DREW PEARSON
ESPIONAGE - X

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I went over the investigations of this case with Special Agent in Charge Hood in some detail on December 17. Interviews have been completed with all but two of the persons who attended the December 10 conference, plus those who had knowledge of what was discussed. Those remaining to be interviewed are Secretary Dan Kimball, who will be interviewed on December 18, and Admiral Sidney Souers, who will be interviewed on December 19.

Analysis of the information developed up to this time indicates that there was limited dissemination of information as to what actually went on at the President's conference of December 10, 1951. The Washington Field Office is carefully analyzing this particular problem in order to come up with as definite a picture as possible as to exactly who did have access to the specifics of the conference prior to the time they were known to be in Anderson's possession.

Regarding the problem as to whether Anderson's information and, in addition, Allen's column could have been prepared from information available from sources other than someone who attended or had detailed information regarding the conference of December 10, there is divergent opinion. The consensus is that the information must have come from someone who knew what went on at the December 10 conference. This is modified by statements that certain of the information is not accurate and some not true. It is further modified by the fact that many of the persons interviewed are unable to recall exactly what was discussed at the conference and, of the items discussed, exactly what was said by certain individuals. It has been pointed out that most of the matters discussed had been previously discussed in great detail on many occasions by the Joint Chiefs of Staff and those officially interested in the particular problems. The conviction of those who feel that the information in question had to have come from someone who had knowledge of what went on at the December 10 conference

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is generally based on the fact that most of the items in Anderson's paper and Allen's column were actually discussed in some form at the conference. As pointed out above, some of the information was inaccurate.

At this point, it appears necessary that we actually determine when the Pearson column of December 15, appearing in the New York "Daily Mirror," was filed with Bell Syndicate. Since Allen actually printed a similar column in the "New York Post" on December 13, it is important that we know when he filed that column since Allen's information may have been made available by Pearson. We cannot overlook the possibility that Allen may have originally obtained the information and made it available to Pearson. The timing, therefore, of the filing of any columns would have significance in analyzing these questions. It is, I think, a fair assumption that Pearson is aware of our investigation. If the leak originated with someone who attended the December 10 conference they would, in all probability, have notified Pearson that the investigation is going on. Since this is true, I feel that we should now go directly to Bell Syndicate to obtain information as to when Pearson's column was filed. We should obtain a copy of the complete column. I think we should also make similar inquiries regarding the Allen column as to the time of filing.

In the event results of pending interviews do not indicate otherwise, we should, after obtaining the information regarding the Pearson columns, interview Joseph Short, Press Secretary at the White House. Short was not present at the December 10 conference to our knowledge. He did make a brief statement to the press regarding the conference. He should be interviewed to determine if Anderson, or a representative of Pearson or of Allen, was at the White House on that date and, if so, complete details should be obtained as to Short's observations of who they talked to, what questions were asked, etc. Short should also be discreetly questioned regarding his knowledge of Pearson's and Allen's sources in the Government which would have a bearing on this investigation. Thereafter, interviews should be had with Drew Pearson, Jack Anderson and Robert Allen. In order that the record may be clear and, on the off chance that we may develop information, it is felt that these interviews will have to be conducted.

RECOMMENDATIONS:

If you approve, the New York Office will be telephonically instructed to initiate inquiries at Bell Syndicate in New York. It is not definite whether Bell Syndicate handles Allen's column. In the event it does not, inquiries should be initiated at the "New York Post" for information regarding Allen's column.

oh.
j.



New York
instructed to
handle
JH.

Washington **MERRY- GO-ROUND** By Drew Pearson

WASHINGTON, Dec. 14. —The world sat up over Pres. Truman's publicized meeting with the Joint Chiefs of Staff when he returned from Key West, but it was routine. The highlight was an assurance from Gen. Omar Bradley that a cease-fire could be worked out in Korea.

The diplomatic and military chiefs were waiting when HST strode in, grinning. He shook hands all around, said it was "good to be back," asked how they liked his tan.

He let the joint chiefs do most of the talking, and here is a brief account of what happened:

Truman sat back, called for views, and made such comments as: "That's a tough one."

Bradley led with a summary of the Korean situation, reported the Reds seemed ready to come to terms, that a cease-fire agreement could be worked out if both sides made concessions.

Gen. Vandenberg, Air chief, opposed major concessions, was adamant against allowing the Communists to build airfields during the cease-fire.

Gen. Collins, Army chief, opposed giving in on troop rotation. The Chinese propose a freeze on all troops entering Korea, blocking replacements for combat veterans. This would be a blow to morale Collins warned.

Silent Admiral

Collins agreed "minor concessions" should be made to win some in return. Truman commented that no concessions should be granted that we "would later regret."

Admiral Fechteler made only a half-minute speech, pledged that the Navy is prepared to carry out "any mission any time any place."

For the Army, Collins pledged the Army couldn't be blasted out of Korea, could hold on "until hell freezes over."

One concession discussed was yielding to the Reds on inspection behind the lines. We have been holding out for it by U.N.-Communist teams, but the Reds want it by "neutral" nations—and that meant Poland and Czechoslovakia. Later they agreed to consider Denmark, Sweden and Switzerland. These would be acceptable to us. Bradley proposed giving ground here and it has been done.

The principal theme was that a cease-fire may be close, with

- Tolson
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- Clegg _____
- Glavin _____
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- Belmont
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165-1300-1-3-1
NOT RECORDED
160 DEC 22 1951

Page

Times-Herald _____

Wash. Post _____

Wash. News _____

Wash. Star _____

N.Y. Mirror 7

N. Y. Compass _____

Date: _____

a settlement within 20 days. Some details will be left to iron out later.

Another matter discussed was the question of withdrawing U.N. troops altogether after the armistice. The facts regarding this must not be published now.

65 DEC 14 1951

*Sub
S-108*

12-17-51

Handwritten initials and marks in the top right corner.

WASH FROM WASH FIELD 17 7:30 P.M.

DIRECTOR

DREW PEARSON: ALLEGED LEAK FROM WHITEHOUSE CONFERENCE
 DECEMBER TENTH, FIFTYONE, TO JACK ANDERSON, LEGMAN FOR
 DREW PEARSON; ESP DASH X. CHIEF OF AIR FORCE GENERAL HOYT S.
 VANDENBERG WAS INTERVIEWED TODAY AND ADVISED THAT HE HAD
 ATTENDED THE CONFERENCE AT THE WHITEHOUSE ON DECEMBER TENTH,
 LAST. GENERAL VANDENBERG STATED THAT HE HAD NOT MADE ANY
 NOTES AT THE CONFERENCE AND HAD NOT PREPARED ANY MEMORANDA
 OR SEEN ANY MEMORANDA WHICH ANYONE ELSE HAD PREPARED CONCERNING
 THE CONFERENCE. HE STATED THAT THE MEMO WHICH HE HAD PREPARED
 WITH MR. FINLETTER ON DECEMBER TENTH, LAST, REFERRING TO THE
 WHITEHOUSE CONFERENCE WAS MATERIAL WHICH WAS NOT DISCUSSED
 AT THE WHITEHOUSE CONFERENCE AND WHICH HE, MR. FINLETTER AND
 MR. LOVETT THOUGHT SHOULD BE BROUGHT TO THE ATTENTION OF THE
 PRESIDENT, AND THAT IT PERTAINED TO AN ALTERNATE PROPOSAL IN
 CONNECTION WITH THE PEACE NEGOTIATIONS. HE STATED THAT THE ONLY
 PERSONS HE HAS DISCUSSED THE CONFERENCE WITH ARE MR. LOVETT
 AND MR. FINLETTER. HE STATED THAT THE ORIGINAL OF THE MEMO
 PREPARED IN MR. FINLETTER'S OFFICE ON DECEMBER TENTH, FIFTYONE,
 A COPY OF WHICH WAS PREVIOUSLY FURNISHED THE BUREAU, WAS DELIVERED
 PERSONALLY TO MR. LOVETT BY MR. FINLETTER AND HIM. GENERAL
 VANDENBERG STATED THAT A COPY OF THE MEMO WAS GIVEN TO
 HIM AND HE GAVE IT TO HIS AIDE, COLONEL

Handwritten marks: 1-1, 8-1

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3-28-88 BY SP8/BJT/EL

65-60573-11
DEC 19 1951

TJJ:EAS
65-6060

RECORDED - 92

Handwritten signature: cc Mr. Heunrich

PAGE TWO

CHARLES V. MURPHY, BUT HE REITERATED THAT THE CONTENTS OF THIS MEMO WERE NOT DISCUSSED AND HAD NOTHING TO DO WITH THE CONFERENCE HELD AT THE MEETING ON DECEMBER TENTH, LAST. THE ARTICLE BY ROBERT S. ALLAN^E WAS SHOWN TO GENERAL VANDENBERG AND HE ADVISED THAT IN HIS OPINION THIS ARTICLE COULD ~~NOT~~ HAVE BEEN WRITTEN WITHOUT THE WRITER'S HAVING ACCESS TO WHAT TRANSPIRED AT THE CONFERENCE. HE POINTED OUT THAT EVERYTHING APPEARING IN THE ARTICLE HAD BEEN SOMETIME OR OTHER IN THE PAST PUBLICLY STATED BY THE INDIVIDUALS TO WHOM THE MATERIAL WAS ATTRIBUTED, AND THAT CERTAINLY ANYONE WHO HAD FOLLOWED THE KOREAN SITUATION AND ANALYZED VARIOUS ARTICLES APPEARING IN THE PRESS ON THE SITUATION COULD HAVE PREPARED THE ALLAN^E ARTICLE. HE FURTHER COMMENTED THAT THE ALLAN ARTICLE WAS, IN FACT, ERRONEOUS IN ITS REPORTING OF WHAT ACTUALLY TRANSPIRED. HE STATED THAT THE WHOLE REASON FOR THE CONFERENCE IN HIS OPINION WAS FOR THE PRESIDENT TO RECEIVE REASONS WHY CERTAIN NEGOTIATION INSTRUCTION HAD BEEN SENT TO GENERAL RIDGEWAY IN JAPAN. GENERAL VANDENBERG STATED THAT THE PART OF THE ARTICLE ATTRIBUTED TO HIM WAS ABSOLUTELY INCORRECT AND STATED THAT HE HAD ONLY MADE A SHORT STATEMENT AT THE CONFERENCE WHICH WAS NOT IN ACCORD WITH THE ALLAN^E ARTICLE. HE STATED WITH RESPECT TO GENERAL COLLINS' REMARK QUOTE UNTIL HELL FREEZES OVER UNQUOTE THAT HE COULD NOT RECALL THIS REMARK AND DOES NOT BELIEVE THAT GENERAL COLLINS WOULD MAKE SUCH A REMARK IN SPEAKING TO THE PRESIDENT AND THAT HE FEELS CONFIDENT THAT IF GENERAL COLLINS HAD MADE SUCH REMARK,

PAGE THREE

HE WOULD HAVE CERTAINLY REMEMBERED IT. HE CONCLUDED BY STATING
THAT THE ^EALLAN ARTICLE WAS A POOR REPORT ON WHAT HAPPENED AT THE
CONFERENCE, AND STATED THAT WHOEVER PREPARED THE ARTICLE MUST
HAVE HAD VERY LITTLE INFORMATION ON WHAT ACTUALLY TRANSPIRED,
UNLESS THE WRITER DELIBERATELY SLANTED THE ARTICLE IN THAT
FASHION. HE STATED THAT HE WAS NOT ACQUAINTED WITH JACK ANDERSON
AND BELIEVES THAT HE HAS MET DREW PEARSON ONCE ABOUT TWO YEARS
AGO IN THE DEFENSE BLDG., AND THAT THE LAST TIME HE SAW ROBERT S.
^EALLAN WAS IN EUROPE WHEN ^EALLAN WAS INTELLIGENCE OFFICER FOR
GENERAL PATTON. HE DENIED SEEING OR TALKING TO ANY OF THESE
INDIVIDUALS SINCE THE CONFERENCE IN QUESTION.

HOOD

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 3-28-88 BY SP-11/16

10-28-97 per CIA A-26/-91 P-1 from James Webb to pg. 2 original memo (4 302 ci/bb) #65 95

WASH FROM WASH FIELD

17

12-17-51

8:30 P.M.

DIRECTOR

URGENT

DREW PEARSON, ALLEGED LEAK FROM WHITEHOUSE CONFERENCE, DECEMBER

TEN, FIFTYONE, TO JACK ANDERSON, LEGMAN FOR DREW PEARSON; ESP

DASH X. MR. S. EVERETT GLEASON, DEPUTY SECURITY OFFICER,

NATIONAL SECURITY COUNCIL, ADVISES THIS DATE THAT HIS SUPERIOR,

MR. JAMES E. LAY, JR., BRIEFED HIM GENERALLY ON LAY'S RETURN

FROM CONFERENCE. FURNISHED GLEASON WITH DETAILED BRIEFING ON

WEDNESDAY, DECEMBER TWELFTH. GLEASON NOTIFIED JOHN EMERSON,

PLANNING OFFICER, STATE DEPT., OF GENERAL CONTENTS OF DECISIONS

REACHED AT PRESIDENT'S CONFERENCE ON DECEMBER TENTH; HOWEVER,

STATES APPEARED EMERSON ALREADY FAMILIAR WITH RESULTS OF CONFERENCE

THROUGH INFO FURNISHED EMERSON BY STATE DEPT. OFFICIALS. EMERSON'S

INTEREST IN CONFERENCE BASED ON FACT THAT HE WORKED ON STAFF

PREPARING NSC DRAFT RE KOREAN SITUATION. JAMES E. WEBB, UNDERSECRETARY

OF STATE, REINTERVIEWED TODAY AND PRESENTED WITH COPY OF EXCERPTS

FROM COLUMN OF ROBERT ALLEN APPEARING IN QUOTE NEW YORK POST UNQUOTE

DECEMBER THIRTEENTH. CONTENTS OF COLUMN INDICATE ALLEN RECEIVED INFO

FROM SOMEONE AT CONFERENCE. H. FREEMAN MATTHEWS, DEPUTY UNDERSECRETARY

OF STATE, FURNISHED SAME COLUMN AS THAT GIVEN WEBB. STATED IN HIS

OPINION COLUMN COULD HAVE BEEN PREPARED BY ^{RECEIVED} ~~THE~~ NEWSPAPERMAN WELL VERSED

IN BACKGROUND LEADING UP TO CONFERENCE WITHOUT OBTAINING ANY INFO

JAC:PJT:KTD:eas

65-6060

DEC 19 1951

165-60573-18

11-3-97 PNOGA 8-16-90 for mem to Silvestro from CIA 302 ci/bb #265 95

PBJ

RECORDED

Ad

JAB

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Handwritten signature and initials.

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PAGE TWO

FROM THOSE IN ATTENDANCE AT CONFERENCE. ADMIRAL DENNISON OF
WHITEHOUSE STAFF ALSO INTERVIEWED TODAY AND ADVISES DID NOT SEE
THE PEARSON RELEASE IN THE POSSESSION OF ANDERSON. CLAIMS DOES
NOT KNOW PEARSON OR ANDERSON AND DENIES ANY DISCLOSURE ON HIS PART
OF INFO INVOLVED. ADVISES ONLY NOTES OF CONFERENCE TO HIS KNOWLEDGE
WERE THOSE MADE BY LAY, WHO TOOK MINUTES OF MEETING. STATES FIRST
KNEW FACT MEETING TO BE HELD ON DECEMBER EIGHTTH, WHEN ADVISED BY
PRESIDENT. DOES NOT RECALL DISCUSSION AT MEETING OF DECEMBER
TWENTYSEVENTH CEASE FIRE EXTENSION. STATES UNABLE SUGGEST ANY
SUSPECT AS RESPONSIBLE FOR LEAK. SUGGESTS STATE DEPT. AS POSSIBLE
SOURCE OF LEAK, BUT HAS NO FACTS TO SUPPORT THIS OTHER THAN PAST
EXPERIENCE IN LEAKS OF INFO. THAT DEPT. HIS ACCOUNT OF DISCUSSIONS
AT CONFERENCE SUBSTANTIALLY THE SAME AS THOSE DEVELOPED THROUGH OTHER
INTERVIEWS. DENNISON READ AND ANALYZED BOTH THE ALLEN AND PEARSON
COLUMNS AND STATES HIS OPINION NEITHER COULD HAVE BEEN WRITTEN BY
OUTSIDE INDIVIDUAL WITHOUT ASSISTANCE. ADVISES HIS RECOLLECTION
THAT OVER ONE HALF OF CONFERENCE DEVOTED TO DISCUSSION OF EUROPEAN
SITUATION AND INDICATED HE CONSIDERED IT UNUSUAL THAT NEITHER COLUMN
CONTAINED ANY DETAILS CONCERNING EUROPEAN DISCUSSIONS.

HOOD

cc. Mr. Belmont

2-17-51

WASHINGTON FROM WASH FIELD

17 9:30 P.M.

DIRECTOR

URGENT

DREW PEARSON: ALLEGED LEAK FROM WHITEHOUSE CONFERENCE DEC. TEN, NINETEEN FIFTY ONE TO JACK ANDERSON, LEG DASH MAN FOR DREW PEARSON; ESPIONAGE DASH X. GENERAL JOSEPH COLLINS, ARMY CHIEF OF STAFF, INTERVIEWED TODAY AND ADVISED HE HAD ATTENDED THE CONFERENCE AT THE WHITEHOUSE DEC. TEN LAST. COLLINS ADVISED MEETING OPENED BY BRIEFING BY GENERAL BRADLEY, THEN PRESIDENT CALLED ON LOVETT, FOLLOWED BY VANDENBERG AND THEN ADMIRAL FECHTELER. THEREUPON THE PRESIDENT TURNED TO THE SECRETARIES, PACE, FINLETTER AND ACTING SECRETARY OF THE NAVY, WHITEHAIR, FOR REMARKS. COLLINS ADVISED HE FOLLOWED WHITEHAIR AS SPEAKER AND MADE BRIEF POINTS, SPEAKING AT DIFFERENT TIMES. HIS FIRST REMARKS WERE BASED ON A POINT WHICH HAD BEEN RAISED BY ADMIRAL FECHTELER, AND COLLINS ADVISED HE POINTED OUT SOME DISAGREEMENT WITH ADMIRAL FECHTELER'S REMARKS AND THEN WENT ON TO DISCUSS THE ARMISTICE AND CONCESSIONS THAT COULD BE CONSIDERED. LATER THE PRESIDENT EXPRESSED CONCERN OVER THE AIR BUILDUP OF THE COMMUNISTS AND THE POSSIBILITIES THAT WE MIGHT NOT BE ABLE TO MAINTAIN OUR FORCES IN KOREA. COLLINS THEREUPON INTERJECTED WITH

ECG:iam

65-6060

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5-28-88 BY SP8/BJ/6-1
10-21-97 PW AT 11-7-90
Pw. 200 1-1 thru you 19. 3
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THE COMMENT THAT HE WOULD GUARANTEE THAT WE WOULD NOT BE THROWN OUT OF KOREA. FOLLOWING GENERAL COLLINS' LAST REMARKS, HE ADVISED MR. WEBB WAS CALLED UPON AND HE REFERRED TO MR. MATTHEWS, WHO OUTLINED THE POSITION OF THE STATE DEPT. HE ADDED MR. WEBB ALSO SPOKE A FEW WORDS, DETAILS NOT RECALLED. COLLINS ADVISED HE WENT TO CONFERENCE IN SAME CAR WITH ADMIRAL FECHTELER AND RETURNED TO PENTAGON FOLLOWING CONFERENCE WITH FECHTELER, THEREAFTER, DISCUSSING THE PROCEEDINGS WITH NO ONE ELSE AND MADE NO RECORD OF SAME. THE NEW YORK POST COLUMN, PREPARED BY ROBERT S. ALLEN, RELATIVE TO WHITEHOUSE CONFERENCE, WAS DISPLAYED TO GENERAL COLLINS AND HE ADVISED THAT PORTION ATTRIBUTED TO HIM AS REFLECTED IN THE ALLEN COLUMN WAS A FAIR SUMMATION OF HIS PORTION, ALTHOUGH NOT IN THE EXACT WORDS AS RECALLED BY GENERAL COLLINS. HE WAS POSITIVE IN STATING HE DID NOT USE THE PHRASE QUOTE UNTIL HELL FREEZES OVER UNQUOTE, ALTHOUGH HE WAS NOT CERTAIN ABOUT HIS HAVING MADE ANY REMARKS CONCERNING TROOP ROTATION. CONCERNING THE PRESIDENTIAL QUOTATION AS REFLECTED BY ALLEN, GENERAL COLLINS SAID IT WAS ESSENTIALLY WHAT THE PRESIDENT HAD STATED, BUT NOT AN EXACT QUOTATION, ALTHOUGH IN SUBSTANCE WAS ACCURATE. HE ADVISED THE ALLEN QUOTATION ATTRIBUTED TO GENERAL VANDENBERG WAS ESSENTIALLY CORRECT AND THAT THE REMARKS ATTRIBUTED

TO GENERAL BRADLEY WERE GENERALLY ACCURATE, ALTHOUGH IN THE CONFERENCES GENERAL BRADLEY HAD NOT STRESSED THAT THE MATTER OF TROOP ROTATION HAD BEEN HELD AS A BARGAINING POINT AGAINST THE CONSTRUCTION OF AIR FIELDS ON THE PART OF THE COMMUNISTS. GENERAL COLLINS HAD NO SUGGESTION AS TO HOW A LEAK MAY HAVE OCCURRED, IF A LEAK DID OCCUR, AND EXPRESSED THE BELIEF THAT IT WOULD BE POSSIBLE THAT THE COLUMN BY ROBERT ALLEN COULD HAVE BEEN PREPARED BY SOMEONE WHO HAD PICKED UP A FEW BITS OF DATA HERE AND THERE FROM PERSONS WHO MAY HAVE OBTAINED IT EVEN SECOND OR THIRD HAND, WHICH PERSONS MAY HAVE ALSO POSSESSED KNOWLEDGE OF PREVIOUS CONFERENCES RELATIVE TO SIMILAR SUBJECT MATTER. CONCERNING THE PERSONNEL PRESENT AT THE CONFERENCE, GENERAL COLLINS SAID HE HAD NO PERSONAL SUSPICIONS AND POINTED OUT HE HAD NOT SEEN OR HAD ANY CONTACT WITH DREW PEARSON IN MORE THAN A YEAR. GENERAL COLLINS ADVISED HE KNEW WHO JACK ANDERSON WAS, BUT NEVER HAD MET HIM AND KNEW OF NO OTHER PERSONS IN PEARSON'S EMPLOY. CONCERNING ROBERT S. ALLEN, GENERAL COLLINS ADVISED HE KNEW ALLEN, BUT HAD NOT SEEN OR TALKED TO HIM IN MORE THAN A YEAR. CLAYTON FRITCHEY DIRECTOR PUBLIC INFORMATION, DEPARTMENT OF DEFENSE, ADVISED HE POSSESSED NO INFO CONCERNING PROCEEDINGS, WHITEHOUSE CONFERENCE, DEC. TEN AND DID NOT KNOW WHO ATTENDED OTHER THAN FROM CONJECTURE. HE ADVISED ON AFTERNOON TUESDAY DEC. ELEVEN, JACK ANDERSON VISITED

HIS OFFICE BETWEEN THREE AND FIVE P.M. ANDERSON INQUIRED REGARDING THE WHITEHOUSE CONFERENCE AND FRITCHEY INDICATED HE POSSESSED NO INFORMATION. ANDERSON INFORMED FRITCHEY HE HAD PRETTY GOOD FILL IN AND FRITCHEY GATHERED FROM ANDERSON'S MANNER ANDERSON CONSIDERED THE MATERIAL AUTHENTIC. ON WEDNESDAY, DEC. TWELVE FRICHEY VISITED DREW PEARSON'S HOME FOR DINNER AND BRIDGE, ALTHOUGH PEARSON DOES NOT PLAY BRIDGE PERSONALLY. ENROUTE FRITCHEY WENT BY HOME OF FRITCHEY'S ASSISTANT, COLONEL CLARKE NEWLON, WHO LATER JOINED FRITCHEY AT THE PEARSON RESIDENCE FOR BRIDGE. DINNER GUESTS AT THE PEARSON HOME INCLUDED PEARSON AND WIFE, [REDACTED] [REDACTED] OF KENTUCKY, MR. FRITCHEY AND ATTORNEY, [REDACTED] AND WIFE. WHILE AT DINNER OR POSSIBLY JUST BEFORE DINNER, JACK ANDERSON CAME IN AND FRITCHEY WAS INVITED ASIDE AND SHOWN AN ARTICLE WHICH HE GATHERED WAS PART OF A COLUMN TYPEWRITTEN ON SEVERAL YELLOW PAGES. FRITCHEY LEARNED FROM PEARSON THAT THE MATERIAL CONTAINED SEVERAL ITEMS TO WHICH GENERAL BRADLEY OR COLONEL CLIFTON OBJECTED AND THAT ANDERSON WAS GOING TO PRESENT THEM TO THESE OFFICERS. PEARSON INVITED FRITCHEY TO READ THE COLUMN MATERIAL WHICH HE DID AND ADVISED HE FOUND IT RATHER INNOCUOUS AND PRETTY TAME. HE STATED DESPITE THIS, IT STRUCK HIM THAT THE FACT THAT THERE APPEARED TO BE A LEAK FROM AN IMPORTANT CONFERENCE WAS IMPORTANT.

HE STATED HE DID NOT SUGGEST THIS TO PEARSON NOR DID HE SUGGEST THAT PEARSON NOT PUBLISH THE COLUMN, STATING THAT HE DID NOT FEEL IT WOULD CAUSE ANY FUROR AS IT IS KNOWN PEARSON HAS EXCELLENT SOURCES AND THIS SORT OF THING OCCURS REGULARLY. FRITCHEY ADVISED THAT ANDERSON THEN DEPARTED AND AN HOUR OR SO LATER ANDERSON RETURNED WHILE FRITCHEY WAS PLAYING BRIDGE. HE DID NOT SEE THE COLUMN ON THIS OCCASION; HOWEVER, PEARSON SAID THE COLUMN HAD BEEN CHANGED IN ONE OR TWO PLACES IN ACCORDANCE WITH GENERAL BRADLEY'S SUGGESTION AND PEARSON INCLUDED THAT THE COLUMN WOULD BE CHANGED IF SUGGESTED. FRITCHEY GATHERED FROM THIS THAT THE COLUMN WOULD BE DISPATCHED AND ALSO CONCLUDED THAT THE COLUMN HAD APPEARED, ALTHOUGH PERHAPS NOT IN THE WASHINGTON POST, AS EDITORS OFTEN EXERCISE THE PREROGATIVE TO DELETE COLUMNS OR PORTIONS. FRITCHEY EXAMINED THE ROBERT ALLEN COLUMN OF THE NEW YORK POST, DEC. THIRTEEN, AND SAID THAT TO HIS RECOLLECTION, THEY ARE PRETTY WELL PARALLEL TO THE PEARSON MATERIAL HE HAD READ. FRITCHEY RELATED THAT ON SATURDAY DECEMBER FIFTEEN, BEFORE NOON, ANDERSON HAD VISITED HIM ON ANOTHER MATTER AND HE TWITTED ANDERSON ABOUT BEING SCOOPED BY ALLEN. HE DECLARED ANDERSON APPEARED GENERALLY SURPRISED AND LEFT IN A HURRY, APPARENTLY IN SEARCH OF A NEW YORK POST CONTAINING THE ALLEN COLUMN. FRITCHEY COULD OFFER NO SUGGESTION AS TO THE SOURCE OF THE LEAK NOR FURNISH

WFO 65-6060

Page Six

ANY INVESTIGATIVE LEADS IN THIS DIRECTION. HE ALSO SAID HE
COULD DRAW NO CONCLUSIONS AS TO WHETHER A COMMON SOURCE MAY
HAVE BEEN USED TO FURNISH INFO FOR THE PEARSON AND THE ALLEN
COLUMNS OR IF A CONFIDENTIAL SOURCE HAD BEEN USED.

HOOD

WFO 65-6060

SAC, WFO (65-6060)

December 18, 1951

DIRECTOR, FBI

DREW PEARSON,
ALLEGED LEAK FROM WHITE HOUSE CONFERENCE
DECEMBER 10, 1951, TO JACK ANDERSON, LEG-MAN
FOR DREW PEARSON,
ESPIONAGE - X.

1-1
18-1

Reurlet December 15, 1951.

There is attached the original of Copy No. 10 of 20 copies of a memorandum for the Secretary of Defense, bearing the stamped signature of Thomas K. Finletter, dated December 10, 1951, together with one photostatic copy thereof. This is being returned in accordance with your request.

Enclosure

CEH:LL

Two
(One photostatic copy of the above-described memorandum
One being retained in the files of the Bureau.)

RECORDED 92 65-60573 20
DEC 19 1951

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3-28-88 BY SP-8/LL

- Tolson _____
- Ladd _____
- Nichols _____
- Belmont _____
- Clegg _____
- Glavin _____
- Harbo _____
- Rosen _____
- Tracy _____
- Mohr _____
- Tele. Rm. _____
- Nease _____
- Gandy _____

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RECEIVED READING ROOM
F B I
DEC 18 5 44 PM '51

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. C. E. *Henrich*

DATE: December 18, 1951

FROM : W. A. *Branigan*

SUBJECT: ~~ROBERT S. ALLEN~~ COLUMN APPEARING
IN "NEW YORK POST," 12-13-51

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3-28-88 BY *SP-10/ST*

Tolson	_____
Ladd	_____
Clegg	_____
Glavin	_____
Nichols	_____
Rosen	_____
Tracy	_____
Harbo	_____
Belmont	_____
Mohr	_____
Tele. Room	_____
Nease	_____
Gandy	_____

The New York Office furnished the following information:

The "New York Post" regularly publishes four weekday editions as follows:

- (1) "Night Extra." This is published as of 9:30 A.M. each day.
- (2) "7 Blue Final**" printed at 1:30 P.M.
- (3) "7 Blue Final*" printed at 3:15 P.M.
- (4) "7 Blue Final" printed at 7:20 P.M.

In the editions published by the "New York Post" for December 13, 1951, Robert S. Allen had two different columns. The first column entitled "Must Truman Toss Out McGrath" appeared only in the "Night Extra" edition. The second column which contained the story on Korea was printed in all three of the "7 Blue Final" editions.

This is for your information.

WAB: *jmr*

Drew Pearson

284
DEC 20 1951

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INDEXED - 5
65-60573
65-60573-21
25
5-AGW
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UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

December 13, 1951

WASHINGTON 25, D. C.

In Reply, Please Refer to
File No.

- Mr. Tolson _____
- Mr. Ladd _____
- Mr. Nichols _____
- Mr. Belmont ✓
- Mr. Clegg _____
- Mr. Glavin _____
- Mr. Harbo _____
- Mr. Rosen _____
- Mr. Tracy _____
- Mr. Laughlin _____
- Mr. Nease _____
- Miss Gandy _____

1:58

MEMORANDUM FOR MESSRS. TOLSON ✓
LADD ✓
NICHOLS ✓
BELMONT ✓

ad
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3-28-88 BY SP8 BTJ/ab

Drew Pearson

Secretary of Defense Lovett called me this afternoon and stated that the President wanted him to discuss with me what appears to be a rather serious leak on what occurred at a meeting last Monday at the White House. He said that the President was desirous of trying to trace out the source of this leak. Secretary Lovett stated that the meeting related to plans in Korea and general European matters. He said that the press reports have been very speculative in this regard.

Secretary Lovett stated that to his recollection the following were in attendance at the meeting: The three Chiefs of Service, General Collins, Admiral Fechteler, and General Vandenburg; the three Secretaries or Acting Secretaries, Frank Pace, Francis Whitehair replacing Kimball, and Tom Finletter; Jim Webb and Matthews from the State Department; possibly Ed Foley representing Secretary Snyder; General Bradley, and Secretary Lovett. He stated that from the White House were General Vaughan, Admiral Dennison, and possibly Connelly or Short. He added that he could not remember whether he saw both Connelly and Short, but just before going into the room he recalls seeing them both.

The Secretary related that the following has happened. Yesterday afternoon an individual by the name of Anderson, who appears to be a leg-man for Drew Pearson, went up to Whitehair and said, "I've got a story of the Monday meeting; thought you would like to take a look at it," and Whitehair reportedly said he didn't want to take a look at it. Apparently Anderson either read him or showed him certain excerpts which startled Whitehair so in their apparent accuracy that he came back and spoke to his Navy colleagues about it and they advised Admiral Dennison and Dennison advised the President. The President then called General Bradley and suggested to Bradley that he get hold of Pearson or Anderson and ask to see this report; that Anderson subsequently last night around seven o'clock came over to General Bradley with the report, which was

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~~65 DEC 27 1951~~

65 DEC 28 1951

*Memo Ladd
12/13/51
Q*

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5-21

already on the Bell Syndicate wires and Bradley persuaded Anderson to delete two major statements by red-penciling them, stating that they were either a breach of security or definitely not within the national interest. Anderson, according to Secretary Lovett, appeared to have agreed to this.

Secretary Lovett stated that General Bradley called him after the meeting and said that in his opinion the statement is presumably coming out this Saturday and that it is not too harmful but the story was not killed. He stated that the President appears to be relieved but he is very apprehensive as to the leak of information concerning the meeting. Secretary Lovett stated that he thought it was a terrible thing when the President could not talk to his supposedly intimate advisors without having someone go out and talk about it. He stated that it was the President's desire that he talk with me and find out what could be done.

I told the Secretary that the important thing was first to find out who was at the meeting and then find out if any of them, upon returning, had made any memoranda on the meeting or advised someone in their own office. I told him I would be very glad to assign the matter to Assistant Director Belmont. Secretary Lovett stated that General Bradley is out of town but he would have his Executive Officer, Colonel Randall, try to collect some information on the matter this afternoon.

The Secretary is attending budget hearings this afternoon but will return to his office at 6:30 PM. I told him that Mr. Belmont will be in his office (Secretary Lovett's) promptly at 6:30 to discuss the matter.

Very truly yours,


John Edgar Hoover
Director

cc--Mr. Nease

Office Memorandum • UNITED STATES GOVERNMENT

TO : THE DIRECTOR

DATE: December 18, 1951

FROM : MR. D. M. LADD *DL*

SUBJECT: DREW PEARSON,
ALLEGED LEAK FROM WHITE HOUSE CONFERENCE
DECEMBER 10, 1951, TO JACK ANDERSON, LEG-MAN
FOR DREW PEARSON,
ESPIONAGE - X.

Tolson	_____
Ladd	_____
Clegg	_____
Glavin	_____
Nichols	_____
Rosen	_____
Tracy	_____
Harbo	_____
Belmont	_____
Mohr	_____
Tele. Room	_____
Nease	_____
Gandy	_____

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3-28-88 BY SP-5 PFW/jab

PURPOSE:

To advise you that a memorandum prepared by Secretary Finletter, dated December 10, 1951, following the President's conference, was seen by Clare Shanks and Mrs. Sally Poole, secretaries to Finletter; Colonel William Hipps, Aide to Finletter; General Vandenberg; Colonel Charles V. Murphy, Aide to General Vandenberg; and Secretary Lovett. The memorandum was prepared with twenty copies. Eighteen copies are in the possession of Finletter; one was furnished to Secretary Lovett; and one was furnished to Vandenberg.

DETAILS:

Concerning a memorandum dated December 10, 1951, prepared by Secretary Finletter, following his attendance at the President's conference at the White House on December 10, 1951, the Director noted: "This is interesting. We should find out who saw this, how many copies, etc."

Inquiries by the WFO have developed that this memorandum was prepared by Secretary Finletter for the specific purpose of pointing out "what was not said at the conference," and in this connection the only reference to the conference is contained in Paragraph 2, which states: "At the meeting it was decided that, since we now have what we went into Korea to get, namely the defeat of the aggression, we should adopt the attitude of conceding all points within reason to get the cease-fire." This statement is set forth in the memorandum as a predication for the comments.

This is the last of three memoranda which were prepared at that time for the purpose of recording and calling to the attention of Secretary Lovett the views of the Air Force which were not expressed at the conference. The first two memoranda were not considered adequate when prepared and were torn up. The torn-up copies are in the possession of Finletter. At this stage in the investigation, it does not appear that the

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DEC 26 1951

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DEC 28 1951

DEC 28 1951

5-26
DL

contents of the Finletter memorandum are particularly germane to our investigation of the Pearson and Robert Allen columns. The Finletter memorandum is directed at what the UN position will be after a cease-fire, whereas the material discussed in the columns in question had to do with negotiations looking toward the cease-fire.

The Finletter memorandum has been seen by General Vandenberg; Colonel Charles V. Murphy, Aide to General Vandenberg; Secretary Lovett; and by Colonel William Hipps, Clare Shanks and Mrs. Sally Poole of Finletter's office. The memorandum was prepared with twenty copies. Eighteen copies are in the possession of Finletter; one was furnished to Secretary Lovett; and one was furnished to Vandenberg.

ACTION:

Consideration of the Finletter memorandum will continue in our investigation of this matter.

We certain we point
this out in our report
as this is a point
the President was
particularly interested
in but of course indicate
the fact by it dealing
with another matter
though indirectly with
the President's Conf.

d.

12/20/57
Joe
advised
12/20/57

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. A. H. BELMONT

FROM : MR. C. E. HENNRICH

SUBJECT: DREW PEARSON,
ALLEGED LEAK FROM WHITE HOUSE CONFERENCE
DECEMBER 10, 1951, TO JACK ANDERSON, LEG-MAN
FOR DREW PEARSON,
ESPIONAGE - X.

DATE: December 18, 1951

Tolson _____
Ladd _____
Clegg _____
Glavin _____
Nichols _____
Rosen _____
Tracy _____
Harbo _____
Belmont _____
Mohr _____
Tele. Room _____
Nease _____
Gandy _____

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3-25-88 BY SP-7/ab

While talking with Admiral Robert Dennison, Naval Aide to the President, on December 17, 1951, he advised me that the President, when he told Dennison to call Secretary Lovett and request the FBI to conduct investigation in this matter, indicated the reason he designated Lovett was because the question as to whether there was a leak was of principal interest to the Department of Defense, since the conference involved Department of Defense matters. In this connection, Admiral Dennison stated the President gave him the impression he expected the FBI to talk to Jack Anderson and obtain from Anderson information as to who may have leaked the information. Dennison specifically indicated that the President was interested in finding out whether any of the individuals who attended this conference went back and dictated a memorandum as to what went on.

Admiral Dennison further stated that the President did not indicate to him any particular person who the President had in mind as possibly being responsible for the leak.

While discussing the propriety of commenting on what went on at the conference by any of those in attendance, Admiral Dennison stated that there are no written instructions which restrict the comments of either Cabinet members at Cabinet meetings or persons attending conferences such as the one of December 10; that, nevertheless, in the past the President has expressed concern over the possibility of leaks occurring from conferences at the White House. In this regard, he stated that in connection with the Forrestal and Morgenthau papers, there was considerable concern, as a result of which he, Admiral Dennison, had conferred with Mr. Peyton Ford of the Justice Department. Ford had expressed the opinion that legally Cabinet meetings and other important meetings could be per se classified and that considerable thought at the time was given to applying a classification to everything that went on in such meetings. It was ultimately decided, however, to not classify such conferences, since many things are discussed which are really not in a classified status, and the question then of clearing such matters for comment would become involved.

RECORDED - 38 DEC 25 1951

CEH:LL

DEC 28 1951

5-22

ACTION:

The above is submitted for your information. It will not be included in the investigative reports in this matter.

12-18-51

WASH FROM WASH FIELD

18

8:00 PM

DIRECTOR

URGENT

DREW PEARSON, ALLEGED LEAK FROM WHITEHOUSE CONFERENCE DECEMBER TEN LAST, TO JACK ANDERSON, LEGMAN FOR DREW PEARSON; ESPIONAGE DASH X.

ALEXIS JOHNSON, DEPUTY ASSISTANT SECRETARY, FAR EASTERN AFFAIRS, STATES WAS ADVISED BY H. FREEMAN MATTHEWS, DEPUTY UNDERSECRETARY OF STATE, ON DECEMBER TEN, FIFTYONE, AFTER MATTHEWS RETURNED FROM CONFERENCE THAT THE PROPOSED DRAFT TO RIDGEWAY HAD BEEN APPROVED AT THE CONFERENCE. NO DETAILS GIVEN TO JOHNSON BY MATTHEWS AS TO CONVERSATIONS OF MEMBERS PRESENT AT PRESIDENT'S CONFERENCE. JOHNSON IN TURN ADVISED ROBERT J. MC CLURKIN, ASSISTANT DIRECTOR NORTHEAST ASIA AFFAIRS, WHOSE DUTIES COVER ACTIVITIES IN KOREA AND JAPAN, AND WHO WAS MR. JOHNSON'S PRINCIPAL ASSISTANT IN WORKING ON THE DRAFT TO RIDGEWAY, THAT THE DRAFT HAD BEEN APPROVED. NO FURTHER DETAILS FURNISHED MC CLURKIN AS JOHNSON HIMSELF NOT IN POSSESSION OF SAME. SIMILAR INFO FURNISHED BY JOHNSON TO JOHN EMERSON, PLANNING ADVISORY BUREAU, FAR EASTERN AFFAIRS. JOHN K. EMERSON STATES ADVISED BY MR. ALEXIS JOHNSON, AS SET FORTH ABOVE, AND ALSO BY S. EVERETT GLEASON, NATIONAL SECURITY COUNCIL, WITH WHOM HE HAD COLLABORATED ON A NATIONAL SECURITY DRAFT CONCERNING KOREAN MATTERS, TO THE EFFECT THAT THE

JAC:PJT: eas

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ALL INFORMATION CONTAINED
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DATE 3-28-88 BY SP-8 JAC/LLK
DOS INFO (w) 1/20/91
SP-9 ci 1/20/91

Mr. Tolson
Handwritten initials and lines

Handwritten signature

PAGE TWO

CONFERENCE WOULD CAUSE NO CHANGES IN THAT NSC DRAFT. MR. EMERSON ADVISED THAT MR. GLEASON FURNISHED HIM NO FURTHER INFO CONCERNING THE PRESIDENT'S CONFERENCE. KEN YOUNG, OFFICE SECRETARY DEFENSE, OFFICE OF FOREIGN MILITARY AFFAIRS, AN INDIVIDUAL WHOM S. EVERETT GLEASON MENTIONED AS A POSSIBLE PERSON WHOM HE TELEPHONED TO ADVISE THAT THE RESULTS OF THE PRESIDENT'S CONFERENCE WERE SUCH THAT NO CHANGES WOULD BE NECESSARY IN THE NSC DRAFT ON KOREA, IN WHICH YOUNG HAD COLLABORATED, WAS CONTACTED, AND YOUNG ADVISED THAT HE HAD NEVER BEEN NOTIFIED BY GLEASON CONCERNING THE PRESIDENT'S CONFERENCE. IT WAS POINTED OUT THAT GLEASON WAS DOUBTFUL THAT HE HAD CONTACTED YOUNG, BUT MENTIONED HIS NAME AS A POSSIBILITY.

HOOD

W. B. ...

12-18-51

WASH FROM WASH FIELD

18

8:00 PM

DIRECTOR

URGENT

DREW PEARSON, ALLEGED LEAK FROM WHITEHOUSE CONFERENCE DECEMBER TEN, LAST, TO JACK ANDERSON, LEGMAN FOR DREW PEARSON; ESPIONAGE DASH X.

Hoyt

RE INTERVIEW WITH MR. JAMES E. WEBB, UNDERSECRETARY OF STATE, THE

FOLLOWING ADDITIONAL DETAILS BEING SET FORTH OF INTEREST TO THE

BUREAU: WEBB STATES THAT SUBSEQUENT TO DECEMBER TEN CONFERENCE

HAS SEEN JIM FREE, WASHINGTON CORRESPONDENT FOR THE RALEIGH NEWS

AND OBSERVER AT RALEIGH, NC, IN CONNECTION WITH AN ITEM APPEARING

IN THE NY TIMES DECEMBER TEN, FIFTYONE, TO THE EFFECT THAT WEBB

CONTEMPLATED LEAVING THE STATE DEPT. FREE REPRESENTS THE NEWSPAPER

IN WEBB'S HOMETOWN AND WAS NATURALLY INTERESTED IN THIS STORY. WEBB

ALSO TALKED WITH JOHN HIGHTOWER, WHO COVERS THE STATE DEPT FOR

ASSOCIATED PRESS, AND ALSO TALKED WITH JAMES RESTON WHO REPRESENTS

THE NY TIMES. WEBB STATES HIGHTOWER RAISED TWO POINTS IN DISCUSSING

THE PRESIDENT'S CONFERENCE, ONE QUOTE WAS THERE A WORLD CRISIS? UNQUOTE

AND TWO, QUOTE WAS EUROPE DISCUSSED UNQUOTE. WEBB GAVE HIGHTOWER THIS

BACKGROUND: THE PRESIDENT IS FURNISHED WITH A GREAT NUMBER OF WRITTEN

REPORTS CONCERNING THE WORLD SITUATION. HE TAKES HIS POSITION SERIOUSLY

AND TAKES THE WHOLE SITUATION SERIOUSLY. THE PRESIDENT WANTS TO GET THE

FULL QUOTE FLAVOR UNQUOTE OF THE THINKING OF THE TOP PEOPLE AS IT IS

THE PRESIDENT'S POLICY TO KEEP IN CLOSE TOUCH WITH WHAT GOES ON AROUND

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10-18-97 10-18-97
11-20-91
A. P. Pearson (4) 10-18-91

PAGE TWO

THE WORLD. WEBB STATES HE GAVE THIS INFO TO HIGHTOWER FOR BACKGROUND.
JAMES RESTON CONTACTED WEBB ON TUESDAY, DECEMBER ELEVEN, AND WAS GIVEN
GENERALLY SAME BACKGROUND INFO CONCERNING THE DECEMBER TEN CONFERENCE
AS WAS GIVEN TO HIGHTOWER. RESTON INQUIRED CONCERNING CHURCHILL'S
VISIT AND WANTED TO KNOW THE POLICY OF THE US AS TO CHURCHILL. WEBB
ADVISED HIM THAT THE GOVT WAS MAKING A VERY CAREFUL STUDY OF THE
BACKGROUND AND PROBLEMS IN CONNECTION WITH OUR RELATIONS WITH GREAT
BRITAIN AND EUROPE AND THE FAR EAST, AND INDICATED THAT THIS COUNTRY
WOULD BE PREPARED TO DISCUSS THESE PROBLEMS WHETHER CHURCHILL TALKED
ABOUT THEM OR NOT. RESTON ALSO INQUIRED AS TO RECENT CHANGES IN THE
STATE DEPT AND WEBB DISCUSSED THE SIGNIFICANCE AND HISTORY OF THESE
CHANGES. A REPORTED RESIGNATION OF SECRETARY OF STATE DEAN ACHESON
WAS ALSO DISCUSSED.

HOOD

7

12-18-51

WASHINGTON FROM WASH FIELD

18

9:30 P.M.

DIRECTOR

U R G E N T

DREW PEARSON, ALLEGED LEAK FROM WHITE HOUSE CONFERENCE DECEMBER TEN, FIFTY ONE, TO JACK ANDERSON, LEG-MAN FOR DREW PEARSON, ESPIONAGE DASH X. SECRETARY OF

NAVY DAN KIMBALL INTERVIEWED TODAY AND ADVISED HE WAS ABSENT FROM TOWN AT TIME OF WHITE HOUSE CONFERENCE DECEMBER TEN LAST AND IN HIS STEAD CONFERENCE WAS ATTENDED BY UNDERSECRETARY FRANCIS WHITEHAIR. KIMBALL RELATED FOLLOWING CONFERENCE WHITEHAIR DISCUSSED SAME WITH HIM ONLY IN GENERAL TERMS AND DID NOT

FURNISH TO HIM A SUMMARY OF STATEMENTS MADE BY THOSE IN ATTENDANCE WITH THE EXCEPTION OF FURNISHING BRIEF RESUME OF REMARKS BY MR. WHITEHAIR AND ADMIRAL FECHTELER. KIMBALL RELATED HE HAD DISCUSSED CONFERENCE PROCEEDINGS WITH

NOONE, MADE NO MEMORANDUM OR NOTES PERTAINING TO CONFERENCE AS RECEIVED FROM MR. WHITEHAIR. HE ADVISED HE LEARNED LATE THE FOLLOWING EVENING OR MORNING DECEMBER TWELVE FROM UNDERSECRETARY WHITEHAIR OF ANDERSON-S CONVERSATIONS

WITH WHITEHAIR AND OF THE OBVIOUS LEAK OF INFORMATION CONCERNING THE CONFERENCE DISCUSSIONS. HE STATED HE REPORTED THIS MATTER THE SAME MORNING TO ADMIRAL FECHTELER AND ADMIRAL FECHTELER, IN TURN, GAVE THE INFORMATION TO ADMIRAL

DENNISON, WHO INFORMED THE PRESIDENT. SECRETARY KIMBALL ADVISED HE HAD NO SUGGESTION AS TO THE IDENTITY OF ANY POSSIBLE SOURCE TO PEARSON, ANDERSON OR ROBERT S. ALLEN.

10-30-97 79W 06-A 6-15-92
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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3-28-88 BY SP5/BJL/bk

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65-6060
MAT/CAG:DDJ.

RAH
65 DEC 27 1951

9 ✓

12-18-51

WASHINGTON FROM WASH FIELD

18

9:30 P.M.

DIRECTOR

U R G E N T

DREW PEARSON, ALLEGED LEAK FROM WHITE HOUSE CONFERENCE DECEMBER TEN, FIFTY ONE, TO JACK ANDERSON, LEG-MAN FOR DREW PEARSON, ESPIONAGE DASH X. COPIES OF *Handwritten initials*

DREW PEARSON COLUMNS NOW AVAILABLE WHICH APPEARED PHILADELPHIA INQUIRER AND NEW YORK MIRROR DECEMBER FIFTEEN, FIFTY ONE, DISPLAYED TO CLAYTON FRITCHEY, DIRECTOR OF PUBLIC INFORMATION, DEFENSE DEPT., TODAY. FRITCHEY STATED BOTH COLUMNS ARE REASONABLE ACCURATE ACCOUNTS OF THE MATERIAL ORIGINALLY DISPLAYED TO HIM BY JACK ANDERSON AT PEARSON HOME NIGHT DECEMBER TWELVE TO BEST OF HIS RECOLLECTION. HE NOTED SEVERAL VARIANCES IN TEXT AND STATED HE WOULD PREFER THAT OF PHILADELPHIA INQUIRER AS TABLOIDS HAVE TENDENCY TO EDIT OR DELETE. AT THIS TIME, FRITCHEY ADVISED THAT ON EVENING DECEMBER SEVENTEEN, HE HAD RECEIVED INVITATION FROM MRS. LUVIE PEARSON, WIFE OF SUBJECT, TO PLAY BRIDGE AT THE PEARSON RESIDENCE TONIGHT, DECEMBER EIGHTEEN. HE EXPRESSED THE THOUGHT THAT MR. PEARSON MAY HAVE IN MIND MAKING SOME DISCREET INQUIRIES OF FRITCHEY CONCERNING CURRENT DEVELOPMENTS ARISING FROM THE LEAK, WHICH IS THE SUBJECT OF INSTANT INVESTIGATION, AND INQUIRED WHETHER HE SHOULD ADMIT THAT HE HAD BEEN INTERVIEWED. FRITCHEY WAS TOLD THAT NO SUGGESTIONS OR INSTRUCTIONS OR THIS NATURE COULD BE GIVEN TO HIM. IT WAS POINTED OUT TO MR. FRITCHEY THE INVESTIGATION WAS CONDUCTED ON A CONFIDENTIAL BASIS, AND AT THE INSTRUCTIONS OF THE PRESIDENT. COLONEL CHESTER V. CLIFTON, PRESS AIDE TO GENERAL OMAR BRADLEY, ALSO WAS RECONTACTED THIS DATE, AND DREW PEARSON COLUMN AS IT APPEARED IN NY MIRROR OF DECEMBER FIFTEEN ABOVE, ~~RECORDED~~ 165-605-13-21. CLIFTON STATED THAT

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Handwritten numbers: 3

PAGE TWO

THE COLUMN DISPLAYED TO HIM FOLLOWED GENERALLY HIS RECOLLECTION OF THE CONTENTS
OF THE MATERIAL WHICH ANDERSON SHOWED TO GENERAL BRADLEY, AND WHICH THE
GENERAL READ TO COLONEL WILLIS MATTHEWS AND HIMSELF ON THE EVENING OF DECEMBER
TWELVE. HE REMARKED THAT ALL OF THE POINTS APPEARED IN THE PUBLISHED COLUMN.
HE STATED THE FIRST PARAGRAPH IN THIS COLUMN DID NOT STRIKE HIM AS BEING
IDENTICAL IN FORM, ALTHOUGH HE THOUGHT THAT WAS AN INTRODUCTION CONTAINING
MUCH THE SAME THOUGHT AS IN THE ANDERSON MATERIAL. HE PARTICULARLY NOTED THAT
THE TWO ITEMS WHICH WERE OBJECTIONABLE AND HAD BEEN MARKED FOR DELETION BY
GENERAL BRADLEY DID NOT APPEAR AND THAT THE ITEMS CORRECTED AS AGREED UPON
DID APPEAR IN THE COLUMN. COLONEL CLIFTON IDENTIFIED THE REPORTER OF
ALLEN WHO COVERS THE PENTAGON AS PAUL SCOTT, SAYING HE OCCUPIES ABOUT THE
SAME RELATION AS ANDERSON DOES TO PEARSON.

HOOD

Mr. Keenan

Mr. Tolson	✓
Mr. Boardman	✓
Mr. Nichols	✓
Mr. Belmont	✓
Mr. Mohr	✓
Mr. Casper	✓
Mr. Callahan	✓
Mr. Conrad	✓
Mr. DeLoach	✓
Mr. Evans	✓
Mr. Gale	✓
Mr. Rosen	✓
Mr. Sullivan	✓
Mr. Tavel	✓
Mr. Trotter	✓
Tele. Room	✓
Mr. Nease	✓
Miss Gandy	✓

WASHINGTON FROM WASH FIELD 12/19/51

DIRECTOR

URGENT

DREW PEARSON. ALLEGED LEAK FROM WHITE HOUSE CONFERENCE, DECEMBER TEN FIFTYONE, TO JACK ANDERSON, LEGMAN FOR DREW PEARSON. ESPIONAGE X. ADMIRAL SIDNEY W. SOUERS INTERVIEWED TODAY AND UNABLE IDENTIFY INDIVIDUAL RESPONSIBLE FOR LEAK. ADVISED IN HIS OPINION ACTUAL CONFERENCE INACCURATELY REPORTED IN BOTH PEARSON AND ALLEN COLUMNS WHICH HE STATES APPARENTLY WERE WRITTEN ON BASIS OF INFORMATION FROM IDENTICAL SOURCE. STATES OPINION PEARSON AND ALLEN ARTICLES COULD HAVE BEEN PREPARED PRIMARILY ON BASIS OF CURRENT AND ACUTE KNOWLEDGE OF POLITICAL EVENTS PLUS AT LEAST SOME AID FROM INDIVIDUAL HAVING ACCESS TO WHAT WAS DISCUSSED AT CONFERENCE. ADVISED IN HIS OPINION CONFERENCE INVOLVED WAS NOT OF UNUSUAL IMPORTANCE, STATED BOTH COLUMNS FAILED TO REPORT ANY OF THE FOUR ITEMS WHICH HE CONSIDERED OF MAJOR SIGNIFICANCE WHICH WERE DISCUSSED AT CONFERENCE.

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HOOD
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RECORDED - 38

65-60573-27

DEC 20 1951

cc: Mr. Belmont
5

RPH
NT

65 DEC 27 1951

WASHINGTON FROM WASH FIELD 12/20/51

DIRECTOR

URGENT

DREW PEARSON. ALLEGED LEAK FROM WHITE HOUSE CONFERENCE
DECEMBER TEN FIFTYONE TO JACK ANDERSON, LEGMAN FOR DREW
PEARSON. ESPIONAGE - X.

ADMIRAL DENNISON REINTERVIEWED TODAY AT WHICH TIME SUMMARIZED
FOR AGENTS NOTES MADE COVERING CONFERENCE BY JAMES LAY. AS
INDICATED BEFORE BY OTHER SOURCES, BOTH THE PEARSON AND ALLEN
COLUMNS MISSED SEVERAL IMPORTANT MATTERS WHICH WERE ACTUALLY
DISCUSSED AT CONFERENCE, REPORTED ON MATTERS WHICH WERE
DISCUSSED WITHOUT COMPLETE ACCURACY. DENNISON ADVISED THAT
AFTER REVIEW OF LAY NOTES, HE IS EVEN MORE CONVINCED IN HIS
OPINION THAT BOTH COLUMNS WERE BASED ON INFORMATION ACTUALLY
FURNISHED FROM CONFERENCE AND THAT THEY WERE NOT WRITTEN PURELY
ON BASIS OF SPECULATION AND ACUTE AWARENESS OF KOREAN NEGOTIATIONS.
LAY NOTES SUBSTANTIATE DENNISON'S STATEMENT THAT CONSIDERABLE
PORTION OF CONFERENCE DEVOTED TO EUROPEAN DISCUSSION WHICH, AS
BUREAU KNOWS, NOT COVERED IN EITHER COLUMN. JOSEPH SHORT INTER-
VIEWED AND HAS FURNISHED COPY OF ACTUAL NEWSPAPER RELEASE MADE
IN CONNECTION WITH CONFERENCE INCLUDING QUESTIONS ASKED BY
REPORTERS AND HIS ANSWERS THERETO, REVIEW OF WHICH DOES NOT
INDICATE EITHER COLUMN COULD HAVE BEEN BASED THEREON.

RECORDED - 112 65-60573-30

65 DEC 27 1951

HOOD

KTD:VIN

ORIGINAL - DIRECTOR

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DATE 3-28-88 BY SP-8 BJS/BJL

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. A. H. BELMONT *AB*

FROM : MR. F. J. BAUMGARDNER *FJB*

SUBJECT: ALLEGED LEAK FROM WHITE HOUSE CONFERENCE
 DECEMBER 10, 1951
 TO JACK ANDERSON, LEG-MAN FOR DREW PEARSON
 ESPIONAGE - X

DATE: December 20, 1951

- Tolson _____
- Ladd _____
- Clegg _____
- Glavin _____
- Nichols _____
- Rosen _____
- Tracy _____
- Harbo _____
- Belmont _____
- Mohr _____
- Tele. Room _____
- Nease _____
- Gandy _____

At 11:45 a.m., 12/20/51, Supervisor McAndrews of the NYO called in connection with the captioned matter. He stated that in reply to a telephonic request from Inspector C. E. Hennrich, investigation had been made at the Bell Syndicate, New York, on December 20, 1951, and that the following facts had been developed:

Drew Pearson's column was filed with the Bell Syndicate by teletype wire direct from Pearson's home to the New York Office of Bell Syndicate at approximately 4:00 p.m., December 11, 1951. A change for this column came through from Pearson, by wire, on December 12, 1951. Pearson's column carried the date-line, Washington, 12/14/51. The change reads as follows:

"One hour after column's release (that would be 5:00 p.m., 12/11/51), President Truman asked General Bradley to use his influence to stop its publication. As a result, the column in question, half of which pertained to the meeting with the Joint Chiefs of Staff on Monday (12/10/51) was submitted personally to General Bradley for his perusal. General Bradley did not concur with the President that the column should be killed. However, he has suggested the following changes, which I am happy to make.

"Second paragraph, under caption 'Silent Admiral,' should read: 'President Truman commented that no concessions should be granted that we would later regret.'

"Next last paragraph, make third and closing sentence read: 'Some details will be left to iron out after the December 27 deadline.' In other words, omit 'though' and words 'we are sure to grant a short extension to clear them up.'

"Many thanks. (signed) Drew Pearson"

RECORDED - 112

65-62273-31
[Handwritten initials]

ALL INFORMATION CONTAINED
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 DATE 3-28-88 BY SP4 JAK

FJB:LL

65 DEC 27 1951

5-20

The New York Office of the Bureau obtained the original column as filed by Pearson with the Bell Syndicate, as well as the original correction. The NYO is still working on the Post-Hall Syndicate to obtain the requested information concerning Robert Allen's column.

WASHINGTON FROM WASH FIELD 12/20/51

DIRECTOR

URGENT

DREW PEARSON. ALLEGED LEAK FROM WHITE HOUSE CONFERENCE
DECEMBER TEN FIFTYONE TO JACK ANDERSON, LEGMAN FOR DREW
PEARSON. ESPIONAGE - X.

ADMIRAL DENNISON REINTERVIEWED TODAY AT WHICH TIME SUMMARIZED
FOR AGENTS NOTES MADE COVERING CONFERENCE BY JAMES LAY. AS
INDICATED BEFORE BY OTHER SOURCES, BOTH THE PEARSON AND ALLEN
COLUMNS MISSED SEVERAL IMPORTANT MATTERS WHICH WERE ACTUALLY
DISCUSSED AT CONFERENCE, REPORTED ON MATTERS WHICH WERE
DISCUSSED WITHOUT COMPLETE ACCURACY. DENNISON ADVISED THAT
AFTER REVIEW OF LAY NOTES, HE IS EVEN MORE CONVINCED IN HIS
OPINION THAT BOTH COLUMNS WERE BASED ON INFORMATION ACTUALLY
FURNISHED FROM CONFERENCE AND THAT THEY WERE NOT WRITTEN PURELY
ON BASIS OF SPECULATION AND ACUTE AWARENESS OF KOREAN NEGOTIATIONS.
LAY NOTES SUBSTANTIATE DENNISON'S STATEMENT THAT CONSIDERABLE
PORTION OF CONFERENCE DEVOTED TO EUROPEAN DISCUSSION WHICH, AS
BUREAU KNOWS, NOT COVERED IN EITHER COLUMN. JOSEPH SHORT INTER-
VIEWED AND HAS FURNISHED COPY OF ACTUAL NEWSPAPER RELEASE MADE
IN CONNECTION WITH CONFERENCE INCLUDING QUESTIONS ASKED BY
REPORTERS AND HIS ANSWERS THERETO, REVIEW OF WHICH DOES NOT
INDICATE EITHER COLUMN COULD HAVE BEEN BASED THEREON.

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Hedrich

RECORDED - 11265-60573-32

Mr. Tolson	_____
Mr. Ladd	_____
Mr. Nichols	_____
Mr. Belmont	_____
Mr. Clegg	_____
Mr. Glavin	_____
Mr. Harbo	_____
Mr. Rosen	_____
Mr. Tracy	_____
Mr. Laughlin	_____
Mr. Mohr	_____
Tele. Room	_____
Mr. Nease	_____
Miss Gandy	_____

CONF WASH AND WASH FLD 15 FROM NEW YORK 20 3-42 P
 DIRECTOR AND SAC VERY URGENT

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 DATE 3-28-88 BY SP4 JAB

ATTN. INSP. HENNRICH

DREW PEARSON, ALLEGED LEAK FROM WHITE HOUSE CONFERENCE DEC TENTH, FIFTY ONE, TO JACK ANDERSON, LEG MAN FOR DREW PEARSON, ESP - X. [REDACTED]

[REDACTED] OF BELL SYNDICATE, INC, TWO TWO NINE WEST FORTYTHIRD ST, NYC, A SUBSIDIARY OF NORTH AMERICAN NEWSPAPER ALLIANCE, INC., WAS INTERVIEWED IN HIS OFFICE ON THE MORNING OF DEC TWENTIETH. HE ADVISED THAT DREW PEARSON HAS HIS OFFICE IN HIS HOME IN WASH, DC, IN WHICH IS LOCATED A TELETYPE WHICH HE USES IN DISPATCHING HIS NEWS RELEASES TO BELL SYNDICATE. UPON RECEIPT OF THESE TELETYPES FROM PEARSON, THEY ARE READ BY [REDACTED] TO DETERMINE IF THEY MIGHT CONTAIN MATERIAL THAT IS LIBELOUS OR SLANDEROUS AGAINST THE PUBLIC INTEREST OR AGAINST SECURITY MATTERS IN GENERAL. THEREAFTER THEY ARE SENT TO ANY ONE OF A NUMBER OF EDITORS IN THE SYNDICATE WHO PROOFREAD THEM FOR GRAMMATICAL CORRECTIONS AND OTHER JOBS NORMALLY DONE BY AN EDITOR FOR A COLUMNIST. HE STATED HOWEVER THAT IN NO INSTANCE DO THEY CHANGE THE CONTENT OF ANY OF PEARSONS RELEASES WITHOUT CLEARING THEM DIRECTLY WITH PEARSON. [REDACTED] STATED THAT IN PRACTICALLY ALL INSTANCES WHEREVER THERE IS SOME MATERIAL THEY ARE NOT SURE OF HE PERSONALLY CONTACTS PEARSON BY TELEPHONE FOR CLAFI- FICATION. HE STATED HE RECALLED PEARSONS ARTICLE OF DEC FIFTEEN

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b7c

RECORDED - 112

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END PAGE ONE

5/26

PAGE TWO

THAT APPEARED IN NY DAILY MIRROR PARTICULARLY BECAUSE OF THE FACT THAT THERE WAS A FOLLOWUP TELETYPE WITH SOME CORRECTIONS THEREON. HE SUBSEQUENTLY OBTAINED FROM HIS FILE THE ORIGINAL TELETYPE MESSAGE SENT FROM PEARSONS OFFICE IN WASHINGTON TOGETHER WITH THE FOLLOWUP CORRECTION THAT HE HAD RECD FROM PEARSONS OFFICE. IT APPEARS THAT THE ORIGINAL TELETYPE MESSAGE FROM PEARSON WAS DATED DEC ELEVENTH, THE CORRECTED TELETYPE WAS DATED DEC TWELFTH. [] RELEATED THAT THIS IS A MORE OR LESS STANDARD PROCEDURE IN DEALING WITH PEARSON WHEREBY THEY RECEIVE THE STORY AT LEAST THREE TO FOUR DAYS BEFORE ITS PUBLICATION. AFTER RECEIPT OF NEWS STORIES FROM PEARSON THEY SEND OUT THE EDITED COPY BY TELETYPE TO CHICAGO AND SAN FRANCISCO, WHICH OFFICES THEN SEND IT TO OTHER SUBSCRIBERS IN THOSE AREAS VIA MAIL. THERE IS SET FORTH HEREAFTER A COPY OF THE PERTINENT PORTION OF PEARSONS STORY THAT APPEARS IN THE TELETYPES OBTAINED FROM [] A PHOTOSTATIC COPY OF THE BELL SYNDICATES TELETYPE TOGETHER WITH THE CORRECTION WILL BE FORWARDED TO THE BUREAU UNDER SEPARATE COVER.

QUOTE FROM THE BELL SYNDICATE, INC.--RELEASE SATURDAY, DEC. 15, 1951.

b6
b7c

DREW PEARSON

ON

THE WASHINGTON MERRY-GO-ROUND

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DREW PEARSON SAYS.../CAPS/ TRUMAN GOT FAVORABLE REPORT ON KOREAN
END PAGE TWO

PAGE THREE

TRUCE AT JOINT CHIEFS MEETING. U. S. TROOPS COULD STAY IN KOREA
TILL "HELL FREEZES OVER." TOP EXECUTIVES DESERTING TRUMAN.

/END CAPS/

WASHINGTON.--MOST OF THE WORLD WAS INTRIGUED OVER PRESIDENT
TRUMAN-S MUCH-PUBLICIZED MEETING WITH THE JOINT CHEIFS OF STAFF FOL-
LOWING HIS RETURN FROM KEY WEST. HOWEVER, IT TURNED OUT TO BE
PRETTY MUCH ROUTINE AFTER ALL. HIGHLIGHT OF THE MEETING WAS AN
OPTIMISTIC ASSURANCE FROM GEN. OMAR BRADLEY THAT A CEASE-FIRE
COULD BE WORKED OUT IN KOREA.

THE NATION-S HIGHEST DIPLOMATIC AND MILITARY CHIEFS WERE WAITING
IN THE CABINET ROOM WHEN PRESIDENT TRUMAN STRODE IN. HE WAS GRINNING
BROADLY. SHAKING HANDS WITH EVERYONE AROUND THE CONFERENCE TABLE,
HE REPORTED THAT IT WAS "GOOD TO BE BACK," AND ASKED HOW THEY LIKED
HIS SUN TAN.

AFTER THAT, HE LET THE JOINT CHIEFS OF STAFF DO MOST OF THE TALK-
ING, AND HERE IS A BRIEF, CHRONOLOGICAL ACCOUNT OF WHAT HAPPENED AT
THE MEETING WHICH CAUSED SO MUCH WORLD-WIDE SPECULATION.....

THE PRESIDENT SAT BACK, LISTENED INTENTLY AND CALLED FOR EVERY-
ONE-S VIEWS. OCCASIONALLY, HE BOUNCED HIS FINGERS TOGETHER REFLECTIVE-
LY, IN A QUICK, IMPULSIVE GESTURE, AND MADE SUCH COMMENTS AS...
"THAT-S A TOUGH ONE."

GENERAL BRADLEY LED OFF WITH A SUMMARY OF THE KOREAN SITUATION.
HE REPORTED THAT THE COMMUNISTS SEEMED TO BE READY TO COME TO TERMS,
THAT A CEASE-FIRE AGREEMENT COULD BE WORKED OUT IF BOTH SIDES MADE
CONCESSIONS.

END OF PAGE THREE

PAGE FOUR

HOWEVER, GEN. HOYT VANDERBERG, AIR CHIEF OF STAFF, OPPOSED MAKING ANY MAJOR CONCESSIONS. HE WAS PARTICULARLY ADAMANT AGAINST ALLOWING THE COMMUNISTS THE RIGHT TO BUILD AIRFIELDS DURING THE CEASE FIRE.

GEN. J. LAWTON COLLINS, THE ARMY CHIEF OF STAFF, VIGOROUSLY OPPOSED GIVING IN TO THE COMMUNISTS ON TROOP ROTATION. THE CHINESE HAVE PROPOSED A FREEZE ON ALL TROOPS ENTERING KOREA, THUS BLOCKING REPLACEMENTS FOR COMBAT VETERANS WHO HAVE BEEN PROMISED THE CHANCE TO GO HOME ON ROTATION. THIS WOULD BE A "BLOW TO MORALE," COLLINS WARNED.

--SILENT ADMIRAL--

HOWEVER, GENERAL COLLINS READILY AGREED THAT "MINOR CONCESSIONS" ON OTHER POINTS SHOULD BE MADE IN ORDER TO WIN CONCESSIONS FROM THE COMMUNISTS.

PRESIDENT TRUMAN'S ONLY COMMENT WAS THAT EVERY EFFORT SHOULD BE MADE TO REACH A CEASE-FIRE, BUT NO CONCESSIONS SHOULD BE GRANTED THAT WE "WOULD LATER REGRET."

/MORE/

MERRY-GO-ROUND--SATURDAY, DECEMBER 15--PAGE 2.

LEAST TALKATIVE OF THE JOINT CHIEFS WAS ADMIRAL FECHTELER, WHO MADE A SHORT, HALF-MINUTE SPEECH IN WHICH HE ASSURED THE PRESIDENT THAT THE NAVY IS PREPARED TO CARRY OUT "ANY MISSION ANY TIME ANY PLACE."

END OF PAGE FOUR

PAGE FIVE

FOR THE ARMY-S PART, GENERAL COLLINS ASSURED THE PRESIDENT THAT THE ARMY COULDN-T BE BLASTED OUT OF KOREA, BUT COULD HOLD ON "UNTIL HELL FREEZES OVER."

ANOTHER CONCESSION DISCUSSED WAS THAT OF GIVING IN TO THE COMMUNISTS ON INSPECTION TEAMS BEHIND THE LINES. WE HAVE BEEN HOLDING OUT FOR INSPECTION BY JOINT U. N. COMMUNIST TEAMS, BUT THE REDS HAVE BEEN ARGUING FOR INSPECTION BY "NEUTRAL NATIONS."

BY NEUTRAL NATIONS, THE COMMUNIST NEGOTIATORS SAID THEY MEANT POLAND AND CZECHOSLOVAKIA. LATER, HOWEVER, THEY AGREED THAT THEY WOULD ALSO CONSIDER DENMARK, SWEDEN AND SWITZERLAND AS "NEUTRAL NATIONS." THESE THREE WOULD BE ACCEPTABLE TO US, AND GENERAL BRADLEY PROPOSED GIVING GROUND ON THIS POINT. THIS HAS NOW BEEN DONE.

THE CHIEF THEME OF THE MEETING WAS THAT A CEASE-FIRE AGREEMENT MAY BE CLOSE AT HAND. ALL SIGNS POINT TO A SETTLEMENT WITHIN THE NEXT TWENTY DAYS. THOUGH SOME DETAILS WILL BE LEFT TO IRON OUT AFTER THE DECEMBER TWENTYSEVEN DEADLINE, WE ARE SURE TO GRANT A SHORT EXTENSION TO CLEAN THEM UP.

ANOTHER MATTER THAT WAS DISCUSSED AT THE WHITE HOUSE WAS THE QUESTION OF WITHDRAWING U. N. TROOPS FROM KOREA ALTOGETHER--AFTER THE ARMISTICE. HOWEVER, THE FACTS REGARDING THIS SHOULD NOT BE MADE PUBLIC NOW. UNQUOTE. QUOTE FROM THE BELL SYNDICATE, INC, 229 W. 43 ST., NEW YORK.

PAGE SIX

CONFIDENTIAL TO EDITORS.

ONE HOUR AFTER THE COLUMN RELEASED FOR DECEMBER 15 WAS ON THE TELETYPE TO NEW YORK, PRESIDENT TRUMAN ASKED GENERAL BRADLEY PERSONALLY TO USE HIS INFLUENCE TO STOP ITS PUBLICATION.

AS A RESULT THE COLUMN IN QUESTION, HALF OF WHICH PERTAINED TO THE PRESIDENT-S MEETING WITH THE JOINT CHIEFS OF STAFF ON MONDAY WAS SUBMITTED PERSONALLY TO GENERAL BRADLEY FOR HIS PERUSAL.

GENERAL BRADLEY DID NOT CONCUR WITH THE PRESIDENT THAT THE COLUMN SHOULD BE KILLED. HOWEVER, HE HAS SUGGESTED TWO CHANGES WHICH I AM HAPPY TO MAKE.

THE SECOND PARAGRAPH UNDER CAPTION "SILENT ADMIRAL" SHOULD READ "PRESIDENT TRUMAN COMMENTED THAT NO CONCESSIONS SHOULD BE GRANTED THAT WE -WOULD LATER REGRET.-"

ALSO IN THE NEXT TO THE LAST PARAGRAPH OF THE STORY MAKE THE THIRD AND CLOSING SENTENCE OF THIS PARAGRAPH READ..."SOME DETAILS WILL BE LEFT TO IRON OUT AFTER THE DECEMBER 27 DEADLINE." IN OTHER WORDS, OMIT THE WORD "THOUGH" AND THE WORDS "WE ARE SURE TO GRANT A SHORT EXTENSION TO CLEAN THEM UP."

MANY THANKS,

DREW PEARSON

THE FOLLOWING INFO WAS OBTAINED FROM THE POST HALL SYNDICATE INC., TWO NINE FIVE MADISON AVE., NYC, [REDACTED]

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[REDACTED] ADVISED THAT THE COLUMN FROM ROBERT S. ALLEN FOR DECEMBER THIRTEEN
END OF PAGE SIX

PAGE SEVEN

LAST WAS RECEIVED BY THE POST HALL SYNDICATE ON DECEMBER ELEVEN LAST THROUGH THE MAIL AND DISTRIBUTED THROUGH THE MAIL BY THE SYNDICATE ON THE SAME DATE MARKED FOR RELEASE ON OR AFTER DECEMBER THIRTEEN LAST. THE COLUMN CONTAINS INFO ABOUT THE ATTORNEY GENERAL OF THE UNITED STATES AND DATA CONCERNING INCOME TAX AND LABOR SITUATIONS IN ADDITION TO THE PERTINENT COLUMN IN THE "NEW YORK POST." THE ORIGINAL RECEIVED FROM MR. ALLEN IS MARKED WITH CORRECTIONS WHICH ARE OF INDIVIDUAL WORDS AND NOT OF ANY PERTINENT PARAGRAPHS. [REDACTED] ADVISED THAT THESE CORRECTIONS WERE MADE AFTER DICTATION BY MR. ALLEN AND THAT IT IS CUSTOMARY IN ALL OF HIS COLUMNS TO RECEIVE MATERIAL SO MARKED. [REDACTED] ADVISED THAT HE COULD NOT MAKE AVAILABLE THE ORIGINAL COPY OF MR. ALLEN-S WITHOUT SPECIFICALLY OBTAINING MR. ALLEN-S PERMISSION, WHICH HE INDICATED HE WOULD NOT LIKE TO DO, HOWEVER, HE PERMITTED THE AGENTS TO LOOK OVER THE ORIGINAL COPY OF THE COLUMN AND IT WAS NOTED THAT NO MATERIAL, PHRASES OR PARAGRAPHS WERE DELETED THEREFROM. [REDACTED] FURTHER ADVISED THAT POST HALL SYNDICATE EXAMINED THE COPY FOR POSSIBLE LIABILITIES AND HE STATED THAT THIS IS CUSTOMARY PRACTICE IN PUBLISHING ALL OF THEIR COLUMNS THAT ARE HANDLED BY THEIR SYNDICATE AND THAT THEY DID NOT IN THIS CASE MAKE ANY DELETIONS OR CORRECTIONS. IN REGARD TO THE PERTINENT COLUMN AS IT APPEARED IN THE "NY POST" THE MIMEOGRAPHED COPY DISTRIBUTED BY POST HALL A PHOTOSTAT COPY OF WHICH FOLLOWS BY MAIL, IS AS

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END OF PAGE SEVEN

PAGE EIGHT

FOLLOWS... "WHAT THE REDS WANT DASH THE UN CAN HAVE A CEASE FIRE IN KOREA, BUT AT THE COST OF IMPORTANT CONCESSIONS TO THE REDS. THAT-S WHAT THE JOINT CHIEFS TOLD THE PRESIDENT IN THEIR BIG CONFERENCE WITH HIM AFTER HIS RETURN. GENERAL BRADLEY DECLARED THE PROTRACTED TRUCE NEGOTIATIONS HAVE REACHED THE POINT -WHERE A FEW CONCESSIONS ON BOTH SIDES COULD BRING AN AGREEMENT IF THE COMMUNISTS REALLY WANT ONE.-

-WHAT DO THEY WANT /Q/- ASKED THE PRESIDENT. -THE DEADLOCK GETS DOWN TO THIS,- EXPLAINED BRADLEY. -WE ARE DEMANDING THE RIGHT TO CONTINUE TO ROTATE OUR TROOPS AS WE HAVE BEEN DOING FOR MONTHS. THE REDS ARE FLATLY REFUSING TO ALLOW THAT. THEY ARE INSISTING ON A COMPLETE FREEZE ON REPLACEMENTS AND WEAPONS. BUT THEY HAVE INDICATED THEY WOULD MAKE CONCESSIONS ON THAT IF WE WILL ALLOW THEM TO BUILD SOME AIRFIELDS IN NORTH KOREA. WE HAVE REFUSED TO DO THAT. OBVIOUSLY, THEY ARE USING THE ROTATION ISSUE TO TRY TO WREST CONCESSIONS FROM US ON THE AIRFIELD DEMAND.- GENERAL HOYT VANDENBERG VIGOROUSLY OPPOSED GIVING ANY GROUND ON THAT. -I WANT A CEASE FIRE, IF ONE CAN BE WORKED OUT THAT IS FAIR AND PROPER,- DECLARED THE AIR CHIEF OF STAFF. -BUT I DON-T SEE HOW WE CAN SAFELY DO ANY-

END OF PAGE EIGHT

PAGE NINE

THING THAT WILL ENABLE THE REDS TO BUILD UP THEIR AIR STRENGTH. THAT IS WHAT PERMITTING THEM TO BUILD AIRFIELDS WILL AMOUNT TO. SUCH BASES IN NORTH KOREA WILL BE OF GREAT COMBAT VALUE TO THEM, IF THEY DECIDE TO BREAK THE TRUCE NEXT SPRING, WHICH I WOULDN-T PUT PAST THEM.-

GENERAL J. LAWTON COLLINS WAS INCLINED TO FAVOR SOME TERMS ON THE AIRFIELD DISPUTE. HE THOUGHT SOMETHING COULD BE WORKED OUT ON THAT.

BUT THE ARMY CHIEF OF STAFF WAS ADAMANT IN INSISTING THE COMMUNISTS BE REQUIRED TO AGREE TO ROTATION OF UN TROOPS. -THAT WOULD BE A SERIOUS BLOW TO THE MORALE OF OUR MEN,- COLLINS ARGUED. -I AM STRONGLY OPPOSED TO ANY CONCESSIONS ON THAT. IT IS AN UNFAIR DEMAND, AND THE ONLY REASON THE REDS ON MAKING IT IS TO TRY TO FORCE US TO GIVE IN ON AIRFIELDS. OUR ARMY CAN HOLD THE PRESENT LINE UNTIL HELL FREEZES OVER, AND I AM FLATLY OPPOSED TO GIVING THE SLIGHTEST GROUND ON THE REPLACEMENT ISSUE. THE REDS WOULD HAVE THE SAME RIGHT AS US ON THAT, AND I DON-T SEE WHY THEY SHOULD OBJECT TO IT, EXCEPT FOR TRADING PURPOSES.- BRADLEY AGREED WITH COLLINS, BUT EMPHASIZED THE IMPORTANCE OF NOT ALLOWING THE COMMUNISTS TO BUILD UP A POWERFUL

END PAGE NINE

PAGE TEN

AIRFORCE. PRESIDENT TRUMAN LISTENED INTENTLY TO THE MILITARY LEADERS AND SAID NOTHING UNTIL THEY FINISHED. THEN HE TOLD THEM...-AS YOU KNOW I AM VERY ANXIOUS TO BRING THE FIGHTING TO AN END IF THAT IS POSSIBLE. BUT I WILL NOT AGREE TO CONCESSIONS TO THE COMMUNISTS THAT WE MAY REGRET LATER ON. WE WANT TO BE VERY CAREFUL THAT WE DO NOT SELL OURSELVES SHORT IN OUR EAGERNESS TO SECURE A TRUCE FOR OUR MEN.- ALSO DISCUSSED WAS THE QUESTION OF BUILDING UP THE SOUTH KOREAN ARMY, AS THIS COLUMN HAS REPORTED WAS PROPOSED BY GENERAL RIDGWAY. HE WANTS TO INCREASE THE ROK DIVISIONS FROM ELEVEN TO TWENTY. NO DECISION WAS REACHED ON THE MATTER, BUT PRESIDENT TRUMAN STRONGLY APPROVED THE PLAN. -I AM FOR PROMPT ACTION ON THAT,- HE SAID. -IT SEEMS TO ME A VERY SOUND THING TO DO. SIMILARLY, THE PRESIDENT APPROVED MOVING TO KOREA ONE OF THE TWO NATIONAL GUARD DIVISIONS NOW IN JAPAN. THIS HAS BEEN SUGGESTED BY RIDGWAY IN ORDER TO PERMIT THE TRANSFER OF ONE OF THE BATTLE DASH EXPERIENCED DIVISIONS IN KOREA TO EUROPE. GENERAL EISENHOWER HAS REQUESTED THAT." IT WILL BE NOTED THAT THE MIMEOGRAPHED COPY IS IDENTICAL WITH THE COLUMN THAT APPEARED IN THE "NY POST" BLUE EDITION OF DECEMBER THIRTEEN LAST. HOWEVER, IT WILL FURTHER BE NOTED THAT THE "NY POST" COLUMN CONCLUDES WITH THE STATEMENT "ALSO DISCUSSED WITH THE QUESTION OF BUILDING UP THE

END PAGE TEN

PAGE ELEVEN

SOUTH KOREAN ARMY AS THIS COLUMN HAS REPORTED WAS PROPOSED BY GENERAL RIDGWAY," WHEREAS THE MIMEOGRAPHED COPY CONTINUES AS QUOTED ABOVE.

A MIMEOGRAPHED COPY OF THE ENTIRE RELEASE WAS MADE AVAILABLE [REDACTED] [REDACTED] TO THE AGENTS AND IS BEING RETAINED IN THIS OFFICE. [REDACTED]

STATED THAT THIS MIMEOGRAPHED COPY WAS SENT TO ALL OF THE NEWSPAPERS SUBSCRIBING TO ALLEN-S COLUMN AND THAT IN HIS OPINION THE COLUMN IN THE "NY POST" BLUE FINAL EDITION OF DEC THIRTEEN LAST WAS CUT FOR SPACE SAVING REASONS. HE ADVISED THAT IT IS CUSTOMARY FOR NEWSPAPERS RECEIVING COPIES OF THE COLUMNS TO PRINT ANY PORTION OR ALL OF THE COLUMN AT THEIR DISCRETION. HE DID STATE THAT THE "PHILADELPHIA DAILY NEWS" USUALLY PUBLISHES THE ENTIRE RELEASE AS SENT OUT BY POST HALL BUT HE DID NOT KNOW WHETHER THEY HAD DONE IT ON THIS OCCASION. NO LEAD IS BEING SET OUT FOR THE PHILA OFFICE, IT IS LEFT TO THE BUREAU-S DISCRETION. IT IS NOTED THAT [REDACTED] REQUESTED THAT HIS IDENTITY IN THIS MATTER BE KEPT CONFIDENTIAL AND IT IS SUGGESTED THAT THE BUREAU BE DISCREET IN USING THE NAMES OF INDIVIDUALS CONNECTED WITH BOTH THE POST HALL SYNDICATE AND THE BELL SYNDICATE.

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SCHEIDT

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END

NY R 15 WA JG

cc Mr. Belmont
Mr. [unclear]

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, FBI

DATE: December 20, 1951

FROM : SAC, New York

SUBJECT: DREW PEARSON;
ALLEGED LEAK FROM WHITE HOUSE CONFERENCE
12-11-51 TO JACK ANDERSON, LEG MAN FOR
DREW PEARSON;
ESPIONAGE - X

INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3-28-88 BY SP8WJ/BJL

Attention: Inspector Carl Hennrich

ReNYtel to Bureau and WFO dated December 20, 1951, captioned as above.

In accordance with the information contained in referenced teletype, there are attached for the Bureau two photostatic copies of a teletype received by the Bell Syndicate, Inc., 229 West 43rd Street, New York City, which teletype was received by them from DREW PEARSON in Washington, D. C. The first teletype, which is four pages in length, contains information concerning the President's meeting with the Joint Chiefs of Staff as well as other miscellaneous material for the use of the Bell Syndicate in the PEARSON column. Attached to these four pages is a teletype received from PEARSON by Bell Syndicate on December 12, 1951, which contains several corrections to be made in the teletype of December 11, as well as other information concerning PEARSON's column. One copy of the above is also being directed to the WFO.

There are also attached for the Bureau two copies of a column prepared by ROBERT S. ALLEN and dated December 11, 1951, which was directed to the Post-Hall Syndicate, Inc., 295 Madison Avenue, New York 17, N. Y. This release is six pages in length, part of which appeared in ALLEN's column in the New York Post on December 13, 1951. This material was obtained from [redacted] of the Post-Hall Syndicate, Inc.; There is also attached for the information of the WFO one photostatic copy of the above-mentioned press release of ROBERT ALLEN. RUC.

EXPEDITE PROCESSING

TGS:RAA
65-

Encs.

RECORDED - 112

DEC 21 1951

cc - Washington Field (Encs.)

INDEXED - 112

2 112

DEC 26 1951

34

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. A. H. Belmont

DATE: December 14, 1951

FROM : C. E. Hennrich

SUBJECT: ALLEGED LEAK FROM WHITE HOUSE CONFERENCE
DECEMBER 10, 1951, TO JACK ANDERSON, LEG MAN
FOR DREW PEARSON
ESPIONAGE - X

- Tolson _____
- Ladd _____
- Clegg _____
- Glavin _____
- Nichols _____
- Rosen _____
- Tracy _____
- Harbo _____
- Belmont _____
- Mohr _____
- Tele. Room _____
- Nease _____
- Gandy _____

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3-28-88 BY SP8WJ/fet

On the morning of December 14, 1951, I discussed the investigation of this case in detail with Special Agent in Charge Hood of the Washington Field Office. Arrangements were made for three interviewing teams of Agents to handle the interviewing of persons who attended the conference of December 10, 1951, as follows:

Special Agents Kenneth T. Delavigne and Thomas J. Jenkins will interview the White House representatives who were present at the conference (except the President); Special Agents Joseph A. Connors and Paul J. Tierney will interview representatives who attended the December 10, 1951, conference, and Mr. James Lay of the National Security Council who also attended the December 10, 1951, conference; Special Agents Maurice A. Taylor and Carl Graham will interview the representatives of the Armed Services who attended the conference of December 10, 1951, and also interview Colonels Mathews and Clifton of General Omar Bradley's office who reviewed Jack Anderson's paper together with General Bradley.

It was arranged that as soon as the two teams handling the White House and State Department interviews had completed they would fill in and assist in the interviews with the Armed Services representatives.

I called a conference of all of the Agents who will participate in the interviews in the office of SAC Hood at the Washington Field Office and went over with them in detail the background of the case and the basic points which must be covered in all interviews. I arranged to be notified so that I could participate in the interviews of Admiral Souers, General Bradley, Mathew Connelly, and Joseph Short. I instructed that I be kept advised of any significant items developed during interviews, and that if any particular problems were anticipated in the interviews, I should be notified so that I would have an opportunity to participate if deemed advisable.

During that day attempts were made to arrange interviews with every individual who participated in the December 10, 1951, conference. The following interviews were scheduled for December 14, 1951, and are being conducted;

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DEC 15 1951

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Secretary Thomas K. Finletter
James E. Webb
H. Freeman Matthews
General Robert Landry
Colonel Matthews (General Bradley's Staff)
Colonel Clifton (General Bradley's Staff)

Interviews have been scheduled for December 15, 1951, with the following:

General Omar Bradley (tentative)
General Hoyt Vandenburg (tentative)
Admiral William Fechteler
Secretary Frank Pace
Acting Secretary Francis Whitehair (tentative)
James Lay
General Vaughan
General Cabell

The following will not be available on December 15, 1951, and will be interviewed as indicated:

General Joseph Collins will be interviewed at 10:45 A.M., December 17, 1951; Admiral Sidney Souers will be interviewed December 19, 1951, upon his return to Washington; Admiral Dennison (sick) will be interviewed on his return to the office.

Matt Connelly was contacted by Mr. Roach of the Liaison Section and he specifically stated that he was not present during any part of the conference of December 10, 1951. He stated that he walked with the President to the door of the conference room but did not enter the room at any time during the conference. Connelly said that he knew for a fact that Joseph Short was not present during the conference. He said Admiral Dennison had come out of the conference after it was over and told Short what he might say to the press. In view of this, interviews are not contemplated immediately with Connelly and Short unless interviews with others definitely place them in the conference.

I was with SAC Hood at 7:00 P.M. tonight and he informed me that the interviews were progressing under most difficult conditions and that traffic has been almost impassable, and some of the interviews were scheduled at the homes of the interviewees, and because of impassable traffic, interviews had to be postponed until later this evening. SAC Hood contemplates that some of the interviews

will not be held until late in the evening. I arranged with him to submit in summary form tonight the results of any of the interviews that are completed at a reasonable hour, and to advise telephonically of any significant developments in connection with any of the interviews.

ACTION:

I will follow with the Washington Field Office on December 15, 1951, in order to correlate available information with material appearing in Pearson's column which will then be available and we will continue to press this matter.

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. D. M. Ladd *DL*

DATE: December 14, 1951

FROM : A. H. Belmont *AH*ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIEDSUBJECT: LEAK OF TOP SECRET INFORMATION
TO DREW PEARSON;
DECEMBER 10, 1951 WHITE HOUSE CONFERENCE

DATE 3-28-88 BY SP8/STJ/STJ

Tolson	<input checked="" type="checkbox"/>
Ladd	<input type="checkbox"/>
Clegg	<input type="checkbox"/>
Glavin	<input checked="" type="checkbox"/>
Rosen	<input type="checkbox"/>
Tracy	<input type="checkbox"/>
Harbo	<input type="checkbox"/>
Belmont	<input type="checkbox"/>
Mohr	<input type="checkbox"/>
Tele. Room	<input type="checkbox"/>
Nease	<input type="checkbox"/>
Gandy	<input type="checkbox"/>

Pursuant to my instructions, Mr. Roach contacted Admiral Dennison, Naval Aid to the President, and pointed out to him that Secretary of Defense Lovett had indicated that he felt a security check for microphones and listening devices should be made at the Cabinet Room of the White House (this is where the conference in question was held). Admiral Dennison who is ill at home informed Mr. Roach that the matter should be discussed with Mr. Matthew J. Connelly, Secretary to the President, who was familiar with the entire matter. Connelly stated that he was in agreement with Admiral Dennison that the check should be made as one phase of the investigation.

Through arrangements with Mr. Connelly, Mr. Roach, accompanied by two laboratory technicians, Mr. Pfafman and Corbett made a complete and thorough examination of the Cabinet Rooms, as well as the room under the Cabinet Room and a survey of the roof above. This check resulted negatively so far as any listening devices were concerned. It should be noted that Mr. Connelly has not as yet been informed of the results of this check.

It was also determined by Mr. Roach that contrary to what Secretary Lovett had said, neither Mr. Connelly nor Mr. Short, Press Secretary to the President, were present at the conference. Mr. Connelly informed Mr. Roach that he at no time was in the Cabinet Room during the meeting, and that the only Presidential Aids present were the military aids, namely General Vaughn, Admiral Dennison and General Landry.

Arrangements are being made for interview with Vaughn, Dennison and Landry.

RRR:mkf

ADDENDUM: 12-14-51

On my instructions, Mr. Matthew J. Connelly was advised by Mr. Roach that the check was completed negatively.

AHB:mer

RECORDED - 48

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EX-111

DL

December 26, 1951

VIA LIAISON

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3-22-88 BY SP8/ty/jat

RECORDED - 87

12-27-51
Rear Admiral Sidney W. Souers
Special Consultant to the President
Executive Office Building
Washington, D. C.

My dear Admiral:

There is enclosed one copy of the report of Special Agent in Charge R. B. Hood, dated at Washington, D. C., December 22, 1951, covering the investigation of the reported leak of information from the White House conference on December 10, 1951.

A copy of this report has been furnished to the Honorable Robert A. Lovett, Secretary of Defense, with the request that he advise of any further investigation desired.

With expressions of my highest esteem and best regards,

Sincerely yours,

12-27-51
[Redacted Signature]
Do send for Admiral
Souers. Return on
Jan 3, 1952
E.S.S.

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Enclosure

cc-Liaison Desk

CEH:LL

- Tolson _____
- Ladd _____
- Nichols _____
- Belmont _____
- Clegg _____
- Glavin _____
- Harbo _____
- Rosen _____
- Tracy _____
- Mohr _____
- Tele. Rm. _____
- Nease _____
- Gandy _____

Handwritten initials and scribbles at the bottom of the page.

December 26, 1951

VIA LIAISON

RECORDED - 87

The Honorable
The Secretary of Defense
Washington, D. C.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3-28-88 BY SP8WJ/ok

My dear Mr. Secretary:

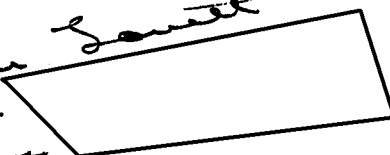
I am enclosing one copy of the report of
Special Agent in Charge R. B. Hood, dated at
Washington, D. C., December 22, 1951, covering the
investigation of the reported leak of information
from the White House conference on December 10,
1951. In accordance with your request of Mr.
Henrich on December 21, 1951, we have conducted
no interviews with Drew Pearson, Jack Anderson,
or Robert S. Allen.

No further investigation is being con-
ducted pending your review of the enclosed report.
I would appreciate it if you would advise whether
additional investigation is desired.

With assurances of my highest regards,

Sincerely yours,

John S. Gault
Jim
Jim



Enclosure

cc-Liaison Desk

12-27-51

CEH:LL

- Tolson _____
- Ladd _____
- Nichols _____
- Belmont _____
- Clegg _____
- Glavin _____
- Harbo _____
- Rosen _____
- Tracy _____
- Tele. Rm. _____
- Nease _____
- Gandy _____

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DECLASSIFIED BY 6080 P2/TAP
ON 10/3/77

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Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. A. H. BELMONT

FROM : MR. C. E. KENNEDY

SUBJECT: DREW PEARSON
 ALLEGED LEAK FROM WHITE HOUSE CONFERENCE
 DECEMBER 10, 1951, TO JACK ANDERSON,
 LEG-MAN FOR DREW PEARSON
 ESPIONAGE - X

DATE: December 21, 1951

Tolson ✓
 Ladd ✓
 Clegg ✓
 Glavin ✓
 Nichols ✓
 Rosen ✓
 Tracy ✓
 Harbo ✓
 Belmont ✓
 Mohr ✓
 Tele. Room ✓
 Nease ✓
 Gandy ✓

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 3-28-88 BY SP8ut/kat

I talked with Secretary Robert A. Lovett on the morning of December 21. I advised him we have now interviewed all the persons who attended the President's conference on December 10 and, in addition, have interviewed those individuals who were indicated as having been furnished information regarding any phase of the conference. I told him that the information furnished to us was that relatively little dissemination of the facts of the conference was made by those in attendance. I pointed out we had developed no substantial information indicating the identity of any person who may have leaked information.

I pointed out to Secretary Lovett that a most significant development of the investigation was the close social contacts of Clayton Fretchey, Director of Public Information, Department of Defense, with Drew Pearson. I pointed out that the evening when General Bradley had Jack Anderson over to the Pentagon to go over the proposed column, Fretchey was having dinner and playing bridge at the Pearson home. I pointed out it had been developed that Fretchey was to play bridge at the Pearson home again during the week of December 17. I pointed out in this connection that we had developed no information indicating that Fretchey was in possession of facts regarding the conference, and Mr. Lovett hastened to assure that Fretchey was not in possession of any such information. Mr. Lovett made no specific comment concerning the Fretchey-Pearson relationship. His demeanor was such, however, that I gathered he was not pleased.

We then discussed the Pearson and Allen columns in general. Mr. Lovett indicated that the theory had been presented to him that an astute newspaperman could have written the columns without actually having access to the facts discussed at the conference. He noted that many items in the columns were inaccurate; also that the columns made no reference to many items actually discussed at some length at the conference, including NATO.

CEH:LL

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I advised Secretary Lovett that in our interrogation of the persons who attended the conference, we have accepted their word as to the extent of dissemination or discussion of matters pertaining to the conference, and have made no effort to question any secretaries, aides, or assistants for the purpose of verifying such statements, but that we have, of course, followed through where it has been indicated information was passed on, in order to determine whether further dissemination was made by those receiving such information. Secretary Lovett stated he definitely felt that no inquiries should be made at this time to verify the statements of persons who attended the conference.

Secretary Lovett was informed it would appear to be logical at this point to consider interviews with Drew Pearson, Jack Anderson, and Robert Allen. He was requested to advise as to whether he desires these interviews to be conducted. He commented that the desirability of such interviews, of course, is a matter of judgment and that it was his judgment no affirmative results could be expected from such interviews. On the other hand, he commented that such interviews might well result in a blast at the Administration from the press generally. He concluded that these interviews should not be conducted at this time.

Secretary Lovett stated that in the absence of a clear-cut indication that some particular individual had actually leaked information from the conference, he was of the definite feeling at this time that no further inquiries should be made in this matter and that he would be prepared to so recommend to the President. I told Secretary Lovett that a report is being prepared reflecting our investigation to date, so that he can have an opportunity to go over in detail the interviews conducted. I told him we would be glad to confer with him at any time regarding the investigation and to conduct any further investigation which is desired. He indicated he felt that no further investigation would be desired.

The Washington Field Office is now preparing the report in this matter and have advised it will be completed over the week end. Our present plans are to deliver a copy of the investigative report to Secretary Lovett, together with a cover letter confirming his decision that Drew Pearson, Jack Anderson, and Robert Allen not be interviewed at this time. This cover letter will also request his desires as to further investigation.

9:58 A.M. 12/27/51
Admiral Dennison advised

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RECOMMENDATIONS:

It is recommended that at the time we deliver the report to Secretary Lovett, we orally advise Admiral Dennison of the White House that the report has been so delivered.

Since the investigation has indicated some contact with Pearson and Jack Anderson on the part of Under Secretary Whitehair, and definite association on the part of Clayton Fritchey, I think it might be desirable, when we deliver the report to Secretary Lovett and when we advise Admiral Dennison of its delivery to Lovett, that we orally point out to these two men that so long as association between responsible individuals in the Defense establishment and elsewhere and columnists such as Drew Pearson continues, it can be expected that leaks will occur.

OK
OK
OK
no
OK

with Saddle
I agree but I think
Sowers should be briefed
as to investigation & also
have pointed out to him
Fritchey & Whitehair's
association with Pearson.

Memo
1/3/52
87

Letter to Sowers
Lovett & Sowers
delivered 12-27-51
M.H.S.

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. A. H. Belmont

DATE: December 27, 1951

FROM : V. P. K... *[Handwritten initials]*

SUBJECT: DREW PEARSON
ALLEGED LEAK FROM WHITE HOUSE CONFERENCE
DECEMBER 10, 1951, TO JACK ANDERSON,
LEG-MAN FOR DREW PEARSON
ESPIONAGE - X

- Tolson _____
- Ladd _____
- Clegg _____
- Glavin _____
- Nichols _____
- Rosen _____
- Tracy _____
- Harbo _____
- Belmont _____
- Mohr _____
- Tele. Room _____
- Nease _____
- Gandy _____

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3-28-88 BY SP8/af

Re memo dated December 21, 1951, addressed to you by Mr. Hennrich which recommended that a copy of the Bureau's investigation in this matter be furnished to Secretary Lovett and that we orally advise Admiral Dennison, of the White House, that the report had been so delivered. *[Handwritten initials]*

The Director approved the furnishing of the report to Secretary Lovett and the advising of Admiral Dennison as indicated and stated, "I think Souers should be briefed as to investigation and also have pointed out to him Fritchey's and Whitehair's association with Pearson. H."

On December 27, 1951, the letter of transmittal to the Secretary of Defense, and a copy of the report, was furnished by Special Agent Edward S. Sanders, to Secretary Lovett's who advised that Mr. Lovett was in conference and probably would be for most of the afternoon. She stated she would immediately place the sealed envelope on Mr. Lovett's desk and in that manner he could review the report immediately upon the termination of the conference being held in his office.

b6
b7c

Special Agent Edward S. Sanders also delivered to on December 27, 1951, a copy of the investigative report with a letter of transmittal, dated December 26, 1951, to Admiral Souers. advised that he would personally hold this letter and report until Admiral Souers returns on January 3, 1952.

Admiral Dennison, of the White House, was advised on December 27, 1951, by Special Agent that the investigative report had been furnished to Secretary Lovett.

It is contemplated that Admiral Souers will be briefed in this connection by Mr. Hennrich as soon as the Admiral returns to Washington, which will apparently be on January 3, 1952.

RECORDED - 87

[Handwritten notes and signatures]
65-60573
JFK
D...
5-08

ESS:dm

250
65 DEC 29 '51

RECOMMENDATION:

The foregoing is for your information.

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. A. H. BELMONT

DATE: December 20, 1951

FROM : MR. C. E. HENRICH

SUBJECT: DREW PEARSON
ALLEGED LEAK FROM WHITE HOUSE CONFERENCE
DECEMBER 10, 1951
TO JACK ANDERSON, LEG-MAN FOR DREW PEARSON
ESPIONAGE - X

- Tolson _____
- Ladd _____
- Clegg _____
- Glavin _____
- Nichols _____
- Rosen _____
- Tracy _____
- Harbo _____
- Belmont _____
- Mohr _____
- Tele. Room _____
- Nease _____
- Gandy _____

While interviewing Mr. Joseph Short, Press Secretary to the White House, on December 20, he advised it was his belief that Drew Pearson extensively uses newspaper reporters who are associated with reputable news media and who feed to Pearson, for a price, off-the-record comments which are made in the course of legitimate interviews and which the news media represented by the particular reporter would not use because it is "off the record." In this connection, he named [redacted] formerly of Trans-Radio Press, and [redacted] who was "peddling" to Pearson while employed by CBS. He stated that these two had been caught but that he had no doubt there are others.

b6
b7c

In this regard, he stated that while Mrs. Roosevelt was in the White House she used to comment extensively off the record and was "not security conscious." He said that Mrs. Roosevelt's comments begun appearing in Robert Allen's material and that Mrs. Short, who was then covering Mrs. Roosevelt's press conferences, together with another unnamed woman reporter, observed a woman reporter feverishly making notes of Mrs. Roosevelt's off-the-record comments and actually tailed her to Robert Allen's office. She was confronted and was fired from the agency which she represented. It was Mr. Short's observation that the information concerning the instant investigation may have come into Pearson's hands through such a contact as mentioned above. It was his opinion, although Short stated he had no facts upon which to base it, that the leak in this particular case would have emanated from a "second echelon" who possibly had been briefed by someone who actually attended the conference. Short was unable to relate any facts that would reflect upon the identity of the person responsible for the leak.

Mr. Short furnished a transcript of the press conference which he held immediately following the December 10 conference, which is attached. While no particular significance is attached to the questions and answers set forth, the details of the transcript indicate that the press conference was very carefully covered, probably by microphone.

ACTION: For your information.

CEH:LL
Attachment

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 3-28-88 BY SP8/afk

ENCL

RECORDED 11/16/51 39

Handwritten initials and signatures at the bottom of the page.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-25-2007 BY 60324 auc/baw/rs/ljm

SHORT: This meeting this morning discussed the world situation. No policy decisions were made. Do you know who were there?

Q. No, we don't.

S. Secretary of Defense, the Joint Secretaries, with Whitehair for Kinsball, who is out of town. The Joint Chiefs.

Q. They were all there, including the Chairman?

S. That's right, and Acting Secretary of State, Mr. Webb, and H. Freeman Matthews, Deputy Under Secretary of State.

Q. Where did they meet, in the Cabinet Room?

S. In the Cabinet Room.

Q. How long did it last?

S. It was more than an hour.

Q. Particularly pressing problem right now is the problem of urgency -- the attempt to get an Armistice out in Korea, isn't it, Joe?

S. Korea was among the subjects discussed, Bill. It was not, however, confined ---

Q. (interposing) Got ^a December 27th deadline out there for agreement though?

Q. It was, however, not confined?

S. Not confined to that subject.

Q. European Army. Was the European Army discussed?

S. Well, beyond that, the world was covered.

Q. Joe, the President said last night at the airport that he might see McCarath today?

S. He won't see him.

Q. When will ~~xxxxxx~~ he see him, tomorrow?

S. I am not quite sure about that.

Q. Will not see him today?

S. That's right.

Q. What is the program for the rest of the day?

S. He has quite a bit of work today.

Q. No swim?

Q. Is there any indication when he will see McCarath?

S. No, I can't tell you now when he will see him.

Q. Well, Joe, what I meant ---

65-260573-39

S. (adding) soon.

ENCLOSURE

Q. (continuing) --- Is what is he going to do this afternoon, the calling list doesn't show anybody, but do you know of any callers?

S. No, I don't.

Joint

Q. Was this meeting a regular meeting with the Chiefs of Staff moved up a week, or something?

S. Well, you know the President meets with the Joint Chiefs every two weeks.

Q. Was this the date for one of them?

S. Well, it was similar to those regular meetings.

Q. I thought the last one was taken care of by General Hull?

S. That was.

Q. You mean when he met Hull?

S. When Hull and Matthews came down. State is always in on these Joint Chief meetings.

Q. Are there any special aspects of the world situation that can be mentioned as having been discussed?

S. I can't go beyond what I have said, Bob.

Q. Joe, can you say whether the President came back earlier than he had anticipated because the meeting was scheduled today and he would have had them come to Key West if he hadn't come back?

S. Didn't the President pretty well cover that before he left Boca Chica yesterday afternoon?

Q. Pretty well, but he didn't nail it down.

S. I think he handled the situation.

Q. Do you anticipate anything in the way of hard news for the rest of the day -- I mean, have you got anything in the works?

S. Smitty, there are always a number of things in the works, and one or more of them might jell this afternoon.

Q. Not before lunch?

S. No.

Q. Has the President any plan to see Mr. McKaill? ?????

S. What?

Q. McKaill or McKinney?

~~xxxx~~ Q. McKinney.

S. I don't know of any appointments for either one of them.

Q. Joe, was this meeting this morning a part of a continuing series, perhaps, on given situations that is, will he -- will he carry this -- today's discussions further to seek to arrive at any policy decisions?

S. Bob, there will undoubtedly be other meetings of approximately the same group. I don't know when, though. If you mean, is there going to be another one tomorrow, or the next day, I know ~~of~~ nothing of any such plans. He sees approximately this ~~same~~ same group every two weeks.

Q. Well now, yesterday apparently there was a conference between the Joint Chiefs of Staff and the Defense Mobilization Director. Is that -- were their discussions preliminary to or part of today's discussions?

A. I don't know. I didn't even know that there was such a meeting that you are talking about.

Q. It was out of the Pentagon, I understand.

Q. The President said something about a meeting with the people coming back from Europe. What is that, who are they and what do they do?

A. The Cabinet officers who have been to Europe are the Secretary of State, Secretary of Defense, Secretary of the Treasury.

Q. Is Acheson back yet?

A. No. Acheson and Snyder are due back Wednesday, and Mr. Hartman is still a week.

Q. Do you know whether he is going to come back this week, Joe?

A. My understanding is that it was about ten days from now. That is pretty rough, Bill. I wouldn't want to pin it down to the 26th. Roughly ten days.

Q. In other words, he is not due in this week?

A. No.

Q. The President also said something in Key West about coming back and putting in a hard week's work before he went out to Independence for Christmas.

A. You mean a hard two weeks.

Q. He said a week.

A. He said he had a terrific week ahead of him.

Q. I think what he was emphasizing was that this week would be a terrific one. What I want to know is what Joe thinks.

A. I think there is a lot of work that will have to be done between now and the time he goes to Kansas City.

Q. No change in the Independence departure time, December 24?

A. Not so far as I have been advised.

Q. That is what you really wanted to ask.

Q. Are there any new directives in the making on the handling of the cease-fire talks in Korea?

A. Bob, I don't know of any, but that doesn't mean anything.

Q. Can you say whether these discussions this morning revolved around the -- General Vandenberg's recent statements, that he would like to increase the size of the Air Force?

A. I will stand on what I have already said about Korea.

Q. There was a story in this morning's paper that Under Secretary Webb is about to quit. Have you got anything on that?

S. I haven't any comment on that, Frank.

Q. Thank you, Mr. Secretary.

Q. This lid is on for lunch then, so far as you know, other than the President ---

S. (interposing) The President ~~xxxx~~ is still in the House, and I don't give lids as long as he is here, Tony.

Q. You would let us know when you hear ~~xxxxxx~~ McGrath is coming in? In other words, we would like to find out about it rather than wait ~~andx~~ for the posting of the calling list, if possible?

S. I will see what I can do.

Q. Thank you.

END

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. A. H. BELMONT

FROM : MR. C. E. HENNRICH

SUBJECT: DREW PEARSON (Column of December 15, 1951);
 JACK NORTHMAN ANDERSON, aka Jack Anderson;
 ROBERT S. ALLEN (Column of December 13, 1951);
 ESPIONAGE - X

DATE: December 29, 1951

Tolson ✓
 Ladd ✓
 Clegg ✓
 Glavin ✓
 Nichols ✓
 Rosen ✓
 Tracy ✓
 Harbo ✓
 Belmont ✓
 Mohr ✓
 Tele. Room ✓
 Nease ✓
 Gandy ✓

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 3-28-88 BY SP8/TJ/lat

PURPOSE:

To recommend that I call Admiral Dennison of the White House and advise him:

1. That the Bureau's report in this matter is factual and that we do not draw conclusions;
2. That I offer to discuss the facts with him at his convenience;
3. That he be advised that Secretary Lovett has stated he will indicate further investigation desired, if any, after consultation with the President.

8-1
1-1

DETAILS:

The attached memorandum from Mr. Keay reflects that [redacted] received a call from Admiral Dennison on the evening of December 28. Admiral Dennison stated that Secretary Lovett had discussed the report with Dennison; that Dennison is sorry it resulted in no definite conclusion. Dennison further indicated that after he has read the report in detail and discussed it with the President, he may have some additional questions and that it might be logical for him to discuss the matter with Mr. Hennrich.

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b7C

You will recall that Secretary of Defense Robert A. Lovett originally requested the investigation of this matter on the basis of the President's request through Admiral Dennison. In view of this, we directed our report to Lovett and it was Lovett who indicated that interviews with Pearson, Allen and Anderson were not desired and that no further inquiries should be made pending receipt of the report. Lovett has now directed a letter to the Bureau, stating that after he has discussed the matter with the President, he will indicate whether any

V

CEH:LL

Attachment

250 memo dir
 1/3/52
 4/1952

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 JAN 3 1952
 10

24

further inquires are desired. You will also recall that we have furnished a copy of the report to Admiral Souers and upon his return to Washington he will be briefed regarding the matter on January 4, 1952.

OBSERVATIONS:

It is felt we should definitely maintain our present position of dealing with Secretary Lovett in this matter. He originally requested the investigation and he has been consulted regarding certain interviews. It was on his advice that the investigation was discontinued, pending his review of the report. We should avoid being caught in a cross-fire between requests from Admiral Dennison and requests from Secretary Lovett. I feel, however, that we should immediately indicate our willingness to discuss any of the facts in the report with Admiral Dennison, as he has suggested, at the same time pointing out to him that the Bureau does not draw conclusions, but that our investigations are directed strictly at developing facts.

RECOMMENDATION:

If you agree, I will call Admiral Dennison and offer to discuss the report in this matter with him at any time at his convenience. I will point out the fact that the Bureau does not draw conclusions from the facts developed and that with regard to further investigation, Secretary Lovett has indicated he will convey to us his desires relative to further investigation, if any, after consultation with the President.

OK, but I think
any requests for info.
Dennison should be
promptly acted upon
& not referred to Sec.
Lovett.

RECEIPT FOR CLASSIFIED MATERIAL

ADDRESSEE Hon. J. Edgar Hoover	SD 32 NO:	NO. 31713
ORIGINATOR OR CUSTODIAN Sec. of Defense	CLASSIFICATION <input type="checkbox"/> TS <input type="checkbox"/> S <input type="checkbox"/> C	DATE OF TRANSFER
TELEPHONE NO. 74386		
SUBJECT (Use short title, i. e. short title for Subject "Shipment of Shoes and Dresses" would be "SOSAD.") (Including date of Document). one sealed envelope (Personal and Confidential)		
COPIES		
ORIGINAL	CC	OTHERS
ENCLOSURES	RECEIVED BY (Signature)	
DATE RECEIVED 28 Dec 51	ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 3-29-88 BY SP8/ly/br	

SD FORM 1 NOV 50 **120**

White copy—Custodian. Pink copy—Recipient.
 Post Card—Classified Files.

GPO

Office Memorandum

UNITED STATES GOVERNMENT

TO : Mr. A. H. Belmont

DATE: January 2, 1952

FROM : Mr. V. P. Keay

SUBJECT: Drew Pearson, (Column of 12-15-51);
Jack Northman Anderson, AKA Jack Anderson;
Robert S. Allen, (Column of 12-13-51);
Espionage - X

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 3-28-88 BY SP8 JY/SL

- Tolson _____
- Ladd _____
- Clegg _____
- Glavin _____
- Nichols _____
- Rosen _____
- Tracy _____
- Harbo _____
- Belmont _____
- Mohr _____
- Tele. Room _____
- Nease _____
- Gandy _____

Admiral Dennison, Naval Aid to the President at the White House, telephoned [redacted] of the Liaison Unit on the evening of December 28, 1951 concerning the report in the above mentioned matter that was furnished to Secretary Lovett earlier this week. You will recall that we already advised Admiral Dennison that this report had been submitted by us to Secretary Lovett.

Admiral Dennison advised that he had discussed this report with Mr. Lovett and that he, Admiral Dennison, is sorry it resulted in no definite conclusion. Admiral Dennison further advised that Mr. Lovett is sending the report over to him so that he may read it in detail and discuss it with the President. After reading the report, Admiral Dennison said, he may have some additional questions and that it might be logical for him to discuss this matter again with Mr. Hennrich.

RECOMMENDATION:

It is recommended that Mr. Hennrich be designated to discuss instant case with Admiral Dennison in view of the fact that he is fully familiar with the facts in this matter.

The Liaison Unit should be instructed as to what answer Admiral Dennison should be given when he calls within the next few days.

CHB:dli

12/29/52
Memo. for Mr. Belmont
CEN

RECORDED - 131
INDEXED - 131

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JAN 3 1952

SE 43

256
32 JAN 4 1952

5-28

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1-1
RC 8-1

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. A. H. BELMONT

FROM : MR. C. E. HENNRICH

SUBJECT: DREW PEARSON (Column of December 15, 1951);
 JACK NORTHMAN ANDERSON, aka Jack Anderson;
 ROBERT S. ALLEN (Column of December 13, 1951);
 ESPIONAGE - X

DATE: December 31, 1951

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 3-28-88 BY SP8/af/et

- Tolson
- Ladd
- Clegg
- Glavin
- Nichols
- Rosen
- Tracy
- Harbo
- Belmont
- Mohr
- Tele. Room
- Nease
- Gandy

Admiral Dennison called from the White House on the afternoon of December 31. He said he had reviewed the Bureau's report of the investigation in this matter. He asked if the Bureau had formed any conclusions as a result of the investigation. I informed him that the Bureau does not draw conclusions from the facts developed in its investigations, but that we report the facts as we find them. He then asked for the Bureau's opinion as to whether further investigation in this matter should be conducted. I pointed out to Admiral Dennison that after developing the investigation to the point where it now is, we had consulted with Secretary Lovett, who had suggested that no further investigation be conducted until he had had an opportunity to go over the report of facts developed. I told Admiral Dennison that I thought the decision as to what further investigation was to be conducted was one of policy to be decided by the White House. Dennison agreed with this. He said he was well pleased with the investigation in so far as it went; that he was disappointed there was no clearcut finding of who was responsible for the leak. He said it was his personal opinion that no further investigation should be conducted. He said he thought he would recommend to the President that the President write a letter to each of the persons who were in attendance at the December 10, 1951, conference, calling their attention to the apparent leak and stating that while he does not question the individual integrity of any of the members present, nevertheless he feels that somewhere along the line, through the injudicious handling of the information as to what went on at the conference, a leak resulted, and that he (the President) expects that each will take the necessary action to insure that such leaks do not occur in the future.

Admiral Dennison indicated he would talk with Secretary Lovett on the afternoon of December 31 and would confer with the President on January 1. He stated he expected that the results of his conference with the President would be reported to the Bureau by Secretary Lovett.

CEN 64 JAN 4 1952

RECORDED - 131

SE 25
 5-08

165-60573-43
 JAN 3 1952
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11-1
 8-1

During my conversation with Admiral Dennison,
|| he commended the Bureau on the accuracy of its reporting,
particularly pointing out that the reporting of the
interview with him was most accurate and succinct.

ACTION:

For your information.

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. C. E. Hennrich

DATE: December 24, 1951

FROM : A. J. Marchessault

SUBJECT: ALLEGED LEAK FROM WHITE HOUSE CONFERENCE
DECEMBER 10, 1951
TO JACK ANDERSON, LEG-MAN FOR DREW PEARSON
ESPIONAGE-X

- Tolson _____
- Ladd _____
- Clegg _____
- Glavin _____
- Nichols _____
- Rosen _____
- Tracy _____
- Harbo _____
- Belmont _____
- Mohr _____
- Tele. Room _____
- Nease _____
- Gandy _____

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3-28-88 BY SP5/ab

PURPOSE:

To advise you that the Bureau files fail to reflect a common tie-in between Pearson, Allen and Anderson with those individuals who attended the White House conference on December 10, 1951.

BACKGROUND:

For the purpose of ascertaining whether or not our files reflect a close relationship, a common incident, or a tie-up between Drew Pearson, Jack Anderson and Robert Sharon Allen with those individuals who attended the White House conference December 10, 1951, namely; Robert Abercrombie Lovett, General Omar Nelson Bradley, General Joseph Lawton Collins, General Hoyt Stanford Vandenberg, William Morrow Pechtler, General Charles Pearre Cabell, Secretary Frank C. Pace, Secretary Thomas Knight Finletter, Acting Secretary Francis P. Whitehair, Acting Secretary James Edwin Webb, Mr. H. Freeman Matthews, Admiral Sidney William Souers, Mr. James Felden Bay, National Security Council, General Harry Hawkins Vaughan, Admiral Robert Lee Dennison, General Robert B. Landry, S. Everett Gleason, Dan A. Kimball, the following check was made.

The index cards from Records Section were called on the above-named individuals together with all build-ups and break-downs. The cards pertaining to each individual were arranged numerically and each set of cards were compared to the cards pertaining to Drew Pearson, Jack Anderson and Robert Sharon Allen, whose cards were also set up numerically. As a result of the above comparison a number of references were obtained whereby it was noted that the name of the individual attending the conference was also listed in the same piece of correspondence or report with that of the name of Drew Pearson or Allen or Anderson. In some references it was noted that the individuals names would appear in correspondence where both the Pearson and Anderson names appear.

AJM:slw

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INDEXED - 97

DEC 29 1951

JAN 7 1952

15
20

ENCL
97

[Handwritten signature]

[Handwritten mark]

65-60-22-44
5-ajm

Upon the completion of comparing the index cards all references were pulled and reviewed and they failed to reflect a common incident or tie-up between the individuals attending the White House conference of December 10, 1951 and Pearson, Anderson and Allen.

However, it is of interest to note that in two instances Drew Pearson released information of a confidential nature which information was in the possession of Mr. H. Freeman Matthews who it will be noted attended the White House conference of December 10, 1951.

One of the above instances was in reference to a leak of information in the State Department in April of 1946.

In April of 1946, U. S. ^Ambassador Bedell Smith had a two hour interview with Premier Stalin of Russia. Ambassador Smith furnished to the State Department on April 5, 1946, in code, a message reflecting his talk with Premier Stalin. Drew Pearson on Sunday evening, April 7, 1946 broadcasted the substance of this message. Investigation by the Bureau reflected that three copies of the code message was made up one of which was delivered to Mr. H. Freeman Matthews, Chief of the Division of European Affairs of the State Department, on April 6, 1946 which was prior to the Pearson broadcast of Sunday, April 7, 1946. Accordingly there is no indication that Matthews furnished the information to Pearson and the investigation failed to fix responsibility for the leak of the information to Pearson. (62-58301-210,211,214.) ✓

The other instance of interest was information released by Drew Pearson in his column dated June 12, 1945. The information pertained to Mr. Harry Hopkins talks with Premier Stalin of Russia, in June of 1945. Investigation by the Bureau reflected that Harry Hopkins sent telegrams from Moscow to President Truman reflecting the results of his talks with Premier Stalin. Copies of these telegrams were distributed to various individuals among them being Mr. Grew, who is Acting Secretary of State and to H. Freeman Matthews, was was Director of the European Division of the State Department at the time. There is no indication that Matthews furnished Drew Pearson with the confidential information and the investigation failed to definitely fix responsibility for the leak of the information to Drew Pearson. (62-78172-42,32,52)

RECOMMENDATION:

It is recommended that this memo be made part of captioned case.

ACTION:

That you authorize this memorandum be filed in the captioned case.

card received

Please furnish me search slips, build-ups and break-downs on the following individuals: Matter must be handled expeditiously.

- 1. Drew Pearson — *OK*
- 2. Robert Sharon Allen — *OK*
- 3. Jack Anderson — *OK*
- 16 4. Robert Abercrombie Lovett F
- 15 5. General Omar Nelson Bradley F
- 14 6. General Joseph Lawton Collins F
- 3 7. General Hoyt Stanford Vandenberg — *B*
- 8 8. William Morrow Fechtler — F
- 5 9. General Charles Pearre Cabell — F
- 4 10. Secretary Frank C. Pace — F
- 9 11. Secretary Thomas Knight Finletter F.
- 2 12. Acting Secretary Francis P. Whitehair F
- 1 13. Acting Secretary James Edwin Webb — F
- 7 14. Mr. H. Freeman Matthews — F
- 11 15. Admiral Sidney William Souers F
- 12 16. Mr. James Felden Lay, National Security Council F
- 13 17. General Harry Hawkins Vaughan F
- 10 18. Admiral Robert Lee Dennison F
- 6 19. General Robert B. Landry — F
- 17 20. S. Everett Gleason F
- 18 21. Dan A. Kimball F

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3-28-88 BY SP8WJ/lat

Mr. Edward H. Foley, Jr. }
General Willis Matthews } did not attend
Colonel Chester V. Clifton } conference

65-60573-44
ENCLOSURE

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: January 3, 1952

FROM : D. M. Ladd *DL*SUBJECT: Drew Pearson (Column of 12/15/51);
Jack Northon Anderson, aka Jack Anderson;
Robert S. Allen (Column of 12/13/51).
ESPIONAGE - X

Tolson	<input checked="" type="checkbox"/>
Ladd	<input type="checkbox"/>
Clegg	<input type="checkbox"/>
Glavin	<input type="checkbox"/>
Nichols	<input type="checkbox"/>
Rosen	<input type="checkbox"/>
Tracy	<input type="checkbox"/>
Harbo	<input type="checkbox"/>
Belmont	<input type="checkbox"/>
Mohr	<input type="checkbox"/>
Tele. Room	<input type="checkbox"/>
Nease	<input type="checkbox"/>
Gandy	<input type="checkbox"/>

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 3-28-88 BY SP8/JSR

PURPOSE:

This is to advise that Admiral Souers was briefed on January 3, 1952, regarding the contents of the report of SAC R. B. Hood, dated December 22, 1951, and particularly regarding the degree of association between Director of Public Information, Defense Department, Mr. Clayton Fritchey and of Under Secretary Francis P. Whitehair, Navy, with Drew Pearson.

DETAILS:

In accordance with your instructions, Mr. Hennrich talked with Admiral Souers of the White House on January 3 regarding the report of SAC R. B. Hood, dated December 22, 1951, which reflects the investigation of the alleged leak from the White House conference of December 10, 1951. He was briefed as to the investigation and advised of the information developed relative to the degree of association between Director of Public Information Clayton Fritchey of the Defense Department and Drew Pearson. He was also advised of the contacts between Under Secretary Francis P. Whitehair of the Navy and Drew Pearson.

Admiral Souers advised that he had just about completed reviewing the Bureau's report. He indicated that he felt no further inquiries should be made in this matter and suggested that had he been handling the matter no investigation would have been requested in the first place. He said that he thought that Admiral Dennison had probably "needled" the President in connection with the request for an investigation inferring that Admiral Dennison was not aware of the problems involved in attempting to pin down responsibility for such a leak of information. Admiral Souers commented that he felt the investigation would have some good effects for a short period of time in that the various agencies involved would be more security conscious.

CEH:evyl

c.c. A. J. Marchessault

RECORDED-11

INDEXED-11

EX. - 8

65-60513 46
JAN 7 1952

61 JAN 11 1952

As you know, as far as the Bureau is concerned, all pending investigation has been completed. Secretary Lovett, who originally requested the investigation, has advised that in event further inquiries are desired he will so advise.

ACTION:

For your information. You will be advised of any additional developments.

THE WHITE HOUSE
WASHINGTON

ad
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-25-2007 BY 60324 auc/baw/rs/ljm

✓
January 5, 1952

Mr. Tolson	✓
Mr. Ladd	✓
Mr. Nichols	✓
Mr. Belmont	✓
Mr. Clegg	✓
Mr. Glavin	✓
Mr. Harbo	✓
Mr. Rosen	✓
Mr. Tracy	✓
Mr. Laughlin	✓
Mr. Mohr	✓
Tele. Room	✓
Mr. Nease	✓
Miss Gandy	✓

Dear Mr. Hoover:

I wish to acknowledge receipt of your kind letter of December 26, 1951, with which you enclosed a copy of the report of Special Agent in Charge R. B. Hood, covering the investigation of the reported leak of information from the White House conference which was held on December 10, 1951.

Drew Pearson
I have examined the details of this report with considerable interest, and I am sincerely appreciative of your thoughtfulness in making it available to me.

Sincerely yours,



SIDNEY W. SOUERS

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Honorable J. Edgar Hoover
Director, Federal Bureau of Investigation
U. S. Department of Justice
Washington, D. C.

ES BUREAU PROCESS

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SAC, Washington Field

January 4, 1952

Director, FBI

Drew Pearson (Column of 12/15/51)
Jack Northman Anderson, aka Jack Anderson
Robert S. Allen (Column of 12/13/51)
ESPIONAGE - X

Re report SAC R. B. Hood dated December 22, 1951.

You are advised that no further investigation is desired
in connection with this matter and you are authorized to close
your file.

ALL INFORMATION CONTAINED
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DATE 3-28-88 BY SP8/STJ/STJ

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Office Memorandum • UNITED STATES GOVERNMENT

TO : THE DIRECTOR

DATE: December 27, 1951

FROM : MR. D. M. LADD

SUBJECT: DREW PEARSON (Column of December 15, 1951);
JACK NORTHMAN ANDERSON, aka Jack Anderson;
ROBERT S. ALLEN (Column of December 13, 1951);
ESPIONAGE - X

Tolson	_____
Ladd	_____
Clegg	_____
Glavin	_____
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Mohr	_____
Tele. Room	_____
Nease	_____
Gandy	_____

PURPOSE:

To submit a summary of the investigation in this matter.

To advise:

1. Our investigation is completed.
2. A report has been submitted to Secretary of Defense Lovett and to Admiral Souers.
3. Admiral Dennison has been advised that report submitted to Lovett.
4. Admiral Souers is out of Washington. Will be briefed on his return January 4, 1952.

BASIS OF INVESTIGATION:

On December 13, 1951, Mr. Robert A. Lovett, Secretary of Defense, advised that the President had instructed that he request the FBI to initiate an investigation of a reported "leak" of information regarding Top Secret matters discussed at a White House conference, December 10, 1951. Lovett stated Jack Anderson (leg-man for Pearson) had, on December 11, 1951, indicated to Under Secretary of the Navy Francis Whitehair that he had a column containing almost a verbatim account of what transpired at the December 10 conference. The President was notified and on his approval on December 12, 1951, General Omar Bradley sent for Anderson, reviewed the prepared column, and specifically requested deletion of two items for security reasons. Anderson had indicated entire column could not be "killed" and had already gone out on Bell Syndicate wires. He said he would recommend that two specified items be "killed."

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Drew Pearson filed a column with the Bell Syndicate on December 11, 1951. It first appeared, to our knowledge, in the New York Daily Mirror on December 15, 1951. This column purported to report matters discussed at the December 10 conference and included quotes. Robert S. Allen filed a column with the Post-Hall News Syndicate on December 11, 1951. It first appeared, to our knowledge, in the New York Post on December 13, 1951. This column also purported to report matters discussed at the December 10 conference and included quotes. The Allen and Pearson columns were similar in most details. The Pearson column did include, when filed, the two items objected to by General Bradley. Pearson filed a correction to the column, eliminating these items, on December 12.

THE DECEMBER 10, 1951, CONFERENCE:

On Saturday, December 8, 1951, the President instructed Admiral Dennison to arrange for a conference to be held at the White House on December 10. The principal objective of the conference was to clear up certain matters concerning cease-fire negotiations in Korea. The specific item precipitating the President's action was an item providing for repair and rehabilitation of roads, airfields, etc. The President thought that we were being too lenient in our concessions in this regard. The President at that time indicated he would return to Washington for the conference rather than have a number of officials travel to Florida, where he was at that time. The President himself indicated those who would be present at the conference, and the arrangements were made by Admiral Dennison. The persons invited were not specifically advised as to the nature of the conference, although from pending matters under consideration they would have been aware in a general way of items which were to be discussed. There was, however, no designated or printed agenda. The conference convened at approximately 10:30 a.m. and adjourned at approximately 11:45 a.m. All persons present participated in the discussions, with the exception of General Cabell, Vaughan and Landry, and Admiral Dennison. There was extensive discussion of the cease-fire negotiations in Korea, including objectives of the United Nations Forces and concessions which could be made in order to attain a cease-fire. There was also extensive discussion regarding the NATO planning and the European situation in general. The

conference was generally of a briefing nature, but, in addition, resulted in action concerning at least one instruction to General Ridgway as to how far he could go in his negotiations with Communist China on a "cease-fire," including concessions on repair and rehabilitation.

The following persons attended the December 10 conference and they have all been interviewed, except the President:

President Truman
Secretary of Defense Robert A. Lovett
General Omar Bradley, Chief of Staff
General J. Lawton Collins, Army
General Hoyt S. Vandenberg, Air
Admiral William Fechteler, Navy
General Charles P. Cabell, Director of Joint Chiefs of Staff
Secretary France C. Pace, Army
Secretary Thomas K. Finletter, Air
Acting Secretary Francis P. Whitehair, Navy
Acting Secretary James E. Webb, State
Mr. H. Freeman Matthews, State
Admiral Sidney Souers, White House
James Lay, National Security Council
General Harry Vaughan, White House
Admiral Robert L. Dennison, White House
General Robert Landry, White House

Mr. Joseph Short, White House Press Secretary, and others who "on a need-to-know basis" were furnished information regarding certain phases of the conference, were also interviewed.

The interviews reflected that no one took notes during the conference except James Lay, who turned them over to the President, and that no one dictated a memorandum on the conference except Secretary Finletter, whose memorandum made brief reference to the conference and was directed at what was not discussed. All copies of that memorandum were accounted for. The interviews did not indicate who might be responsible for any "leak" of information from the conference.

THE ALLEN-PEARSON COLUMNS

The columns filed by Robert S. Allen and Drew Pearson are written in a style which would indicate that the writers had first-hand knowledge of what went on at the conference, describing the President's striding into the room, grinning, shaking hands all around, etc. The columns then purport to give with continuity high lights of discussions at the conference. Both of the columns are limited to discussions on the cease-fire negotiations.

It was the consensus of those persons interviewed and who had read the columns that the reporting was relatively accurate as to the points discussed in connection with the cease-fire negotiations, but relatively inaccurate as to the quotes attributed to the individuals present. In this connection, it was noted there was considerable variance among the persons interviewed as to exactly what was said by particular individuals. It was the consensus of those interviewed who had read the columns that they were prepared with at least some information as to points discussed at the conference, particularly regarding the cease-fire negotiations, and probably from a common source. General Vandenberg commented regarding the Allen column that the article did not reflect the real purpose of the meeting. General Vandenberg believes it could have been prepared by someone who had closely followed the Korean situation and public statements of positions proclaimed by the various Joint Chiefs of Staff members, without any access to an actual account of the meeting. At the time of his interview, the Pearson column was not available. As indicated above, Pearson's column is similar in context. All others interviewed who had read the columns indicated it would have been necessary to have access to at least bits of information regarding discussions at the conference in order to prepare the columns.

At least two items of particular significance regarding cease-fire discussions were not reported in the columns; namely, General Collins made a statement that Korea could be held until 1952 (election year) - the columns attributed him as saying that Korea could be held until "hell freezes over"; also, the general theme of the discussion on concessions was conditioned upon what has

been referred to as "the greater sanction," which contemplates the laying down of broad general terms of an armistice, with the firm and final determination and declaration that if the conditions are violated, the United Nations will take strong retaliatory action, including all out war against Communist China. The columns failed to comment on this.

MISCELLANEOUS:

Investigation developed that Clayton Fritchey, Director of Public Information, Department of Defense, was visiting the Pearson home on the evening of December 12 and had exhibited to him a copy of the Pearson column. He apparently is on close, friendly terms with Pearson and his wife. Fritchey admits he has known Pearson for ten years and visits him periodically about once a month. There is no indication that Fritchey had access to information on the December 10 conference prior to December 12.

Under Secretary Whitehair had previously been visited by Pearson on two occasions, and also by Fred Blumenthal, a Pearson employee. Whitehair called Pearson on December 12, with the President's approval, for the purpose of "killing" the Pearson column. Whitehair indicated concern that he might be blamed for the "leak." Pearson told Whitehair he should not be apprehensive, for he had not told Pearson anything. Pearson commented that he was an old friend of General Bradley and that many other friends of his were at the conference. He named Finletter, Vandenberg, and Jimmy Webb in this connection.

OBSERVATIONS:

It is to be noted that interviews were initiated prior to our obtaining the Pearson and Allen columns. Certain persons interviewed had not seen the columns and their comments were not obtained regarding the accuracy of the material contained therein. Inasmuch as the objective of the investigation was the identification of any person who may have been responsible for a "leak" of information, it was not deemed advisable to reinterview those persons specifically to obtain their comments as to the accuracy of the Allen and Pearson columns, particularly since those persons who will review the report were actually present at the conference and know what transpired. The only persons who attended the conference who had no knowledge of the contents of either column at the time of the interview were General Robert Landry and Secretary Thomas K. Finletter.

ACTION:

Secretary of Defense Robert A. Lovett was advised of the investigation conducted to date on December 21, 1951. He commented, without identifying the source, that the theory had been presented to him that an astute newspaperman could have written the columns without actually having access to the facts discussed at the conference. He commented that many items were inaccurate and that the columns made no reference to many items discussed. At that time, he specifically stated that Drew Pearson, Jack Anderson, and Robert S. Allen should not be interviewed "at this time." He also stated that no further investigation was desired at this time on the basis of information developed.

A copy of the report of SAC R. B. Hood, dated at Washington, D. C., December 22, 1951, was forwarded to Secretary Lovett by letter of December 26, 1951. The letter confirms his request that no interviews should be had with Pearson, Anderson, and Allen, and specifically requests Secretary Lovett's advice as to whether further investigation is desired.

A copy of SAC Hood's report was forwarded to Admiral Souers under date of December 26. Souers is presently in Florida and will return on January 3, 1952. An appointment has been made by Mr. Hennrich to brief Admiral Souers on January 4.

Admiral Dennison has been advised that the report in this matter has been delivered to Secretary Lovett.

You will be advised of the briefing of Admiral Souers upon his return to Washington and of any further developments in this matter.

FEDERAL BUREAU OF INVESTIGATION

Form No. 1

THIS CASE ORIGINATED AT **WASHINGTON FIELD**

FILE NO. _____

REPORT MADE AT WASHINGTON, D.C.	DATE WHEN MADE 12/22/51	PERIOD FOR WHICH MADE 12/14-22/51	REPORT MADE BY R. B. HOOD, SAC
TITLE DREW PEARSON (Column of December 15, 1951) JACK NORTHMAN ANDERSON, aka Jack Anderson ROBERT S. ALLEN (Column of December 13, 1951)			CHARACTER OF CASE ESPIONAGE - X

SYNOPSIS OF FACTS:

On 12/11/51 JACK ANDERSON, Reporter for DREW PEARSON, approached FRANCIS P. WHITEHAIR, Under Secretary of Navy, asked some innocuous questions concerning background of White House conference held preceding date; then confronted WHITEHAIR with statements attributed to participants at conference, requesting verification. WHITEHAIR states he rebuked ANDERSON and declined to comment on conference; reported matter to DAN KIMBALL, Secretary of Navy, and facts of proposed PEARSON column furnished President TRUMAN. On request, ANDERSON submitted pertinent portion of proposed news column for 12/15/51 release to General OMAR BRADLEY on 12/12/51. Specific objection to phraseology of two items in column made by General BRADLEY on security grounds, and PEARSON made requested changes. Column of ROBERT S. ALLEN appearing in 12/13/51 issue of New York Post reported substantially same information as PEARSON possessed relative to Presidential conference of 12/10. Columns referred to set forth. News dispatches referring to specific items discussed at conference set forth as of interest to instant investigation. At President's request, investigation conducted to determine whether leak may have emanated from any person in attendance at White House conference. All participants at conference interviewed as well as those identified as having knowledge of items discussed there. These interviews did not result in identification of any person responsible for leak of information.

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3-18-88 SP/AG/66
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APPROPRIATE AGENCIES
AND FIELD OFFICES
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*Memo Dir
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APPROVED AND FORWARDED: <i>[Signature]</i>	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN THESE SPACES	
COPIES OF THIS REPORT DECLASSIFIED BY <i>SP-4 GCM</i> <i>10/10/97 6080 R/TAP</i>		65-60573-50	RECORDED
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DETAILS: AT WASHINGTON, D. C.

This investigation was initiated on a request of the President through Secretary of Defense ROBERT A. LOVETT. On December 13, 1951, Secretary LOVETT advised Assistant Director ALAN H. BELMONT and Inspector CARL E. HENNRICH that the President had requested him to inform the Bureau that an investigation should be made concerning information in the possession of JACK ANDERSON, leg man for DREW PEARSON, which information it was believed came from one of the government representatives attending a White House conference on December 10, 1951, presided over by President TRUMAN. The information concerned was of a "top secret" nature.

At that time Secretary LOVETT advised that the Defense Department had been considering four primary points in connection with the present cease-fire discussions in Korea and which points were presently matters of conflict between the United States and the Communist peace representatives. He stated that as a result of the feeling of the President that some of these matters were in need of further discussion, a conference was called by the President for 10:30 A.M., December 10, 1951, and the White House issued invitations to those whose attendance was desired.

Mr. LOVETT stated he had determined the following individuals were present at the conference:

- 1 President TRUMAN
- 2 Secretary of Defense ROBERT A. LOVETT ✓
- 3 General OMAR BRADLEY, Chief of Staff ✓
- 4 General J. LAWTON COLLINS, Army
- 5 General HOYT S. VANDENBERG, Air
- 6 Admiral WILLIAM FECHTELER, Navy
- 7 General CHARLES P. CABELL, Director of Joint Chiefs of Staff
- 8 Secretary FRANK C. FACE, Army
- 9 Secretary THOMAS K. PINLETTER, Air
- 10 Acting Secretary FRANCIS P. WHITEHAIR, Navy
- 11 Acting Secretary JAMES E. WEBB, State
- 12 Mr. H. FREEMAN-MATTHEWS, State
- 13 Admiral SIDNEY SOUERS, White House
- 14 JAMES LAY, National Security Council
- 15 General HARRY VAUGHAN, White House
- 16 Admiral ROBERT L. DENNISON, White House
- 17 General ROBERT LANDRY, White House

Mr. LOVETT, during the interview, furnished a summary of the various matters which were discussed at the conference. Mr. LOVETT advised that because of the widespread interest which had been general in connection with the conference, newspaper reporters were present at the White House in great number and at the conclusion of the conference were clamoring for information. He advised that to his knowledge, Mr. JOSEPH SHORT, press correspondent for the White House, advised the reporters that the conference had discussed world

affairs including Korea and made no further statement.

Mr. LOVETT informed that he had taken no notes during the conference and subsequent thereto, had prepared no written record of the matters covered at the conference. He further informed that there was no recording of the conference and that no written agenda had been prepared specifying the items to be discussed.

Secretary LOVETT advised that on the afternoon of December 12, 1951, JACK ANDERSON, leg man for DREW PEARSON, contacted Acting Secretary of the Navy WHITEHAIR and showed to Mr. WHITEHAIR or read to him a story which purported to be almost a verbatim account of the important matters set forth above which were discussed at the conference. He stated that Mr. WHITEHAIR was shocked and informed ANDERSON that it would be wrong to publish this material. Mr. LOVETT stated that Mr. WHITEHAIR brought this to the attention of the President. He stated that the President informed General BRADLEY who called either PEARSON or ANDERSON and asked that the material be brought over so that he might examine it. He stated that about 7:00 P.M. on the same day ANDERSON came to see General BRADLEY and brought the story with him. He stated that the story was read by General BRADLEY and his Aides, Colonel CLIFTON and Colonel MATTHEWS.

He stated that General BRADLEY attempted to get ANDERSON to "kill" the story entirely but ANDERSON advised him that he had checked with PEARSON and that the story was already on the Bell Syndicate wires and would come out Saturday, December 15, 1951. He stated that ANDERSON informed General BRADLEY that it was impossible to "kill" the story. He further added that General BRADLEY and his Aides marked in red pencil two parts which they stated would be especially injurious to the security of this country and that ANDERSON informed General BRADLEY that he would recommend that these two parts be deleted.

Mr. LOVETT stated that the first part was a statement attributed to the President that if we did not get a cease-fire by December 27, we should arrange to extend the time. The second part related to concessions we might be prepared to make to the Communists. Mr. LOVETT advised that he did not know the full contents of ANDERSON's article. He stated that neither Mr. WHITEHAIR nor General BRADLEY had secured a copy of ANDERSON's article and that the only source from which the contents could be obtained in the government would be recollections of Mr. WHITEHAIR, General BRADLEY, and General BRADLEY's two aides. He stated that he did not know the exact excerpts of ANDERSON's article which shocked Mr. WHITEHAIR but rather was of the opinion it was the fact that ANDERSON had what appeared to be an accurate report of the conference.

Secretary LOVETT pointed out that ANDERSON's story appeared to have background which would indicate that it must have come from someone actually at the conference. He furnished as an example that the article started out by saying that the President, tanned and fit, walked briskly into the conference room and shook hands with everyone including his own White House Aides.

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INTERVIEW WITH FRANCIS P. WHITEHAIR

Mr. FRANCIS P. WHITEHAIR, Undersecretary of the Navy since August 6, 1951, was interviewed at his office on December 16, 1951, by Special Agents MAURICE A. TAYLOR and CARL E. GRAHAM.

Mr. WHITEHAIR advised that he had attended the White House Conference on December 10 as substitute for Secretary DAN KIMBALL. At the conclusion of the conference, he departed alone, returning immediately to the Pentagon Building. He made no notes or memoranda but furnished a resume of the conference to Secretary KIMBALL the same afternoon and discussed the matter with no one else.

On the following afternoon, December 11, Mr. WHITEHAIR returned to his office between 5 and 6 p.m., at which time he was informed by an aide, Marine Captain [redacted] that JACK ANDERSON was waiting to see him. ANDERSON had no previous appointment with Mr. WHITEHAIR, and they were not acquainted. Mr. WHITEHAIR advised that he talked with ANDERSON a short time in his office and found him to be an attractive, personable young man. He advised ANDERSON indicated he would not take much of Mr. WHITEHAIR's time, adding that he covers the Pentagon for DREW PEARSON and Mr. PEARSON wanted ANDERSON to become acquainted with Mr. WHITEHAIR. They exchanged a few pleasantries and then ANDERSON stated he understood Mr. WHITEHAIR was at the big meeting. WHITEHAIR replied, "You know there are a lot of big meetings." ANDERSON stated, "No, no, I mean the one at the White House." Mr. WHITEHAIR stated he remarked that unfortunately Secretary KIMBALL had been away, intimating that he had replaced Mr. KIMBALL. ANDERSON then asked who was present at the conference, and WHITEHAIR advised ANDERSON that the national interests precluded him from giving him this information. ANDERSON then inquired whether any jokes were told at the meeting. WHITEHAIR again advised ANDERSON that the best interests of the country made it impossible to discuss the conference. He thinks he mentioned this was merely the renewal of the bimonthly meeting of the President with the Joint Chiefs of Staff.

Mr. WHITEHAIR advised that ANDERSON thereupon pulled from his pocket a glossy yellow or gold paper folded like a newspaper and, reading from this paper, inquired if it were not true that General VANDENBERG had stated that we should reach an armistice with the Communists and thereafter withdraw. Also, General VANDENBERG had contended that we should not bomb beyond the Yalu River. Mr. WHITEHAIR declined to answer this query. ANDERSON then inquired

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if ~~JIMMY~~ WEBB had not stated that we should reach an armistice and impose a threat to the Communists in the event the terms of this armistice were violated. Mr. WHITEHAIR refused to answer this question also. ANDERSON then inquired if Admiral FECHTELER did not oppose the above proposition of including a warning and threat to the Communists in the event of an armistice violation. Mr. WHITEHAIR stated he told ANDERSON that Admiral FECHTELER talks very little about anything. WHITEHAIR stated ANDERSON was persistent and inquired whether WHITEHAIR saw the President and he may have also asked regarding the President being tanned. WHITEHAIR advised he may have indicated that he saw the President, which was obvious, and could not recall whether he had commented on the suntan of the President. He advised ANDERSON then put the paper in his pocket and he lectured ANDERSON briefly, pointing out such material may be dangerous to the security of the United States and afford comfort to the enemy. He stressed ANDERSON should draw no inferences from anything stated by WHITEHAIR.

Mr. WHITEHAIR expressed the belief that ANDERSON's original intention was to merely obtain anecdotes or pleasantries for background or window dressing for his column and had not intended to reveal his material to WHITEHAIR, but this was a development from WHITEHAIR's refusal to cooperate from the outset.

Mr. WHITEHAIR advised on early Wednesday morning, December 12, he discussed the above incident with Secretary KIMBALL relating the entire story. He understands thereafter Secretary KIMBALL related the ANDERSON incident to Admiral FECHTELER, and later in the morning Admiral FECHTELER brought the matter to the attention of Admiral DENNISON of the White House who had visited the Pentagon about 11:30 a.m. on another matter. Mr. WHITEHAIR surmised that Admiral DENNISON had informed President TRUMAN as Admiral DENNISON contacted him later in the day and reported the President desired that WHITEHAIR report this matter to the attention of Secretary of Defense LOVETT and inform Mr. LOVETT that the FBI should be advised.

Mr. WHITEHAIR stated he felt the most immediate thing was to prevent publication of the story, if possible, and at his suggestion, Admiral DENNISON obtained authorization of the President for WHITEHAIR to contact DREW PEARSON. About 5 p.m., December 12, Mr. WHITEHAIR phoned PEARSON whom he had met on several prior occasions since his appointment as Undersecretary and appealed to PEARSON to withhold the column from publication. He stated he based his request on two grounds; first, that he was newly appointed and trying to perform his job and did not wish to become involved as a result of PEARSON's action in sending his representative to make friends with WHITEHAIR and then asked a series of questions about a confidential conference. Mr. WHITEHAIR's

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second and most important argument was that the disclosure of the conference discussions might well impair the security of the country. He stated PEARSON was somewhat apologetic and said he wished WHITEHAIR had called him yesterday and then told WHITEHAIR that he need not worry, that he had not told ANDERSON anything, and insisted that the statement would not hurt the President or the country and, as a matter of fact, he thought the President would like it.

Mr. WHITEHAIR advised that his senior aide, Captain [redacted] [redacted] USN, had listened to the conversation with PEARSON and submitted the following memorandum:

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"12 December 1951

"At about 1735 Wednesday, 12 December, the Under Secretary directed me to get Mr. Drew Pearson on the phone for him and to listen in. There follows the substance of the conversation:

"Mr. Whitehair said that as Mr. Pearson knew, Mr. Anderson was in to see him yesterday afternoon. That Mr. Anderson and he had chatted for a while and that Mr. Anderson started asking about the President's conference Monday morning, as to who was there, and if there were any jokes told, etc. Mr. Whitehair gave him some innocuous answers, to innocuous questions, but when Mr. Anderson asked other questions and brought out a notepad to take notes, the Under Secretary told him not to do that, that he could not talk about the conference. Mr. Whitehair then said to Mr. Pearson that if he planned to publish anything about this conference he wished that he would reconsider and not do it, because if he had anything it might hurt our national interests, and since it was well known that Mr. Anderson had been in to see the Under Secretary he might be blamed for the leak.

"Mr. Pearson said that he had already released a brief outline of the conference saying that the President would like a truce, providing no serious concessions were necessary, etc., but that he didn't see that Mr. Whitehair should be apprehensive, as Anderson had told him that Whitehair hadn't told him anything, and that General Bradley and he (Pearson) were old friends and had talked this situation over many times, and that many other friends of his (Pearson's) were at the conference: Finletter, Vandenberg, and Jimmy Webb.

"Mr. Whitehair protested again, stating he was new here, trying to do a job and certainly didn't want to get involved in such a matter, and that it was now known that Anderson had been to Mr. Kimball's office and hadn't

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10-3097 PN 06A 6-15-92 *Remain (u) SP7C/66 #265, 955*

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"gotten in to see Mr. Kimball, and had then come down to see him (Mr. Whitehair) -- Mr. Whitehair not then knowing that Anderson had tried but had been unable to see Mr. Kimball first.

"Mr. Pearson then said that Anderson was trying to see Mr. Kimball on an entirely different matter, and had had instructions to get in to meet Mr. Whitehair, and further that he (Pearson) thought the article was a pretty good one, favorable to the President and to the military, and would do the President some good, and certainly not hurt our national interests.

"Mr. Whitehair said that he was glad to hear that, and thanked Mr. Pearson."

In connection with his acquaintance with DREW PEARSON, Mr. WHITEHAIR advised that when he was General Counsel for the Economic Stabilization Administration, he had been invited to the PEARSON home, along with MIKE DISALLE, but had not accepted the invitation. Shortly after his appointment as Undersecretary of Navy, he was again invited to the PEARSON home for an informal buffet dinner on a Saturday afternoon and accepted. He recalled that he went in his car and drove Justice HUGO BLACK and his wife, who were also guests. Others present included DREW PEARSON, a sister of Mr. PEARSON, Attorney ABE FORTAS and his wife, WALTER CRONKHITE, radio commentator, and FRED BLUMENTHAL (reporter and office manager of Mr. PEARSON). Mr. WHITEHAIR also recalled that PEARSON had paid him a casual visit one afternoon on a subsequent occasion inquiring how he liked his job and exchanging pleasantries. On one other occasion PEARSON had been in the Pentagon to contact the Secretary of Navy and dropped in for a brief visit with Mr. WHITEHAIR. Mr. WHITEHAIR advised he had never furnished PEARSON with any information.

Mr. WHITEHAIR advised he did not know ROBERT S. ALLEN. He advised that he was not acquainted with JACK ANDERSON prior to the meeting described above and did not know any other individual employed by PEARSON with the exception of FRED BLUMENTHAL. He explained he had met BLUMENTHAL previously on two occasions in his office. This occurred in connection with a controversy growing out of efforts of the Harvey Machine Company to negotiate a twenty-seven million dollar loan from the Government. Considerable opposition developed because of alleged inefficiency of the Harvey Machine Company in manufacturing defective shells for the Government during the war.

DREW PEARSON apparently had interested himself in opposing the loan efforts of the Harvey Company and sent BLUMENTHAL to see WHITEHAIR, at which time BLUMENTHAL displayed a confidential Navy document to WHITEHAIR. Sometime thereafter, BLUMENTHAL again visited WHITEHAIR and the latter returned the

WFO 65-6060

document to BLUMENTHAL, stating he was certain BLUMENTHAL had made photostatic copies. He said BLUMENTHAL was surprised, stating he thought WHITEHAIR would retain the document.

The "New York Post" column of ROBERT S. ALLEN published December 13, 1951, was displayed to Mr. WHITEHAIR, who stated it was pretty accurate and undoubtedly based upon the knowledge of someone who had attended the conference. He stated the quotations attributed to the President and General COLLINS appeared reasonably accurate but observed that in connection with the column's statement that the Communists cannot drive us out of Korea, COLLINS had stated "For my money, the Communists cannot drive us out of Korea," rather than "until hell freezes over" as indicated in the ALLEN column. Mr. WHITEHAIR was positive General COLLINS had not said "until hell freezes over."

Mr. WHITEHAIR thought that the quotations and alleged statements of General BRADLEY were rather accurate with the exception that he did not recall that General BRADLEY had portrayed the Communists as playing off their efforts to demand concessions on airfields against the rotation of troops advocated by the U.N. He recalled that both matters were discussed in General BRADLEY's presentation of the various points at issue in the truce negotiations. With reference to the quotations of General VANDENBERG in the column, Mr. WHITEHAIR advised he could not recall that General VANDENBERG had argued particularly about airfields but possibly this was mentioned.

Mr. WHITEHAIR advised that his contribution to the conference touched briefly upon the fact that he was new in his job and his knowledge of the behavior and characteristics of the orientals, Koreans in particular, in the light of his many years' experience in the Far East as a Military Government Specialist and Prisoner of War Officer. He stated that based on his knowledge of oriental psychology, he offered the opinion to the conference that the Communists would prolong negotiations indefinitely and then say no, which supported the position of Admiral FECHTELER.

Concerning an alleged leak of information relative to the proceedings at the White House conference, Mr. WHITEHAIR stated he could offer no suggestions as to the identity of any person in attendance who may have been responsible for a leak, if a leak occurred.

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INTERVIEW WITH SECRETARY OF NAVY DAN KIMBALL

Secretary of Navy DAN KIMBALL was interviewed at his office in the Pentagon on the afternoon of December 18, 1951, by Special Agents CARL E. GRAHAM and MAURICE A. TAYLOR.

Secretary KIMBALL advised that he was out of the city at the time of the White House Conference on the morning of December 10, 1951, and was represented at the conference by Under Secretary FRANCIS WHITEHAIR, who returned to the Pentagon before noon, at which time he furnished Mr. KIMBALL with a general summary of what had transpired at the conference. He recalled in particular that Mr. WHITEHAIR had informed him concerning the remarks made by Mr. WHITEHAIR and Admiral WILLIAM FECHTELER. Mr. KIMBALL advised he had made no notes, and that no memoranda had been prepared on the above discussion or the conference. He also stated he had no further discussions with anyone concerning the conference proceedings.

Secretary KIMBALL stated that on the following afternoon, December 11, 1951, he had returned to his office about 4:30 P.M., at which time his secretary advised that JACK ANDERSON had wanted to see him. Secretary KIMBALL told the girl that he did not wish to see ANDERSON at all. However, he learned that ANDERSON had left his office and had gone down to visit Mr. WHITEHAIR. Later that evening, or early the next morning, WHITEHAIR reported to Secretary KIMBALL that ANDERSON had questioned him concerning the White House Conference and thereafter read several items from notes indicating he had been briefed on a number of matters discussed at the conference. On the same morning, Mr. KIMBALL informed Admiral FECHTELER of the above developments and Admiral FECHTELER advised he would inform Admiral DENNISON of the White House. Mr. KIMBALL understood that Admiral DENNISON had advised President TRUMAN on the same date.

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INTERVIEW WITH ADMIRAL WILLIAM M. FECHTELER

Admiral WILLIAM M. FECHTELER, Chief of Naval Operations, was interviewed on December 15, 1951, by Special Agents MAURICE A. TAYLOR and CARL E. GRAHAM, at the office of Admiral FECHTELER, Room 4E, 632, Pentagon.

Admiral FECHTELER recalled he had attended the White House Conference held at 10:30 A.M., December 10, 1951. He advised that he did not take any notes during the conference and made no memoranda thereafter pertaining to the conference; he also advised he had not discussed the proceedings of the conference with anyone.

Admiral FECHTELER furnished the substance of his own contribution to the conference, which covered a single item. Admiral FECHTELER voiced his misgivings to an earlier State Department proposal that the sixteen member nations of the UN forces represented in Korea issue a threat to the Communists of dire consequences to be visited on them if a violation of the armistice agreement occurs. In this connection, Admiral FECHTELER urged that he did not believe in threats or in committing ourselves to a course of action which we might not be able or find desirable to effectuate at the time when some violation occurred, and he stressed he did not believe in issuing threats in any event.

Admiral FECHTELER furnished the background of instant matter as known to him, advising that he first learned of the PEARSON-ANDERSON leak on Wednesday morning, from Secretary DAN KIMBALL, as they were going to a conference together. Secretary KIMBALL related that on the previous day ANDERSON had an appointment with FRANCIS WHITEHAIR, during which ANDERSON questioned Mr. WHITEHAIR concerning the conference, and then read from a paper concerning the details of the conference, which alarmed WHITEHAIR, who reported the matter to Secretary KIMBALL. Admiral FECHTELER advised that after lunch he had occasion to talk with Admiral DENNISON, White House Attache, and DENNISON first learned of the leak from Admiral FECHTELER, and subsequently the matter was reported to the President.

Admiral FECHTELER pointed out he did not know DREW PEARSON, JACK ANDERSON, or any known PEARSON employee, and he had no specific suggestion as to how any leak may have occurred.

Admiral FECHTELER was made cognizant of the column by ROBERT S. ALLEN in the "New York Post" of December 13, 1951, which column

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purported to contain the substance of the White House Conference. Admiral FECHTELER said he could not verify the accuracy of the ALLEN column as to actual quotations, but in all, considered the ALLEN column to be substantially an accurate report of remarks which were included in the conference. He expressed the belief that the ALLEN column must have been prepared with assistance from someone who was present at the conference, and he concluded he could not point out any inaccuracies in the ALLEN column.

Admiral FECHTELER was asked concerning the item reportedly in the ANDERSON column to the effect that we would seek an extension beyond the deadline of December 27, 1951, in the event details were not completed prior to that date. Admiral FECHTELER stated he did not recall the President had indicated we would seek or permit extension beyond the December 27 deadline, although he thinks the date may have been mentioned during the conference. He did recall that the President in substance said we should not make any concessions which we will regret later.

In conclusion, Admiral FECHTELER advised that during the proceedings he did not observe anybody coming into or leaving the room, and recalled when the meeting concluded, approximately 11:40 A.M., everyone left the White House at about the same time.

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INTERVIEW WITH GENERAL OMAR BRADLEY

General OMAR BRADLEY, Chairman of the Joint Chiefs of Staff, was interviewed by Inspector CARL E. HENNRICH and Special Agent M. A. TAYLOR.

General BRADLEY advised he was informed by the President of the leak to DREW PEARSON, which was exposed when JACK ANDERSON approached FRANCIS WHITEHAIR to confirm material obviously originating at the conference. General BRADLEY stated that about 6:00 P.M., December 12, 1951, he had visited the White House at which time the President told him of the disclosure and expressed great concern that the truce negotiations would be jeopardized through an untimely news item. General BRADLEY volunteered to see if he could prevent publication of the information in PEARSON'S possession. General BRADLEY stated he ascertained from a source at the "Washington Post" that the PEARSON column was not made up for publication in the "Post" for December 13 and 14, which would be Thursday and Friday of the week of the conference. General BRADLEY advised that his press aide, Colonel C. V. CLIFTON, thereafter telephoned JACK ANDERSON, who came over to the office of General BRADLEY about 7:30 P.M., December 12, 1951.

General BRADLEY related that when ANDERSON arrived at the office of General BRADLEY he displayed a typewritten copy of a column to General BRADLEY and his assistants, Colonel WILLIS MATTHEWS and CHESTER CLIFTON. General BRADLEY read aloud the portions of the column dealing with the White House conference of December 10. His recollection was that the column referred to the conference as an important White House conference and described the President's entering the conference room, making a joking reference to his suntan, and proceeding around the conference table shaking hands with each individual present. General BRADLEY recalled the column indicated that General BRADLEY had led off by outlining the military situation in Korea, in which General BRADLEY was fairly optimistic.

Subsequently, reference was made in the column to a statement attributed to Admiral WILLIAM FECHTELER to the effect that the Navy was ready to perform its mission any time, anywhere in the Korean war. General BRADLEY believed there may have been a reference to a statement allegedly made at the conference by General HOYT VANDENBERG, but stated later he believed this was mentioned by ANDERSON verbally.

General BRADLEY advised that he also recalled two items in particular which he pointed out to ANDERSON as very undesirable and which ANDERSON agreed

to change to conform with suggestions of General BRADLEY. One of these items quoted the President as saying we ought to do everything we could to get a cease-fire, but should not make any concessions we will regret later. General BRADLEY suggested changing this to simply state that the President had declared we should not make any concessions which we will regret later. The second item indicated that it was agreed at the conference that if we did not succeed in obtaining a cease-fire by the December 27 deadline we would ask for a few days extension of time. General BRADLEY advised that at his suggestion this was changed to a statement that there would undoubtedly be some details which would have to be worked out subsequent to the December 27 deadline. In connection with these changes, General BRADLEY advised that he had informed the President that the changes had been made and told President TRUMAN that the article, as modified, was not particularly harmful. He said he did not recall the President referring to the date December 27, 1951, at the conference.

General BRADLEY stated he did not request ANDERSON to kill or withdraw the story, explaining it was his understanding from talking to WHITEHAIR that it had been dispatched and he preferred not to ask favors of DREW PEARSON. General BRADLEY expressed the opinion that the column was based, in part at least, on information obtained from someone present at the conference, and that it was fairly accurate and was not particularly harmful. He stated he did not authorize the publication but could not prevent its publication, and chose to suggest the changes, which he marked on the typewritten copy at the suggestion of Colonel WILLIS MATTHEWS.

General BRADLEY mentioned that ANDERSON had stated he had displayed the column to someone unnamed at the Pentagon who had stated that it was harmless and contained nothing which would violate security. General BRADLEY also had a recollection that ANDERSON had indicated that he had further information concerning the White House conference, but had refrained from including this in the watered down version for publication.

General BRADLEY, with reference to his participation in the conference, advised that at the beginning Secretary ROBERT LOVETT suggested that General BRADLEY inform the President of the military situation, which General BRADLEY did, advising him of the Communist buildup of men, planes, and equipment in the past couple of weeks, and also discussing the several points in the negotiation and mentioning that a few concessions could be made on both sides. He particularly expressed the view of the Joint Chiefs that repair and rehabilitation was equally advantageous to the UN and a ban would be unenforceable.

At this time the column of ROBERT S. ALLEN which appeared in the "New York Post" on December 13, 1951, was displayed to General BRADLEY, who

read it carefully and expressed the opinion that he did not believe he recognized it as identical with that of ANDERSON, and did not believe it to be as accurate. He stated some of the quotations are pretty close to those of ANDERSON's and that the same person could have given the material to both men, relating it a bit differently, or he thought perhaps ALLEN could have obtained the material from PEARSON or ANDERSON prior to the time that ANDERSON's material was watered down in column form.

General BRADLEY pointed out several differences. He stated that at the conference General VANDENBERG had not expressed as great concern as attributed to him in the ALLEN column. He stated that the references to General COLLINS were fairly accurate, and the quotation that General COLLINS stated we could "hold the present line until hell freezes over" was accurate. With reference to General COLLINS' inclination to make concessions on the airfield dispute, he stated COLLINS' view was that four or five airfields could be conceded to the Communists.

General BRADLEY advised that with reference to the statement in the ALLEN column attributed to him, that the Reds were trying to bargain rotation against airfields, this is not entirely accurate, but that reference to the rotation of troops was made and this was discussed as one of the serious points at issue in negotiations with the enemy.

General BRADLEY advised that the quote attributed to President TRUMAN, that he was very anxious to end the fighting but would not agree to concessions we may regret later, was accurate to the best of his recollection. He also believed some reference was made at the conference to building up the South Korean Army and how soon we could withdraw safely.

General BRADLEY was questioned concerning any possible suspicions he might have concerning anyone present at the conference, and he stated he felt that no member of the Military or Naval services present was responsible for the leak. He admitted he had in mind one civilian present at the conference whom he would not trust with confidential information of this character. He said he had absolutely no facts to support his suspicions, except that this person had been reported to have leaked information on a prior occasion. He confided that he had made his suspicions known to the President and had promised the President that he would not reveal the name of this person to any other individual. General BRADLEY did not furnish any information which would point to the individual under his suspicion.

General BRADLEY advised he did not make any notes during or after the conference; thereafter, did not make any record or memorandum of the proceedings. Furthermore, he stated he had not discussed the proceedings of the conference with anyone except as indicated above.

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INTERVIEW WITH COLONEL CHESTER V. CLIFTON

Colonel CHESTER V. CLIFTON, press officer and aide to General OMAR BRADLEY, was interviewed in the office of his associate, Colonel WILLIS MATTHEWS, on the afternoon of December 14, 1951, by SAs CARL E. GRAHAM and MAURICE A. TAYLOR.

Colonel CLIFTON advised that at about 6:30 p.m. on December 12, 1951, General BRADLEY had returned to his office from the White House and advised that the President was greatly concerned about an alleged leak to DREW PEARSON or his reporter, JACK ANDERSON, of matters discussed at the White House conference held on the morning of December 10, 1951. Colonel CLIFTON stated he understood that ANDERSON had prepared a story containing direct quotations which were very accurate, indicating the information was authentic. He explained that he learned from General BRADLEY, that FRANCIS WHITEHAIR, acting Secretary of Navy at the conference, had been approached by ANDERSON under the pretext that he wanted to meet with Mr. WHITEHAIR, who is comparatively new as under Secretary of Navy, and thereafter endeavored to question Mr. WHITEHAIR about the conference proceedings. When Mr. WHITEHAIR declined to furnish anything, ANDERSON pulled a paper from his pocket and read descriptive material of the conference proceedings which was so accurate Mr. WHITEHAIR became alarmed, and reported the matter which ultimately reached the President. Colonel CLIFTON related that the President felt that premature or inaccurate disclosures might jeopardize our entire truce negotiations with the Communists. So, General BRADLEY volunteered his assistance in view of past experience with PEARSON in a similar matter. He recalled that on one occasion in the past when PEARSON had prepared a column dealing with top secret atomic information, General BRADLEY had requested PEARSON not to use the material in the interests of national security and PEARSON had respected General BRADLEY's request in that matter. Colonel CLIFTON related that in the light of that prior incident, General BRADLEY had volunteered to help on this occasion. Colonel CLIFTON understood from General BRADLEY that Mr. WHITEHAIR had called DREW PEARSON, who indicated that the column already had been dispatched, but insisted that nothing contained therein constituted a danger to security or a source of embarrassment. Colonel CLIFTON stated he phoned "RUSS" WIGGINS of the Washington Post, who advised him that nothing concerning the White House conference appeared in the PEARSON columns scheduled for publication December 13 and 14. Colonel CLIFTON advised that before having PEARSON again contacted by his superior, General BRADLEY, he thought he would discuss the matter with JACK ANDERSON and called him after locating ANDERSON at the Senate Press Gallery.

He stated ANDERSON assured him he did not wish to violate security and there was no security violation in the PEARSON column, but agreed to come over with the column and discuss it. At the same time, ANDERSON inquired how CLIFTON learned of the column's existence, and offered to submit the column for editing in exchange for being informed as to who told Colonel CLIFTON he had the information concerning the conference. To this Colonel CLIFTON agreed. A short time thereafter, around 7:00 p.m., JACK ANDERSON came over to General BRADLEY's office and there in the presence of ANDERSON, Colonel MATTHEWS and himself (CLIFTON) General BRADLEY read aloud the portion of the column dealing with the White House conference. Colonel CLIFTON recalled there were two points in the article which were considered objectionable, although General BRADLEY did not indicate to ANDERSON that anything in the column was accurate or indicate in any way that he approved publication of the column. Colonel CLIFTON explained this type of editing is necessary in handling stories where reporters have secured confidential information in the nature of scoops, as they are unable to prevent publication and endeavor to protect national security by persuading the reporters to delete items which greatly endanger the national interest.

The first of the objectionable items above, in substance, quoted the President as stating we would grant an extension of a few days if details of the peace negotiations were not worked out by the cease fire dead line of December 27, 1951. Colonel CLIFTON advised this objectionable item was rephrased and in substance was made to read that undoubtedly there will be some details that will have to be worked out after the December 27th dead line. The other objectionable item in substance had quoted the President as saying that we ought to do everything we can to get a cease fire, but we should make no concessions that we would regret later. Colonel CLIFTON advised this item was considered objectionable in that it would tend to make it look like we are too anxious to obtain an armistice. So, the item was changed in substance to show the President commenting we should make no concessions we would regret later. Colonel CLIFTON stated that apart from the above changes, it was agreed in ANDERSON's presence that the column was not particularly harmful and might in fact be helpful. Thereafter, ANDERSON departed with the understanding he would recommend to PEARSON that the suggested changes be inserted in the column.

Just before leaving, ANDERSON reminded Colonel CLIFTON they had agreed that on the condition of ANDERSON submitting the column, Colonel CLIFTON would tell ANDERSON how it had been learned that the column had been prepared. In reply to ANDERSON, CLIFTON told him he learned it from the President.

He stated ANDERSON appeared to be genuinely startled at this, and then as they were walking down the hall, ANDERSON shook his head and said "it must have been WHITEHAIR who told him."

To the best of his recollections, Colonel CLIFTON furnished the material contained in the PEARSON column as read aloud to him by General BRADLEY in ANDERSON'S presence. He recalled the column had started out with a description of the President entering the conference room in good spirits, and after greeting everyone made some remark, in substance, inquiring as to how they all liked his suntan. In addition to the two items above, considered objectionable and changed in accordance with General BRADLEY'S suggestions, Colonel CLIFTON recalled the PEARSON column contained a sub-title along in the middle of the column, captioned "Silent Admiral" which described a statement at the conference attributed to Admiral FECHTELER. It was Colonel CLIFTON'S recollection that in substance the comments attributed to FECHTELER were to the effect that the Navy was ready to carry on its part in the Korean war if called on, any time, any place, and under any condition. Colonel CLIFTON said he could not recall additional items in the PEARSON column, but did remember that next to the last item was the previously described objectionable reference to the granting of extensions of time beyond the December 27 deadline. In connection with ANDERSON'S protestation that the column contained no violation of security, ANDERSON had told General BRADLEY and his two assistants that he had lots more information from the conference and he had purposely left it out because there might be some question of security. In this connection, he referred to statements attributed to General VANDENBERG dealing with the air war and how it would affect us and by General COLLINS concerning troop rotation, and what we should do about it.

Colonel CLIFTON stated he is familiar with the DREW PEARSON style of reporting and his information techniques from considerable experience with ANDERSON and he feels that this information originated from an eye witness who attended the White House conference. He cautioned, however, that the entire story may not have been obtained from such a source of information and added that it may have been the work of two or more reporters working in conjunction, such as ANDERSON and McNAMARA, another PEARSON reporter, or ROBERT ALLEN and PAUL SCOTT. He also called attention to the possibility that direct quotations could have been passed on by a secondary source in the person of an assistant to one of those attending the conference. In this connection, Colonel CLIFTON stated that a surprising degree of detail can be assimilated by a man trained in this respect to receive information from the top man and be able to retain it in order to make or implement decisions.

Colonel CLIFTON stated that a leak of this nature was not the sort of thing that was handled by a telephone conversation between the source and the reporter. He said this sort of matter would almost necessarily indicate a person to person briefing with the informant giving the reporter a complete "fill-in" or "run-down" on the entire proceedings.

At this time, Colonel CLIFTON called attention to a column by ROBERT S. ALLEN, which he stated appeared in the New York Mirror December 13, 1951, but actually appeared in the "Blue Final" of the New York Post on the evening of that date. Colonel CLIFTON stated that reading the ALLEN column tended to confuse a bit his recollections of the ANDERSON material, but believed the column was in general similar to the ANDERSON column. He observed that the ALLEN column appeared to include the material in ANDERSON's column and in addition contained quotations by General VANDENBERG and General COLLINS, recalling in this connection, that ANDERSON had stated he had such items in his possession, but did not choose to use them.

After reading the ROBERT S. ALLEN column last night (December 13, 1951) Colonel CLIFTON remarked he called Mr. CLAYTON FRITCHEY, Director of Public Information, Department of Defense. They discussed the ALLEN column and Colonel CLIFTON's recollection of Mr. FRITCHEY's comment was FRITCHEY remarked that ALLEN had "scooped" PEARSON by two days. The following day, Colonel CLIFTON and Mr. FRITCHEY discussed the matter of the ALLEN and PEARSON columns and Mr. FRITCHEY told Colonel CLIFTON that he was at the DREW PEARSON residence at the time the discussion in General BRADLEY's office took place on the night of December 12. Mr. FRITCHEY told Colonel CLIFTON that he was playing bridge at the PEARSON home when ANDERSON came by the DREW PEARSON residence on his way to the Pentagon to take the column to General BRADLEY. Colonel CLIFTON stated FRITCHEY had related to him that PEARSON had showed the column to him (FRITCHEY). Colonel CLIFTON said FRITCHEY had made the observation he did not see anything harmful in the column as it had been displayed to him by PEARSON.

At the conclusion of this interview, Colonel CLIFTON summed up his observations by saying in his opinion there are two ways that the information got out: either a leak by some member actually in attendance at the White House conference, or some member in attendance told it to his respective staff and the information leaked from that point. He continued that it was his belief that the leak actually came from a person who had attended the White House conference. Colonel CLIFTON added it was his own conclusion that the same source who furnished the data to JACK ANDERSON also had given the same information to ROBERT S. ALLEN.

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On December 18, Colonel CLIFTON was reinterviewed for the purpose of displaying to him the DREW PEARSON column as published in the New York Daily Mirror, December 15, 1951. It was Colonel CLIFTON's observation that with only possibly minor editing, such as a comma here or there, he could see nothing significant in the PEARSON column as different from the original column which had been presented by ANDERSON and read by General BRADLEY. He stated he thought all the principal points were in the column. He did not believe the first paragraph in the column displayed is identical in form with the ANDERSON material, but he thought that the material that ANDERSON displayed to General BRADLEY did have an introduction containing much the same thought. He noted particularly the second sentence in the opening paragraph referring to an assurance from General BRADLEY that a cease fire could be worked out in Korea.

INTERVIEW WITH COLONEL WILLIS MATTHEWS

Colonel WILLIS MATTHEWS, Aide to General OMAR BRADLEY, was interviewed in his office at the Pentagon on the afternoon of December 14, 1951, by Special Agents CARL E. GRAHAM and MAURICE A. TAYLOR.

Colonel MATTHEWS confirmed the story of Colonel CHESTER CLIFTON of the return of General BRADLEY to the Pentagon about 6:30 p.m. on December 12, 1951, with the report from President TRUMAN of the news leak to JACK ANDERSON and the subsequent visit of ANDERSON to the office of General BRADLEY between 7:00 and 7:30 p.m. the same evening. Colonel MATTHEWS also advised that upon arrival, ANDERSON had displayed a lengthy typewritten document on long sheets of yellow paper, resembling teletype paper, which he presumed to be a full column. He stated perhaps one third or more of the material was devoted to the White House Conference and that General BRADLEY read this portion out loud in the presence of ANDERSON, Colonel CLIFTON, and himself. He advised that ANDERSON furnished no copy to General BRADLEY and no notes were made.

Colonel MATTHEWS stated that ANDERSON indicated that the column, as prepared, did not have any items dangerous to security and informed General BRADLEY that he would delete or recommend deletion of anything constituting a security violation. He advised that General BRADLEY did not approve anything in the column or indicate that anything was accurate or inaccurate. However, General BRADLEY objected to two items and designated these items on ANDERSON's copy at the suggestion of Colonel MATTHEWS. He stated ANDERSON agreed to change the two items to conform with the suggestions of General BRADLEY and Colonel CLIFTON. He stated he was not completely clear as to the two items, but believed in one item; ANDERSON agreed to delete a statement indicating that we are anxious for an armistice and would go to considerable lengths to obtain it, and to leave in the column a statement by the President that we should not go and make any foolish concessions or mistakes which we would regret thereafter.

Colonel MATTHEWS advised that prior to the arrival of ANDERSON at the office of General BRADLEY on the evening of December 12, 1951, General BRADLEY had called Secretary ROBERT LOVETT discussing the alleged leak and informing him of the concern of the President. General BRADLEY also called Under Secretary FRANCIS WHITEHAIR, who had originally reported the leak and discussed the leak and the President's concern with Mr. WHITEHAIR.

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With reference to his recollections of the ANDERSON article read by General BRADLEY, Colonel MATTHEWS stated that it began by referring to the White House conference and indicating that the information hereafter came from an informed source or a source close to the White House. He stated it described President TRUMAN as entering the conference room, shaking hands with everybody, and making a remark about Florida and his suntan. He stated the article quoted the President and indicated that the President opposed granting the Communists the right to rebuild air fields, roads, etc. He believed some remark was made by the President to the effect that we should get along with the armistice negotiations.

Colonel MATTHEWS advised that he knew of the White House conference on December 10, in advance, but was not informed of the topics for discussion and had not discussed the conference with General BRADLEY or anyone else. He stated, so far as he knew, no notes or memoranda were made by General BRADLEY. Colonel MATTHEWS was able to furnish no individuals as suspects.

INTERVIEW WITH MR. CLAYTON FRITCHEY

Mr. CLAYTON FRITCHEY, Director, Office of Public Information, Department of Defense, was interviewed at his office in the Pentagon on December 17, 1951, by Special Agents CARL E. GRAHAM and MAURICE A. TAYLOR.

Mr. FRITCHEY advised he possessed no information regarding the proceedings and discussions of the White House Conference held December 10, 1951, and did not know the identities of those in attendance other than from normal conjecture. Mr. FRITCHEY was advised it was understood he possessed some information regarding an alleged leak from the conference to DREW PEARSON or JACK ANDERSON, his reporter. Mr. FRITCHEY stated on the afternoon of Tuesday or Wednesday of last week, at about 3:00, 4:00 or 5:00, ANDERSON had visited him in his office. On this occasion, ANDERSON inquired as to what transpired at the White House Conference, and FRITCHEY said he knew nothing. ANDERSON replied that he had a "pretty good fill-in" on the conference, and FRITCHEY gathered from ANDERSON's manner that he considered the material authentic, but not particularly exciting, and that it had proved to be something of a let-down. ANDERSON gave FRITCHEY no details of the information in ANDERSON's possession. Mr. FRITCHEY remarked that he knew ANDERSON rather well, but that ANDERSON does not visit him very often, and added that the reporters, including ANDERSON, know who to see and who is vulnerable, indicating he was not in the latter category.

At this point, Mr. FRITCHEY stated he was able to place the date of ANDERSON's visit as Tuesday, December 11th, which was the day before he had visited DREW PEARSON's home for dinner and bridge. He mentioned DREW PEARSON does not play bridge personally, but his wife enjoys the game. FRITCHEY stated that in route to PEARSON's residence, he had gone by the home of his assistant, Lieutenant Colonel [redacted] and remarked that [redacted] did not have dinner. He explained, later in the interview, that Colonel [redacted] and his wife joined the group for bridge after dinner. Dinner guests included DREW PEARSON and wife, [redacted] and his wife, [redacted] of Kentucky, and Mr. FRITCHEY.

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While at dinner, or possibly just before dinner began, JACK ANDERSON arrived at the PEARSON home, and PEARSON invited FRITCHEY into

the hallway or reception room adjoining the living room, where he was shown an article pertaining to the White House Conference. He stated it was typewritten on several pages of yellow paper longer than the ordinary letter size, and he gathered it was part of the column. PEARSON told FRITCHEY the article contained several items to which General BRADLEY or his assistant, Colonel CLIFTON, or both, objected, and ANDERSON was going to show it to these officers. At PEARSON's invitation, FRITCHEY read the article, which impressed him as being rather innocuous and pretty tame. FRITCHEY stated, however, it struck him that despite the fact the column was not sensational, the fact that it indicated a leak had occurred in such an important conference was significant and important. He stated he did not suggest this to PEARSON, nor did he suggest that PEARSON withhold publication of the column. He advised PEARSON did not ask him to approve the article or to edit it in any way, and he did not do so. He stated he supposed PEARSON showed him the column to double check the story, as this is a normal technique. He remarked that it is well-known here that PEARSON has excellent sources, and this sort of thing occurs regularly, and he did not feel it would cause any furore.

Mr. FRITCHEY advised that ANDERSON then departed, and an hour or two later returned, at which time FRITCHEY was playing bridge. He stated he did not see the column on this second visit of ANDERSON; however, PEARSON informed him that one or two changes were suggested by General BRADLEY, and PEARSON stated that the column would be changed as suggested. FRITCHEY gathered from this that the column would be dispatched, and added it was his conclusion that the column had appeared, although, perhaps, not in the "Washington Post" as editors often exercise the prerogative to delete columns or portions of columns, and in some instances, such as with the tabloids, to divide columns and publish them piecemeal in different editions.

Mr. FRITCHEY advised that shortly before noon on Saturday, December 15th, JACK ANDERSON came to his office on another unimportant, unrelated matter, at which time FRITCHEY twitted ANDERSON for being scooped by ROBERT S. ALLEN, whose column, containing information similar to that of ANDERSON, had appeared in the "New York Post" on December 13, 1951. FRITCHEY advised that ANDERSON expressed surprise, which appeared to be genuine. FRITCHEY stated he had learned of the ALLEN column from Colonel CLIFTON, and thought he had a copy in his desk box; however, he could not locate the copy, and ANDERSON departed, apparently in search of a "New York Post" containing the ALLEN column. FRITCHEY stated that, on this second visit of ANDERSON, he did not mention the subject of an

investigation, nor did FRITCHEY know about the investigation at that time. FRITCHEY stated that he had first learned of any possible difficulty in connection with the column while at the home of PEARSON on December 12, 1951. He did not know who PEARSON or ANDERSON blamed for exposing ANDERSON, but gathered from Colonel CLIFTON that FRANCIS WHITEHAIR had reported the matter. He stated he presumed PEARSON knew that ANDERSON had seen FRITCHEY on the previous day, and told FRITCHEY he had a good fill-in on the conference proceedings.

Mr. FRITCHEY was asked for his recollections of the content of the original material, which he read at the PEARSON home on the evening of December 12. He stated that he read the article hurriedly, but recalled that it quoted General BRADLEY, JOE COLLINS and possibly General VANDENBERG, although he was not sure about this, and also contained a quotation from the President. He stated it appeared to him that it was pretty much a statement of positions taken in the past by these officials. He thought the President had been quoted as saying we should not make concessions which would hurt our positions, and that General COLLINS had declared he thought we could hold the present line or our present positions whether there was an armistice or not.

Mr. FRITCHEY examined the "New York Post" column of ROBERT ALLEN dated December 13, 1951, which was available at this time, and said that the material in this column pretty well paralleled that of the ANDERSON material described above, but could offer no suggestion in this connection. He stated he did not have any idea where PEARSON or ANDERSON had obtained the information on which the PEARSON article was based, nor did he have any idea whether PEARSON actually prepared it. He stated the same was true with reference to ALLEN, whom he knows, but has not seen in several months, the last occasion being when ALLEN visited the Pentagon Building to attend a regular montly press conference of General GEORGE MARSHALL. In this connection, he mentioned that ALLEN has a leg-man, who covers the Pentagon in much the same manner as ANDERSON does for PEARSON, but he does not know the name of this reporter. Mr. FRITCHEY stated he knew no one who attended the conference, who was particularly close to PEARSON, nor anyone who had ever furnished any confidential information to PEARSON in the past. As indicated, he declared he did not know with certainty who attended the conference. He stated he did not recall any red hot tips coming out of the Pentagon since the last investigation had been made concerning PEARSON's leaks, and he thought that PEARSON may have been frightened somewhat at the time of that investigation. He suggested that the type of individual, who might furnish information to PEARSON would be one interested in politics and very ambitious, politically or otherwise.

Mr. FRITCHEY stated he had known DREW PEARSON for about ten years and visits him periodically averaging, perhaps, once a month. He did not believe he had seen PEARSON since the visit on December 12, 1951.

On December 18, 1951, Mr. FRITCHEY was reinterviewed by Agents GRAHAM and TAYLOR, at which time he was shown the DREW PEARSON column dated December 14th, which appeared in the "New York Daily Mirror" of December 15, 1951, and the DREW PEARSON column, which appeared in the "Philadelphia Bulletin" of December 15th. Mr. FRITCHEY examined both columns, and stated they are reasonably accurate accounts of the material, which ANDERSON had displayed to him on the night of December 12 at the home of PEARSON. He stated that tabloid papers have a tendency to condense and rewrite, and he thought, perhaps, the article in the "Bulletin," which is slightly different from the "Mirror" column, would be more likely to be an exact or nearly exact copy as furnished by PEARSON.

As a matter of interest, Mr. FRITCHEY advised that on the evening of December 17th, Mrs. LUVIE PEARSON, wife of DREW PEARSON, phoned him and invited him to play bridge the night of December 18, 1951, at the PEARSON residence. Mr. FRITCHEY expressed the thought that, perhaps, Mr. PEARSON contemplated making some discreet inquiries of him concerning developments growing out of the instant leak.

DREW PEARSON AND ROBERT S. ALLEN COLUMNS

The column under the by-line of DREW PEARSON appearing in the New York Daily Mirror for December 15, 1951, reads as follows:

"Washington, Dec. 14. -- The world sat up over Pres. Truman's publicized meeting with the Joint Chiefs of Staff when he returned from Key West, but it was routine. The highlight was an assurance from Gen. Omar Bradley that a cease-fire could be worked out in Korea.

"The diplomatic and military chiefs were waiting when HST strode in, grinning. He shook hands all around, said it was 'good to be back', asked how they liked his tan.

"He let the joint chiefs do most of the talking, and here is a brief account of what happened:

"Truman sat back, called for views, and made such comments as: 'That's a tough one'.

"Bradley led with a summary of the Korean situation, reported the Reds seemed ready to come to terms, that a cease-fire agreement could be worked out if both sides made concessions.

"Gen. Vandenberg, Air Chief, opposed major concessions, was adamant against allowing the Communists to build airfields during the cease-fire.

"Gen. Collins, Army chief, opposed giving in on troop rotation. The Chinese propose a freeze on all troops entering Korea, blocking replacements for combat veterans. This would be a blow to morale. Collins warned.

"Silent Admiral

"Collins agreed 'minor concessions' should be made to win some in return. Truman commented that no concessions should be granted that we 'would later regret'.

"Admiral Fechteler made only a half-minute speech, pledged that the Navy is prepared to carry out 'any mission any time any place'.

"For the Army, Collins pledged the Army couldn't be blasted out of Korea, could hold on 'until hell freezes over'.

"One concession discussed was yielding to the Reds on inspection behind the lines. We have been holding out for it by U.N.-Communist teams, but the Reds want it by 'neutral' nations -- and that meant Poland and Czechoslovakia. Later they agreed to consider Denmark, Sweden and Switzerland. These would be acceptable to us. Bradley proposed giving ground here and it has been done.

"The principal theme was that a cease-fire may be close, with a settlement within 20 days. Some details will be left to iron out later.

"Another matter discussed was the question of withdrawing U.N. troops altogether -- after the armistice. The facts regarding this must not be published now."

Through inquiry at the Bell Syndicate, Inc., 229 West 43rd Street, New York City, it was ascertained that in the original column as dispatched by PEARSON to Bell Syndicate there appeared under the caption "Silent Admiral" the following:

"President TRUMAN's only comment was that every effort should be made to reach a cease-fire, but no concessions should be granted that we 'would later regret'".

On the basis of the same inquiry it was ascertained that following the dispatch of the original article to Bell Syndicate, PEARSON requested that the above paragraph be changed to read:

"President TRUMAN commented that no concessions should be granted that we would later regret."

It was further determined from the Bell Syndicate that in the original dispatch signed by DREW PEARSON the following was contained:

"The chief theme of the meeting was that a cease-fire agreement may be close at hand. All signs point to a settlement within the next 20 days. Though some details will be left to iron out after the December 27 deadline, we are sure to grant a short extension to clean them up."

Subsequent to the filing of the original dispatch and before publication, PEARSON requested that the last sentence of the above paragraph be changed to read: "Some details will be left to iron out after the December 27 deadline." In making the request for this change PEARSON stated in addition, "In other words, omit the word 'though' and the words 'we are sure to grant a short extension to clean them up'."

The New York Post for December 13, 1951, in its "Blue Final" edition attributed the following column to ROBERT S. ALLEN:

"Washington, Dec. 13. - The U.N. can have a cease-fire in Korea, but at the cost of important concessions to the Reds.

"That's what the Joint Chiefs told the President in their big conference with him after his return. Gen. Bradley declared the protracted truce negotiations have reached the point 'where a few concessions on both sides could bring an agreement if the Communists really want one'.

"'What do they want?' asked the President. 'The deadlock gets down to this,' explained Bradley. 'We are demanding the right to continue to rotate our troops as we have been doing for months. The Reds are flatly refusing to allow that. They are insisting on a complete freeze on replacements and weapons. But they have indicated they would make concessions on that if we will allow them to build some airfields in North Korea. We have refused to do that. Obviously, they are using the rotation issue to try to wrest concessions from us on the airfield demand.'

"Gen. Hoyt Vandenberg vigorously opposed giving any ground on that.

"'I want a cease-fire, if one can be worked out that is fair and proper,' declared the Air Chief of Staff. 'But I don't see how we can safely do anything that will enable the Reds to build up their air strength. That is what permitting them to build airfields will amount to. Such bases in North Korea will be of great combat value to them, if they decide to break the truce next spring, which I wouldn't put past them.'

"Gen. J. Lawton Collins was inclined to favor some terms on the airfield dispute. He thought something could be worked out on that. But the Army Chief of Staff was adamant in insisting the Communists be required to agree to rotation of U.N. troops.

"'That would be a serious blow to the morale of our men,' Collins argued. 'I am strongly opposed to any concession on that. It is an unfair demand, and the only reason the Reds are making it is to try to force us to give in on airfields.'

"Our Army can hold the present line until hell freezes over, and I am flatly opposed to giving the slightest ground on the replacement issue. The Reds would have the same right as us on that, and I don't see why they should object to it, except for trading purposes."

"Bradley agreed with Collins, but emphasized the importance of not allowing the Communists to build up a powerful Air Force.

"President Truman listened intently to the military leaders and said nothing until they finished. Then he told them -

"As you know I am very anxious to bring the fighting to an end if that is possible. But I will not agree to concessions to the Communists that we may regret later on. We want to be very careful that we do not sell ourselves short in our eagerness to secure a truce for our men."

"Also discussed was the question of building up the South Korean Army, as this column has reported was proposed by General Ridgway."

Through the Post Hall Syndicate, Inc., 295 Madison Avenue, New York City, it was ascertained that the mimeographed copy of the quoted ALLEN article reflected that the article, as filed by ALLEN, also included the following:

"He wants to increase the ROK divisions from 11 to 20. No decision was reached on the matter, but President Truman strongly approved the plan. 'I am for prompt action on that,' he said. 'It seems to me a very sound thing to do.' Similarly, the President approved moving to Korea one of the two National Guard divisions now in Japan. This has been suggested by Ridgway in order to permit the transfer of one of the battle-experienced divisions in Korea to Europe. General Eisenhower has requested that."

The original dispatch filed by PEARSON with Bell Syndicate Incorporated was received by wire at approximately 4 P.M. on December 11, 1951. The change in the PEARSON column was received at Bell Syndicate from PEARSON by wire on December 12, 1951. The dispatch from ROBERT S. ALLEN to the Post Hall Syndicate Incorporated was received by them by mail on December 11, 1951.

NEWS DISPATCHES

In order to show what details of the President's conference of December 10, 1951, were reported in general news dispatches, the items appearing in several publications were examined, and the following quotations therefrom are set forth as being of possible interest to this investigation.

WASHINGTON STAR, December 10, 1951,
by JOSEPH A. FOX

"Korea was among the subjects discussed but the meeting was not confined to that subject." (Mr. JOSEPH SHORT).

".....officials here indicated that he (the President) wanted a detailed first-hand account of recent developments in Korea with full reports on possible new moves in the armistice talks."

"The deadline for the Korean truce negotiations is December 27."

"Mr. Short said that the meeting took up European affairs....."

"President Truman also said yesterday that one of the reasons for his return was to talk with people recently in Europe."

NEWSWEEK, December 17, 1951.
National Affairs

"The actual situation: General Matthew B. Ridgway wanted instructions about what kind of truce conditions he could make, particularly concerning exchange of prisoners and inspection."

WASHINGTON TIMES HERALD, December 10, 1951.
Evening Edition

"One of the matters presumably discussed was what course the United States should follow if the present Korean truce failed to produce a complete armistice by December 27, the deadline set by truce negotiators....." (Associated Press)

NEW YORK TIMES, December 11, 1951,
by W. H. LAWRENCE

"There was said to be a strong belief that the Chinese and North Korean Communists had concluded that it was militarily impossible to expel United Nation forces from Korea and now really wanted a cessation of the fighting there....."

"In quarters that have followed closely the long drawn-out negotiations..... there was speculation that a compromise might be near on the controversial inspection-enforcement issue, which has deadlocked the truce talks since November 27....."

"Few believed that all the odds and ends of an armistice could be bargained out and agreed to by December 27, the present deadline for the negotiators to reach complete agreement on an armistice....."

"There seemed general agreement that the United Nations policy-makers would not oppose a further extension of this time limit, now only seventeen days off, if the present battlefront lull continued."

"In the cautiously optimistic reports of a possible Korean cease-fire in the not distant future, which followed in the wake of this session, the talk of compromise on the controverted inspection-enforcement issue centered on elaboration of a Communist proposal..... At that time the Communists suggested Poland and Czechoslovakia, both members of the Soviet bloc, as two 'neutral' nations qualified to supervise enforcement of an armistice..... At the same session, however, the Communist negotiators conceded, in response to Allied questioning, that they would also consider Switzerland, Sweden and Denmark as 'neutral' nations qualified to supervise the behind-the-lines inspection....."

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INTERVIEW WITH ADMIRAL ROBERT L. DENNISON

Admiral DENNISON was interviewed at his residence on December 17, 1951, by Inspector CARL E. HENNRICH and SA KENNETH T. DELAVIGNE. He advised that in pursuance of the decision of the President to have the December 10, 1951, meeting, he telephonically advised Admiral ~~LATOR~~ ^{LATOR} of the Joint Chiefs of Staff, of the fact the meeting was to be held and furnished similar advice to Mr. WEBB of the Department of State, and informed he made both of these telephonic contacts on December 8, 1951, from Key West.

With reference to the question as to whether an agenda had been prepared and distributed to those who attended the meeting, Admiral DENNISON advised that none had been prepared. He said that in a general way those who attended the conference would know of problems which had arisen regarding world affairs and would certainly be prepared to present the views of the particular department involved in a conference of this type. He said that the persons he had called would be aware of the fact that certain questions regarding cease fire negotiations would come up at the conference by reason of a previous exchange of radio messages referring to unresolved questions.

Admiral DENNISON stated that at the time the conference broke up no particular group was observed by him to be gathered in any sort of a discussion to the extent that such a fact was brought to his attention. He advised he recalled that the President desired to see Mr. WEBB following the conference and it is his recollection that at the end of the conference, Mr. WEBB went to the office of the President. When WEBB left the Cabinet Room, he left by a door which would take him out to the corridor where the press would be aware of the fact that he had gone to the President's office. The remainder of the persons attending the conference left through another door and the press would not necessarily be aware of their specific presence at the time. Admiral DENNISON advised that he does not recall that anyone arrived at the conference following the arrival of the President. He likewise is unable to recall that anyone left before the end of the conference and did not recall any secretaries or other persons having occasion to enter the conference room during its progress. He stated that he took no material to the conference, took no notes whatever and informed that he recalled seeing no one take notes with the exception of Mr. JAMES LAY, who took notes for the President.

Admiral DENNISON advised that upon the conclusion of the conference, in view of the interest of the press in the meeting, he instructed Mr. JOSEPH SHORT of the White House staff to advise the press that at the meeting the President had discussed world affairs and no policy decisions had been reached. DENNISON stated he might not have used these exact words, but the words do reflect the sense of what he told SHORT. He stated he did not furnish Mr. SHORT any further information as to what had transpired at the conference. This statement was made after conferring with Admiral SOUERS. He was advised it has been indicated that SHORT had stated to the press that Korea had been discussed at the meeting. He said SHORT may have made such a statement, but he does not recall authorizing him to so state.

Admiral DENNISON was requested to furnish the identity of all individuals with whom he had discussed the conference. He replied he had discussed the conference with no individual who had not attended it. He further advised he has made no written record of any type pertaining to any matter under discussion at this conference. He stated he does not know DREW PEARSON, does not know JACK ANDERSON and does not know ROBERT ALLEN. He advised he has not had contact with any of these individuals or any employees or representatives or associates of these persons in any way concerning the subject matter of this investigation. He does not know whether anyone who would have any connection with these persons was present at the White House on December 10.

Admiral DENNISON read the column under the by-line of DREW PEARSON appearing in the New York Daily Mirror for December 15, 1951, and furnished his comments concerning the relative points of accuracy and inaccuracy as appearing in the article. He advised that the statement concerning the fact that the diplomatic and military chiefs were waiting when the President walked into the conference room, is obviously correct. He advised that the statement that the President shook hands all around is true and that in fact the President to the best of his recollection, shook hands with all individuals in the Cabinet Room. Concerning the mention appearing in the PEARSON article of the President's tan, he stated he doubts that this is true and informed he is unable to recall any comment concerning whether the President had a suntan. With regard to the statement that the President permitted the Joint Chiefs of Staff to do most of the talking, he stated he believes this is accurate. In the same regard, he advised with respect to the comment attributed to the President "that's a tough one," that while the President probably did not use these exact words, he might from time to time have made comments identical in sense.

Admiral DENNISON advised the statement that General BRADLEY led with a summary of the Korean situation is accurate and informed that in fact General BRADLEY did so at the direction of the President and spent perhaps as much as eight minutes in covering the Korean military situation, including in his briefing, the use of maps prepared for this purpose. He stated he is reasonably certain General BRADLEY did not, as reported in the PEARSON column, say the Reds seem ready to come to terms, but believed that from the summary furnished by General BRADLEY it could be accurately concluded he did state a cease fire agreement could be worked out if both sides made concessions. In explaining this, he advised he does not recall General BRADLEY actually making such a statement, but informed that a conclusion based on what he did state to this effect would not be erroneous.

With regard to the comments attributed to General VANDENBERG in the PEARSON article, Admiral DENNISON advised he could not recall General VANDENBERG commented particularly on the subject matter of major concessions.

In connection with the statement attributed to General COLLINS concerning the opposition to making concessions in connection with the rotation of troops, Admiral DENNISON advised he saw no particular reason to attribute this comment specifically to COLLINS, adding that COLLINS did not take any stronger position in this regard than anyone else at the conference. He stated the statement does accurately reflect the view held by many individuals. He did state General COLLINS did comment on the matter of troop rotation. He commented particularly that the wording of this portion of the PEARSON article in his opinion implies that some individuals at the conference favored the making of concessions with respect to this point and he stated such was not the case. Still in connection with the statement attributed to General COLLINS, Admiral DENNISON informed he could not recall COLLINS making the comment that we should make minor concessions in order to receive the same. In the same regard in connection with the comment attributed to the President, to the effect no concessions should be granted that we would later regret, Admiral DENNISON advised the President did make a statement to this effect but not necessarily in the same words.

Relating to the comment concerning Admiral FECHTELER, he stated FECHTELER did speak very briefly, but he cannot recall that he made the "any mission any time any place" statement and informed that according to his recollection, such a statement does not appear at all to fit in with what the Admiral was actually talking about.

With respect to the "until hell freezes over" statement attributed to General COLLINS, Admiral DENNISON stated he does not feel that General

COLLINS would have used this language at this conference, but informed that at the conference COLLINS expressed an optimistic attitude as to the ability of the UN forces to stay in Korea and to the best of DENNISON's recollection, put some sort of a time limit on the ability of these forces to stay in Korea.

Admiral DENNISON, commenting in connection with the section of the PEARSON article dealing with inspection behind the lines, advised he cannot recall that General BRADLEY offered the proposal attributed to him in the article, nor can he recall specific mention in the conference of the countries mentioned in the article.

Admiral DENNISON stated the conclusion in the PEARSON article that the principal theme was that a cease fire may be close, with the settlement within twenty days, is an inaccurate statement and commented similarly concerning the statement there was discussed the question of withdrawing U.N. troops altogether after the signing of an armistice.

Admiral DENNISON advised that to the best of his recollection, there was no discussion concerning the December 27th cease fire extension. (This relates to an item which JACK ANDERSON agreed to delete from the column after he discussed it with General BRADLEY and attributes the particular statement to the President.)

Admiral DENNISON likewise read the article attributed to ROBERT S. ALLEN, as appearing in the New York Post for December 13, 1951. He stated the statement that the Joint Chiefs told the President the U.N. could have a cease fire in Korea at the cost of important concessions, is inaccurate and no such statement to his knowledge has been made by the Joint Chiefs. He advised General BRADLEY did not use the words attributed to the effect that a few concessions on both sides could bring an agreement if the Communists really want one, but did advise that during his comments, BRADLEY undoubtedly made statements from which such a conclusion could be inferred. With further regard to the statement attributed to General BRADLEY, Admiral DENNISON advised he would describe this portion of the article as generally accurate as to the sense of what was actually said by General BRADLEY. He added that he cannot, of course, say that these were the exact words used by General BRADLEY.

Admiral DENNISON commented on the statements attributed to General VANDENBERG by advising he could not recall General VANDENBERG stating to the effect he desired a cease fire. He believed the General had made a statement with respect to the potentialities involved in the build up of Red air strength. He stated he did not recall the General using the words "which I wouldn't put past them."

Concerning the comments attributed to General COLLINS, Admiral DENNISON felt that a reading of the ALLEN article would suggest that the matter of rotation of troops was in dispute and informed that such was not the case. He stated he does not believe that General COLLINS said "it is an unfair demand, and the only reason the Reds are making it is to try to force us to give in on air fields." He stated that the comment attributed to COLLINS concerning the ability of the U.N. armies to hold in Korea is essentially correct. He informed that the ALLEN article is accurate in indicating the opposition of the President to the agreement on a complete freeze with respect to replacements and weapons.

Admiral DENNISON commented with respect to the statements attributed to and comments made concerning the President, and advised that the President did not, as commented in the article, listen intently to the Joint Chiefs and then make a final statement, but during the conference did, in at least a general way, express the views attributed to him.

In summarizing his views concerning both the PEARSON and ALLEN articles, Admiral DENNISON informed he felt it is likely both columns were prepared from the same basic material. He commented that it appears somewhat strange that practically no mention was made of the European situation, whereas in fact more than one half of the time of the conference was expended in a discussion of the European situation. He advised that in his opinion, it appears quite unlikely that either article could have been written by an individual who did not have at least limited access to the agenda of the conference. He described the two articles as relatively accurate as to the subject matters under discussion, to the extent to which they were reported in the columns, but as inaccurate in attributing the views indicated to the persons mentioned in the articles. He commented without attaching any significance to this fact, that both articles purported to mention only the views of armed forces personnel, including the President, and failed to mention the views of civilian persons in attendance, some of whom had very definite views and expressed them.

Admiral DENNISON observed that he was unable to see from a perusal of the PEARSON and ALLEN columns why anyone from the conference would disclose information for the press. He particularly stated he saw no interest to be served on behalf of any agencies represented. He commented that there was a remarkable degree of agreement on the part of all present concerning the items described and advised that such disagreement that did exist was primarily with respect to details or timing rather than substance. Admiral DENNISON was requested to furnish any information in his possession which would reflect upon the question at issue namely, who of those attending

the conference may have furnished information to the press or who may have been responsible for information getting to the press. DENNISON stated that he had absolutely no facts upon which to base any opinion as to who might have been responsible for any information being furnished to the press. He did state that because of his intimate knowledge of certain individuals, he would state that it would be, in his opinion, psychologically impossible for them to be responsible. In this group, he placed the following:

The President, General BRADLEY, JAMES LAY, Admiral SOUERS, Secretary LOVETT, Admiral FECHTELER, General LANDRY, General VAUGHAN, and H. FREEMAN MATTHEWS.

DENNISON specifically pointed out that there should be no inference that others might be suspected by him, informing that his degree of association with the remaining individuals has been less extensive.

Admiral DENNISON, after receiving the approval of the President, reviewed for the benefit of the interviewing agents, on December 20, 1951, the notes which had been made at the December 10 conference by Mr. JAMES LAY. In conducting this review and analysis, Admiral DENNISON discussed the various points of accuracy and inaccuracy of the material appearing in the PEARSON and ALLEN columns, a substantial portion of which he had already commented on in the interview conducted on December 18. He informed upon the completion of the review of the notes, that this review had served more definitely to confirm his previously expressed opinion that both the PEARSON and ALLEN articles were written by an individual who had had access in some form to at least a limited account of the conference. Admiral DENNISON in commenting on the relation of the columns to the conference notes, pointed out that certain matters actually covered at the conference of particular security significance, were not covered in either of the columns.

INTERVIEW WITH GENERAL HARRY H. VAUGHAN

General VAUGHAN was interviewed December 15, 1951, at his residence by Special Agents THOMAS J. JENKINS and KENNETH T. DELAVIGNE.

General VAUGHAN advised that he had attended the conference of the Joint Chiefs of Staff in the Cabinet Room of the White House on December 10, 1951. General VAUGHAN stated he had made no preparations for the conference and had taken no notes while at the conference. He stated he observed that JAMES LAY had taken notes at the conference, but he was unable to say whether Mr. LAY's notes were voluminous or not. He stated that he had not prepared any memoranda on the conference and that he had not discussed it with anyone with the exception of General LANDRY, at which time he remarked to General LANDRY the wide difference of opinion of General VANDENBERG and General COLLINS with respect to the withdrawal of our troops in Korea in the event of a cease fire order.

He stated after the President left the room he, VAUGHAN, immediately started for his own office and outside of the Cabinet Room he stopped for a moment and kidded Mr. WEBB about a red tie he was wearing, and that, thereafter, he went directly to his own office.

The article appearing in the "New York Post 'Blue Final'" edition for December 13, 1951, under the by-line of ROBERT S. ALLEN, was read to General VAUGHAN. He was asked to comment as to whether this column accurately reflected the statements or views expressed at the conference by the individuals mentioned.

General VAUGHAN stated the material appearing in the article was substantially that which transpired at the conference. He stated he could not, of course, recall the exact verbiage of the various speakers at the conference, but the theme set forth in the article was substantially the same, and the statements attributed to the various individuals attending the conference were substantially the statements made by these individuals at the conference.

General VAUGHAN stated it was remotely possible, in his opinion, that a person not in attendance at the conference could have prepared the article, but he thought it was miraculous if this was done in the absence of actual attendance or access to an oral or written account of the proceedings. General VAUGHAN pointed out the person preparing the ALLEN article could have discussed the conference with someone, who had talked to a person attending the conference and who had possibly divulged what transpired at the conference with no intention of divulging these matters. In explaining this, General VAUGHAN stated it was possible some person attending the conference may have discussed what transpired at the conference with one of his subordinates and the subordinate was responsible for the leak.

General VAUGHAN stated the portion of the article attributed to the President was "pretty near on the nose", and that this could not have been gotten out of thin air. He pointed out General BRADLEY, at the conference, had mentioned the building up of the forces of the South Koreans, and stated it would be some months before those forces would be self-sufficient.

General VAUGHAN stated that during his years of experience at the White House, he had found the security of the State Department was not good, mainly because of their peculiar administrative set-up and described it as not as effective as the security maintained in other Government agencies. He explained this by saying that perhaps due to their administrative set-up, matters of highly confidential nature are filtered down within the State Department from high level to lower level subordinates. He stated he felt it was, undoubtedly, due to this filtering process in the State Department that the Department had been responsible on many occasions in the past for the untimely or premature release of confidential matters. General VAUGHAN specifically pointed out he was in no way stating the State Department or any member of that Department was responsible for the leak involved in this inquiry. He did state that if he had to give a quick answer as to the source of this leak, he would say the State Department. He stated he could not conceive of the leak emanating from the White House. He stated he had the highest regard for the White House staff, and he knew of no one on the staff whose activities gave him any cause for suspicion.

General VAUGHAN stated he is of the opinion that, if the leak occurred through an individual in the military establishment, it would not be an accidental divulgence but rather a deliberate divulgence, and he contrasted this type of divulgence to that which he had offered in connection with the State Department.

General VAUGHAN stated in his opinion, this would be true of a military establishment because it is his belief that DREW PEARSON has on his payroll at least one individual highly placed in each of the three establishments who serves as an informant for him. He stated he bases this on the

many articles which have been written by PEARSON on confidential military and political matters in the past which certainly, in his opinion, could only have come from the military establishments involved. In this connection, General VAUGHAN pointed out that when LOUIS JOHNSON was Secretary of Defense he knew Mr. JOHNSON was a close friend of DREW PEARSON, and PEARSON visited Mr. JOHNSON in his office about twice a week, and that TRIS COFFIN, a leg-man for PEARSON, was in Mr. JOHNSON's office almost every day. He stated it was his opinion that JOHNSON was PEARSON's pipeline to the Department of Defense.

With respect to DREW PEARSON, General VAUGHAN pointed out he was naturally prejudiced to PEARSON because of the continued, unjustified criticism he had received from PEARSON in his newspaper articles. General VAUGHAN was asked when he had last seen PEARSON or any of his employees. General VAUGHAN stated that he had first met PEARSON about two months ago at a dinner in the Carlton Hotel when he was introduced to him in the lobby by Commissioner F. JOSEPH DONAHUE of the District of Columbia, at which time he merely acknowledged the introduction. He said he had not seen or talked to PEARSON or any of his employees since the conference occurred on December 10, 1951.

During the interview with General VAUGHAN, with relation to DREW PEARSON, he advised in the past he had become acquainted with other leg-men working for PEARSON but had had no contact with any of these individuals with relation to the conference on December 10, 1951.

General VAUGHAN was asked if he knew JACK ANDERSON. He stated that he did know him and that he believed the last time he saw ANDERSON or spoke to him was at the Argentina Embassy, he believed in about 1948, when he (VAUGHAN) received a decoration from the Argentina Government, pointing out that ANDERSON was present at the ceremony as PEARSON's "inside man".

General VAUGHAN was asked to furnish, on the basis of his long experience in the White House and association and contact with the personnel attending various Presidential conferences of the type involved, any suspicions or suggestions which, in his opinion, might be of any possible aid to the FBI in carrying out the instructions of the President that the source of the leak in this matter be identified. He replied that the information attributed to him hereinbefore constitutes all that he is able to offer.

INTERVIEW WITH GENERAL ROBERT LANDRY

General ROBERT LANDRY, Air Force Aide to the President, was interviewed by Special Agents THOMAS J. JENKINS and KENNETH T. DELAVIGNE in his office at the White House on December 14, 1951. General LANDRY advised that he had attended a meeting of the Joint Chiefs of Staff with the President on December 10, 1951, in the Cabinet Room at the White House.

General LANDRY stated he made no notes at the conference, nor did he recall seeing anyone else making any notes. He stated he had not been briefed on the agenda for the conference and that no printed agenda was prepared. He stated as soon as the conference was over, he himself did not stop to talk to anyone but started towards his own office and while enroute, he stopped in the office of Mr. MATT CONNELLY and that Mr. JOE SHORT and Admiral DENNISON were there and Mr. SHORT asked General LANDRY if the President had designated someone to see SHORT about giving out a press release. General LANDRY stated that he told SHORT, "No", and suggested that he see Mr. LOVETT or the President.

General LANDRY stated at no time has he prepared a memorandum concerning what transpired at the conference nor has he seen any memoranda prepared by anyone else. He further stated he has not heard of any memoranda being prepared on this conference. General LANDRY stated he had not discussed this conference with anyone other than the President.

General LANDRY stated he did not know JACK ANDERSON and that he had never met DREW PEARSON and that to his knowledge, he knows no one in the employment of DREW PEARSON. He stated, of course, he knows of DREW PEARSON and knows him when he sees him. He stated he has not talked to him on the telephone and that he did not see him in the White House at the time of the conference. He stated the last time he saw PEARSON was about a year ago.

General LANDRY was asked if he had any suspicions about anyone who would have had any connection with the alleged leak of information of what transpired at the conference and he replied in the negative, and stated he was unable to furnish any information, whatsoever, in this regard.

INTERVIEW WITH ADMIRAL SIDNEY W. SOUERS

Admiral SIDNEY W. SOUERS was interviewed on December 19, 1951, by Inspector CARL E. HENNRICH and Special Agent KENNETH T. DELAVIGNE. At the beginning of the interview, Admiral SOUERS indicated that he was already aware of the fact that the President had requested the Federal Bureau of Investigation to endeavor to identify the reported leak involved in this matter.

Admiral SOUERS advised during the conference he made no notes and subsequent to the conference did not dictate or record in any form any of the matters discussed at the conference. He likewise advised he has not discussed the matters considered at the conference with anyone. He advised that he did not know positively that the meeting was to be held until the morning of the meeting.

He advised, to the best of his recollection, that he received a telephone call during the evening of December 8, 1951, from a JERRY GREEN of the New York News, who called him in relation to the rumored return of the President to Washington. He advised that he furnished GREEN no information and recalled that following the conclusion of the conference on December 10, 1951, GREEN again called him and wanted to know what had happened, to which Admiral SOUERS responded, he could not furnish him any information whatsoever.

Admiral SOUERS advised that he did not know of the meeting in advance, nor the specific matters which would be discussed. He advised, however, that due to his knowledge of current conditions and his position that he could surmise as to the matters which would be on the agenda. In this regard, he commented that newspaper reporters and journalists possessing an awareness of political conditions and particularly with regard to the existing situation in Korea, and having knowledge of the fact a meeting was to be held, could likewise engage in speculation as to the matters which would be discussed at such a meeting and do so with a relatively fair degree of accuracy.

Admiral SOUERS advised that upon the termination of the conference and acting on instructions received by him, he and Admiral DENNISON instructed Mr. SHORT, with respect to the making of a press release, that the reporters should be told the President discussed world affairs and no decisions on policy were reached.

Admiral SOUERS read the article by DREW PEARSON which appeared in the "New York Mirror" on December 15, 1951, and the article prepared by ROBERT S. ALLEN appearing in the "New York Post" on December 13, 1951. In commenting on these columns, Admiral SOUERS advised that in his opinion both represented poor reporting. In explanation of this, he pointed out that according to his understanding of the matters actually discussed at the conference, four key points were involved. He stated that none of the key points is covered in either of the newspaper articles in question. He advised that both articles rather accurately reflect the atmosphere which prevailed at the conference. He did comment that it is his belief that a considerable portion of the views expressed in the two articles had already appeared in some form or other in the press prior to the conference. In support of his statement that the two columns are considerably inaccurate, he stated that to the best of his recollection General VANDENBERG did not express opposition to major concessions. Along the same line, he advised that the comment appearing in the PEARSON column with respect to Admiral FECHTELER is not only inaccurate but fails to make reference to an extremely important position expressed by FECHTELER at the conference. He stated that he is reasonably certain that General COLLINS did not make the statement, "until Hell freezes over", and with further regard to the columns, advised that the articles did not set forth an extremely important comment made by COLLINS at the meeting, the publication of which would have been of widespread interest. He stated it was particularly significant to note that whereas considerable discussion was held at the conference with relation to the European situation, neither column commented in this regard. He stated that the portion of the PEARSON article relating to yielding to the Reds on inspection behind the lines is untrue since this discussion was not engaged in at this conference, to the best of his recollection.

Admiral SOUERS commented that there is nothing unusual about the fact that the President shook hands with those gathered at the conference, since it is frequently his habit to do so at meetings of this nature.

With further relation to the PEARSON article, Admiral SOUERS commented that in his opinion the statement that the "principal theme was that a cease-fire may be close" was inaccurate. On the other hand, in commenting as to the last paragraph of the PEARSON article pertaining to the discussion of the withdrawal of U.N. troops, he advised in his opinion the inclusion of this statement in the PEARSON article definitely lends some credence to the viewpoint that at least some of the information reflected in the article was obtained from a person having knowledge of the conference.

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In analysing the quality of the information contained in the columns, Admiral SOUERS advised that it appeared to him the major portion of the two articles could have been written by an individual sufficiently knowledgeable as to international affairs, who had at least some degree of access to what was actually covered at the conference. In the same regard, he advised it appeared to him from a study of the two columns that the information perhaps was made available through a subordinate of an individual who attended the conference.

Admiral SOUERS was asked as to whether he recalled any mention at the conference by the President as to possible extension of the December 27 cease-fire deadline. He stated he did not recall this.

Admiral SOUERS advised that he was unable to furnish any specific suggestion that he felt would assist the Federal Bureau of Investigation in carrying out the request of the President.

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INTERVIEW WITH SECRETARY OF THE ARMY, FRANK C. PACE

Secretary PACE was interviewed on December 15, 1951, in his office by Special Agents THOMAS J. JENKINS and KENNETH T. DELAVIGNE.

Mr. PACE advised that he had attended the conference at the Cabinet Room of the White House on December 10, 1951.

Mr. PACE stated he had not been briefed on what was to be discussed at the conference, but he had taken no notes at the conference and had not noticed anyone else at the conference taking notes. Mr. PACE stated since the conference he had prepared no memoranda, nor had he seen any memoranda prepared by anyone else pertaining to the conference, and, likewise, advised that he has discussed the conference with no one, with the exception of Mr. LOVETT, Secretary of Defense, and Mr. FINLETTER. He pointed out that he does not specifically recall discussing the conference with Mr. LOVETT or Mr. FINLETTER, but since the three of them returned to the Pentagon from the White House in Mr. LOVETT's car, immediately after the conference, it is quite possible that the three of them did discuss or at least mention certain items which had been brought up at the conference.

The article attributed to ROBERT S. ALLEN, as published by the "New York Post 'Blue Final'" edition of December 13, 1951, was read to Secretary PACE. Secretary PACE was asked if the material appearing in the article was discussed at the meeting, and he replied in the affirmative. He pointed out that he could not recall the exact verbiage used by the various individuals at the conference, but that the material appearing in the article reported substantially the views of the individuals mentioned as expressed at this conference.

Secretary PACE was asked if, in his opinion, the ALLEN article could have been prepared by anyone who had not been in actual attendance at the conference or had had access to a substantially complete and accurate written or oral report of the conference. He replied that it was within the realm of possibility, but during his discussion of this point, indicated his view that the article could not have been written without aid of some type.

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He pointed out, however, with respect to the views of General COLLINS as reported in the article, that these were substantially General COLLINS' views, but that he was positive that the verbiage used in the article was not accurate, particularly where General COLLINS is quoted as having said "until hell freezes over". He stated that he knows that General COLLINS did not say that. Secretary PACE stated that he is not certain that General COLLINS, at the conference, made as complete a statement of his views as is reported in the ALLEN article, and doubts that COLLINS did do so.

Secretary PACE, with respect to the statements attributed in the ALLEN article to General BRADLEY, advised it is his recollection that, during the conference, General BRADLEY did comment on airfields in North Korea and rotation of troops. Secretary PACE stated that he can't recall that General BRADLEY tied these two items together in making his comments at the conference. He stated that he cannot recall whether, at the conference, General BRADLEY agreed with General COLLINS or not. With respect to the remarks made by the President, as quoted in the Allen article, he stated that this was substantially what the President said at the conference, although he could not recall the President's exact words. He stated that, with respect to the build-up of the South Korean Army, this matter was discussed by himself at the conference.

Secretary PACE advised that he did not know JACK ANDERSON, and that he had met PEARSON only on about two occasions, both at social functions, and that on both of those occasions, the only conversation he had had with PEARSON was of a social nature. He stated that the last time that he saw or spoke to DREW PEARSON was six or seven months ago. He stated that the only employee he knows of DREW PEARSON is TRIS COFFIN, whom he has met on about two occasions, and had never discussed with COFFIN any matters concerning the Department of Defense. He stated that he would say that he had not seen or talked to TRIS COFFIN for at least three months. He stated that he does not know and has never talked to ROBERT S. ALLEN.

Secretary PACE was asked whether he could furnish any information or make any suggestions which would assist the FBI in carrying out the desires of the President in this matter that the source of the alleged leak of information be identified. Secretary PACE replied that it was inconceivable to him that anyone who attended the conference had passed on or divulged anything that

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was discussed at the meeting. However, he stated that it was his opinion that the material appearing in the ALLEN article came from someone who attended the conference or someone who knew why the President had called the meeting. Secretary PACE stated that, otherwise, he was unable to be of any assistance. Secretary PACE was asked if he knew of or was suspicious of any security weakness in the Departments represented at the conference which might suggest a source for this leak, and he responded negatively.

INTERVIEW WITH THOMAS K. FINLETTER

THOMAS K. FINLETTER, Secretary of the Air Force, was interviewed on December 14, 1951, in his office in the Pentagon by Special Agents THOMAS J. JENKINS and KENNETH T. DELAVIGNE. Mr. FINLETTER advised he attended a conference held in the Cabinet Room at the White House on December 10, 1951.

Secretary FINLETTER advised that prior to the commencement of the conference, he was not briefed concerning the agenda in any way. He recalled that General VANDENBERG came to his office sometime before the meeting on the morning of December 10, and said something about the meeting at the White House, but he did not recall exactly what was said by General VANDENBERG or discussed in this connection.

Secretary FINLETTER advised he had gone from his office to the conference with Secretary PACE. He stated that upon conclusion of the meeting, he went downstairs from the conference room with Secretary LOVETT. He stated that Secretary PACE was detained a minute or two and joined Secretary LOVETT and him downstairs and they all three rode together back to the Pentagon in LOVETT's car.

He stated he is positive he took no notes of any sort at the conference, and advised that during the conference, he could possibly have made a single note. He stated that if he did make such a note, he left it behind him at the conference or took it with him and destroyed it later. He advised that any note he did make was extremely brief and in no way could be considered to be approximate full notes. He stated he can almost positively state he did not put pencil to paper. He advised he cannot recall seeing anyone else at the conference taking notes.

He advised that following the Presidential meeting, he met General VANDENBERG at 12:00 Noon, and then at 1:00 P.M., had luncheon with the Secretary of Defense and a group of labor representatives. He advised that he dictated no memorandum or writing of any sort with direct and immediate relation to the meeting. He advised he has seen no memoranda or material of any sort written by anyone relating to the conference concerned with this investigation.

He advised he is positive he has discussed the meeting only with VANDENBERG and LOVETT. In qualifying this, he advised that even these discussions were not as to the actual conference but pertinent more to matters which were logical follow-throughs and outgrowths of the items discussed at the conference and the views expressed of those in attendance.

Mr. FINLETTER stated that on the day of the conference, General VANDENBERG came to his office about 12:00 Noon and dictated a rough draft memorandum to Mr. FINLETTER's secretary, CLARE SHANDS, concerning the views on the withdrawal of troops from Korea in the event of a cease-fire order. He stated that after this memorandum was typed up, he destroyed it and dictated to the same secretary another rough draft memorandum of his own (FINLETTER) along the same lines, the original of which was furnished to Mr. LOVETT during the latter part of the afternoon of December 10, 1951. He stated that the following day he prepared a new memorandum for Mr. LOVETT pertaining to the same matter. Mr. FINLETTER made a copy of this memorandum available and is set forth as follows:

"December 10, 1951

"MEMORANDUM FOR THE SECRETARY OF DEFENSE

"1. The conference with the President today on the Korean situation failed to bring out certain important points.

"2. At the meeting it was decided that, since we now have what we went into Korea to get, namely the defeat of the aggression, we should adopt the attitude of conceding all points within reason to get the cease-fire.

"3. What wasn't said, however, is that once we get a cease-fire, from that moment on our military position deteriorates. The Chinese, free from our interdiction campaign, can bring in men and materiel - and no inspection teams of ours are going to stop them. Our morale will go down. Our fighting ability will go down. And our domestic support for the operation will go down further than it already has.

"4. Moreover, the attaining of the cease-fire may fail to defeat the Russo-Chinese plan of pinning down large quantities of our military power in Korea. This results from the fact that an agreement to permit the gradual withdrawal of UN and Communist troops, without a firm decision in advance by the UN to punish a violation of the cease-fire by aggressive means, is not to our interest, and cannot be carried out without risking all we have fought for in Korea. Once we withdraw our troops they are going to be very hard to put back. On the contrary it would be easy for the Communists to withdraw beyond the Yalu and come back whenever they want to.

"In short, a cease-fire without a firm position and statement as to what the UN intends to do if the terms of the cease-fire are broken and without provision for the rapid withdrawal of UN troops, is a disadvantageous operation from our point of view.

"5. The question arises what then should we do? The following is suggested:

"a. Make a provision in the cease-fire arrangements which will result in the United Nations ground troops being pulled out as rapidly as they can be after the signing of the cease-fire.

"b. Leave a thin line of South Korean troops, and maybe even a token United Nations force, in South Korea.

"c. Make arrangements with our major allies to issue a joint statement, approved by the UN, serving notice on China that we no longer intend to hold the Korean front by great ground forces as at present, but that if the Chinese run over our modest forces that will bring down vast retaliatory action by the UN on the mainland of China. We should also consider whether this statement might not contain a request to Russia to use her best efforts to prevent the Chinese from violating the cease-fire agreement.

"d. We must agree with our friends in the UN what this vast retaliatory action means. It

presumably would mean a naval blockade, harassment of the lines of communication by bombing, continuing the use of guerrilla troops, and maybe releasing Chiang for action on the mainland. The question of certain other special air action would have to be considered; also the use of the A-bomb. These are, however, in a way, questions of detail. The important thing is to get agreement with our friends in UN to be ready to go through with a good tough campaign, but without the use of ground troops other than Chiang's.

(Signed) Thomas K. Finletter"

With respect to the final memorandum prepared by Mr. FINLETTER, he had in his office, at the time of the interview, eighteen copies of this memorandum. He advised that the original had gone to Mr. LOVETT and he believed that another copy went to General VANDENBERG. He stated an original and nineteen copies of this memorandum were prepared.

In connection with the VANDENBERG rough draft memorandum and the rough draft memorandum of FINLETTER, these were located at the time of the interview in Mr. FINLETTER's office torn in pieces, and it was not possible, at the time of the interview, for his secretaries to piece together all of the copies of the memoranda, but they were able to piece together from the confidential waste in his office the originals of these two rough draft memoranda.

Secretary FINLETTER advised all of the memoranda in question were dictated to his secretary, Miss CLARE SHANDS. He advised the security regulations in his office are very exacting and are of the type to prevent the entrance of any outside individual during the daytime. He advised that during the evening hours all confidential material is securely locked up. He advised the material handled in his office, and particularly the memoranda under discussion, would have been seen only by himself, Miss SHANDS, another secretary, Mrs. SALLY POOLE, and his aide, Colonel WILLIAM HIPPS. He informed top secret material handled in his office would not be examined even by official military and civilian personnel outside his immediate staff, as identified above. He stated he is completely certain of the security of his office and stated it to be his opinion that it would be most irregular for any individual, other than himself

and the three members of the staff, to see these memoranda. With further relation to the security of the memoranda involved, he stated that he recalls he personally delivered the original to Secretary LOVETT.

In connection with this memorandum Colonel WILLIAM HIPPS, aide to Mr. FINLETTER, subsequently furnished a case history concerning these memoranda prepared by General VANDENBERG and Secretary FINLETTER relative to the meeting at the White House on December 10, 1951. General VANDENBERG's memorandum was typed once with original and three copies. All copies accounted for ordered destroyed by Secretary FINLETTER. Mr. FINLETTER had prepared one draft original and three copies, all accounted for and ordered destroyed. Mr. FINLETTER prepared a second draft with original and six copies, the original of which was given to Mr. LOVETT with no signature, the remaining six copies accounted for. The third draft original and seven copies all accounted for. The final memorandum, a copy of which is set forth above, was prepared as an original and nineteen copies. The original was given by Mr. FINLETTER to Mr. LOVETT and copy number nine was given to General VANDENBERG. The copy furnished General VANDENBERG was returned and all other copies have been accounted for in Mr. FINLETTER's office. Secretary LOVETT advised Inspector CARL E. HENNRICH and Special Agent CARL A. GRAHAM that he had in his possession the original memorandum prepared by Mr. FINLETTER. In connection with the original of the rough draft which was delivered to Mr. LOVETT by Mr. FINLETTER, Mr. FINLETTER advised and had at the time of the interview this original rough draft memorandum which he stated he obtained from Mr. LOVETT's office so that he could prepare the final memorandum for Mr. LOVETT on this matter.

He was asked as to whether he knows JACK ANDERSON, an employee of DREW PEARSON, and he informed he knows no individual by this name. In response to questions, he likewise advised he does not know any employee or associate of DREW PEARSON. He stated that some years ago he did know an individual, whose name he could not recall, who was employed as a "leg-man" for PEARSON, but has had no contact with this individual. He advised he is acquainted with DREW PEARSON, but advised he has not seen him for months and stated positively he has not discussed the matter under investigation with PEARSON in any way. He stated he discussed this meeting only with General VANDENBERG and Secretary LOVETT and on the basis indicated herein before. He recalled that on December 11, 1951, he had luncheon at 1:00 P.M. at the

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Metropolitan Club with Admiral SOUERS and in this regard informed that it is possible he may have mentioned the meeting during his luncheon with SOUERS, but does not think this occurred and advised that if it did occur, it was merely a mention and not a discussion. He was specifically questioned as to whether he had in mind any suspects who might have been responsible for the leak of information involved, or whether he possessed any other information of possible aid or pertinence to this investigation, and in response thereto advised he possesses no information whatsoever.

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INTERVIEW WITH GENERAL HOYT S. VANDENBERG,
CHIEF, U.S. AIR FORCE

General HOYT S. VANDENBERG was interviewed on December 17, 1951, at his office by Special Agents KENNETH T. DELAVIGNE and THOMAS J. JENKINS.

He stated on December 8, 1951, General BRADLEY told him that the President was making inquiry about a message the Joint Chiefs of Staff sent to General RIDGWAY concerning the peace negotiations, and they drew the conclusion that the President possibly would come back to Washington to discuss the reasons behind the message and the conditions being discussed in the peace negotiations.

General VANDENBERG stated he had been officially informed of the meeting by his Aide, Brigadier General R. A. GRUSSENDORF, who had been informed by General ROBERT LEE that Admiral LALOR, Assistant Secretary of the Joint Chiefs of Staff, had received word that the meeting was to be held on December 10, 1951. He stated that on December 9, 1951, in preparation for this conference, he requested his office to have on his desk on the morning of December 10, 1951, the available air strength and composition of the Air Force in Korea and other Far Eastern units, and also a paper which had been prepared a week before on the location of all F-86 planes other than those in Korea. He stated that he desired this information so that he would have it available at the meeting at the White House in the event the President made any inquiry concerning these matters. He stated that on the morning of the conference and just prior to the conference he had discussed with Mr. FINLETTER the information on the F-86 planes, advising him that this information should be available at the meeting in the event the President made any inquiry concerning it.

In connection with the question as to whether he had prepared any memorandum or other record with relation to the matters covered at the conference, General VANDENBERG explained that he had an alternate proposal on the peace negotiation insuring protection of the 8th Army. He stated at the time of the conference at the White House he had this alternative proposal in mind and mentioned it at the conference without giving any details. In this connection General VANDENBERG stated that what he said at the conference was substantially as follows: "There

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is a possible additional approach to this question. If the UN could come out with a very strong statement to the effect that if there was a violation to the present line of contact, there would be a new war with no holds barred, and we might be able to afford to pull out practically all troops immediately after a cease-fire and let the Reds put in as many airfields and troops as they desired." He pointed out at the conference this statement by himself, which was the only statement he made at the conference, was discussed for about a minute and a half by those present.

He stated shortly following the conference on the same day he conferred with Mr. FINLETTER about this alternate proposal, and together they prepared a memorandum for Mr. LOVETT, Secretary of Defense. He stated after the memorandum was prepared he and Mr. FINLETTER personally delivered the original to Mr. LOVETT. He stated there was nothing in the memorandum that had been discussed at the President's conference, and, in fact, specifically described its contents as relating to matters which had not been discussed at the White House conference. General VANDENBERG stated that he had a copy of this memorandum, and he had given it to his aide, Colonel CHARLES V. MURPHY, for possible use of the State Department in the event the proposal appeared to have any merit. He stated Colonel MURPHY was an officer on a special assignment in his (VANDENBERG's) office to assist him for speech writing.

General VANDENBERG stated since the conference he had discussed it only with Secretaries LOVETT and FINLETTER.

General VANDENBERG read the article attributed to ROBERT S. ALLEN as appearing in the "New York Post" for December 13, 1951.

He stated in connection with remarks in the article attributed to himself, they were definitely not stated by him at the conference although he has made similar remarks at the Joint Chiefs of Staff conferences and has stated them in public.

General VANDENBERG stated he believed that the article was largely in error on what actually transpired at the conference. He stated he was of the opinion that any person who had access to what transpired at the conference could have written a far better article unless the writer had deliberately slanted it, pointing out that the ALLEN article did not reflect the real purpose of the meeting. General VANDENBERG

further stated he believes the ALLEN article could have been prepared by someone who had closely followed the Korean situation and the public statements and positions proclaimed by the various Joint Chiefs of Staff without access to an actual account of the meeting.

With respect to the material in the article attributed to General BRADLEY, General VANDENBERG stated he could not recall General BRADLEY saying that the UN could have a cease-fire in Korea. He pointed out that no one is sure of a cease-fire and that everyone is wondering if a cease-fire can be obtained. He further stated with respect to the statement attributed to General BRADLEY concerning rotation of troops and the building of airfields in North Korea, General BRADLEY may have said this but it certainly was not the main subject matter of the conference. He pointed out the main reason for the conference was not the concessions that would be made but how far the United States would go before ceasing the negotiations. General VANDENBERG further pointed out that he did not think General BRADLEY would say the Communists refused to agree with the UN view relating to the rotation of troops because the negotiations are still being carried on and that the matter concerning the rotation of troops has not come to the breaking point. General VANDENBERG stated that as far as he knows the Reds have not tried to trade on the issue of new airfields as against the issue of rotation of troops. He pointed out the U.S. has insisted as one of the points in the negotiation that there were to be no new airfields constructed in North Korea. He stated he does not recall General BRADLEY stating that the Reds have indicated they would make a concession on troop rotation if allowed to build some airfields in North Korea. He feels positive that if General BRADLEY had made such statement that he certainly would have remembered it, pointing out that the United States' position has always been positive on not allowing the construction of new airfields in North Korea, and therefore, this point was not discussed at the conference because it was an accepted fact.

With respect to the material attributed to General COLLINS, General VANDENBERG stated he could not recall this matter being brought up at the conference but it had been discussed at previous Joint Chiefs of Staff meetings. He is positive that General COLLINS did not relate the points concerning rotation of troops to the points concerning the construction of new airfields in North Korea. He stated he is of the opinion that General COLLINS has always maintained that the UN forces

are strong in Korea and that we can hold the peninsula; however, he did not recall General COLLINS saying this at the conference, and he is positive that General COLLINS made no remarks concerning the airfield point. General VANDENBERG stated that he would have been extremely surprised if General COLLINS had made the remark at the conference "Until hell freezes over". He stated that this meeting was much more dignified, and he believes that General COLLINS would not have spoken to the President in such language, and if General COLLINS had so spoken, he (VANDENBERG) would have certainly remembered it.

Concerning that part of the article which states General BRADLEY agreed with General COLLINS, he stated he does not recall this at the conference or does he recall any mention of the importance of not allowing the Communists to build up a powerful Air Force.

With respect to that part of the article which refers to the President listening intently to the military leaders and saying nothing until they had finished, General VANDENBERG stated that was not what happened at the conference. He stated the President first had General BRADLEY brief those present on the Korean situation and then the President told the conference what was troubling him concerning the instructions sent to General RIDGWAY. He stated General BRADLEY and Secretary LOVETT together with Acting Secretary WEBB did most of the talking. He stated General COLLINS and himself had very little to say.

With respect to that part of the article attributed to the President concerning the President's anxiety to bring the fighting to an end, General VANDENBERG stated that he couldn't recall the President saying this, but that the President could have stated it, and he would expect the President at such a conference to say substantially what is attributed to him in the article. He pointed out he is definite that the President did not say "but I will not agree to concessions to the Communists that we may regret later on". He stated the President had not made this point in that way. He stated that the article makes it appear that the President thought the members attending the conference wanted peace at any price. He stated, however, actually such was not the case. He stated at the conclusion of the conference the President agreed with those present on their reasons for sending the negotiation instructions to General RIDGWAY.

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General VANDENBERG advised with respect to the statement in the article that the buildup of South Korea was discussed, that this was true. He pointed out, however, this is not unusual and this question is normally discussed at all meetings of this type because of the importance of this question.

He was asked to state whether he recalled any comment by the President during the conference as to a possible extension of time in the event a cease-fire order was not achieved by December 27, 1951. It is to be noted that a reference to such an alleged statement on the part of the President was contained in the PEARSON article in the possession of JACK ANDERSON. General VANDENBERG advised to the best of his knowledge the President made no such reference.

General VANDENBERG stated he was not acquainted with JACK ANDERSON or any other employee or associate of DREW PEARSON. He stated he has only met DREW PEARSON on one occasion which was about two years ago when he was introduced to him in the Pentagon Building. He stated the last time he had any contact of any sort with ROBERT S. ALLEN was when the latter was the Intelligence Officer for General GEORGE PATTON in Europe during World War II.

He was asked if he could furnish any information or had any suggestions which might assist the FBI in carrying out the desire of the President in this matter. He replied in the negative.

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MAT:CEG/bjg

INTERVIEW WITH GENERAL J. LAWTON COLLINS

General J. LAWTON COLLINS, Army Chief of Staff, was interviewed by Special Agents MAURICE A. TAYLOR and CARL E. GRAHAM in his office, Room 3E668, Pentagon, on December 17, 1951.

General COLLINS advised he attended the White House conference Monday, December 10, 1951. General COLLINS stated that he followed Mr. WHITEHAIR as speaker and related he made three points, speaking at two different times. General COLLINS advised he first directed remarks to the question as to whether a U.N. statement containing a threat would have any deterring effect on the Communist enemy. It had been suggested that it would have an effect on the Russians and possibly on the amount of aid afforded the Chinese by the Russians. Admiral FECHTELER doubted the wisdom of including any threat to be contingent on breach of an armistice agreement as no one knows what action we may find desirable several years from now when the agreement may be violated. General COLLINS said his own views in the matter were that he did not agree with Admiral FECHTELER's position, but rather concurred with the position that while the Chinese Communists might disregard a warning, it still might have a good effect on the Russians. General COLLINS stated while he was speaking, he covered another matter, namely, that the armistice might be all we will get, that we may not get a peace treaty for several years, and that we may want to stay there a long time; and that whatever the conditions of the armistice, we will want to rebuild and make repairs in the rear areas. General COLLINS continued that he also stated he would favor everything in connection with repairs and rehabilitation except in connection with permitting military airfields to be built and pointed out we may have to give in on one or two commercial airfields.

General COLLINS remarked that at a later time during the proceedings of the conference, the President expressed great concern over the air build-up of the Communist forces and the possibility that we might not be able to maintain our forces in Korea. General COLLINS stated this was the reason that he again spoke. General COLLINS stated he assured the President that if this was what was causing the President's concern, he would guarantee that we will not be thrown out of Korea.

The article prepared by columnist ROBERT S. ALLEN which appeared in the "New York Post" December 13, 1951, was displayed to General COLLINS. That column in substance indicated General COLLINS favored some terms on

the airfield dispute but insisted the Communists be required to agree on troop rotation, pointing out the lack of troop rotation would effect the morale of our men. In addition General COLLINS was reported by ALLEN to have stated our army could hold the present line "until hell freezes over." General COLLINS related the ALLEN article substantially set forth his position in this matter and that part of the remarks attributed to him by ALLEN actually may have been made by him. He related he may have made some mention of troop rotation at the conference but he was not sure that he did mention it.

General COLLINS was not absolutely certain as to the language he employed in the above statement and advised he may have used the phrase I will "put my money" or "for my money," we will not be thrown out, but is certain that he did not say that our forces can hold on in Korea "until hell freezes over." He commented that this is not an expression which he uses and added that he would not have used it before the President at a formal conference.

The ALLEN news column quoted the President as having remarked in substance that he was anxious to bring the fighting to an end if possible but would not agree to concessions that we may regret later on. Also the President warned the necessity of being careful lest in our eagerness to secure truce we sell ourselves short. Concerning this statement attributed to the President, General COLLINS stated it was essentially what the President had said but not a word for word quotation. The ALLEN column was noted to attribute to General VANDENBERG in substance he was vigorously opposed to giving any ground on the matter of permitting the Communists to build airfields, pointing out bases in North Korea would be of great combat value in the event the Communists decide to break the truce next spring. General COLLINS stated ALLEN's remarks attributed to General VANDENBERG were essentially correct although not as complete as General VANDENBERG had outlined his position. The ALLEN column in substance set forth General BRADLEY as having pointed out the issues of the deadlock on the matter of rotation of our troops along with the Communists' insisting on a freeze on replacements and weapons. Also General BRADLEY was reported as having indicated the Communists would make concessions on rotation if they were permitted to build some airfields. General COLLINS related that the ALLEN column was essentially accurate but he did not believe that General BRADLEY had indicated the Communists were trading a rotation of troops against airfields as stressed by ALLEN.

General COLLINS could offer no suggestion as to how a leak had occurred and expressed the belief it would be possible for someone to have prepared the column of ROBERT S. ALLEN from bits of information picked up here and there from individuals receiving the information second or third

hand from an official who attended the conferences, such second or third hand sources being persons possessed of intimate knowledge of the subject matter and previous conferences. As for the personnel present at the White House conference, General COLLINS advised he had no personal suspicions concerning any member present.

General COLLINS advised that he did not make any notes during or after the conference, and thereafter did not make any record of memorandum of the proceedings of the conference. Furthermore, he stated he had not discussed the proceedings of the conference with anyone.

General COLLINS recalled his acquaintanceship with DREW PEARSON dated back several years when he was Chief of Public Information shortly after the war. He advised his first meeting with PEARSON came about following a PEARSON article which had criticized General EISENHOWER unjustly so he invited PEARSON to his home to talk the matter over. At that time, General COLLINS advised he and PEARSON reached a "gentlemen's agreement" that whenever PEARSON received any complaints or allegations of inefficiency, dishonesty, or other malfeasance in connection with the Army, he would first make them known to General COLLINS, who would in turn ascertain and furnish the true facts to PEARSON. If the facts were as alleged, PEARSON could publish them; but if he could show they were false or inaccurate, PEARSON would refrain from publication. General COLLINS related that this working arrangement with PEARSON had been satisfactory for a considerable time. General COLLINS recalled that sometime during the period of the [redacted] brothers fraud investigations, PEARSON had called him one Sunday to inquire whether the Army had a contract for the manufacture of caskets and in which contract the [redacted] had an interest. General COLLINS advised he ascertained that the information presented by PEARSON was not true and so advised PEARSON, who refrained from making any mention of it. Sometime later General COLLINS recalled PEARSON had published a critical article containing erroneous information, so he had PEARSON to lunch in the Pentagon and called his attention to PEARSON's having violated their "gentlemen's agreement". General COLLINS advised he recalled no further incidents thereafter.

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General COLLINS stated that he had never engaged in any social dealings with PEARSON and had never visited in his home or received him except on the one occasion. As a matter of fact, he has not seen PEARSON in more than a year. General COLLINS added that he knows who JACK ANDERSON is, but never had met him; likewise, he did not know the identity of any other of PEARSON's employees. Concerning ROBERT S. ALLEN, General COLLINS stated he knew ALLEN, but had not seen nor talked with him in more than a year.

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INTERVIEW WITH MAJOR GENERAL CHARLES P. CABELL

Major General CHARLES P. CABELL, United States Air Forces, Director, Joint Staff, was interviewed at his office, Room 2E928, Pentagon, on December 15, 1951, by Special Agents MAURICE A. TAYLOR and CARL E. GRAHAM.

General CABELL advised that he had attended the White House conference held at 10:30 AM, December 10, 1951, as an observer with the Joint Chiefs of Staff. He advised he had taken no part in the actual proceedings. He stated he did not discuss anything which occurred at the conference with anyone with the exception of a conversation with Admiral THOMAS ROBBINS of the Joint Chiefs of Staff. Reference will be made to this conversation with General ROBBINS hereinafter. General CABELL made no notes or memoranda during or following the conference. He returned to the Pentagon immediately following the conference.

General CABELL stated he was unaware that any leak had occurred or that an investigation was in progress at the time he was interviewed. He declared he was not acquainted with ROBERT S. ALLEN or JACK ANDERSON or any other of DREW PEARSON'S employees. He stated he thought he may have met DREW PEARSON on one occasion at a cocktail party but was not certain of this.

General CABELL also stated that Admiral WILLIAM FECHTELER had spoken briefly concerning the question of introducing into the truce negotiations a threat that in the event of breach the Communists could expect the war to be widened, which threat we later might not be able or desire to carry out. In connection with this, General CABELL advised he had a subsequent discussion with Admiral THOMAS ROBBINS, although it is recalled with reference to the alleged newspaper column prepared by JACK ANDERSON some reference was made about extending the cease-fire negotiations deadline beyond December 27, 1951. General CABELL advised that he did not recall that President TRUMAN or the others made specific reference to the cease-fire date or indicated that an extension beyond this date would be sought or granted. He stated he was not certain whether the deadline had been mentioned at all, but that if so it was not belabored in the discussion. General CABELL recalled that that question and all other questions pertinent at the Presidential conference previously had been discussed at great length in various Joint Chiefs of Staff meetings attended by General CABELL.

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The column of ROBERT S. ALLEN dated December 13, 1951, which appeared in the "New York Post," was displayed to General CABELL for his examination. He expressed the belief it was not an accurate account of the proceedings at the White House conference, but that it contained a continuous thread to indicate the author, ALLEN, had an informant who attended the conference. For example, General CABELL stated that the ALLEN column indicates that the Communists were bargaining the rotation of troops issue against concessions from us on their airfield demands. He stated he did not believe General BRADLEY placed emphasis on the airfields versus rotation items and that these were merely two items mentioned in connection with the negotiations. He stated that there is some feeling that the Communists are using the rotation question to wrangle concessions generally, but he did not believe this was specifically brought out in the White House conference.

With reference to the statement attributed to General COLLINS in the ALLEN column to the effect that General COLLINS was inclined to favor some terms on the airfield dispute, General CABELL stated this was an oversimplification and not strictly accurate. He stated that it appeared that this reflected some views which COLLINS may have expressed in the past at previous meetings of the Joint Chiefs of Staff.

General CABELL referred further to the ALLEN column and to the statement in it attributed to the President. General CABELL advised he considered it an accurate summation, although not a verbatim quotation.

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INTERVIEW WITH MR. JAMES E. LAY, JR.

Mr. JAMES E. LAY, JR., Executive Secretary, National Security Council, was interviewed by Special Agents JOSEPH A. CONNORS, JR. and PAUL J. TIERNEY on December 15, 1951.

Mr. LAY advised that he attended the President's conference at the White House on December 10, 1951, as a representative of the National Security Council. At this time, he explained, the National Security Council was preparing a draft concerned with present truce negotiations in Korea.

Mr. LAY commented in detail as to the opinions expressed by the various individuals attending the aforementioned conference.

Mr. LAY advised that there was no written or oral agenda or program for the conference. He added that no minutes were kept, and there was no record of any actions to be taken. He did not recall anyone taking notes, with the exception of Secretary FINLETTER, who may merely have been "doodling."

Mr. LAY advised that he made notes at the conference for the President's benefit. He brought the notes directly from the conference to his office and placed them in a safe. He described the notes as the personal property of the President. He advised that, to his knowledge, no one but himself has seen the notes. He added that his secretaries have access to the safe where his notes are maintained, but did not think anyone who did not have a thorough understanding of what went on could decipher the notes. He explained that the notes consisted of personal abbreviations, etcetera. The secretaries in Mr. LAY'S office are Miss BONNIE CHAFFIN and Miss INA HOLTZSCHEIDER.

Mr. LAY advised that, following the conference, he informed his Deputy, Mr. S. EVERETT GLEASON, as to the opinions expressed by the various individuals who attended the conference. He explained that he and GLEASON worked together on the NSC aspects of the Korean problems, and in this connection, he advises GLEASON of all important matters in connection therewith. He stated he attempts to keep GLEASON as well informed as himself concerning all details of current developments in connection with the NSC.

Mr. LAY advised that, subsequent to the conference, the "Time" magazine representative at the White House, whose name he could not recall, telephoned him, asking two questions: (1) He, facetiously, asked Mr. LAY if the latter were the cause of the President's sudden return to Washington from Key West, to which question Mr. LAY answered, "No." (2) Mr. LAY was then asked if a reported request of General EISENHOWER to be replaced was discussed at the

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conference. Mr. LAY informed that he advised the newspaperman that he was unable to say anything about the conference.

In answer to a specific question, Mr. LAY advised that he could not recall any discussions at the conference concerning a recommendation of the President that there be an extension of time in the event an armistice were not obtained by December 27, 1951. Mr. LAY advised that the conference did relate to concessions which might be made to the Communists.

Mr. LAY advised that he does not know, nor has he spoken to DREW PEARSON or PEARSON'S leg-man, JACK ANDERSON. He was unable to furnish any information as to a possible source of the leak of information from the White House conference.

Mr. LAY furnished the following information concerning indicated portions of the column of ROBERT S. ALLEN in the "New York Post" of December 13, 1951:

Quotes from ALLEN Column

"The UN can have a cease fire in Korea, but at the cost of important concessions to the Reds. That's what the Joint Chiefs told the President in their big conference with him after his return. General BRADLEY declared the protracted truce negotiations have reached the point 'where a few concessions on both sides could bring an agreement if the Communists really want one'".

"General HOYT VANDENBERG vigorously opposed giving any ground on that. (Referring to concessions on the Communists' airfield demand). He wanted a cease-fire if one can be worked out that is fair and proper declared the Air Chief of Staff, but I don't see how we can safely do anything that will enable the Reds to build up their air strength. That is what permitting them to build airfields will amount to. Such bases in North Korea will be of great combat value to them if they decide to break the truce next Spring which I wouldn't put past them".

Remarks of Mr. LAY

Mr. LAY described this as a good summation of General BRADLEY'S remarks at the conference. He also advised that General BRADLEY'S ideas in this respect conceivably could have come from another source, inasmuch as he believed that they had been previously discussed.

Mr. LAY advised that this statement, as to VANDENBERG'S expressions at the conference, is false. VANDENBERG generally agreed with the statement of General BRADLEY at the conference. He explained that General BRADLEY clearly indicated that later in the negotiations, the UN might be willing to make concessions as to airfields if the number of airfields were, appropriately, limited.

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Quotes from ALLEN column

A statement attributed to General COLLINS relating to concessions on rotation of UN troops that "it is an unfair demand and the only reason the Reds are making it is to try to force us to give in on airfields".

Statement attributed to General COLLINS that "our Army can hold the present line until hell freezes over".

The statement attributed to the President that "as you know I am very anxious to bring the fighting to an end if that is possible. But I will not agree to concessions to the Communists that we may regret later on. We want to be very careful that we do not sell ourselves short in our eagerness to secure a truce for our men".

"Also discussed was the question of building up the South Korean Army".

Remarks of Mr. LAY

Mr. LAY could not recall General COLLINS making a statement to this effect.

Mr. LAY described this as correct in thought, but considered the words "until hell freezes over" as wrong. To his recollection, General COLLINS assured the President the Army troops could hold the line for the next year.

Mr. LAY described this as a good summation of the views expressed by the President at the conference. Mr. LAY advised that, in his opinion, this information, in particular, could have come from no source except through an individual who was in attendance at the conference on December 10, 1951. He explained that he did not feel that anyone who attended the conference had a clear idea of the President's views on matters discussed at the conference. Mr. LAY based this conclusion on the fact that the President had been at Key West for sometime prior to the conference.

Mr. LAY advised that the matter of building up the South Korean Army was discussed at the conference, as indicated above.

INTERVIEW WITH MR. JAMES E. WEBB

Mr. JAMES E. WEBB, Under Secretary of State, was interviewed at his home, [redacted] on the evening of Friday, December 14, 1951, by Special Agents JOSEPH A. CONNORS, JR., and PAUL J. TIERNEY. Special Agent RALPH ROACH of the Liaison Section of the Bureau was also present during the interview.

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Mr. WEBB advised that he was in attendance at the President's conference held at the White House on the morning of December 10, 1951. He furnished general background information of events leading up to the conference and also details as to the comments of various individuals in attendance at the conference.

Mr. WEBB advised that there was no formally prepared agenda for the conference. He further advised that he took no notes during the conference, and that he does not know whether anyone else present took notes.

In answer to a specific question, Mr. WEBB advised that he did not recall any discussion at this conference concerning a suggestion by the President that in the event an armistice was not reached by December 27, 1951, arrangements should be made for an extension of the time.

The conference terminated between 11:30 and 11:35 A.M., at which time, pursuant to the President's specific request, Mr. WEBB stayed with the President and went into his office for a further conference with respect to the impending visit of British Prime Minister CHURCHILL to the United States. WEBB then returned to his office and dictated a brief memo to include (1) that no notes or instructions had been taken at the President's conference in connection with the discussion of the proposed draft to be issued to General RIDGWAY, inasmuch as Mr. H. FREEMAN MATTHEWS was present during the discussion and was in a position to see that the necessary action required by the State Department would be taken. (2) The second part of WEBB'S memo dealt with the necessary data that would have to be prepared to brief the President on matters that would be discussed with Prime Minister CHURCHILL.

WEBB stated he had not discussed the details of the conversations in the President's general conference on December 10, 1951, with anyone. He stated he was not acquainted with JACK ANDERSON, who is associated with Columnist DREW PEARSON; that he does know DREW PEARSON, but has not been in contact with him for at least six months. Nevertheless, he has seen other newspapermen subsequent to December 10, one of whom was JIM TREE, Washington correspondent for the Raleigh News and Observer at Raleigh, North Carolina. Another was JOHN HIGHTOWER, who covers the State Department with Associated Press, and the third and last was JAMES RESTON, associated with the New York Times. HIGHTOWER raised two points in questioning WEBB: (1) Was there a world crisis? (2) Was Europe discussed? WEBB gave HIGHTOWER this background:

The President is furnished with a great number of written reports concerning the world situation. He takes his position seriously, and takes the whole situation seriously. The President wants to get the full "flavor" of the thinking of the top people, as it is the President's policy to keep in close touch with what goes on around the world. WEBB gave this information to HIGHTOWER for background.

JAMES RESTON contacted WEBB on Tuesday, December 11, 1951, and he was given generally the same background information concerning the December 10th conference as was given to HIGHTOWER. RESTON'S inquiries of WEBB also touched on the reported resignation of Secretary of State DEAN ACHESON. WEBB Briefed RESTON on the very close relationship between ACHESON and the President, and stated such a report of ACHESON'S resignation was not true. RESTON inquired concerning CHURCHILL'S visit, and wanted to know the policy of the United States as to CHURCHILL. WEBB advised him that the Government was making a very careful study of the background and problems in connection with our relations with Great Britain in Europe and the Far East, and indicated that this country would be prepared to discuss these problems whether CHURCHILL talked about them or not. WEBB advised that RESTON in recent articles has been throwing rather sharp barbs at the State Department with respect to some of its actions, and he felt that RESTON should be briefed as to the Department's activities as set forth above. RESTON also inquired as to recent changes in the State Department, and WEBB discussed the significance and history of these changes.

Mr. WEBB was also contacted by JIM FREE concerning the statement in the December 10, 1951, issue of the "New York Times" to the effect that he, WEBB, contemplated resigning. He stated FREE is a representative of his hometown newspaper and was interested in this article.

Mr. WEBB was re-interviewed in his office at the State Department by Special Agents JOSEPH A. CONNORS, JR., and PAUL J. TIERNEY on December 17, 1951, to make available to him the contents of the news column of ROBERT S. ALLEN, as it appeared in the December 13, 1951, issue of the New York Post "Blue Final" edition. His comments on this column follow:

The column quotes General BRADLEY to the effect that the truce negotiations have reached the point "where a few concessions on both sides could bring an agreement if the Communists really want one." The column also attributes to the President the question "What do they want?", and BRADLEY'S response was "The deadlock gets down to this." Mr. WEBB stated the President did not say "What do they want?" The President's inquiry was more along these lines, "Why are we willing to go this far with them?" Mr. WEBB made it clear that it was not the position of anyone, including

BRADLEY, that the talks had reached the stage of a deadlock. While this could possibly be the opinion of General MATTHEW RIDGWAY who is conducting the negotiations, responsible officials in Washington have never regarded the status of these talks as reaching a deadlock. They have always felt that we will get an armistice for two reasons, (1) the Communists in North Korea have been very badly hurt, (2) the United Nations forces in Korea are in a position of strength and can hold their present lines. It is felt that while we want an armistice from the position of global strategy, the Communists are anxious to obtain an armistice because of their present weakness in their position. Therefore, Mr. WEBB reiterated that these negotiations have never gotten to a deadlock stage and to quote that they have is not correct.

With respect to the statement attributed to General BRADLEY by ROBERT ALLEN to the effect that the Communists would make concessions on our stand on rotation of troops if we made concessions that allowed them to build some airfields in North Korea, Mr. WEBB stated that this topic was discussed at the conference, and he felt that perhaps this information could have come from someone in attendance at the conference. However, in WEBB'S opinion, this information was also available to others not in attendance at the conference who had previously sat in on discussions in the Defense and interested Departments and who, prior to the conference, knew General BRADLEY'S position concerning these points at issue. Therefore, in Mr. WEBB'S mind such a well informed person could have anticipated what remarks General BRADLEY would make when these topics were discussed.

The December 13, 1951, column of ROBERT ALLEN attributes the following statement to General VANDENBERG:

"I want a cease-fire if one can be worked out that is fair and proper, but I do not see how we can safely do anything that will enable the Reds to build up their air strength. That is what permitting them to build air fields will amount to. Such bases in North Korea will be of great combat value to them, if they decide to break the truce next spring, which I wouldn't put past them."

Mr. WEBB stated that this was an erroneous statement of General VANDENBERG'S position, that at the present time the Communists have a powerful air force in North Korea which is well known. WEBB stated that VANDENBERG'S position in this connection was that if a cease-fire is obtained with the threat of a "greater sanction," that air power would be the sanction, and that he would withdraw all air power from Korea for re-deployment in Japan and other strategic areas. VANDENBERG went so far as to recommend that if a cease-fire is obtained that ground troops could be removed from South Korea so that in the event the cease-fire is later violated they would not be destroyed by the Communists. He suggested that they, too, be reassigned to other strategic locations.

With respect to the position of General J. LAWTON COLLINS, wherein he insisted that Communists be required to agree to the rotation of UN troops and is quoted in the column as follows:

"That would be a serious blow to the morale of our men. I am strongly opposed to any concession on that. It is an unfair demand and the only reason the Reds are making it is to try to force us to give in on air fields. Our Army can hold the present line until hell freezes over and I am flatly opposed to giving the slightest ground on the replacement issue. The Reds would have the same right as us on that, and I don't see why they should object to it, except for trading purposes."

Mr. WEBB'S opinion was that this quotation of COLLINS had a strong "flavor" of someone who was in attendance at the conference. He stated that it was COLLINS' position that it would be impossible to maintain ground forces without rotation.

WEBB described the ALLEN column as a whole not as "upsetting as it might be" from the security point of view. He added that from reading the column, one might gain the impression that United States top officials had decided to get tough with the Communists, whereas actually the discussions at the President's conference were concerned with granting concessions to the Communists. Mr. WEBB considered references in the column to discussions of building up the South Korean Army as harmful from the security standpoint, inasmuch as he felt that they did not want this fact released for general information. Mr. WEBB advised that references were made to building up the South Korean Army at the conference.

Mr. WEBB advised that after considering the column as a whole, he was of the opinion that possibly someone attending the conference gave a newspaperman too much detailed background concerning the conference, thus enabling a column such as the ALLEN column to have been written. Mr. WEBB was questioned as to who might be the source of the information contained in the ALLEN column. He advised that he had no suspects as to the source of the leak.

INTERVIEW WITH MR. H. FREEMAN MATTHEWS

Mr. H. FREEMAN MATTHEWS, Deputy Under Secretary of State, Room 5121, New State Department, was interviewed by Special Agents JOSEPH A. CONNORS, JR., and PAUL J. TIERNEY, on December 14, 1951. Special Agent RALPH ROACH of the Liaison Section of the FBI was also present at the interview:

Mr. MATTHEWS advised that he attended the President's conference held at the White House on the morning of December 10, 1951. He furnished in detail information relating to comments of various individuals in attendance at the President's conference.

With respect to the item in the material shown by JACK ANDERSON to General BRADLEY on the evening of December 12, 1951, wherein it was stated that the President had indicated we would grant an extension of time if cease-fire were not obtained by December 27, 1951, Mr. MATTHEWS advised that to his recollection this matter was not discussed at the conference.

Mr. MATTHEWS returned directly to his office from the December 10, 1951 conference, and told ALEXIS JOHNSON, Deputy Assistant Secretary of State, of the President's approval of the Joint Chiefs of Staff draft of instructions to General RIDGWAY, and that the opinion of those attending the conference was unanimous to the effect that an armistice was extremely desirable at this time. MATTHEWS said that other than talking to JOHNSON, he spoke to no one else concerning the events taking place at this conference.

Mr. MATTHEWS stated that he did not take any notes during the conference and prepared no memorandum or record concerning it thereafter; also, to the best of his recollection, no one came in or went out of the conference room during the conference. He stated there was no agenda available prior to the conference as to the topics to be discussed.

Mr. MATTHEWS does not know JACK ANDERSON. He has previously met DREW PEARSON, but has not been in contact with him for the past few years. Mr. MATTHEWS had no suggestions or suspicions as to where, or in what manner, the alleged leak occurred.

Mr. MATTHEWS was reinterviewed by Special Agents CONNORS and TIERNEY on December 17, 1951.

The contents of the column of ROBERT S. ALLEN appearing in the "Blue Final Edition" of the New York Post, December 13, 1951, concerning the White House conference of December 10, 1951, were exhibited to Mr. MATTHEWS for his perusal and comments.

With respect to the initial comments attributed to General BRADLEY by ALLEN to the effect that truce negotiations have reached the point where a few concessions on both sides could bring an agreement, Mr. MATTHEWS stated that the General did indicate that a stage had been reached where things might break quickly, and suggested that we make concessions on minor issues. Mr. MATTHEWS stated that a careful review of the communiques and news bulletins for the ten days immediately prior to the President's conference on December 10 would contain this information. He commented that if the New York Times was obtained to cover this period, it would be apparent that this statement attributed to General BRADLEY by ALLEN was common knowledge. However, this was BRADLEY'S position at the conference. To Mr. MATTHEWS' recollection, General BRADLEY did not make the statement that "They are using the rotation issue to try to wrest concessions from us on the air field demand."

Mr. MATTHEWS described the statements attributed to General HOYT VANDENBERG as being inaccurate. He explained that VANDENBERG favored the "greater sanction" theory and suggested a withdrawal of the air force and ground troops from Korea and their re-deployment in strategic areas such as Japan.

In connection with the statements attributed to General J. LAWTON COLLINS concerning rotation of UN troops, Mr. MATTHEWS stated that COLLINS may have discussed rotation, but that the matter of rotation was not a point in issue at the conference since there was complete agreement as to the position of the United Nations on rotation. Mr. MATTHEWS advised that from the article it would appear that there was much argument at the conference on the rotation issue which is not true. Mr. MATTHEWS could not recall General COLLINS' making a statement to the effect that the Reds were demanding concessions as to rotation in order to force us to give in on airfields.

Mr. MATTHEWS described the statement attributed to General BRADLEY as to "the importance of not allowing the Communists to build up a powerful air force" as being incorrect since it is common knowledge that the Communists already have a powerful air force.

In connection with the statements attributed to President TRUMAN by ALLEN, Mr. MATTHEWS advised that the President may have said that we were trying to bring the war to an end and may have remarked that we might be making too many concessions, but to his recollection these statements were made at the beginning of the conference. He did not recall that the President made this statement: "We want to be very careful that we do not sell ourselves short in our eagerness to secure a truce for our men."

In Mr. MATTHEWS' opinion the ALLEN column was an inaccurate report of what had occurred at the White House conference on December 10. He felt

WFO 65-6060

that if ALLEN had obtained his information from someone attending the conference, he would have received much more accurate information. He also described that ALLEN column as a "poor job" of reporting the conference. In conclusion, Mr. MATTHEWS stated that any good newspaperman who had been closely following truce negotiations as released to the press prior to the White House conference and who maintained close contact with the lower echelon of individuals at the Pentagon working on topics of discussion would have been in a position to write ALLEN'S column without ever having had contact with anyone in attendance at the White House conference.

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MAT:bar:ddj

INTERVIEW WITH REAR ADMIRAL THOMAS H. ROBBINS, JR.

Rear Admiral THOMAS H. ROBBINS, JR., member of the Joint Strategic Survey Committee, attached to the Joint Chiefs of Staff, was interviewed at his office, Room 2E1010, on the afternoon of December 19, 1951, by Special Agent MAURICE A. TAYLOR.

Admiral ROBBINS advised that he possessed no information concerning the proceedings at the White House Conference on December 10, 1951, with the exception of a single item which was brought to his attention, probably at noon on the day of the conference, at the regular briefing of Admiral WILLIAM FECHTELER, attended by Admiral ROBBINS and about eight other senior officers. He mentioned these briefings are held on Monday, Tuesday and Thursday.

Admiral ROBBINS advised Admiral FECHTELER had informed the group at the briefing that he had attended the White House Conference and desired to apprise them of his remarks opposing a certain course of action in Korea.

Admiral ROBBINS stated that subsequently it became necessary for his committee to consider this point in order to prepare certain recommendations for the Joint Chiefs of Staff. He stated this item was only one of a number in the preparation of their report. At 4:30 P.M. on Friday, December 14, he conferred with Major General CHARLES CABELL, ALONZO B. FOX and Colonel E. C. CRESS, who constitute the Joint Strategic Survey Committee and discussed the above point raised by Admiral FECHTELER. On Monday, December 17, Admiral ROBBINS contacted General OMAR BRADLEY in the presence of Major Generals CHARLES CABELL and EIMER J. ROGERS, and advised General BRADLEY that in connection with the positions taken by his Committee on the point in question, they were aware of the remarks of Admiral FECHTELER at the White House. Admiral ROBBINS advised that this constituted all knowledge in his possession concerning the White House Conference and all discussions in which he had participated on this subject.

INTERVIEW WITH MR. S. EVERETT GLEASON

Mr. S. EVERETT GLEASON, Deputy Executive Secretary, National Security Council, was interviewed by Special Agents JOSEPH A. CONNORS and PAUL J. TIERNEY on December 17, 1951.

Mr. GLEASON advised that Mr. JAMES E. LAY, JR., Executive Secretary, National Security Council, immediately after returning from the White House conference on December 10, 1951, advised Mr. GLEASON that the conference would not necessitate any changes in a draft with which Mr. GLEASON was concerned. Mr. GLEASON explained that he and a small group of individuals had been working on a National Security Council draft which contained recommendations relating to the present truce negotiations in Korea and which possibly would be affected by the conference. At this time, the information furnished Mr. GLEASON by Mr. LAY concerning the conference was only enough to assure Mr. GLEASON that the draft would not have to be changed.

GLEASON stated that at approximately 4:00 P.M. on December 10, he contacted JOHN EMERSON, Planning Officer, Far Eastern Bureau, Department of State, who was also working on the NSC draft and advised EMERSON that no changes in the draft would be necessary as a result of the White House conference on that date. According to GLEASON, he furnished EMERSON no further information. EMERSON advised GLEASON that he understood from his superiors in the State Department that no changes would be necessary.

GLEASON stated that he may have telephonically contacted [redacted] [redacted] who is the Department of National Defense representative assisting in the preparation of the draft, and advised him that no changes in the draft would be necessary as a result of the White House conference. GLEASON could not definitely recall if he had contacted [redacted] in this connection.

According to GLEASON, [redacted] is on the staff of Mr. FRANK WASH, Special Assistant to Secretary of Defense LOVETT.

GLEASON advised that on midmorning, December 12, 1951, Mr. LAY orally advised him in more detail as to the position taken by various individuals at the White House conference on December 10. This briefing of GLEASON took place in Mr. LAY'S office. No one else was present, GLEASON took no notes, and GLEASON has not discussed with any other individual the detailed briefing furnished him by Mr. LAY.

GLEASON advised that to the best of his recollection LAY indicated that General VANDENBERG suggested pulling out our air force in the event a cease-fire was obtained in Korea, and that the President expressed some concern lest the North Koreans drive all the way down to Pusan. As he further recalled, General COLLINS assured the President that the Army could hold the line.

In connection with LAY's briefing, Mr. GLEASON recalled that the President indicated a willingness to follow along the lines suggested by General BRADLEY and that previously he had been worried that the United States might be making too many concessions.

The column of ROBERT S. ALLEN appearing in the New York Post December 13, 1951, was exhibited to Mr. GLEASON. He stated that from his understanding the statements attributed to General BRADLEY and to the President by ALLEN expressed the thoughts of these individuals as relayed to him by LAY.

GLEASON advised that prior to attending the conference on the morning of December 10, LAY may have mentioned to him the fact that the President was concerned over the matter of concessions. He added that he definitely did not mention this fact to anyone nor had he had any knowledge as to whether other individuals in Washington were aware of the President's attitude prior to the conference.

GLEASON advised that his social life was limited to his family and very close friends of long standing whose intelligence precluded them from ever making inquiry as to the nature of his assignments. He has no newspaper friends and does not know columnist DREW PEARSON, JACK ANDERSON, or any of their representatives. Mr. GLEASON stated that he had been concerned about this matter and had been considering the whole thing in his own mind. From past experience, he knew that in some instances stories are "planted" with columnists in order to accomplish some objective that would benefit the individual giving the story. In analyzing this possibility as applied to the facts in instant case, he could see no objective to be obtained by so doing. He stated there has been no "knock down fight" on any matters of policy and that contrariwise there had been a high degree of unanimity of thinking by all individuals at the conference concerning the issues involved, and therefore it was his conclusion that the story appearing in the newspaper had not been "planted."

WFO 65-6060
JAC/PJT:fk

Emerson
INTERVIEW WITH MR. JOHN K. EMERSON

Mr. JOHN K. EMERSON, Planning Officer, Advisory Bureau, Far Eastern Affairs, Department of State, was interviewed by Special Agents JOSEPH A. CONNORS, JR., and PAUL J. TIERNEY in his office, Room 3011, New State Department Building, on December 18, 1951.

Mr. EMERSON advised that he was one of several individuals who with Mr. S. EVERETT GLEASON, National Security Council, were preparing a National Security Council draft concerned with present truce negotiations in Korea.

According to Mr. EMERSON, on December 10, 1951, subsequent to the White House conference, his superior, Mr. ALEXIS JOHNSON, indicated to him that as a result of the conference no changes in the draft on which EMERSON was working would be necessary. Mr. JOHNSON furnished him no further information concerning the White House conference.

Mr. EMERSON advised that subsequently Mr. GLEASON telephoned him also indicating that no draft changes were necessitated as a result of the conference. Mr. GLEASON furnished him no further information concerning the White House conference.

INTERVIEW WITH MR. KEA YOUNG

[redacted] Office, Secretary Defense, Office of Foreign Military Affairs, Far East Specialist, Room [redacted] Pentagon, was interviewed on December 18, 1951, by Special Agents JOSEPH A. CONNORS, JR., and PAUL J. TIERNEY.

Mr. S. EVERETT GLEASON previously indicated that he may have called [redacted] when he, GLEASON, learned that as a result of the White House Conference on December 10, that it would be unnecessary to make any changes in the draft of a NSC paper that [redacted] had assisted in preparing. Mr. GLEASON was doubtful at the time of the original interview with him that he had called [redacted] nevertheless, [redacted] was personally contacted and questioned whether he had received a call from Mr. GLEASON concerning this matter. He stated that he had not, and further that he was advised by no one of any details relating to the President's conference of December 10, 1951.

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INTERVIEW WITH MR. ALEXIS JOHNSON

Mr. ALEXIS JOHNSON, Deputy Assistant Secretary, Far Eastern Affairs, Department of State, was interviewed by Special Agents JOSEPH A. CONNORS, JR., and PAUL J. TIERNEY, on December 18, 1951.

WFO 65-6060
JAC/PJT:fk

Mr. JOHNSON advised that he had worked on the draft of instructions prepared for General MATTHEW RIDGWAY with H. FREEMAN MATTHEWS, Deputy Under Secretary, State Department, CHARLES BOHLEN, Counselor, State Department, and others. Mr. JOHNSON was interested in the decisions reached at the White House conference on December 10 only in so far as it affected the draft which he helped prepare for General RIDGWAY. When Mr. MATTHEWS returned from the President's conference he called Mr. JOHNSON and told him that the draft had been approved as drafted. He did not go into any detail at this time. Later in the afternoon he spoke with Mr. JOHNSON in a general fashion and told him that the general philosophy of the men who had worked on the draft had been adopted at the White House conference and that there was no objection to the message being transmitted to General RIDGWAY. He did not furnish Mr. JOHNSON with a detailed summarization of the views of those present at the conference. Mr. JOHNSON in turn advised Mr. ROBERT J. McCLURKIN, his principal assistant, who is Assistant Director in the Office of North East Asia Affairs which handles Korea and Japan, and told McCLURKIN that their draft had been approved. He stated that this was all he told McCLURKIN as actually it was all he knew. He also indicated that he possibly told the same to JOHN EMERSON, Planning Officer, Planning Advisory Bureau, Far Eastern Affairs.

The DREW PEARSON column appearing in the New York Daily Mirror of December 5, 1951, was exhibited to Mr. JOHNSON. Mr. JOHNSON advised that he had no previous knowledge of the existence of this column. He stated that he was in no position to comment as to whether the column accurately portrayed the White House conference of December 10 because he had never been advised as to the details thereof.

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CEH:iam
KTD

INTERVIEW WITH MR. JOSEPH SHORT

Mr. JOSEPH SHORT, Press Secretary of the White House, was interviewed by Inspector CARL E. HENNRICH and Special Agent KENNETH T. DELAVIGNE. He advised that he possessed no prior knowledge as to the matters which were to be discussed at the White House conference on December 10, 1951. Mr. SHORT informed that upon the termination of the conference, he was authorized by the President, following consultation with Admiral DENNISON and Admiral SOUERS, to release to the press, the statement that the President had discussed world affairs and no decisions on policy were reached. Mr. SHORT stated that because of his lack of knowledge as to the actual discussions of the conference, he was, of course, necessarily limited to the authorized statement in his contact with the press. He produced from his files, in substantiation of his statement, and furnished a typewritten copy which he informed fully covers all comments and questions made at this press release.

Mr. SHORT said that FRED BLUMENTHAL, of DREW PEARSON'S office, at times covers the White House. He was unable to state whether BLUMENTHAL had been present on December 10, but indicated he was relatively certain he did not see him on this date. He was unable to furnish any statement which would indicate who may have been responsible for the leak of information from the President's conference of December 10, 1951. In discussing this matter, Mr. SHORT furnished certain background and activities which had come to his attention concerning DREW PEARSON, which he indicated had served as confirmation for his opinion as to the unscrupulous nature of PEARSON, but in relating this background, was unable to tie any of these activities into the instant investigation.

P E N D I N G

WFO 65-6060

ADMINISTRATIVE PAGE

LEAD

THE WASHINGTON FIELD OFFICE:

AT WASHINGTON, D.C.:

Will await Bureau instructions as to what, if any, further investigation is desired.

Previous correspondence in this case has carried the title as follows:

DREW PEARSON;
Alleged Leak from White House Conference;
December 10, 1951,
to JACK ANDERSON, Leg-man for DREW PEARSON
Espionage - X

~~SECRET~~

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. D. M. Ladd *pl*

FROM : Mr. A. H. Belmont *AB*

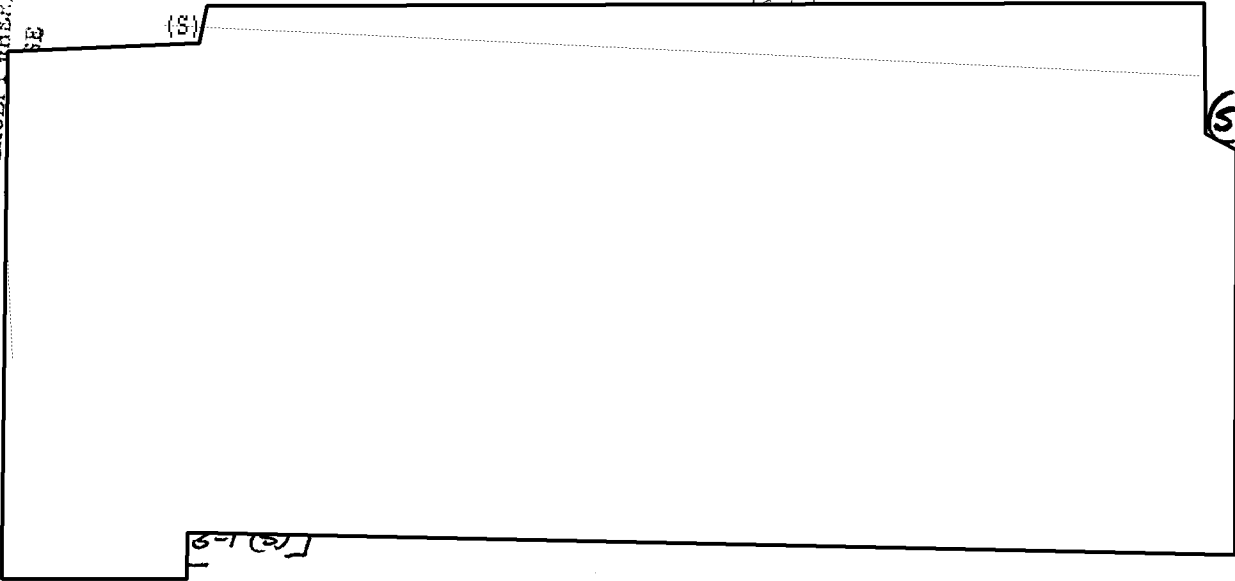
SUBJECT: DREW PEARSON
ALLEGED LEAK FROM WHITE HOUSE CONFERENCE
DECEMBER 10, 1951
TO JACK ANDERSON, LEG-MAN FOR DREW PEARSON
ESPIONAGE - X

DATE: December 26, 1951

3-28-88
 Classified by *SP8/ty/ab*
 Declassify on: OADR

- Tolson _____
- Ladd _____
- Clegg _____
- Glavin _____
- Nichols _____
- Rosen _____
- Tracy _____
- Harbo _____
- Belmont _____
- Mohr _____
- Tele. Room _____
- Nease _____
- Gandy _____

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 EXCEPT WHERE SHOWN
 OTHERWISE



(S)

(S-1)(u)

b1

General Smith stated he felt the Director might desire to know the above facts in view of the alleged leak from the White House conference. *[S-1](u)*

CWB:slw

12/17/91
 Classified by *9803 RDD/acm*
 Declassify on: OADR
 Comp. # *293983*

ADDENDUM - CEH:LL - December 26, 1951

We have developed no information indicating that Clayton Fritchey was in possession of any information regarding the conference prior to the preparation of the Pearson column.

FOI/PA # <i>265, 955; 293983</i>
APPEAL # _____
CIVIL ACT. # _____
E.O. # <i>12356</i>
DATE <i>3-28-88</i> INITIALS <i>SP8/ty/ab</i>
<i>12/17/91</i>

20
 RECORDED - 76
 INDEXED - 76
 EX - 28

1-5-6
 JAN. 8 1952

5-1 to 910. How Agency
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 65 JAN 25 1952 of 11/6/91

~~SECRET~~

MARCHESINI

March 6, 1952

10:00

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3-28-88 BY SP8/STJ/SL

MEMORANDUM FOR MR. TOLSON
MR. LADD
MR. NICHOLS

W-1
W-2-1

5001 UNDER

Admiral Souers, Special Consultant to the President, called and stated he was very much interested in my memorandum to the Attorney General dated February 20, 1952 regarding Drew Pearson. He stated he had tried to prevent the request for such investigations since we would not be able to prosecute and would only antagonize good newspapermen who would rush to Pearson's defense following the mistaken belief that the freedom of the press was involved. Admiral Souers stated that he had briefed the President about my memorandum. I indicated to him that I was concerned about the waste of thousands of dollars and manpower. Admiral Souers stated he had straightened out Joseph Short, Secretary to the President, and he told me that Short had told him to stop all the investigations but the Admiral stated of course we could not do this as some of these investigations may be based on the possibility of espionage but it might be possible to stop those that the President had specifically requested. The Admiral stated he was not doing this officially now but was just talking to me on a personal basis and I told him I understood perfectly. He stated he told the President he was going to show this memorandum to Mr. Short and to Admiral Dennison, Naval Aide to the President, and he had told the President of the procedure followed by the NSC in tracking down leaks whereby each agency was responsible for locating its own leak. I stated I had tried to point out in my memorandum that there are literally hundreds of people in some of those cases who have access to classified and top secret material and there should be a tightening up of the distribution of a lot of this information. Admiral Souers stated that the President had told him hereafter to track down the leaks according to the procedure he had indicated NSC had followed. Admiral Souers then inquired if we had many more current investigations of Pearson and I told him we had practically finished; that I thought there were no more pending.

Very truly yours,

151 J.E.H.

John Edgar Hoover
Director

65-6013-52

RECORDED-137

MAR 11 1952

25

SENT FROM D. O.
TIME 6-45-PM
DATE 3-6-52
BY W.B.D.

Callahan

J.E.H.

MAR 18 1952

February 15, 1952

MR. TOLSON

L. B. NICHOLS

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3-28-88 BY SP-12/10

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The Attorney General called on February 13, 1952, and stated that he had a recollection that the Director recently informed him that in connection with one of our investigations of Drew Pearson we had learned of a group of individuals who are meeting at Drew Pearson's house, one of whom was Clayton Fritchey of the Defense Agency. The Attorney General stated that McKinney of the National Democratic Committee was thinking of bringing Fritchey into the National Democratic Committee and the Attorney General had told McKinney to hold up until he could check. Likewise, he stated he had heard that Fritchey was being considered for a White House appointment and the Attorney General felt that under the circumstances, Fritchey would not be a good security risk.

The Attorney General also asked if our investigation of Drew Pearson, growing out of the use of the McArthur messages in 1950 was conclusive.

After talking to the Director, I advised the Attorney General that the Director had talked to him about the investigation of Drew Pearson and had pointed out that Fritchey was an old friend of Pearson and played bridge at Pearson's house on the average of once a month and was at Pearson's house on the evening that General Bradley had talked to Jack Anderson and had succeeded in killing a portion of Pearson's column. I told the Attorney General that what the Director had in mind was that an official of the Government could not play bridge at periodical intervals with a close friend without being pumped. The Attorney General stated this was sufficient.

With reference to the McArthur investigation, I told the Attorney General he might prefer to have the Criminal Division go over our reports which had been sent to the Department and give him an opinion since it would be inappropriate for us to draw any conclusions. In response to his inquiry, I told him that our investigation had been brought to a close after it had been determined that the McArthur messages had been given very widespread dissemination.

cc - Mr. Ladd
Mr. Belmont
LBN:mb

165-68573
NOT RECORDED
71 FEB 29 1952

F 314

ORIGINAL FILE IN

3/26/52

MR. TOLSON:

Ed Nellor told me last night that Ernie Cuneo was conferring with some people on the McCarran Committee as one section of the McCarran Committee is now investigating Drew Pearson and the incident involving leaks from the Pentagon.

We, of course, had not heard of this before.

LBN
L. B. Nichols

LBN:hmc

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3-28-88 BY SP8 ut/pt

RECORDED - 29

65-60573-53

APR 1 1952

INDEXED 29

16

EX - 80

Man...

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B
76 APR 11 1952

FORMATION -

Assistant Attorney General
James M. McInerney

April 10, 1952

Director, FBI
RECORDED - 159
DREW PEARSON
ESPIONAGE - X

EX-164

13 54

Reference is made to your memorandum dated April 1, 1952, your reference, JMM:CEN:bjn, in which you requested to be apprised of statements made by White House Press Secretary, Joseph Short, during the course of our investigation, as reflected in the report of Special Agent in Charge R. B. Hood, dated December 22, 1951.

In compliance with your request, please be advised that Mr. Short also stated that it was his belief that Drew Pearson extensively uses newspaper reporters who are associated with reputable news media and who feed to Pearson, for a price, off-the-record comments, which are made in the course of legitimate interviews and which the news media represented by the particular reporter, would not use because it is "off-the-record." In this connection, Mr. Short stated he understood that [redacted] formerly of Trans - Radio Press, and [redacted] while employed by CBS, were among those "peddling" information to Pearson. He further stated that it was his understanding that the above two individuals had been caught, but that he had no doubt there were others.

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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3-28-88 BY SP8/az/lot

65-60573

DECLASSIFIED BY 1080 Red/RAP
ON 10/16/77

SECURITY INFORMATION - ~~CONFIDENTIAL~~

- Tolson _____
- Ladd _____
- Nichols _____
- Belmont _____
- Clegg _____
- Glavin _____
- Harbo _____
- Rosen _____
- Tracy _____
- Mohr _____
- Tele. Rm. _____
- Nease _____
- Gandy _____

AJM:dar

APR 25 1952

APR 11 1952

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F. B. I. DEPT. OF JUSTICE
APR 10 4 43 PM '52
DIRECTOR

Handwritten signatures and initials, including a large 'A' and 'R'.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3-28-88 BY SPW/jat

65-60573-55
CHANGED TO
65-59762-297

JUL 18 1952
92

Office Memorandum • UNITED STATES GOVERNMENT

TO : A. H. BELMONT

FROM : W. A. BRANIGAN *WAB*

SUBJECT: DREW PEARSON
ESPIONAGE - X

DATE: July 29, 1952

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3-28-88 BY SP8 JF/...

- Tolson _____
- Ladd _____
- Clegg _____
- Glavin _____
- Nichols _____
- Rosen _____
- Tracy _____
- Harbo _____
- Belmont _____
- Mohr _____
- Tele. Room _____
- Nease _____
- Gandy _____

In connection with Mr. Nichols' memorandum to Mr. Belmont dated June 16, 1952, entitled "Confidential Files Maintained in Room 6527," it was requested that pertinent files maintained in the above room be reviewed for the purpose of determining whether or not there was still a need for the maintaining of the same.

Ch. J. Trotter
TROTTER

File 65-60573 has been reviewed and it is requested that due to the nature of the content of this file it still be maintained in Room 6527.

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Aug 8-1

The above file reflects the investigation requested by Mr. Robert Lovett, Secretary of Defense, which request was based on instructions received from the President. The investigation concerned classified information revealed by Drew Pearson and Robert S. Allen relative to a White House Conference on December 10, 1951. The Conference was called by President Truman and attended by a number of key civilian and military personnel. At this Conference, the Korean War situation was the main topic of discussion and far-reaching decisions were made, which decisions were classified as "~~Top Secret~~." In view of these far-reaching decisions, it is felt that only limited access should be had to the file until the Korean War is over. At the conclusion of the Korean War, this file can be maintained in the General Records Files Section.

The above file should be made available for review; however, the information contained therein should not be disseminated without prior approval of the Espionage Section.

65-60573

AJM: je s
je s

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65-60573-56

JUL 30 1952

EX-26

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619
AUG 5 1952

WAB

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3-28-88 BY SP8 *ajf*

65-60573 - 57, 58
CHANGED TO
62-98194 - 29, 30

JUN 8 1953
[Signature]

C

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: March 27, 1953

FROM : D. M. Ladd *DL*

SUBJECT: LEAKAGE OF CLASSIFIED INFORMATION
TO DREW PEARSON, CONCERNING A WHITE HOUSE CONFERENCE
ESPIONAGE

Tolson	_____
Ladd	_____
Clegg	_____
Glavin	_____
Nichols	_____
Rosen	_____
Tracy	_____
Harbo	_____
Belmont	_____
Mohr	_____
Tele. Room	_____
Nease	_____
Gandy	_____

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3-28-88 BY SP8/BJT

In accordance with your request, there is attached a memorandum concerning the results of the Bureau's investigation in the case entitled "Drew Pearson (Column of December 15, 1951); Jack-Northman Anderson, aka Jack Anderson; Robert S. Allen (Column of December 13, 1951); Espionage - X." Both Drew Pearson and Robert S. Allen published information discussed at a White House Conference held December 10, 1951, which was classified "~~TOP SECRET~~" information. The investigation reflected a close association between Mr. Clayton Fritchey, Director, Office of Public Information, and Drew Pearson, although no information was developed that Mr. Fritchey had prior knowledge of the material published in Pearson's column. This investigation did not determine the source from which Pearson obtained his information.

RECOMMENDATION:

If you approve, the attached memorandum may be forwarded to the Attorney General.

DL

EX - 107

RECORDED - 68
INDEXED 68

65-60513-59

Attachment *out*

6 APR 8 1953
DEG: amb

Handwritten signatures and initials

March 27, 1953

The Attorney General

Director, FBI

DREW PEARSON (COLUMN OF DECEMBER 15, 1951);
JACK NORTHMAN ANDERSON, aka Jack Anderson;
ROBERT S. ALLEN (COLUMN OF DECEMBER 13, 1951)
ESPIONAGE - X

8-1
1-1

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3-28-88 BY SP11/TJL

65-6043

Drew Pearson, in the column in the "New York Daily Mirror" on December 15, 1951, and also Robert S. Allen, in an article in the "New York Post," on December 13, 1951, purported to report matters discussed at a White House Conference held December 10, 1951, in regard to the cease-fire discussions concerning Korea. The information was classified "~~TOP SECRET~~". This Bureau conducted an investigation at the request of the then Secretary of Defense Robert A. Lovett. The inquiry revealed the White House Conference was presided over by President Truman and attended by sixteen key civilian and military personnel. Those in attendance were:

- President Truman
- Secretary of Defense Robert A. Lovett
- General Omar Bradley, Chief of Staff
- General J. Lawton Collins, Army
- General Hoyt S. Vandenberg, Air
- Admiral William Fichteler, Navy
- General Charles P. Cabell, Director of Joint Chiefs of Staff
- Secretary Frank C. Pace, Army
- Secretary Thomas K. Finletter, Air
- Acting Secretary Francis P. Whitehair, Navy
- Acting Secretary James E. Webb, State
- Mr. H. Freeman Matthews, State
- Admiral Sidney Souers, White House
- James Lay, National Security Council
- General Harry Vaughan, White House
- Admiral Harry L. Dennison, White House
- General Robert Landry, White House

The civilian and military personnel attending the conference were interviewed, and all denied any unauthorized disclosure of the matters discussed at the conference. Mr. Joseph Short, White House Press Secretary, and others who had been furnished the information on a "need-to-know basis," were also interviewed with similar results. The

RECORDED - 57 65-6043-60

DET:amb

SECURITY INFORMATION

DECLASSIFIED BY 6080 *Cal/mt*
ON 10/6/77

- Tolson _____
- Ladd _____
- Nichols _____
- Belmont _____
- Clegg _____
- Glavin _____
- Harbo _____
- Rosen _____
- Tracy _____
- Laughlin _____
- Mohr _____
- Winterrowd _____
- Tele. Rm. _____
- Holloman _____
- Gandy _____

MAR 30 1953

MAR 27 12 19 PM '53

75 APR 1 1953

The Attorney General

March 27, 1953

Interviews reflected that no one took notes during the conference except James Lay, who turned the notes over to President Truman, and no one dictated a memorandum concerning the conference except Secretary Finletter. All copies of that memorandum were accounted for. Both the columns written by Drew Pearson and Robert S. Allen indicated the writers had a firsthand knowledge of what occurred at the conference, such as the manner in which the President strode into the room, grinning and shaking hands all around. The columns purported to highlight the discussions, and both were limited to the discussions on the cease-fire negotiations.

It was the consensus of those persons interviewed who had read the columns that the reporting was relatively accurate as to the points discussed in connection with the cease-fire negotiations, but inaccurate as to the quotations attributed to the individuals present. Individuals interviewed believed the columns had been prepared with at least some information as to the points discussed and particularly with regard to the cease-fire negotiations.

The investigation developed that there had existed a social relationship of long standing between Drew Pearson and Mr. Clayton Fritchey, Director, Office of Public Information, Department of Defense. Mr. Fritchey admitted he had known Drew Pearson for ten years and visited with him periodically about once a month. He had been at Drew Pearson's home playing bridge on the evening of December 18, 1951, at which time Pearson exhibited to him an article pertaining to the White House Conference, which Mr. Fritchey read. Mr. Fritchey stated that the article impressed him as being rather innocuous, but, despite the fact that it was not sensational, it indicated a leak had occurred in a very important conference, which of itself was significant. He stated he did not suggest this to Pearson, nor did he suggest that Pearson withhold publication of the column. Mr. Fritchey stated he did not know the source of Pearson's information but that it was a well-known fact that Drew Pearson had excellent sources of information and that this sort of thing occurred regularly.

The Attorney General

March 27, 1953

The investigation did not develop information that Mr. Fritchey was in possession of the facts regarding the White House Conference prior to the date that Pearson showed him this article. Secretary of Defense Lovett advised that so far as he knew Fritchey was not in possession of such information.

Information was also developed that the Acting Secretary of the Navy Francis P. Whitehair had been visited previously by Drew Pearson on two occasions and also by Fred Blumenthal, a Pearson employee. Mr. Whitehair had called Pearson on December 12, 1951, with the President's approval, for the purpose of attempting to prevent the publication of Pearson's column. At this time, Mr. Whitehair indicated concern to Pearson that he might be blamed for the leak, but Pearson told Whitehair he should not be apprehensive since he had not told Pearson anything, and Pearson commented that he was an old friend of General Bradley and many other friends of his were at the conference and he named the then Secretary of the Air Force Thomas K. Finletter, General Hoyt Vandenberg, and the then Acting Secretary of State James A. Webb. (U) REMAINS UNCLASS PER NAVY RFR 6/15/92
SPT CW 1/24/98

The results of the investigation conducted by this Bureau were made available to the then Attorney General Howard J. McGrath, the then Deputy Attorney General A. Devitt Yanech, the then Secretary of Defense Robert A. Lovett, and the then Administrative Assistant to the President Admiral Sidney S. Souers.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3-28-88 BY SP8UJ/fet

65-64573-61

CHANGED TO

94-1-5698

MAY 3 1955

C

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. LADD

DATE: 1/13/54

FROM : A. H. BELMONT

11-3-97 PNO/RA 6-3-97 (revised)
 SP7a/bk # 49,828
 ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 3-28-88 BY SP8ay/fab

SUBJECT:

DREW PEARSON
 ESPIONAGE - X

Tolson ✓
 Ladd ✓
 Nichols ✓
 Belmont ✓
 Clegg ✓
 Glavin ✓
 Harbo ✓
 Rosen ✓
 Tracy ✓
 Laughlin ✓
 Mohr ✓
 Winterrowd ✓
 Tele. Rm. ✓
 Holloman ✓
 Gandy ✓

Mr. Walt Yeagley of the Department on January 13, 1954, mentioned that the Department is still actively considering our investigative reports concerning instances wherein Drew Pearson published allegedly classified information. He said the Department wants to be sure that Pearson could not put up a defense that the information he published came from official sources, and particularly high sources in the Department of Defense who would have the authority to declassify the information. Pursuant to this, the Department has contacted Roger Keyes, Under Secretary of Defense, who has given assurance that the information in question was not declassified and could not have been legitimately obtained by Pearson. The Department is pursuing this further by checking to see what witnesses could be produced by the Department of Defense to show that this material was classified and could not have been obtained legitimately.

Mr. Yeagley did not know whether the Department will call Pearson before a Grand Jury or whether any action will be taken as a result of the present study being afforded the case.

For your information.

52 JAN 25 1954

RECORDED 13

AHB:tlc

EX-124

65-611-62
 ES
 SEC

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. L. V. BOARDMAN

DATE: September 9, 1955

FROM : MR. A. H. BELMONT

SUBJECT: DREW PEARSON BROADCAST
SEPTEMBER 3, 1955

Tolson	_____
Boardman	_____
Nichols	_____
Belmont	_____
Harbo	_____
Mohr	_____
Parsons	_____
Rosen	_____
Tamm	_____
Sizoo	_____
Winterrowd	_____
Tele. Room	_____
Holloman	_____
Gandy	_____

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3-28-88 BY SP8ugj/ob

Reference is made to my memorandum dated September 6, 1955, pointing out that Jack Anderson substituted for Pearson on the September 3, 1955, broadcast and the memorandum also set forth items of possible interest to the Bureau. One of the items stated "Our atomic scientists have simplified the complex H-Bomb and designed an H weapon so self-compact that it can be carried on a fighter bomber. This baby H-Bomb has a one megaton punch that is equal to one million tons of TNT." The memorandum stated that this matter was being checked with the Atomic Energy Commission (AEC).

On September 8, 1955, Liaison Agent Bates contacted [redacted] of the AEC; Colonel [redacted] of the Division of Military Applications, AEC; and [redacted] of the Security Division, AEC. [redacted] and Colonel [redacted] both indicated concern over the above statement in that it appears to report latest up-to-date development in this particular field. They both felt that this amounted to a disclosure of sensitive and classified information.

b6
b7C

[redacted] commented that he would obtain a copy of the Pearson broadcast from the AEC Public Information Office and would have it officially reviewed by the AEC's Classification Division for an official opinion as to whether or not the statement contained classified information. [redacted] stated if so, the AEC would then direct a letter to the Bureau pointing out its concern and possibly asking for investigation.

ACTION:

This matter will be followed with AEC and you will be kept advised.

CWB:fjb
(8)

- 1 - Mr. Boardman
- 1 - Mr. Belmont
- 1 - Mr. Branigan
- 1 - [redacted]
- 1 - Liaison Section
- 1 - Mr. Bates

RECORDED - 70

60-60523-63

SEP 13 1955

LIASON

SEP 22 1955

~~CONFIDENTIAL~~

RECORDED - 70

65-10413-64

BY COURIER SERVICE

Date : September 14, 1955
(original and one)
To : Director of Special Investigations
The Inspector General
Department of the Air Force
Building Tempo E
Fourth and Adams Drive, S. W.
Washington, D. C.

From : John Edgar Hoover, Director
Federal Bureau of Investigation

Subject: JACK ANDERSON
"THE WASHINGTON POST AND
TIMES HERALD" ARTICLE ENTITLED
"TALK OF IMPEACHING FPC HEAD HEARD"
IN SEPTEMBER 8, 1955, ISSUE
ESPIONAGE - X

Declassified
by 2040
5/7/77
EFG/EGM

approp. offices and
agencies advised
5-11-77
TJS/map

EX-107

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3-28-88 BY SP-4/SLP/SLP

Attached is a copy of an article appearing in
"The Washington Post and Times Herald" newspaper on Septem-
ber 8, 1955, entitled "Talk of Impeaching FPC Head Heard"
by Jack Anderson. In that portion of the article captioned
"A-Bomb Warning," Mr. Anderson states, "A confidential
blue booklet, meant for Air Force eyes only, warns bluntly
that Atomic weapons may be used to stop future 'small
wars'." Mr. Anderson then purports to quote directly
from this document.

Referral/Direct



- Tolson _____
- Boardman _____
- Nichols _____
- Belmont _____
- Harbo _____
- Mohr _____
- Parsons _____
- Rosen _____
- Tamm _____
- Sizoo _____
- Winterrowd _____
- Tele. Room _____
- Holloman _____
- Gandy _____

Enclosure (1)

cc - 1 - Records Administration Branch (by 0-6 routing slip same date)

BY COURIER SVC.
4 SEP 14
COMM - FBI

ARJ/eh
SEP 23 1955

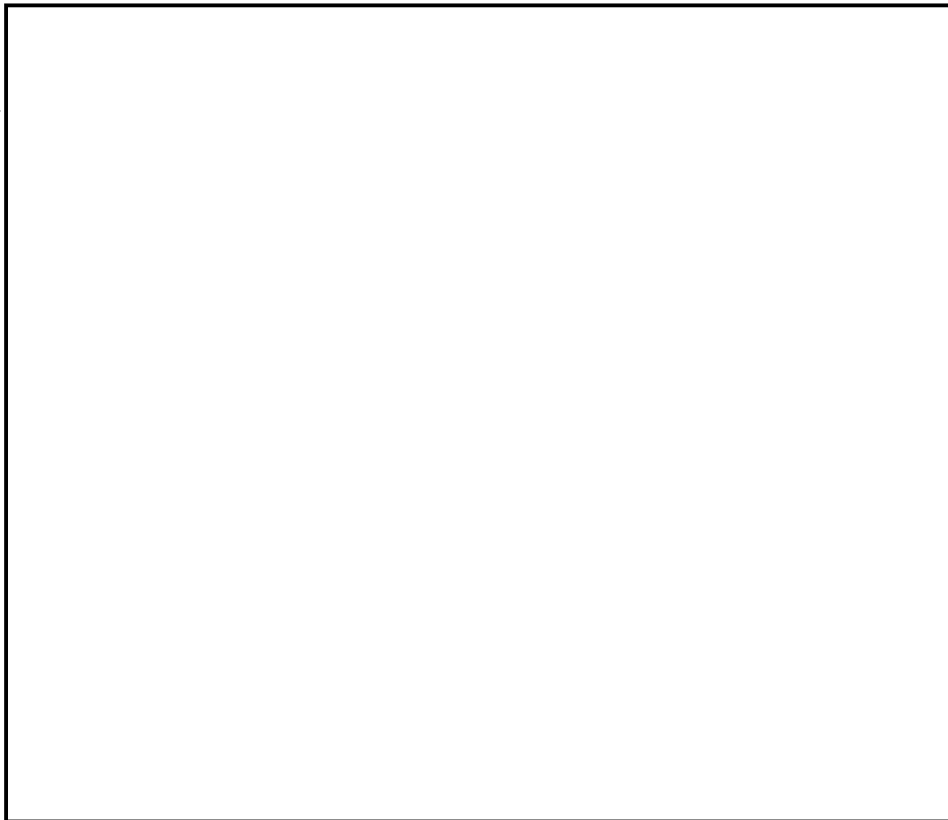
63

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

Letter to Director
Special Investigations
The Inspector General
Department of the Air Force

Referral/Direct



Mr. Tompkins advises that upon receipt of this information the Internal Security Division of the Department of Justice will advise whether any further action is warranted in this case. Your earliest attention to this matter will be appreciated.

- 2 -

~~CONFIDENTIAL~~

Assistant Attorney General (orig. & 1)
William F. Tompkins

October 10, 1955

Director, FBI

RECORDED-32

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3-28-88 BY SP1/ty/ab

EX-121

JACK ANDERSON,
"The Washington Post and Times Herald,"
Article Entitled "Talk of Impeaching RFC
Head Heard," in September 8, 1955, Issue
ESPIONAGE - X

Reference is made to your communication dated
September 14, 1955, in which you requested that appropriate
officials of the United States Air Force be asked certain
questions with respect to the captioned article.

By memorandum dated October 1, 1955, the
Department of the Air Force advised that the pamphlet
in question, prepared at the Air War College of the Air
University, is entitled "The Air Force and National
Security Policy," and is not classified. The Department
of the Air Force advised that portions of the captioned
article may be found in the following excerpts from the
aforementioned pamphlet:

(1) "Under the former concept atomic munitions
were to be employed only against an atomic aggressor who
had directly attacked the United States or one of our
allies. This was a pattern of general war. It has been
pointed out that now the policy of 'massive retaliatory
capability' loosens the restrictions on offensive air
power, brings into consideration the question of a choice
in the use of munitions, and thus gives the opportunity
for a degree of flexibility and versatility which previously
was not present. It could now be possible for the tremendous
force in question to be used in other than general war as
a powerful deterrent to lesser aggressions. Accordingly,
an aggressor could no longer assume that the United States
would be willing to permit him to select the geography and
munitions of another contest." (Section VI, pages 2 and 3)

(2) "In terms of hot war, the United States is
readying for a decisive air war to be fought principally
with nuclear weapons. This type of hot war has been
accepted as the likeliest by both the military and the
higher governmental authorities." (Section VI, page 5)

- Tolson _____
- Boardman _____
- Nichols _____
- Belmont _____
- Harbo _____
- Mohr _____
- Parsons _____
- Rosen _____
- Tamm _____
- Sizoo _____
- Winterrowd _____
- Tele. Room _____
- Holloman _____
- Gandy _____

JFW:hps
(5)
50 OCT 17 1955

MAILED 11
OCT 10 11 33 AM '55
COMM-FBI

OCT 10 11 33 AM '55

RECEIVED - GUARDIAN

Memorandum to Assistant Attorney General
William F. Tompkins

(3) "The current U. S. military strategy does not tie us down to an all-out war. We do not have to empty a whole basket of eggs for each emergency. Neither do we have to trot out a heavy-weight boxer if the walter-weight type can do the job and get out without getting killed himself." (Section VI, page 15)

The Department of the Air Force also advised as follows: "The pamphlet was circulated in May, 1954, to Air Force Commanders as unclassified material which should be handled and retained in Air Force channels only. It is not known how Mr. Anderson obtained the quoted excerpts.

"Specific answers to the questions you raised are not being made since the document in question is not classified. In the event additional information is desired, it will be furnished upon request."

It is requested that you advise whether you desire any further investigation by this Bureau in this matter.

~~CONFIDENTIAL~~



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS UNITED STATES AIR FORCE
WASHINGTON 25, D. C.

34-0-936

Honorable J. Edgar Hoover
Director, Federal Bureau of Investigation
U. S. Department of Justice
Washington 25, D. C.

1 OCT 1955

Received from OSI
Date 10-4-55

ATTN: MR. J. DAUNT, Liaison Agent

RE: (Unclassified) JACK ANDERSON,
The Washington Post and Times
Herald, Article Entitled "Talk
of Impeaching FPC Head Heard",
in September 8, 1955 Issue

Dear Sir:

Reference is made to your letter dated 14 September 1955.

Attached is a copy of a pamphlet prepared at the Air War
College of the Air University, entitled "The Air Force and
National Security Policy". Portions of Subject article may
be found in Section VI; (a) pages 2 and 3, (b) page 5, and
(d) page 15. The text in question has been marked with red
pencil.

The pamphlet was circulated in May, 1954, to Air Force
Commanders as unclassified material which should be handled
and retained in Air Force channels only. It is not known how
Mr. Anderson obtained the quoted excerpts.

Specific answers to the questions you raised are not being
made since the document in question is not classified. In the
event additional information is desired, it will be furnished
upon request.

Sincerely,

[Redacted Signature Block]

Lt Col [Redacted], USAF
Counter Intelligence Division
State of Special Investigations
Inspector General

65-60573-65

RECORDED-32

INDEXED-32

9 OCT 1955

~~CONFIDENTIAL~~

DECLASSIFIED BY 1259
ON 10-26-78 JJP/AHL
per OSI let. 10-20-78

1-ENCL
32

2 Incl
Pamphlet "The Air Force
and National Security
Policy"

ack. to
WAG Thompson
10-10-55, JFW
1-1

b6
b7c

37
(4)

Handwritten signatures and initials, including "WAG Thompson" and "JFW".

Office Memorandum • UNITED STATES GOVERNMENT

Mr. Tolson	
Mr. Boardman	
Mr. Nichols	
Mr. Belmont	
Mr. Ladd	
Mr. Clegg	
Mr. Glavin	
Mr. Harbo	
Mr. Rosen	
Mr. Tracy	
Mr. Egan	
Mr. Gurnea	
Mr. Hendon	
Mr. Pennington	
Mr. Quinn	
Mr. Nease	
Miss Gandy	

TO : Director, Federal Bureau of Investigation

DATE: October 14 1955

WFT

FROM : William F. Tompkins, Assistant Attorney General,
Internal Security Division

SUBJECT: JACK ANDERSON,
"The Washington Post and Times Herald"
Article Entitled "Talk of Impeaching FPC
Head Heard," in September 8, 1955, Issue
ESPIONAGE - X

Reference is made to my memorandum dated September 14, 1955, and to your memorandum dated October 10, 1955, concerning the captioned matter. You have requested to be advised whether this Division desires any further investigation in this case.

You pointed out in your memorandum that the Department of the Air Force advised on October 1, 1955, that the pamphlet in question, prepared at the Air War College of the Air University, is entitled "The Air Force and National Security Policy," and is not classified. In view of the latter statement, no further investigation is being requested in this matter.

||

1064442
39

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-25-2007 BY 603245 auc/baw/rs/ljm

1064442

RECORDED 13

EX. - 107

66

W. F. Tompkins

20 126

57 OCT 20 1955

65-69573

67

BY COURIER SERVICE

RECORDED-66

Date: November 15, 1955

To: Director of Special Investigations (orig. & 1)
The Inspector General
Department of the Air Force
Building Tempo E
4th and Adams Drive, S. W.
Washington, D. C.

From: John Edgar Hoover, Director
Federal Bureau of Investigation

Subject: JACK ANDERSON, "THE WASHINGTON POST
AND TIMES HERALD" ARTICLE ENTITLED
"TALK OF IMPEACHING FPC HEAD HEARD,"
IN SEPTEMBER 3, 1955, ISSUE
ESPIONAGE - X
(Your file 34-0-936)

Reference is made to your communication dated November 4, 1955.

On October 14, 1955, Assistant Attorney General Willton F. Tompkins advised that since the pamphlet entitled "The Air Force and National Security Policy" was not classified, no further investigation was being requested. Accordingly, this matter is not being pursued further by this Bureau.

JFW:hpf
(5)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3-28-88 BY SP8/BJ/6

- Tolson _____
- Boardman _____
- Nichols _____
- Belmont _____
- Harbo _____
- Mohr _____
- Parsons _____
- Rosen _____
- Tamm _____
- Sizoo _____
- Winterrowd _____
- Tele. Room _____
- Holloman _____
- Gandy _____

BY COURIER SVC.
9 1 NOV 1 6
COMM - FBI

NOV 22 1955

[Handwritten signatures and initials]



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS UNITED STATES AIR FORCE
WASHINGTON 25, D. C.

4 NOV 1955

34-0-936

Honorable J. Edgar Hoover
Director, Federal Bureau of Investigation
U. S. Department of Justice
Washington 25, D. C.

ATTN: Mr. J. Daunt, Liaison Agent

RE: JACK ANDERSON, The Washington Post and Times Herald article entitled "Talk of Impeaching FPC Head Heard", in September 8, 1955, issue.

Dear Sir:

Reference is made to our letter dated 1 October 1955, subject and file as above.

Information is requested as to whether this matter is being pursued further by your Bureau.

Sincerely,

[Redacted Signature]
[Redacted Name]
Lt Colonel, USAF
Counter Intelligence Div
Directorate of Special Investigations
The Inspector General

Lt. Col.

b6
b7C

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-25-2007 BY 60324 auc/baw/rs/ljm

1064442

*Att. to OSI
11-15-55, JWL*

INDEXED-66

RECORDED-66

65-60573-67

2 NOV 1955

FOR OFFICIAL USE ONLY
(AFR 120.13)

*EST. 1946
NOV 8 1955*

EST. 1946

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1356764-1

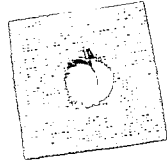
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- Page 99 ~ Duplicate;
- Page 100 ~ Duplicate;
- Page 101 ~ Duplicate;
- Page 102 ~ Duplicate;
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- Page 104 ~ Duplicate;
- Page 105 ~ Duplicate;

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FD-36 (Rev. 2-14-74)

Dubin
()



FBI

Date: 9/29/76

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL _____
(Precedence)

- Assoc. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.:
- Adm. Serv. _____
- Ext. Affairs _____
- Fin. & Pers. _____
- Gen. Inv. _____
- Ident. _____
- Inspection _____
- Intell. _____
- Laboratory _____
- Legal Coun. _____
- Plan. & Eval. _____
- Rec. Mgnt. _____
- Spec. Inv. _____
- Training _____
- Telephone Rm. _____
- Director Sec'y _____

FBI/DOJ

TO: DIRECTOR, FBI
(ATTN: LEGAL COUNSEL DIVISION)
FROM: SAC, WFO (62-NEW) (P)

JACK R. ANDERSON
versus RICHARD M. NIXON
ET AL
U.S.D.C., D.C.
CIVIL ACTION #76-1794

NAM Jack Northman Anderson

Enclosed for the Bureau are three copies of a Summons and Complaint in captioned matter in which FBI Director, CLARENCE M. KELLEY is a named defendant.

This is an action for U.S.A. damages and declaratory relief due to alleged unlawful abridgement of ANDERSON'S First Amendment Rights as a journalist and his right of privacy to be free from unlawful search and seizure and to the protection of his life, liberty and property from interference without due process of law. It is noted that ANDERSON seeks only declaratory relief from defendant, CLARENCE M. KELLEY.

One copy of the above Summons and Complaint was served at WFO on 9/29/76, by the U.S. Marshal's Service, Washington, D. C. (WDC)

WFO is forwarding one copy of the Summons and Complaint to the United States Attorney, WDC under a separate cover.

One copy of the Summons and Complaint will be maintained in captioned WFO file.

WFO will follow this matter in U. S. District Court for the District of Columbia.

- 2- Bureau (Enclosures 3)
- 1- WFO
- DFH: bjh
- (3)

ENCLOSURE ENCLOSURE ATTACHED

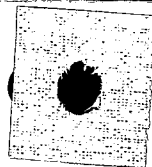
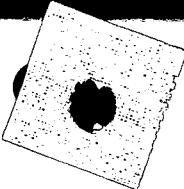


LEGAL COUNSEL
OK
b6
b7C

Memo to ...
12-6-76

Approved: _____ Sent _____ M Per _____
Special Agent in Charge Greenberg/Gray-4013

70 FEB 24 1977



ENCLOSURES TO BUREAU
 FROM WFO

3 copies of a Surrender
 and Complaint

WFO file 62-NEW

AIRTEL DATED 9/29/76.

ed

1506



ENCLOSURE

62-117353-1

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JACK N. ANDERSON,

Plaintiff,

v.

RICHARD M. NIXON, et al.,

Defendants.

Civil Action No. 76-1794

FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANT
CLARENCE M. KELLEY, DIRECTOR, FEDERAL BUREAU OF INVESTIGATION

Plaintiff requests that defendant Kelley produce, on or before the forty-fifth day after service of the summons and complaint in this action upon him, pursuant to Rule 34, F.R.Civ.P., at the offices of plaintiff's attorney William A. Dobrovir, 2005 L Street, N.W., Washington, D.C. 20036, for inspection and copying, the following records, defined to include, but without limitation, documents or writings whether handwritten, typed or printed, voice recordings or any other tangible object which records or relates to any of the matters listed below.

1. Records which are a record of, relate to or reflect any of the information described in Interrogatory 1.0-1.18, served this day.

2. Memoranda from J. Edgar Hoover to the Attorney General on May 29, 1969, June 4, 1969, and May 4, 1970, requesting authorization to wiretap a newsman based upon information supplied by Colonel Alexander M. Haig, then a member of defendant Henry A. Kissinger's National Security Council staff.

3. Reports sent from the FBI to President Nixon regarding surveillance of newsmen, dated May 28; July 10, 15, 25; August 1, 13; October 24, 1969; May 11; November 6, 14, 17, 27, 1970. Reports sent from the FBI to defendant H. R. Haldeman regarding electronic surveillance of newsmen, dated May 14, 18, 21; June 23, 25, 29; July 7, 10; September 4; October 29, 1970; November 13; December 15, 18, 22, 1970; January 5, 7, 19, 22, 27, 29, 1971.

4. Reports from the FBI to defendant Henry Kissinger regarding electronic surveillance of newsmen, dated May 13, 29; December 3, 1969; January 15, 21, 1970.

5. Investigation report from Cortland Jones, circa August 1969, which relates the surveillance of a Washington correspondent's lunch with a member of the National Security Council at the Occidental Restaurant on August 6, 1969.

6. Memorandum from T. J. Smith, FBI agent, to E. S. Miller, dated May 13, 1973, and entitled "Sensitive Coverage Placed at the Request of the White House."

7. Memorandum from William C. Sullivan, Director of the Office of National Narcotics Intelligence, to William D. Ruckelshaus, Acting Director of FBI, dated May 11, 1973, and entitled "Sensitive Coverage Placed at the Request of the White House."

8. Records of communications from White House to J. Edgar Hoover requesting investigative information on plaintiff, March 9 or 10, 1972.

9. Records of the delivery of FBI investigative information on plaintiff to the White House staff, between March 9, 1972 and March 18, 1972.

10. Records of correspondence from President Nixon to J. Edgar Hoover requesting investigative information about or an investigation of plaintiff, circa March 18, 1972.

11. Records of communication from the White House to the Justice Department Internal Security Division requesting an investigation of plaintiff, March 1972.

12. Records of request from defendant H. R. Haldeman to the Attorney General, Justice Department Internal Security Division, or other members/divisions of the Justice Department requesting an investigation of criminal activity of plaintiff, Summer 1972.

13. Records of the investigation of plaintiff or Les Whitten involving an allegation of the possession of stolen documents, November 1972 to March 1973.

14. Records respecting the appearance of a supposed source of plaintiff, Eugene Smith, before a grand jury as the result of a Defense Department investigation.

15. Records of investigation, surveillance, burglary, wire-tapping and any other interference with, reports on and proposals to deal with plaintiff carried out, proposed or attempted to be carried out or suggested or communicated to the "White House Plumbers," including defendants John Ehrlichman, Egil Krogh, David Young, E. Howard Hunt and G. Gordon Liddy.

16. Records of any wiretaps, proposed wiretaps or attempted wiretaps of plaintiff's home or office not otherwise specified above.

17. Records of any proposals, suggestions or attempts to do physical harm to plaintiff by poison.

18. Records respecting the attempted arrest of plaintiff in connection with the return to the Bureau of Indian Affairs of records taken from it by Native Americans; and respecting the arrest and prosecution of Les Whitten in connection with that return.

19. Records of any attempt to investigate, discredit, wire-tap, conduct surveillance on or otherwise interfere with plaintiff in which the Republican National Committee, the Committee to Re-elect the President, private investigators including Intertel, or International Telephone & Telegraph Corporation participated.

20. Records of any investigation, interception, mail cover operation, or other interference with mail sent to or by plaintiff, carried out by the Postal Service, the FBI, the CIA, the Department of Defense, other Governmental unit, or any individual or group employed or sanctioned by the Government (e.g., the "White House Plumbers").

21. The following records listed in the Final Report of the Senate Select Committee on Intelligence Operations, Book III, pp. 326-27, footnotes 226-232:

(a) Memorandum from T. J. Smith to E. S.

Miller, February 26, 1973;

- (b) Memorandum from T. J. Smith to E. S. Miller, June 14, 1973;
- (c) Blind memorandum captioned "Charles E. Radford, II," January 13, 1972.

22. Memorandum from W. C. Sullivan to C. D. de Loach, July 19, 1966, Subject "Black Bag" Job, described in the Final Report of the Senate Select Committee on Intelligence Operations, Book II, p. 62, footnote 238.

Respectfully submitted,

WILLIAM A. DOBROVIR
ANDRA N. OAKES
JOSEPH D. GEBHARDT
DAVID L. SCULL
2005 L Street, N.W.
Washington, D.C. 20036

September 28, 1976

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing Request for Production on the Attorney General of the United States and the United States Attorney for the District of Columbia and all defendants by first class mail to the addresses listed in the caption to the complaint filed September 27, 1976, this 28th day of September, 1976.

WILLIAM A. DOBROVIR

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JACK N. ANDERSON,

Plaintiff,

v.

RICHARD M. NIXON, et al.,

Defendants.

Civil Action No. 76-1794

FIRST INTERROGATORIES TO DEFENDANTS:

GEORGE BUSH, Director, Central Intelligence Agency
EDWARD H. LEVI, Attorney General of the United States
✓ CLARENCE M. KELLEY, Director, Federal Bureau of Investigation
DONALD G. ALEXANDER, Commissioner, Internal Revenue Service

Each of the above-named defendants is requested to serve answers to the following interrogatories, under oath, pursuant to Rule 33 F.R.Civ.P., upon plaintiff's attorney William A. Dobrovir, 2005 L Street, N.W., Washington, D.C. 20036, on or before the forty-fifth day after service of the summons and complaint upon him.

1.0 Do you, or does the agency under your supervision, possess any information respecting any of the matters listed in this Interrogatory 1.0, parts 1.1-1.18, (a) whether (where pertinent) such matters were consummated or only were attempted, contemplated or discussed, and (b) whether or not there was any involvement or potential involvement of your agency:

1.1 Mail cover on plaintiff;

1.2 Opening of the mail of plaintiff;

1.3 Wiretapping of any telephone of plaintiff;

1.4 Entry, intrusion, burglary or "black bag job" into the office or home, any hotel room or any other building or room occupied by plaintiff;

1.5 Electronic surveillance (bugging) of plaintiff;

1.6 Transmission or delivery of false information to plaintiff;

1.7 Arrest or prosecution of plaintiff;

1.8 Administration of drugs to plaintiff;
1.9 Electronic eavesdropping on plaintiff;
1.10 Electronic eavesdropping on any telephone
which resulted in the overhearing of any conversation
in which plaintiff

(a) was a participant, or

(b) was mentioned;

1.11 Infliction of physical harm on plaintiff;

1.12 Physical surveillance of plaintiff, of any
associates or relatives of plaintiff, plaintiff's home
or office, or of any other building on premises occu-
pied by plaintiff;

1.13 Requests to you or the agency under your
supervision from any other defendant in this action,
the White House, the Executive Office of the President,
or any department or agency of the Executive Branch for

(a) a "name check" of plaintiff;

(b) information about plaintiff, or

(c) electronic telephone surveillance,
other electronic surveillance or
physical surveillance of plaintiff;

1.14 Transmission by you or the agency under your
supervision to any other defendant in this action, the
White House, the Executive Office of the President, or
any department or agency of the Executive Branch of

(a) information about plaintiff, or

(b) any information about the results
of electronic or physical surveil-
lance of plaintiff;

1.15 Requests from you or the agency under your
supervision to any other defendant in this action, the
White House, the Executive Office of the President, or
any department of agency of the Executive Branch for

(a) information about plaintiff, or

(b) electronic telephone surveillance,
other electronic surveillance or
physical surveillance of plaintiff;

1.16 Transmission to you or the agency under your supervision, by any other defendant in this action, the White House, the Executive Office of the President, or any department or agency of the Executive Branch, of

(a) any information about plaintiff, or

(b) any information about the results of electronic or physical surveillance of plaintiff;

1.17 Investigation of plaintiff;

1.18 Investigation, arrest, prosecution or interrogation, by attorneys of the Department of Justice, by agents of the FBI or any other Federal law enforcement agency, by any United States Attorney or Assistant United States Attorney, or by or before any grand jury, of persons believed to be sources of information published by plaintiff.

2.0 If the answer to any part of Interrogatory 1.0 is affirmative, state with respect to such matter:

2.1 Whether the information is contained in a document or other record as defined in the Requests for Production served this day, and if so, list the documents or records and summarize the information contained therein;

2.2 The name, home and business address, and home and business telephone numbers, of every individual possessing information with respect to the item, with a summary of the information the individual possesses;

2.3 Unless answered fully in response to parts 2.1 and 2.2 supra, the substance of the information.

Respectfully submitted,

WILLIAM A. DOBROVIR
ANDRA N. OAKES
JOSEPH D. GEBHARDT
DAVID L. SCULL
2005 L Street, N.W.
Washington, D.C. 20036

September 28, 1976

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing Interrogatories on the Attorney General of the United States and the United States Attorney for the District of Columbia and all defendants by first class mail to the addresses listed in the caption to the complaint filed September 27, 1976, this 28th day of September, 1976.

WILLIAM A. DOBROVIR

62-117353-2

United States District Court

FOR THE

District of Columbia

RUSSELL, J.

CIVIL ACTION FILE NO. 75-1794

JACK N. ANDERSON

Plaintiff

v.

RICHARD M. NIXON
~~CLARENCE M. KELLEY~~

Defendant

SUMMONS

To the above named Defendant : CLARENCE M. KELLEY

You are hereby summoned and required to serve upon

WILLIAM A. DOBROVIR
ANDRA N. OAKES
JOSEPH D. GEBHARDT
DAVID L. SCULL

plaintiff's attorneys , whose address is 2005 L Street, N.W., Washington, D.C. 20036,

an answer to the complaint which is herewith served upon you, within 60 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

JAMES F. DAVEY

Clerk of Court.

Emily M. Hartung
Deputy Clerk

SEP 27 1976

Date:

[Seal of Court]

NOTE:—This summons is issued pursuant to Rule 4 of the Federal Rules of Civil Procedure.

RETURN ON SERVICE OF WRIT

I hereby certify and return, that on the

day of

19

I received this summons and served it together with the complaint herein as follows:

RECEIVED
1973
FBI - WASH. FIELD OFFICE

11:30 a
etc

TWINE & ...

MARSHAL'S FEES

Travel \$

Service

United States Marshal.

By Deputy United States Marshal.

Subscribed and sworn to before me, a

this

day of , 19

[SEAL]

Note:—Affidavit required only if service is made by a person other than a United States Marshal or his Deputy.

No. _____

United States District Court
FOR THE

SUMMONS IN CIVIL ACTION

days

Returnable not later than
after service.

Attorney for Plaintiff

FBI-WI-3-5-73-200K 8920

District of Columbia

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JACK N. ANDERSON
7300 Burdette Court
Bethesda, Maryland 20034,

Plaintiff,

v.

RICHARD M. NIXON
Presidential Compound
San Clemente, California 92672

HENRY A. KISSINGER
Secretary of State
Department of State
Washington, D.C. 20520

RICHARD M. HELMS
United States Ambassador to Iran
Department of State
Washington, D.C. 20520

JOHN N. MITCHELL
20 Broad Street
New York, New York 10005

H. R. HALDEMAN
443 North McCadden Place
Los Angeles, California 90004

JOHN D. EHRLICHMAN
227 Montoya Circle
Santa Fe, New Mexico 87501

CHARLES W. COLSON
1350 Ballantrae Lane
McLean, Virginia 22101

RICHARD G. KLEINDIENST
8464 Portland Place
McLean, Virginia 22101

L. PATRICK GRAY
Findlay Way
Stonington, Connecticut 06378

JOHN W. DEAN, III
11661 San Vicente Boulevard
Brentwood, California 94513

ROBERT C. MARDIAN
2323 North Central Avenue
Phoenix, Arizona 85004

JEB STUART MAGRUDER
c/o Atheneum Press
122 East 42nd Street
New York, New York 10017

HERBERT W. KALMBACH
1056 Santiago Drive
Newport Beach, California 92660

EGIL KROGH, JR.
c/o Swensen's Ice Cream Factory
333 Pine Street - Suite 300
San Francisco, California 94104

RECEIVED

Civil Action No. 76-1794

DAVID R. YOUNG, JR.
Queens College
Oxford University
Oxford, England

JOHN J. CAULFIELD
5205 Concordia Street
Fairfax, Virginia 22030

ANTHONY T. ULASEWICZ
Star Route
Hadley, New York 12835

E. HOWARD HUNT
Federal Prison Camp
Eglin Air Force Base, Florida 32542

G. GORDON LIDDY
Federal Correctional Institution
Danbury, Connecticut 06810

JAMES W. McCORD, JR.
414 Hungerford Drive
Rockville, Maryland 20850

EDWARD H. LEVI
Attorney General of the United States
Department of Justice
Washington, D.C. 20530

CLARENCE M. KELLEY
Director, Federal Bureau of
Investigation
J. Edgar Hoover Building
Washington, D.C. 20530

GEORGE BUSH
Director, Central Intelligence Agency
McLean, Virginia 22101

DONALD G. ALEXANDER
Commissioner, Internal Revenue Service
1111 Constitution Avenue, N.W.
Washington, D.C. 20224

Defendants.

Jury Trial Demanded

COMPLAINT FOR DAMAGES, INJUNCTION AND DECLARATORY RELIEF
FOR VIOLATION OF CONSTITUTIONAL RIGHTS

1. This is an action for damages for past, and declaratory and specific relief against future, unlawful abridgement by defendants of plaintiff's First Amendment rights as a journalist and his rights of privacy, to be free from unlawful search and seizure and to the protection of his life, liberty and property from interference without due process of law.

2. This court has jurisdiction of this action under the First, Fourth, Fifth and Ninth Amendments to the Constitution, 42 U.S.C. § 1985(3), 28 U.S.C. §§ 1331, 1343 and 2201, 18 U.S.C.

§ 2520 and D.C. Code § 13-423(a). Venue of this action lies in this District under 28 U.S.C. § 1391(b) and (e).

3. Plaintiff is a syndicated newspaper columnist whose column runs daily in over 900 newspapers. He also reports on radio and television to an estimated 5 million listeners and viewers. Plaintiff's reports concentrate on matters not generally made public knowledge by official press releases, but rather are based on investigation of matters which government officials and agencies often would prefer to be unreported. For more than 25 years plaintiff has reported and exposed abuses of power and criminal acts by public officials and private individuals. He is author or co-author of the books, USA: Second Class Power (1958), Washington Expose (1967), The Case Against Congress (1968) and The Anderson Papers (1974). He received the Pulitzer Prize in 1972.

4. Defendants:

(a) Richard M. Nixon was President of the United States from January 20, 1969 to August 9, 1974.

(b) Henry A. Kissinger was Assistant to the President of the United States, defendant Nixon, for National Security Affairs from January 20, 1969 to August 1973, and Secretary of State from August 1973 to the date of filing of this lawsuit.

(c) Richard M. Helms was Director of the Central Intelligence Agency from June 30, 1966 to February 2, 1973, and Ambassador to Iran from March 1973 to the present time.

(d) John N. Mitchell was Attorney General of the United States from January 20, 1969 to March 1, 1972, and director of the Committee for the Re-Election of the President from March 1, 1972 to June 30, 1973.

(e) H. R. Haldeman was Assistant to the President of the United States, defendant Nixon, from January 20, 1969 to April 30, 1974.

(f) John D. Ehrlichman was Counsel to the President of the United States, defendant Nixon, from January 20, 1969 to April 30, 1974.

(g) Charles W. Colson was Special White House Counsel to

the President of the United States, defendant Nixon, from November 1969 to March 10, 1973.

(h) Richard C. Kleindienst was Deputy Attorney General of the United States from January 31, 1969 to March 2, 1972, was Acting Attorney General of the United States from March 2, 1972 to June 12, 1972, and was Attorney General of the United States from June 12, 1972 to May 25, 1973.

(i) L. Patrick Gray was Acting Director of the Federal Bureau of Investigation (FBI) from May 3, 1972 to April 27, 1973.

(j) John W. Dean III was counsel to the President of the United States, defendant Nixon, from July 1970 to May 19, 1973.

(k) Robert C. Mardian was Assistant Attorney General in charge of the Internal Security Division of the Department of Justice from November 1970 to May 1, 1971, and was a Deputy Director of the Committee for the Re-Election of the President from May 1, 1971 to November 1972.

(l) Jeb Stuart Magruder was Special Assistant to the President of the United States, defendant Nixon, from October 1969 to May 1, 1971, and was a Deputy Director of the Committee for the Re-Election of the President from May 1, 1971 to March 1973.

(m) Herbert W. Kalmbach was defendant Nixon's personal attorney from March 1969 through July 1973.

(n) Egil "Bud" Krogh, Jr. was Assistant Director of the White House Domestic Council prior to July 17, 1971, and was Director of the White House Special Investigations Unit, commonly called "The Plumbers," from July 17, 1971 to December 1971.

(o) David R. Young, Jr. was a member of the White House Special Investigations Unit, commonly called "The Plumbers," from July 17, 1971 to mid-March 1973.

(p) John J. Caulfield was employed by defendant Ehrlichman from April 8, 1969 to March 1, 1972, to conduct private investigations, including the use of unlawful electronic surveillance, of political figures for him and for other White House officials, and was Security Director for the Committee for the Re-Election of the President beginning on March 1, 1972.

(q) Anthony T. Ulasewicz was employed by defendant Ehrlichman from May 1969 to December 1972 to assist defendant Caulfield in conducting private investigations of political figures for White House officials.

(r) E. Howard Hunt was hired by defendant Ehrlichman to be, and served as a, special consultant to the White House from July 6, 1970 to April 1, 1972.

(s) G. Gordon Liddy was a member of the White House Special Investigations Unit, commonly known as "The Plumbers," from July 19, 1971 to December 1, 1971; General Counsel to the Committee for the Re-Election of the President from December 1971 to April 1, 1972, and Counsel to the Finance Committee for the Re-Election of the President from April 1, 1972 to June 28, 1973.

(t) James W. McCord, Jr. was Security Coordinator for the Committee for the Re-Election of the President from October 1, 1971 to June 16, 1972.

(u) Edward H. Levi is the Attorney General of the United States and head of the Department of Justice.

(v) Clarence M. Kelley is Director and head of the Federal Bureau of Investigation.

(w) George Bush is Director of Central Intelligence and head of the Central Intelligence Agency.

(x) Donald G. Alexander is Commissioner of Internal Revenue and head of the Internal Revenue Service.

Defendants Levi, Kelley, Bush and Alexander are sued only in their official capacities and only for specific and declaratory relief. Defendant Kissinger is sued in his official capacity for specific and declaratory relief and also individually for damages. All other defendants are sued individually for damages only.

CLAIMS FOR RELIEF

5. Beginning in July 1969, and continuously until some time in 1974, defendants planned and engaged in a conspiracy, and planned and carried out overt acts in furtherance of that conspiracy, with the purpose, object and intention of depriving plaintiff of rights,

privileges and immunities secured to him by the Constitution of the United States, to wit:

(a) rights secured by the First Amendment's guarantee of freedom of the press, to gather, report and publish to the citizenry of the United States of America information respecting the conduct of government and information respecting misfeasance, malfeasance, corruption and crimes committed by elected and appointed officials of the government of the United States of America, including, inter alia, certain of the defendants;

(b) the right of privacy and the right to be free of searches and seizures without warrant, secured by the First, Fourth and Ninth Amendments to the Constitution, and

(c) the right to be free of interference with life, liberty and property without due process of law, secured by the Fifth Amendment to the Constitution.

The acts alleged in ¶¶ 6-21 below were among the overt acts committed pursuant to the conspiracy alleged in ¶ 5.

6. Beginning in January 1969, defendants Nixon, Haldeman, Ehrlichman and others hired defendants Jack Caulfield and Anthony Ulasewicz to conduct private investigations. Caulfield was appointed to the defendants' White House staff and was paid with public funds; Ulasewicz was paid out of funds remaining from defendant Nixon's 1968 campaign funds disbursed to him by defendant Kalmbach. Caulfield's and Ulasewicz's activities included unlawful telephone wiretapping of journalists and others, carried out or intended to be carried out by means of unlawful entries. Plaintiff was one of the targets of Caulfield's and Ulasewicz's activities on at least three occasions (a) prior to February 1971, (b) in late 1971 and (c) on another date unknown.

7. On October 6, 1970, plaintiff published a news story relating defendant Nixon's secret efforts to have the presidential pension increased; whereupon defendant Nixon directed defendant Haldeman and other defendants to investigate plaintiff.

8. On August 6, 1971, plaintiff published a column charging that Howard Hughes had contributed \$100,000 secretly to defendant Nixon in 1968, and that the money had been delivered to defendant

Nixon's friend, C. G. Rebozo. The column also charged that Hughes had offered to subsidize Lawrence O'Brien so he could serve without pay as Democratic National Committee Chairman in 1968. Thereafter, defendant Haldeman ordered certain of his aides, including defendant Dean, to learn if plaintiff had any connection with O'Brien.

9. At some time in 1971, defendants prepared or caused to be prepared lists of "enemies" made up of names of persons believed by defendants to be hostile to them, for the purpose of causing agencies of government, in abuse of their powers, to take action against the persons named. Plaintiff's name was on one or more of those lists.

10. In June 1971 defendants organized a Special Investigations Unit called "The Plumbers," whose members and supervisors included defendants Ehrlichman, Krogh, Young, Colson, Hunt and Liddy, and which in turn engaged the services of Bernard Barker, Eugenio Martinez and Felipe di Diego. The "Plumbers" were organized in order to investigate and prevent alleged "leaks" of information which defendants wished to keep from the citizens of the United States, and were authorized by defendants and did carry out illegal entries and the placing of unlawful wiretaps. Defendants caused the United States Central Intelligence Agency (CIA) unlawfully to provide assistance to the "Plumbers." Plaintiff was a principal target of the "Plumbers." In December 1971 plaintiff published in his column news stories about United States policies respecting the India-Pakistan conflict, revealing matters theretofore kept secret from the people of the United States concerning defendant Nixon's Administration's support of Pakistan, while the Administration was stating to the people that its position was neutral. Defendants then ordered the "Plumbers," as well as agencies of government, to investigate plaintiff and others to learn the sources of plaintiff's information in order to prevent plaintiff from gathering information in the future and from publishing such information. In the course of such investigation, defendants caused unlawful wiretaps and unlawful electronic surveillance to be placed on several individuals whose identities are unknown to plaintiff and

on Charles Radford, an enlisted man in the U.S. Navy on the staff of the Joint Chiefs of Staff who was suspected of being, but who was not, a source for plaintiff's news stories; and, on information and belief, on plaintiff.

11. In 1971 and 1972, defendants, through the "Plumbers," conceived and committed overt acts in the furtherance of a plan and conspiracy to cause serious physical injury, possibly including death, to plaintiff. The plan and conspiracy included the use of poison to murder plaintiff and the use of drugs, including hallucinogens, to be administered by application to the steering wheel of plaintiff's automobile, or by introduction into a bottle of medication or into a drink, with the intent of rendering plaintiff incoherent during a public appearance or a broadcast for the purpose of discrediting plaintiff.

12. Beginning in 1971, investigations were conducted by agents of the Department of Defense and the Federal Bureau of Investigation, acting at defendants' direction, aimed at discovering and prosecuting persons who had given information to plaintiff which plaintiff had published. The purpose and intent of the investigations were to prevent plaintiff from gathering information in the future and from publishing such information. A person, Gene Smith, who was suspected of being a "source" for plaintiff, but was not, was required to testify before a grand jury in Norfolk, Virginia, and was threatened with indictment until plaintiff offered to testify that Smith was not a "source."

13. Defendant McCord, as Security Consultant to the Committee for the Re-Election of the President, received information from the Internal Security Division of the Justice Department, including FBI reports, in abuse of the agency's powers, in the course of carrying out an investigation of plaintiff. Upon information and belief, defendant Mardian, then Assistant Attorney General in charge of the Internal Security Division, assisted, authorized or directed McCord's investigation of plaintiff.

14. On or about March 9, 1972, upon information and belief, defendant Richard M. Nixon ordered defendant Ehrlichman and others of his aides to contact Federal Bureau of Investigation Director J. Edgar Hoover to obtain information about plaintiff in order that Nixon, Ehrlichman and other defendants might discredit plaintiff. Defendant John Dean delivered information from the FBI, obtained in abuse of the agency's powers, to defendant Nixon on March 18, 1972. Defendant Nixon found the information unsatisfactory and thereupon asked then Director Hoover for additional information.

15. In early 1972 defendants, through the CIA, began and conducted until at least July 1972 an unlawful investigation, surveillance and interference with plaintiff and plaintiff's employees, with the purpose and intent of discovering and punishing persons who were sources for plaintiff of information which plaintiff had published but which defendants wished suppressed, with the further purpose and intent of preventing plaintiff from gathering information in the future and from publishing such information. In the course of this unlawful activity, agents of the CIA and others unknown to plaintiff followed plaintiff, his wife and children, his employees and their families; photographed them; searched for and, where found, examined public and police records concerning them; conducted surveillance of plaintiff's office and home and the homes of his employees, and conducted other surveillance activities including, on information and belief, electronic surveillance and wiretaps. In the course of these activities, CIA agents assigned code names to the activity, to wit, "Altex," "Mudhen" and "Celotex II," and assigned code names to plaintiff and his employees; "Celotex II," "Mudhen" and "Brandy" were used for plaintiff; of his employees who were reporters, Brit Hume was called "Eggnog," Les Whitten was called "Cordial" and Joseph Spear was called "Champagne." His secretary, Opal Ginn, was called "Sherry."

16. On February 29, March 2 and March 3, 1972, plaintiff published columns charging that the ITT corporation had offered to contribute several hundred thousand dollars to support the 1972 Republican National Convention in San Diego, California, and that the

contribution was linked to efforts by ITT to persuade defendants' Department of Justice to abandon antitrust action against ITT respecting its merger with Hartford Fire Insurance Co., and citing a memorandum respecting this written by Dita Beard, a lobbyist for ITT. Immediately thereafter defendants began an effort, plan and scheme to attempt to discredit plaintiff and to destroy his reputation for truth, veracity and accuracy, in the course of which surveillance as described in ¶ 15 was carried out; agents of the Internal Security Division of the Department of Justice, under the supervision of defendant Mardian, interviewed witnesses; the Department of Justice collaborated with a private detective firm, Intertel, which had been hired by ITT, with the Committee for the Re-Election of the President and with the Republican National Committee; derogatory information respecting plaintiff which was untrue and which was known by defendants to be untrue was delivered by defendants or their agents to Senator Marlow W. Cook to be used (and which was used) by him at Senate Judiciary Committee hearings concerning the ITT matter with the intention of damaging plaintiff's reputation for truth, veracity and accuracy.

17. On or about November 17, 1972, defendants Colson and Dean conspired with other defendants to slander and destroy the reputation for truth, veracity and accuracy of plaintiff by falsely representing that plaintiff had been paid \$100,000 by the Cuban dictator Batista to write complimentary articles about Batista.

18. In December 1972 plaintiff and his associates published articles, including articles published on December 11 and 24, 1972, relating how agencies of the United States government had defrauded Indian tribes. The articles included information obtained from documents taken from the Bureau of Indian Affairs by protesting Indians. Defendants thereupon employed and directed agents of the FBI to conduct surveillance of plaintiff and to arrest plaintiff if he reported on and was present at the return of the stolen Indian

documents to federal authorities, for the purpose, inter alia, of subpoenaing and copying private telephone records of plaintiff and his associates, so that those persons who were sources for plaintiff of information which defendants wished suppressed would be discovered and could be punished, and plaintiff could be prevented from receiving, gathering and publishing such information in the future. Pursuant to this scheme, on January 31, 1973, FBI agents arrested plaintiff's associate and reporter, Leslie H. Whitten, while Whitten was reporting on the return of documents by Indians to the United States government, and on February 2, 1973, by court order in criminal proceedings instituted against Whitten, the agents gained access to the home and business telephone records of plaintiff and his associates, made copies of such telephone records and interviewed or attempted to interview persons whose telephone numbers appeared on such records as having been called by plaintiff or his associates. The Department of Justice sought an indictment of Whitten for illegally receiving stolen documents, but on February 16, 1973, the grand jury refused to indict.

19. On dates unknown to plaintiff, defendants Magruder and Liddy investigated plaintiff in an attempt to prove that plaintiff had attempted to influence a Maryland college to sell him waterfront property at a reduced price by helping the college illegally obtain federal grants, with the purpose and intent of destroying plaintiff's reputation for truth, veracity and accuracy.

20. On dates unknown to plaintiff, defendant Colson and other defendants attempted to destroy plaintiff's reputation for truth, veracity and accuracy and to hinder and prevent plaintiff from receiving, gathering and publishing newsworthy information by representing to plaintiff and his associates certain facts to be true which defendants knew were not true, in order that plaintiff might write inaccurate news stories.

21. In 1973, 1974 and on other dates unknown to plaintiff, defendants directed and employed the Internal Revenue Service (IRS), in abuse of the agency's powers, to conduct a complete field audit

of plaintiff's 1973 tax returns, as well as to conduct other investigations. In the course of one such investigation, IRS agents, during 1973, inquired into plaintiff's purchase of an apartment in Freeport, Grand Bahamas.

22. As a result of the conspiracy and overt acts described in this complaint, plaintiff's privacy and the privacy of members of his family was invaded, plaintiff's ability to gather and report news was injured by the reluctance of sources of information to provide information for fear of exposure, punishment and retaliation, the people of the United States were deprived of information respecting the conduct of government and respecting the activities of certain defendants, plaintiff was required to devote considerable time and financial resources to prevent infliction of further harm by reason of the aforesaid conspiracy and overt acts, to defend himself and his associates and to protect his reputation against false charges and to attempt to assist and protect persons being harassed and punished pursuant to the aforesaid conspiracy and overt acts.

RELIEF REQUESTED

23. Plaintiff demands as damages, jointly and severally against all defendants except defendants Levi, Kelley, Bush and Alexander:

(a) for violation of his First Amendment rights to gather, report and publish the news, \$10 million;

(b) for violation of his rights of privacy and to be free of unlawful searches and seizures, \$1 million;

(c) for violation of his rights of liberty and property without due process of law, \$1 million;

(d) as punitive damages, \$10 million.

24. Plaintiff demands as damages against each defendant except defendants Levi, Kelley, Bush and Alexander, the sum of \$100.00 per day for each day of interception of plaintiff's wire communications (or \$1,000.00, if higher), as liquidated damages pursuant to 18 U.S.C. § 2520 and D.C. Code § 23-554.

25. Plaintiff requests as further relief that this court enjoin defendants Levi, Kelley, Bush, Alexander and Kissinger, their successors and subordinates forever, from interfering or attempting to interfere with plaintiff's function and activities as a reporter, investigator, journalist and broadcaster, either by acts directed against plaintiff or by acts directed against persons believed to be sources of information for plaintiff.

26. Plaintiff requests such other and further relief as is just in the circumstances.

27. Plaintiff demands a jury trial on all issues triable by jury.

Of Counsel:

JOSEPH BORKIN
1156 15th Street, N.W.
Washington, D.C. 20005
(202) 293-2240

WILLIAM A. DOBROVIR
ANDRA N. OAKES
JOSEPH D. GEBHARDT
DAVID L. SCULL
2005 L Street, N.W.
Washington, D.C. 20036
(202) 785-8919

September 27, 1976

Attorneys for Plaintiff

UNITED STATES GOVERNMENT

Memorandum

Assoc. Dir. _____
 Dep. AD Adm. _____
 Dep. AD Inv. _____
 Asst. Dir.:
 Adm. Serv. _____
 Ext. Affairs _____
 Fin. & Pers. _____
 Gen. Inv. _____
 Ident. _____
 Inspection _____
 Intell. _____
 Laboratory _____
 Legal Coun. _____
 Plan. & Eval. _____
 Rec. Mgnt. _____
 Spec. Inv. _____
 Training _____
 Telephone Rm. _____
 Director Sec'y _____

TO : Mr. Gallagher

DATE: 11/1/76

FROM : B. H. Cooke

- 1 - Mr. Gallagher
- 1 - Mr. Ingram
- 1 - Mr. Cooke
- 1 - Mr. Long
- 1 - Mr. Mintz

SUBJECT: JACK N. ANDERSON v.
 RICHARD M. NIXON
 ET AL
 (U.S.D.C., D.C.)
 CIVIL ACTION NO. 76-1794

PURPOSE: To furnish the Legal Counsel Division copies of investigative reports concerning material requested by Jack N. Anderson as set forth in The First Interrogatories To The Defendants and requests for documents in Civil Action No. 76-1794.

RECOMMENDATION: That Legal Counsel Division review these documents and coordinate with the response of the Special Investigative Division.

CL
[Handwritten signature]

APPROVED:

Assoc. Dir. _____	Ext. Affairs _____	Laboratory _____
Dep. AD Adm. _____	Fin. & Pers. _____	Legal Coun. _____
Dep. AD Inv. _____	Gen. Inv. _____	Plan. & Eval. _____
Asst. Dir.: _____	Ident. _____	Rec. Mgnt. _____
Adm. Serv. _____	Inspection _____	Spec. Inv. _____
	Intell. _____	Training _____

DETAILS: By memorandum dated 10/6/76, captioned as above, the Legal Counsel Division made available copies of The First Interrogatories To The Defendants and First Request For Production Of Documents in captioned matter and requested that the General Investigative Division review and furnish Legal Counsel Division information responsive to the Plaintiffs First Interrogatories And Request. After review of Bureau File 52-96921, titled, [redacted] and Bureau File 139-3779, titled, "Unsub; Office Of Information For The Armed Forces - Victim," copies of following investigative reports in case titled,

Copies provided by
 [unclear] by PPT

b6
b7C

117353 - 2

62 -

CAL:gjw (6)

ST-108

EC-39

CONTINUED - OVER

Greenberg/Gray-4039

DEC 21 1976

LEGAL COUNSEL



JAN 25 1977

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

Cooke to Gallagher Memorandum
Re: JACK N. ANDERSON

[redacted] " are being furnished to the
Legal Counsel Division: WFO report of SA [redacted]
[redacted] dated 3/7/73; WFO report of SA [redacted]
dated 2/6/73. The following reports, memoranda, and LHMs
are being furnished in case titled, "Unknown Subject; Office
Of Information For The Armed Forces - Victim": Letterhead
memorandum dated 1/20/71; Letterhead memorandum dated 3/3/71;
Rosen to Sullivan memorandum dated 3/5/71; Alexandria report
of SA [redacted] dated 3/5/71; Alexandria report of
SA [redacted] dated 3/11/71; Alexandria report of
SA [redacted] dated 3/18/71; Alexandria report of
SA [redacted] dated 6/1/71; Rosen to Sullivan memo-
randum dated 9/14/71.

b6
b7c

GID recommends that Legal Counsel Division review
these documents and coordinate with the response of the
Special Investigative Division.

Date of Mail 10/6/76

Has been removed and placed in the Special File Room of Records Section.

See File 66-2554-7530 for authority.

Subject JUNE MAIL - JACK N. ANDERSON

Removed By ^{Ca} ~~ca~~ 97 FEB 4 1977

File Number 62-117353-1

Greenberg/Gray-4041

Permanent Serial Charge Out

UNITED STATES GOVERNMENT

Memorandum

- Dep. AD Inv. _____
- Asst. Dir.:
- Adm. Serv. _____
- Ext. Affairs _____
- Fin. & Pers. _____
- Gen. Inv. _____
- Ident. _____
- Inspection _____
- Intell. _____
- Laboratory _____
- Legal Coun. _____
- Plan. & Eval. _____
- Rec. Mgnt. _____
- Spec. Inv. _____
- Training _____
- Telephone Rm. _____
- Director Sec'y _____

TO : Mr. Fehl *RFH/DEM*

FROM : Mr. Sharp *SS/DEM*

SUBJECT: JACK N. ANDERSON v.
RICHARD M. NIXON, et al
(U.S.D.C., D.C.)
CIVIL ACTION NO. 76-1794

~~SECRET~~

DATE: 11/3/76

Jack Northman Anderson

Jack Anderson
CLASSIFIED DECISIONS FINALIZED
BY DEPARTMENT REVIEW COMMITTEE (DRC)
DATE: 1-11-84 RFP/ant
7-30-84 wfp

PURPOSE:

To respond to memorandum of Legal Counsel to the Associate Director dated October 6, 1976, requesting that Special Investigative Division provide them with information responsive to plaintiff's First Interrogatories and Request.

SYNOPSIS:

A review of electronic surveillance indices and contact with appropriate field offices has determined that Jack N. Anderson has never been the target of an electronic surveillance nor did the FBI ever maintain any electronic surveillance on premises which were known to have been owned, leased, or licensed by him. However, the voice of Anderson has been monitored over national security installations and an anti-racketeering microphone installed in 1963. Further, Anderson was monitored on two occasions by a telephone surveillance installed by our Portland Division in a matter handled by Division Five. Details of this investigation are contained under the code name and can be provided by Division Five.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
EXCEPT WHERE SHOWN
OTHERWISE.

R

Enclosures (14) **ENCLOSURE**

- 1 - Mr. Gallagher
- 1 - Mr. Fehl
- 1 - Mr. Mintz
- 1 - Mr. Sharp
- 1 - Civil Litigation Unit
- 1 -

REC-39
62-117353-3
Greenberg/Gray-4042
7 DEC 21 1976

Classified by 2788 RCF/af
Declassify on: OADR
8-1-83

JLS:jms
(8)

Classified by 1259 on 1/23/78
Exempt from GDS, Category 2,3
Date of Declassification Indefinite

~~SECRET~~



53 28 1977

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

Memorandum to Mr. Fehl
Re: Jack N. Anderson

~~SECRET~~

RECOMMENDATION:

That this memorandum be forwarded to Legal Counsel in order that they may prepare appropriate response to plaintiff's Interrogatories.

EFH
m

APPROVED:

Director.....	Adm. Serv.....	Legal Coun.....
Assoc. Dir.....	Ext. Affairs.....	Plan. & Insp.....
Dep. AD Adm.....	Fin. & Pers.....	Rec. Mgt.....
Dep. AD Inv.....	Gen. Inv.....	S. & T. Serv.....
	Ident.....	Spec. Inv. F
	Intell.....	Training.....

Memorandum to Mr. Fehl
Re: Jack N. Anderson

~~SECRET~~

DETAILS:


A review of the electronic surveillance indices and contact with appropriate field offices has determined that Jack Northman Anderson has never been the target of an electronic surveillance of the FBI nor did this Bureau ever maintain any electronic surveillance on premises which were known to have been owned, leased, or licensed by him.

(S)



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4/5/63

 Room
432, Sheraton Carlton
Hotel, Washington, D. C.

WF 1441-C*

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b7C

(U)

(S)



b1

Memorandum to Mr. Fehl
Re: Jack N. Anderson

~~SECRET~~

Further, the voice of Anderson was monitored on two occasions by electronic surveillances conducted by the Portland Division. The dates of these overhears were January 16, 1972, and May 3, 1972. Details of these two overhears can be obtained from Division Five under the code name [redacted]

b2

Other than the above, no other overhears are reflected in the electronic surveillance indices.

Attached with this memorandum are transcripts of the monitored conversations listed above with the exception of the [redacted] overhears.

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On October 29, 1976, SA [redacted] who is coordinating this response, was contacted and advised of the full details as contained herein.

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- 4 -

~~SECRET~~

Greenberg/Gray-4045

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI
(ATTN: LEGAL COUNSEL DIVISION)

DATE: 11/15/76

FROM: SAC, WFO (62-10968) (P)

SUBJECT: CHANGED
JACK N. ANDERSON v.
RICHARD M. NIXON
ET AL
USDC, DC
CIVIL ACTION 76-1794

Title marked "Changed" to indicate correct middle initial of plaintiff ANDERSON. Middle initial formerly listed as "R."

Re my airtel, 9/29/76.

Civil Docket 76-1794, U.S. District Court for the District of Columbia (USDCDC) was reviewed on 11/4/76. The following docket entries were noted:

- September 27 Complaint; jury demand; appearance.
- September 27 Summons, copies (27) and copies (27) of complaint issued.
- September 27 Interrogatories by plaintiff to defendants #21 (LEVI), 22 (KELLEY), 23 (BUSH), and 24 (ALEXANDER)
- September 29 Request of plaintiff for production of documents to defendants #2 (KISSINGER), 21, 22, 23, and 24.

REC-2

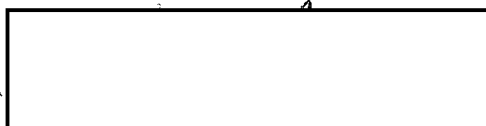
62-117353-3X

2- Bureau
1- WFO

EX-113

21 NOV 16 1976

DFH:mjl
(3)



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5010-110

FEB 24 1977

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

Greenberg/Gray-4046

WFO 62-10968

October 18

Summons, copies (2) and
copies (2) of complaint issued
for defendants #2 and 4
(MITCHELL).

October 19

Amendment #1 to complaint.

USDCDC.
WFO will continue to follow captioned matter in

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Clarence M. Kelley
Director, Federal Bureau of
Investigation

DATE: 2 DEC 1976

FROM : Rex E. Lee
Assistant Attorney General
Civil Division FEDERAL GOVERNMENT

REL:RJFranzinger:dak
145-1-548

SUBJECT: Jack N. Anderson v. Richard M.
Nixon, et al., USDC D.C.,
Civil Action No. 76-1794

Telephone:
739-3487

As you may know, responsibility for this civil suit has been assigned to the General Litigation Section of the Civil Division.

Attached is a copy of my letter dated November 18, 1976 to William Nelson, Esquire, confirming Mr. Nelson's retention by the Department of Justice. Mr. Nelson, a former Chief of the Civil Division's Economic Litigation Section, has been retained to assist the Department in determining which, if any, of the individual defendants in this action who have requested representation by the Justice Department may be represented by the Department. More particularly, we have chosen to retain Mr. Nelson to assist the Department in resolving possible conflicts between representation of the individual defendants and possible future criminal investigations into the matters raised by this lawsuit as well as possible conflicts among the individual defendants. Moreover, the nature of the acts alleged in the complaint (a copy of which is attached for your convenience) raises a serious question as to whether Department of Justice representation of the individual defendants may appropriately be undertaken.

REC-2
DEC 2 1976

EX-113

REC-2 62-117353-3X134

For Mr. Nelson to carry out the functions for which he was retained, it is essential that he be given access to all documentary or other information in the possession, custody or control of the Bureau concerning the matters raised by the complaint herein. Mr. Nelson has, of course, agreed to maintain any information disclosed to him by the Bureau in strictest confidence and to use that information solely for the purposes for which he was retained.

25 DEC 8 1976

Discovery by plaintiff in the form of a set of interrogatories and a request for production of documents addressed to the Bureau was previously served and forwarded to you in this action. The Special Litigation Section of the Criminal

70 FEB 28 1977
5010-110

LEG Counsel
D. L. Baker

Division, to which this case was previously assigned, requested that the Bureau compile any and all information within its possession for purposes of responding to this discovery. I understand that the Bureau's Office of Legal Counsel has already assembled a substantial amount of information for our review and use in preparing responses to the previously noted discovery pursuant to the Criminal Division's request.

I therefore request that Mr. Nelson be given access to all information the Bureau possesses concerning the matters raised in the complaint. If you have any questions concerning this matter, please contact Robert J. Franzinger or Sandra Schraibman of the General Litigation Section, Civil Division. I thank you for your prompt attention to this matter.

S. Schraibman

REL:DJA:SSchraibman:ald
145-1-548

18 NOV 1976

William Nelson, Esquire
1707 H Street, N.W.
Suite 700
Washington, D. C. 20006

Dear Mr. Nelson:

This is to confirm the terms of your retention by the Department of Justice on November 17, 1976, for purposes of interviewing defendants who have requested Department of Justice representation to determine if conflicts of interest exist and moving on behalf of those defendants to extend for 30 days the time for filing a response in Jack Anderson v. Richard M. Nixon, et al., U.S.D.C. D.C., Civil Action No. 76-1794.

The Department of Justice will pay the fees and expenses incurred in representing these defendants for the purposes of determining if conflicts of interest exist and for moving on their behalf for an extension of 30 days in which to respond to the Complaint. In the discharge of your professional duties your obligations run only to the defendants as your clients. You should act without supervision or control of any kind from the Department of Justice. The Department appreciates your willingness to accept compensation for your services at the rate of plus costs.

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Sincerely,

REX E. LEE

Greenberg/Gray-4050

ENCLOSURE

62-1177353-381

DO-9

OFFICE OF DIRECTOR
FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

December 9, 1976

The attached material was sent to the
Director from G. Gordon Liddy,
25106 Pembroke Station, Danbury,
Connecticut 06810.

gms

MR. HELD _____

MR. MCDERMOTT _____

MR. ADAMS _____

MR. ASH _____

MR. BASSETT _____

MR. COCHRAN _____

MR. DEBRULER _____

MR. DECKER _____

MR. FEHL _____

MR. GALLAGHER _____

MR. LEAVITT _____

MR. LONG _____

MR. MEINCKE _____

MR. MINTZ _____

MR. MOORE _____

MR. COLEMAN _____

MR. REED _____

TELE. ROOM _____

MISS DEVINE _____

Greenberg/Gray-4051

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JACK N. ANDERSON,

Plaintiff,

v.

RICHARD M. NIXON, et al.,

Defendants

Civil Action No.: 76 - 1794

FEDERAL GOVERNMENT

NOTICE OF MOTION

TO: William A. Dobrovir, Esquire
2005 "L" Street, N.W.,
Washington, D.C., 20036
Counsel to Plaintiff

SIR: PLEASE TAKE NOTICE that the undersigned shall move this honorable court under the provisions of Rule 12 (b) (1) and (6) for dismissal of the complaint herein, as amended, for lack of jurisdiction over the subject matter and failure to state a claim upon which relief can be granted, by submission, at such date and time as to the court shall be convenient.

G. Gordon Liddy
G. GORDON LIDDY, Defendant, pro se

3 ENCLOSURE

62-117353-

NOT RECORDED
14 JAN 24 1977

G. Gordon Liddy
25106 Pembroke Station
Danbury, Connecticut, 06810

LEGAL COUNSEL

Greenberg/Gray-4052



7326

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57 FEB 4 1977

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JACK N. ANDERSON,

Plaintiff,

v.

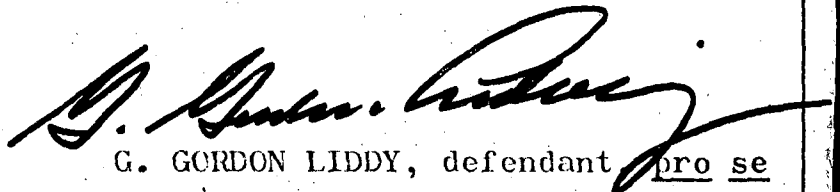
RICHARD M. NIXON, et al.,

Defendants

Civil Action No.: 76 - 1794

MOTION OF DEFENDANT G. GORDON LIDDY TO DISMISS THE AMENDED COMPLAINT, UNDER RULE 12 (b) (1) and (6), R.C.P., 28 U.S.C. A.

G. GORDON LIDDY, defendant, pro se, moves this honorable court to dismiss the complaint herein, as amended 18 October 1976, under the provisions of Rule 12 (b) (1), R.C.P., 28 U.S.C.A. in that this court lacks jurisdiction over the subject matter, and under the provisions of Rule 12 (b) (6), R.C.P., 28 U.S.C.A., in that the complaint fails to state a claim upon which relief can be granted. This motion is made by submission, including the combined Memorandum of Law and Argument attached hereto and made a part hereof, at the convenience of the court.


G. GORDON LIDDY, defendant pro se

G. Gordon Liddy
25106 Pembroke Station
Danbury, Connecticut, 06810

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JACK N. ANDERSON,

Plaintiff,

v.

RICHARD M. NIXON, et al.,

Defendants

Civil Action No.: 76 - 1794

MEMORANDUM OF LAW AND ARGUMENT IN SUPPORT OF
DEFENDANT LIDDY'S MOTION TO DISMISS COMPLAINT

Authority:

Rule 12 (b), R.C.P., 28 U.S.C.A. states, in part:

How Presented. Every defense, in law or in fact, to a claim for relief in any pleading...shall be asserted in the responsive pleading thereto if one is required, except that the following defenses may at the option of the pleader be made by motion: (1) lack of jurisdiction over the subject matter... (6) failure to state a claim upon which relief can be granted....A motion making any of these defenses shall be made before pleading if a further pleading is permitted.

The Court Lacks Jurisdiction over the subject matter.

The amended complaint invokes the jurisdiction of the court under the Constitution of the United States, Amendments One, Four, Five and Nine, as implemented by statute, to wit: 42 U.S.C. § 1985 (3); 28 U.S.C. §§ 1331, 1343 and 2201; 18 U.S.C. § 2520 and D.C. Code § 13 - 423 (a), but does not allege facts appropriately or seek relief thereunder properly, viz.:

42 U.S.C. § 1895 (3):

No racial or other class-based invidiously discriminatory animus is alleged; the complaint does not sound in a racially founded denial of equal protection necessary to a claim under § 1985 (3).

28 U.S.C. § 1331:

The complaint does not set forth facts warranting the conclusion that there is such an amount involved as to establish jurisdiction (\$10,000.00). While in his prayer for relief

plaintiff asks for liquidated damages pursuant to 18 U.S.C. § 2520 and D.C. Code § 23 - 554, his allegations of fact do not (a) claim that his oral or wire conversations were intercepted, nor that they were intercepted a sufficient number of times so as to cause the liquidated damages to amount to \$10,000.00 Defendant lacks standing to bring an action under these statutes on behalf of others.

28 U.S.C. § 1343:

This statute merely gives plaintiff a right of action for damages incurred were he the victim of a violation of his rights under 42 U.S.C. § 1895 (3). Plaintiff has not, however, alleged facts which support a claim under the latter statute, as more fully set forth supra.

28 U.S.C. § 2201:

This statute is not invoked as to defendant Liddy but even were it, that statute alone would not suffice to give this court jurisdiction in the absence of its already having jurisdiction otherwise. This chapter is not a jurisdiction conferring statute but merely makes a new procedure or remedy available in federal courts where jurisdiction already exists. California Ass'n of Emp. v. Building and Const. Trades Council of Reno, Nev. and Vicinity, 178 F.2d 175 (1949). See, also, Canadian Indem. Co. v. Republic Indem. Co., 222 F.2d 601 (1955); Goldstein v. Johnson, 184 F.2d 342 (1950), 87 U.S. App. D.C. 159, cert. denied 340 U.S. 879, rehearing denied 340 U.S. 898.

18 U.S.C. § 2520:

This statute grants a right of action for civil damages for oral or wire communications interceptions in violation of 18 U.S.C. § 2518. The complaint, however, does not allege such interception of plaintiff's conversation and he lacks standing to assert the remedy on behalf of others. Further, the complaint does not allege that the interceptions, if any, were in violation of 18 U.S.C. § 2518, as required by § 2520, nor of the law concerning warrantless wiretaps and oral interceptions in national security

matters as it existed in 1972.

D.C. Code § 13 - 423 (a):

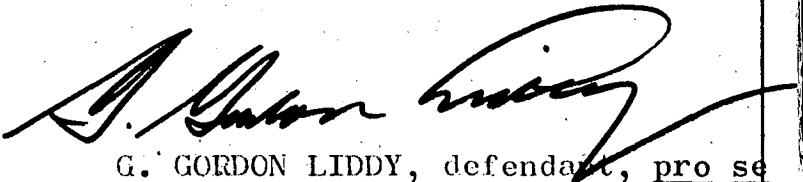
Defendant Liddy, a prisoner of the Attorney General of the United States incarcerated at the Federal Correctional Institution Danbury, Connecticut, does not have access to the D.C. Code, although he has made an effort to obtain it which has been, to date, unsuccessful. Upon information and belief, however, under the facts as alleged in the plaintiff's complaint, jurisdiction is not conferred upon this court under § 13 - 423 (a) thereof.

The Complaint Fails to State a Claim Upon Which Relief Can Be Granted.

The complaint does not sound in a racially founded denial of equal protection or other class-based invidiously discriminatory animus. There is no allegation that plaintiff's oral or wire communications were intercepted by defendants in violation of 18 U.S.C. § 2518 or the state of the law on warrantless national security interceptions as it existed in 1972 and plaintiff lacks standing to bring such an action on behalf of others.

WHEREFORE:

Defendant prays this honorable court to dismiss the complaint herein with prejudice as to him.


G. GORDON LIDDY, defendant, pro se

25106 Pembroke Station
Danbury, Connecticut, 06810

CERTIFICATE OF SERVICE

I certify that a true copy of the foregoing "Motion To Dismiss For Lack Of Jurisdiction Over The Subject Matter And For Failure To State a Claim Upon Which Relief Can Be Granted" was mailed, postage prepaid, this 7th day of December, 1976, to the following:

William A. Dobrovir, Esquire
2005 "L" Street, N.W.,
Washington, D.C., 20036
Counsel to Plaintiff

Hon. Richard M. Nixon
Presidential Compound
San Clemente, California, 92672

Hon. Henry A. Kissinger
Secretary of State
Department of State
Washington, D.C., 20520

Hon. Richard M. Helms
United States Ambassador to Iran
Department of State
Washington, D.C., 20520

Hon. John N. Mitchell, Esquire
415 East 52nd Street
New York, New York, 10022

Mr. H.R. Haldeman
443 North McCadden Place
Los Angeles, California, 90004

John D. Ehrlichman, Esquire
Federal Prison Camp
Safford, Arizona, 85546

Charles W. Colson, Esquire
1350 Ballantrae Lane
McLean, Virginia, 22101

Hon. Richard G. Kleindienst, Esquire
8464 Portland Place
McLean, Virginia, 22101

L. Patrick Gray, Esquire
Findlay Way
Stonington, Connecticut, 06378

John W. Dean, III, Esquire
c/o The Rolling Stone
1030 15th Street, N.W.,
Washington, D.C., 20005

Robert C. Mardian, Esquire
2323 North Central Avenue
Phoenix, Arizona, 85004.

Mr. Jeb Stuart Magruder
c/o Atheneum Press
122 East 42nd Street
New York, New York, 10017

Egil Krogh, Jr., Esquire
c/o Swensen's Ice Cream Factory
333 Pine Street - Suite 300
San Francisco, California, 94104

David R. Young, Jr., Esquire
Queens College
Oxford University
Oxford, England

Mr. John J. Caulfield
5205 Concordia Street
Fairfax, Virginia, 22030

Mr. Anthony T. Ulasewicz
Star Route
Hadley, New York, 12835

Mr. E. Howard Hunt
Federal Prison Camp
Eglin Air Force Base, Florida, 32542

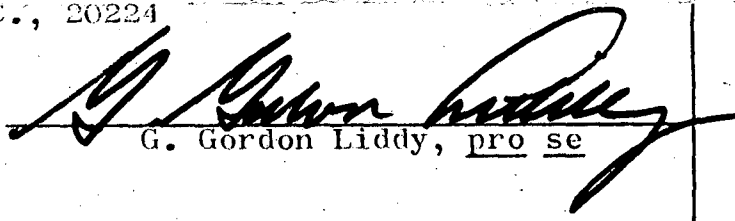
Mr. James W. McCord, Jr.
414 Hungerford Drive
Rockville, Maryland, 20850

Hon. Edward H. Levi, Esquire
Attorney General of the United States
Department of Justice
Washington, D.C., 20530

Clarence M. Kelley, Esquire
Director, Federal Bureau of Investigation
J. Edgar Hoover Building
Washington, D.C., 20530

Hon. George Bush, Esquire
Director, Central Intelligence Agency
McLean, Virginia, 22101

Donald G. Alexander, Esquire
Commissioner of Internal Revenue
Internal Revenue Service
1111 Constitution Avenue, N.W.,
Washington, D.C., 20224


G. Gordon Liddy, pro se

Date of Mail 10/14/76

Has been removed and placed in the Special File Room of Records Section.

See File 66-2554-7530 for authority.

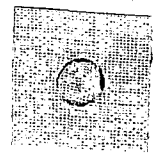
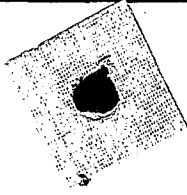
Subject JUNE MAIL - JACK N. ANDERSON

Removed By ^{fa} 97 FEB 4 1977

File Number 62-117353-4

Greenberg/Gray-4059

Permanent Serial Charge Out



Date of Mail 10/15/76

Has been removed and placed in the Special File Room of Records Section.

See File 66-2554-7530 for authority.

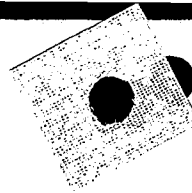
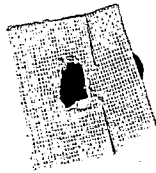
Subject JUNE MAIL - JACK N. ANDERSON

Removed By fa #97 FEB 4 1977

File Number 62-117353-5

Greenberg/Gray-4060

Permanent Serial Charge Out



Date of Mail 10/19/76

Has been removed and placed in the Special File Room of Records Section.

See File 66-2554-7530 for authority.

Subject JUNE MAIL - JACK N. ANDERSON

Removed By ^{fa} K97 FEB 4 1977

File Number 62-117353-6

Greenberg/Gray-4061

Date of Mail 10/19/76

Has been removed and placed in the Special File Room of Records Section.

See File 66-2554-7530 for authority.

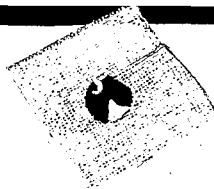
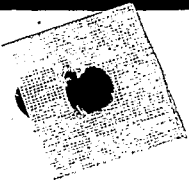
Subject JUNE MAIL - JACK N. ANDERSON

Removed By ^(a) ~~97~~ FEB 4 1977

File Number 62-117353-7

Greenberg/Gray-4062

Permanent Serial Charge Out



Date of Mail 10/19/76

Has been removed and placed in the Special File Room of Records Section.

See File 66-2554-7530 for authority.

Subject JUNE MAIL - JACK N. ANDERSON

Removed By *FA* # 97 FEB 4 1977

File Number 62-117353-8

Greenberg/Gray-4063

Permanent Serial Charge Out

Date of Mail 10/19/76

Has been removed and placed in the Special File Room of Records Section.

See File 66-2554-7530 for authority.

Subject JUNE MAIL-JACK N. ANDERSON

Removed By LA #97 FEB 4 1977

File Number 62-117353-9

Greenberg/Gray-4064

Permanent Serial Charge Out

Date of Mail 10/19/76

Has been removed and placed in the Special File Room of Records Section.

See File 66-2554-7530 for authority.

Subject JUNE MAIL - JACK N. ANDERSON

Removed By LA 97 FEB 4 1977

File Number 62-117353-10

Greenberg/Gray-4065

Permanent Serial Charge Out

Date of Mail 10/20/76

Has been removed and placed in the Special File Room of Records Section.

See File 66-2554-7530 for authority.

Subject JUNE MAIL - JACK N. ANDERSON

Removed By KA 97 FEB 4 1977

File Number 62-117353-11

Greenberg/Gray-4066

Permanent Serial Charge Out

Date of Mail 10/20/76

Has been removed and placed in the Special File Room of Records Section.

See File 66-2554-7530 for authority.

Subject JUNE MAIL - JACK N. ANDERSON

Removed By *GA* 97 FEB 4 1977

File Number 62-117353-12

Greenberg/Gray-4067

Permanent Serial Charge Out

Date of Mail 10/20/76

Has been removed and placed in the Special File Room of Records Section.

See File 66-2554-7530 for authority.

Subject JUNE MAIL - JACK N. ANDERSON

Removed By ^{GA} 497 FEB 4 1977

File Number 62-117353-13

Greenberg/Gray-4068

Permanent Serial Charge Out

Date of Mail 10/20/76

Has been removed and placed in the Special File Room of Records Section.

See File 66-2554-7530 for authority.

Subject JUNE MAIL - JACK N. ANDERSON

Removed By CA 97 FEB 4 1977

File Number 62-117353-14

Greenberg/Gray-4069

Permanent Serial Charge Out

Date of Mail 10/20/76

Has been removed and placed in the Special File Room of Records Section.

See File 66-2554-7530 for authority.

Subject JUNE MAIL- JACK N. ANDERSON

Removed By LA 497 FEB 4 1977

File Number 62-117353-15

Greenberg/Gray-4070

memorandum

DATE:

Rex E. Lee **FEDERAL GOVERNMENT**

REPLY TO
ATTN OF:

Assistant Attorney General
Civil Division

REL:RJFranzinger:gma
95-16-4179

SUBJECT:

Jack N. Anderson v. Richard M. Nixon, et al., USDC D.C., C.A. # 76-1794

13 JAN 1977

TO:

Mr. Clarence M. Kelley
Director, Federal Bureau of Investigation

Telephone:
739-3385

Attention: Legal Counsel Division

Enclosed please find the following documents filed on December 15 and December 16, 1976 in the case of Jack N. Anderson, et al. v. Richard M. Nixon, et al., USDC D.C., Civil Action No. 76-1794:

1. Interrogatories to Plaintiff
2. Response to First Request for Production of Documents to Defendant, George Bush, Director of Central Intelligence and Head of the Central Intelligence Agency
3. Answers and Objections of Director of Central Intelligence to First Interrogatories to Defendants
4. Defendant Clarence M. Kelley's Partial Response to Plaintiff's First Request for Production of Documents
5. Motion for Enlargement of Time to Answer or Object to First Interrogatories to Defendants and to Respond to Requests for Production of Documents
6. Defendant Clarence M. Kelley's Motion for Protective Order
7. Defendant Henry A. Kissinger's Response to Plaintiff's First Request for Production of Documents
8. Defendant Edward H. Levi's Partial Response to Plaintiff's First Request for Production of Documents

34
EXP. PROC.
8 JAN 14 1977

"ENCLOSURE IN BULKY ROOM"

REC-94

62-119353-16

JAN 14 1977

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REC
1/17/77

ENCLOSURE



58 JAN 26 1977

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

Greenberg/Gray-4071

OPTIONAL FORM NO. 10
(REV. 7-76)
GSA FPMR (41 CFR) 101-11.6
5010-112

We will keep you advised of any further proceedings in this case.

Attachments

UNITED STATES GOVERNMENT

Memorandum

TO : John A. Mintz
Assistant Director
Legal Counsel Division

FROM : Richard L. Thornburgh
Assistant Attorney General
Criminal Division

SUBJECT: Jack N. Anderson v. Richard M. Nixon, et al.,
76-1794 (D.D.C.)

DATE: October 20, 1976

The above-captioned case, naming Director Kelley as one of the defendants, was filed in United States District Court for the District of Columbia on September 27, 1976. We understand you have received the Summons and Complaint, as well as interrogatories and a request for the production of documents.

In order that we may respond to the allegations contained in the Complaint, it is requested that you advise us which of the allegations should be admitted and which should be denied, and suggest any affirmative allegations or defenses which may be appropriate to the claims therein.

It is also requested that you forward with your litigation report your answers to the interrogatories and copies of any communications or other documents which you deem pertinent to the case. All documents sought by the plaintiff should also be obtained from FBI files in preparation for production.

Since our Answers is due on November 28, 1976, we would appreciate receiving your litigation report by November 19, 1976.

Greenberg/Gray-4073

Asst Dir., LCD to AAG, Civ. Div.
RLT:ck 10/27/76

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WELCH & MORGAN
300 Farragut Building
900 Seventeenth Street, N.W.
Washington, D.C. 20006

BALL, HUNT, HART, BROWN AND BAERWITZ
120 Linden Avenue LOCAL & STATE
Long Beach, California 90801

Attorneys for Defendant
HERBERT W. KALMBACH

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JACK N. ANDERSON,	:	Civil Action No. 76-1794
	:	
Plaintiff	:	
	:	
vs.	:	A N S W E R
	:	
RICHARD M. NIXON, et al.,	:	
	:	
Defendants	:	

COMES NOW the defendant, HERBERT W. KALMBACH, for himself alone and for no other defendant or defendants, admits, denies and alleges as follows:

ANSWER TO COMPLAINT.

Whenever a paragraph or allegation of the complaint is denied upon information and belief, such denial shall be deemed to include an allegation that this answering defendant denies any knowledge or information sufficient to form a belief as to the truth of such paragraph or allegation.

1. Paragraph 1 is denied upon information and belief.
2. Paragraph 2 is denied upon information and belief.
3. Paragraph 3 is denied upon information and belief.

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1 4. Paragraphs 4(a), 4(b), 4(c), 4(d), 4(e), 4(f), 4(g), 4(h),
2 4(i), 4(j), 4(k) and 4(l) are admitted. Paragraph 4(m) is denied, except
3 that this answering defendant admits that he was defendant Nixon's personal
4 attorney from March, 1969 through February, 1974. Paragraph 4(n), 4(o), 4(p),
5 4(q), 4(r), 4(s), 4(t), 4(u), 4(v), 4(w) and 4(x) are denied upon information
6 and belief.

7
8 5. Paragraph 5, and each sub-paragraph thereof, namely, sub-
9 paragraphs (a), (b) and (c) are denied; and this answering defendant denies
10 that plaintiff has been damaged as alleged in said paragraph or in any other
11 manner or amount or at all.

12
13 6. Paragraph 6 is denied upon information and belief, except
14 that this answering defendant admits that he dispersed funds to Ulasewicz; and
15 this answering defendant denies that plaintiff has been damaged as alleged
16 in said paragraph or in any other manner or amount or at all.

17
18 7. Paragraph 7 is denied upon information and belief, and this
19 answering defendant denies specifically that he was directed by any defendant
20 to investigate plaintiff.

21
22 8. Paragraph 8 is denied upon information and belief.

23
24 9. Paragraph 9 is denied upon information and belief and this
25 answering defendant denies more specifically that he prepared or caused to be
26 prepared lists of enemies made up of names of persons believed by defendants
27 to be hostile to them, for the purpose of causing agencies of government,
28 in abuse of their powers, to take action against the persons named, and that
29 the plaintiff's name was on one or more of those lists.

30
31 10. Paragraph 10 is denied upon information and belief and this
32 answering defendant denies more specifically that he organized a special

1 investigations unit called the "Plumbers", whose members and supervisors
2 included defendants Ehrlichman, Krogh, Young, Colson, Hunt and Liddy, and
3 which in turn engaged the services of Bernard Barker, Eugenio Martinez and
4 Felipe di Diego, and that the "Plumbers" were organized in order to investigate
5 and prevent alleged "leaks" of information which defendants wished to keep
6 from the citizens of the United States, and were authorized by defendants
7 and did carry out illegal entries and the placing of unlawful wiretaps.
8 This answering defendant more specifically denies that he caused the United
9 States Central Intelligence Agency (CIA) unlawfully to provide assistance to
10 the "Plumbers". This answering defendant more specifically denies that he
11 ordered the "Plumbers", as well as agencies of government, to investigate
12 plaintiff and others to learn the sources of plaintiff's information in order
13 to prevent plaintiff from gathering information in the future and from
14 publishing such information. This answering defendant more specifically
15 denies that he caused unlawful wiretaps and unlawful electronic surveillance
16 to be placed on several individuals whose identities are unknown to plaintiff
17 and on Charles Radford, an enlisted man in the United States Navy on the staff
18 of the Joint Chiefs of Staff who was suspected of being, but who was not,
19 a source for plaintiff's news stories; and, on information and belief, on
20 plaintiff.

21
22 11. Paragraph 11 is denied upon information and belief and this
23 answering defendant more specifically denies that in 1971 and 1972, he,
24 through the "Plumbers", conceived and committed overt acts in the furtherance
25 of a plan and conspiracy to cause serious physical injury, possibly including
26 death, to plaintiff. This answering defendant denies that plaintiff has been
27 damaged as alleged in said paragraph or in any other manner or amount or at
28 all.

29
30 12. Paragraph 12 is denied upon information and belief and this
31 answering defendant more specifically denies that beginning in 1971,
32 investigations were conducted by agents of the Department of Defense and

1 the Federal Bureau of Investigation, acting at defendant's direction, aimed
2 at discovering and prosecuting persons who had given information to plaintiff
3 which plaintiff had published; and this answering defendant denies that
4 plaintiff has been damaged as alleged in said paragraph or in any other
5 manner or amount or at all.

6
7 13. Paragraph 13 is denied upon information and belief.

8
9 14. Paragraph 14 is denied upon information and belief, and
10 this answering defendant more specifically denies that on or about March 9,
11 1972, upon information and belief, defendant Richard M. Nixon, ordered
12 defendant Ehrlichman and others of his aides to contact Federal Bureau of
13 Investigation Director J. Edgar Hoover to obtain information about plaintiff
14 in order that Nixon, Ehrlichman and this answering defendant might discredit
15 plaintiff; and this answering defendant denies that plaintiff has been
16 damaged as alleged in said paragraph or in any other manner or amount or at
17 all.

18
19 15. Paragraph 15 is denied upon information and belief and
20 this answering defendant more specifically denies that in early 1972 he
21 through the CIA, began and conducted until at least July, 1972 an unlawful
22 investigation, surveillance and interference with plaintiff and plaintiff's
23 employees, with the purpose and intent of discovering and punishing
24 persons who were sources for plaintiff of information which plaintiff had
25 published but which defendant wished suppressed, with the further purpose
26 and intent of preventing plaintiff from gathering information in the future
27 and from publishing such information; and this answering defendant denies that
28 plaintiff has been damaged as alleged in said paragraph or in any other manner or
29 amount or at all.

30
31 16. Paragraph 16 is denied upon information and belief and this
32 answering defendant more specifically denies that he began an effort, plan

1 and scheme to attempt to discredit plaintiff and to destroy his reputation
2 for truth, veracity and accuracy, in the course of which surveillance as
3 described in Paragraph 15 was carried out; agents of the Internal Security
4 Division of the Department of Justice, under the supervision of defendant
5 Mardian, interviewed witnesses; the Department of Justice collaborated with
6 a private detective firm, Intertel, which had been hired by ITT, with the
7 Committee for the Re-Election of the President and with the Republican
8 National Committee; derogatory information respecting plaintiff which was
9 untrue and which was known by defendant to be untrue was delivered by defendant
10 or his agents to Senator Marlow W. Cook to be used (and which was used) by
11 him at Senate Judiciary Committee hearings concerning the ITT matter with
12 the intention of damaging plaintiff's reputation for truth, veracity and
13 accuracy, and this answering defendant denies that plaintiff has been
14 damaged as alleged in said paragraph or in any other manner or amount or at all.

16 17. Paragraph 17 is denied upon information and belief.

18 18. Paragraph 18 is denied upon information and belief, and
19 this answering defendant more specifically denies that he employed and
20 directed agents of the FBI to conduct surveillance of plaintiff and to
21 arrest plaintiff if he reported on and was present at the return of the
22 stolen Indian documents to federal authorities, for the purpose, inter alia,
23 of subpoenaing and copying private telephone records of plaintiff and his
24 associates, so that those persons who were sources for plaintiff of information
25 which defendants wished suppressed would be discovered and would be punished,
26 and plaintiff could be prevented from receiving, gathering and publishing
27 such information in the future; and this answering defendant denies that
28 plaintiff has been damaged as alleged in said paragraph or in any other
29 manner or amount or at all.

31 19. Paragraph 19 is denied upon information and belief; and
32 this answering defendant denies that plaintiff has been damaged as alleged

1 in said paragraph or in any other manner or amount or at all.

2

3 20. Paragraph 20 is denied upon information and belief and
4 this answering defendant more specifically denies that he attempted to
5 destroy plaintiff's reputation for truth, veracity and accuracy and to hinder
6 and prevent plaintiff from receiving, gathering and publishing newsworthy
7 unformation by representing to plaintiff and his associates certain facts
8 to be true which defendants knew were not true, in order that the plaintiff
9 might write inaccurate news stories; and this answering defendant denies
10 that plaintiff has been damaged as alleged in said paragraph or in any
11 other manner or amount or at all.

12

13 21. Paragraph 21 is denied upon information and belief and this
14 answering defendant more specifically denies that he directed and employed
15 the Internal Revenue Service (IRS), in abuse of the agency's powers, to
16 conduct a complete field audit of plaintiff's 1973 tax returns, as well as
17 to conduct other investigations.

18

19 22. Paragraph 22 is denied upon information and belief; and
20 this answering defendant denies that plaintiff has been damaged as alleged in
21 said paragraph or in any other manner or amount or at all.

22

23

24

AFFIRMATIVE DEFENSES

25

26 23. The complaint does not state facts sufficient to constitute
27 a claim upon which relief can be granted.

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24. The Court does not have jurisdiction of the claims which
plaintiff purports to state.

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25. Any purported claims for relief asserted by plaintiff

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are barred by the Statute of Limitations.

WHEREFORE, this answering defendant prays for judgment as follows:

1. That plaintiff take nothing.

2. That this answering defendant recover his costs of suit and have such other and further relief as the court may deem just and proper.

BALL, HUNT, HART, BROWN AND BAERWITZ

By Robert Aitken
ROBERT AITKEN

WELCH & MORGAN

By Charles A. McNeilis

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DEMAND FOR JURY TRIAL

Defendant HERBERT W. KALMBACH hereby demands a jury trial on the matters set forth in the foregoing Answer and Counterclaims.

DATED: January 10, 1977

BALL, HUNT, HART, BROWN AND BAERWITZ

By Robert Aitken
ROBERT AITKEN

WELCH & MORGAN

By Charles G. M. Melis

CERTIFICATE OF SERVICE

I do hereby certify that a true copy of the foregoing "Answer To Complaint" was mailed, postage prepaid, this 14th day of January, 1977, to the following:*

William A. Dobrovir, Esq.
2005 L Street, N. W.
Washington, D. C. 20036
Attorney for Plaintiff

Richard M. Nixon
Presidential Compound
San Clemente, California 92672

Henry A. Kissinger
Secretary of State
Department of State
Washington, D. C. 20520

Richard M. Helms
United States Ambassador to Iran
Department of State
Washington, D. C. 20520

John N. Mitchell
20 Broad Street
New York, New York 10005

H. R. Haldeman
443 North McCadden Place
Los Angeles, California 90004

John D. Ehrlichman
227 Montoya Circle
Santa Fe, New Mexico 87501

Charles W. Colson
1350 Ballantrae Lane
McLean, Virginia 22101

Richard G. Kleindienst
8464 Portland Place
McLean, Virginia 22101

L. Patrick Gray
Findlay Way
Stonington, Connecticut 06378

* On November 24, 1976, a copy of Defendant Kalmbach's Motion For Enlargement Of Time Within Which To Answer The Complaint was mailed to John W. Dean, III, 11661 San Vicente Boulevard, Brentwood, California 94513, as shown on the certificate of service. This Motion was subsequently returned to our office as not being the correct address. We therefore have omitted John W. Dean from this certificate of service.

Robert C. Mardian
2323 North Central Avenue
Phoenix, Arizona 85004

Jeb Stuart Magruder
c/o Atheneum Press
122 East 42nd Street
New York, New York 10017

Egil Krogh, Jr.
c/o Swensen's Ice Cream Factory
333 Pine Street - Suite 300
San Francisco, California 94104

David R. Young, Jr.
Queens College
Oxford University
Oxford, England

John J. Caulfield
5205 Concordia Street
Fairfax, Virginia 22030

Anthony T. Ulasewicz
Star Route
Hadley, New York 12835

E. Howard Hunt
Federal Prison Camp
Eglin Air Force Base, Florida 32542

G. Gordon Liddy
Federal Correctional Institution
Danbury, Connecticut 06810

James W. McCord, Jr.
414 Hungerford Drive
Rockville, Maryland 20850

Edward H. Levi
Attorney General of the United States
Department of Justice
Washington, D.C. 20530

Clarence M. Kelley
Director, Federal Bureau of Investigation
J. Edgar Hoover Building
Washington, D.C. 20530

George Bush
Director, Central Intelligence Agency
McLean, Virginia 22101

Donald G. Alexander
Commissioner, Internal Revenue Service
1111 Constitution Avenue, N. W.
Washington, D. C. 20224

Charles A. McNelis

FEDERAL GOVERNMENT

1 - [redacted] - Encls. 2
1 - Mr. Leavitt - Encls. 2
1 - Mr. Gallagher - Encls. 2
1 - Mr. Moore - Encls. 2
1 - Mr. Mintz - Encls. 2

January 17, 1977

Assistant Attorney General
Civil Division

1 - [redacted] b6
1 - Civ. Lit. b7C

Assistant Director - Legal Counsel
Federal Bureau of Investigation

JACK N. ANDERSON v.
RICHARD M. NIXON, et al.
(U.S.D.C, D.C.,)
CIVIL ACTION NO. 76-1794

Reference is made to the memorandum of Richard L. Thornburgh, Assistant Attorney General, Criminal Division, dated October 20, 1976. It is my understanding that captioned matter has been transferred to your Division.

The Complaint and Amendment No. 1 to Complaint have been reviewed as to defendant Clarence M. Kelley, Director, FBI, who is sued in his official capacity as Director, a position he has held since July 9, 1973. At the outset and by way of summary, the Complaint alleges defendants engaged in a conspiracy beginning in July, 1969, and continuing until sometime in 1974, for the purpose, object and intention of depriving plaintiff, a journalist, of rights, privileges and immunities secured to him by the Constitution of the United States, namely rights secured by the First Amendment's guarantee of freedom of the press, the right of privacy and the right to be free of search and seizures without warrant, secured by the First, Fourth and Ninth Amendments, and the right to be free from interference with life, liberty and property without due process of law, secured by the Fifth Amendment. The Complaint further alleges 15 overt acts furthering this conspiracy. For the most part, a specific time period when the overt acts occurred or acts of a specific defendant are alleged. With few exceptions, the specified time period of the act precedes the commencement of Director Kelley's term of office and no overt act is specifically attributed to

Director Kelley by name. Amendment No. 1 to Complaint alleges an intentional and fraudulent concealment of the conspiracy and overt acts which plaintiff did not, and could not discover prior to February 19, 1974, and that plaintiff thereafter has attempted to discover all of the facts but certain defendants have refused to disclose documents and information pertaining thereto. In

- Assoc. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.:
- Adm. Serv. _____
- Ext. Affairs _____
- Fin. & Pers. _____
- Gen. Inv. _____
- Ident. _____
- Inspection _____
- Intell. _____
- Lab. _____
- Legal Coun. _____
- Plan. & Eval. _____
- Rec. Mgnt. _____
- Spec. Inv. _____
- Training _____
- Telephone Rm. _____
- Director Sec'y _____

RLH:clh
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FBI

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JAN 24 1977

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MAIL ROOM TELETYPE UNIT

Greenberg/Gray-4085

Assistant Attorney General
Civil Division

view of the foregoing, and after review of appropriate files to date, the following are suggested answers to be asserted on behalf of Director Kelley to the specific allegations of the Complaint:

As to Paragraph 1: Defendant Kelley admits that this is a civil action challenging certain acts of defendants, but denies that any acts of the defendants violated the rights of plaintiff under the constitutional provisions enumerated and denies all allegations contained therein which are inconsistent herewith. Defendant Kelley further admits that the civil action seeks damages for past, and declaratory and specific relief against future acts but denies that the plaintiff is entitled to any of the relief sought.

As to Paragraph 2: Defendant Kelley denies the allegations contained in this paragraph.

As to Paragraph 3: Defendant Kelley lacks information and knowledge sufficient to form a belief as to the allegations contained in this paragraph.

As to Paragraph 4: Defendant Kelley admits on information and belief sub-Paragraphs (a) through (u), (w) and (x) of Paragraph 4 and Director Kelley admits as alleged in sub-Paragraph (v) that he is the Director of the FBI having served in that capacity from July 9, 1973, and Director Kelley further admits in this civil suit he is sued only in his official capacity and only for specific declaratory relief, but denies that the plaintiffs are entitled to any of the relief sought.

As to Paragraph 5: Director Kelley denies the allegations contained in this paragraph and sub-Paragraphs (a), (b) and (c).

As to Paragraph 6: The allegations of Paragraph 6 do not apply to Director Kelley acting in his official capacity and therefore no answer is deemed appropriate.

Assistant Attorney General
Civil Division

As to Paragraph 7: Director Kelley denies the allegations as they may be construed to pertain to him acting in his official capacity.

As to Paragraph 8: The allegations of Paragraph 8 do not apply to Director Kelley acting in his official capacity and therefore no answer is deemed appropriate.

As to Paragraph 9: Director Kelley denies the allegations as they may be construed to pertain to him acting in his official capacity.

As to Paragraph 10: Director Kelley admits that in December, 1971, plaintiff published in his column news stories about United States policy respecting the India-Pakistan conflict wherein disclosures were made of conversations between the defendant Richard M. Nixon and defendant Henry Kissinger and between defendant Kissinger and other high officials at the White House and the State Department; that at the request of defendant John N. Mitchell, then Attorney General of the United States, electronic surveillance was initiated by the FBI on the residential telephone of Charles Edward Radford, II, Navy Yeoman, First Class, assigned to the Joint Chiefs of Staff who was then believed the source of highly classified national security information set forth in plaintiff's December column; Director Kelley further admits that additional telephone electronic surveillance was established on Radford and certain other individuals regarding this incident either at the request of defendant Mitchell or defendant David R. Young who assured that defendant Mitchell concurred in the request; but defendant Kelley denies that these electronic surveillances constituted unlawful wiretaps and unlawful electronic surveillances. As to the remaining allegations, defendant Kelley lacks information and knowledge sufficient to form a belief as to the truth of these allegations.

As to Paragraph 11: Director Kelley denies the allegations as they may be construed to pertain to him acting in his official capacity.

Assistant Attorney General
Civil Division

As to Paragraph 12: Defendant Kelley admits that at the request of the United States Attorney, Alexandria, and the Criminal Division of the Department of Justice, the FBI instituted a preliminary Interception of Communications investigation looking into the alleged bugging and tape recording of meetings held in October, 1970, at the Office of Information for the Armed Forces, Department of Defense, located at the Pomponio Building, Rosslyn, Virginia; that plaintiff on December 21 and 26, 1970, wrote articles reporting information apparently obtained from the tapes of these meetings; that the preliminary inquiry developed [redacted], then an employee of the Armed Forces Radio-TV Service, as a logical suspect; that after consultation with the Criminal Division of the Department of Justice, United States Attorney Brian P. Gettings, Eastern District of Virginia, subpoenaed several witnesses before the Grand Jury, Norfolk, Virginia, including [redacted] that after hearing testimony, the Grand Jury did not return an indictment and thereafter the FBI investigation was concluded when the United States Attorney advised he contemplated no further action in this matter. Defendant Kelley denies all allegations contained in Paragraph 12 which are inconsistent herewith.

As to Paragraph 13: Director Kelley denies the allegations as they may be construed to pertain to him acting in his official capacity.

As to Paragraph 14: Defendant Kelley lacks information and knowledge sufficient to form a belief as to the allegations contained in this Paragraph.

As to Paragraph 15: Director Kelley denies the allegations as they may be construed to pertain to him acting in his official capacity.

As to Paragraph 16: Director Kelley denies the allegations as they may be construed to pertain to him acting in his official capacity.

As to Paragraph 17: Defendant Kelley denies the allegations as they may be construed to pertain to him acting in his official capacity.

Assistant Attorney General
Civil Division

As to Paragraph 18: Defendant Kelley admits that in December, 1972, plaintiff and his associates published articles which included information obtained from documents stolen from the Bureau of Indian Affairs' (BIA) Building, Washington, D. C.; on January 19, 1973, information was received by the FBI that documents stolen from the BIA Building, Washington, D. C., were going to be sold to plaintiff, on January 30, 1973, three cartons believed to be containing stolen BIA documents were transported to the Washington, D. C., area for delivery to plaintiff; on January 30, 1973, facts in this matter were presented to an Assistant United States Attorney, Washington, D. C., who due to exigent circumstances authorized the arrest of several persons, including any representative of plaintiff, for violation of Title 18, United States Code (USC), Section 641 and 2070, in the event the stolen documents were turned over to such a representative; on January 31, 1973, plaintiff's associate Whitten was arrested for possession of stolen Government property as he carried from an apartment building a box containing stolen BIA documents toward his automobile; as part of the investigation relating to this matter, subpoenas for [redacted] records for [redacted] were furnished by the then Assistant United States Attorney, Chief, Grand Jury Section, United States District Court, Washington, D. C., and [redacted] served on [redacted] thereafter certain interviews were conducted pursuant to that investigation; and that on or about February 15, 1973, a Complaint charging Whitten with violation of Title 18, USC, Section 641, was dismissed after the Grand Jury, United States District Court, District of Columbia, returned a "no bill" after hearing evidence in this matter. Defendant Kelley denies all allegations contained therein which are inconsistent herewith.

As to Paragraph 19: Defendant Kelley denies the allegations as they may be construed to pertain to him acting in his official capacity.

As to Paragraph 20: Defendant Kelley denies the allegations as they may be construed to pertain to him acting in his official capacity.

Assistant Attorney General
Civil Division

As to Paragraph 21: Defendant Kelley denies the allegations as they may be construed to pertain to him acting in his official capacity.

As to Paragraph 22: Defendant Kelley denies the allegations contained in this Paragraph.

As to Paragraphs 23 and 24: The allegations of Paragraphs 23 and 24 do not apply to Defendant Kelley acting in his official capacity and therefore no answer is deemed appropriate.

As to Paragraphs 25 and 26: Defendant Kelley prays that the Complaint be dismissed denying plaintiff any judicial relief whatsoever.

As to Amendment No. 1 to Complaint the following are suggested answers to be asserted on behalf of Director Kelley:

As to Paragraph 1: Defendant Kelley admits that on May 6, 1976, plaintiff through his attorney, filed a Freedom of Information - Privacy Acts request, that no documents or information have been provided pursuant thereto; and that plaintiff through his attorney has been advised that his request would be processed in accordance with established procedures. Director Kelley denies all other allegations contained in this Paragraph.

As to Paragraph 2: Defendant Kelley admits on information and belief the allegations of this Paragraph.

By way of further defense, affirmative in nature, the following are suggested to be asserted on behalf of Director Kelley acting in his official capacities:

1. The Complaint fails to state a claim upon which relief can be granted.

2. This civil action is a suit against the United States to which the United States has not consented and is therefore barred by the doctrine of sovereign immunity.

Assistant Attorney General
Civil Division

3. The acts of defendant Kelley performed in the furtherance of his official duties were within the scope of his authority and were not in excess of his statutory authority. Defendant Kelley therefore is absolutely immune from suit under the doctrine of official immunity.

4. The activities of Director Kelley herein were performed in the furtherance of his official duties and in the reasonable belief that such activities were necessary, lawful and within the scope of his authority and therefore defendant Kelley is not liable for such activities.

5. The claims set forth in the Complaint are predicated upon actions which occurred outside the period of limitations and are therefore barred by the Statute of Limitations.

The foregoing is submitted for your consideration in preparing answers on behalf of Director Kelley who is sued in his official capacity.

NOTE: In referenced communication, Department of Justice has requested suggested answers to be asserted on behalf of Director Kelley in captioned matter. The requested suggested answers are provided in this memorandum based on file reviews by General Investigative Division and Special Investigative Division (memoranda dated respectively 11/1/76 and 11/3/76), as reviewed by Legal Counsel Division. Discussion with Department of Justice attorneys has resulted in continuance of deadline. Answer to be filed instant date; Department of Justice aware of contents of instant communication through verbal discussions and review of pertinent documents.

APPROVED:

Director _____
Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____

Adm. Serv. _____
Ext. Affairs _____
Fin. & Pers. _____
Gen. Inv. _____
Ident. _____
Intell. _____

Legal Coun. _____
Plan. & Insp. _____
Rec. Mgmt. _____
S. & T. Serv. _____
Spec. Inv. _____
Training _____

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UNITED STATES GOVERNMENT

das Memorandum

TO : DIRECTOR, FBI
ATTN: LEGAL COUNSEL DIVISION

DATE: 1/12/77

FROM: *[Signature]* SAC, WFO (62-10968) (P)

SUBJECT: JACK N. ANDERSON v.
RICHARD M. NIXON, et. al.
(U.S.D.C., D.C.)
CIVIL ACTION NO. 76-1794

[Handwritten initials]

^{3X}
Remylet dated 11/15/76.

Civil Docket 76-1794, U.S. District Court for the District of Columbia (USDCDC) was reviewed on 1/10/77. The following pertinent docket entries were noted:

12/9/76 ORDER filed 12/7/76 granting motion of defendants ALEXANDER, BUSH, KELLEY, KISSINGER and LEVI for an enlargement of time through 12/15/76 to respond to plaintiff's first interrogatories and to respond to first request for production of documents.

12/9/76 ORDER filed 12/7/76 granting in part motion of defendants NIXON, HELMS, MITCHELL, HALDERMAN, COLSON, KLEINDIENST, GRAY, MARDIAN and HUNT for an extension of time to respond to complaint; extending time thru 1/17/77 for all defendants to answer; no further extensions will be granted. Setting a status conference on 1/25/77 at 2:00 P.M. directing all counsel and all pro se defendants to be present.

② - Bureau
1 - WFO
DFH:mkg

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LEGAL COUNSEL

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STIPULATION extending time thru 1/14/77 for defendant LEVI to serve answers and objections to first interrogatories and serve his response to plaintiffs first request for production of documents and extending time thru 1/14/77 for plaintiff to respond to defendant KELLEY's motion for a protective order, approved.

USDCDC. WFO will continue to follow captioned matter in

FEDERAL GOVERNMENT

memorandum

DATE:

REPLY TO ATTORNEY

SUBJECT

Barbara Allen Babcock
 Acting Assistant Attorney General
 Civil Division
 Jack N. Anderson v. Richard M.
 Nixon, et al., USDC D.C., C.A.
 No. 76-1794

to: Clarence M. Kelley, Director
 Federal Bureau of Investigation

BAB:RJFranzinger:gma
95-16-4179

Telephone: 8 MAR 1977
739-3385

Enclosed please find a copy of an Order entered by United States District Judge Gerhard A. Gesell summarizing the results of a January 25, 1977 status conference in this case. Pursuant to paragraph (3) of that Order, we have already moved for a particularization of plaintiff's allegations with respect to defendants L. Patrick Gray, III, Dr. Henry A. Kissinger, Richard G. Kleindienst, as well as the Department of State. Shortly after receipt of the requested particularization we will move on behalf of all defendants sued individually to dismiss the case on at least the following grounds: (1) the action is barred by the applicable Statute of Limitations; (2) lack of personal jurisdiction and (3) failure to state a claim upon which relief may be granted. We will at the same time move to dismiss on behalf of the defendant federal agencies on the grounds that the complaint fails to state a claim upon which relief may be granted and that the action is barred by laches.

For your information, Department of Justice attorneys, in addition to representing all defendants sued in their official capacities only, directly represent defendants Colson, Dean, Gray, Helms, Kissinger, Kleindienst, Krogh, and Mardian.

I will continue to keep you advised of pertinent developments in this case and invite any comments or suggestions you may have with respect to the defense of this action.

EXP. PROC.
33 MAR 4 1977

EX-103

REC-60

62-117353-20

MAR 4 1977

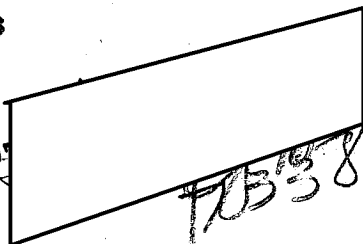
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file 62-117353

ENCLOSURE

ENCLOSURE ATTACHED



b6
b7c

[Handwritten signature]
 LEGAL COUNSEL



MAY 18 1977

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

Greenberg/Gray-409

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JACK N. ANDERSON,

Plaintiff,

v.

RICHARD M. NIXON, et al,

Defendants.

Civil Action No. 76-1794

AMENDMENT NO. 1
TO COMPLAINT

1. The complaint in this action is amended by adding to paragraph 5 thereof after the last sentence, the following sentence:

Defendants did intentionally and fraudulently conceal said conspiracy and said overt acts from plaintiff, and plaintiff did not discover and with due diligence could not have discovered the existence of said

conspiracy prior to February 19, 1974; plaintiff

has with due diligence attempted to discover all the facts pertaining thereto since that date and

has not been able to do so, by reason of the refusal of certain defendants to disclose documents and information pertaining thereto, which continues to date.

2. The complaint is further amended by correcting the addresses of defendants, as follows:

John N. Mitchell
415 East 52nd Street
New York, New York 10022

John W. Dean III
c/o The Rolling Stone
1030 15th Street NW
Washington, D.C. 20005

62-117353-
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Greenberg/Gray-4095

and by adding as an additional address for defendant Kissinger,
in his personal capacity, the following:

Henry A. Kissinger
3026 P Street NW
Washington, D.C. 20007

Respectfully submitted,

WILLIAM A. DOBROVIR
ANDRA N. OAKES
JOSEPH D. GEBHARDT
DAVID L. SCULL
2005 L Street NW
Washington, D.C. 20036

October 18, 1976

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing
Amendment No. 1 to Complaint on the Attorney General of the
United States and the United States Attorney for the District
of Columbia and all defendants by first class mail to the
addresses listed in the caption to the complaint, as amended
herein, filed September 27, 1976, this 18th day of October, 1976.

WILLIAM A. DOBROVIR

62-117353-20

ENCLOSURE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

John J. Caulfield
James W. McCord, Jr.

JACK N. ANDERSON,
Plaintiff,

v.

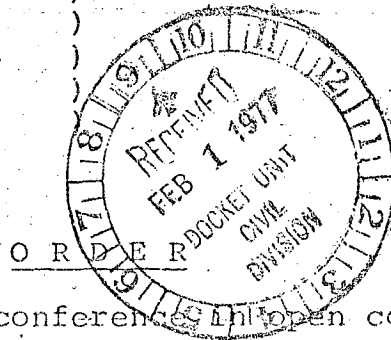
RICHARD M. NIXON, ET AL.,
Defendants.

Civil Action No. 76-1794

FILED

FEB 2 1977

JAMES F. DAVEY, Clerk



At a status conference in open court on January 25, 1977, the following schedule was established.

- (1) It appearing that no service has been effected on defendants Jeb Stuart Magruder, David R. Young, John J. Caulfield and James W. McCord, Jr., plaintiff will attempt to perfect service by February 15, 1977, and has consented to dismissal of each of these defendants where service is not perfected.
- (2) Plaintiff will file by February 15, 1977, any motions to compel responses to interrogatories previously served.
- (3) The defendants will file by February 15, 1977, requests for particularization of claims if not satisfied by answers already given to interrogatories.
- (4) In the event particularization is not required, the federally represented defendants will move to dismiss on various grounds on or before February 15, 1977, and, if necessary, the remaining defendants may supplement such motion one week later. Plaintiff shall not be required to respond to the motions to dismiss filed by defendants Nixon and Liddy until response to the motion to dismiss to be filed by the defendants represented by the Justice Department is due.
- (5) Defendant Kelley's motion for a protective order will remain unresolved pending filing of the motions to dismiss.
- (6) No discovery other than herein provided is to be attempted by any party without permission of the Court.

Plaintiff sues defendants Levi, Kelley, Bush and Alexander solely in their official capacities, seeks no damages from these individuals but only injunctive relief against the agencies they represent. As new individuals fill the respective offices of these defendants in the new administration their names will be substituted accordingly. Plaintiff desires that the damage action proceed first.

Plaintiff sues defendant Kissinger in both his individual and official capacities.

The Court has requested the United States to advise defendant Liddy that the Government is prepared to provide counsel for him. Similar advice has apparently been given to defendants Nixon, Haldeman and Ehrlichman. In the event any of these defendants is for any reason dissatisfied with counsel provided or believes there is need for separate representation, the Court should be so advised in writing.

Plaintiff's motion to amend the complaint is granted and his Amendment No. 2 to Complaint should be filed.

SO ORDERED.


UNITED STATES DISTRICT JUDGE

January 27, 1977.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JACK N. ANDERSON,

Plaintiff,

v.

RICHARD M. NIXON, et al.,

Defendants.

Civil Action No. 76-1794

FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANT
DONALD G. ALEXANDER, COMMISSIONER, INTERNAL REVENUE SERVICE

Plaintiff requests that defendant Alexander produce, on or before the forty-fifth day after service of the summons and complaint in this action upon him, pursuant to Rule 34, F.R.Civ.P., at the offices of plaintiff's attorney William A. Dobrovir, 2005 L Street, N.W., Washington, D.C. 20036, for inspection and copying, the following records, defined to include, but without limitation, documents or writings whether handwritten, typed or printed, voice recordings or any other tangible object which records or relates to any of the matters listed below.

1. Records which are a record of, relate to or reflect any of the information described in Interrogatory 1.0-1.18, served this day.

2. Records of communications between the White House or the Executive Office of the President and the Internal Revenue Service respecting an investigation or possible or proposed investigation of plaintiff for violation of criminal or civil provisions of the tax laws.

3. Records maintained by the Internal Revenue Service of any investigation or audit of plaintiff in any of the years 1971-75.

4. Records reflecting or relating to any investigation denominated "Operation Tradewinds," any investigation into property ownership of plaintiff in the Bahamas, and any investigation arising from or relating to reports concerning Donald A. Nixon, nephew of defendant Richard M. Nixon.

Defendant may omit any records previously furnished without deletions to plaintiff pursuant to Freedom of Information Act requests.

Respectfully submitted,

WILLIAM A. DOBROVIR
ANDRA N. OAKES
JOSEPH D. GEBHARDT
DAVID L. SCULL
2005 L Street, N.W.
Washington, D.C. 20036

September 28, 1976

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing Request for Production on the Attorney General of the United States and the United States Attorney for the District of Columbia and all defendants by first class mail to the addresses listed in the caption to the complaint filed September 27, 1976, this 28th day of September, 1976.

WILLIAM A. DOBROVIR

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JACK N. ANDERSON,

Plaintiff,

v.

RICHARD M. NIXON, et al.,

Defendants.

Civil Action No. 76-1794

FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO
DEFENDANT HENRY A. KISSINGER, SECRETARY OF STATE

Plaintiff requests that defendant Kissinger produce, on or before the forty-fifth day after service of the summons and complaint in this action upon him, pursuant to Rule 34, F.R.Civ.P., at the offices of plaintiff's attorney William A. Dobrovir, 2005 L Street, N.W., Washington, D.C. 20036, for inspection and copying, the following records, defined to include, but without limitation, documents or writings whether handwritten, typed or printed, voice recordings or any other tangible object which records or relates to any of the matters listed below.

1. Records which are a record of, relate to or reflect any of the information described in Interrogatory 1.0-1.18, served this day.
2. Records of investigation, surveillance, burglary, wire-tapping and any other interference with, reports on and proposals to deal with Jack Anderson carried out, proposed or attempted to be carried out or suggested or communicated to the "White House Plumbers," including John Ehrlichman, Egil Krogh, David Young, E. Howard Hunt and G. Gordon Liddy.
3. Records in which plaintiff is referred to, directly or indirectly, in connection with reports concerning United States policy during the India-Pakistan conflict in 1971.

Respectfully submitted,

WILLIAM A. DOBROVIR
ANDRA N. OAKES
JOSEPH D. GEBHARDT
DAVID L. SCULL
2005 L Street, N.W.
Washington, D.C. 20036

September 28, 1976

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing Request for Production on the Attorney General of the United States and the United States Attorney for the District of Columbia and all defendants by first class mail to the addresses listed in the caption to the complaint filed September 27, 1976, this 28th day of September, 1976.

WILLIAM A. DOBROVIR

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JACK N. ANDERSON,

Plaintiff,

v.

RICHARD M. NIXON, et al.,

Defendants.

Civil Action No. 76-1794 -

FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANT
GEORGE BUSH, DIRECTOR OF CENTRAL INTELLIGENCE
AND HEAD OF THE CENTRAL INTELLIGENCE AGENCY

Plaintiff requests that defendant Bush produce, on or before the forty-fifth day after service of the summons and complaint in this action upon him, pursuant to Rule 34, F.R.Civ.P., at the offices of plaintiff's attorney William A. Dobrovir, 2005 L Street, N.W., Washington, D.C. 20036, for inspection and copying, the following records, defined to include, but without limitation, documents or writings whether handwritten, typed or printed, voice recordings or any other tangible object which records or relates to any of the matters listed below.

1. Records which are a record of, relate to or reflect any of the information described in Interrogatory 1.0-1.18, served this day.
2. Records of investigation, surveillance, burglary, wire-tapping and any other interference with, reports on and proposals to deal with plaintiff carried out, proposed or attempted to be carried out or suggested or communicated to the "White House Plumbers," including defendants John Ehrlichman, Egil Krogh, David Young, E. Howard Hunt and G. Gordon Liddy.
3. Records of any investigation, wiretapping or surveillance of plaintiff under the names of "Brandy," "Mudhen," "Altex," "Celotex," "Celotex II," or otherwise by the Central Intelligence Agency or any persons employed whether fulltime or part-time, overtly or covertly, as Government employees, consultants or otherwise.

4. Records of any proposals, suggestions or attempts to do physical harm to plaintiff by poison, administration of drugs, or other means.

5. Records of the wiring of CIA Director Helms with electronic equipment intended to detect or "jam" a suspected use by plaintiff, at a luncheon with Helms in the Madison Hotel, of recording equipment.

6. Records of any attempt to investigate, discredit, wire-tap, conduct surveillance on or otherwise interfere with plaintiff in which the Republican National Committee, the Committee to Re-elect the President, private investigators including Inter-tel, or International Telephone & Telegraph Corporation participated.

7. Records of any investigation, interception, mail cover operation, or other interference with mail sent to or by plaintiff carried out by the Postal Service, the FBI, the CIA, the Department of Defense, other Governmental unit, or any individual or group employed or sanctioned by the Government (e.g., "White House Plumbers").

Defendant may omit any records previously furnished without deletions to plaintiff pursuant to Freedom of Information Act requests.

Respectfully submitted,

WILLIAM A. DOBROVIR
ANDRA N. OAKES
JOSEPH D. GEBHARDT
DAVID L. SCULL
2005 L Street, N.W.
Washington, D.C. 20036

September 28, 1976

Attorneys for Plaintiff

Certificate of Service

I hereby certify that I have served a copy of the foregoing Request for Production on the Attorney General of the United States and the United States Attorney for the District of Columbia and all defendants by first class mail to the addresses listed in the caption to the complaint filed September 27, 1976, this 28th day of September, 1976.

WILLIAM A. DOBROVIR

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JACK N. ANDERSON,

Plaintiff,

v.

RICHARD M. NIXON, et al.,

Defendants.

Civil Action No. 76-1794

FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANT
EDWARD H. LEVI, ATTORNEY GENERAL OF THE UNITED STATES

Plaintiff requests that defendant Levi produce, on or before the forty-fifth day after service of the summons and complaint in this action upon him, pursuant to Rule 34, F.R.Civ.P., at the offices of plaintiff's attorney William A. Dobrovir, 2005 L Street, N.W., Washington, D.C. 20036, for inspection and copying, the following records, defined to include, but without limitation, documents or writings whether handwritten, typed or printed, voice recordings or any other tangible object which records or relates to any of the matters listed below.

1. Records which are a record of, relate to or reflect any of the information described in Interrogatory 1.0-1.18, served this day.

2. Memoranda from J. Edgar Hoover to the Attorney General on May 29, 1969, June 4, 1969, and May 4, 1970, requesting authorization to wiretap a newsman based upon information supplied by Colonel Alexander M. Haig, then a member of defendant Henry A. Kissinger's National Security Council staff.

3. Reports sent from the FBI to President Nixon regarding surveillance of newsmen, dated May 28; July 10, 15, 25; August 1, 13; October 24, 1969; May 11; November 6, 14, 17, 27, 1970. Reports sent from the FBI to defendant H. R. Haldeman regarding electronic surveillance of newsmen, dated May 14, 18, 21; June 23, 25, 29; July 7, 10; September 4; October 29, 1970; November 13; December 15, 18, 22, 1970; January 5, 7, 19, 22, 27, 29, 1971.

4. Reports from the FBI to defendant Henry Kissinger regarding electronic surveillance of newsmen, dated May 13, 29; December 3, 1969; January 15, 21, 1970.

5. Investigation report from Cortland Jones, circa August 1969, which relates the surveillance of a Washington correspondent's lunch with a member of the National Security Council at the Occidental Restaurant on August 6, 1969.

6. Memorandum from T. J. Smith, FBI agent, to E. S. Miller, dated May 13, 1973, and entitled "Sensitive Coverage Placed at the Request of the White House."

7. Memorandum from William C. Sullivan, Director of the Office of National Narcotics Intelligence, to William D. Ruckelshaus, Acting Director of FBI, dated May 11, 1973, and entitled "Sensitive Coverage Placed at the Request of the White House."

8. Records of communications from White House to J. Edgar Hoover requesting investigative information on plaintiff, March 9 or 10, 1972.

9. Records of the delivery of FBI investigative information on plaintiff to the White House staff, between March 9, 1972 and March 18, 1972.

10. Records of correspondence from President Nixon to J. Edgar Hoover requesting investigative information about or an investigation of plaintiff, circa March 18, 1972.

11. Records of communication from the White House to the Justice Department Internal Security Division requesting an investigation of plaintiff, March 1972.

12. Records of request from defendant H. R. Haldeman to the Attorney General, Justice Department Internal Security Division, or other members/divisions of the Justice Department requesting an investigation of criminal activity of plaintiff, Summer 1972.

13. Records of the investigation of plaintiff or Les Whitten involving an allegation of the possession of stolen documents, November 1972 to March 1973.

14. Records respecting the appearance of a supposed source of plaintiff, Eugene Smith, before a grand jury as the result of a Defense Department investigation.

15. Records of investigation, surveillance, burglary, wire-tapping and any other interference with, reports on and proposals to deal with plaintiff carried out, proposed or attempted to be carried out or suggested or communicated to the "White House Plumbers," including defendants John Ehrlichman, Egil Krogh, David Young, E. Howard Hunt and G. Gordon Liddy.

16. Records of any wiretaps, proposed wiretaps or attempted wiretaps of plaintiff's home or office not otherwise specified above.

17. Records of any proposals, suggestions or attempts to do physical harm to plaintiff by poison.

18. Records respecting the attempted arrest of plaintiff in connection with the return to the Bureau of Indian Affairs of records taken from it by Native Americans; and respecting the arrest and prosecution of Les Whitten in connection with that return.

19. Records of any attempt to investigate, discredit, wire-tap, conduct surveillance on or otherwise interfere with plaintiff in which the Republican National Committee, the Committee to Re-elect the President, private investigators including Intertel, or International Telephone & Telegraph Corporation participated.

20. Records of any investigation, interception, mail cover operation, or other interference with mail sent to or by plaintiff, carried out by the Postal Service, the FBI, the CIA, the Department of Defense, other Governmental unit, or any individual or group employed or sanctioned by the Government (e.g., the "White House Plumbers").

21. The following records listed in the Final Report of the Senate Select Committee on Intelligence Operations, Book III, pp. 326-27, footnotes 226-232:

- (a) Memorandum from T. J. Smith to E. S. Miller, February 26, 1973;

- (b) Memorandum from T. J. Smith to E. S. Miller, June 14, 1973;
- (c) Blind memorandum captioned "Charles E. Radford, II," January 13, 1972.

22. Memorandum from W. C. Sullivan to C. D. de Loach, July 19, 1966, Subject "Black Bag" Job, described in the Final Report of the Senate Select Committee on Intelligence Operations, Book II, p. 62, footnote 238.

Respectfully submitted,

WILLIAM A. DOBROVIR
ANDRA N. OAKES
JOSEPH D. GEBHARDT
DAVID L. SCULL
2005 L Street, N.W.
Washington, D.C. 20036

September 28, 1976

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing Request for Production on the Attorney General of the United States and the United States Attorney for the District of Columbia and all defendants by first class mail to the addresses listed in the caption to the complaint filed September 27, 1976, this 28th day of September, 1976.

WILLIAM A. DOBROVIR

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF COLUMBIA

JACK N. ANDERSON,

Plaintiff,

v.

RICHARD M. NIXON, et al.,

Defendant.

Civil Action File No. 76-1794

MOTION FOR ENLARGEMENT OF TIME
WITHIN WHICH TO ANSWER THE COMPLAINT

Pursuant to the provisions of Rule 6(b) of the Federal Rules of Civil Procedure, the defendant Herbert W. Kalmbach, hereby moves for an extension of time within which to file his Answer to the Complaint to and including December 28, 1976.

The Complaint and Summons in this action was received by defendant Kalmbach by registered mail on October 1, 1976. The summons served with the Complaint requires an answer within 60 days, which time would expire on November 29, 1976.

The defendant Kalmbach requires the additional time to formulate his Answer.

William A. Dobrovir, counsel for plaintiff in this action, has advised he is agreeable to this extension of time.

Respectfully submitted,

62-117353 -
NOT RECORDED
JAN 24 1977

Of Counsel:

By Charles A. McNelis
Charles A. McNelis
Attorney for Herbert W. Kalmbach

By Robert Aitken
Robert Aitken

Ball, Hunt, Hart, Brown & Baerwitz
120 Linden Avenue
Long Beach, California 90801

Welch & Morgan
300 Farragut Building
900 Seventeenth Street, N. W.
Washington, D. C. 20006

70 FEB 24 1977

Greenberg/Gray-4118

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF COLUMBIA

JACK N. ANDERSON,)
)
 Plaintiff,)
)
 v.) Civil Action File No. 76-1794
)
 RICHARD M. NIXON, et al.,)
)
 Defendant.)

ORDER ENLARGING TIME

Pursuant to the Motion of the defendant Herbert W. Kalmbach for an extension of time pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, and the indicated consent thereto by counsel for the plaintiff, it is this day of November, 1976,

ORDERED, that the time within which the defendant Kalmbach may serve his Answer to the Complaint is enlarged to and including December 28, 1976.

United States District Judge

CERTIFICATE OF SERVICE

I do hereby certify that a true copy of the foregoing "Motion For Enlargement Of Time Within Which To Answer The Complaint" was mailed, postage prepaid, this 24th day of November, 1976, to the following:

William A. Dobrovir, Esq.
2005 L Street, N.W.
Washington, D.C. 20036
Attorney for Plaintiff

Richard M. Nixon
Presidential Compound
San Clemente, California 92672

Henry A. Kissinger
Secretary of State
Department of State
Washington, D.C. 20520

Richard M. Helms
United States Ambassador to Iran
Department of State
Washington, D.C. 20520

John N. Mitchell
20 Broad Street
New York, New York 10005

H. R. Haldeman
443 North McCadden Place
Los Angeles, California 90004

John D. Ehrlichman
227 Montoya Circle
Santa Fe, New Mexico 87501

Charles W. Colson
1350 Ballantrae Lane
McLean, Virginia 22101

Richard G. Kleindienst
8464 Portland Place
McLean, Virginia 22101

L. Patrick Gray
Findlay Way
Stonington, Connecticut 06378

John W. Dean, III
11661 San Vicente Boulevard
Brentwood, California 94513

Robert C. Mardian
2323 North Central Avenue
Phoenix, Arizona 85004

Jeb Stuart Magruder
c/o Atheneum Press
122 East 42nd Street
New York, New York 10017

Egil Krogh, Jr.
c/o Swensen's Ice Cream Factory
333 Pine Street - Suite 300
San Francisco, California 94104

David R. Young, Jr.
Queens College
Oxford University
Oxford, England

John J. Caulfield
5205 Concordia Street
Fairfax, Virginia 22030

Anthony T. Ulasewicz
Star Route
Hadley, New York 12835

E. Howard Hunt
Federal Prison Camp
Eglin Air Force Base, Florida 32542

G. Gordon Liddy
Federal Correctional Institution
Danbury, Connecticut 06810

James W. McCord, Jr.
414 Hungerford Drive
Rockville, Maryland 20850

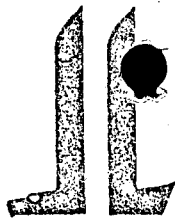
Edward H. Levi
Attorney General of the United States
Department of Justice
Washington, D.C. 20530

Clarence M. Kelley
Director, Federal Bureau of Investigation
J. Edgar Hoover Building
Washington, D.C. 20530

George Bush
Director, Central Intelligence Agency
McLean, Virginia 22101

Donald G. Alexander
Commissioner, Internal Revenue Service
1111 Constitution Avenue, N.W.
Washington, D.C. 20224

By Charles A. McNelis
Charles A. McNelis



GREAT AMERICAN INSURANCE COMPANIES

March 1, 1977

Mr. Richard M. Nixon
Presidential Compound
San Clemente, California

OUTSIDE SOURCE

Re: Assured: Richard M. Nixon
File Nos. LKS 7 HG 8590
LKS 7 HG 8591

Dear Mr. Nixon:

On January 7, 1977, Great American received from Edward O'Sullivan a letter dated December 29, 1976, in which he informed us that Judge Smith of the U. S. District Court in Washington, D. C. had ruled that you could be held liable for damages in an action by Morton H. Halperin and others. He specifically referred us to your policies HO-419-43-28 (3/21/69-3/21/72), HO-454-07-70 (3/21/72-3/21/75), HG-2-92-60-87 (3/21/69-3/21/72), and HG-5-26-75-29 (3/21/72-3/21/75).

Upon receipt of this letter, Great American contacted your attorney, Stanley Mortenson, who forwarded to Great American the following documents, all of which were filed in the U. S. District Court for the District of Columbia:

1. Complaint in Halperin, et al vs. Kissinger, et al, Case #1187/73.
2. Complaint in Lake, et al vs. Erlichman, et al, Case #74/887.
3. Complaint in Smith, et al vs. Nixon, et al, Case #76/0798.
4. Complaint in Anderson vs. Nixon, et al, Case #76/1794
5. Judge Smith's Opinion in Halperin, et al vs. Kissinger, et al.

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Great American has reviewed the four Complaints and the Opinion set forth by Judge Smith. We regret to inform you that coverage is not afforded to you under any of the above-mentioned policies for the causes of action alleged

55 MAR 23 1977

Greenberg/Gray-4123

REFERENCE

File
11-17

ORIGINAL FILED IN 63-16062-80

against you in the four Complaints for the following reasons:

1. The Homeowners Policies referred to above, i.e. HO-419-43-28 and HO-454-07-70, cover damages for Bodily Injury and Property Damage. That which is alleged in the Complaints is in the nature of personal injury allegations for which there is no coverage under the Homeowners Policies. Further, under these policies, there is an exclusion relative to business pursuits, which would be applicable to those allegations in the Complaints which allege causes against you arising out of your actions as President of the United States. Further, there are allegations of purposeful doing and the definition of occurrence, in the Homeowners Policies, is not met with regard to those allegations.

2. The Personal Umbrella Policies cited above, i.e. HG-2-92-60-87 and HG-5-26-75-29, do not afford coverage for the following reasons:

A. Personal Injury is defined in the policy, Section I - Liability, #4, "Other Definitions", b., as follows:

- (1) bodily injury, sickness, disease, disability, shock, mental anguish, mental injury;
- (2) false arrest, false imprisonment, wrongful eviction, wrongful detention, malicious prosecution or humiliation;
- (3) libel, slander, defamation of character or invasion of rights of privacy;

including death resulting therefrom, sustained by any person."

B. Under that portion of the policy entitled "Exclusions", we refer you to Section d., Subsection (1), which states:

"to any business pursuits or business property of an insured unless insurance is provided therefor by an underlying policy listed in the Schedule A - Underlying Coverage, and then not for broader coverage than is provided by such insurance."

- C. Under "Exclusions" we also refer you to Section f., which states:

"to any act committed by or at the direction of the insured with the intent to cause personal injury or property damage, but this exclusion does not apply to personal injury resulting from an act committed for the purpose of preventing or eliminating danger in the operation of automobile or watercraft or for the purpose of protecting persons or property."

3. None of the policies heretofore mentioned afford coverage for conspiracy alleged in some of the causes of action.
4. Great American next refers you to that portion of the policy entitled "Conditions", Section 1, "Notice of Occurrence", which was breached for the failure to give timely notice. Section 1 states as follows:

"Upon the happening of an occurrence reasonably likely to involve the company hereunder, written notice shall be given as soon as practicable to the company or any of its authorized agents. Such notice shall contain particulars sufficient to identify the insured and also reasonably obtainable information with respect to the time, place and circumstances of the occurrence or injury, the names and addresses of the injured and of available witnesses."
5. Section 2 of that portion of the policy entitled "Conditions" was also breached for failure to give timely notice of claim or suit. Section 2 states as follows:

"Notice of Claim or Suit. If claim is made or suit is brought against the insured relating to such an occurrence or injury, the insured shall immediately notify the company in writing and forward to the underlying insurer and to the company every demand, notice, summons or other process received by him or his representative."
6. Injunctive relief is sought in the Complaints, and this is not covered under any of the policies.
7. Punitive damages are not covered under any of the policies heretofore mentioned.

Page 4

Richard M. Nixon

By reason of the above, and for other good and sufficient reasons, Great American regrets to inform you that it cannot defend you in the actions heretofore mentioned, nor indemnify you for any losses sustained by you arising out of these actions.

In compliance with the law of the State of New York, Great American is forwarding copies of this letter to the attorneys representing the interested parties.

Very truly yours,



Henry Schilling,
Casualty Claims Superintendent

HS:kh

CC: Stanley Mortenson, Esq.
Suite 500
2555 "M" Street N.W.
Washington, D. C. 20037

Edward O. Sullivan Agency, Inc.
51 Pondfield Road
Bronxville, New York 10708

Attorneys for Plaintiffs HALPERIN:

MELVIN L. WULF
JOHN H. F. SHATTUCK
American Civil Liberties Union Foundation
22 East 40th Street
New York, New York 10016

WALTER SLOCOMBE
1101 - 17th Street, NW
Washington, D. C. 20036

LEON FRIEDMAN
Hofstra University
School of Law
Southern California Avenue
Hempstead, New York 11550

CHARLES R. NESSON
Langdell Hall
Harvard Law School
Cambridge, Massachusetts

HERMAN SCHWARTZ
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Greenberg/Gray-4126

Page 5.
Richard M. Nixon

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Commissioner, Internal Revenue Service
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Washington, D. C. 20224

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725 13th Street N.W.
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✓ CARTHA DeLOACH
96 Perkins Road
Greenwich, Conn.

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI
(ATTN: LEGAL COUNSEL DIVISION)

DATE: 3/7/77

FROM: SAC, WFO (62-10968) (P)

SUBJECT: JACK N. ANDERSON VS.
RICHARD M. NIXON, Et. Al.
USDCDC
CIVIL ACTION NUMBER 76-1794

Remylet, dated 1/12/77.

Civil Docket 76-1794, U.S. District Court for the District of Columbia (USDCDC) was reviewed on 2/28/77. The following pertinent docket entries were noted:

- 1/17/77 Answer by defendant CLARENCE M. KELLEY to complaint.
- 1/28/77 Order filed 1/27/77, establishing a schedule for the filing of certain papers and setting forth directives to all parties; directing that defendant KELLEY's motion for a protective order will remain unresolved pending filing of motions to dismiss; directing that no discovery other than that which is set forth in this order shall be had without permission of the court; granting motion of plaintiff to amend the complaint and directing that his amendment number 2 to the complaint should be filed.

WFO will continue to follow captioned matter in USDCDC.

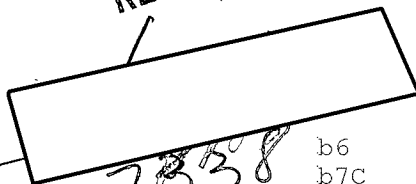
EX-100

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2 Bureau 62-117353
1-WFO

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(3)



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LEGAL COUNSEL



MAY 12 1977

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan
Greenberg/Gray-4131

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI
ATTN: Legal Counsel Division

DATE: 4/29/77

FROM: SAC, WFO (62-10968) (P)

SUBJECT: JACK N. ANDERSON VS.
RICHARD M. NIXON, ET. AL.
U.S.D.C., D.C.
CIVIL ACTION NUMBER 76-1794

Remylet, dated 3/7/77.

Civil Docket 76-1794, U.S. District Court for the District of Columbia (USDCDC) was reviewed on 4/18/77. The following pertinent docket entries were noted:

- 2/15/77 Motion by plaintiff to compel Federal Agency defendants to answer interrogatories and produce documents.
- 3/7/77 Motion to extend time to answer interrogatories and produce documents.
- 3/11/77 Motion granted.
- 4/12/77 Opposition by KELLEY to defendant's memorandum on discovery.

WFO will continue to follow captioned matter in USDCDC.

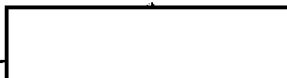
REC-92

EX-103

62-117353-22

17 MAY 5 1977

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1 - WFO
BAO:mkg



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LEGAL COUNSEL



5010-110

55 MAY 1 1977

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

Greenberg/Gray-4132

memorandum

DATE: *[Handwritten]*
REPLY TO: *[Handwritten]*
ATTN OF: *[Handwritten]*
SUBJECT: *[Handwritten]*
TO: *[Handwritten]*

Barbara Allen Babcock
Assistant Attorney General
Civil Division
Jack N. Anderson v. Richard M.
Nixon, et al., USDC D.C.,
Civil Action No. 76-1794
Clarence M. Kelley, Director
Federal Bureau of Investigation

BAB:RJFranzinger:gma
95-16-4179

Telephone:
739-3385

MAR 31 1977

FEDERAL GOVERNMENT

Attention: Richard L. Hamilton, Esq.
General Counsel

Enclosed please find a copy of a Motion to Dismiss or in the Alternative, For Summary Judgment filed on behalf of your agency and the other defendants in this action directly represented by the Department of Justice.

United States District Judge Gerhard A. Gesell scheduled a chambers conference in this action for Thursday, March 17, 1977. The principal purpose of the conference was for plaintiff to delineate what, if any, discovery he would require to respond to the enclosed motion and for the Court to consider and rule on his entitlement to any such discovery before he is required to respond to the motion.

At the chambers conference, Judge Gesell gave counsel for plaintiff (William A. Dobrovir) an opportunity to state his immediate (pre-responding to the motion) discovery needs. Mr. Dobrovir's ensuing statements were considered by the Court not to be responsive to its inquiry and the Court indicated that Mr. Dobrovir appeared unwilling to cooperate in the Court's efforts to set a discovery schedule informally. Judge Gesell therefore ordered that plaintiff submit a written statement of his immediate discovery needs with a statement of the reasons therefor within two weeks. We are to have a week to respond. No discovery is to proceed in the interim.

EXP. PROC.
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62-117353

ENCLOSURE

ENCLOSURE FILE
62-117353

LEGAL COUNSEL



JUN 16 1977

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

Greenberg/Gray-413

I will continue to keep you advised of any further developments in this civil action. Any suggestions you might have with respect to the defense of this action are welcome.

ROUTING AND TRANSMITTAL SLIP		ACTION	
1 TO (Name, office symbol or location) Legal Counsel Division John A. Mintz Room 7427	INITIALS	CIRCULATE	
	DATE	COORDINATION	
2 JEH Building	INITIALS	FILE	
	DATE	INFORMATION	
[Redacted] b6 [Redacted] b7C	INITIALS	NOTE AND RETURN	
	DATE	PER CON - VERSATION	
4 [Redacted]	INITIALS	SEE ME	
	DATE	SIGNATURE	
REMARKS <p>Enclosed please find copies of the following Answers for defendants:</p> <ol style="list-style-type: none"> 1. Richard G. Kleindienst 2. Egil Krogh, Jr. 3. George Bush 4. Charles W. Colson 5. Clarence M. Kelley 6. John W. Dean, III 7. Robert C. Mardian 8. Richard M. Helms 9. L. Patrick Gray, III 10. Henry A. Kissinger 11. Donald C. Alexander 12. Edward H. Levi <p>Also find a copy of Defendant Donald C. Alexander's Response to Plaintiff's First</p> <p>Do NOT use this form as a RECORD of approvals, concurrences, disapprovals, clearances, and similar actions.</p>			
FROM (Name, office symbol or location)		DATE	
Robert J. Franzinger, Attorney Room 3131 Department of Justice		1/24/77	
		PHONE	
		739-3385	

Requests for Production of Documents.

RECEIVED
JAN 25 9 23 AM 1977
LEGAL COUNSEL

Greenberg/Gray-4136

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JACK N. ANDERSON

Plaintiff,

v.

RICHARD M. NIXON, et al.,

Defendants.

Civil Action No. 76-1794

DEFENDANT DONALD C. ALEXANDER'S RESPONSE
TO PLAINTIFF'S FIRST REQUEST FOR PRODUCTION
OF DOCUMENTS

Defendant Donald C. Alexander, Commissioner of Internal Revenue, by his undersigned attorneys, hereby makes the following response to plaintiff's First Request for Production of Documents addressed to him:

REQUEST NO. 1: Records which are a record of, relate to or reflect any of the information described in Interrogatory 1.0 - 1.18, served this day.

RESPONSE NO. 1: Attached hereto at Tab A are documents containing the records of the Internal Revenue Service (IRS) pertaining to an investigation conducted by the Internal Audit Division of certain of plaintiff's income tax records in 1973. The investigation was undertaken at the request of the Joint Committee on Internal Revenue Taxation, which furnished the IRS with the names of persons found on various "enemies lists" and requested that an investigation be made to determine if these persons were accorded treatment different from that given other similarly situated tax payers. Deletions have been made from these documents. These deletions are of tax-related information on persons other than plaintiff (hereinafter "third party tax information"). Attached hereto at Tab B are the documents within the possession, custody, and control

62-117353-23

NOT RECORDED
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ENCLOSURE
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of the Internal Revenue Service relating to an audit in 1974 and 1975 of the plaintiff's 1973 income tax return. Deletions of third party tax information have been made from some of these documents.

Attached hereto at Tab C are the documents within the possession, custody or control of the IRS which concern the selection of plaintiff's 1974 income tax return for an audit. This audit has, at plaintiff's request, been postponed pending resolution of the Goldmill Apartments partnership loss for 1973, a subject of the audit of plaintiff's 1973 tax return. Deletions of third party tax information have also been made from these documents. Documents which relate to IRS's 1974 investigation to determine whether there had been unauthorized disclosure tax information to plaintiff or to other reporters, which fall within this request, were mailed to plaintiff through his attorney, William Dobrovir, on July 9, 1976, in response to a request made under the Freedom of Information and Privacy Acts. Deletions of third-party tax information were made from the documents. The same deletions would be made if those documents were produced herewith.

Defendant objects to this request for production of documents insofar as it seeks the disclosure of the third party tax information which has been deleted from the documents appearing at Tab A and Tab B and the documents referred to in the preceding paragraph. The grounds for this objection are that the disclosure of such information is prohibited by applicable law; (Int. Rev. Code of 1954, §§6103 and 7213 and 18 U.S.C. §1905) and that this information is not relevant to the subject matter involved in this action and is not reasonably calculated to lead to discovery of admissible evidence. Fed. R. Civ. P. 26(b)(1).

REQUEST NO. 2: Records of communications between the White House or the Executive Office of the President and the Internal Revenue Service respecting an investigation or possible or proposed investigation of plaintiff for violation of criminal or civil provisions of the tax laws.

RESPONSE NO. 2: Defendant is aware of no such documents within the possession, custody or control of the Internal Revenue Service.

REQUEST NO. 3: Records maintained by the Internal Revenue Service of any investigation or audit of plaintiff in any of the years 1971 to 1975.

RESPONSE NO. 3: Defendant incorporates herein by reference his Response to Request No. 1, supra. Defendant is aware of no other documents called for by this request within the possession, custody or control of the Internal Revenue Service other than those identified in the Response to Request No. 1, supra.

REQUEST NO. 4: Records reflecting or relating to any investigation denominated "Operation Trade Winds," an investigation into property ownership of plaintiff in the Bahamas, and any investigation arising from or relating to reports concerning Donald A. Nixon, nephew of defendant Richard Nixon.

RESPONSE NO. 4: Only two documents in the investigation denominated "Operation Trade Winds" relate to plaintiff. These two pages were produced to plaintiff's counsel in a letter dated July 23, 1976 in partial response to a request made on plaintiff's behalf under the Freedom of Information Act.

Defendant objects to this request insofar as it seeks information in addition to that already produced under the Freedom of Information Act. The grounds for this objection are that the information sought is not relevant to the subject

of this litigation and it is not reasonably calculated to lead to the discovery of admissible evidence. (Federal Rule of Civil Procedure 26(b)(1); and that the additional information sought consists of third party tax information which the Internal Revenue Service is prohibited by law from disclosing. Internal Revenue Code of 1954, §§6103 and 7213 and 18 U.S.C. §1905. Defendants object to the production of the documents reflecting or relating to an investigation denominated "Operation Trade winds" on the further ground that documents falling within such a request number in the many thousands and, therefore, production of these documents would be unduly burdensome.

Respectfully submitted,

REX E. LEE
Assistant Attorney General

EARL J. SILBERT
United States Attorney

DAVID J. ANDERSON

ROBERT J. FRANZINGER

SANDRA SCHRAIBMAN

Attorneys, Department of Justice
10th & Constitution Ave., N.W.
Washington, D.C. 20530
Telephone Nos. (202)739-3385
(202)739-3350

Attorneys for defendants
Alexander, Bush, Kelley,
Kissinger and Levi

FBI

TRANSMIT VIA:

- Teletype
- Facsimile
- Airtel

PRECEDENCE:

- Immediate
- Priority
- Routine

CLASSIFICATION:

- TOP SECRET
- SECRET
- CONFIDENTIAL
- E F T O
- CLEAR

Date 5/20/77

TO: DIRECTOR, FBI
(ATTENTION: LEGAL COUNSEL DIVISION)

FROM: SAC, WFO (62-10968) (P)

JACK N. ANDERSON V
RICHARD M. NIXON
ET AL
(USDC, DC)
CIVIL ACTION NO. 76-1794
BUDED 5/20/77

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ReBulet to AX 5/11/77.

A review of all available WFO file references identifiable with JACK ANDERSON during the period of July, 1969 through the year 1974 revealed no information which would require an affirmative response to any of plaintiff's Interrogatories or Requests For Documents as set forth in referenced letter.

The above paragraph is not intended to apply to instances in which friends, employees or agents of plaintiff engaged in apparently insignificant business or social conversations with publicly identified officers or agents of a foreign power who were within the scope of the Bureau's foreign counterintelligence responsibility.

On 1/31/73, ANDERSON associate LESLIE H. WHITTEN was arrested in the act of receiving stolen government property. Details set forth in WFO report of SA [redacted] dated 2/6/73, Bufile 52-96921. SA [redacted] currently assigned to WFO, from personal knowledge can state this investigation did not involve communication intercepts or surveillance of ANDERSON or associates.

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9 JUN 3 1977

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1-WFO

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5/24/77

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[Signature]

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[Signature]
5480

Greenberg/Gray-4141

Transmitted _____ (Number) _____ (Time) Per _____

Date of Mail MAY 20, 1977

Has been removed and placed in the Special File Room of Records Branch.

See File 66-2554-7530 for authority.

Subject JUNE MAIL -JACK N. ANDERSON

Removed By 79 JUN 22 1977

File Number 62-117353-26

Greenberg/Gray-4142

Permanent Serial Charge Out

Date of Mail MAY 27, 1977

Has been removed and placed in the Special File Room of Records Branch.

See File 66-2554-7530 for authority.

Subject JUNE MAIL - JACK N. ANDERSON

Removed By 79 JUN 24 1977

File Number 62-117353-27

Greenberg/Gray-4143

Permanent Serial Charge Out

UNITED STATES GOVERNMENT

Memorandum

- Assoc. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.:
- Adm. Serv. _____
- Crim. Inv. _____
- Fin. & Pers. _____
- Ident. _____
- Intell. _____
- Laboratory _____
- Legal Coun. _____
- Plan. & Insp. _____
- Rec. Mgnt. _____
- Spec. Inv. _____
- Tech. Servs. _____
- Training _____
- Public Affs. Off. _____
- Telephone Rm. _____
- Director's Sec'y _____

P.S.
OT

TO : F.C. FEHN
Assistant Director
Special Investigative Division *7/11/77*

FROM : Legal Counsel *JM*

SUBJECT: JACK N. ANDERSON v.
RICHARD M. NIXON, et al.
(U.S.D.C., D.C.)
CIVIL ACTION NO. 76-1794

DATE: 5/11/77

[Redacted Box] *5428*

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LEX

PURPOSE:

To advise of Pre-trial Notice and Order in captioned matter ordering defendant Kelley to respond to certain interrogatories and document requests and to request review of appropriate FBIHQ files.

[Redacted Box]

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SYNOPSIS:

Plaintiff Jack N. Anderson, the syndicated newspaper columnist, has filed a Complaint in the U.S.D.C., D.C., alleging from July, 1969, until sometime in 1974, a conspiracy amongst the defendants, including former Acting Director Gray and Director Kelley, to unlawfully abridge plaintiff's First Amendment rights as a journalist and his rights of privacy, to be free from unlawful search and seizure and to the protection of his life, liberty and property from interference without due process of law. Simultaneous with the filing of the Complaint, plaintiff served his First Interrogatories and Request for Production of Documents. Pursuant to a protective order, Director Kelley's responses have been stayed until the present time. Plaintiff has requested and the court has ordered defendant Kelley to respond by May 27, 1977, to certain interrogatories and document requests as set forth herein. The Special Projects Review Unit (SPRU) is requested to coordinate with Legal Counsel Division (LCD) a review of the appropriate FBIHQ files for the period of the alleged conspiracy, (July 1, 1969, to December 31, 1974), in order for Director Kelley to file his response by May 27, 1977. An airtel to Alexandria, Baltimore, and Washington Field Offices is attached requesting that file reviews be conducted in these offices in order that Director Kelley may fully respond to the interrogatories and document requests.

Anderson v. N. Anderson
At Mr. F.C. Fehn
5/11/77
WFS/par

ENCLOSURE

Enclosures (2)

- 1 - Mr. Lex
 - 1 - Mr. Decker
- Attention: [Redacted Box]

[Redacted Box] *7/11/77*

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- 1 - Mr. Mintz
- 1 - Civ. Lit. Unit

6/20/77
MAY 19 1977



GMU/jz
FBI/DOJ

Memorandum to Assistant Director
 Special Investigative Division
 Re: Jack N. Anderson v.
 Richard M. Nixon, et al.

RECOMMENDATIONS:

(1) That the SPRU, SID, in accordance with instructions set forth herein, coordinate with LCD the review of appropriate files in order that defendant Kelley can respond to plaintiff's interrogatories and document requests as ordered by the U.S.D.C.

Jef

APPROVED:	Adm. Serv. _____	Legal Coun. <i>JAN</i>
Director _____	Crim. Inv. _____	Plan. & Insp. _____
Assoc. Dir. _____	Fin. & Pers. _____	Rec. Mgnt. _____
Dep. AD Adm. _____	Ident. _____	Spec. Inv. _____
Dep. AD Inv. _____	Intell. _____	Tech. Servs. _____
	Laboratory _____	Training _____
		Public Affs. Off. _____

(2) That the attached airtel to Alexandria, Baltimore, and Washington Field Offices be approved for mailing.

Jef

APPROVED:	Adm. Serv. _____	Legal Coun. <i>JAN</i>
Director _____	Crim. Inv. _____	Plan. & Insp. _____
Assoc. Dir. _____	Fin. & Pers. _____	Rec. Mgnt. _____
Dep. AD Adm. _____	Ident. _____	Spec. Inv. _____
Dep. AD Inv. _____	Intell. _____	Tech. Servs. _____
	Laboratory _____	Training _____
		Public Affs. Off. _____

DETAILS:

Plaintiff Jack N. Anderson, the syndicated newspaper columnist, has filed a Complaint in the U.S.D.C., D.C., alleging from July, 1969, until sometime in 1974, a conspiracy amongst the defendants, including former Acting Director Gray and Director Kelley, to unlawfully abridge plaintiff's First Amendment rights as a journalist and his rights of privacy, to be free from unlawful search and seizure, and to the protection of his life, liberty, and property from interference without due process of law. Plaintiff seeks damages as to past activities and declaratory and specific relief against future actions. Plaintiff alleges a wide variety of wrongdoings as part of this conspiracy from improper electronic surveillance to planning physical harm to plaintiff. Specifically, as to FBI activities, the Complaint alleges unlawful investigation aimed at discovering and prosecuting persons who had given information to plaintiff, particularly involving one Gene Smith,

Memorandum to Assistant Director
Special Investigative Division
Re: Jack N. Anderson v.
Richard M. Nixon, et al.

improper providing of information about plaintiff to defendant John Dean, III, by deceased Director Hoover and unlawful investigation conducted to determine plaintiff's source as to documents taken from the Bureau of Indian Affairs, 1972.

Simultaneous with the filing of the Complaint, plaintiff served his First Interrogatories and Request for Production of Documents to defendant Kelley. Pursuant to a protective order issued by the U.S.D.C., Director Kelley's response to these discovery efforts has been stayed until the present time.

Currently pending before the U.S.D.C. is a Motion to Dismiss, or in the Alternative, for a Summary Judgment filed on behalf of defendants Kelley and Gray. In response to this Motion, plaintiff has requested the Court to require defendant Kelley to answer a limited number of his interrogatories and document requests in order that he might better respond to defendants' Motion. The U.S.D.C. by Pre-trial Notice and Order filed April 27, 1977, has ordered defendant Kelley to respond to the following interrogatories and requests for documents within 30 days:

INTERROGATORIES:

"1.0 Do you, or does the agency under your supervision, possess any information respecting any of the matters listed in this Interrogatory 1.0, parts 1.1-1.18, (a) whether (where pertinent) such matters were consummated or only were attempted, contemplated, or discussed, and (b) whether or not there was any involvement or potential involvement of your agency:

. . . .
1.3 Wiretapping of any telephone of plaintiff;

. . . .
1.5 Electronic surveillance (bugging) of plaintiff;

Memorandum to Assistant Director
Special Investigative Division
Re: Jack N. Anderson v.
Richard M. Nixon, et al.

1.6 Transmission or delivery of false information to plaintiff;

. . .
1.8 Administration of drugs to plaintiff;

1.9 Electronic eavesdropping on plaintiff;

1.10 Electronic eavesdropping on any telephone which resulted in the overhearing of any conversation in which plaintiff

(a) was a participant, or

(b) was mentioned;

1.11 Infliction of physical harm on plaintiff;

1.12 Physical surveillance of plaintiff, or any associates or relatives of plaintiff, plaintiff's home or office, or of any other building on premises occupied by plaintiff;

. . .
2.0 If the answer to any part of Interrogatory 1.0 is affirmative, state with respect to such matter:

. . .
2.2 The name, home and business address, and home and business telephone numbers, of every individual possessing information with respect to the item, with a summary of the information the individual possesses; . . ."

REQUESTS FOR DOCUMENTS:

"1. Records which are a record of, relate to or reflect any of the information described in Interrogatory 1.0-1.18, served this day.

. . .
15. Records of investigation, surveillance, burglary, wiretapping and other interference with, reports on and proposals to deal with plaintiff carried out, proposed or attempted to be carried out or suggested or communicated to the "White House Plumbers," including the defendants

Memorandum to Assistant Director
Special Investigative Division
Re: Jack N. Anderson v.
Richard M. Nixon, et al.

John Ehrlichman, Egil Krogh, David Young, E. Howard Hunt, and
G. Gordon Liddy.

16. Records of any wiretaps, proposed wiretaps
or attempted wiretaps of plaintiff's home or office not
otherwise specified above.

17. Records of any proposals, suggestions or attempts
to do physical harm to plaintiff by poison."

Pursuant to a previous memorandum from Legal
Counsel dated October 6, 1976, an ELSUR check has been
completed and therefore, insofar as "consummated" acts
involving electronic surveillance (Interrogatories 1.3,
1.5, 1.9, 1.10, and Document Request 16) further file
review will not be required with one exception noted
below. However, because of the nature of the ELSUR indices
and the review of general indices conducted in conjunction
therewith, "attempted," "contemplated," or "discussed"
electronic surveillance matters would not necessarily be
revealed. Therefore, should information be located
during the requested file reviews, infra, relating
to "attempted," "contemplated," or "discussed" electronic
surveillance during the period of the alleged conspiracy
(July 1, 1969, to December 31, 1974), this information
should be noted for LCD, even though it is highly unlikely
that "contemplated" or "discussed" electronic surveillance, or
for that matter any of the activities covered in the
interrogatories or document requests, will be provided to
plaintiff. An objection as to relevancy is generally entered
to such interrogatories and requests and sustained.

As to the one exception noted above, plaintiff
was overheard on two occasions during the period of the alleged
conspiracy by electronic surveillances conducted by the Port-
land Office in the file captioned [redacted] Bufile 65-75108.
This file should be reviewed for appropriate documents
responsive to plaintiff's interrogatories and document requests.

With regard to the remaining Interrogatories
1.0, [as it relates to other Interrogatories] 1.6, 1.8,
1.11, 1.12, and 2.2 and Document Requests (1. [as
it relates to those Interrogatories] 15 and 17) it is
requested that a review of all appropriate main case files
and file references at FBIHQ be undertaken immediately
in order to answer these interrogatories and document
requests for the period of the alleged conspiracy (July 1,
1969, to December 31, 1974). These file reviews should
be closely coordinated with SA [redacted] Civil
Litigation Unit.

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Memorandum to Assistant Director
Special Investigative Division
Re: Jack N. Anderson v.
Richard M. Nixon, et al.

To assist you in this regard, attached are the results of an FBIHQ indices search under the plaintiff's name, known alias, and logical related subjects based on allegations in the Complaint. The results of a file review to determine if the reference is identical to plaintiff ~~is~~ also set forth. ^{ARE}

Prior to the filing of the Complaint herein, plaintiff made an FOIA-PA request. This request has been in the backlog of FOIA-PA requests and is only now being processed. In this regard SA [redacted] FOIA-PA, extension [redacted] should be contacted. As stated, infra, the review of the files herein requested must be completed expeditiously.

It is most unlikely that the FBI engaged in any of the activities suggested by Interrogatories 1.6, 1.8, or 1.11 or Document Request 17. However, plaintiff seeks from defendant Kelley information not only as to FBI activity but known activity of Federal governmental agencies, or individuals. FBI files, particularly those relating to the "Watergate" investigations, may contain references to such activity.

LCD has prepared the attached airtel to the Alexandria, Baltimore, and Washington Field Offices requesting similar file reviews. While such file reviews will create some duplication of effort, they are deemed necessary in order to fully respond to plaintiff's interrogatories and document requests. The review is limited to the Alexandria, Baltimore, and Washington Field Offices, inasmuch, as these Offices cover the territory wherein plaintiff resides or normally conducts his business affairs. Should FBI documents exist relating to these interrogatories and document requests they would most likely be revealed during file reviews in these Field Offices. Should the information be developed during the FBIHQ file reviews that other field offices may have in file information pertinent to these interrogatories and document requests, then appropriate additional file reviews will be requested.

Memorandum to Assistant Director
Special Investigative Division
Re: Jack N. Anderson v.
Richard M. Nixon, et al.

U.S.D.C. Judge Gesell has ordered that defendant Kelley should respond to these interrogatories within 30 days (no later than May 27, 1977), and every reasonable effort to comply with this order should be made. The Departmental Attorney assigned to this matter has asked that the information be available to him by May 20, 1977.

JK

UNITED STATES GOVERNMENT

Memorandum

WFS
TO : Mr. F. C. Fehl *F/KUH*
FROM : K. V. Hetherington *KUH*
SUBJECT: JACK N. ANDERSON V.
 RICHARD M. NIXON, ET AL.
 (U.S.D.C., D.C.)
 CIVIL ACTION NO. 76-1794

- 1 - Legal Counsel Division
- 1 - Mr. Fehl (Attn:)
- 1 - Mr. Hetherington
- 1 - Mr. Lex
- 1 - DATE: 5/31/77

- Assoc. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.:
- Adm. Serv. _____
- Crim. Inv. _____
- Fin. & Pers. _____
- Ident. _____
- Intell. _____
- Laboratory _____
- Legal Coun. _____
- Plan. & Insp. _____
- Rec. Mgnt. _____
- Spec. Inv. _____
- Tech. Servs. _____
- Training _____
- Public Affs. Off. _____
- Telephone Rm. _____
- Director's Sec'y _____

PURPOSE:

To advise file references at FBIHQ have been reviewed regarding Jack N. Anderson and copies of documents have been furnished to Legal Counsel Division (LCD) in accordance with memorandum of LCD to Special Investigative Division (SID), 5/11/77. *28*

RECOMMENDATION:

That this memorandum be furnished to the Office of Legal Counsel for information and record purposes.

APPROVED:

WFS

Director _____
 Assoc. Dir. _____
 Dep. AD Adm. _____
 Dep. AD Inv. _____

Adm. Serv. _____
 Crim. Inv. _____
 Fin. & Pers. _____
 Ident. _____
 Intell. _____
 Laboratory _____
 Legal Coun. _____
 Plan. & Insp. _____
 Rec. Mgnt. _____
 Spec. Inv. *F/KUH*
 Tech. Servs. _____
 Training _____
 Public Affs. Off. _____

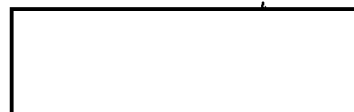
DETAILS:

Memorandum of LCD to Assistant Director, SID, 5/11/77, advised of court ordered response to certain interrogatories and document requests in captioned matter. The Special Projects Review Unit (SPRU), SID, was requested to review appropriate FBIHQ files regarding Anderson for the period of alleged conspiracy (7/1/69 to 12/31/74) to identify any documents which might be pertinent to the Bureau's response to the court order. *REC 101*

A review of FBIHQ files has been completed in coordination with LCD, including oral discussions, and copies of documents considered pertinent to the points mentioned in the interrogatories and document requests have been furnished to LCD. A list of the specific documents furnished to LCD is attached. *62-117353-29*

Enclosure
 WFS:rsm (6)

ENCLOSURE



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b7C

23 JUN 21 1977



JUN 23 1977

U.S. Savings Bonds Regularly on the Payroll Savings Plan
 Greenberg/Gray-4151

ATTACHMENT TO MEMORANDUM HETHERINGTON TO
MR. FEHL DATED 5/31/77, CAPTIONED "JACK N.
ANDERSON V. RICHARD M. NIXON, ET AL"

52-96893-174, 176, 184, 185, 186, 201
52-96921-5, 6, 9, 16, 18, 19, 71, 72, 87, 88, 105, 115, 120, 157
58-7712-4 (pages 1-15)
62-39749-3383
62-98194-260, 269
62-115529-4x3, 30x2, 64
62-116683-x, x1
65-74060-441, 452 (cover pages plus page 8)
65-74690-27, 29, 38, 39
65-75108 (entire file plus logs)
65-75085-382 (1 page of log, 5-8-70)
94-1-32254-495, 496
94-42957-38
105-10828-2065, 2325
105-90959-310
105-96674-344, p 6
105-213145-48
105-286101-1
109-12-210-6710
139-4089-3055, 3057, 3065

ENCLOSURE

62-117353-29

Greenberg/Gray-4152

Official and Confidential

62-116606 and 62-116607

- 1) Memorandum C. D. DeLoach to Mr. Tolson, 6/11/69
- 2) Letter to Mr. Ehrlichman, 6/25/69, with enclosure
- 3) Memorandum 7/1/69
- 4) Memorandum J. J. Casper to Director, 7/2/69, with enclosures
- 5) Memorandum 7/3/69
- 6) Memorandum 6/4/71

Assistant Attorney General
Civil Division

FEDERAL GOVERNMENT

June 16, 1977

b6
b7C

Assistant Director - Legal Counsel; 2
Federal Bureau of Investigation

- 2 - Mr. Decker
Attn: [redacted] - Encs. (2)
- Attn: [redacted] - Encs. (2)
- 1 - Mr. Fehl
Attn: [redacted] Encs. (4)
- 1 - Mr. Mintz
- 1 - Civil Litigation Unit

JACK N. ANDERSON v.
RICHARD M. NIXON, et al.
(U.S.D.C., D.C.)
CIVIL ACTION NO. 76-1794

Reference is made to your file reference
BAB:RJFranzinger:gma 95-16-4179.

Pursuant to the Pre-trial Notice and Order entered by United States Judge Gesell on April 27, 1977, in captioned matter, all logical references to plaintiff in records of the Federal Bureau of Investigation (FBI) maintained at FBI Headquarters and at the Alexandria, Baltimore, and Washington Field Offices have been reviewed in order to respond to plaintiff's Interrogatories and Document Requests designated in that Pre-trial Notice and Order. This review was supervised by Special Agent (SA) [redacted]

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During the course of that file review, Mr. Robert Franzinger, Attorney, Civil Division, Department of Justice, was apprised of the results of that review and he submitted to SA [redacted] Legal Counsel Division, proposed Answers and Objections of Defendant Clarence M. Kelley to First Interrogatories to Defendants Specified in the Court's Order of April 27, 1977, as well as Defendant Clarence M. Kelley's Responses to Plaintiff's Document Requests Specified in the Court's Order of April 27, 1977.

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b7C

REC 1016 2-117353-30

This will confirm review of these documents and the execution of the Answers and Objections of Defendant Clarence M. Kelley to First Interrogatories to Defendants Specified in the Court's Order of April 27, 1977, by SA [redacted] on May 27, 1977, on behalf of defendant Clarence M. Kelley; the delivery of the original of that document on May 27, 1977, to Mr. Franzinger; and the delivery on May 27, 1977, of 25 copies (24 excised, one unexcised) of the documents referred to in Defendant Clarence M. Kelley's Responses to Plaintiff's Document Requests Specified in the Court's Order of April 27, 1977.

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- Assoc. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.:
- Adm. Serv. _____
- Crim. Inv. _____
- Fin. & Pers. _____
- Ident. _____
- Intell. _____
- Laboratory _____
- Legal Coun. _____
- Plan. & Insp. _____
- Rec. Mgnt. _____
- Spec. Inv. _____
- Tech. Servs. _____
- Training _____
- Public Affs. Off. _____
- Telephone Rm. _____
- Director's Sec'y _____

RLH:pls (8) ENCL BEHIND FILE SEE NOTE - PAGE 2
ENCLOSURE

MAIL ROOM TELETYPE UNIT

Greenberg/Gray-4154

GMU/jr

FBI/DOJ

97 JUL 5 1977

Assistant Attorney General
Civil Division

It is our understanding that 23 copies of the excised documents were to be served on the various parties in captioned matter and one copy of the excised as well as the unexcised copy provided was to be retained by you.

It is our further understanding that plaintiff has 15 days from May 27, 1977, to respond to the Motion to Dismiss, or in the Alternative, for a Summary Judgment filed on behalf of Director Kelley and other defendants represented by the Department. Thereafter, oral argument will be heard before the Court on July 8, 1977, and the Court will then enter its ruling regarding the merits of that Motion.

Detach & file w/

NOTE: By the attached memorandum from Legal Counsel Division (LCD) to the Assistant Director, Special Investigative Division (SID), dated 5/11/77, LCD requested that Division to review file references to plaintiff at FBI Headquarters in order to respond to specified Interrogatories and Document Requests designated by the United States District Court in a Pre-trial Notice and Order. That communication further recommended approval of an attached airtel to the Alexandria, Baltimore, and Washington Field Offices requesting a similar review of references to plaintiff. These Field Offices have responded to the requested indices and file search as has the SID by the attached memorandum from Mr. Hetherington to Mr. Fehl, dated 5/31/77. After informal discussions with SA [redacted] of the SID, SA [redacted] LCD, and Department Attorney Franzinger proposed Answers and Objections of Defendant Kelley to Plaintiff's First Interrogatories Specified in the Court's Order of April 27, 1977, were prepared as was Defendant Kelley's Responses to Plaintiff's Document Requests Specified in the Court's Order of April 27, 1977, (copies attached). This document confirms the execution by SA [redacted] of answers and objections of defendant Kelley to those interrogatories; the delivery of that document to Mr. Franzinger; and the delivery of documents to be produced pursuant to defendant Kelley's responses to plaintiff's document requests (copies attached).

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CONTINUED - OVER

Assistant Attorney General
Civil Division

NOTE CONTINUED

* Records Management Division is requested to locate documents produced as responsive to plaintiff's document requests in the below listed files and note on same the release of the particular document to plaintiff in captioned matter:

65-75108, (Special File Room)

Serials 1, 2, 29, 30, 31, 35, 40, 62, 109, 113, 170; logs dated 1/6/72 [redacted] and 5/3/72 [redacted].

94-1-32254, (Special File Room)

Serials 495 and 496.

139-4089

Serials 3055, 3057, and 3065.

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JFK
KVN
AL

APPROVED: [initials]	Adm. Serv. _____	Legal Coun. <i>JM</i>
Director _____	Crim. Inv. _____	Plan. & Insp. _____
Assec. Dir. _____	Fin. & Pers. _____	Rec. Mgnt. <i>JM</i>
Dep. AD Adm. _____	Ident. _____	Spec. Inv. _____
Dep. AD Inv. _____	Intell. _____	Tech. Servs. _____
	Laboratory _____	Training _____
		Public Affs. Off. _____

WFB

* as requested
above Serials Noted 6-24-77
LWB/PLB

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JACK N. ANDERSON,)
)
 Plaintiff,)
)
 v.) Civil Action No. 76-1794
)
 RICHARD M. NIXON, et al.,)
)
 Defendants.)

ANSWERS AND OBJECTIONS OF DEFENDANT
CLARENCE M. KELLEY TO FIRST INTERROGATORIES
TO DEFENDANTS SPECIFIED IN THE COURT'S ORDER
OF APRIL 27, 1977

William F. Shubatt, Special Agent, Federal Bureau of Investigation, hereby answers and/or objects to those of plaintiff's First Interrogatories to Defendants identified in the Court's Order of April 27, 1977 on behalf of defendant Clarence M. Kelley, Director, Federal Bureau of Investigation, pursuant to Rule 33 of the Federal Rules of Civil Procedure. Defendant Kelley's answers are based on a search by numerous FBI personnel under Mr. Shubatt's supervision of those Federal Bureau of Investigation (FBI) files which it was reasonably expected could contain the information requested. The answers contained herein refer to the time period commencing with July 1, 1969 and ending with December 31, 1974, the time period encompassed by the complaint in this action. Defendant Kelley objects to answering the interrogatories with respect to any time periods other than this period on the grounds that such information is not relevant to the subject matter of this action and is not reasonably calculated to lead to the discovery of admissible evidence and that a further response to these interrogatories would be unduly burdensome and oppressive.

ENCLOSURE

62-117353-30
Greenberg/Gray-4157

Memo to AAG, Civ Div,
6-16-77 RLH:plv

QUESTION 1.0: Do you, or does the agency under your supervision, possess any information respecting any of the matters listed in this Interrogatory 1.0, parts 1.1-1.18, (a) where (where pertinent) such matters were consummated or only were attempted, contemplated or discussed, and (b) whether or not there was any involvement or potential involvement of your agency:

GENERAL OBJECTION: Defendant objects to this interrogatory insofar as it seeks information regarding matters which were not either consummated or attempted on the following grounds: (1) this interrogatory seeks to probe the mental processes of employees and officials of the Federal Bureau of Investigation; such information is irrelevant and privileged under well-established principles of governmental privilege; (2) this interrogatory seeks the disclosure of the deliberative processes of employees and officials of the Federal Bureau of Investigation and is therefore irrelevant and privileged. See 5 U.S.C. §552 (b) (5); and (3) the information sought by this interrogatory is not relevant to the subject matter of this action and not reasonably calculated to lead to the discovery of admissible evidence.

QUESTION 1.3: Wiretapping of any telephone of plaintiff.

ANSWER: No.

QUESTION 1.5: Electronic Surveillance (bugging) of plaintiff.

ANSWER: No.

QUESTION 1.6: Transmission or delivery of false information to plaintiff.

ANSWER: No.

QUESTION 1.8: Administration of drugs to plaintiff.

ANSWER: Yes.

QUESTION 1.9: Electronic eavesdropping on plaintiff.

ANSWER: No.

QUESTION 1.10: Electronic eavesdropping on any telephone which resulted in the overhearing of any conversation in which plaintiff.

(a) was a participant, or

ANSWER: (a) Yes.

(b) was mentioned;

OBJECTION: (b) Defendant objects to this interrogatory on the ground that it seeks information which is not relevant to the subject matter of this action and not reasonably calculated to lead to the discovery of admissible evidence and would unduly infringe upon the privacy of individuals who are not parties to this action, and on the further ground that the preparation of an answer to this interrogatory would be unduly burdensome and oppressive. In addition, because the FBI since 1969 has not indexed its files by names mentioned in overheard telephone conversations, a complete answer to this interrogatory would be virtually impossible.

QUESTION 1.11: Infliction of physical harm on plaintiff.

ANSWER: Yes.

QUESTION 1.12: Physical surveillance of plaintiff, of any associates or relatives of plaintiff, plaintiff's home or office, or of any other building on premises occupied by plaintiff.

ANSWER: Yes.

QUESTION 2.0: If the answer to any part of Interrogatory 1.0 is affirmative, state with respect to such matter:

QUESTION 2.2: The name, home and business address, and home and business telephone numbers, of every individual possessing information with respect to the item, with a summary of the information the individual possesses.

ANSWER AND OBJECTION: Defendant objects to Interrogatory 2.2, insofar as it seeks information in addition to that provided in Defendant Kelley's Response to Plaintiff's First Request for Production of Documents filed herewith. The grounds for this objection is that names of individuals who are familiar with the matters referred to in the foregoing answers are identified in documents produced to plaintiff in the accompanying response to plaintiff's request for production of documents. In light of the availability of this information to plaintiff, it would be unduly burdensome to attempt to compile a list of all employees who, as a part of their official duties, may have some knowledge of the information referred to in the above answers and to detail for plaintiff the nature of their knowledge. Defendant further objects to the production of the home addresses and home telephone numbers of any FBI employee as the disclosure of this information would violate the Privacy Act, 5 U.S.C. §552a, as amended, and regulations appearing at 31 C.F.R. §1.24 and 5 C.F.R. §294.702, promulgated pursuant thereto.

As to the answers herein:

I declare, under penalty of perjury, that the foregoing answers are to the best of my knowledge true and correct.

WILLIAM F. SHUBATT
Special Agent
Federal Bureau of Investigation

Executed on _____.

As to the objections herein:

Respectfully submitted,

BARBARA ALLEN BABCOCK
Assistant Attorney General

EARL J. SILBERT
United States Attorney

DAVID J. ANDERSON

ROBERT J. FRANZINGER

SANDRA M. SCHRAIBMAN

JOHN BARG

Attorneys, Department of Justice
10th & Constitution Ave., N.W.
Washington, D.C. 20530
Telephone: (202)739-3385

Attorneys for defendant Kelley.

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of May,
1977, I have served a copy of the foregoing Answers and
Objections of Defendant Clarence M. Kelley to First
Interrogatories to Defendants Specified in the Court's
Order of April 27, 1977, by hand-delivery to:

William A. Dobrovir, Esq.
2005 L Street, N.W.
Washington, D.C. 20036

and by mailing, postage prepaid, to:

Joseph Borkin, Esquire
1156 15th Street, N.W.
Washington, D.C. 20005

Charles A. McNelis
Ball, Hunt, Hart, Brown & Baerwitz
120 Linden Avenue
Long Beach, California 90801

William A. Synder, Jr., Esquire
Thomas W. Coons, Esquire
Ober, Grimes & Shriver
1600 Maryland National Bank Bldg.
Baltimore, Maryland 21202

Plato Cacheris, Esquire
Hundley & Cacheris, P.C.
Suite 205
1709 New York Avenue, N.W.
Washington, D.C. 20006

Stan Mortenson, Esquire
Miller, Cassidy, Larocca & Lewin
Suite 500
2555 M Street, N.W.
Washington, D.C. 20037

Lawrence Schwartz, Esquire
Stiller, Adler & Schwartz
1725 K. Street, N.W.
Washington, D.C. 20006

John J. Wilson, Esquire
Frank H. Strickler, Esquire
Whiteford, Hart, Carmody & Wilson
815 15th Street, N.W.
Washington, D.C. 20005

Jeb Stuart Magruder
c/o Atheneum Press
122 East 42nd Street
New York, New York 10017

David R. Young, Jr., Esquire
Queens College
Oxford University
Oxford, England

John J. Caulfield, Esquire
5205 Concordia Street
Fairfax, Virginia 22030

Anthony T. Ulasewicz
Star Route
Hadley, New York 12835

G. Gordon Liddy
25106 Pembroke Station
Danbury, Connecticut 06810

John D. Ehrlichman
P.O. Box H7994
Safford, Arizona 85546

H.R. Haldeman
443 North McCadden Place
Los Angeles, California 90004

Charles A. McNelis, Esquire
Welch & Morgan
300 Farragut Building
900 17th Street, N.W.
Washington, D.C. 20006

ROBERT J. FRANZINGER

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JACK N. ANDERSON,)
)
Plaintiff,)
)
v.) Civil Action No. 76-1794
)
RICHARD M. NIXON, et al.,)
)
Defendants.)

DEFENDANT CLARENCE M. KELLEY'S RESPONSE
TO PLAINTIFF'S DOCUMENT REQUESTS
SPECIFIED IN THE COURT'S ORDER OF
APRIL 27, 1977

Defendant Clarence M. Kelley, Director, Federal Bureau of Investigation, by his undersigned attorneys, hereby makes the following response to plaintiff's document requests specified in the Court's Pretrial Notice and Order of April 27, 1977. Inasmuch as Defendant Kelley objects to these requests for production of documents insofar as they seek information for time periods other than the period July 1, 1969 through December 31, 1974, these responses are limited to such time period.

REQUEST NO: 1: Records which are a record of, relate to or reflect any of the information described in Interrogatory 1.0-1.18, served this day.

RESPONSE NO. 1: Defendant is, after a search of the files of the Federal Bureau of Investigation, not aware of any such document within the possession, custody, and control of the Bureau, except as specified below:

REQUESTS NO. 1.8 and 1.11: Administration of Drugs to Plaintiff:

RESPONSE NO. 1.8 and 1.11: Attached at Tab A are documents which reflect a canvassing by the Federal Bureau of Investigation of certain of its informants in the Miami, Florida area concerning the possible existence of a plot to assassinate or

62-117353-30
ENCLOSURE

Greenberg/Gray-4164

administer drugs to plaintiff. Deletions have been made from these documents of informants' symbol numbers and other information which does not relate to the subject matter of this action or to plaintiff in any way, including the names of FBI agents participating in this canvassing of informants.

REQUEST NO. 1.10: Electronic eavesdropping on any telephone which resulted in the overhearing of any conversation in which plaintiff

(a) was a participant.

RESPONSE NO. 1.10(a): Attached at Tab B are documents relating to the wiretap on Navy Yeoman Charles Edward Radford, III, referred to in paragraph 10 of the complaint. As the attached documents reflect, plaintiff was apparently overheard very briefly in connection with two telephone calls originating from Mr. Radford's residence. The documents attached are limited to the documents pertinent to the two telephone conversations involving plaintiff which were overheard, including documents pertinent to the establishment of the wiretap and the distribution of summaries of plaintiff's conversations which were overheard. Deletions of information not pertinent to the overhearing of plaintiff's conversations have been made from such documents. Defendant objects to this request insofar as it seeks documents regarding the Radford wiretap in addition to those provided herewith on the ground that any such documents are not relevant to the subject matter of this action and not reasonably calculated to lead to the discovery of admissible evidence and would unduly infringe upon the privacy of individuals who are not parties to this action:

The FBI also has in its possession documents which may relate to the overhearing of one of plaintiff's telephone conversations in connection with a wiretap of telephones other than those of plaintiff. Defendant Kelley objects to the production of these documents on the ground that such documents are classified pursuant to Executive Order 11652, that such documents are precluded from discovery by 50 U.S.C. §403(d)(3) and 403(g) since its production would disclose intelligence sources and methods, that such document is privileged since its disclosure would injure the national security, and that disclosure is contrary to the public interest.

(b) was mentioned;

RESPONSE NO. 1.10(b): Defendant objects to this request on the ground that it seeks information which is not relevant to the subject matter of this action and is not reasonably calculated to lead to the discovery of admissible evidence, on the ground that the disclosure of any such information would unduly infringe upon the privacy of individuals who are not parties to this action, and on the ground that a preparation of a response to this request would be unduly burdensome and oppressive.

REQUEST NO. 1.12: Physical surveillance of plaintiff, of any associates or relatives of plaintiff, plaintiff's home or office, or of any other building on premises occupied by plaintiff.

RESPONSE NO. 1.12: Attached as Tab C are documents which relate to what may be considered to be a surveillance of an associate of plaintiff who was observed examining the contents of former FBI Director J. Edgar Hoover's garbage. The Bureau also located a document which may relate to a surveillance of plaintiff. Such document was referred to the CIA and is being produced by them this date.

REQUEST NO. 15: Records of investigation, surveillance, burglary, wiretapping and any other interference with, reports on and proposals to deal with plaintiff carried out, proposed or attempted to be carried out or suggested or communicated to the "White House Plumbers," including defendants John Ehrlichman, Egil Krogh, David Young, E. Howard Hunt and G. Gordon Liddy.

RESPONSE NO. 15: Defendant is, after a search of the files of the Federal Bureau of Investigation, not aware of any such document within the possession, custody and control of the Federal Bureau of Investigation.

REQUEST NO. 16: Records of any wiretaps, proposed wiretaps or attempted wiretaps of plaintiff's home or office not otherwise specified above.

RESPONSE NO. 16: Defendant incorporates herein by reference Response No. 15, supra.

REQUEST NO. 17: Records of any proposals, suggestions or attempts to do physical harm to plaintiff by poison.

RESPONSE NO. 17: Defendant incorporates herein by reference Response No. 15, supra.

Respectfully submitted,

BARBARA ALLEN BABCOCK
Assistant Attorney General

EARL J. SILBERT
United States Attorney

DAVID J. ANDERSON

ROBERT J. FRANZINGER

SANDRA M. SCHRAIBMAN

JOHN F. BARG

Attorneys, Department of Justice
10th & Constitution Ave., N.W.
Washington, D.C. 20530

Attorneys for Defendant Kelley

Airtel

1 - Mr. Fehrl
Attn:

5/11/77

1 - Mr. Decker
Attn:
1 - Mr. Mintz
1 - Civil Litigation Unit

**To: SACs, Alexandria
Baltimore
Washington Field Office**

From: Director, FBI

**JACK N. ANDERSON v.
RICHARD M. NIXON, et al.
(U.S.D.C., D.C.)
CIVIL ACTION NO. 76-1794
BUDED 5/20/77**

Re Bureau airtel to Alexandria and other offices dated 10/14/76; Baltimore teletype to Bureau dated 10/15/76; Alexandria teletype to Bureau dated 10/19/76; and Washington Field Office (WFO) airtel and letterhead memorandum dated 10/20/76, all captioned ELSUR, JACK N. ANDERSON, 7300 Burdette Court, Bethesda, Maryland, 20034.

For the information of receiving offices, plaintiff, Jack N. Anderson, the syndicated newspaper columnist, has filed a Complaint in the United States District Court (U.S.D.C.), District of Columbia (D.C.), alleging from July, 1969, until sometime in 1974, a conspiracy amongst the defendants, including former Acting Director Gray and Director Kelley to unlawfully abridge plaintiff's First Amendment rights as a journalist and his rights of privacy, to be free from unlawful search and seizure, and to the protection of his life, liberty and property from interference without due process of law. Plaintiff seeks damages as to past activities and declaratory and specific relief against future actions. Plaintiff alleges a wide variety of wrongdoings as part of this conspiracy from improper electronic surveillance to planning physical harm to plaintiff. Specifically, as to FBI activities, the Complaint alleges unlawful investigation aimed at discovering and prosecuting persons who had given information to plaintiff, particularly involving one Gene Smith, improper

MAILED 3
MAY 11 1977
FBI

- Assoc. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.:
- Adm. Serv. _____
- Crim. Inv. _____
- Fin. & Pers. _____
- Ident. _____
- Intell. _____
- Laboratory _____
- Legal Coun. _____
- Plan. & Insp. _____
- Rec. Mgnt. _____
- Spec. Inv. _____
- Tech. Servs. _____
- Training _____
- Public Affs. Off. _____
- Telephone Rm. _____
- Director's Sec'y _____

RLH:clh
(11) clh

ST-118

REC-1 62-117353-131
CONTINUED - OVER
MAY 13 1977

GML/jz

Greenberg/Gray-4169

56 JUN 23 1977

MAIL ROOM TELETYPE UNIT

Airtel to SAC, Alexandria
Re: JACK N. ANDERSON v.
RICHARD M. NIXON, et al.

providing of information about plaintiff to defendant John W. Dean, III, by deceased Director Hoover and unlawful investigation conducted to determine plaintiff's source as to documents taken from the Bureau of Indian Affairs, 1972.

Simultaneous with the filing of the Complaint, plaintiff served his First Interrogatories and Request for Production of Documents to defendant Kelley. Pursuant to a protective order issued by the U.S.D.C., Director Kelley's response to these discovery efforts has been stayed until the present time.

Currently pending before the U.S.D.C. is a Motion to Dismiss, or in the Alternative, For a Summary Judgment filed on behalf of defendants Kelley and Gray. In response to this Motion, plaintiff has requested the Court to require defendant Kelley to answer a limited number of his Interrogatories and Document Requests in order that he might better respond to defendants' Motion. The U.S.D.C. by Pre-trial Notice and Order filed 4/27/77, has ordered defendant Kelley to respond to the following Interrogatories and Requests for Documents within 30 days:

INTERROGATORIES

1.0 Do you, or does the agency under your supervision, possess any information respecting any of the matters listed in this Interrogatory 1.0, parts 1.1-1.13, (a) whether (where pertinent) such matters were consummated or only were attempted, contemplated or discussed, and (b) whether or not there was any involvement or potential involvement of your agency:

. . .

1.3 Wiretapping of any telephone of plaintiff;

. . .

1.5 Electronic surveillance (bugging) of plaintiff;

Airtel to SAC, Alexandria
Re: JACK N. ANDERSON v.
RICHARD M. NIXON, et al.

1.8 Transmission or delivery of false information to plaintiff;

1.8 Administration of drugs to plaintiff;

1.9 Electronic eavesdropping on plaintiff;

1.10 Electronic eavesdropping on any telephone which resulted in the overhearing of any conversation in which plaintiff

(a) was a participant, or

(b) was mentioned;

1.11 Infliction of physical harm on plaintiff;

1.12 Physical surveillance of plaintiff, of any associates or relatives of plaintiff, plaintiff's home or office, or of any other building on premises occupied by plaintiff;

2.0 If the answer to any part of Interrogatory 1.0 is affirmative, state with respect to such matter;

2.2 The name, home and business address, and home and business telephone numbers, of every individual possessing information with respect to the item, with a summary of the information the individual possesses;

Airtel to SAC, Alexandria
Re: JACK N. ANDERSON v.
RICHARD M. NIXON, et al.

REQUESTS FOR DOCUMENTS

1. Records which are a record of, relate to or reflect any of the information described in Interrogatories 1.0-1.18, served this day.

...

15. Records of investigation, surveillance, burglary, wiretapping and any other interference with, reports on and proposals to deal with plaintiff carried out, proposed or attempted to be carried out or suggested or communicated to the "White House Plumbers," including defendants John Ehrlichman, Egil Krogh, David Young, E. Howard Hunt and G. Gordon Liddy.

16. Records of any wiretaps, proposed wiretaps or attempted wiretaps of plaintiff's home or office not otherwise specified above.

17. Records of any proposals, suggestions or attempts to do physical harm to plaintiff by poison.

...

In referenced communications, Alexandria, Baltimore, and Washington Field Offices have completed the necessary indices checks and file reviews as to consummated acts involving electronic surveillance (Interrogatories 1.3, 1.5, 1.9, 1.10 and Document Request 16) and further file reviews with regard to "consummated" acts of electronic surveillance will not be required. However, because of the nature of the ELSUR indices and the review of general indices conducted in conjunction therewith, "attempted," "contemplated," or "discussed" electronic surveillance matters would not necessarily be revealed. Therefore, should documents be located during the requested file reviews,

Airtel to SAC, Alexandria
Re: JACK N. ANDERSON v.
RICHARD M. NIXON, et al.

infra, relating to attempted, contemplated, or discussed electronic surveillance during the period July 1, 1969, to December 31, 1974, two copies of these documents should be forwarded to FBI Headquarters, Attention: Legal Counsel Division, even though it is highly unlikely that contemplated or discussed electronic surveillance, or for that matter any of the activities covered in the Interrogatories or Document Requests, will be provided to plaintiff as not being relevant to the issues alleged in the Complaint.

With regard to the remaining Interrogatories (1.0 [as it relates to other Interrogatories], 1.6, 1.8, 1.11, 1.12, 2.0, and 2.2) and Document Requests ([as it relates to those Interrogatories], 15 and 17), review of all appropriate main case files and cross file references to plaintiff relating to the period July 1, 1969, to December 31, 1974, must be undertaken in order that a complete response can be made. This review should be made for information responsive to these Interrogatories and Document Requests both as to FBI activities and activities of other Federal governmental agencies or entities and certain individuals. These individuals are as follows:

Richard M. Nixon
Henry A. Kissinger
Richard M. Helms
John N. Mitchell
H.R. Haldeman
John D. Ehrlichman
Charles W. Colson
Richard J. Kleindienst
John W. Dean, III
Robert C. Mardian
Jeb Stuart Magruder

Herbert W. Kalmbach
Egil Krogh, Jr.
David R. Young, Jr.
John J. Caulfield
Anthony T. Ulasewicz
E. Howard Hunt
G. Gordon Liddy
James W. Mc Cord, Jr.
Edward H. Levi
George Bush
Donald G. Alexander

Should documents be located during these file reviews responsive to the above Interrogatories and document requests relating to the period July 1, 1969, to December 31, 1974, two copies of each should be submitted to FBI Headquarters, Attention: Legal Counsel Division.

Airtel to SAC, Alexandria
Re: JACK N. ANDERSON v.
RICHARD M. NIXON, et al.

In order to comply with the U. S. D. C. 's Order in this matter, a Buded of 5/20/77, has been set.

To assist receiving offices in determining if file references are identical to plaintiff, plaintiff is identified as follows:

Name:	Jack Northman Anderson
Race:	Caucasian
Sex:	Male
DOB:	October 19, 1922
POB:	Long Beach, California
SSAN:	526-20-6909

Should you have any questions with regard to this matter, SA [redacted] Civil Litigation Unit, extension 4532, should be contacted.

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NOTE: See memorandum dated 5/11/77 captioned Jack N. Anderson v. Richard M. Nixon, et al. (U. S. D. C., D. C.) Civil Action No.76-1794, RLH:pls.

APPROVED:	Adm. Serv. _____	Legal Coun. _____
Director _____	Crim. Inv. _____	Plan. & Insp. _____
Assec. Dir. _____	Fin. & Pers. _____	Rec. Mgnt. _____
Dep. AD Adm. _____	Ident. _____	Spec. Inv. _____
Dep. AD Inv. _____	Intell. _____	Tech. Servs. _____
	Laboratory _____	Training _____
		Public Affs. Off. _____

cup 17

TELETYPE

ROUTINE

EFTO

1 - Mr. Mintz (Route thru for
(Attn: [redacted]) review)

1 - [redacted]
1 - [redacted]

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b7C

MAY 12, 1977

FM DIRECTOR

TO NEW YORK ROUTINE

BT

E F T O

JACK N. ANDERSON, RICHARD M. NIXON, ET AL, (U.S.D.C.,
D. C.), CIVIL ACTION NUMBER 76-1794. BUDED 5/20/77

REFER BUREAU AIRTEL OCTOBER 14, 1976, ENTITLED "ELSUR,
JACK N. ANDERSON, BETHESDA, MARYLAND" AND NEW YORK TELETYPE
OCTOBER 19, 1976, NEW YORK 92-4564.

REFERENCED TELETYPE NOTED THREE REFERENCES LOCATED
WHEREIN ANDERSON MENTIONED DURING CONVERSATIONS OF OTHERS.

PLAINTIFF ANDERSON HAS FILED COMPLAINT U.S.D.C., D. C.,
ALLEGING DURING PERIOD BETWEEN JULY, 1969, AND SOMETIME IN
1974, CONSPIRACIES AMONGST DEFENDANTS TO UNLAWFULLY ABRIDGE
HIS FIRST AMENDMENT RIGHTS. U.S.D.C. HAS ORDERED RESPONSE
TO INTERROGATORIES, ONE OF WHICH REFERS TO WIRETAP OR
ELECTRONIC SURVEILLANCES IN WHICH PLAINTIFF WAS PARTICIPANT
OR WAS MENTIONED.

REC-1 62-117353-30

ST-118

JUN 17 1977

PROMPTLY REVIEW REFERENCES REFERRED TO IN REFERENCED
AIRTEL AND ADVISE DATES INVOLVED. SUTEL ATTENTION NAME CHECK

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

MAY 12 1977

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b7C

TELETYPE

- Assoc. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.:
- Adm. Serv. _____
- Crim. Inv. _____
- Fin. & Pers. _____
- Ident. _____
- Intell. _____
- Laboratory _____
- Legal Coun. _____
- Plan. & Insp. _____
- Rec. Mgnt. _____
- Spec. Inv. _____
- Tech. Servs. _____
- Training _____
- Public Affs. Off. _____
- Telephone Rm. _____
- Director's Sec'y _____

WFS: jlm (IX)
(5)

jem

FLK

RA

MAIL ROOM TELETYPE UNIT RETURN TO [redacted] ROOM 4440. FBI/DOJ

50 JUN 23 1977

PAGE TWO EFTO

SECTION, SPECIAL PROJECTS REVIEW UNIT.

BT

FBI

TRANSMIT VIA:

- Teletype
- Facsimile
- Airtel

PRECEDENCE:

- Immediate
- Priority
- Routine

CLASSIFICATION:

- TOP SECRET
- SECRET
- CONFIDENTIAL
- E F T O
- CLEAR

Date 5/16/77

Assoc. Dir.	_____
Dep. AD Adm.	_____
Dep. AD Inv.	_____
Asst. Dir.:	_____
Adm. Serv.	_____
Crim. Inv.	_____
Fin. & Pers.	_____
Ident.	_____
Intell.	_____
Laboratory	_____
Legal Coun.	_____
Plan. & Insp.	_____
Rec. Mgmt.	_____
Spec. Inv.	_____
Tech. Servs.	_____
Training	_____
Public Affs. Off.	_____
Telephone Rm.	_____
Director's Sec'y	_____

TO: DIRECTOR, FBI

FROM: SAC, ALEXANDRIA (62-284) (RUC)

JACK N. ANDERSON v.
 RICHARD M. NIXON, et al.
 (U.S.D.C., D.C.)
 CIVIL ACTION NO. 76-1794
 BUDED: 5/20/77

Re Bureau airtel to Alexandria, 5/11/77.

With regard to the Interrogatories and Document Requests as contained in referenced Bureau airtel, the Alexandria Office conducted a review of main case files and cross file references to plaintiff relating to the period 7/1/69, to 12/31/74.

This file review revealed that the Alexandria Office does not possess any information relative to any matters listed in said Interrogatories, (a) whether such matters were consummated or only attempted, contemplated, or discussed, and (b) whether or not there was any involvement or potential involvement. Neither does the Alexandria Office possess any documents as enumerated in said Request for Documents.

Therefore, the Alexandria Office is not submitting any documents regarding captioned matter.

- ② - Bureau
- 1 - Alexandria
- WMC:kra
- (3)

REC-1

ST-118

JUN 17 1977

Greenberg/Gray-4177

Approved: K/R Transmitted _____ Per _____

(Number) (Time)

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b7c

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JACK N. ANDERSON)
7300 Burdette Court)
Bethesda, Maryland 20034)

plaintiff)

v.)

RICHARD M. NIXON)
Presidential Compound)
San Clemente, California 92672)

HENRY A. KISSINGER)
Secretary of State)
Department of State)
Washington, D. C. 20520)

RICHARD M. HELMS)
United States Ambassador to Iran)
Department of State)
Washington, D. C. 20520)

JOHN N. MITCHELL)
20 Broad Street)
New York, New York 10005)

H. R. HALDEMAN)
443 North McCadden Place)
Los Angeles, California)

JOHN D. EHRLICHMAN)
227 Montoya Circle)
Santa Fe, New Mexico 87501)

CHARLES W. COLSON)
1350 Ballantrae Lane)
McLean, Virginia 22101)

RICHARD G. KLEINDIENST)
8464 Portland Place)
McLean, Virginia 22101)

L. PATRICK GRAY)
Findlay Way)
Stonington, Connecticut 06378)

JOHN W. DEAN, III)
11661 San Vicente Boulevard)
Brentwood, California 94513)

ROBERT C. MARDIAN)
2323 North Central Avenue)
Phoenix, Arizona 85004)

JEB STUART MAGRUDER)
c/o Atheneum Press)
122 East 42nd Street)
New York, New York 10017)

Civil Action No. 76-1794

Judge Gesell

62-117353
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7/3/77
[Signature]

5450
54 MAY 12 1977

HERBERT W. ALMACH)
 1056 Santiago Drive)
 Newport Beach, California 92660)
)
 EGIL KROGH, JR.)
 c/o Swensen's Ice Cream Factory)
 333 Pine Street - Suite 300)
 San Francisco, California 94104)
)
 DAVID R. YOUNG, JR.)
 Queens College)
 Oxford University)
 Oxford, England)
)
 JOHN J. CAULFIELD)
 5205 Concordia Street)
 Fairfax, Virginia 22030)
)
 ANTHONY T. ULASEWICZ)
 Star Route)
 Hadley, New York 12835)
)
 E. HOWARD HUNT)
 Federal Prison Camp)
 Eglin Air Force Base, Florida)
 32542)
)
 G. GORDON LIDDY)
 Federal Correctional Institution)
 Danbury, Connecticut 06810)
)
 JAMES W. McCORD, JR.)
 414 Hungerford Drive)
 Rockville, Maryland 20850)
)
 EDWARD H. LEVI)
 Attorney General of the United)
 States)
 Department of Justice)
 Washington, D. C. 20530)
)
 CLARENCE M. KELLEY)
 Director, Federal Bureau of)
 Investigation)
 J. Edgar Hoover Building)
 Washington, D. C. 20530)
)
 GEORGE BUSH)
 Director, Central Intelligence)
 Agency)
 McLean, Virginia 22101)
)
 DONALD G. ALEXANDER)
 Commissioner, Internal Revenue)
 Service)
 1111 Constitution Avenue, N. W.)
 Washington, D. C. 20224)
)
 Defendants.)
)

Jury Trial Demanded

First Defense

The Court lacks jurisdiction over defendant Haldeman.

Second Defense

The complaint fails to state a claim upon which relief may be granted.

Third Defense

In answer to the numbered paragraphs of the claim, defendant Haldeman says:

1 and 2. Defendant is not required to respond to 1. and 2. which contain conclusions of law.

3. Defendant Haldeman admits the first sentence in that plaintiff Jack Anderson reports on radio and TV. He is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of the complaint of Paragraph 3.

4. Defendant admits that the individuals named in Paragraph 4, in general, held the jobs described or similar jobs, but defendant does not have sufficient information to admit the dates of employment and defendant Haldeman, in further answer to Paragraph 4E, denies that his employment as Assistant to the President ended on April 30, 1974. Defendant Haldeman says his employment actually terminated on April 30, 1973.

5. Denied.

6. Denied.

7. Defendant Haldeman has no recollection of the factual allegations of Paragraph 7.

8. Defendant Haldeman is presently without sufficient knowledge or information to form a belief as to the truth of the allegations of Paragraph 8.

9. Defendant Haldeman denies taking any action to cause government agencies to abuse their powers and he is presently without sufficient information to further answer Paragraph 9.

10. Defendant Haldeman admits that he had knowledge that a Special Investigations Unit was created, but he denies the remaining allegations of Paragraph 10 of the complaint.

11. Denied.

12. Denied.

13. Defendant Haldeman is without knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 13.

14. Defendant Haldeman is without knowledge or information sufficient to form a belief as to the allegations of Paragraph 14.

15. Denied.

16. Defendant Haldeman denies the allegations of Paragraph 16 which ascribes the activity related therein to him.

17. Denied.

18. Denied.

19. Defendant Haldeman is without knowledge or information sufficient to form a belief as to the allegations of Paragraph 19.

20. Defendant Haldeman is without knowledge or information sufficient to form a belief as to the allegations of Paragraph 20, but he denies any participation in the activities alleged.

21. Denied.

22. Defendant Haldeman denies that he caused any of the injuries alleged in Paragraph 22.

All allegations of the complaint not herein specifically admitted or denied are denied.

Fourth Defense

Defendant Haldeman resigned this position as Assistant to the President on April 30, 1973 and this action is barred by the Statute of Limitations.

Fifth Defense

The claims set forth in the complaint are barred by laches.

Sixth Defense

Defendant Haldeman denies entering into the conspiracy alleged in the complaint.

Seventh Defense

During the period of his employment and until its termination on April 30, 1973, all actions taken by the defendant were taken in his capacity as Assistant to the President and as such, they were privileged and he is immune from suit because his actions were taken pursuant to his official duties.

Eighth Defense

All actions taken by the defendant during the period he served as Assistant to the President were reasonable and neither arbitrary nor capricious, and they were taken by defendant Haldeman in good faith and in compliance with law.

Ninth Defense

All allegations of the complaint which recite facts occurring after April 30, 1973 are denied.

WHEREFORE, having fully answered, defendant Haldeman demands judgment in his favor together with costs of this action and reasonable attorney fees.

H. R. Haldeman
H. R. Haldeman, Pro Se

CERTIFICATE OF SERVICE

Defendant hereby certifies that he has served a copy of the foregoing Answer of Defendant Haldeman on all parties at the addresses set forth in the complaint, said service having been made by first-class mail, postage pre-paid, this 17th day of January, 1977.

Frank H. Strickler

Frank H. Strickler

Assoc. Dir.	_____
Dep. AD Adm.	_____
Dep. AD Inv.	_____
Asst. Dir.:	_____
Adm. Serv.	_____
Ext. Affairs	_____
Fin. & Pers.	_____
Gen. Inv.	_____
Ident.	_____
Intell.	_____
Legal	_____
Plan. & Insp.	_____
Rec. Mgt.	_____
S. & T. Serv.	_____
Spec. Inv.	_____
Training	_____
Telephone Rm.	_____
Director's Sec'y	_____

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JACK N. ANDERSON,
Plaintiff

v.

Civil Action No. 76-1794

RICHARD M. NIXON, et al.,
Defendants.

ANSWER

Comes now Defendant, JOHN D. EHRLICHMAN, pro se and in Answer to the Complaint states as follows:

1. Denies Paragraph 2 (Defendant reserves the right to file Motions challenging jurisdiction over the subject matter and Defendant).
2. Admits Paragraph 3 to the extent that Plaintiff is a syndicated newspaper columnist. Defendant has no personal knowledge of the remaining allegations in this Paragraph.
3. Admits Paragraph 4(f), as to all but the dates of service which are denied.
4. Denies Paragraphs 4(a)-4(e) and 4(g)-4(x).
5. Denies Paragraph 5.
6. Denies Paragraph 6.
7. Defendant has no personal knowledge to admit or the allegations contained in Paragraph 7.

62-117353-

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8. Defendant has no personal knowledge to admit or deny the allegations contained in Paragraph 8.

9. Denies Paragraph 9.

10. Denies Paragraph 10.

11. Denies Paragraph 11.

12. Denies Paragraph 12.

13. Defendant has no personal knowledge to admit or deny Paragraph 13.

14. Denies Paragraph 14.

15. Defendant has no personal knowledge to admit or deny Paragraph 15.

16. Defendant has no personal knowledge to admit or deny Paragraph 16.

17. Defendant has no personal knowledge to admit or deny Paragraph 17.

18. Defendant has no personal knowledge to admit or deny Paragraph 18.

19. Defendant has no personal knowledge to admit or deny Paragraph 19.

20. Defendant has no personal knowledge to admit or deny Paragraph 20.

21. Defendant has no personal knowledge to admit or deny Paragraph 21.

22. Defendant denies Paragraph 22.

John D. Ehrlichman
JOHN D. EHRLICHMAN, pro se
P. O. Box H7994
Safford, Arizona 85546

By: Lawrence H. Schwartz
Lawrence H. Schwartz, Esquire
Stiller, Adler & Schwartz, P.C.
Suite 720, 1825 K Street, N.W.
Washington, D.C. 20006

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Answer was mailed, first class, postage prepaid, this 17th day of January, 1977, to:

William A. Dobrovir, Esquire
2005 L Street, N.W.
Washington, D.C. 20036

Hon. Richard M. Nixon
Presidential Compound
San Clemente, California 92672

Hon. Henry A. Kissinger
Secretary of State
Department of State
Washington, D.C. 20520

Hon. Richard M. Helms
United States Ambassador to Iran
Department of State
Washington, D.C. 20520

Hon. John N. Mitchell, Esquire
415 East 52nd Street
New York, New York 10022

Mr. H. R. Haldeman
443 North McCadden Place
Los Angeles, California 90004

Charles W. Colson, Esquire
1350 Ballantrae Lane
McLean, Virginia 22101

Richard G. Kleindienst, Esquire
8464 Portland Place
McLean, Virginia 22101

L. Patrick Gray, Esquire
Findlay Way
Stonington, Connecticut 06378

John W. Dean, III, Esquire
c/o The Rolling Stone
1030 15th Street, N.W.
Washington, D.C. 20005

Robert C. Mardian, Esquire
2323 North Central Avenue
Phoenix, Arizona 85004

Mr. Jeb Stuart Magruder
c/o Atheneum Press
122 East 42nd Street
New York, New York 10017

Egil Krogh, Jr., Esquire
c/o Swensen's Ice Cream Factory
333 Pine Street, Suite 300
San Francisco, California 94104

David R. Young, Jr., Esquire
Queens College
Oxford University
Oxford, England

Mr. John J. Caulfield
5205 Concordia Street
Fairfax, Virginia 22030

Mr. Anthony T. Ulasewicz
Star Route
Hadley, New York 12835

Mr. E. Howard Hunt
Federal Prison Camp
Elgin Air Force Base, Florida 32542

Mr. James W. McCord, Jr.
414 Hungerford Drive
Rockville, Maryland 20850

Edward H. Levi, Esquire
Attorney General of the United States
Department of Justice
Washington, D.C. 20530

Clarence M. Kelley, Esquire
Director, Federal Bureau of Investigation
J. Edgar Hoover Building
Washington, D.C. 20530

George Bush, Esquire
Director, Central Intelligence Agency
McLean, Virginia 22101

Donald G. Alexander, Esquire
Commissioner of Internal Revenue
Internal Revenue Service
1111 Constitution Avenue, N.W.
Washington, D.C. 20224

Lawrence H. Schwartz
Lawrence H. Schwartz, Esquire

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JACK N. ANDERSON
Plaintiff

v.

Civil Action No. 76-1794

RICHARD M. NIXON, et al.
Defendants

MOTION TO AMEND ANSWER

Comes now Defendant, JOHN D. EHRLICHMAN, pro se and respectfully moves this Court pursuant to Rule 15(a) of the Federal Rules of Civil Procedure to amend the Answer timely filed in this matter January 17, 1977.

Counsel for Plaintiff, JACK N. ANDERSON, William Dobrovir has no objection to the amendment to the Answer and has so indicated his consent by signing at the end of this Motion.

WHEREFORE, Defendant respectfully requests Amendment of his Answer. The Amended Answer is attached hereto.

Respectfully submitted,

62-117353 -
John D. Ehrlichman
John D. Ehrlichman, pro se (LHS)
P. O. Box H7994
Safford, Arizona 85546
NOT RECORDED
23 MAY 5, 1977

By: Lawrence H. Schwartz
Lawrence H. Schwartz

Consented to:



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54 MAY 12 1977

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Handwritten signature/initials

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JACK N. ANDERSON

Plaintiff

v.

Civil Action No. 76-1794

RICHARD M. NIXON, et al.

Defendants

POINTS AND AUTHORITIES
IN SUPPORT OF MOTION TO AMEND ANSWER

1. Rule 15(a) Federal Rules of Civil Procedure.

John D. Ehrlichman
John D. Ehrlichman, pro se

By: Lawrence H. Schwartz
Lawrence H. Schwartz

ENCLOSURE

62-117353-

Greenberg/Gray-4190

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JACK N. ANDERSON

Plaintiff

v.

Civil Action No. 76-1794

RICHARD M. NIXON, et al.

Defendants

ORDER

Upon consideration of Defendant, JOHN D. EHRLICHMAN's, Motion to Amend Answer filed, and the agreement of Plaintiff's counsel being duly noted, it is hereby

ORDERED, that Defendant, JOHN D. EHRLICHMAN, be permitted to amend his Answer heretofore filed and the First Amended Answer be filed with the Court.

JUDGE

ENCLOSURE

62-117353-

Greenberg/Gray-4191

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JACK N. ANDERSON

Plaintiff

v.

Civil Action No. 76-1794

RICHARD M. NIXON, et al.

Defendants

FIRST AMENDED ANSWER

Comes now Defendant, JOHN D. EHRLICHMAN, pro se and for his First Amended Answer to the Complaint states as follows:

FIRST DEFENSE

1. Denies Paragraph 2 (Defendant reserves the right to file Motions challenging jurisdiction over the subject matter and Defendant).

2. Admits Paragraph 3 to the extent that Plaintiff is a syndicated newspaper columnist. Defendant has no personal knowledge of the remaining allegations in this Paragraph.

3. Admits Paragraph 4(f), as to all but the dates of service which are denied.

4. Denies Paragraphs 4(a)-4(e) and 4(g)-4(x).

5. Denies Paragraph 5.

6. Denies Paragraph 6.

7. Defendant has no personal knowledge to admit or deny the allegations contained in Paragraph 7.

ENCLOSURE

62-117353-

Greenberg/Gray-4192

8. Defendant has no personal knowledge to admit or deny the allegations contained in Paragraph 8.

9. Denies Paragraph 9.

10. Denies Paragraph 10.

11. Denies Paragraph 11.

12. Denies Paragraph 12.

13. Defendant has no personal knowledge to admit or deny Paragraph 13.

14. Denies Paragraph 14.

15. Defendant has no personal knowledge to admit or deny Paragraph 15.

16. Defendant has no personal knowledge to admit or deny Paragraph 16.

17. Defendant has no personal knowledge to admit or deny Paragraph 17.

18. Defendant has no personal knowledge to admit or deny Paragraph 18.

19. Defendant has no personal knowledge to admit or deny Paragraph 19.

20. Defendant has no personal knowledge to admit or deny Paragraph 20.

21. Defendant has no personal knowledge to admit or deny Paragraph 21.

22. Defendant denies Paragraph 22.

SECOND DEFENSE

23. Court lacks jurisdiction over Defendant, JOHN D. EHRLICHMAN.

THIRD DEFENSE

24. The Complaint fails to state a claim upon which relief may be granted.

FOURTH DEFENSE

25. This action is barred by the Statute of Limitations.

FIFTH DEFENSE

26. Claims set forth in the Complaint are barred by laches.

SIXTH DEFENSE

27. Defendant, JOHN D. EHRLICHMAN, denies entering into the conspiracy alleged in the Complaint.

SEVENTH DEFENSE

28. During the period of employment until its termination on April 30, 1973, all actions taken by the Defendant were taken in his capacity as an Assistant to the President and as such they were privileged and he is immune from suit because his actions were taken pursuant to his official duties.

John D. Ehrlichman
JOHN D. EHRLICHMAN, pro se (LH)
P. O. Box H7994
Safford, Arizona 85546

BY: Lawrence H. Schwartz
Lawrence H. Schwartz, Esquire
Suite 720, 1825 K Street, N.W.
Washington, D.C. 20006

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Motion To Amend Answer, Points & Authorities in Support thereof, Proposed Order, and First Amended Answer, were mailed, first class, prepaid, on this 21st day of January, 1977, to:

William A. Dobrovir, Esq.
2005 L Street, N.W.
Washington, D.C. 20036

Hon. Richard M. Nixon
Presidential Compound
San Clemente, Calif. 92672

Hon. Henry A. Kissinger
Secretary of State
Department of State
Washington, D.C. 20520

Hon. Richard M. Helms
United States Ambassador to Iran
Department of State
Washington, D.C. 20520

Hon. John N. Mitchell
415 East 52nd Street
New York, New York 10022

Mr. H. R. Haldeman
443 North McCadden Place
Los Angeles, Calif. 90004

Charles W. Colson, Esq.
1350 Ballantrae Lane
McLean, Virginia 22101

Richard G. Kleindienst, Esq.
8464 Portland Place
McLean, Virginia 22101

John W. Dean, III, Esq.
c/o The Rolling Stone
1030 15th Street, N.W.
Washington, D.C. 20005

Robert C. Mardian, Esq.
2323 North Central Avenue
Phoenix, Az. 85004

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Stonington, Conn. 06378

Mr. Jeb Stuart Magruder
c/o Atheneum Press
122 East 42nd Street
New York, New York 10017

Egil Krogh, Jr., Esq.
c/o Swensen's Ice Cream Factory
333 Pine Street, Suite 300
San Francisco, Calif. 94104

David R. Young, Jr., Esq.
Queens College
Oxford University
Oxford, England

Mr. John J. Caulfield
5205 Concordia Street
Fairfax, Virginia 22030

Mr. Anthony T. Ulasewicz
Star Route
Hadley, New York 12835

Mr. E. Howard Hunt
Federal Prison Camp
Elgin Air Force Base, Fla. 32542

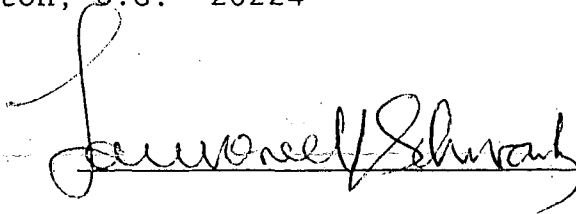
Mr. James W. McCord, Jr.
414 Hungerford Drive
Rockville, Maryland 20850

Edward H. Levi, Esq.
Attorney General of the United States
Department of Justice
Washington, D.C. 20530

Clarence M. Kelley, Esq.
Director, Federal Bureau of Investigation
J. Edgar Hoover Bldg.
Washington, D.C. 20530

George Bush, Esquire
Director, Central Intelligence Agency
McLean, Virginia 22101

Donald G. Alexander, Esq.
Commissioner of Internal Revenue
Internal Revenue Service
1111 Constitution Avenue, N.W.
Washington, D.C. 20224



FBI

TRANSMIT VIA:

- Teletype
- Facsimile
- Airtel

EVIDENCE:

- Immediate
- Priority
- Routine

CLASSIFICATION:

- TOP SECRET
- SECRET
- CONFIDENTIAL
- E F T O
- CLEAR

Date 5/16/77

TO: DIRECTOR, FBI
(ATTN: LEGAL COUNSEL DIVISION)

FROM: SAC, BALTIMORE (62-2713) - RUC -

SUBJECT: JACK N. ANDERSON
V.
RICHARD M. NIXON, et al.
(U.S.D.C., D.C.)
CIVIL ACTION NO. 76-1794
BUDED 5/20/77

62-117353

RE: Bureau airtel to Alexandria, dated 5/11/77.

Enclosed for the Bureau are two copies each of Phoenix letter to Alexandria, dated 6/6/73, in the case entitled "[redacted] aka; ET AL; ARL - CONSPIRACY" and Baltimore letter to Phoenix, dated 9/24/73, bearing the same title.

b6
b7C

Information contained in the enclosures may have been reported to the Bureau by Phoenix.

Remaining references to plaintiff in files of the Baltimore Office are as follows:

b6
b7C

BALTIMORE FILE

100-0-22293

CONTENT

ST-118

REC-1
Baltimore airtel to the Bureau and enclosures, 10/12/72, entitled "[redacted]; JACK ANDERSON; INFORMATION CONCERNING."

b6
b7C

23 MAY 17 1977

80-731-15 through 18

Baltimore teletype to the Bureau, 11/16/70, entitled "ALLEGED FBI ELECTRONIC SURVEILLANCE, GOVERNOR MANDEL'S OFFICE, JACK ANDERSON, WASHINGTON"

LEGAL COUNSEL

ENCLOSURE

- 2 - Bureau (Encl.-4)
- 1 - Baltimore

ASH:srd #320

Approved: [Signature]

6 JUN 23 1977
cc with dc end

ENCLOSURE ATTACHED Transmitted

(Greenberg/Gray-4197

b6
b7C

Per

BA 62-2713

MERRY-GO-ROUND."
Baltimore teletype to the
Bureau, 11/17/70, same
title, and Baltimore airtel
to the Bureau, 11/23/70,
same title.

52-9407

Baltimore airtel to the
Bureau, 4/18/73, entitled

ET AL, TGP" (Bufile 52-
96291).

b6
b7C

Remaining references determined not to be identical to
plaintiff.

The following time spent in completing this project:

GRADE

HOURS

GS-13

2

GS-3

1/2

GS-4

1/2

GS-5

1/2

62-117353-34

ENCLOSURE

UNITED STATES GOVERNMENT

Memorandum

b6
b7C

TO : SAC, ALEXANDRIA

DATE: 6/6/73

FROM : SAC, PHOENIX (176-59) (P)

SUBJECT:

[Redacted]

aka,

HERBERT GEORGE POWLESS, aka;

[Redacted]

ARL - CONSPIRACY

OO: Phoenix

[Redacted]

Herbert George Powless
157-2824-977
Herbert G Powless
Herbert Powless
see slip

Rerep of SA JOHN E. HUNT, 4/30/73, at PX, captioned as above, and rep of SA [Redacted] at MI, 5/4/73, entitled "HERBERT GEORGE POWLESS".

b6
b7C

For the information of receiving offices not in receipt of referenced communications, on 4/24/73, HERBERT GEORGE POWLESS, male Indian, born 2/22/37, was arrested at Phoenix for violation of Conspiracy - Anti-Riot Law. Subsequent Federal Grand Jury indictments were returned on POWLESS and other subjects named in referenced Phoenix report. POWLESS participated in the Trail of Broken Treaties caravan and takeover of the Bureau of Indian Affairs (BIA) Building in Washington, D.C., in November, 1972, and was one of the top Indian leaders at Wounded Knee, South Dakota, during recent demonstrations at this location.

- 2 - Alexandria
- 2 - Albuquerque (176-81)
- 2 - Baltimore
- 2 - Charlotte
- 2 - Chicago
- 2 - Cleveland
- 2 - Dallas
- 2 - Denver
- 2 - Kansas City
- 2 - Los Angeles
- 2 - Milwaukee
- 2 - Minneapolis (176-150)
- 2 - Newark
- 2 - Oklahoma City
- 2 - Philadelphia
- 2 - Sacramento
- 2 - Phoenix

- 2 - Salt Lake City
- 2 - WFO

176-132-1

PA 3
de
ref

SEARCHED <i>[initials]</i>	INDEXED <i>[initials]</i>
SERIALIZED <i>[initials]</i>	FILED <i>[initials]</i>
JUN 9 1973	
FBI - BALTIMORE	

[Handwritten signature]
Greenberg

JEH:ime
(38)



PX 176-59

JEH:lme

An address book was seized from POWLESS incident to his arrest at Phoenix on 4/24/73.

The following is a list of the names and telephone numbers obtained from this book, for information and appropriate investigation as might be indicated.

PX 176-59

JEH:lmc

1

ALEXANDRIA

1) [Redacted]
Arlington, Virginia

2) [Redacted]
Alexandria, Virginia

3) [Redacted]
Alexandria, Virginia

4) [Redacted]

[Redacted]

b6
b7C

ALBUQUERQUE

1) [Redacted]
[Redacted]

Office: [Redacted]
University of New Mexico

2) [Redacted]
Albuquerque, New Mexico

3) [Redacted]

4) [Redacted]
Albuquerque

[Redacted]

[Redacted]

b6
b7C

BALTIMORE

1) JACK ANDERSON

~~(301) 365-8242, 365-7682~~

2) [Redacted]
3) [Redacted]
Gaithersburg

[Redacted]

b6
b7C

[Redacted]

PX 176-59
JEH:lme
2

CHARLOTTE

- 1)
Stanford, North Carolina

b6
b7C

CHICAGO

- 1) American Indian Center (312) 275-5871
Chicago, Illinois

- 2)
Chicago, Illinois

- 3)
Chicago

- 4)

- 5)
Chicago

- 6)
Chicago

- 7)
Chicago

- 8)
Chicago

- 9)
Chicago

b6
b7C

PX 176-59

JEH:lme

3.

10)

[Redacted]

b6
b7C

Chicago

CLEVELAND

- 1) AIM
Cleveland, Ohio

(216) 621-0682

DALLAS

1)

[Redacted]

Dallas

[Redacted]

b6
b7C

DENVER

- 1) AIM
Denver, Colorado

(303) 222-1581

2)

[Redacted]

Arvada, Colorado

3)

[Redacted]

Ignacio, Colorado

4)

[Redacted]

5)

[Redacted]

Boulder, Colorado

[Redacted]

b6
b7C

KANSAS CITY

1)

[Redacted]

Kansas City, Missouri

[Redacted]

b6
b7C

PX 176-59

JEH:lme

4

2) [redacted]
Topeka, Kansas

3) [redacted]

4) [redacted]
Topeka, Kansas



b6
b7C

LOS ANGELES

1) [redacted]
Los Angeles

2) [redacted]

3) [redacted]



b6
b7C

MILWAUKEE

1) AIM
Green Bay, Wisconsin

432-0070

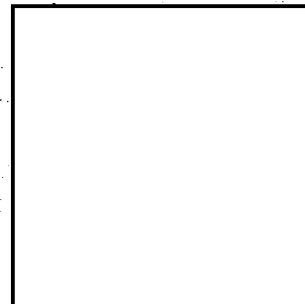
2) [redacted] (BIA)

3) [redacted]

4) [redacted]

5) [redacted]

6) [redacted]



b6
b7C

(home)

Office: [redacted]

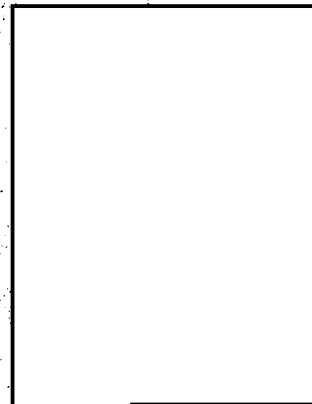
Home: [redacted]

PX 176-59

JEH:lme

5.

7)



8)

9)

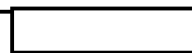
10)

11)

12)



Home:



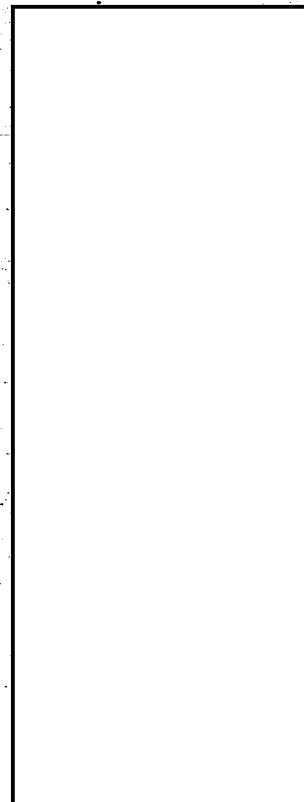
Superior, Wisconsin

13)



14)

Great Lakes Intertribal
Council



15)



16)

R.R.I. Indian Heights

17)



State of Wisconsin

18)



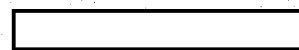
Green Bay

19)



Superior, Wisconsin

20)



Courderaz, Wisconsin

b6
b7c

PX 176-59

JEH:lme

6

21)



22)

S.B.A.

23)



24)

25)

Appleton

26)



Gold Coast Motel
Antigo, Wisconsin

27)



Milwaukee, Wisconsin

28)



29)

30)

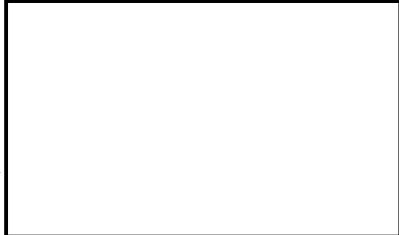
(car wash)

31)



Stone Lake, Wisconsin

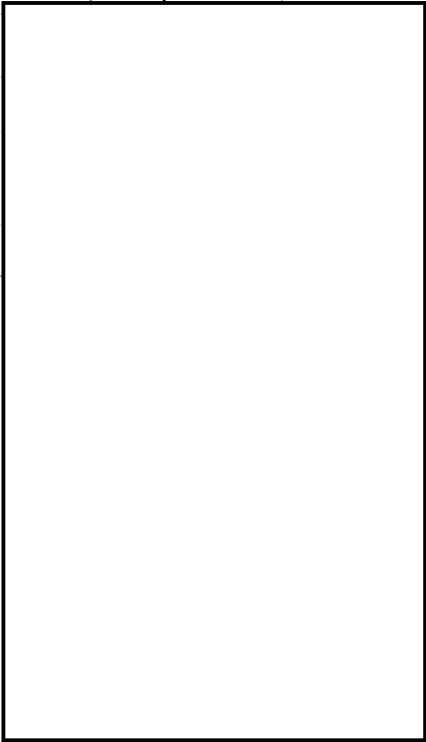
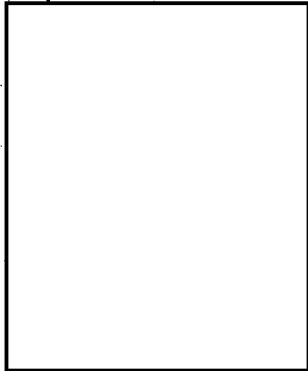
32)



33)

34)

Green Bay









b6
b7C





PX 176-59
JEH:lme
7

MINNEAPOLIS

- 1) AIM
Minneapolis, Minnesota (612) 333-7193
- 2) AIM
St. Paul (612) 224-4395
224-0341
- 3) American Indian Fellowship
Association
302 West 2nd Street
Duluth, Minnesota

- 4)  
- 5) 
- 6) 
- 7)  (center)  (?)
St. Paul

- 8)  
- 9)  Home: 
Rapid City, South Dakota Office: 

- 10) Wounded Knee 
- 11) 
- 12)  Home: 

b6
b7C

PX 176-59

JEH:lme

8

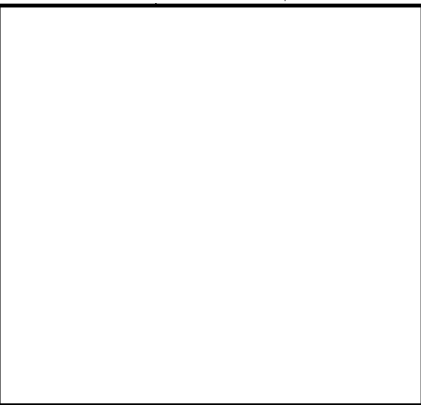
13)

14)

15)

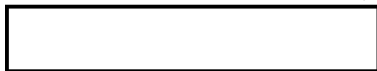
16)

17)



Duluth

18)



Duluth

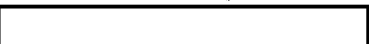
19)



20)

Indian Health

21)

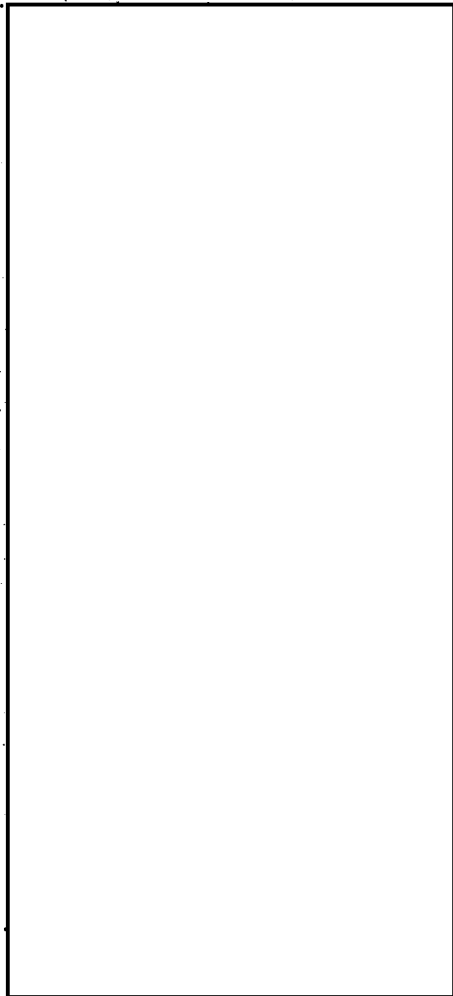


Flandreau Indian School
Flandreau, South Dakota

22)



Cass Lake, Minnesota



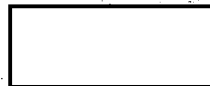
b6
b7C

NEWARK

1)



East Brunswick



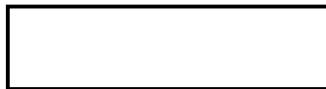
b6
b7C

OKLAHOMA CITY

1)



sheet name not
readable)



b6
b7C

PX 176-59

JEH:lme

9

2)

[Redacted]

Watonga, Oklahoma

3)

[Redacted]

Stillwater, Oklahoma

4)

[Redacted]

Oklahoma City

[Redacted]

b6
b7C

PHILADELPHIA

1)

[Redacted]

Philadelphia, Pennsylvania

[Redacted]

b6
b7C

2)

[Redacted]

PHOENIX

1)

[Redacted]

b6
b7C

SACRAMENTO

1)

[Redacted]

Davis, California

2)

[Redacted]

Sacramento

3)

[Redacted]

Davis, California

4)

[Redacted]

Davis, California

[Redacted]

b6
b7C

PX 176-59
JEH:lme
10

SALT LAKE CITY

- 1) [redacted]
Salt Lake City
- 2) [redacted]
Salt Lake City



b6
b7C

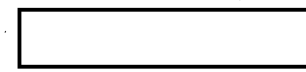
WFO

- 1) [redacted]
Washington, D.C. (NCIA)
- 2) [redacted]
- 3) Sen. MC GOVERN
- 4) [redacted]
Washington, D.C.
- 5) [redacted]
Washington, D.C.
- 6) [redacted]
- 7) [redacted]
- 8) [redacted]
E.D.A.
- 9) [redacted]
Antioch School of Law



Home: [redacted]
Private line: [redacted]

(202) 225-2321



Office: [redacted]
Home: [redacted]

b6
b7C



PX 176-59

JEH:lme

11

10)

[Redacted]

Washington, D.C.

11)

[Redacted]

N.W., Washington, D.C.

12)

[Redacted]

13)

14)

N.W., Washington, D.C.

15)

[Redacted]

O.E.O.

16)

[Redacted]

(Washington Post)

17)

[Redacted]

18)

Sen. NELSON

19)

[Redacted]

Department of Interior

20)

[Redacted]

H.U.D.

21)

[Redacted]

BIA

22)

[Redacted]

23)

Sen. PROXMIRE

[Large Redacted Area]

[Redacted]

-0

[Redacted]

-H

[Redacted]

(202) 225-5323

[Redacted]

[Redacted]

Home:

[Redacted]

[Redacted]

(202) 225-5653

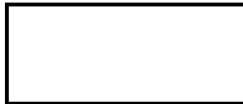
b6
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PX 176-59

JEH:lme

12

24)



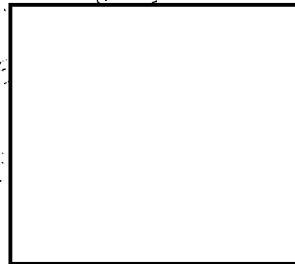
25)

H. E. W.

26)



BIA



b6
b7c

SAC, PHOENIX (176-59)

9/24/73

SAC, BALTIMORE (176-132) (P)

[Redacted]

aka;

b6
b7C

Et Al.
ARL-CONSPIRACY
OO: Phoenix

Re Phoenix letter to Alexandria dated 6/6/73;
Milwaukee airtel to Alexandria dated 6/19/73, titled
"HERBERT GEORGE POWLESS (KE):" and Albuquerque letter to
Phoenix dated 8/3/73.

On 8/15/73, a source in a position to know,
advised that telephone numbers 301-365-8242 and
301-365-7632 are listed to JACK ANDERSON, 7300 Burdette
Court, Bethesda, Maryland.

Records of the Baltimore Office reflect that
the above individual is identical with JACK NORTHMAN
ANDERSON, the celebrated syndicated newspaper columnist.

For the information of Phoenix, there has been
some difficulty encountered in identifying subscribers to
telephone numbers [Redacted] and [Redacted]. It is
anticipated that this matter will be resolved in the near
future.

b6
b7C

176-132-6

SEARCHED.....
INDEXED.....
SERIALIZED.....
FILED.....

- 2 - Phoenix (REGISTERED MAIL)
- 1 - Milwaukee (REGISTERED MAIL) (157-2034) (Info)
- ② - Baltimore

CJJ:rrd
(5)

csd
red

NONSYMBOL NUMBER SOURCE PAGE ATTACHED

BA 176-132

NONSYMBOL NUMBER SOURCE PAGE

Source mentioned in body of letter is Mr.

[REDACTED]

[REDACTED] Baltimore,

Maryland, who furnished the information to SC [REDACTED]
[REDACTED]

b6
b7C
b7D

TO BE RETAINED AT HEADQUARTERS CITY

1 - Bureau (107-10000 MAIL)
1 - Baltimore (107-10000 MAIL) (107-10000)
1 - [REDACTED]

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1356764-1

Total Deleted Page(s) = 5
Page 74 ~ Referral/Direct;
Page 75 ~ Referral/Direct;
Page 76 ~ Referral/Direct;
Page 77 ~ Referral/Direct;
Page 78 ~ Referral/Direct;

XXXXXXXXXXXXXXXXXXXXXXXXXXXXX
X Deleted Page(s) X
X No Duplication Fee X
X For this Page X
XXXXXXXXXXXXXXXXXXXXXXXXXXXXX

FEDERAL GOVERNMENT

memorandum

DATE:

Barbara Allen Babcock
Assistant Attorney General
Civil Division

BAB:RJFranzinger:gma
145-1-548

REPLY TO
ATTN OF:

Jack N. Anderson v. Richard M.
Nixon, et al., USDC D.C., C.A.
#76-1794

Telephone:
739-3385

JUN 24 1977

to Mr. Clarence M. Kelley, Director
Federal Bureau of Investigation

Enclosed please find copies of the following documents
filed in the above-captioned action on May 27, 1977:

1. Affidavit of Robert W. Gambino,;
2. Defendant Clarence M. Kelley's Response to
Plaintiff's Document Request Specified in the
Court's Order of April 27, 1977;
3. Answers and Objections of Defendant Clarence
M. Kelley to First Interrogatories to Defendant
Specified in the Court's Order of April 27, 1977;
4. Supplemental Response of the Defendant Attorney
General to Plaintiff's First Interrogatories and
First Request for Production of Documents.

I will continue to keep you advised of pertinent
developments in this case.

Attachments.

9- **ENCLOSURE**

ST-126

REC-26



62-117353-35

7370

b6
b7C

JUN 30 1977

RECEIVED

Greenberg/Gray-4216



145
JUL 13 1977

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JACK N. ANDERSON,)

Plaintiff,)

v.)

Civil Action No. 76-1794

RICHARD M. NIXON, et al.,)

Defendants.)

AFFIDAVIT

1. I am Director of Security of the Central Intelligence Agency (CIA). I have held that position since August 1, 1975. I previously have held executive positions in the Office of Security since June 1972. The statements made herein are based upon my knowledge, upon information made available to me in my official capacity and upon conclusions reached in accordance therewith.

2. Following receipt of plaintiff's first Interrogatories to defendant and first Request for Production of Documents to Defendant, George Bush, Director of Central Intelligence and Head of the Central Intelligence Agency, I caused a search to be made for all records which would in any way be responsive to plaintiff's request. The records located as a result of this search were subjected to careful analysis by experienced officers of CIA familiar with the subject matter and who reported their findings to me. I responded to plaintiff's Interrogatories and Request for Production of Documents on the basis of this search and analysis .

3. The results of the search revealed that all documents relating to the plaintiff had been reviewed as a result of plaintiff's earlier Freedom of Information Act request, with the exception of one document discussed in paragraph 9, infra. All such documents were re-reviewed

ENCLOSURE 62-117353-35

Greenberg/Gray-4218

in the context of the Complaint filed in this action and plaintiff's Interrogatories and Request for Production of Documents. This review resulted in the release of additional information contained in the twelve documents released pursuant to the request for production of documents. (This additional information, which had been properly withheld under appropriate exemptions of the Freedom of Information Act, was released to plaintiff in recognition of the greater need for such information in the context of this litigation.)

4. Information withheld consists only of the following: a) names of CIA employees; b) identities of private persons, other than plaintiff and associates, to protect the privacy of such individuals; c) information properly and currently classified pursuant to Executive Order 11652; and d) information which would disclose intelligence sources and methods.

5. Names of CIA employees have been deleted in the interest of the security of the foreign intelligence activities of the United States and as a further measure to protect intelligence sources and methods. Specifically, names of CIA employees who participated in Project Mudhen are withheld in order to protect the anonymous status of employees who have served under cover or in sensitive positions, are doing so now or who may do so in the future. Also, the public acknowledgment of these individuals' affiliation with CIA would impair their usefulness to the Agency. Even if an individual is not presently assigned a position in which his or her affiliation with the CIA needs to be concealed from disclosure, the possibility remains that, during such person's career with the Agency, he may be assigned to a position where his employment by the CIA cannot be revealed. Accordingly, in order to retain the flexibility to utilize Agency personnel to the maximum extent permissible, the Agency consistently declines to disclose the identity and affiliation of those employees who do not come into public view in the course of their duties. I would emphasize that, in response

to Interrogatory 2.2, I did provide the names of two officials whose identities, because of their positions and functions, are matters of public knowledge. The former Director of Central Intelligence, Mr. Richard Helms, and the former Director of Security, Mr. Howard Osborn, by virtue of their former positions, are the most knowledgeable officials concerning all activities of the CIA and the Office of Security at the time Project Mudhen was conducted. [Contrary to plaintiff's statement in his Motion to Compel Answers to Interrogatories (p. 4), Mr. Osborn is not a current employee of CIA, and therefore his personal recollections of the events surrounding Project Mudhen, as well as those of Mr. Helms, are not available to me.]

6. All documents or portions thereof which have been withheld because the information contained therein is currently and properly classified pursuant to Executive Order 11652 and/or pertain to intelligence sources and methods are of two types: a) analysis of plaintiff's published writings which plaintiff claims contain classified information, and b) information relating to intelligence sources and methods.

7. None of the information described in paragraph 6 above in any way refers to electronic surveillance, wiretapping or bugging of plaintiff, physical attack, attempts to discredit plaintiff, mail opening, surreptitious entry into premises owned or occupied by plaintiff, or taking or photographing of plaintiff's documents. As indicated in my responses to plaintiff's Interrogatories, the only activity of CIA directed against plaintiff, Project Mudhen, included only physical and photographic surveillance of plaintiff, and incidentally his associates and family, and all documents relating to this activity have been released except for deletions described in paragraphs 4-6 above.

8. Exhibit XI, attached to CIA's response to plaintiff's document production request, and discussed at footnote 9, page 11 of Plaintiff's Motion to Compel Answers to Interrogatories, recites a story told to an Agency confidential informant by a source of that informant. I have caused an inquiry to be made within the Office of Security concerning the circumstances surrounding the acquisition of the information contained in this document. This inquiry has included a thorough review of all documents relating to plaintiff, as well as interviews of current employees of this Office. The results of this inquiry are that the identity of the confidential informant and the source of this confidential informant cannot be determined. I am personally satisfied, however, that the source of this information did not engage in any activities such as those described in paragraphs 16 and 20 of the Complaint (supplying inaccurate information to plaintiff) at the request of CIA personnel.

9. Following my response to plaintiff's Interrogatories and Request for Production of Documents, a document (referred to in paragraph 3 above and attached herewith) was brought to the attention of CIA by the FBI, which because of its incidental reference to plaintiff, was not indexed to or maintained in any CIA file relating to plaintiff. In 1975, the CIA, with the assistance of the FBI, made extensive efforts to determine the circumstances surrounding the execution of this purported affidavit of one Virginio Gonzales, as well as to determine the identity of Mr. Gonzales. All such efforts failed and Virginio Gonzales was never identified. It is clear, however, that no individual by the name of Virginio Gonzales was ever employed by CIA to conduct activities such as those described in the alleged affidavit. Specifically, no such individual ever photographed plaintiff for CIA.

10. With reference to the Order of the Court dated April 27, 1977, responses to plaintiff's Interrogatories 1.3, 1.5, 1.9, 1.10, 1.8, 1.11, 1.12, and

Greenberg/Gray-4221

1.6 are complete and accurate to the best of my knowledge and belief. In response to Interrogatory 2.2, I have named Messrs. Helms and Osborn for the reasons stated in paragraph 5 above.

Robert W. Gambino

Robert W. Gambino

COMMONWEALTH OF VIRGINIA)

) ss.

COUNTY OF FAIRFAX)

Subscribed and sworn to before me this 2th day of May 1977.

Sheila J. Hoyle

Notary Public

My commission expires: 3 November 1979

AFFIDAVIT OF VIRGINIO GONZALES, MEXICO

CITY MEXICO. VIRGINIO GONZALES, BEING FIRST DULY SWORN, DEPOSES AND SAYS: I AM A NATURALIZED AMERICAN BEING BORN IN CUBA, I AM ALSO KNOWN AS FRANK OR GERRY, I WAS RECRUITED INTO THE CENTRAL INTELLIGENCE AGENCY IN 1959 AND RESIGNED IN DECEMBER 1974, DURING THIS TIME I SERVED AS AN AGENT IN THE FIELD IN VARIOUS PARTS OF SOUTH AMERICA BEFORE JOINING THE DOMESTIC OPERATIONS DIVISION OF THE IBH. I AM MAKING THIS STATEMENT OF MY OWN FREE WILL AND FULLY UNDERSTANDING THE PERSONAL RISK INVOLVED.

I LOVE THE UNITED STATES AND AM GRATEFUL FOR ALL THAT IT HAS DONE FOR ME. IT IS NOT MY INTENTION TO PLACE THE SECURITY

OF THE COUNTRY AT RISK AND TO INVOLVE ANY OF MY COLLEAGUES
IN THIS STATEMENT. MY INTENTION IS SIMPLY TO SHOW THAT THE
AGENCY IS A TOOL OF THE PRESIDENT AND THOSE CLOSE TO HIM IN
POWER AND IS USED IN A WRONGFUL WAY TO HARASS PEOPLE FOR
PERSONAL POLITICAL PURPOSES.

I AM ALSO AWARE OF THE DREADFUL FUTURE AWAITING THE
COUNTRY WITH THE BID FOR ULTIMATE POWER NOW BEING MADE BY THE ROCK-
EFELLERS, WITH THEIR POLICIES BEARED TO FEAR OF SO CALLED OUTSIDE
FORCES. A RED IN EVERY BED.

ATTICA HAS AN EXAMPLE OF THE ROCKEFELLER BELIEF THAT FORCE
MUST BE USED TO THE FULL AT ALL TIMES TO KEEP THE ESTABLISHMENT
ON TOP. CARL VALENE KNOWS BETTER.

THE ADMINISTRATION IS AND HAS ALWAYS BEEN AWARE THAT THE
BALANCE OF TERROR IS ON AMERICAS SIDE, NOT RUSSIAS AND WE USE IT
ANYWHERE TO HELP THE WAR AND ARMS LOBBY, BUT CLOAKED AS IF
FIGHTING FOR FREEDOM.

OTHERS HAVE TRIED TO SHOW THE TRUTH BY WRITING BOOKS BUT
THIS I CANNOT DO AND THE TRUTH IS ALWAYS DENIED AND I WOULD BE
ACCUSED OF BEING RED.

THE HARASSMENT OF PEOPLE CAUSED SUFFERING AND IS A WASTE OF TIME AND TAX MONEY WHEN THERE ARE THINGS FOR WHICH THE AGENCY WAS FOUNDED WHICH ARE LEFT UNDONE.

IN THIS STATEMENT I TRY ONLY TO SHOW THAT AN INDIVIDUAL WAS HARASSED IN SURVEILLANCE WITHOUT REASON AND THE WAY IN WHICH I, AND OTHERS, BLINDLY FOLLOWED ORDERS FROM ALL SIDES.

DURING 1968/69 I HAD BEEN TOLD TO DROP ALL INVESTIGATIONS INTO SINCLAIR WEEKS AND HIS MOVEMENT OF MONIES ABROAD FOR POLITICAL FUNDING AND FIRST CAME INTO CONTACT WITH JOHN MEIER IN APRIL 1969 IN LAS VEGAS. AT ABOUT 15:00 ON APRIL 25 SEN EDWARD KENNEDY ARRIVED AT LAS VEGAS AND WAS TO GIVE A SPEECH THAT NIGHT, WITH OTHER AGENTS I ARRANGED WITH JACK ENTRATTER OF THE SANDS HOTEL TO FIX A GIRL FOR KENNEDY AND FOR PICTURES TO BE TAKEN FOR FUTURE USE. KENNEDY FELL FOR THE SITUATION BUT THE FULL USE OF THE OPERATION WAS RUINED WHEN MEIER HAD HEARD SOMETHING OF IT. I LEARNED LATER THAT HE HAD CONTACTED BILL HADDAD, LARRY O'BRIEN, JOSEPH NAPOLITIAN AND STEVE SMITH AND WARNED THEM OF A PROBLEM. THOUGH THE STORY APPEARED IN ONE PAPER MEIER ANNOYED THE COMPANY.

AT THE END OF 1971 I WAS ORDERD TO AN ASSIGNMENT THAT INCLUDED MONITORING THE ACTIVITIES OF JOHN MEIER AND WAS SHOWN A FILE ON HIM.

ALONG WITH OTHER AGENTS.

FROM MEMORY THIS FILE SHOWED THAT MEIER CAME FROM NEW YORK, HIS EARLY BUSINESS LIFE AND NOW HE JOINED HUGHES AND EVALUATED THE UNDERGROUND TESTING IN NEVADA. HE WAS GIVING THE REC A HARD TIME ON BEHALF OF HUGHES.

MEIER WAS SHOWN AS A LEFTIST AND SURVEILLANCE HAD TAKEN PLACE SINCE 1968. HE HAD BEEN FOLLOWED DURING VISITS TO MAX PALEVONT WHERE HE MET WITH DANIEL ELLSBERG FOR WHOM HE WAS TRYING TO SET UP FUNDS FOR HIS DEFENCE AT TRIAL.

ON FILE WERE PHOTOGRAPHS TAKEN AT ORANGE COUNTY AIRPORT IN JULY 8 1969 SHOWING MEIER WITH DONALD NIXON AND OTHERS. THESE WERE TAKEN BY THE SECRET SERVICE AND HAD BEEN PASSED TO BOB REBZO AT THE PRESIDENT'S REQUEST. REBZO WAS TO CONTACT ROBERT MAHEU TO HAVE MEIER FIRED OR KEPT OUT OF THINGS.

DURING 1968 AND 69 MEIER MET WITH SEVERAL CIA AGENTS IN NEVADA. IT HAD BEEN THOUGHT BY THEM THAT MEIER WAS INFORMED REGARDING AGENCY COOPERATION WITH THE HUGHES ORGANIZATION AND MAHEU'S COMPANY. IT SEEMED THAT MEIER HAD STEPPED INTO THE ECUADORIAN SITUATION AS WELL AS OBTAINING A LIST OF POLITICIANS WHOM HE WANTED FUNDED THRU HUGHES. IT WAS BELIEVED THAT MEIER HAD LISTS OF COVER

4.

ORGANISATIONS AND BUSINESS OPERATIONS WHICH WERE INTENDED
FOR HUGHES' PERSONAL USE ONLY.

IT WAS ALSO THOUGHT THAT MEIER MAY ENTER THE POLITICAL RACE IN NEVADA AND RUN FOR SEN HOWARD CANNONS HOLD ON THE STATE, THIS UPSET HUGHES AS CANNON WAS HIS MAN ALL THE WAY,

MEIER WAS KNOWN TO HAVE CLOSE CONTACT WITH PRESIDENT BALA-
GUERIN OF THE DOMINICAN REPUBLIC AND THIS AREA WAS SENSITIVE TO
US AND THE PRESIDENT, THIS CAUSED A BACKING OFF IN OUR PLANS,

MEIER WAS LISTED AS BEING SEEN IN HAWAII WITH DONALD NIXON AND HIS WIFE AND MIKE O'CALLAGHAN OF NEVADA AND HIS WIFE IN LATE 1970.

MY OWN SURVEILLANCE OF MEIER, WITH ALTERNATE AGENTS, STARTED
IN JANUARY 1972, ON JAN 9 MEIER WENT TO THE BALBOA BAY CLUB AT
NEWPORT BEACH AND LUNCHEd WITH CONGRESSMAN DICK HANNAH AND TWO
OTHERS. THEY DISCUSSED KOREA, SINGAPORE AND THE FAR EAST,
THAT EVENING MEIER WENT TO ALBERQUERQUE, NM, WHERE HE HAD AN
APARTMENT AT LA BUENA APARTMENTS AND IT WAS OUR INTENTION TO
PLACE BUGGING AIDS. THIS BECAME URGENT WHEN MEIER ANNOUNCED HIS
RUN FOR THE SENATE SEAT IN NEW MEXICO ON JAN 11.

DURING JANUARY WE KNEW MEIER HAD MANY CALLS WITH DONALD NIXON AND DONALD NIXON JR. THE PRESIDENTS NEPHEW CALLED FROM NASSAU 28568 AND TALKED POLITICS. MEIER ALSO CONTACTED HUBERT HUMPHREY AND MET WITH JERRY LANDRETH, WHO WAS ON HUMPHREY'S STAFF. THIS WAS IN L.A. ON JANUARY 25.

WE WERE INFORMED THAT ARTHUR BLECH, MEIERS TAX CONSULTANT AND ALSO THE PRESIDENTS, WAS A LEFTIST AND SPEAKING TO FRIENDS AGAINST THE PRESIDENT. WE NOTED A NUMBER OF MEETINGS BETWEEN BLECH AND MEIR IN L.A. AT THIS TIME. THIS BECAME PART OF MY FIRST.

IN THE LAST WEEK OF JANUARY I WAS TOLD THAT MEIERS NAME HAD BEEN PASSED ON TO REPORTERS BY FRIENDS OF THE AGENCY. THIS WAS IN RELATION TO THE CLIFFORD IRVING BOOK, THIS I WAS TOLD WAS PART OF THE GENERAL BUILDUP TO SABOTAGE THE NEW MEXICO CAMPAIGN. IT WAS ARRANGED THAT MEIER BE SERVED WITH A SUBPOENA ON JANUARY 30 AT HIS NM APARTMENT. I WAITED

6.

OUTSIDE TO SEE THAT THE SERVICE WAS CARRIED OUT BY THE POSTAL
AUTHORITIES AND THEN WITH OTHERS, CONTACTED MY PAPERS TO MAKE SURE
THEY KNEW ABOUT THE SERVICE TO APPEAR IN NEW YORK.

I WAS WATCHING MEIER AT LA AIRPORT WHEN HE MET A WESTERN FLIGHT
ON FEBRUARY 1. HE MET SEN MIKE GRAVEL AND THEY WENT TO NBC WHERE
MEIER WAS INTERVIEWED BY ROY NEAL ABOUT THE IRVING CASE.
THIS WAS NO WORRY AS THE HUGHES SIDE WERE IN TOUCH WITH NEAL.

FEBRUARY 2 MEIER FLEW TO NEW YORK AND WE PHOTOGRAPHED HIM
SITTING WITH MARVIN KRATZER WHO HAD BEEN INVOLVED WITH BOSTON
CELTIC BASKET TEAM AND HAD A HOME IN LA COSTA CLUB.

THE IRVING CASE SHOWED THAT HE HAD THE WRONG MAN BUT IT
MEIER WAS KEPT FROM HIM AND HIS CAMPAIGN. STANLEY MEYER WAS INVOLVED
NOT MEIER. THIS DID NOT MATTER TO US AT THAT TIME.

RIGHT AFTER THE CASE MEIER WENT TO WASHINGTON DC TO HAVE DINNER
WITH JACK ANDERSON AND HIS ASSISTANTS. DURING THIS DINNER ANOTHER
AGENTS ENTERED MEIERS ROOM AT THE MARRIOTT HOTEL BUT FOUND
NOTHING AS MEIER HAD HIS PAPERS WITH HIM.

IN THE RESTAURANT WE PHOTOGRAPHED MEIER AND ANDERSON AND WERE
CONVINCED THAT INFORMATION AGAINST THE ADMINISTRATION WAS BEING
PASSED. THIS WAS CONFIRMED WHEN ANDERSON WROTE STORIES ON DONALD

NIXON LATER THAT MONTH.

ON FEBRUARY 18 MEIER WAS SEEN MEETING PAUL SCHRADE OF THE AUTO WORKERS UNION AT THEIR HQS IN LA. PRESENT WAS HARRY EVANS WHO WAS SCHRADES ASSISTANT AND BECAME CAMPAIGN MANAGER FOR MEIER. MEIER HAD ALSO MET WITH KNOWN LEFTISTS OF THE UNITED AUTO WORKERS, INCLUDING PANCHO MADRANO WHO HELPED MEIERS CAMPAIGN. ALSO ON THE 18 MEIER MET ROBERT KAHAN ON WILSHIRE. KAHAN WAS A KNOWN LEFTIST AND HAD COMMUNIST FRIENDS. HE WORDED WHERE MEIERS INFORMATION WOULD FINALLY LAND.

FEBRUARY 19 MEIER WAS SEEN AND PHOTOGRAPHED AT THE LA HILTON WITH HARRY EVANS AND EDWARD KENNEDY. ON THE SECOND FLOOR THERE WAS A MEETING OF THE U.A.W.'S COMMUNITY ACTION PROGRAMME. MANY MEXICANS WERE THERE INCLUDING THE BROTHER OF CESAR CHAVEZ.

MEIER WAS WITH A WOMAN HOST OF THIS TIME AND I ORDERED A CHECK. SHE WAS WANDA RUSSELL A PRIVATE DETECTIVE EMPLOYED BY MEIER AND SHE HAD TOLD THE NH POLICE OF OUR BUGS AND OF CERTAIN THREATS TO MEIER.

THESE THREATS DID NOT COME FROM US BUT I LEARNED THAT INTERTEL, THE HUGHES PEOPLE, WERE INVOLVED. THIS ANNOYED ME AND I MADE A COMPLAINT TO THE COMPANY.

8.

IN REPLY I WAS TOLD THAT THE MUGHES GROUP WERE PREPARING A
LAW SUIT ON MEIER FOR GETTING FEES OVER HIS SALARY. THIS WOULD
BE USED DURING THE CAMPAIGN, I WAS TOLD TO COOPERATE BY
INFORMING MEDIA FRIENDS. I WAS NOT HAPPY WITH THIS.

TWO OF US WERE WITH MEIER WHEN HE WENT TO NEW YORK ON APRIL
16. IT TURNED OUT HE WAS ATTENDING HIS MOTHERS FUNERAL. DURING
THIS TIME HE MADE CALLS FROM PAYPHONES. I FELT HE WAS AWARE OF US
WHEN HE RETURNED WITH HIM ON APRIL 19.

THE MUGHES PEOPLE, I WAS TOLD, WERE STILL WORRIED ABOUT THE
CAMPAIGN BUT I WAS THEN TOLD THAT THE IRS WOULD RELEASE A STORY
ON MEIER IN MAY. THIS THEY DID ON MAY 11 SAYING THEY WERE
INVESTIGATING HIS AFFAIRS IN NEVADA.

MAY 29 WE FOLLOWED MEIER AND HARRY EVANS TO LA WHERE THEY WENT
TO THE HUMPHREY CAMPAIGN HQ. AT 13:00 WE PHOTOGRAPHED MEIER WITH
ROBERT HUMPHREY AT THE HQS. SURVEILLANCE WAS RELAXED AFTER JUNE
6 WHEN MEIER LOST HIS CAMPAIGN.

BY JUNE 25 WE WERE AWARE THAT MEIER HAD BEEN LOST AND NOT UNTIL
THE 29 WAS I TOLD THAT HE WAS SOMEWHERE IN CANADA, HE HAD CALLED
PAUL SCHRADE ON (202) 554 7417 AND HAD BEEN HEARD DISCUSSING THE
PRESIDENTIAL CAMPAIGN, THEY ALSO TALKED OF A MAN CALLED STAH

9.

SHEINBAUM AND OF RICHARD NIXON AT LENGTH. THEY TALKED OF RICHARD NIXONS INVOLVEMENT IN THE BAHAMAS AND THE HUGHES, CIA TIES. INTERTEL AGREED TO HELP FIND MEIER AS THEY WERE ALREADY HEAVILY INVOLVED IN CANADA. THEY FOUND MEIER IN THE VANCOUVER AREA,

ON SEPT 5 WE FOUND THAT MEIER HAD TRAVELED TO NASSAU WITH DONALD NIXON JR. AND HIS BROTHER ON PANAM 485 OUT OF MIAMI. NIXON JR TOOK MEIER TO THE BAHAMAS COMMERCIAL BANK IN THE BAHAMAS BUT THEY HAD FLOHN BY THE TIME I REACHED THERE.

OCTOBER 16 MEIER AGAIN CALLED PAUL SCHRAGE IN CALIFORNIA. AND WHEN HE TALKED TO STAN SHEINBAUM AT HCGOVERN'S HQ (213) 469 9061 ON OCTOBER 31 THE CALL WAS TRACED AND WE KNEW MEIERS NEW HOME.

THE CALL TO HCGOVERN'S HQ WAS TO INDICATE THAT MEIER FELT THAT THE CANDIDATE HAD BEEN TOO LENIENT ON RICHARD NIXON DURING THE CAMPAIGN IN VIEW OF THE INFORMATION AVAILABLE TO WIN.

DURING THE YEAR MEIER HAD PASSED STORIES TO NORMAN PEARLSTIND OF THE WALL STREET JOURNAL. IT WAS FELT WE SHOULD FUND ANOTHER CONTACT AT THE PAPER TO STOP THIS WRITERS HUGHES/NIXON STORIES. PEARLSTIND WAS LATER TRANSFERRED TO TOKYO, JAPAN.

I LEARNED THAT MEIER HAD APPLIED TO BE AN IMMIGRANT IN CANADA BUT WAS TOLD BY INTERTEL THAT THEY COULD BLOCK THIS EASILY. I

WAS WARNED TO BE CAREFUL ABOUT INVOLVEMENT BECAUSE THE CONTACTS
WERE AT A LOW LEVEL IN IMMIGRATION.

11.

AFTER THE NOVEMBER 7 ELECTION SURVEILLANCE WAS STILL KEPT ON MEIER BUT AT A LOWER KEY.

NOVEMBER 29 HE WAS PICKED OUT //PORTION UNREADABLE// DODSON OF NEWSWEEK. DODSON WAS A BLACK WITH LEFTIST FEELINGS AND ANTI-NIXON LEANINGS. THEY LUNCHEDED AT THE BROWN DERBY AND DISCUSSED THE PRESIDENT AND HIS ADMINISTRATION.

I HAD ALSO HANDED TO THE IRS SOME OF THE FILES HE TOOK FROM TOM BENEVEDES OFFICE IN ALBERQUERQUE, INCLUDED WERE MEIERS OWN TAX FILES AND LETTERS TO AND FROM POLITICIANS.

DURING A MEETING IN EARLY 1973 I WAS TOLD THAT MEIER WAS TALKING TO WILLIAM TURNER OF THE SEC ABOUT THE HUGHES/AIR WEST DEAL AND THAT THE PRESIDENT WANTED TO KNOW ABOUT THIS. IT WAS CONSIDERED DELICATE.

JANUARY 24 WE FOLLOWED MEIER FROM VANCOUVER TO SEATTLE ON FLT 144 AND HE TOOK THE 12:15 PANAM TO ENGLAND, LONDON. I WAS TOLD FROM THE COS (BROUGHT HOME EARLY THIS YEAR) THAT MEIER WAS MAKING

12.

ENQUIRIES ABOUT HUGHES STAY AT THE INN OF THE PARK. THIS SEEMED TO WORRY INTERTEL MORE THAN US.

INTERTEL TOLD ME THAT THEY HAD ARRANGED A MEETING FOR MEIER WITH A MR CONLEY OF VANCOUVER IMMIGRATION ON FEB 6 AND THAT THIS WAS TO BE USED TO SERVE MEIER WITH A WRIT OUTSIDE THE OFFICES, BEFORE HIS MEETING WITH CONLEY. MEIER WAS FOLLOWED WITH HIS WIFE AND BABY AND THE HUGHES PEOPLE HAD MEN AROUND THE AREA TO TAKE PHOTOGRAPHS.

THE TIMING WAS CHOSEN BY INTERTEL TO EMBARRASS MEIER WITH IMMIGRATION. THIS COULD HAVE COME BACK TO US IF THE SENIOR IMMIGRATION MEN HAD RELEASED IT WAS SETUP WITH THE HELP OF A FUNDED IMMIGRATION MAN. BOB MORRISON WAS A HELP BUT THERE WAS A PROBLEM WITH HIS DRINKING.

FEBRUARY 19 1973 MEIER AGAIN WENT TO ENGLAND AND STAYED AT THE POTNEN HOTEL IN LONDON. LITTLE COULD BE DONE TO ENTER THE ROOM BECAUSE OF THE TELEVISION SECURITY HOOKUP AND THE SECURITY OFFICER MR. DEECON.

I WAS TOLD THAT DEECON DRANK AT A NEARBY PUBLIC PLACE AND DURING THIS TIME I WAS ABLE TO PUT IN A LISTENING AID. MEIER HAD MEETINGS WITH ARABS ABOUT CONSULTING WORK IN THE MIDDLE EAST.

FEBRUARY 23 HE MOVED TO THE CHURCHILL HOTEL AND ON MARCH 4 WENT TO PARIS IN FRANCE AND STAYED AT THE MERIDIAN HOTEL. THERE HE MET WITH MOTION FILM PEOPLE, AMONG THEM SERGE AND CHRISTIAN MARQUAND AND A SUSIE WYSS, FRIEND OF JOSEPH NAPOLITAN CAMPAIGN ADVISOR TO HUMPHREY.

I WAS TOLD THAT HEIER WAS TO VISIT TAHITI IN MARCH WITH ACTOR HARLON BRANDO, THIS WAS LEARNED AS THE RESULT OF A TELEPHONE CALL WITH BRANDO IN LA (CR5 3217). SUBJECT WAS A REAL ESTATE DEAL.

IN LA HEIER HAD MEDICAL TREATMENT WITH A DR, SHAPIRO IN BEVERLY HILLS AND SHAPIRO RECORDS SHOWED THAT HEIER HAD HIGH BLOOD AND HYPERTENSION. IT WAS ASSUMED THAT HEIER WOULD GO FROM LA TO TAHITI BUT A CALL TO BRANDO ON THE EVENING OF MARCH 26 AND BOTH DECIDED AGAINST GOING. BRANDO TURNED DOWN HIS ACADEMY AWARD ON THE 27 AND THIS ATTITUDE CONVINCED US THAT HEIER WAS DEALING WITH KOOKS AND LEFTISTS WITH NO THOUGHT FOR AMERICA.

MAY AND JUNE OF 1973 HEIER MADE A NUMBER OF VISITS TO ENGLAND AND KEPT ASKING ABOUT HUGHES. LONDON STATION AND INTERTEL TOLD US THAT HE HAD NO SUCCESS TRYING TO REACH HUGHES.

AUGUST 6 I FLEW TO VANCOUVER WHEN IT WAS DECIDED WITH THE

14.

IRS AND INTERTEL TO DO SOMETHING ABOUT MEIER, WE WERE TOLD BY INTERTEL THAT HE HAD BEEN VISITING PT ROBERTS WITH HIS CHILDREN.

ON AUGUST 9 MEIER MADE THE JOURNEY WITH THREE CHILDREN AND A MAN CALLED FLOYD HARGAN. HE WAS FOLLOWED AND THE LOCAL LAW OFFICERS TOLD TO PREPARE TO BLOCK THE ROAD IF MEIER ATTEMPTED TO LEAVE BEFORE WE WERE READY. AS MEIER LEFT TWO ARMED OFFICERS ARRESTED MEIER, ARRANGEMENTS HAD BEEN MADE FOR A SECRET GRAND JURY TO HAND DOWN A TAX CHARGE INDICTMENT THAT DAY.

MEIER WAS HELD AT PT ROBERTS JAIL FOR SOME HOURS WHILE I DEBATED WITH THE IRS BUT THEY WANTED TO KEEP HIM THEMSELVES. I HAD NOT REALISED THE IRS WAS WORKING CLOSELY WITH INTERTEL AND WAS UNABLE TO LAY HANDS ON MEIER WITHOUT A SHELTER.

MEIER WAS TAKEN TO OTHER JAILS AND AUGUST 16 I ARRANGED FOR PHOTOGRAPHERS TO BE AT THE JAIL TO WIRE OUT PICTURES OF MEIER IN SHACKLES. I KNOW THAT MEIERS LAWYER ROBERT WHYSHAK WAS IN ANOTHER COUNTRY AND OUT OF CONTACT. I WAS TOLD THAT JUDGE FOLEY IN LAS VEGAS WOULD BE WITH US ALL THE WAY AND THAT THE JUDGES BROTHER WAS A LAWYER WITH THE HUGHES GROUP IN VEGAS. THE JUDGE SET BAIL AT \$100,000.00. I WAS ANGRY TO HEAR THAT MEIER RAISED THE BAIL AND A SEATTLE JUDGE RELEASED HIM WITHOUT BEING MADE

AWARE OF OUR NEEDS.

MEIER WENT FOR ARRANGEMENT IN VEGAS ON SEPTEMBER 7 AND I WAS AGAIN TOLD THAT FOLEY HAD EVERYTHING IN HAND AND WOULD NOT RELEASE MEIER. A DEAL HAD BEEN MADE WITH MEIERS FORMER LAWYER JOHN SUCKLING OF LA AND HE HAD MEIER MAILED. BUT LAWYER WHYSHAK TOLD THE COURT THAT MEIER HAD BEEN UNDER SURVEILLANCE AND BUGGED AND WANTED THE GOVERNMENT TO ANSWER QUESTIONS. WE DID NOT WANT THIS AS IT MAY HAVE RAISED OTHER QUESTIONS ABOUT THE BUGGING OF HANK GREENSPUN OF THE VEGAS SUN AND FORMER GOV. GRANT SAWYER.

MEIER RETURNED TO HIS HOME ON THE 7 WITH ME AS COMPANY. THE FOLLOWING DAY HE MET GEORGE CLIFFORD, JACK ANDERSONS ASSISTANT, AT VANCOUVER AIRPORT. IT LATER SHOWED FROM THE STORIES COMING OUT THAT MEIER HAD TALKED ABOUT PAYOFFS, THE PRESIDENT, AIR WEST AND OTHER THINGS BAD FOR THE ADMINISTRATION. IN OCTOBER I WAS TOLD THAT MEIER WAS TO GIVE EVIDENCE TO THE SENATE SELECT COMMITTEE ON THE PRESIDENTIAL CAMPAIGN ACTIVITIES. OCTOBER 12 HE FLEW BY UNITED TO CHICAGO AND THEN TO WASHINGTON DC NATIONAL AIRPORT. HE WAS MET BY GEORGE CLIFFORD AND CHECK INTO ROOM 689 AT THE MAYFAIR HOTEL, THE LAWYER WHYSHAK WAS

ALREADY THERE AND AT 11:25 I PHOTOGRAPHED MEIER WITH SEN GRAVEL, HIS WIFE AND DAUGHTER AT THE HOTEL.

MY CONTACT ON THE COMMITTEE TOLD ME THAT MEIER WAS TO BE SEEN IN HIS ROOM AND I COULD NOT GET IN.

AT 23:00 ON OCTOBER 13 MARTIN WAS SEEN BY MARTIN LACKRITZ.

TERRY LENNER, SCOTT ARMSTRONG AND ROBERT MUSE. IT LASTED TIL
ABOUT 2900.

MEIER HAD RESERVED THAT EVENING AT THE RUE CAUCH FOR HIMSELF,
GEORGE CLIFFORD AND WIFE, WRYSHAK AND WIFE. HENRY KISSINGER
WAS DINING THERE WITH HIS FUTURE WIFE AND I WAS KNOWN TO SOME
OF KISSINGERS PARTY SO IT WAS AWKWARD.

MEIER NEXT APPEARED IN WASHINGTON ON OCTOBER 22 WHEN HE WAS
SEEN AT THE JEFFERSON HOTEL BY COMMITTEE PEOPLE SCOTT
ARMSTRONG, ROBERT MUSE, MARY DEGREE
AND SHAREN KIRBY. I WAS ASSURED THAT HE WOULD SEE EVERY WORD OF
THE TRANSCRIPT.

AT 1700 THAT DAY HE MET WITH WILLIAM TURNER OF THE SEC.

AT 10:00 ON OCTOBER 24 MEIER AND LAWYER WRYSHAK VISITED DAVID
GRACE IN NEW YORK AFTER FLYING EASTERN. GRACE, WITH A TOM MURRAY
HAD TOLD MEIER THAT AIR WEST WAS FOR SALE IN THE FIRST PLACE,

MEIER LEFT NEW YORK FOR ENGLAND WHERE HE AGAIN ASKED ABOUT

HUGHES. INTERTEL TOOK OVER THIS.

AT THIS TIME I WAS TOLD BY INTERTEL AND JACK ORNAR THAT A BRUCE MCINNES WAS IN REGULAR TOUCH WITH HEIER IN VANCOUVER AREA. I TRIED TO RECRUIT HIM BUT HE SEEMED NOT TO UNDERSTAND. OR THE SUGAR WAS NOT ENOUGH. LATER A COLLEAGUE, ABBOTT FORMERLY ABBAS, WAS TO TRY AND I DO NOT KNOW THE RESULT.

ON NOVEMBER 27 A STORY CAME OUT IN CANADA ABOUT IRS OPERATIONS THERE AND I WAS ANNOYED AND COMPLAINED AS I WAS NOT HAPPY WORKING WITH INTERTEL AND THE IRS WHO WERE BOTH CLUNSY AND COULD BLOW US UP.

DECEMBER 9 I AGAIN ENTERED CANADA AND THIS DAY HEIER MET CANADIAN MP JOHN REYNOLDS AT HIS OFFICE. AT 2130 HEIER MET TOM PETTIT OF NBC AT THE AIRPORT.

DECEMBER 9 PETTIT AND HEIER MET ALL DAY. I COULD NOT CLOSE BECAUSE I HAD BEEN IN PETTITS COMPANY BEFORE AND HE MAY HAVE NOTICED ME. I DIDN'T WANT TO CALL ON INTERTEL FOR HELP.

HEIER HAD A HOUSE GUEST FROM DECEMBER 23 THRU 29. SHE WAS HARJEL DELAUER WHOSE HOUSE WE HAD ENTERED IN ARIZONA WHEN SHE WAS WRITING ABOUT HUGHES IN NOVEL TYPE.

JANUARY 3 IN 1974 HEIER LEFT FOR LONDON ENGLAND AND I WAS TOLD

19.

FROM THERE THAT HE STAYED AT THE HOME OF SARAH CHURCHILL, WINSTON CHURCHILLS DAUGHTER, SHE WAS IN NEW YORK BUT JACK CROMAR TOLD ME THAT MEIER WAS WITH A BOBBY ROBERTSON WHEN HE HAD MET THE YEAR BEFORE,

I WAS TOLD THAT ROBERTSON WAS A WRITER AND WORKED UNDER OTHER NAMES SO LITTLE WAS KNOWN OF HIM. THERE APPEARED TO BE A BLOCK ON OFFICIAL FACTS ON HIM BUT HE WAS A MEMBER OF A LONDON CLUB AND ENTERTAINED AT THE STORK ROOM, EVEN HERE THERE WAS NO ONE TO TALK AND THEN NOTHING WAS KNOWN EXCEPT HE SEEMED TO HAVE A PRIVATE BANK ABROAD, IT WAS KNOWN THAT HE HAD CONTACTS WITH THE DETECTIVE DIVISION OF SCOTLAND YARD BECAUSE WE HAD OUR OWN CONTACTS THERE, HIS DESCRIPTION WAS AVERAGE EVERYTHING AND THERE WERE NO PHOTOGRAPHS.

MEIER AND ROBERTSON TRAVELED TO EUROPE UNTIL JANUARY 11 WHEN MEIER LEFT ON FLT AC 853 FOR VANCOUVER.

ON JANUARY 24 MEIER PICKED UP BRUCE MCINNIS IN A SUBURB OF VANCOUVER AND THEY WENT TO MANAIHO ISLANDS TO MEET TOM DOUGLAS OF THE NDP PARTY, DOUGLAS WE FOUND TO BE A SOCIALIST WITH A DAUGHTER LIVING IN CALIFORNIA WHO WAS ALSO LEFTIST.

MEIER WAS AGAIN IN LONDON ENGLAND FROM JANUARY 31 TO FEBRUARY

7 WHEN HE LEFT FOR TORONTO VIA MONTREAL. ROBERTSON HAS WITH HIM
AND ON THE MORNING OF THE 8 THEY WENT TO SEE ANDREW BREWIN AN NDP
MEMBER OF PARLIAMENT.

IT WAS ARRANGED THAT HE SHOULD HAVE OUR OWN CONSERVATIVE
CONTACTS PULL REYNOLDS AWAY FROM MEIER BUT THIS DID NOT WORK OUT.
I AGAIN BLAMED INTERTEL AND RALPH HINTE FOR INTERFERING LIKE
ANALYERS:

DURING FEBRUARY IT BECAME CLEAR THAT MEIER AND ROBERTSON HAD
TALKED A LOT. ROBERTSON GAVE RADIO AND TELEVISION TALKS ON THE
SUPPOSED DEATH OF HUGHES AND WAS ANTI-NIXON.

MARCH 2 MEIER AND ROBERTSON DROVE TO SEATTLE AND WERE FOLLOWED
IN CARS. THEY THEN WENT ON THE 852 FLT FOR SAN FRANCISCO WHERE
THEY MET NANCY EVANS. WE WERE UNABLE TO GET
A CLEAR PICTURE OF ROBERTSON WHO ALWAYS AWARE OF SURVEILLANCE.

MARCH 4 THE TWO MEN FLEW TO BURBANK AND THE FOLLOWING
DAY MEIER WAS SEEN AT THE COURTHOUSE WHERE THE HANEU TRIAL WAS
WAS TAKING PLACE. INTERTEL TOLD ME THEY FOLLOWED MEIER BUT
LOST HIM AND COULD NOT KEEP HIM IN SIGHT.

TRACE WAS LOST UNTIL MARCH 7 WHEN MEIER WAS SPOTTED IN
//PORTION UNREADABLE//, LAS VEGAS. HE APPEARED TO BE ALONE

21.

BUT WHEN HE LEFT FOR CANADA NEXT DAY ROBERTSON WAS WITH HIM.

MARCH 13 JACK CREMAR SAW MEIER AT MEIERS HOUSE IN CANADA. HE FELT TO CALL THE HUGHES PEOPLE TO TELL THEM TO KEEP CREMAR OUT AS I WAS NOT HAPPY HE WAS AWARE OF OUR AIMS.

I BECAME UNEASY AT THE EVENTS AT OUR MEETING WHEN HE THOUGHT HOW TO STOP THE POSSIBILITY OF INVOLVED INFORMATION COMING OUT FROM MEIER OR ROBERTSON. IT WAS GETTING SERIOUS TO THE ADMINISTRATION AND THE HUGHES GROUP. IT WAS SUGGESTED THAT ROBERTSON SHOULD BE REMOVED FROM THE PICTURE ABSOLUTELY AND MEIER SHOULD GET THE MESSAGE BECAUSE HE WAS MARRIED AND HAD CHILDREN. THE MATTER WAS NOT DROPPED BUT THERE WAS WORRY ABOUT THE BRITISH ATTITUDE IF ROBERTSON HAD STORED ANY DATA IN ENGLAND OR EUROPE OR IF MEIER WOULD NOT ACCEPT THE MESSAGE. THERE WAS DISCORD WITH THE IRS, INTERTEL AND OURSELVES. ALL WANTED TO BE CHIEFS AND I WAS NERVOUS OF THE INTERTEL MAN IN TORONTO, MILL, WHO HAD MISSED ROBERTSON THERE WHEN HE HAD BEEN CHASING AROUND THE BANANAS AND MIAMI. HE WAS TOO LOUD AND MADE TOO MANY SLIPS FOR SAFETY.

I ASKED TO BE PUT ELSEWHERE AND WAS PUT ONTO RUCH HEFFNER FOR A TIME."

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of May,
1977, I have served a copy of the foregoing Affidavit,
by hand-delivery to:

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H.R. Haldeman
443 North McCadden Place
Los Angeles, California 90004

Charles A. McNelis, Esquire
Welch & Morgan
300 Farragut Building
900 17th Street, N.W.
Washington, D.C. 20006

ROBERT J. FRANZINGER

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JACK N. ANDERSON,

Plaintiff,

v.

RICHARD M. NIXON, et al.,

Defendants.

Civil Action No. 76-1794

DEFENDANT CLARENCE M. KELLEY'S RESPONSE
TO PLAINTIFF'S DOCUMENT REQUESTS
SPECIFIED IN THE COURT'S ORDER OF
APRIL 27, 1977

Defendant Clarence M. Kelley, Director, Federal Bureau of Investigation, by his undersigned attorneys, hereby makes the following response to plaintiff's document requests specified in the Court's Pretrial Notice and Order of April 27, 1977. Inasmuch as Defendant Kelley objects to these requests for production of documents insofar as they seek information for time periods other than the period July 1, 1969 through December 31, 1974, these responses are limited to such time period.

REQUEST NO. 1: Records which are a record of, relate to or reflect any of the information described in Interrogatory 1.0-1.18, served this day.

RESPONSE NO. 1: Defendant is, after a search of the files of the Federal Bureau of Investigation, not aware of any such document within the possession, custody, and control of the Bureau, except as specified below:

REQUESTS NO. 1.8 and 1.11: Administration of Drugs to Plaintiff:

RESPONSE NO. 1.8 and 1.11: Attached at Tab A are documents which reflect a canvassing by the Federal Bureau of Investigation of certain of its informants in the Miami, Florida area concerning the possible existence of a plot to assassinate or

62-117353-35

Greenberg/Gray-4248

administer drugs to plaintiff. Deletions have been made from these documents of informants' symbol numbers and other information which does not relate to the subject matter of this action or to plaintiff in any way, including the names of FBI agents participating in this canvassing of informants.

REQUEST NO. 1.10: Electronic eavesdropping on any telephone which resulted in the overhearing of any conversation in which plaintiff

(a) was a participant.

RESPONSE NO. 1.10(a): Attached at Tab B are documents relating to the wiretap on Navy Yeoman Charles Edward Radford, III, referred to in paragraph 10 of the complaint. As the attached documents reflect, plaintiff was apparently overheard very briefly in connection with two telephone calls originating from Mr. Radford's residence. The documents attached are limited to the documents pertinent to the two telephone conversations involving plaintiff which were overheard, including documents pertinent to the establishment of the wiretap and the distribution of summaries of plaintiff's conversations which were overheard. Deletions of information not pertinent to the overhearing of plaintiff's conversations have been made from such documents. Defendant objects to this request insofar as it seeks documents regarding the Radford wiretap in addition to those provided herewith on the ground that any such documents are not relevant to the subject matter of this action and not reasonably calculated to lead to the discovery of admissible evidence and would unduly infringe upon the privacy of individuals who are not parties to this action:

The FBI also has in its possession documents which may relate to the overhearing of one of plaintiff's telephone conversations in connection with a wiretap of telephones other than those of plaintiff. Defendant Kelley objects to the production of these documents on the ground that such documents are classified pursuant to Executive Order 11652, that such documents are precluded from discovery by 50 U.S.C. §403(d)(3) and 403(g) since its production would disclose intelligence sources and methods, that such document is privileged since its disclosure would injure the national security, and that disclosure is contrary to the public interest.

(b) was mentioned;

RESPONSE NO. 1.10(b): Defendant objects to this request on the ground that it seeks information which is not relevant to the subject matter of this action and is not reasonably calculated to lead to the discovery of admissible evidence, on the ground that the disclosure of any such information would unduly infringe upon the privacy of individuals who are not parties to this action, and on the ground that a preparation of a response to this request would be unduly burdensome and oppressive.

REQUEST NO. 1.12: Physical surveillance of plaintiff, of any associates or relatives of plaintiff, plaintiff's home or office, or of any other building on premises occupied by plaintiff.

RESPONSE NO. 1.12: Attached as Tab C are documents which relate to what may be considered to be a surveillance of an associate of plaintiff who was observed examining the contents of former FBI Director J. Edgar Hoover's garbage. The Bureau also located a document which may relate to a surveillance of plaintiff. Such document was referred to the CIA and is being produced by them this date.

REQUEST NO. 15: Records of investigation, surveillance, burglary, wiretapping and any other interference with, reports on and proposals to deal with plaintiff carried out, proposed or attempted to be carried out or suggested or communicated to the "White House Plumbers," including defendants John Ehrlichman, Egil Krogh, David Young, E. Howard Hunt and G. Gordon Liddy.

RESPONSE NO. 15: Defendant is, after a search of the files of the Federal Bureau of Investigation, not aware of any such document within the possession, custody and control of the Federal Bureau of Investigation.

REQUEST NO. 16: Records of any wiretaps, proposed wiretaps or attempted wiretaps of plaintiff's home or office not otherwise specified above.

RESPONSE NO. 16: Defendant incorporates herein by reference Response No. 15, supra.

REQUEST NO. 17: Records of any proposals, suggestions or attempts to do physical harm to plaintiff by poison.

RESPONSE NO. 17: Defendant incorporates herein by reference Response No. 15, supra.

Respectfully submitted,

BARBARA ALLEN BABCOCK
Assistant Attorney General

EARL J. SILBERT
United States Attorney

DAVID J. ANDERSON

ROBERT J. FRANZINGER

SANDRA M. SCHRAIBMAN

JOHN F. BARG

Attorneys, Department of Justice
10th & Constitution Ave., N.W.
Washington, D.C. 20530

Attorneys for Defendant Kelley

CERTIFICATE OF SERVICE

I hereby certify that on this _____ day of _____, 1977, I have served a copy of the foregoing Defendant Clarence M. Kelley's Response to Plaintiff's Document Requests Specified in the Court's Order of April 27, 1977, by hand-delivery to:

William A. Dobrovir, Esq.
2005 L Street, N.W.
Washington, D.C. 20036

and by mailing, postage prepaid, to:

Joseph Borkin, Esquire
1156 15th Street, N.W.
Washington, D.C. 20005

Charles A. McNelis
Ball, Hunt, Hart, Brown & Baerwitz
120 Linden Avenue
Long Beach, California 90801

William A. Synder, Jr., Esquire
Thomas W. Coons, Esquire
Ober, Grimes & Shriver
1600 Maryland National Bank Bldg.
Baltimore, Maryland 21202

Plato Cacheris, Esquire
Hundley & Cacheris, P.C.
Suite 205
1709 New York Avenue, N.W.
Washington, D.C. 20006

Stan Mortenson, Esquire
Miller, Cassidy, Larocca & Lewin
Suite 500
2555 M Street, N.W.
Washington, D.C. 20037

Lawrence Schwartz, Esquire
Stiller, Adler & Schwartz
1725 K. Street, N.W.
Washington, D.C. 20006

John J. Wilson, Esquire
Frank H. Strickler, Esquire
Whiteford, Hart, Carmody & Wilson
815 15th Street, N.W.
Washington, D.C. 20005

Jeb Stuart Magruder
c/o Athenicum Press
122 East 42nd Street
New York, New York 10017

David R. Young, Jr., Esquire
Queens College
Oxford University
Oxford, England

John J. Caulfield, Esquire
5205 Concordia Street
Fairfax, Virginia 22030

Anthony T. Ulasewicz
Star Route
Hadley, New York 12835

G. Gordon Liddy
25106 Pembroke Station
Danbury, Connecticut 06810

John D. Ehrlichman
P.O. Box H7994
Safford, Arizona 85546

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443 North McCadden Place
Los Angeles, California 90004

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300 Farragut Building
900 17th Street, N.W.
Washington, D.C. 20006

ROBERT J. FRANZINGER

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JACK N. ANDERSON,)
)
 Plaintiff,)
)
 v.) Civil Action No. 76-1794
)
 RICHARD M. NIXON, et al.,)
)
 Defendants.)

ANSWERS AND OBJECTIONS OF DEFENDANT
CLARENCE M. KELLEY TO FIRST INTERROGATORIES
TO DEFENDANTS SPECIFIED IN THE COURT'S ORDER
OF APRIL 27, 1977

William F. Shubatt, Special Agent, Federal Bureau of Investigation, hereby answers and/or objects to those of plaintiff's First Interrogatories to Defendants identified in the Court's Order of April 27, 1977 on behalf of defendant Clarence M. Kelley, Director, Federal Bureau of Investigation, pursuant to Rule 33 of the Federal Rules of Civil Procedure. Defendant Kelley's answers are based on a search by numerous FBI personnel under Mr. Shubatt's supervision of those Federal Bureau of Investigation (FBI) files which it was reasonably expected could contain the information requested. The answers contained herein refer to the time period commencing with July 1, 1969 and ending with December 31, 1974, the time period encompassed by the complaint in this action. Defendant Kelley objects to answering the interrogatories with respect to any time periods other than this period on the grounds that such information is not relevant to the subject matter of this action and is not reasonably calculated to lead to the discovery of admissible evidence and that a further response to these interrogatories would be unduly burdensome and oppressive.

QUESTION 1.0: Do you, or does the agency under your supervision, possess any information respecting any of the matters listed in this Interrogatory 1.0, parts 1.1-1.18, (a) where (where pertinent) such matters were consummated or only were attempted, contemplated or discussed, and (b) whether or not there was any involvement or potential involvement of your agency:

GENERAL OBJECTION: Defendant objects to this interrogatory insofar as it seeks information regarding matters which were not either consummated or attempted on the following grounds: (1) this interrogatory seeks to probe the mental processes of employees and officials of the Federal Bureau of Investigation; such information is irrelevant and privileged under well-established principles of governmental privilege; (2) this interrogatory seeks the disclosure of the deliberative processes of employees and officials of the Federal Bureau of Investigation and is therefore irrelevant and privileged. See 5 U.S.C. §552 (b)(5); and (3) the information sought by this interrogatory is not relevant to the subject matter of this action and not reasonably calculated to lead to the discovery of admissible evidence.

QUESTION 1.3: Wiretapping of any telephone of plaintiff.

ANSWER: No.

QUESTION 1.5: Electronic Surveillance (bugging) of plaintiff.

ANSWER: No.

QUESTION 1.6: Transmission or delivery of false information to plaintiff.

ANSWER: No.

QUESTION 1.8: Administration of drugs to plaintiff.

ANSWER: Yes.

QUESTION 1.9: Electronic eavesdropping on plaintiff.

ANSWER: No.

QUESTION 1.10: Electronic eavesdropping on any telephone which resulted in the overhearing of any conversation in which plaintiff.

(a) was a participant, or

ANSWER: (a) Yes.

(b) was mentioned;

OBJECTION: (b) Defendant objects to this interrogatory on the ground that it seeks information which is not relevant to the subject matter of this action and not reasonably calculated to lead to the discovery of admissible evidence and would unduly infringe upon the privacy of individuals who are not parties to this action, and on the further ground that the preparation of an answer to this interrogatory would be unduly burdensome and oppressive. In addition, because the FBI since 1969 has not indexed its files by names mentioned in overheard telephone conversations, a complete answer to this interrogatory would be virtually impossible.

QUESTION 1.11: Infliction of physical harm on plaintiff.

ANSWER: Yes.

QUESTION 1.12: Physical surveillance of plaintiff, of any associates or relatives of plaintiff, plaintiff's home or office, or of any other building on premises occupied by plaintiff.

ANSWER: Yes.

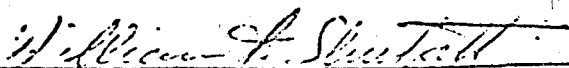
QUESTION 2.0: If the answer to any part of Interrogatory 1.0 is affirmative, state with respect to such matter:

QUESTION 2.2: The name, home and business address, and home and business telephone numbers, of every individual possessing information with respect to the item, with a summary of the information the individual possesses.

ANSWER AND OBJECTION: Defendant objects to Interrogatory 2.2, insofar as it seeks information in addition to that provided in Defendant Kelley's Response to Plaintiff's First Request for Production of Documents filed herewith. The grounds for this objection is that names of individuals who are familiar with the matters referred to in the foregoing answers are identified in documents produced to plaintiff in the accompanying response to plaintiff's request for production of documents. In light of the availability of this information to plaintiff, it would be unduly burdensome to attempt to compile a list of all employees who, as a part of their official duties, may have some knowledge of the information referred to in the above answers and to detail for plaintiff the nature of their knowledge. Defendant further objects to the production of the home addresses and home telephone numbers of any FBI employee as the disclosure of this information would violate the Privacy Act, 5 U.S.C. §552a, as amended, and regulations appearing at 31 C.F.R. §1.24 and 5 C.F.R. §294.702, promulgated pursuant thereto.

As to the answers herein:

I declare, under penalty of perjury, that the foregoing answers are to the best of my knowledge true and correct.


WILLIAM F. SHUBATT
Special Agent
Federal Bureau of Investigation

Executed on _____

As to the objections herein:

Respectfully submitted,

BARBARA ALLEN BABCOCK
Assistant Attorney General

EARL J. SILBERT
United States Attorney

DAVID J. ANDERSON

ROBERT J. ERANZINGER

SANDRA M. SCHRAIEMAN

JOHN BARG

Attorneys, Department of Justice
10th & Constitution Ave., N.W.
Washington, D.C. 20530
Telephone: (202) 739-3385

Attorneys for defendant Kelley.

CERTIFICATE OF SERVICE

I hereby certify that on this _____ day of _____, 1977, I have served a copy of the foregoing Answers and Objections of Defendant Clarence M. Kelley to First Interrogatories to Defendants Specified in the Court's Order of April 27, 1977, by hand-delivery to:

William A. Dobrovir, Esq.
2005 L Street, N.W.
Washington, D.C. 20036

and by mailing, postage prepaid, to:

Joseph Borkin, Esquire
1156 15th Street, N.W.
Washington, D.C. 20005

Charles A. McNelis
Ball, Hunt, Hart, Brown & Baerwitz
120 Linden Avenue
Long Beach, California 90801

William A. Synder, Jr., Esquire
Thomas W. Coons, Esquire
Ober, Grimes & Shriver
1600 Maryland National Bank Bldg.
Baltimore, Maryland 21202

Plato Cacheris, Esquire
Hundley & Cacheris, P.C.
Suite 205
1709 New York Avenue, N.W.
Washington, D.C. 20006

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Miller, Cassidy, Larocca & Lewin
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Washington, D.C. 20037

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Stiller, Adler & Schwartz
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Washington, D.C. 20006

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5205 Concordia Street
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Star Route
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25106 Pembroke Station
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Washington, D.C. 20006

ROBERT J. FRANZINGER

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JACK N. ANDERSON,

Plaintiff,

v.

RICHARD M. NIXON, et al.,

Defendants.

)
)
)
) Civil Action No. 76-1794
)
)
)

SUPPLEMENTAL RESPONSE OF THE DEFENDANT ATTORNEY
GENERAL TO PLAINTIFF'S FIRST INTERROGATORIES
AND FIRST REQUEST FOR PRODUCTION OF DOCUMENTS

Robert J. Franzinger, an Attorney in the Civil Division, Department of Justice, hereby supplements the answers of the Attorney General of the United States to plaintiff's first interrogatories, pursuant to Rule 33 of the Federal Rules of Civil Procedure. In addition, by this document, Griffin Bell, Attorney General of the United States, by his undersigned attorneys, hereby makes the following supplemental response to plaintiff's First Request for Production of Documents addressed to him.

In a document captioned Answers and Objections of the Attorney General of the United States to First Interrogatories to Defendants, the Attorney General of the United States responded to a portion of plaintiff's interrogatories as follows:

QUESTION 1.0: Do you, or does the agency under your supervision, possess any information respecting any of the matters listed in this Interrogatory 1.0, parts 1.1-1.18, (a) whether (where pertinent) such matters were consummated or only were attempted, contemplated or discussed, and (b) whether or not there was any involvement or potential involvement of your agency.

QUESTION 1.1: Electronic eavesdropping on any telephone which resulted in the overhearing of any conversation in which plaintiff (a) was a participant.

ANSWER: (a) yes.

This affirmative response was based solely upon information obtained by the Department of Justice attorneys to whom this case has been assigned, in the course of their preparation of the defense of this action. The information was obtained solely as result of a review of documents in the possession of the Federal Bureau of Investigation. The substance of this information and the documents pertinent thereto are provided to plaintiff in the responses of the Federal Bureau of Investigation served herewith. Insofar as the Federal Bureau of Investigation objects to plaintiff's interrogatory and request for production of documents in this regard, the Attorney General joins in that objection and objects on the addition ground of the attorney-client privilege.

As to the answers herein:

In addition, the defendant Attorney General indicated in his interrogatory answers and response to plaintiff's requests for production of documents the existence of investigative files of the Watergate Special Prosecution Force (WSPF) relating to the Radofrd investigation and to discussions of administration of drugs to plaintiff. The "Radford" file contains only one document which pertains to the overhearing of plaintiff's conversations and that document is being produced by the Federal Bureau of Investigation on this date. Production of the other documents contained in the file has been objected to. The WSPF file concerning discussions about administration of drugs to plaintiff contains no information concerning participation

by any federal agency defendant in the matter inquired about.

Defendant has also objected to the production of this file.

I declare, under penalty of perjury, that the foregoing answers are to the best of my knowledge true and correct.

ROBERT J. FRANZINGER
Attorney, Department of Justice

Executed on _____

As to the objections of plaintiff's interrogatories and as to the response to plaintiff's requests for production of documents, herein:

Respectfully submitted,

BARBARA ALLEN BABCOCK
United States Attorney

EARL J. SILBERT
United States Attorney

DAVID J. ANDERSON

SANDRA M. SCHRAIBMAN

ROBERT J. FRANZINGER

Attorneys, Department of Justice
Attorneys for Defendants
10th & Constitution Ave., N.W.
Washington, D.C. 20530
Telephone: 739-3385
739-3350

Greenberg/Gray-4264

CERTIFICATE OF SERVICE

I hereby certify that on this _____ day of _____, 1977, I have served a copy of the foregoing Supplemental Response of the Defendant Attorney General to Plaintiff's First Interrogatories and First Request for Production of Documents, by hand-delivery to:

William A. Dobrovir, Esquire
2005 L. Street, N.W.
Washington, D.C. 20036

and by mailing, postage prepaid, to:

Joseph Borkin, Esquire
1156 15th Street, N.W.
Washington, D.C. 20005

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Ball, Hunt, Hart, Brown & Baerwitz
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Long Beach, California 90801

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Baltimore, Maryland 21202

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Welch & Morgan
300 Farragut Building
900 17th Street, N.W.
Washington, D.C. 20006

ROBERT J. FRANZINGER

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI
ATTN: Legal Counsel Division

DATE: 6/10/77

FROM : SAC, WFO (62-10968) (P)

Jack Northman Anderson

SUBJECT: JACK ANDERSON, V.
RICHARD NIXON, ET AL.

(U.S.D.C., D.C.)
CIVIL ACTION FILE NO. 76-1794

Remyairtel, dated 5/27/77.

Civil Docket 76-1794, U.S. District Court for the District of Columbia (USDCDC) was reviewed on 6/10/77. The following pertinent docket entries were noted:

6/1/77 - Motion by plaintiff to compel defendant KELLY to answer interrogatories and request for production pursuant to court order of 5/27.

6/8/77 - Motion by plaintiff to compel production of documents by defendant Attorney General.

WFO will follow captioned matter in USDCDC.

EX-106

REC-1

4 JUN 13 1977

2 - Bureau
1 - WFO
JED:mkg

Greenberg/Gray-4267



(3)

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Assistant Attorney General
Civil Division

June 20, 1977

Assistant Director - Legal Counsel
Federal Bureau of Investigation

- 1 - Mr. Decker
Attn: [redacted]
- 1 - Mr. Leavitt
Attn: [redacted]
- 1 - Mr. Fehl
Attn: [redacted]
- 1 - Mr. Mintz
- 1 - Civil Litigation

b6
b7C

JACK N. ANDERSON v.
RICHARD M. NIXON, et al.
(U.S.D.C., D.C.)
CIVIL ACTION NO. 76-1794

FEDERAL GOVERNMENT

Reference is made to my previous communication dated June 16, 1977, your file reference BAB:RJFranzinger:gma 95-16-4179 and the telephone conversation on June 14, 1977, between Mrs. Sandra Schraibman, Attorney, Civil Division, Department of Justice (DOJ) and Special Agent (SA) [redacted] wherein Mrs. Schraibman requested that documents relating to plaintiff having been overheard on a national security electronic surveillance installation be provided to the DOJ for presentation to the Privilege Committee of the Civil Division and for preparation of an appropriate affidavit by the Attorney General.

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Accordingly, enclosed are two copies of a description of the national security electronic surveillance installation on which plaintiff was overheard and the attachments thereto relating to Attorney General authorization and the overheard conversation, marked exhibits "A" and "B" respectively. These documents set forth the basis for claiming the privilege in a form suitable for consideration by the committee and for your use in preparing the affidavit.

It is recommended that a claim of privilege be formally asserted in the United States District Court for this overheard conversation, that this matter be presented to the Privilege Committee of the Civil Division for approval of such a privilege and that an appropriate affidavit by the Attorney General be prepared for presentation to the Court.

- Assoc. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.:
- Adm. Serv. _____
- Crim. Inv. _____
- Fin. & Pers. _____
- Ident. _____
- Intell. _____
- Laboratory _____
- Legal Coun. _____
- Plan. & Insp. _____
- Rec. Mgnt. _____
- Spec. Inv. _____
- Tech. Servs. _____
- Training _____
- Public Affs. Off. _____
- Telephone Rm. _____
- Director's Sec'y _____

Enclosures (8)

RLH:pls

(8)

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7-5
JUN 28 1977

SEE NOTE - PAGE 2

SECRET MATERIAL ATTACHED

RECEIVED
FEDERAL BUREAU OF INVESTIGATION
JUN 28 1977

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Greenberg/Gray-4268

MAIL ROOM

TELETYPE UNIT

56 JUL 13 1977

FBI/DOJ

Assistant Attorney General
Civil Division

NOTE: On May 27, 1977, Defendant Clarence M. Kelley's Responses to Plaintiff's Document Requests Specified in the Court's Order of April 27, 1977, was filed. In that document defendant Kelley responded that the FBI was in possession of documents relating to plaintiff having been overheard on a national security electronic surveillance installation but objected to producing that documentation based on a claim of privilege. On 6/14/77 Department Attorney Schraibman advised plaintiff had filed a motion to compel defendant Kelley to produce the documents relating to this elsur. Schraibman requested that documents be provided to DOJ for presentation to the Privilege Committee of the Civil Division and for preparation of an affidavit by the Attorney General. This communication transmits to the DOJ the requested documentation. This information was provided LCD by SA [redacted] Special Projects Review Unit, and Washington Field Office.

b6
b7C

JCF

APPROVED:

Director _____
Assec. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____

Adm. Serv. _____
Crim. Inv. _____
Fin. & Pers. _____
Ident. _____
Intell. *FW* _____
Laboratory _____

Legal Coun. *JAM* _____
Plan. & Insp. *JD* _____
Rec. Mgnt. _____
Spec. Inv. _____
Tech. Servs. _____
Training _____
Public Affs. Off. _____

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CHANGED TO

AUG 18 1977

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Assoc. Dir.	_____
Dep. AD Adm.	_____
Dep. AD Inv.	_____
Asst. Dir.:	_____
Adm. Serv.	_____
Crim. Inv.	_____
Fin. & Pers.	_____
Ident.	_____
Intell.	_____
Laboratory	_____
Legal Coun.	_____
Plan. & Insp.	_____
Rec. Mgnt.	_____
Spec. Inv.	_____
Tech. Serv.	_____
Training	_____
Public Affs.	_____
Telephone Rm.	_____
Director's Sec'y	_____

WILLIAM A. DOBROVIR / ANDRA N. OAKES / JOSEPH D. GEBHARDT / DAVID L. SCULL

2005 L Street, N.W. Washington, D. C. 20036 (202) 785-8919

June 22, 1977

Clarence M. Kelley, Director
Federal Bureau of Investigation
Department of Justice
Washington, D.C. 20535

Re: Claim for Damages in Tort under
28 U.S.C. §§ 1346(b) and 2401(b)

Dear Mr. Kelley:

We represent Jack Anderson, who resides at 7300 Burdette Court, Bethesda, Maryland 20034. Mr. Anderson is a newspaper and radio reporter and columnist.

We have learned, by reason of discovery in a civil action, Anderson v. Nixon, et al. (D.D.C.), C.A. No. 76-1794, that Mr. Anderson's and Mrs. Anderson's conversations were overheard on an unlawful wiretap placed by FBI agents on the telephones of Charles E. Radford and of William Frank Morgan. The wiretap was aimed at Mr. Anderson, who had reported information which Mr. Radford was suspected of leaking to Mr. Anderson.

This wiretap was unlawful in violation of 18 U.S.C. § 2511 et seq., and the Constitution. United States v. United States District Court, 407 U.S. 297 (1972); Zweibon v. Mitchell, 170 U.S. App. D.C. 1, 516 F.2d 594 (1975), cert. denied, ___ U.S. ___, 96 S. Ct. 1685 (1976). It was further unlawful in that established procedures, i.e., a written authorization by the Attorney General, were not followed. Since the tap was unlawful, it was "wrongful" within the meaning of 28 U.S.C. § 1346(b).

The wiretap, overhearing, recording and transmission of Mr. and Mrs. Anderson's conversations are actionable under 18 U.S.C. § 2520 and at common law as an invasion of privacy and violation of First, Fourth and Fifth Amendment rights. Bivens v. Six Unknown Named Agents, 403 U.S. 388 (1970); Berlin Democratic Club v. Rumsfeld, 410 F. Supp. 144 (D.D.C. 1976); Halperin v. Kissinger, C.A. No. 1187-73 (D.D.C. 1976).

Since these acts are actionable against private persons, they are actionable against the United States under 28 U.S.C. § 1346(b).

62-117353-42
ENCLOSURE

*File of Act, rtk; lgl
& Mr. Anderson
JUN 23 1977*

Clarence M. Kelley
June 22, 1977
Page Two

Mr. and Mrs. Anderson claim money damages of \$100.00 per day each under 18 U.S.C. § 2520, and of one million dollars for invasion of privacy and violation of constitutional rights.

This notice is provided pursuant to 28 U.S.C. § 2401(b). The cause of action accrued less than two years before the date of this letter; Mr. Anderson learned that his conversations were overheard only by reason of discovery in Anderson v. Nixon, et al. subsequent to January 1, 1977. Prior to that time, the FBI and others involved had fraudulently concealed the facts.

Sincerely yours,



William A. Dobrovir

WAD:crk

cc: Jack Anderson

WILLIAM A. DOBROVIR / ANDRA N. OAKES / JOSEPH D. GEBHARDT / DAVID L. SCULL

2005 L Street, N.W. Washington, D. C. 20036 (202) 785-8919

June 27, 1977

Clarence M. Kelley, Director
Federal Bureau of Investigation
Department of Justice
Washington, D.C. 20535

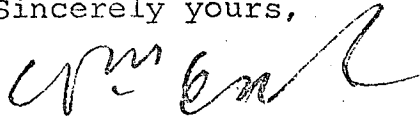
Re: Claim for Damages in Tort under 28 U.S.C.
§§ 1346(b), 2401(b) and 2675

Dear Mr. Kelley:

In supplementation of my letter of June 22, 1977, Mr. Anderson's claim is filed pursuant also to 28 U.S.C. § 2675.

Furthermore, if there are any additional requirements of your agency for perfection of this claim, please advise me promptly so that we may fulfill them.

Sincerely yours,



William A. Dobrovir

WAD:crk

cc: Jack Anderson

RECEIVED
JUN 28 1977

62-117353-42

RECEIVED

OUTSIDE SOURCE

July 19, 1977

Mr. William A. Dobrovir
2005 L Street N.W.
Washington, D. C. 20036

1 - Mr. Fehl
Attn:
1 - Mr. Mintz
1 - Civil Litigation Unit

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b7C

Dear Mr. Dobrovir:

This will acknowledge receipt of your letters dated June 22, 1977, and June 27, 1977, regarding the electronic surveillances conducted in 1971-1972 on telephones subscribed to by Charles E. Radford and William F. Morgan which resulted in the overhears of conversations between Mr. and Mrs. Jack Anderson and Mr. and Mrs. Charles Radford as previously disclosed to you during discovery in the civil suit captioned, Jack N. Anderson v. Richard M. Nixon, et al., (U.S.D.C., D.C.), Civil Action No. 76-1794.

While it is not clear from your correspondence, you apparently are presenting claims on behalf of both Mr. and Mrs. Anderson. While you state in your letters that you represent Mr. Anderson and you are counsel of record in the above referred to civil action, Title 28, Code of Federal Regulations (CFR), Section 14.3(e), requires that a claim presented by a legal representative must be accompanied by evidence of his authority to present a claim on behalf of the claimant. Further, Title 28, CFR, Section 14.2(a), requires that a claim for money damages must be presented in a sum certain. Inasmuch as there is some uncertainty as to on whose behalf you are acting and therefore the specific amount of damages claimed on behalf of each, it is requested that in accordance with Title 28, CFR, Section 14.2(a), the sum certain claimed on behalf of each claimant be specified. Also, it is requested that evidence be presented as to your authority to present the claim or claims.

MAILED 17
JUL 20 1977

- Assoc. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.:
- Adm. Serv. _____
- Crim. Inv. _____
- Fin. & Pers. _____
- Ident. _____
- Intell. _____
- Laboratory _____
- Legal Coun. _____
- Plan. & Insp. _____
- Rec. Mgnt. _____
- Spec. Inv. _____
- Tech. Servs. _____
- Training _____
- Public Affs. Off. _____
- Telephone Rm. _____
- Director's Sec'y _____

RLH:ljd
(5)

REC-93

EX-101

62-117353-42

JUL 21 1977

See NOTE - Next Page

ENCLOSURE

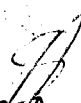
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56 AUG 06 1977 TELETYPE UNIT

Mr. William A. Dobrovir

In order to remedy this situation and to assist you, I have enclosed two copies of Standard Form 95. Should these forms be completed in full and executed by the claimant, the need for your submitting evidence of authority to represent the claimant or claimants will be obviated.

Sincerely yours,


John A. Mintz
Assistant Director - Legal Counsel

Enclosures (2)

NOTE: By letters dated 6/22/77, and 6/27/77, attorney William Dobrovir, apparently representing Jack Anderson and his wife, has presented an Administrative Claim for \$1,000,000 and \$100 per day for each violation relating to the overhear of two conversations by the Andersons during electronic surveillance conducted in 1971-72 at the request of the Attorney General. This communication advises Dobrovir that evidence of his authority to represent Mr. and Mrs. Anderson must be submitted as well as a specific sum for each claimant. Form SF 95 is provided for his use.

APPROVED:

Director _____
Asso. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____

Adm. Serv. _____
Crim. Inv. _____
Fin. & Pers. _____
Ident. _____
Intell. _____
Laboratory _____

Legal Coun. _____
Plan. & Insp. _____
Rec. Mgnt. _____
Spec. Inv. _____
Tech. Servs. _____
Training _____
Public Affs. Off. _____

UNITED STATES GOVERNMENT

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Memorandum

TO : DIRECTOR, FBI
ATTN: Legal Counsel Division

DATE: 8/3/77

FROM : SAC, WFO (62-10968) (P)

SUBJECT: JACK ANDERSON, V.
RICHARD NIXON, ET. AL.
(U.S.D.C., D.C.)
CIVIL ACTION FILE NO. 76-1794

D.C.

1
~~N/S~~

62-117353-36
Remylet, dated 6/10/77.

Civil Docket 76-1794, U.S. District Court for the District of Columbia (USDCDC) was reviewed on 8/1/77. The following pertinent docket entries were noted:

7/25/77 - Notice by plaintiff to take deposition of FBI by a witness designated by FBI.

7/28/77 - Interrogatories by plaintiff and requests for production of documents to some defendants other than FBI.

WFO will follow captioned matter in USDCDC.

② - Bureau *cc to 7358*
1 - WFO
BAO:mkg

(3)

ST. 104

REC-89

62-117353-43

RLH
7337

20 AUG 4 1977

LEGAL COUNSEL

Greenberg/Gray-4276



5010-110

56 AUG 8 1977 Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

UNITED STATES GOVERNMENT

Memorandum

- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.:
- Adm. Serv. _____
- Crim. Inv. _____
- Fin. & Pers. _____
- Ident. _____
- Intell. _____
- Laboratory _____
- Legal Coun. _____
- Plan. & Insp. _____
- Rec. Mgnt. _____
- Spec. Inv. _____
- Tech. Servs. _____
- Training _____
- Public Affs. Off. _____
- Telephone Rm. _____
- Director's Sec'y _____

TO : Mr. Fehl *F/KH*

FROM : K. V. Hetherington *KH*

SUBJECT: JACK N. ANDERSON V
RICHARD M. NIXON, ET AL.
(U.S.D.C., D.C.)
CIVIL ACTION NO. 76-1794

DATE: June 15, 1977

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PURPOSE:

To forward to Legal Counsel attached material for use in responding to Departmental request for data to support claimed state secret privilege in captioned matter.

DETAILS:

Plaintiff Jack N. Anderson, newspaper columnist, filed complaint alleging a conspiracy amongst the defendants to abridge various rights of Anderson. My memorandum May 31, 1977, reported that results of a review of files in connection with this matter had been furnished to Legal Counsel in order that response to interrogatories could be filed by the Department. One overheard of Anderson on a national defense electronic surveillance is considered privileged and objection was made to release of such information.

REC-71 62-11735344

The Department has now requested Legal Counsel furnish data to support the claimed state secret privilege. Attached for assistance of Legal Counsel is suggested material to be incorporated as an attachment to the Bureau's response. It is noted additional basis for privilege may be found in the Attorney General's memo, May 6, 1976, to the Departmental Review Committee which decision is referred to within the Department as the "Yakovlev decision."

Enclosure *3 - ENCLOSURE*

- 1 - Legal Counsel (Attn: [redacted])
- 1 - Records Management Division (Attn: [redacted])
- 1 - Intelligence Division (Attn: [redacted])
- 1 - Mr. Fehl
- 1 - Mr. Hetherington
- 1 - [redacted]

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b7c

CONTINUED - OVER

~~SECRET MATERIAL ATTACHED~~

WFS:ejm (IX)
(8)

AUG 26 1977

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan



Memorandum to Fehl
Re: Jack N. Anderson V

This matter has been coordinated with [redacted]
Intelligence Division, and [redacted] Document Classification
Office, Records Management Division. The response to the
Department should be routed through both Divisions for approval.

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RECOMMENDATION:

That this memorandum with attachment be forwarded to
Legal Counsel.

WTS *R*

Greenberg/Gray-4278

~~SECRET~~

X

X

X

(S)

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EXEMPTED FROM AUTOMATIC DECLASSIFICATION AUTHORITY DERIVED FROM: FBI AUTO DECLASSIFICATION GUIDE EXEMPTION CODE 25X (1,6) DATE 4-14-2009

~~SECRET MATERIAL ATTACHED~~

Classified by 6318 *GL*
Exempt from GDS, Category 2
Date of Declassification Indefinite

~~Classified by 1250~~

~~SECRET~~ ENCLOSURE

FBI

TRANSMIT VIA:

- Teletype
- Facsimile
- Airtel

PRECEDENCE:

- Immediate
- Priority
- Routine

CLASSIFICATION:

- TOP SECRET
- SECRET
- CONFIDENTIAL
- E F T O
- CLEAR

Date 6-14-77

Assoc. Dir.	
Dep. AD Adm.	
Dep. AD Inv.	
Asst. Dir.:	
Adm. Serv.	
Crim. Inv.	
Fin. & Pers.	
Ident.	
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Laboratory	
Legal Coun.	
Plan. & Insp.	
Rec. Mgnt.	
Spec. Inv.	
Tech. Servs.	
Training	
Public Affs. Off.	
Telephone Rm.	
Director's Sec'y	

TO: DIRECTOR, FBI
ATTENTION: LEGAL COUNSEL DIVISION

FROM: SAC, WFO (62-10968) (P)

JACK ANDERSON, V.
RICHARD NIXON, ET. AL.
(U.S.D.C., D.C.)
CIVIL ACTION FILE NO. 76-1794

ReBureau telecall to WFO 6/14/77.

As per referenced telephone call enclosed are three copies of the relevant portion of serial 66282 of WFO file 100-16597 Sub 1.

Bureau will note that deletion of WFO source symbol has been left to discretion of Bureau.

~~Secret~~ Material Attached.

AD, KCL, GAN, H, P, S, 6/20/77

REC-71 62-117353-45
EX-132
EX-132
2 JUN 30 1977

ENCLOSURE

- 2 - Bureau (Enc. 3)
- 1 - WFO

GEO:dlw
(3)

7/13/78

LEGAL COUNSEL

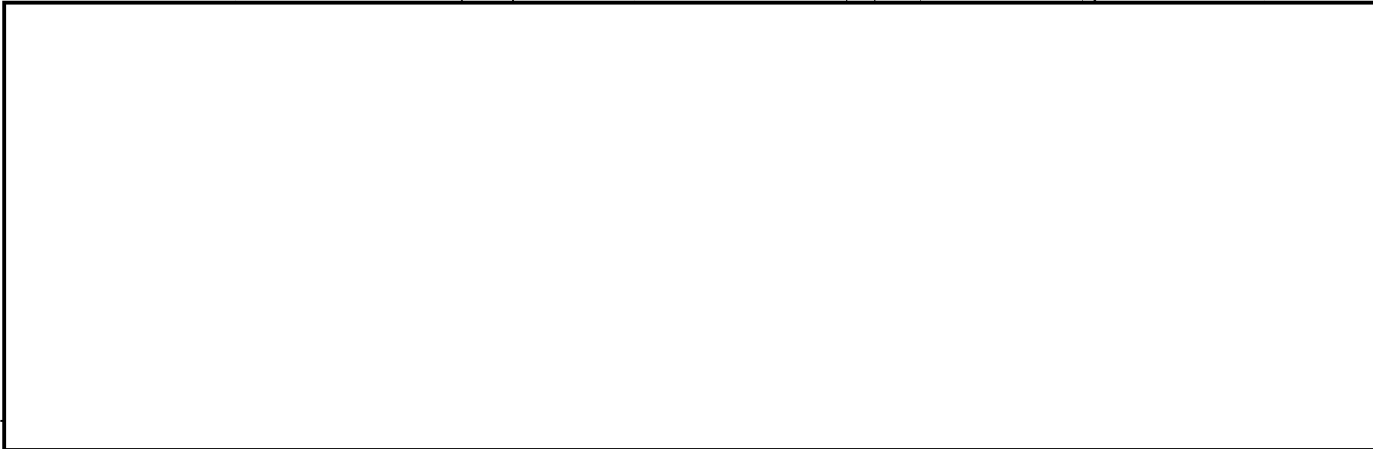
Greenberg/Gray-4285

57 AUG 20 1977

Transmitted _____ (Number) _____ (Time) Per _____

~~SECRET~~

(S) b1



EXEMPTED FROM AUTOMATIC DECLASSIFICATION AUTHORITY DERIVED FROM: FBI AUTO
DECLASSIFICATION GUIDE EXEMPTION CODE 25X (1,6) DATE 4-14-2009

Greenberg/Gray-4286

~~Classified By 3879
Exempt from GDS, Category 2,3
Date of Declassification Indefinite~~

~~SECRET~~

ENCLOSURE

62-117353-45

UNITED STATES GOVERNMENT

Memorandum

FEDERAL GOVERNMENT

TO : Mr. Clarence M. Kelley
Director
Federal Bureau of Investigation

FROM : Barbara Allen Babcock
Assistant Attorney General
Civil Division

SUBJECT: Jack N. Anderson v. Richard M. Nixon, et al.,
USDC D.C., Civil Action No. 76-1794.

DATE: AUG 12 1977

BAB:RJFranzinger:cjc
145-1-548

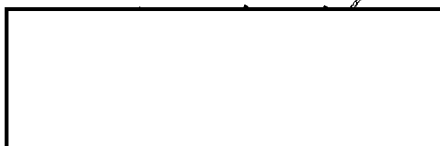
EXP. PROC.
34 AUG 15 1977

Enclosed please find copies of two orders and a Memorandum signed by United States District Judge Gerhard A. Gesell on July 18, 1977. As you will note, the most important aspect of the enclosed document is that Judge Gesell has dismissed this action insofar as it is brought against the Attorney General, the Commissioner of Internal Revenue, the Directors of Central Intelligence and the Federal Bureau of Investigation and the Secretary of State for injunctive relief. The basis for the dismissal of this action against the Departments of Justice and State, the Internal Revenue Service, the Central Intelligence Agency, and the Federal Bureau of Investigation is because plaintiff has alleged no present or threatened injury as a result of the actions of any federal agency and because the injury of the broad scale injunction sought by plaintiff would be inconsistent with the public interest.

It has been clear from the outset of this litigation that plaintiff brought this action against the five defendants listed above primarily for purposes of discovery. Plaintiff is, without doubt, still interested in obtaining that discovery from, *inter alia*, your agency. Thus, it is likely that you can anticipate future discovery demands in the form of subpoenas duces tecum in connection with this action. Plaintiff has also indicated an interest in pursuing possible claims under the Federal Tort Claims Act as a result of the alleged actions of the FBI and the CIA.

I will continue to keep you advised of further pertinent developments in this civil action and thank you for the consideration and cooperation you have shown in this ~~action~~ thus far.

Enclosures



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7/28
E295
ENCLOSURE
SEP 26 1977

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan
Greenberg/Gray-4287

REC-56 62-117353-46
24 AUG 15 1977
LEGAL COUNSEL

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JACK N. ANDERSON,)
)
Plaintiff,)
)
v.)
)
RICHARD M. NIXON, ET AL.,)
)
Defendants.)

Civil Action No. 76-1794

FILED

JUL 13 1977

JAMES F. DAVEY, Clerk

MEMORANDUM

This is a civil action arising primarily out of Watergate and related disclosures. Anderson, a newspaperman, sues nineteen individuals and five Government agencies.*/ A massive conspiracy is alleged. Plaintiff claims that defendants have interfered and attempted to interfere with his function and activities as a reporter, investigator, journalist, and broadcaster, both by acts directed against him and acts directed against persons believed to be sources of information. Instances of surveillance, wiretapping, dissemination of false information, an illegal arrest and other conduct in violation of plaintiff's rights under the First, Fourth and Fifth Amendments to the Constitution are alleged. He seeks damages from the individual defendants and asks that the agencies be enjoined.

The equitable aspects of the complaint are directed only at the Departments of Justice and State, FBI, CIA, and Internal Revenue Service. The Court ordered that this phase of the litigation be considered initially and separately. A motion by the agency defendants to dismiss or for summary judgment came on to be heard after plaintiff was allowed limited discovery to supplement data he had already obtained under the Freedom of Information Act. The agency defendants allege that the complaint rests on facts outside the statute of limitations, that it fails to state a cause of action, that plaintiff is

*/ The current heads of the agencies are also formally named in their official capacities only.

62-117353-46

ENCLOSURE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JACK N. ANDERSON,)
)
 Plaintiff,)
)
 v.)
 RICHARD M. NIXON, ET AL.,)
)
 Defendants.)

Civil Action No. 76-1794

FILED

JUL 13 1977

JAMES F. DAVEY, Clerk

O R D E R

Upon consideration of the federal agency defendants' motion to dismiss or, in the alternative, for summary judgment, the memoranda in support thereof and in opposition thereto, oral argument of counsel, and the entire record herein, it is hereby ORDERED that for the reasons stated in the Court's Memorandum, filed herewith, the motion of the federal agency defendants to dismiss is granted and the complaint is dismissed as to defendants Cyrus R. Vance, Secretary of State, Griffin B. Bell, Attorney General, Clarence M. Kelley, Director of the Federal Bureau of Investigation, Stansfield Turner, Director of the Central Intelligence Agency, and Jerome Kurtz, Commissioner of Internal Revenue Service. The dismissal is without prejudice to whatever damage actions plaintiff brings against these defendants under the Federal Tort Claims Act.

Richard A. Gussell
UNITED STATES DISTRICT JUDGE

July 18, 1977.

further barred by laches and that no basis exists to invoke the Court's equity jurisdiction.

Plaintiff has documented and particularized a long series of events demonstrating an intense interest on the part of the agencies in all aspects of his professional and private conduct. The Government agencies contend, in effect, that these activities were legitimate governmental activities designed to prevent leaks of confidential information. Plaintiff contends that they had a different and more sinister intent, namely, to prevent him from publishing. It is impossible to resolve this basic issue on the basis of the information now before the Court. Suffice it to say that the complaint states a cause of action. Overt acts by some of the alleged agency conspirators within the three-year statute of limitations can be shown. There is also sufficient indication of concealment at this stage to prevent final consideration of the defense of laches.

Plaintiff's equitable claims against the agency defendants are, however, insufficient in one significant respect. The conspiracy is alleged to have terminated in 1974. No present or threatened injury is alleged to have existed at the time the complaint was filed in September 1976 nor when it was later amended in October 1976, and January 1977. Not only are the allegations of the complaint defective but the Government administration responsible for the grotesque conduct alleged has departed and plaintiff is unable to show any present threat of irreparable injury. Injunctive relief is appropriate only to prevent existing or threatened injuries, to prevent irreparable harm. Equitable relief will not be granted simply because a complainant fears that some improper conduct in the past may occur at an indefinite time in the future. Even if violations of constitutional rights as serious as those here alleged in fact occurred, this would not be sufficient to satisfy the requisite

showing of irreparable injury. There must be a clear and present imminence of such injury before equity can then move to prevent irreparable harm. Connecticut v. Massachusetts, 282 U.S. 660 (1931); United Fuel Gas Co. v. R.R. Commission, 278 U.S. 300 (1929); Ashland Oil, Inc. v. F.T.C., 409 F. Supp. 297 (D.D.C. 1976).

It must also be noted that the nature of the injunction here sought is by its very nature inconsistent with the public interest. Plaintiff desires the agencies be directed, in effect, not to interfere with him or his sources. The Court cannot direct the agencies to abstain from interfering with plaintiff's sources since obviously plaintiff has no constitutional right to maintain such sources and the Government is fully entitled to investigate any of plaintiff's sources who may reasonably be believed to have engaged in illegal or unauthorized conduct. Similarly, any sweeping injunction against the agencies themselves would be both unwise and contrary to the public interest. Since many legitimate concerns of the agencies might well create a situation where plaintiff believed his function and activities were being hampered, the Court would be interjected into day-to-day scrutiny of governmental operations to determine underlying intent. Only a most compelling immediate circumstance could justify even considering such a course. O'Shea v. Littleton, 414 U.S. 488 (1974).

There is, in short, no ground shown to invoke equity and since no monetary damages are sought the claims against the agency defendants represented by Messrs. Bell, Vance, Turner, Kelley and Kurtz must accordingly be dismissed from the case. This is, of course, without prejudice to damage actions against some of these agencies which plaintiff is processing administratively preparatory to a Federal Tort Claims Act suit.

July 18, 1977.

Galard A. Gault
UNITED STATES DISTRICT JUDGE

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI
 ATTN: Legal Counsel Division

FROM : SAC, WFO (62-10968) (P)

SUBJECT: JACK ANDERSON, V.
 RICHARD NIXON, ET. AL.
 (U.S.D.C.; D.C.)
 CIVIL ACTION FILE NO. 76-1794

DATE: 9/29/77

Remylet dated 8/3/77.

Civil Docket 76-1794, U.S. District Court for the District of Columbia (USDCDC) was reviewed on 9/28/77. Nothing pertinent subsequent to that previously reported was noted.

WFO will follow captioned matter in USDCDC.

EX-105

REC-54

62-117353-47

2 - Bureau 62-117353
 1 - WFO
 BAO:mkg

(3)

6 OCT 3 1977

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LEGAL COUNSEL
 [Handwritten signature]

70 OCT 27 1977



5010-110

UNITED STATES GOVERNMENT

Memorandum

- Assoc. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.:
- Adm. Serv. _____
- Crim. Inv. _____
- Fin. & Pers. _____
- Ident. _____
- Intell. _____
- Laboratory _____
- Legal Coun. _____
- Plan. & Insp. _____
- Rec. Mgnt. _____
- Spec. Inv. _____
- Tech. Servs. _____
- Training _____
- Public Affs. Off. _____
- Telephone Rm. _____
- Director's Sec'y _____

TO : Acting Assistant Director
Special Investigative Division

DATE: 11/9/77

FROM : Legal Counsel

SUBJECT: JACK N. ANDERSON v.
RICHARD M. NIXON, et al.
(U.S.D.C., D.C.)
CIVIL ACTION NO. 76-1794

PURPOSE: To confirm request of Special Projects Review Unit (SPRU) to review specified investigative files to assist former Acting Associate Director Felt in the preparation for his deposition in captioned matter.

SYNOPSIS AND DETAILS: Discovery in captioned matter has been ordered limited at the present time to the taking of depositions of those persons potentially knowledgeable of the conspiracy alleged by plaintiff in captioned matter. Generally these depositions have been limited to former agency head defendants but in view of Director Hoover's death, plaintiff has indicated he desires to take the deposition of former Acting Associate Director W. Mark Felt. It is known that Mr. Felt was directly involved in two of the incidents alleged as overt acts of the conspiracy. These incidents are the electronic surveillance of [redacted] (Bufile 65-75108) and the arrest of plaintiff's associate [redacted] on a charge of theft of Government property resulting from the takeover at the Bureau of Indian Affairs (Bufile 52-96921). All of the overt acts as alleged in the conspiracy have been discussed telephonically with Mr. Felt who advises that the above-specified incidents are the only ones with which he is familiar. The above-mentioned Bufiles should be reviewed to identify those serials prepared by or reviewed by Mr. Felt for his examination on 11/10/77, at FBI Headquarters in order to assist him in the preparation for his deposition now scheduled for 11/14/77.

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11-10-77
Files delivered
to SA
Lcd
WMA

EX-137 REC-54

62-117353-118

- 1 - Mr. Lex
Attn: [redacted]
- 1 - Mr. Mintz
- 1 - Civil Litigation Unit

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11 NOV 15 1977

[Redacted box]
11
10/19/80

RLH:pls
(4)

Greenberg/Gray-4294

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Memorandum to the Acting Assistant Director
Special Investigative Division
Re: Jack N. Anderson v.
Richard M. Nixon, et al.

RECOMMENDATION: SPRU make available to Legal Counsel
Division Bufiles 65-75108 and 52-96921
with the serials designated for the attention of Mr. Felt
in accordance with the above instructions.

11-11-77
delivered
TO [redacted]
info

RAP

JEF

a

APPROVED: _____
Director _____
Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____

Adm. Serv. _____
Crim. Inv. _____
Fin. & Pers. _____
Ident. _____
Intell. _____
Laboratory _____

Legal Coun. _____
Plan. & Insp. _____
Rec. Mgnt. _____
Spec. Inv. N/A
Tech. Servs. _____
Training _____
Public Affs. Off. _____

United States District Court
for the
District of Columbia

JACK N. ANDERSON

Plaintiff.

vs.

CIVIL ACTION No. 76-1794

RICHARD M. NIXON, et al.

Defendant.

To: FEDERAL BUREAU OF INVESTIGATION

Washington, D.C. 20535

YOU ARE HEREBY COMMANDED to appear in (this court) (the office of William A. Dobrovir, Esq., 2005 L Street, N.W., Washington, D.C. 20036)

to give testimony in the above-entitled cause on the 9th day of August, 1977, at 10 o'clock A. m. (and bring with you) the documents specified in Schedule B of the Notice of Deposition attached hereto and made a part hereof

and do not depart without leave.

James F. Davey, Clerk

By Robert L. Line Deputy Clerk.

Date July 21, 1977

Attorney for Plaintiff/Defendant

RETURN ON SERVICE

Summoned the above-named witness by delivering a copy to h and tendering to h the fees for one day's attendance and mileage allowed by law, on the day of 19, at

Dated

Subscribed and sworn to before me, a this day of 19

NOTE.—Affidavit required only if service is made by a person other than a U.S. Marshal or his deputy.

Memo Legal Counsel to Acting AD, SIA, 1-9-77 & L.N: jls

62-117353-48

ENCLOSURE

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JACK N. ANDERSON,

Plaintiff,

v.

RICHARD M. NIXON, et al.,

Defendants.

Civil Action No. 76-1794

TO: Robert J. Franzinger, Esq.
Department of Justice
Washington, D.C. 20530

NOTICE OF DEPOSITION

Please take notice that plaintiff Jack Anderson (hereafter "plaintiff"), on August 9, 1977, at 10:00 A.M., at the offices of plaintiff's attorney, William A. Dobrovir, Esq., 2005 L Street, N.W., Washington, D.C. 20036, will take the deposition of the Federal Bureau of Investigation, an agency of the United States government, pursuant to Rule 30(b)(6), F.R.Civ.P., by a witness or witnesses designated by FBI to testify respecting the matters specified in Schedule A hereto. The witness or witnesses shall bring with them to the taking of the deposition the documents specified or described in Schedule B hereto.

Respectfully submitted,

OF COUNSEL:

JOSEPH BORKIN
1156 15th Street, N.W.
Washington, D.C. 20005

July 21, 1977

WILLIAM A. DOBROVIR
ANDRA N. OAKES
JOSEPH D. GEBHARDT
DAVID L. SCULL
2005 L Street, N.W.
Washington, D.C. 20036

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have served a copy of the foregoing Notice of Deposition on counsel for all parties and on G. Gordon Liddy, pro se, by first class mail, postage prepaid, this 21st day of July, 1977.

Greenberg/Gray-4298

WILLIAM A. DOBROVIR

SCHEDULE A

The names and present addresses of all individuals, government agencies, corporations, groups or other entities or associations of persons who ordered, initiated, carried out, participated in or have knowledge of any arrest, surveillance, wiretapping, bugging, other eavesdropping, physical interference, drug-ging, poisoning or other physical harm; other investigation of or interference with plaintiff Jack Anderson, or attempts or proposals to do so; or communications with respect thereto; the circumstances of such persons' participation and/or knowledge, and the relationship of such persons with or their employment by the FBI.

SCHEDULE B

1. Memoranda from J. Edgar Hoover to the Attorney General on May 29, 1969, June 4, 1969, and May 4, 1970, requesting authorization to wiretap a newsman based upon information supplied by Colonel Alexander M. Haig, then a member of defendant Henry A. Kissinger's National Security Council staff.
2. Reports sent from the FBI to President Nixon regarding surveillance of newsmen, dated May 28; July 10, 15, 25; August 1, 13; October 24, 1969; May 11; November 6, 14, 17, 27, 1970. Reports sent from the FBI to defendant H. R. Haldeman regarding electronic surveillance of newsmen, dated May 14, 18, 21; June 23, 25, 29; July 7, 10; September 4; October 29, 1970; November 13; December 15, 18, 22, 1970; January 5, 7, 19, 22, 27, 29, 1971.
3. Reports from the FBI to defendant Henry Kissinger regarding electronic surveillance of newsmen, dated May 13, 29; December 3, 1969; January 15, 21, 1970.
4. Investigation report from Cortland Jones, circa August 1969, which relates the surveillance of a Washington correspondent's lunch with a member of the National Security Council at the Occidental Restaurant on August 6, 1969.

5. Memorandum from T. J. Smith, FBI agent, to E. S. Miller, dated May 13, 1973, and entitled "Sensitive Coverage Placed at the Request of the White House."

6. Memorandum from William C. Sullivan, Director of the Office of National Narcotics Intelligence, to William D. Ruckelshaus, Acting Director of FBI, dated May 11, 1973, and entitled "Sensitive Coverage Placed at the Request of the White House."

7. Records of communications from White House to J. Edgar Hoover requesting investigative information on plaintiff, March 9 or 10, 1972.

8. Records of the delivery of FBI investigative information on plaintiff to the White House staff, between March 9, 1972 and March 18, 1972.

9. Records of correspondence from President Nixon to J. Edgar Hoover requesting investigative information about or an investigation of plaintiff, circa March 18, 1972.

10. Records of any communications between the FBI and (1) the White House, (2) Department of Justice, and (3) the CIA, or any official or employee of the White House, Department of Justice or CIA, respecting or concerning plaintiff, not otherwise specified herein.

11. Records of communication from the White House to the Justice Department Internal Security Division requesting an investigation of plaintiff, March 1972.

12. Records of request from defendant H. R. Haldeman to the Attorney General, Justice Department Internal Security Division, or other members/divisions of the Justice Department requesting an investigation of criminal activity of plaintiff, Summer 1972.

13. Records respecting the appearance of a supposed source of plaintiff, Eugene Smith, before a grand jury as the result of a Defense Department investigation.

14. Records of any attempt to investigate, discredit, wire-tap, conduct surveillance on or otherwise interfere with plaintiff.

in which the Republican National Committee, the Committee to Re-elect the President, private investigators including Intertel, or International Telephone & Telegraph Corporation participated.

15. Records of any investigation, interception, mail cover operation, or other interference with mail sent to or by plaintiff carried out by the Postal Service, the FBI, the CIA, the Department of Defense, other governmental unit, or any individual or group employed or sanctioned by the government (e.g., the "White House Plumbers").

16. The following records listed in the Final Report of the Senate Select Committee on Intelligence Operations, Book III, pp. 326-27, footnotes 226-232:

- (a) Memorandum from T. J. Smith to E. S. Miller, February 26, 1973;
- (b) Blind memorandum captioned "Charles E. Radford, II," January 13, 1972.

17. Memorandum from W. C. Sullivan to C. D. de Loach, July 19, 1966, Subject "Black Bag" Job, described in the Final Report of the Senate Select Committee on Intelligence Operations, Book II, p. 62, footnote 238.

18. Records relating to any arrest, surveillance, wiretapping, bugging, other eavesdropping, physical interference, drugging, poisoning or other physical harm, other investigation of or interference with plaintiff Jack Anderson, or attempts or proposals to do so; or communications with respect thereto not otherwise specified herein.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JACK N. ANDERSON,)
)
 Plaintiff,)
)
 v.) Civil Action No. 76-1794
)
 RICHARD M. NIXON, et al.,)
)
 Defendants.)

POINTS AND AUTHORITIES IN OPPOSITION TO
PLAINTIFF'S MOTION FOR AN ORDER COMPELLING
PRODUCTION OF DOCUMENTS PURSUANT
TO SUBPOENA DUCES TECUM

Preliminary Statement

Plaintiff has recently moved, pursuant to F.R.Civ.P. 45(d)(1), to compel production of documents by the Federal Bureau of Investigation (FBI), the Central Intelligence Agency (CIA) and the Department of Justice, seeking to overcome the agencies' previously-served detailed objections to the production of those documents. Plaintiff's motion to compel and accompanying points and authorities, which together barely exceed two pages, wholly fails to address the agencies' objections or to apprise the subpoenaed agencies or the Court of why plaintiff has any need for the widely-varied, numerous documents in question. Plaintiff has done nothing more than simply allege in the most conclusory terms imaginable that he needs the documents in question. Indeed, it is readily apparent from plaintiff's scatter-gun motion that he has not engaged in the most cursory review of documents already in his possession in formulating his current demands, which in major part seek access to sensitive national security information deleted from those documents, many of which are demonstrably irrelevant to this action. The subpoenaed federal agencies

b6
b7C

cannot and should not be expected to fully set forth the reasons why such information has properly been withheld from plaintiff, when they have not been apprised of why plaintiff needs or wants access to the information in the first place. Consequently, the FBI, CIA, and Department of Justice now set forth the reasons why plaintiff's motion to compel is wholly inadequate to invoke this Court's discretion pursuant to F.R.Civ.P. 45(d)(1) and should therefore be denied at the outset. These federal agencies specifically reserve the right to more fully support their previous objections, when and if such objections are challenged in some appropriate fashion by plaintiff.

Statement of Facts

By subpoenas dated July 21, 1977, plaintiff has sought access to literally hundreds of documents from the Central Intelligence Agency, the Federal Bureau of Investigation and the Department of Justice.^{*/} The subpoena to the CIA simply incorporates by reference letters from the CIA to the plaintiff identifying documents and portions of documents withheld in connection with plaintiff's previous requests to the CIA

^{*/} Prior discovery responses by the CIA, FBI and Department of Justice demonstrate that there are no documents reflecting or relating to plaintiff's claims about actions directed at plaintiff. Quite the contrary is, however, true with respect to plaintiff's allegations concerning investigations of third persons. It has never been disputed, for example, that investigations were conducted of Department of Defense employee Eugene Smith or of Navy Yeoman Charles Radford. Nor has it been disputed that Leslie Whitten was arrested by agents of the Federal Bureau of Investigation. Many of these matters have been the subject of Congressional proceedings which have themselves generated a considerable number of documents. In addition, as is more fully discussed infra, plaintiff seeks production of a substantial number of memoranda and other documents which have nothing to do with any of his claims. See, e.g., plaintiff's requests nos. 1-6 to the FBI and Department of Justice which seek documents relating to the wiretaps which were the subject of Morton H. Halperin, et al. v. Henry A. Kissinger, et al., USDC D.C., Civil Action No. 1187-73.

under the Freedom of Information Act (FOIA) and the Privacy Act and seeks access to all documents reflected in those letters. The subpoena to the FBI, which tracks almost verbatim plaintiff's prior requests for production of documents to the FBI made while Director Kelley was a defendant in this action, sets forth document requests in 18 separate paragraphs, the final paragraph of which seeks access to:

records relating to any arrest, surveillance, wiretapping, bugging, other eavesdropping, physical interference, drugging, poisoning or other physical harm, other investigation of or interference with plaintiff Jack Anderson, or attempts or proposals to do so; or communications with respect thereto not otherwise specified herein.

The subpoena to the Department of Justice seeks documents described in 10 paragraphs which repeated verbatim some of the requests to the FBI, including the request quoted above and additionally seeks access to previously identified investigative files of the Watergate Special Prosecution Force relating to the wiretap of Charles Radford and newspaper accounts of discussions about administration of drugs to the plaintiff. The subpoenas provided for a return date of August 9, 1977, approximately two weeks after the receipt of the subpoenas, which were served by mail.

On August 5, 1977, the CIA, FBI and Department of Justice served plaintiff with detailed objections to the document requests in plaintiff's subpoenas duces tecum. On August 10, 1977, plaintiff responded with a three page document labeled a Motion For An Order Compelling Production Of Documents Pursuant To Subpoenas Duces Tecum. Plaintiff's "Motion" is nothing more than plaintiff's conclusory statements that he is entitled to every document which he has previously

requested from the agencies regardless of its relevance to this action, the privileged nature of the information sought, or any of the other objections properly raised by the federal agencies. In stark contrast to the detailed objections served upon plaintiff by the federal agencies, plaintiff's "motion" is so lacking in specificity that it is virtually impossible to tell which document requests plaintiff's "arguments" relate to, therefore virtually precluding an appropriate response. Indeed, the only thing evident from plaintiff's "Motion" is that plaintiff has made no effort to tailor his discovery requests to matters relating to this action or anything reasonably necessary to pursue any claims he might have herein. In short, without even engaging in the elementary analysis of his discovery needs and the objections raised by the agencies called for by the Federal Rules of Civil Procedure, plaintiff seeks to require the federal agencies involved and this Court to undertake detailed analysis of literally hundreds of documents in order to determine plaintiff's entitlement to such documents in this action.

Plaintiff cannot, in any meaningful sense, be said to have made an appropriate motion to compel production of documents pursuant to Rule 45(d)(1) of the Federal Rules of Civil Procedure. Unless and until plaintiff makes such a motion, the previously-served objections of the FBI, CIA, and Department of Justice stand uncontroverted and bar plaintiff's demands for access to such information. For these reasons, the FBI, the CIA and the Department of Justice hereby oppose plaintiff's Motion for an Order Compelling Production of Documents Pursuant to Subpoenas Duces Tecum.

Argument

PLAINTIFF'S PENDING MOTION TO COMPEL
PRODUCTION OF DOCUMENTS, WHICH WHOLLY
FAILS TO APPRISE THE SUBPOENAED PARTIES
OR THE COURT OF PLAINTIFF'S NEED FOR THE
DOCUMENTS IN QUESTION, SHOULD BE SUMMARILY DENIED

The incredible scope of this action and plaintiff's discovery demands, which have on many occasions gone well-beyond the scope of the action itself, are matters which are well-documented before this Court. See, e.g., Points and Authorities in Support of Defendant Kelley's Motion for a Protective Order filed in this action on December 15, 1976; Points and Authorities in Support of Motion of the CIA, FBI and Department of Justice to Quash or in the Alternative, for a Protective Order filed in this action on August 10, 1977. Indeed, this Court has remarked on several occasions that the action appears to be too broad to be manageable. This is a fortiori true with respect to plaintiff's previous and continuing discovery demands which frequently go well beyond the scope of an already too broad action. Plaintiff's pending "Motion" is simply plaintiff's latest attempt to shift his responsibilities and obligations regarding discovery in this action to others, including this Court, without engaging in any analysis in an attempt to direct such discovery requests to this action.

This is perhaps most aptly illustrated by plaintiff's discovery demands addressed to the CIA. By his pending Motion, plaintiff seeks to compel the disclosure of, inter alia, classified information and the identities of a substantial number of CIA personnel which were deleted from documents produced to plaintiff pursuant to his prior FOIA and Privacy Act requests. Needless to say, the production of these documents raises serious privilege questions, which ought

not to be decided without careful consideration of the respective positions of the interested parties. Ultimate resolution of these questions may well involve formal claims of privilege made after personal consideration of the material in question by the Director of Central Intelligence. In camera examination of some of the documents may also be required. In any event, given the importance of the kinds of questions involved, individualized determination by the Court respecting these documents would seem to be required, with production ordered, if at all, only after a clear showing by plaintiff of a compelling need for the information. The sole basis upon which plaintiff argues that he is entitled to the information in question is a bald claim that he needs this information to obtain the names of witnesses who may have knowledge of the matters raised in the complaint. We simply do not understand how plaintiff can make this argument with a straight face, for it is absolutely clear from the portions of documents produced to plaintiff by the CIA that a substantial proportion of the deleted information involving the sensitive matters in question here have nothing whatsoever to do with the allegations of plaintiff's complaint. This is readily apparent from the a brief examination of the documents which are the subject of plaintiff's pending "Motion to Compel".

Four such documents, which were produced to plaintiff after appropriate deletions pursuant to the August 25, 1976 letter which was incorporated by reference in plaintiff's July 21, 1977 subpoena to the Central Intelligence Agency, are attached hereto as Appendix A. These documents, which are, respectively, an undated memorandum obviously prepared

at the time plaintiff was employed by columnist Drew Pearson (Document 39 of the reference CIA letter); a memorandum dated August 15, 1975 referencing an inquiry by the "Church" committee (Document 45 of the CIA letter); a memorandum dated March 14, 1960 (Document 50 of the CIA letter); and a memorandum dated November 27, 1961 (Document 51 of the CIA letter). Thirteen other sample documents, also the subject of plaintiff's motion to compel (documents 118, 105, 155, 192-94, 195-97, 207-08, 209, and 214 of the CIA's August 2, 1977 letter to the plaintiff in response to FOIA and Privacy Act requests), which are similarly demonstrably irrelevant to plaintiff's claims in this action, are also attached as Appendix B. Numerous other documents withheld from plaintiff in their entirety pursuant to his FOIA and Privacy Act requests, which bear dates demonstrating their obvious irrelevance to this action are also the subject of plaintiff's pending Motion to Compel. See, e.g. documents 60 (January 12, 1967); 66 (July 25, 1967); 69 (January 31, 1964); 73 (January 10, 1967); and 74 (1966-67) of the August 25, 1976 letter attached to plaintiff's subpoena to the CIA. These documents by no means constitute an exhaustive list of documents which are the specific subject of plaintiff's pending Motion to Compel but which clearly have no relevance to this action.

What these documents show is that plaintiff has made no attempt to cull from the voluminous documents produced to him under FOIA and Privacy Act requests, which by their very nature go well beyond the boundaries of this action, those documents which are in any way relevant to this case. Under these circumstances, plaintiff's attempt to require

the federal agencies involved and this Court to undertake the burdensome process of addressing and deciding the sensitive and important questions involved, when plaintiff has apparently not even undertaken the most basic review of these documents, goes well beyond the bounds of reason. Particularly insofar as plaintiff's pending Motion is addressed to the CIA, plaintiff has not in any meaningful sense sought to invoke the discretion of this Court to decide matters respecting discovery. In short, plaintiff's pending Motion is wholly improper under F.R.Civ.P. 45(d)(1), upon which it purports to be based, and therefore should be denied at the outset.

Plaintiff's discovery demands of the CIA are by no means the only examples of plaintiff's continuing refusal to engage in even the most elementary analysis of his discovery needs in this action and to set forth that analysis in a document which could properly be termed a Motion to Compel Production Pursuant to F.R.Civ.P. 45(d)(1). Indeed, the first six requests in Schedule B of plaintiff's subpoenas to the FBI and the Department of Justice seek access to documents respecting the wiretaps which were the subject of Morton H. Halperin, et al. v. Henry A. Kissinger, et al., USDC D.C., Civil Action No. 1187-73. The FBI and the Department of Justice have objected to the production of these documents on the grounds that, inter alia, their lack of relevance to this action. Access to these documents is presently controlled by an Order entered by United States District Judge John L. Smith in Halperin, supra, entered on August 5, 1977, a copy of which is attached hereto as Appendix C, page 5. Plaintiff, of course, is well aware of the fact that he was not the

subject of the Halperin wiretaps. See Defendant Edward H. Levi's Response to Plaintiff's First Request for Production of Documents filed in this action on January 18, 1977, Response No. 2. Plaintiff's sole statement with respect to this matter in his pending motion is a bald allegation that "it is obvious that discovery of these matters is 'reasonably calculated to lead to the discovery of admissible evidence'", Nowhere does plaintiff address himself to the question of why he needs access to information which relates to wiretaps of other persons with no discernible connection to plaintiff -- much less any connection with plaintiff's claims in this lawsuit. The subpoenaed federal agencies cannot, of course, be expected to formulate a response to plaintiff's arguments when plaintiff has not come forward with any pertinent arguments. Again this further illustrates that plaintiff has not in fact filed an appropriate Motion pursuant to F.R.Civ.P. 45(d)(1) and further demonstrates why the document which purports to be such a motion should be denied at the outset.

Plaintiff's recent subpoenas to two federal agencies and the Federal Bureau of Investigation and his recent Motion to Compel are two more items in a long list of examples of plaintiff's demonstrated unwillingness to proceed with this action and particularly with the discovery involved in this action in any kind of orderly fashion. On the contrary, plaintiff has attempted from the outset to shift the burdens of going forward with what is clearly an unmanageable action to others, without making any attempt to be realistic about his claims or to tailor his discovery requests to information he truly needs to proceed. Plaintiff's continuing attempts

to impose substantial burdens upon other parties to this action, federal agencies which are no longer parties, and the Court with little or no effort on plaintiff's part to discharge his obligations respecting his discovery should not be countenanced. Plaintiff's pending motion pursuant to F.R.Civ.P. 45(d)(1) should therefore be denied.

Conclusion

For the foregoing reasons, plaintiff's Motion for an Order Compelling Production of Documents Pursuant to Subpoenas Duces Tecum should be denied.

Respectfully submitted,

BARBARA ALLEN BABCOCK
Assistant Attorney General

EARL J. SILBERT
United States Attorney

DAVID J. ANDERSON

ROBERT J. FRANZINGER

SANDRA M. SCHRAIBMAN
Attorneys, Department of Justice
10th & Constitution Avenue, N.W.
Washington, D.C. 20530
Tel: (202) 739-3446
Attorneys for Defendants

APPENDIX A

The following have been reported to be or have been members of the Subject's news staff or engaged in the collection of news items for him;

~~_____~~
Jack Anderson.

APPENDIX A
DOCUMENT #1

~~Jack ANDERSON~~

GENERAL:

On 19 February 1953 Westbrook Pegler alleged in his column that Anderson was once a civilian reporter in China during World War II for a Salt Lake City newspaper. He alleged that Anderson was subsequently drafted into the Army and obtained a position on the staff of GI newspaper "China Lantern" where his editorial policy fomented trouble along the military personnel coming near to mutiny.

Return to SIS

NAME: ANDERSON, Jack Northman
 ADDRESS:
 OCCUPATION:

BIRTH:

EDUCATION:

EMPLOYMENT HISTORY:
DATES

1947 to present
 World War II

Drew Pearson, Washington, D. C.
 Stars and Stripes (U. S. Army),
 Shanghai, China.

World War II

War Correspondent, China
 Merchant Marine (South Pacific)

(18-20)
 (Age 18)
 (Age 12)

Missionary, LDS Church
 Salt Lake Tribune, SLC Utah
 Reporter, Murray Eagle, Murray, Utah.

NEIGHBORHOODS:

MARITAL STATUS: Married 1947.

SOCIAL AFFILIATIONS, DESCRIPTION, ETC.:

GENERAL:

- (1) Member, White House Correspondents Association
- (2) Allegedly, he has known McCarthy since 1947, and McCarthy came to his wedding -- friends to 1950, then ceased friendship.

6.11

OMB

349691
34969

15 August 1975

MEMORANDUM FOR: Director of Security

SUBJECT: Request of Following Consultation
With SSC Staff on 11 August 1975

1. Reference is made to your request of 13 August 1975 for summaries of Office of Security files pertaining to the items of interest to and the SSC Staff as listed in Attachment.

2. Review of pertinent Office of Security file holdings has reflected the following information:

APPENDIX A
DOCUMENT #2

E2 IMPDET
CL BY 063994

Jack Anderson, SF# 349 691

Files pertaining to Jack Anderson contain bits of information dating back to circa 1960 but contain little of consequence until circa 1970-1971 when Anderson published a number of articles exposing Agency operations. The Office of Security subject file on Anderson consists of three volumes containing primarily copies of Anderson columns and other press clippings. No indication was found of any clearance actions on Anderson or utilization by CIA in any manner.

Operational files pertaining to Anderson were quite voluminous and are identified as Project MUD HEN, SF#577 681. Most of the information contained in referenced operational files pertain to the 1972 physical surveillances of Anderson and his employees. The investigation of Anderson and his subordinates was initiated as a result of Anderson's public exposure of classified information.

During the latter half of December 1971, Anderson published a series of articles dealing with classified U.S. Government diplomatic and intelligence matters. Anderson admitted that his information came from highly classified documents, the majority of which originated at CIA. Coordination by the Office of Security with the Department of State failed to reflect the source of the leak, and it became apparent that no other member organization of the intelligence community was actively pursuing investigation of the matter.

As a result, the Office of Security began amassing background data on Anderson and his employees. Surveillance was conducted at various times from mid-February 1972 to March 1972. The surveillances failed to establish the existence and/or identity of any individual who might have been supplying Anderson with classified documents.

Office Memorandum • UNITED STATES GOVERNMENT

TO : Deputy Chief, SRS

DATE: 14 March 1960

FROM : ~~XXXXXXXXXX~~

SUBJECT: ANDERSON, Jackson (Jack) Northman

The following brief represents all information available on Subject in Security Indices.

ANDERSON'S birthdate is not known though it is known that he was an adult prior to World War II since he was employed as a reporter by the SALT LAKE TRIBUNE at the age of eighteen and worked as a missionary for the Latter Day Saints Church from the ages of eighteen to twenty, all of which employment was prior to World War II.

ANDERSON served for a short while in the Merchant Marine in the South Pacific during the war, then as a war correspondent in China for a string of newspapers and the STARS AND STRIPES IN Shanghai. As a war correspondent he traveled for two months with the Chinese Nationalist Guerrillas behind the Japanese lines. After the end of the war ANDERSON covered the Nationalist-Communist truce talks and General MARSHALL'S mission to Chungking.

In 1947 ANDERSON joined Drew PEARSON'S staff in Washington as one of his legman and the two became close friends. He was a close friend of the late Senator McCARTHY who attended ANDERSON'S wedding reception in 1949. ANDERSON with Ronald May coauthored "McCarthy The Man, The Senator, The 'Ism.'" *Handwritten initials: J. P. M.*

ANDERSON left the employ of Drew PEARSON and with Fred BLUMENTHAL formed a partnership. In 1958 ANDERSON and PEARSON wrote "The U.S.A. Second Class Power?" ANDERSON in 1956 wrote "The Kefauver Story."

Subject was attacked by Westbrook PEGLER in his newspaper column. PEGLER alleged that ANDERSON when a civilian reporter in China during World War II had worked for the GI paper CHINA LANTERN and by means of his editorial policy fomented trouble among the military personnel which was just short of mutiny.

Nothing current is known of Subject or his activities.

APPENDIX A
DOCUMENT 3

27 November 1961

MEMORANDUM FOR THE RECORD:

SUBJECT: Inquiry by Jack Anderson Concerning a Reported Story
of a CIA Employee

1. Reference is made to the story supposed to be circulating in Georgetown that a CIA official on sabbatical leave, lived in Maryland, had a wife, three children, a white Cadillac and his wife had banked approximately a million dollars in a Swiss bank account. Jack Anderson was supposed to be endeavoring to develop the story.

APPENDIX A

DOCUMENT 4

8/27/67/15

283 285 - 27 Nov 61

APPENDIX B

CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

2 AUG 1977

William A. Dobrovir, Esq.
Attorney at Law
2005 L Street, N.W.
Washington, DC 20036

Dear Mr. Dobrovir:

This response is in compliance with the understanding reached between our Office of General Counsel and yourself on 26 July 1977, regarding the Privacy Act request of your client, Mr. Jack N. Anderson.

Herewith, therefore, are the documents constituting the first part of the above agreement. They have been carefully reviewed and our determinations are as follows:

Enclosed, Tab A, are those documents which are being released to you in their entirety; they are identified as:

Documents

1. Press Item for the DCI, 23 March 1972.
2. Press Item for the DCI, 15 February 1972.
3. Press Item for the DCI, 15 February 1972.
4. Press Item for the DCI, 22 February 1972.
5. Letter, 4 June 1971.
6. Memorandum for the Record, 11 January 1974.
7. Department of Commerce letter, 27 May 1966.
8. Radio-TV memorandum, 4 September 1973.
9. Article, 30 March 1972.
10. Article, undated.

APPENDIX B
DOCUMENT #1

11. Article, 15 March 1973.
12. Letter, 29 October 1974.
- 13-14. Memorandum, with article, 22 September 1975.
- 15-16. Memorandum, with attachment, 28 May 1975.

Enclosed also, Tab B, are documents which are being released to you in segregable form. Deletions in the copies listed below were made pursuant to the exemption provisions of pertinent subsections of the Privacy Act. These are identified with each record listed and an explanation of their applicability is provided after all records have been described.

<u>Documents</u>	<u>Exemptions</u>
17. Memorandum, 21 April 1966.	(b)
18. Memorandum, 25 April 1966.	(b)
19. Memorandum, 7 September 1966.	(b), (j)(1)
20. Memorandum, 10 July 1967.	(b), (j)(1)
21. Memorandum, 19 July 1967.	(b)
22. Memorandum, 20 July 1967.	(b)
23. Memorandum, 16 August 1967.	(b), (j)(1)
24. Memorandum, 17 August 1967.	(b), (j)(1)
25. Memorandum, 5 September 1967.	(b), (j)(1)
26. Memorandum, 19 March 1968.	(b), (j)(1)
27. Memorandum, 29 April 1968.	(b)
28. Memorandum, 7 November 1968.	(b), (j)(1)
29. Memorandum, 3 February 1969.	(b)
30. Memorandum, 14 October 1969.	(b)
31. Memorandum, 19 May 1969.	(b)
32. Memorandum, 19 January 1971.	(b), (j)(1)

33. Memorandum, 1 March 1971. (b), (j) (1)
34. Memorandum, 23 March 1971. (b)
35. Memorandum, 14 April 1971. (b), (j) (1)
36. Memorandum, undated. (b), (j) (1)
37. Memorandum, 21 May 1971. (b), (j) (1)
38. Memorandum, 14 September 1971. (b), (j) (1)
39. Memorandum, 17 September 1971. (b), (j) (1)
40. Memorandum, 21 September 1971. (b), (j) (1)
41. Memorandum, 22 September 1971. (b)
42. Memorandum, 23 September 1971. (b), (j) (1)
43. Memorandum, 24 September 1971. (b)
44. Memorandum, 6 January 1972. (b), (j) (1)
45. Memorandum, 10 January 1972. (b), (j) (1)
46. Memorandum, 11 January 1972. (b), (j) (1)
47. Memorandum, 17 January 1972. (b), (j) (1)
48. Memorandum, 20 March 1972. (b), (j) (1)
49. Memorandum, 22 March 1972. (b)
50. Memorandum, 23 March 1972. (b), (j) (1)
51. Memorandum, 6 April 1972. (b), (j) (1)
52. Memorandum, 4 May 1972. (b), (j) (1)
53. Memorandum, 10 May 1972. (b), (j) (1)
54. Memorandum, 19 May 1972. (b), (j) (1)
55. Memorandum, 30 August 1972. (b), (j) (1)
56. Memorandum, 31 August 1972. (b)
57. Memorandum, 11 December 1972. (b), (j) (1)

58. Memorandum, 22 December 1972. (b)
59. Memorandum, 5 January 1973. (b), (j)(1)
60. Memorandum, 1 February 1973. (b)
61. Memorandum, 2 February 1973. (b)
62. Memorandum, 2 March 1973. (b)
63. Memorandum, 7 March 1973. (b)
64. Memorandum, 21 March 1973. (b), (j)(1)
65. Memorandum, 27 March 1973. (b)
66. Memorandum, 28 March 1973. (b)
67. Memorandum, 29 March 1973. (b)
68. Memorandum, 30 March 1973. (b)
69. Memorandum, 10 April 1973. (b), (j)(1)
70. Memorandum, 8 March 1960. (b), (j)(1)
- 71-72. Routing and Record Sheet, with attached memorandum, 12 July 1967. (b), (j)(1)
73. Memorandum, 21 May 1974. (b), (j)(1)
74. Memorandum, 13 April 1973. (b), (j)(1)
75. Memorandum, 39 March 1973. (j)(1)
76. Memorandum, 7 December 1972. (b), (j)(1)
77. Note, 11 October 1973. (b)
78. Memorandum, 17 April 1974. (b), (j)(1)
79. Memorandum, 17 March 1972. (b), (j)(1)
80. Journal, 3 December 1974. (b), (j)(1), (k)(1)
81. Memorandum, 17 March 1972. (j)(1), (k)(1)
82. Memorandum, 8 January 1974. (j)(1)

- 83-84. Memorandum, with article, 20 October 1972. (j)(1), (k)(1)
85. Memorandum, 19 September 1972. (j)(1)
86. Article, 20 July 1973. (j)(1)
87. Memorandum, 30 November 1973. (j)(1)
88. Memorandum, 4 January 1973. (j)(1)
- 89-90. Article, with Radio-TV attachment, 9 October 1972. (j)(1)
91. Document, 12 April 1974. (j)(1), (k)(1)
92. Cable, 12 August 1958. (b), (j)(1), (k)(1)
93. Cable, 20 January 1972. (j)(1), (k)(1)
94. Cable, 5 September 1973. (j)(1), (k)(1)
95. Cable, 14 February 1975. (j)(1), (k)(1)
96. Cable, 14 February 1975. (j)(1), (k)(1)
97. Cable, 4 September 1973. (j)(1), (k)(1)
98. Cable, 22 March 1972. (j)(1), (k)(1)
99. Cable, 6 March 1973. (j)(1), (k)(1)
100. Cable, 15 March 1973. (j)(1), (k)(1)
101. Cable, 17 April 1972. (b), (j)(1), (k)(1)
102. Cable, 20 July 1975. (j)(1), (k)(1)
103. Cable, 2 August 1973. (j)(1), (k)(1)
104. Cable, 20 July 1973. (j)(1), (k)(1)
105. Cable, 18 June 1973. (j)(1), (k)(1)
106. Cable, 18 January 1972. (j)(1), (k)(1)
- 107-8. Memorandum, with news article attached, 19 September 1974. (j)(1), (k)(1)

109. Memorandum, 24 June 1975. (b), (j)(1),
(k)(1)
110. Memorandum, 13 September 1972. (b), (j)(1),
(k)(1)
111. Cable, 20 July 1973. (j)(1), (k)(1)
112. Cable, 24 July 1973. (j)(1), (k)(1)
113. Memorandum, 8 November 1955. (b), (j)(1),
(k)(1)
114. Cable, 15 March 1972. (b), (j)(1),
(k)(1)
115. Cable, 21 March 1972. (j)(1), (k)(1)
116. Cable, 22 March 1972. (j)(1), (k)(1)
117. Cable, 22 March 1972. (j)(1), (k)(1)
118. Cable, 22 March 1972. (j)(1), (k)(1)
119. Cable, 22 March 1972. (j)(1), (k)(1)
120. Cable, 22 March 1972. (j)(1), (k)(1)
121. Cable, 23 March 1972. (j)(1), (k)(1)
122. Cable, 24 March 1972. (j)(1), (k)(1)
123. Cable, 28 March 1972. (j)(1), (k)(1)
124. Cable, 28 March 1972. (j)(1), (k)(1)
125. Cable, 24 April 1972. (j)(1), (k)(1)
126. Cable, 3 April 1972. (j)(1), (k)(1)
127. Cable, 24 May 1972. (j)(1), (k)(1)
128. Cable, 11 September 1972. (j)(1), (k)(1)
129. Cable, 9 September 1972. (j)(1), (k)(1)
130. Cable, 21 January 1971. (j)(1), (k)(1)
131. Cable, 27 April 1972. (j)(1), (k)(1)

109. Memorandum, 24 June 1975. (b), (j)(1),
(k)(1)
110. Memorandum, 13 September 1972. (b), (j)(1),
(k)(1)
111. Cable, 20 July 1973. (j)(1), (k)(1)
112. Cable, 24 July 1973. (j)(1), (k)(1)
113. Memorandum, 8 November 1955. (b), (j)(1),
(k)(1)
114. Cable, 15 March 1972. (b), (j)(1),
(k)(1)
115. Cable, 21 March 1972. (j)(1), (k)(1)
116. Cable, 22 March 1972. (j)(1), (k)(1)
117. Cable, 22 March 1972. (j)(1), (k)(1)
118. Cable, 22 March 1972. (j)(1), (k)(1)
119. Cable, 22 March 1972. (j)(1), (k)(1)
120. Cable, 22 March 1972. (j)(1), (k)(1)
121. Cable, 23 March 1972. (j)(1), (k)(1)
122. Cable, 24 March 1972. (j)(1), (k)(1)
123. Cable, 28 March 1972. (j)(1), (k)(1)
124. Cable, 28 March 1972. (j)(1), (k)(1)
125. Cable, 24 April 1972. (j)(1), (k)(1)
126. Cable, 3 April 1972. (j)(1), (k)(1)
127. Cable, 24 May 1972. (j)(1), (k)(1)
128. Cable, 11 September 1972. (j)(1), (k)(1)
129. Cable, 9 September 1972. (j)(1), (k)(1)
130. Cable, 21 January 1971. (j)(1), (k)(1)
131. Cable, 27 April 1972. (j)(1), (k)(1)

132. Cable, 12 May 1972. (j)(1), (k)(1)
133. Cable, 12 May 1972. (j)(1), (k)(1)
134. Cable, 27 January 1971. (j)(1), (k)(1)
135. Cable, 6 March 1973. (j)(1), (k)(1)
136. Cable, 11 September 1972. (j)(1), (k)(1)
137. Cable, 18 June 1973. (j)(1), (k)(1)
138. Cable, 22 April 1972. (j)(1), (k)(1)
139. Cable, April 1972. (j)(1), (k)(1)
140. Routing Sheet, 27 February 1973. (b), (j)(1),
(k)(1)
141. Cable, 22 January 1972. (b), (j)(1),
(k)(1)
142. Memorandum, 19 August 1957. (j)(1), (k)(1)
143. Cable, 25 February 1972. (j)(1), (k)(1)
144. Cable, 18 February 1975. (j)(1), (k)(1)
145. Cable, 23 March 1976. (b), (j)(1),
(k)(1)
146. Cable, 5 August 1974. (j)(1), (k)(1)
147. Cable, 28 May 1970. (j)(1), (k)(1)
148. Cable, 18 March 1972. (b), (j)(1),
(k)(1)
149. Cable, 20 March 1972. (j)(1), (k)(1)
150. Cable, 20 March 1972. (j)(1), (k)(1)
151. Cable, 14 April 1972. (b), (j)(1),
(k)(1)
152. Memorandum, 11 May 1972. (b), (j)(1),
(k)(1)
153. Memorandum, 2 August 1974. (b), (j)(1),
(k)(1)

154. Memorandum, 10 October 1975. (j)(1), (k)(1)
155. Memorandum, 18 April 1975. (j)(1), (k)(1)
156. Cable, 23 April 1972. (j)(1), (k)(1)
157. Cable, 6 April 1972. (b), (j)(1),
(k)(1)
158. Cable, 20 January 1971. (b), (j)(1),
(k)(1)
159. Memorandum, 30 October 1964. (b), (j)(1),
(k)(1)
160. Memorandum, March 1973. (j)(1), (k)(1)
- 161-62. Official Routing Slip, with article (j)(1)
attachment, 23 March 1973.
163. Memorandum, 20 October 1972. (j)(1), (k)(1)
164. Memorandum, 26 October 1972. (j)(1), (k)(1)
165. Memorandum, 12 October 1972. (j)(1), (k)(1)
166. Routing and Record Sheet,
20 October 1972. (j)(1), (k)(1)
- 167-68. Memorandum, with attachment,
20 October 1972. (j)(1), (k)(1)
- 169-70. Memorandum, with attachment,
19 March 1973. (b), (j)(1),
(k)(1)
171. Memorandum, 12 February 1974. (j)(1), (k)(1)
172. Memorandum, 29 March 1974. (j)(1), (k)(1)
173. Article, 21 September 1972. (j)(1), (k)(1)
- 174-78. Transmittal Slip, Memorandum,
and three attachments, 10 January
1967. (j)(1), (k)(1)
- 179-90. Twelve news articles, between 17
December 1971 and 15 January 1975. (j)(1), (k)(1)
191. Transmittal Slip, 16 October 1972. (j)(1)

- 192-94. Official Routing Slip, with Memorandum and Article, 24 October 1975. (j)(1)
- 195-97. Memorandum, with article and Routing and Record Sheet, 17 December 1974. (j)(1), (k)(1)
198. Background Reading Sheet, 12 June 1972. (j)(1)
199. Routing and Record Sheet, 19 April 1971. (j)(1), (k)(1)
200. Official Routing Slip, 13 January 1972. (j)(1)
- 201-3. Routing and Record Sheet, with attached article and statement, 16 January 1975. (j)(1)
204. Journal entry, 13 March 1968. (b)
205. Journal entry, 14 March 1968. (b)
206. Memorandum, 28 September 1970. (j)(1), (k)(1)
- 207-8. Letter to Editor, with attachment, 27 October 1975. (j)(1)
209. Letter, 14 May 1974. (j)(1)
210. Letter, 14 May 1975. (b)
- 211-13. Transmittal Slip, with two attachments, January 1973. (j)(1)
214. Letter, 19 March 1973. (j)(1), (k)(1)
215. Memorandum, 15 March 1973. (j)(1), (k)(1)
- 216-17. Letter, with article attached, 16 March 1973. (j)(1), (k)(1)
- 218-22. Five identical Letters (as #216 above) for different recipients, 16 March 1973. (j)(1), (k)(1)

The following documents are being withheld in their entirety. The withholding exemptions are given with each document cited.

<u>Documents</u>	<u>Exemptions</u>
223. Memorandum, 7 June 1973.	(b), (j)(1)
224. Journal, 12 August 1975.	(b)
225. Journal, 9 May 1974.	(j)(1), (k)(1)
226. Journal, 6 May 1974.	(j)(1), (k)(1)
227. Journal, 27 December 1973.	(j)(1), (k)(1)
228-33. Routing and Record Sheet, with five attachments, 28 February 1975.	(b), (j)(1), (k)(1)
234-35. Memorandum, with attachment, 10 January 1967.	(b), (j)(1)
236-37. Routing Slip, with attached memorandum, 16 June 1975.	(j)(1)
238-40. Routing Slip, with 2 attachments, 11 April 1975.	(b), (j)(1)
241. Memorandum, 6 January 1971.	(j)(1), (k)(1), (k)(2), (k)(5)
242. Memorandum, 23 June 1971.	(j)(1), (k)(1), (k)(2), (k)(5)
243-44. Memorandum, with attached memorandum of 2 September 1975, 27 August 1975.	(b), (j)(1), (k)(1)
245. Memorandum, 13 February 1975.	(b), (j)(1), (k)(1)
246. Memorandum, 12 February 1975.	(b), (j)(1), (k)(1)
247. Memorandum, 6 February 1975.	(b), (j)(1), (k)(1)
248. Memorandum, 14 January 1975.	(b), (j)(1), (k)(1)

249. Memorandum, 28 March 1972. (b), (j)(1), (k)(1)
250. Cable, 17 April 1972. (b), (j)(1), (k)(1)
251. Cable, 15 April 1972. (b), (j)(1), (k)(1)
252. Cable, 4 January 1972. (j)(1), (k)(1)
253. Cable, 6 September 1973. (b), (j)(1), (k)(1)
254. Cable, 6 September 1973. (b), (j)(1), (k)(1)
255. Cable, 2 September 1973. (b), (j)(1), (k)(1)
256. Cable, 3 September 1973. (b), (j)(1), (k)(1)
257. Cable, 5 September 1973. (b), (j)(1), (k)(1)
258. Cable, 4 May 1973. (b), (j)(1), (k)(1)
259. Cable, 13 January 1972. (j)(1), (k)(1)
260. Cable, 15 January 1972. (j)(1), (k)(1)
261. Cable, 14 January 1972. (j)(1), (k)(1)
262. Cable, 17 January 1972. (j)(1), (k)(1)
263. Cable, 18 April 1972. (b), (j)(1), (k)(1)
264. Cable, 20 June 1974. (j)(1), (k)(1)
265. Memorandum, 17 October 1975. (b), (j)(1), (k)(1)
- 266-67. Memorandum, with attachment, 10 January 1975. (b), (j)(1), (k)(1)
268. Memorandum, 22 October 1975. (b), (j)(1), (k)(1)

269. Memorandum, 23 November 1973. (b), (j)(1), (k)(1)
270. Memorandum, 1 June 1971. (b), (j)(1), (k)(1)
271. Memorandum, 17 July 1972. (b), (j)(1), (k)(1)
272. Cable, 18 February 1975. (j)(1), (k)(1)
273. Cable, 14 February 1975. (j)(1), (k)(1)
274. Cable, 5 December 1974. (j)(1), (k)(1)
275. Dispatch, 21 June 1971. (b), (j)(1), (k)(1)
276. Memorandum, 1 March 1972. (b), (j)(1), (k)(1)
277. Cable, 23 March 1972. (b), (j)(1), (k)(1)
278. Cable, 23 March 1972. (b), (j)(1), (k)(1)
279. Cable, 28 March 1972. (j)(1), (k)(1)
280. Cable, 27 March 1972. (b), (j)(1), (k)(1)
281. Cable, 14 April 1972. (j)(1), (k)(1)
282. Cable, 17 April 1972. (j)(1), (k)(1)
283. Cable, 15 April 1972. (j)(1), (k)(1)
284. Cable, 22 May 1972. (b), (j)(1), (k)(1)
285. Cable, 17 May 1972. (j)(1), (k)(1)
286. Cable, 3 July 1972. (b), (j)(1), (k)(1)
287. Cable, 29 June 1972. (b), (j)(1), (k)(1)

288. Cable, 13 September 1972. (b), (j)(1),
(k)(1)
289. Cable, 24 September 1972. (j)(1), (k)(1)
290. Cable, 28 September 1972. (j)(1), (k)(1)
291. Cable, 12 October 1972. (j)(1), (k)(1)
292. Cable, 16 October 1972. (j)(1), (k)(1)
293. Cable, 10 May 1972. (j)(1), (k)(1)
294. Cable, 8 September 1972. (b), (j)(1),
(k)(1)
295. Cable, 26 April 1972. (b), (j)(1),
(k)(1)
296. Cable, 26 April 1972. (j)(1), (k)(1)
297. Cable, 29 February 1972. (j)(1), (k)(1)
298. Cable, 1 May 1972. (j)(1), (k)(1)
299. Cable, 21 January 1971. (j)(1), (k)(1)
300. Cable, 7 March 1973. (b), (j)(1),
(k)(1)
301. Cable, 8 September 1972. (j)(1), (k)(1)
302. Cable, 22 March 1972. (b), (j)(1),
(k)(1)
303. Memorandum, 3 May 1972. (b), (j)(1),
(k)(1)
304. Cable, April 1972. (j)(1), (k)(1)
305. Cable, 24 April 1972. (j)(1), (k)(1)
306. Cable, 22 April 1972. (j)(1), (k)(1)
307. Cable, 25 April 1972. (j)(1), (k)(1)
308. Cable, 24 April 1972. (j)(1), (k)(1)
309. Cable, 26 February 1975. (j)(1), (k)(1)

310. Cable, 25 February 1975. (b), (j)(1), (k)(1)
311. Memorandum, 14 March 1975. (b), (j)(1), (k)(1)
312. Memorandum, 7 May 1971. (b), (j)(1), (k)(1)
313. Memorandum, 10 August 1972. (b), (j)(1), (k)(1)
314. Memorandum, 13 January 1975. (b), (j)(1), (k)(1)
315. Cable, 13 January 1972. (j)(1), (k)(1)
316. Cable, 25 February 1972. (j)(1), (k)(1)
317. Cable, 14 January 1972. (j)(1), (k)(1)
318. Cable, 12 January 1972. (j)(1), (k)(1)
319. Cable, 5 February 1972. (j)(1), (k)(1)
320. Cable, 12 January 1972. (j)(1), (k)(1)
321. Cable, 12 January 1972. (j)(1), (k)(1)
- 322-26. Memorandum, with four attachments, 19 January 1967. (j)(1), (k)(1)
327. Cable, 11 January 1967. (j)(1), (k)(1)
328. Cable, 11 October 1972. (j)(1), (k)(1)
329. Memorandum, 15 March 1973. (j)(1), (k)(1)
330. Attachment to Routing Sheet of 20 October 1972. (j)(1), (k)(1)
331. Memorandum, 16 October 1972. (j)(1), (k)(1)
332. Memorandum, 21 September 1972. (j)(1), (k)(1)
- 333-34. Memorandum, with attachment, 24 October 1972. (j)(1), (k)(1)
- 335-36. Official Routing Slip, with attachment, 24 October 1972. (j)(1), (k)(1)

337. Memorandum, 7 June 1971. (j)(1)
338. Memorandum, 13 September 1971. (j)(1), (k)(1)
339. Memorandum, 20 November 1964. (b)
340. Cable, 17 January 1972. (j)(1), (k)(1)
341. Cable, 17 January 1972. (j)(1), (k)(1)
342. Cable, 17 January 1972. (j)(1), (k)(1)
343. Cable, 18 January 1972. (j)(1), (k)(1)
- 344-45. Electrical transmission, with attachment, 9 December 1971. (j)(1), (k)(1)

The Privacy Act subsections cited above apply as follows:

(b) applies to information concerning other individuals which may not be released without their written consent;

(j)(1), in this case, applies to documents or segregable portions of documents, release of which would disclose intelligence sources and methods, including names of Agency employees and organizational components; and, documents or information provided by foreign governments;

(k)(1) applies to information and material properly classified pursuant to Executive Order 11652;

(k)(2) applies to investigatory material compiled for law-enforcement purposes, release of which would disclose a confidential source; and,

(k)(5) applies to investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, or access to classified information, release of which would disclose a confidential source.

For purposes of clarification, you will note that subsection (b) has been cited above; this citation has replaced the annotation "Privacy" used in our previous two responses.

Also, I have been advised by our General Counsel's Office that you are withholding your appeal of 5 July 1977 pending our final response to Mr. Anderson's request. To this, in accordance

with your requirement for an explicit date for completion, we will have the balance of this request in your office on or before 19 August 1977.

Sincerely,

Gene F. Wilson
Information and Privacy Coordinator

Enclosures: a/s

26 APR 1966

25 April 1966

MEMORANDUM FOR THE DEPUTY DIRECTOR

SUBJECT: Contacts with Representatives of Public Media and Request for Clearance

1. Listed below is a summary of contacts with representatives of public media reported by Agency personnel for the 96-hour period ending 24 April.

<u>Media Representative</u>	<u>Date</u>	<u>Agency Contact</u>	<u>Remarks</u>
Jack Anderson WASHINGTON POST	21 April	Col. Grogan	Col. Grogan called Mr. Anderson to find out if he had received the information on CIA, that Col. Grogan sent him. Mr. Anderson said that he had received the material, and found it very useful.

APPENDIX B

DOCUMENT # 2

OMF-0
CLASSIFICATION

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MESSAGE HANDLING INDICATOR

DATE-TIME GROUP

MESSAGE REFERENCE NUMBER

STAFF

102310Z

DIRECTOR

422785

CONF: /

INFO: FILE

DISSEM BY: /

INDEX REINDEX

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TO: /

18 June 1976

1. FOLLOWING IS QUOTE OF PART OF ARTICLE BY JACK ANDERSON ENTITLED "WORLD LEADERS" WHICH APPEARED IN PARADE MAGAZINE 17 JUNE 1973: QUOTE.

OF COURSE, ELECTRONIC EAVESDROPPING IS OFTEN USED. IN BELGIUM A CIA OPERATIVE LEARNED THAT THE CHINESE COMMUNIST EMBASSY WAS PLANNING TO MOVE. HE QUICKLY LOCATED THE NEW SITE AND RENTED THE HOUSE NEXT DOOR. BUGS WERE PLACED IN THE NEW EMBASSY BEFORE THE CHINESE MOVED IN. THE CIA PICKED UP AN EARFUL BEFORE THE BUGS WERE EVENTUALLY DISCOVERED. UNQUOTE.

2. ABOVE QUOTE INSERTED OUT OF CONTEXT IN ARTICLE DEALING WITH CIA INTELLIGENCE ASSESSMENTS OF WORLD LEADERS. PARA ONE STORY DOES NOT FIT ANY KNOWN SET OF CIRCUMSTANCES IN [] AND WE HAVE NO IDEA HOW STORY ORIGINATED UNLESS IT IS DISTORTION/MISUNDERSTANDING

DATE:
ORIG:
UNIT:
EXT:

APPROVED FOR RELEASE

Date 30 NOV 1976

RELEASING OFFICER

COORDINATING OFFICERS

AUTHENTICATING OFFICER

CLASSIFICATION

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~~SECRET~~

APPENDIX B 30
DOCUMENT #3

CLASSIFICATION

MESSAGE HANDLING INDICATOR

DATE-TIME GROUP

MESSAGE REFERENCE NUMBER

STAFF

DIRECTOR

CONF: INFO: FILE

422785

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INDEX NOINDEX

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OF | COMPROMISES AND ATTENDANT PUBLICITY.
POUCHING ARTICLE.

3. DEFER TO | JUDGMENT WHETHER NOTIFY | OF ABOVE.
HOWEVER, IN VIEW | QUERY BY | , BELIEVE MAY
BE PREFERABLE INFORM | BEFORE THEY HEAR STORY FROM ANOTHER
QUARTER.

4.

DATE: 18 JUNE 1972

ORIG:
UNIT:
EXT:

RELEASING OFFICER

COORDINATING OFFICERS

AUTHENTICATING OFFICER

CLASSIFICATION

REPRODUCTION BY OTHER THAN THE ISSUING OFFICE IS PROHIBITED

EAA Response to Baseball Challenge

by Jack Anderson

The Board of Directors of EAA met to discuss the challenge by Jack Anderson for his team to play an EAA baseball team. Since EAA only has softball teams, and this is the case of nearly all local amateur teams, the Board addressed itself to softball competition. Advisors to the Board from the Office of Security were present at the meeting.

After a general discussion of the matter, it was the consensus of the Board that to accept such a challenge could be disruptive to the existing league schedule and could set a precedent which would make it difficult to refuse future challenges from other groups wishing to obtain publicity by such an event. The Board did, however, wish to make clear the fact that if the Director prefers that this challenge be accepted, they believe a team can be organized which would have no security implications.

The Board defers to the Agency on the questions of publicity and the problems associated with the spectators who might attend.

APPENDIX B
DOCUMENT # 3

APPROVED FOR RELEASE

Date 20 NOV 1976

79

OFFICIAL ROUTING SLIP

APPENDIX B DOCUMENT #4

NAME AND ADDRESS	DATE	INITIALS
Assistant to the Director		
1 DX-4		
2		
3		
4		
5		
6		

ACTION	DIRECT REPLY	PREPARE REPLY
APPROVAL	DISPATCH	RECOMMENDATION
COMMENT	FILE	RETURN
CONCURRENCE	INFORMATION	SIGNATURE

Remarks:

Angus:

After careful analysis we did not feel (contrary to my initial impression) that we are on sound enough ground to do a point-by-point rebuttal. However, your Watergate expert, did put the attached together which you may find some use for at some time, perhaps merely to twit Anderson.

John S. Warner
John S. Warner

FOLO HERE TO RETURN TO SENDER

FROM: NAME, ADDRESS AND PHONE NO.	DATE
General Counsel	10/24/75

UNCLASSIFIED CONFIDENTIAL SECRET

The account by Messrs. Anderson and Whitten in their column entitled "CIA Watergate Cover-up Detail" in the 24 October edition of the Washington Post seems rather selective in the facts it chose to use to conclude that CIA attempted to obstruct the Watergate investigation. The facts show that the leadership of the Agency attempted to keep the Agency out of the Watergate tangle and, when they finally had some appreciation of the situation, stood up and flatly refused to become a party to the affair.

As early as 17 June 1972 the CIA began to respond to requests for information that were requested by the FBI. In connection therewith, the CIA had at least ten conversations or contacts with the FBI prior to 22 June--the date of the first indicated contact in the Anderson column. Further, as outlined in the column, the facts indicate that on 26 June--the first working day following the 23 June meeting between Acting Director Gray and Deputy Director Walters--the officials of the CIA, particularly General Walters, refused to cooperate with the requests of the Nixon White House. Unfortunately, this stand was not immediately communicated to the FBI; however, two points are clear: First, the CIA officials refused to continue to cooperate with the requests, and, second, everyone involved in the Watergate matter quickly became aware of this position.

The facts of this matter unequivocally lead to the conclusion that the CIA officials acted in the most courageous manner imaginable, particularly in view of the pressures that were brought to bear on them. Messrs. Anderson and Whitten should be the first to stand up and recognize this rather than condemn them as they have done in their column.

In hindsight it is easy to criticize and suggest that CIA officials should have acted differently in several instances; the point remains clear overall, however, that notwithstanding the tremendous and extreme pressure from the highest levels of the United States Government, these officials stood out as refusing to be involved or participate in the "Watergate Cover-up."

APPENDIX B
DOCUMENT #

A Watergate Cover-up Detailed

By Jack Anderson
 and Les Whitten

The full story can now be told how top CIA officials, working with the Nixon White House, attempted to obstruct the Watergate investigation.

From sources in the prosecutor's office, the FBI and the CIA itself, we have dug out new details that tighten the case against the CIA brass. The story can best be told in chronological order.

It began, of course, with the Watergate break-in early in the morning of June 17, 1972. An investigation quickly developed that some of the burglars had a CIA background.

This gave the White House conspirators an idea. They might be able to use the CIA to cover up their own connection with the crime. Here's how the plot developed.

June 22—The acting FBI director L. Patrick Gray III, called CIA chief Richard Helms to ask whether the CIA had been involved in Watergate. Helms assured Gray that the CIA had nothing to do with the burglary.

June 23, 10 a.m.—President

Nixon instructed his major domo, H. R. Haldeman, to tell the FBI: "Don't go any further into this case." Nixon suggested that Haldeman explain "this would open the whole Bay of Pigs thing."

June 23, 11 a.m.—White House counsel John W. Dean III, acting on Haldeman's instructions, telephoned Gray to suggest that the CIA was involved in the Mexican phase of the Watergate case.

June 23, 1 p.m.—The President again brought up the CIA in a private conversation with Haldeman. Referring to Gray, Nixon instructed Haldeman: "Just tell him to lay off."

June 23, 1 p.m.—CIA director Helms and his deputy, Vernon Walters, were summoned to White House aide John D. Ehrlichman's office. Haldeman joined them and did most of the talking.

He explained frankly that the Democrats were "taking advantage" of the Watergate break-in for political purposes. He wanted the CIA, therefore, to advise Gray that the FBI could jeopardize a covert CIA operation if it continued digging into the Mexican matter.

Helms replied that he had

already told Gray there had been no CIA involvement in Watergate. Haldeman suggested that further FBI investigation might expose Bay of Pigs secrets. Helms disputed this; Haldeman insisted, nevertheless, that Walters—not Helms—talk to Gray.

June 23, 1:30 p.m.—Dean telephoned Gray to set up an appointment for Walters.

June 23, 2:20 p.m.—Haldeman reported to Nixon: "Walters is going to make a call to Gray. That's the way we put it, and that's the way it was left."

June 23, 2:30 p.m.—Walters called upon Gray and repeated the Haldeman lie. Walters not only claimed the investigation could upset a covert CIA operation in Mexico but also suggested the investigation shouldn't go beyond the arrest of the five Watergate burglars.

June 28—Dean summoned Walters to the White House and asked him whether the CIA could put up bail for the Watergate defendants. Dean also wanted the CIA to pay their salaries if they were sent to jail. Walters objected that the CIA would be destroyed if it became known that the

agency was providing money for the Watergate crew.

June 27—Dean called Walters back to the White House. Again Walters resisted funneling CIA money to the Watergate defendants, saying that expenditures within the United States had to be reported to Congress.

On the same day, Dean asked Gray to stop the FBI from interviewing two key witnesses because of their CIA involvement.

June 28—At still another White House huddle, Dean emphasized to Walters the importance of confining the FBI investigation to the five Watergate burglars. The CIA deputy, asked for his advice, suggested blaming Watergate on the Cuban exiles.

In a telephone call to Gray, Dean asked him to hold up on FBI interview of another witness, citing "national security."

July 5—Gray phoned Walters to say he could no longer hold up the Watergate investigation to protect the CIA without a written request.

July 6—Walters delivered a memo to Gray, coming clean for the first time. The memo disclaimed any CIA interest in the Watergate burglars or the witnesses Dean had asked the FBI not to question. Walters also told Gray that he could no longer ask him to hold up future investigations for security reasons.

The memo, incidentally, identified Watergate ring leaders G. Gordon Liddy and E. Howard Hunt Jr. who were then known to the FBI only as George Leonard and Ed Warren. Yet Gray locked the memo in his safe, without showing it to the FBI agents on the case.

The following fall—Waterbugger James McCord wrote a series of letters to the CIA detailing how he hoped to avoid prosecution and to protect the CIA. These letters were reviewed by CIA counsel Lawrence Houston and director Helms. Yet they never relayed this crucial material to the Watergate prosecutors.

Indeed, Helms took care not to share information with the prosecutors. He sought to keep his own skirts clean instead by routing the information to then-Attorney General Richard G. Kleindienst and FBI chief Gray, whom Helms knew were Nixon loyalists.

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Washington Post
 24 October 1975

APPENDIX B
 DOCUMENT #6

Indeed, Helms took care not to share information with the prosecutors. He sought to keep his own skirts clean instead by routing the information to then-Attorney General Richard G. Kleindienst and FBI chief Gray, whom Helms knew were Nixon loyalists.

17 December 1974

MEMORANDUM FOR: The Record

SUBJECT : Report of Events Pertinent to Recent Exposure of Agency Operational Disguise Procurement Activities by Syndicated Columnist Jack Anderson

1. This memorandum covers facts and events pertaining to the article published by Jack Anderson on 3 December 1974 in his syndicated column "Washington Merry-Go-Round". The portion of the article subtitled "Masked Identity" alludes to clandestine dealings between a California make-up firm and a "mysterious federal intelligence unit". The extent of compromise to Agency activities, and the measures undertaken to limit that compromise are also indicated herein.

2. [redacted] received word on 27 November that an Anderson legman, Arthur Burdett, had contacted the Director's public relations representative, Mr. Angus Thuermer, in reference to a Washington, D.C. Main Post Office box registered in the name of [redacted]. Burdett claimed to be investigating a California make-up firm and this name and address came up as a lead. In fact, this box has been used by the [redacted] Section for a number of years as an [redacted]. Since [redacted]

[redacted] were considered but [redacted] was usually the go-between in our dealings with them so he was asked to discretely check to determine where the inquiries by the Anderson spademan had been made.

3. On Monday, 2 December, [redacted] called back and informed us that he had found out nothing and the only one left to be considered was his accountant who is not cleared and witting but did have access to invoices which bore the name and address of the [redacted]. [redacted] was instructed to check with the accountant and report his findings.

4. On Tuesday, 3 December the Anderson story was published. The information and detail provided in the article was so precise it pinpointed our dealings with [redacted] in the third quarter of the 1974 calendar year. The materials described and their dollar amount matched [redacted] invoices submitted in June and July. [redacted] was called and informed of the article. He said he had spoken to his accountant and received a somewhat garbled answer. In view of the article and its content, he would go back and question the accountant in more detail.

APPENDIX B
DOCUMENT 153424

Memo For: The Record
Subject: Report of Events Pertinent to Recent Expose of Agency Operational Disguise Procurement Activities by Syndicated Columnist Jack Anderson

5. Since the evidence seemed so slanted toward the accountant, discussions were held within [redacted] as to an appropriate position on our part regarding his disposition. An entirely neutral position was considered to be most appropriate.

6. On the evening of 3 December, [redacted] called one of the technicians at home and announced that his accountant had admitted to an indiscretion and violation of professional trust.

7. The accountant is [redacted] manager of the [redacted] California. According to the accountant, he met the reporter, Burdett, at a California cocktail party where the subject of investigative reporting was being discussed. [redacted] was slightly intoxicated and made reference in "general terms" to a client of his who apparently was involved in secret dealings with what he guessed to be the FBI. [redacted] said he did not know how the reporter obtained the detailed information published in the article.

8. [redacted] has now terminated his account with [redacted] and company and retrieved all of his records with no participation or advice on the part of the Agency. [redacted] assessment of [redacted] present attitude is that of simple regret and shame.

9. All use of the [redacted] address was suspended upon the first information of its compromise and two new post office boxes have been obtained in different names and at different Washington stations. When [redacted] interviews a new accountant he will be briefed beforehand that he does some classified work for the U. S. Government and it is required that his accountant be cleared. If the applicant agrees, [redacted] can be prepared to present preliminary forms at that time. One of the points which Anderson's column focused on was the use of a U.S. Treasury check as means of payment. This apparently seemed curious given the billing address. Changes will be made for a more [redacted] funding system. Since we have to assume that Anderson can name [redacted] if not the Agency, in this matter even though he has chosen not to as yet,

In regard to the compromise of the [redacted] techniques and representative state-of-the-art, the damage is estimated to be quite minimal in view of similar techniques currently practiced in the film industry and medical maxillofacial restoration. The important point is that no specific operations or unique [redacted] operational employment of the materials was compromised.

~~CONFIDENTIAL~~
~~CONFIDENTIAL~~

[Handwritten signature]

Nemo For: The Record
Subject : Report of Events pertinent to Recent Expose of Agency Operational
Disguise Procurement Activities by Syndicated Columnist Jack Anderson

Distribution:

- 1 -
- 1 -
- 1 -

Hill Unit Thwarts HEW Fraud Probe

By Jack Anderson

An investigation by the Department of Health, Education and Welfare of more than \$30 million in frauds and other rip-offs has been thwarted by the pinch-penny Senate Appropriations Committee.

At present, 81 major criminal cases involving at least \$17.5 million are backlogged in the files of HEW gumshoes while the ingenious fast-buck artists who perpetrated the frauds are living like kings on the taxpayers' money.

Another 100 cases have not even been opened although HEW has respectable leads it could follow if it had the manpower. The theft from the taxpayers in these cases cannot accurately be estimated, but it may total another \$10 million to \$20 million.

The locales of the frauds and thefts range from small towns in Texas to the biggest cities. The pitifully small HEW investigations staff has found hints of \$3 million in Medicaid chiseling as many as 100 New York doctors.

In Los Angeles, Cleveland and Boston, probable student loan fraud by "schools" and lenders reaches close to \$5 million. In Chicago, across-the-board frauds are believed to exist in health aid programs and embezzlement has been discovered in HEW grants.

In Atlanta, frauds and embezzlements in grants, student loan frauds, cheating on health and rehabilitation programs and other crimes by supposedly respectable businessmen, social workers and health program directors may total \$5 million.

A confidential report pro-

vided to the Senate Appropriations committee by HEW complains that "inadequate investigative capability has dictated that investigative action [on Medicaid] be taken by state agencies although the predominant source of funding comes from federal funds."

On the student loan programs, where fraud may total \$15 million and defaulted loans may soon run to \$400 million a year, the HEW document is even more blunt on the need to supplement the tiny 10-man staff of trained investigators.

"The lack of OIS [HEW's Office of Investigations and Security] investigative personnel," the document reads, "precludes development of a complete study and adequate administrative inquiry to locate all matters of fraud."

Yet, the Senate committee knocked off 12 sleuths for HEW's investigations unit and specified that "no funds shall be used to expand HEW 'internal security' unit."

Actually, the Senate report is a cheap shot in more ways than one. The "internal security" unit also has been called a "plumbers unit" by the suspicious Senate staffers. In fact, it is neither. Our investigation shows it is staffed by veteran government investigators, some of whom were hired during the Truman era.

Shorthanded as it is, the HEW investigations unit has obtained three indictments and has recovered \$1.3 million in federal funds from fraud artists. Most of the unit's cases are investigated in cooperation with the FBI.

As a result of the Senate stinginess, more than 200 HEW contractors, grantees and lending institutions are believed to be

robbing the taxpayers blind.

Footnote: Harley Dirks, staff chief for the Senate Appropriations subcommittee on HEW, stoutly defended his recommendation to deny HEW more investigators. His cuts, he insisted, have nothing to do with the fact that his wife, Ruth, works for one of the HEW offices now under investigation by the HEW sleuths.

Masked Identity—A mysterious federal intelligence unit is buying thousands of dollars worth of masks and face molds from a California make-up firm.

The purchases so far include \$1,500 worth of "custom sculptured" nose molds, \$4,000 in "latex appliances" for four facial types and \$4,200 in artificial face molds. The detailed masks include scars, bald heads and other lifelike details.

When the order was first placed, the firm was told the odd Halloween assortment was for the FBI. But a spokesman there earnestly insisted the bureau knew nothing about the purchases. At the postal boxes in Washington, D.C., to which masks and bills were delivered, a clerk let slip that "those are all CIA boxes."

The payments were made to the firm, however, by checks drawn on the U.S. Treasury

from a Pentagon account, "we were told."

Washington Whirl—President Ford will soon be able to tap his pipe in style. The Naval Research Lab is filling a presidential order for 60 ashtrays for Air Force One and its back-up plane. Each cast-aluminum ashtray is about eight inches in diameter and costs the taxpayer \$50.

A secret General Accounting Office Report indicates the major oil companies have incurred some \$2 billion in what they say are extra costs during the energy crisis. The petroleum potentates, says the report, may attempt to get government permission to take the \$2 billion out of the pockets of motorists, fuel oil users and other oil consumers.

We continue to get floods of mail from contributors to the Christian Children's Fund who are confused by two letters from the fund's argumentative director, Verent Mills. He insists our columns criticizing his management of the fund are "incorrect." Those readers in doubt about who is "correct" may want to request copies from Sen. Walter F. Mondale (D-Minn.) of his hearings in which the abashed Mills admitted his goofs and humbly promised reforms.

*1974 by United Feature Syndicate, Inc.

APPENDIX B
DOCUMENT # 8

UNCLASSIFIED

INTERNAL USE ONLY

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

FROM: <i>SECRET</i>	EXTENSION	NO.
<i>SECRET</i>		DATE <i>10/27/57</i>

TO: (Officer designation, room number, and building)	DATE		OFFICER'S INITIALS	COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)
	RECEIVED	FORWARDED		
1.				
2.				
3.		<i>NOV 1 1957</i>	<i>P</i>	
4.				
5. ASSISTANT TO THE DIRECTOR, MR. THUERMER 1 FO4 HQ			<i>M</i>	
6. <i>ew</i>				
7.				
8.				
9.				
10.				
11.				
12.				
13.				
14.				
15.				

APPENDIX B
DOCUMENT #9

27 October 1975

The Editor
The Washington Post
1150 Fifteenth Street, N. W.
Washington, D. C.

Dear Sir:

Mr. Jack Anderson, on Sunday, October 26th, commented in his column on a letter I had written to him, selecting certain quotations therefrom. I am sending you herewith the full text of the letter so that your readers may have the benefit of it rather than the selections Mr. Anderson used.

Sincerely,

/s/ W. E. Colby

W. E. Colby
Director

Attachment

APPENDIX B
DOCUMENT # 10

August 18, 1975

Mr. Jack Anderson
~~1401 16th Street, N. W.~~
Washington, D. C.

Dear Jack:

Your column of 17 August 1975 is quite persuasive. Unfortunately, it rests on statements which are not accurate.

You say that I want "to make it a crime for newsmen to publish classified information." This is not so. The legislation I have recommended would apply only to those who gain authorized access to classified intelligence information. My proposal specifically says that those not authorized to have the information cannot be punished under it as an accomplice or co-conspirator, e. g., a newsman given material by one of our people in violation of the law.

You also state that the legislation I have in mind "would authorize the CIA director to determine what should be classified." This statement is accurate but incomplete. It is hard to see a practical alternative as a first step. The legislation I proposed, however, would require that any prosecution for unauthorized disclosure be subject to prior judicial review to ensure that classification of the information is not arbitrary or capricious. This in effect would amount to judicial review of the CIA Director's determination.

You also say "the abuses (currently being investigated) would have gone unpublished, uninvestigated and, therefore, uncorrected." May I remind you that the abuses discussed by the Rockefeller Commission, as well as those being looked at by the Congressional Select Committees, essentially are based on a compilation made within the Agency itself in 1973. They were the subject of specific corrective action at that time. They might have gone "unpublished." They did not go "uncorrected."

APPENDIX B
DOCUMENT # 11

As for your conclusion that the CIA must allow more light on its activities to regain the trust of the people, I believe we have been doing exactly that over the past two years. For example, we briefed and answered the questions of about 6,000 people in 1973 and 10,000 in 1974. I have spoken to groups in Los Angeles, San Francisco, New York, Chicago and to the Associated Press Annual Meeting in New Orleans. We have certainly tried to gain the trust of the people in this fashion, and I believe we must continue to do so.

At the same time, I do feel it necessary to make the point that the successful conduct of both intelligence and journalism depends upon the ability to protect sources. We are deprived of intelligence today which we might have had but for sensational exposures of our activities, not our abuses. The solution to the dilemma of how to conduct intelligence activities in our free society is to give our intelligence organizations clear guidelines and effective supervision, but through representatives of our people, not through the "powerful spotlight" of total exposure.

Sincerely,

/s/ Bill

W. E. Colby
Director

14 May 1974

Mr. Jack N. Anderson
United Features Syndicate
1612 K Street, N. W.
Washington, D. C. 20006

Dear Jack:

Please let me express my appreciation and that of the Agency for your recent cooperation on the wording of one of your stories so as to protect significant and still continuing intelligence sources. I think the final article reflected fully your responsibility to bring matters critical of our performance to the attention of our public but at the same time I am aware that it reflected a responsibility on your part not to unnecessarily handicap our national intelligence effort.

Sincerely,

/s/ Bill

W. E. Colby
Director

APPENDIX B
DOCUMENT # 12

MAY 12 10 00 AM '74



CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505
OFFICE OF THE DIRECTOR

19 March 1973

Dr. Henry A. Kissinger
Assistant to the President for
National Security Affairs
The White House

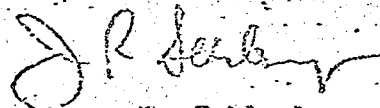
Dear Henry:

You will have noted in the Jack Anderson column on 15 March 1973
(copy attached) reference to CIA reports.

I am sure you share my deep concern at the rapidity with which
the [redacted] report appeared in the press and my hope that it is
not used to pinpoint and place in jeopardy its source. Within the Agency
I am taking steps to investigate what happened to each copy held to
determine whether any leakage might have taken place here.

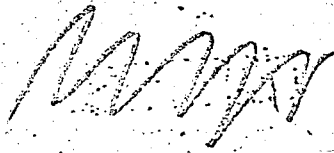
In keeping with the responsibility the President assigned to the
DCI for protection of intelligence sources and methods, I am asking
each recipient [redacted] to make an investigation to
determine whether any leakage might have taken place in his agency.
I will report on any leads we may uncover.

Sincerely,


James R. Schlesinger
Director

Attachment
Jack Anderson column
of 15 March 1973

APPENDIX B
DOCUMENT
13



APPENDIX C

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

AUG 5 1977

MORTON H. HALPERIN, et al.,)
)
Plaintiffs)
)
v)
)
HENRY A. KISSINGER, et al.,)
)
Defendants)

JAMES F. DAVEY, Clerk
Civil Action
No. 1187-73

MEMORANDUM OPINION AND ORDER

Following earlier proceedings in this case, the Court found that former President Richard Nixon, his White House Assistant, H. R. Haldeman, and Attorney General John Mitchell had violated the Fourth Amendment rights of plaintiffs Morton Halperin, his wife, and two children by subjecting them to a twenty-one month telephone wiretap. Halperin v. Kissinger, 424 F.Supp 838 (1976). Now before the Court is the question of monetary and injunctive relief.

While conceding that they have suffered no palpable injury,^{1/} plaintiffs nevertheless insist on damages measured by the \$100 per day standard set forth in Section 802 of the Omnibus Crime Control and Safe Streets Act, 18 U.S.C. §2520. See Zweibon v. Mitchell, 516 F.2d 594,663-64 (D.C.Cir. 1975),

^{1/} "No plaintiff claims any loss of employment or income resulting from the electronic surveillance overhearings. ...the disclosure of the electronic surveillance. ...[or] the purported use of the electronic surveillance." PLAINTIFFS' RESPONSE TO FEDERAL DEFENDANTS' REQUEST FOR ADMISSIONS.

APPENDIX C

cert. denied, 425 U.S. 944 (1976). This contention is without merit. The Court has previously ruled that defendants were not bound by the procedural requirements of that statute, and it would be incongruous to subject them to its penalties.

Plaintiffs also seek compensatory damages relying on the theory that compensable injury is presumed in damage suits for violation of constitutional rights. See Wayne v. Venable, 260 F. 64 (8th Cir. 1919); Basista v. Weir, 340 F.2d 74 (3d Cir. 1965); Hostrop v. Board of Junior College District No. 515, 523 F.2d 569, cert. denied, 425 U.S. 963 (1976).^{2/} That presumption cannot be invoked here.

Speaking for the Court in Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, Justice Brennan limited the damages remedy to only those who "can demonstrate an injury consequent upon the violation of [their] Fourth Amendment rights". 403 U.S. 388, 397 (1971) (emphasis supplied). See Zweibon v. Mitchell, supra at 659. In view of the fact that there is no demonstrable injury here, plaintiffs are not entitled to an award of compensatory damages.

Punitive damages are similarly inappropriate.^{3/} As stated in the prior opinion, "[t]here was justifiably grave

^{2/} See also Ashby v. White, 92 Eng. Rep. 710, 2 Ld. Raym. 938 (1703); Nixon v. Herndon, 273 U.S. 536 (1927); Nixon v. Condon, 286 U.S. 73 (1932); Piphus v. Carey, 545 F.2d 30 (7th Cir. 1976), cert. granted, 97 S.Ct. 1642 (1977).

^{3/} The availability of punitive damages in Bivens actions is unsettled in this Circuit. Compare Hartigh v. Latin, 485 F.2d 1068, 1072 (D.C. 1973), cert. denied, 415 U.S. 948 (1974) with Zweibon v. Mitchell, 516 F.2d 594, 659, cert. denied, 425 U.S. 944 (1976). See Payne v. District of Columbia, No. 74-1861 (D.C. Cir. June 7, 1977) (Tamm, J. Concurring). See also Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1973); Bell v. Hood, 327 U.S. 678 (1946).

concern in early 1969 over the leaking of confidential foreign policy information." Despite the Court's rejection of defendants' good faith defense, their conduct cannot fairly be characterized as a wanton, reckless or malicious disregard of plaintiffs' rights justifying the imposition of punitive sanctions. See Knippen v. Ford Motor Company, 546 F.2d 993, 1002 (D.C. Cir. 1976).

It is evident, therefore, that the only pecuniary relief available to plaintiffs is nominal damages in the amount of One Dollar.^{4/}

Plaintiffs further ask for an order enjoining defendants from unlawfully intercepting plaintiffs' future conversations and from using or disclosing information concerning past wiretaps. Mr. Haldeman and Mr. Mitchell are in prison. Mr. Nixon is in voluntary seclusion and is prohibited by the Twenty-Second Amendment from regaining the Office of President. Consequently, the proposed relief is unnecessary.

Plaintiffs seek additional injunctive relief with regard to the disposition of the records of the surveillance. They agree that the original logs, summary letters, authorizations, and other records relating to the wiretap should be retained by the Department of Justice with future access to be determined by the Court. But they insist that

^{4/} See Chesapeake & Potomac Telephone Company v. Clay, 194 F.2d 888 (D.C. Cir. 1952). Cf. Magnett v. Pelletier, 488 F.2d 33 (1st Cir. 1973) (\$1 nominal damages); See generally, J. STEIN, DAMAGES AND RECOVERY §§ 177-181 (1972).

they should have the only copy of the records and should be relieved of their obligation, under the April 1, 1974 Protective Order, not to disclose to anyone matter contained therein. The government acquiesces in plaintiffs' request for a copy of the logs but asks that it also be permitted to keep a copy for the duration of three similar, pending cases.^{5/} This is a reasonable request and it will be granted by the Court. However, the government contention that any gag order should apply to all parties, not just defendants, is viewed in a different light. There is no compelling reason for prohibiting plaintiffs from revealing the contents of their own conversations.

Finally Dr. Halperin requests that his security file be amended to include a statement by Dr. Kissinger that the wiretap produced no information impugning either Dr. Halperin's loyalty or his discretion. General Haig had mistakenly informed the FBI that Dr. Halperin was relieved of his National Security Council position because of information gathered from the tap. Fairness requires inclusion of the Kissinger statement, and the government has agreed to add it.

Accordingly, it is by the Court this 5th day of August, 1977

ORDERED that defendants Nixon, Haldeman and Mitchell are liable, jointly and severally, to each of the plaintiffs for nominal damages in the amount of One Dollar; and it is

5/ Ellsberg v. Mitchell, C.A. 1879-72 (D.D.C.); Lake v. Ehrlichman, C.A. 74-887 (D.D.C.); Smith v. Nixon, C.A. 76-798 (D.D.C.).

further

ORDERED that the Court's April 1, 1974 Protective Order be, and the same hereby is, dissolved, and all files and documents previously covered by that Order be disposed of as follows: (A) originals of all logs, summary letters, authorizations, and records of any other character relating to plaintiffs' wiretap shall be kept in the files of the Department of Justice, with future access to be governed by order of this Court after plaintiffs have been given notice and the opportunity to be heard; (B) after the termination of any appeals, copies of records produced pursuant to the Protective Order shall be destroyed by all parties except the government, which shall be permitted to retain one copy for the duration of Civil Actions 1879-72, 77-887 and 76-798, and plaintiffs, who shall be permitted to retain a copy for their own use; and it is further

ORDERED that all defendants are permanently enjoined from making any use or disclosure of the intercepted wire communications of the plaintiffs; and it is further

ORDERED that defendants shall insert in Dr. Halperin's security file (A) that portion of General Haig's deposition in which he stated that his FBI interview form 302 incorrectly indicated that Dr. Halperin had been relieved of his National Security Council position because of information gathered from the wiretap, and (B) that portion of Dr. Kissinger's deposition in which he stated that he knew of no wiretap information impugning either Dr. Halperin's loyalty or his discretion.


United States District Judge

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JACK N. ANDERSON,)
)
 Plaintiff,)
)
 v.) Civil Action No. 76-1794
)
 RICHARD M. NIXON, et al.,)
)
 Defendants.)

ORDER

This matter having come before the Court on the Motion of plaintiff for an Order Compelling Production of Documents Pursuant to Subpoena Duces Tecum and the Court having considered that Motion and the Opposition of the FBI, CIA, and Department of Justice thereto, and the Court having found that plaintiff's motion does not comply with Rule 45 of the Federal Rules of Civil Procedure in that it fails to apprise the federal agencies involved or the Court of the reasons why plaintiff needs access to the documents sought, it is this _____ day of _____, 1977, hereby

ORDERED that said Motion be and hereby is denied.

UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of August, 1977, I have served the foregoing Points and Authorities in Opposition to Plaintiff's Motion for An Order Compelling Production of Documents Pursuant to Subpoena Duces Tecum and a proposed Order, by mailing a copy, postage prepaid, to all counsel.

ROBERT J. FRANZINGER

UNITED STATES GOVERNMENT

Memorandum

- Assoc. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.:
- Adm. Serv. _____
- Crim. Inv. _____
- Fin. & Pers. _____
- Ident. _____
- Intell. _____
- Laboratory _____
- Legal Coun. _____
- Plan. & Insp. _____
- Rec. Mgnt. _____
- Spec. Inv. JA
- Tech. Servs. _____
- Training _____
- Public Affs. Off. _____
- Telephone Rm. _____
- Director's Sec'y _____

TO : Acting Assistant Director *M*
Special Investigative Division

DATE: 11/14/77

FROM : Legal Counsel *JM*

SUBJECT: JACK N. ANDERSON v.
RICHARD M. NIXON, et al.
(U.S.D.C., D.C.)
CIVIL ACTION NO. 76-1794

PURPOSE: To record results of review of certain investigative files by former Acting Associate Director Felt in preparation for his deposition in captioned matter.

SYNOPSIS AND DETAILS: By communication dated 11/9/77, Legal Counsel Division (LCD) requested the Special Projects Review Unit (SPRU) to review the Bufiles relating to the electronic surveillance of [redacted] (Bufile 65-75108) and the arrest of plaintiff's associate [redacted] on a charge of theft of Government property resulting from the take-over at the Bureau of Indian Affairs (Bufile 52-96921) and mark the serials in those files prepared by or reviewed by Mr. Felt.

b6
b7C

These files appropriately marked were provided to LCD and as to Bufile 65-75108 the following serials were reviewed by Mr. Felt: 1,2,3,12,18,20,29,35,62,71,113, and 149. As to Bufile 52-96921 Mr. Felt did not review any serials but with regard to the incident reported in a memorandum to the Acting Assistant Director from Mr. Felt dated 2/14/73, captioned [redacted] (unrecorded serial) reporting a conversation of Mr. Felt with former Bureau official Wicks, Mr. Felt advised he recalled the incident but did not examine the serial.

b6
b7C

EX-137 REC-2

62-117353-41

Mr. Felt discussed his upcoming deposition with Robert Franzinger, attorney, Civil Division, in the presence of Special Agent (SA) [redacted] LCD. Mr. Felt's

b6
b7C

- 1 - Mr. Lex
Attn: [redacted]
- 1 - Mr. Mintz
- 1 - Civil Litigation Unit

b6
b7C

2 NOV 18 1977

RLH:pls *pls*
(4)
Greenberg/Gray-4364

[Handwritten signature]
NIXON



b6
b7C

NOV 29 1977

Memorandum to the Acting Assistant Director
Special Investigative Division
Re: Jack N. Anderson v. Richard M. Nixon, et al.

deposition will be taken at 10 a.m. on 11/14/77, at the
office of plaintiff's counsel.

RECOMMENDATION: None. For information.

JAF

JAF

APPROVED:

Director _____
Assoc. Dir. _____
Dep. AD Adm. *JAF*
Dep. AD Inv. *JAF*

Adm. Serv. _____
Crim. Inv. _____
Fin. & Pers. _____
Ident. _____
Intell. _____
Laboratory _____

Legal Coun. *JAF*
Plan. & Insp. _____
Rec. Mgmt. _____
Spec. Inv. *M*
Tech. Servs. _____
Training _____
Public Affs. Off. _____

UNITED STATES GOVERNMENT

Memorandum

- Assoc. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.:
- Adm. Serv. _____
- Crim. Inv. _____
- Fin. & Pers. _____
- Ident. _____
- Intell. _____
- Laboratory _____
- Legal Coun. _____
- Plan. & Insp. _____
- Rec. Mgnt. _____
- Spec. Inv. _____
- Tech. Servs. _____
- Training _____
- Public Affs. Off. _____
- Telephone Rm. _____
- Director's Sec'y _____

TO : The Associate Director

DATE: 11/30/77

FROM : Legal Counsel

SUBJECT: JACK ANDERSON v.
RICHARD M. NIXON, et al.
(U.S.D.C., D.C.)
CIVIL ACTION NO. 76-1794

PURPOSE: To advise that former Acting Director L. Patrick Gray, III, defendant in the above-captioned matter, will be deposed 12/15/77.

SYNOPSIS AND DETAILS: Plaintiff Jack N. Anderson, the syndicated news columnist, alleges a conspiracy among the numerous named defendants to violate his constitutional rights relating to freedom of the press, illegal search and seizure, and invasion of privacy. Former Acting Director Gray is a named defendant and is sued in his individual capacity only. Director Kelley was named as a defendant in captioned matter in his official capacity, but a Motion for Summary Judgment was granted as to Director Kelley. Discovery in this matter has been ordered limited at the present time to the taking of depositions of those persons potentially knowledgeable of the conspiracy alleged by plaintiff. Generally these depositions have been limited to former agency-head defendants. Plaintiff has now scheduled the deposition of former Acting Director Gray on 12/15/77 in Mr. Gray's office in Groton, Connecticut. Mr. Gray is represented by the Attorney General in this matter and Legal Counsel Division is not aware of any contact with officials of the Federal Bureau of Investigation regarding this matter. Former Acting Associate Director W. Mark Felt, who was directly involved in one of the alleged overt acts of the conspiracy was deposed 11/14/77.

RECOMMENDATION: None. For Information.

- 1 - Mr. Mintz
- 1 - Civ. Lit. Unit

RLH:tml
(3) tml

Greenberg/Gray-4366

APPROVED:

Director _____
 Assoc. Dir. _____
 Dep. AD Adm. _____
 Dep. AD Inv. _____

- Adm. Serv. _____
- Crim. Inv. _____
- Fin. & Pers. _____
- Ident. _____
- Intell. _____
- Laboratory _____

- Legal Coun. _____
- Plan. & Insp. _____
- Rec. Mgnt. _____
- Spec. Inv. _____
- Tech. Servs. _____
- Training _____
- Public Affs. Off. _____



5010-110

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

December 2, 1977

RJF:cjc
145-1-548

Tel: (202) 739-3446

Mr. W. Mark Felt
3216 Wynford Drive
Fairfax, Virginia 22030

*checking in
DE-68
by [unclear] of [unclear]*

Re: Jack N. Anderson v. Richard M. Nixon,
USDC D.C., Civil Action No. 76-1794.

Dear Mr. Felt:

Enclosed is a copy of your deposition of November 14, 1977 in the above-captioned case.

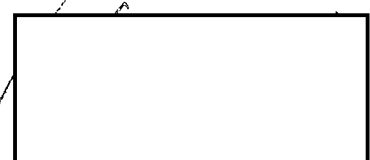
Under the Federal Rules of Civil Procedure, you are entitled to make any corrections in your deposition that you deem appropriate. As I explained to you prior to the deposition, pursuant to this procedure, the Court will receive both versions of the transcript -- the testimony as originally transcribed and as changed by you. It is important to remember that you are not limited to the correction of stenographic errors and you may therefore change the substantive of testimony if, for example, you misspoke yourself or your recollection is today somewhat different from what it was when you testified.

Please read your deposition carefully and note any changes on the enclosed errata sheets. The rules require a reason for any change or correction, and I have provided an appropriate column for you to so designate on the errata sheets. Your reasons should be brief and general, such as "to correct stenographic errors" or "to clarify the record," or "to conform with the facts."

When you have completed the review and correction of the transcript, please sign the errata sheets on the line designated for that purpose and return the sheets to me in

DE-66 REC-8 62-117353-51
JAN 4 1978

BA
Bafite 62-117353



b6
-b7c

ENCLOSURE
JAN 17 1978
ENC. BEHIND FILE

the enclosed envelope. It is important that the reading and signing of your deposition be completed promptly, as the court reporter will file the deposition with the court within thirty days after preparation of the transcript, whether or not the signing process has been completed.

I thank you for your cooperation in this matter and in taking the time out from your busy schedule to appear at your deposition.

Yours very truly,

ROBERT J. FRANZINGER
Attorney
General Litigation Section
Civil Division

~~cc:~~ Mr. John Mintz
Legal Counsel
Federal Bureau of Investigation

Attn: Esq.

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b7C

Greenberg/Gray-4368

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI
ATTN: Legal Counsel Division

DATE: 12/13/77

FROM : SAC, WFO (62-10968) (P)

SUBJECT: JACK ANDERSON
V.
RICHARD NIXON, ET. AL.
(U.S.D.C, D.C.)
CIVIL ACTION #76-1794

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Remylet dated 9/29/77.

Enclosed for the Bureau is one xerox copy of the docket sheet in captioned case from 10/28/77 - 12/8/77.

WFO will follow.

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ST-124 23 DEC 14 1977

ENCLOSURE

2 - Bureau
1 - WFO
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Greenberg/Gray-4369

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LEGAL COUNSEL
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CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF JACK N. ANDERSON	DEFENDANT RICHARD M. NIXON, et al.	DOCKET NO. 76-1794 PAGE 10 OF _____ PAGES
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K.C.

DATE	NR.	PROCEEDINGS
1977 Oct	28	ORDER filed Oct. 26, 1977 granting in part motion of deft. Colson, Dean, Gray, Helms, Kissinger, Kleindienst, Krogh, Mardian, Young, Nixon, Mitchell & Ehrlichman for protective orders with respect to plttf's interrogatories & production requests dated 7-27-77 but without prejudice to plttf. filing renewed production requests after further discovery by plttf.; granting motion of defts. CIA, FBI & DJ to quash & sustaining their objections to subpoenas duces tecum; denying motion of plttf. for an order to compel; setting forth directions to all parties. (N) Gesell, J.
Oct	27	STATUS CONFERENCE. Ruling deferred re. the taking of deposition of Young. No written interrogatories - Anderson's deposition to be taken 1-3-78. Defer the taking of deposition of Kissinger. Discovery to proceed by way of depositions. (Rep. Watson) Gesell, J.
Nov	21	STIPULATION of counsel agreeing that counsel within 20 days after receipt of transcript of any deposition file a motion for a protective order & further agreeing as to the handling of motion & transcripts. So Ordered. (FIAT) (N) Gesell, J.
Dec	7	ORAL motion of plttf. to compel certain defts. to answer questions propounded during depositions begun; respited until 12-8-77 at 9:30 A.M. (I. Watson) Gesell, J.
Dec	8	ORAL motion of plttf. to compel certain defts. to answer questions propounded at deposition concluded & denied. Court approves the procedure followed by defense counsel. (Rep. Watson) Gesell, J.
Greenberg/Gray-4370		
62-119353-52		
ENCLOSURE		

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January 13, 1978

L. Patrick Gray, Esquire
SUISMAN, WOOL, SHAPIRO, BRENNAN,
GRAY AND FAULKNER
1028 Poquonock Avenue
Groton, Connecticut 06340

DE-42
chadwick
page

Re: Jack N. Anderson
vs.
Richard M. Nixon, et al

Dear Mr. Gray:

Enclosed herewith please find the original transcript
of your deposition in the above-mentioned case.

Please read it carefully and list whatever corrections
you wish to make in a letter to me so I may attach
them to the original for filing with the court and
also so I may have copies made for the attorneys.

Will you then sign the deposition before a Notary
Public and return it to me so I may file it with the
court.

Thank you for your cooperation.

Very truly yours,

SMITH REPORTERS, INC.

VAS/rr

V-55 DE-42 62-117353-53
Violet A. Smith

cc: Joseph D. Gebhardt, Esquire
Robert J. Franzinger, Esquire

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Ref file 62-117353

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ENCLOSURE
54 MAR 3 1978

Greenberg/Gray-4371

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JACK N. ANDERSON
Plaintiff
VS.
RICHARD M. NIXON, ET AL,
Defendants

#76-1794

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Louis Patrick Gray *DC.*
Comm.

Sealed

Deposition of L. PATRICK GRAY, taken
on behalf of the Plaintiff in the above
entitled cause, before Violet A. Smith,
a Notary Public in and for the State of
Connecticut, on December 15, 1977, at the
offices of Suisman, Wool, Shapiro, Brennan,
Gray and Faulkner, 1028 Poquonok Avenue,
Groton, Connecticut, pursuant to notice.

62-117353-53

ENCLOSURE

APPEARANCES:

DOBROVIR, OAKES, GEBHARDT & SCULL
BY: Joseph D. Gebhardt, Esquire
2005 L Street NW
Washington, D. C.

JOSEPH BORKIN, Esquire
1156 15th Street NW
Washington, D. C.

Representing the Plaintiff

ROBERT J. FRANZINGER, Esquire
Civil Division, Room 3129
Department of Justice
10th and Pennsylvania Avenue
Washington, D. C.

Representing the Defendants
Colson, Dean, Helms, Kissinger,
Kleindienst, Krogh, Mardian,
Young and the deponent.

MILLER, CASSIDY, LARROCA & LEWIN
BY: R. Stan Mortenson, Esquire
2555 11th Street NW, Suite 500
Washington, D. C. 20037

Representing the Defendant
Richard M. Nixon.

HUNDLEY & CACHERIS
BY: Larry S. Gondelman, Esquire
1709 New York Avenue NW
Washington, D. C. 20006

Representing the Defendant
Mitchell.

FRANK H. STRICKLER, Esquire
1050 17th Street NW
Washington, D. C.

Representing the Defendant
Haldeman.

L. PATRICK GRAY

being of lawful age and having been first duly sworn in the above cause, testified on his oath as follows;

DIRECT EXAMINATION BY MR. GEBHARDT:

Q Would you state your full name and address for the record?

A Louis Patrick Gray the third, Findlay Way, Stonington, Connecticut, 06378.

Q Thank you. In chronological order would you state the positions you have held with the United States Government, beginning with the first position you held in the U. S. Government?

A Are you talking now civilian or military positions?

Q Why not all of them?

MR. FRANZINGER: He spent 20 years in the Navy. Can't we shorten that?

BY THE DEPONENT:

A I can start out. 1936 to 1940, Midshipman, U. S. Naval Academy. 1940 to June 30, 1960, Commissioned Officer in the United States Navy, retired as Captain, U. S. Navy.

June 30, 1960 to approximately January 6, 1969, Special Assistant to the then Vice President of the United States, Richard M. Nixon. About mid-January 1969 to January 30th

1970, Executive Assistant to the Secretary to the Department of Health, Education and Welfare, Robert H. Finch, and then for approximately 3 to 4 months during the spring and summer of 1970 on contract to the President's Cabinet Committee on Education to work in Mississippi and Georgia with various other commissions to ease the desegregation process in the school systems of those two States without any bloodshed or confrontation.

And December 8th, 1970 to the Department of Justice as Assistant Attorney General, Civil Division, Designate, confirmed by the Senate of the United States approximately a week thereafter, and served as Assistant Attorney General, Civil Division, until February 15 of 1972 when I was nominated by the President of the United States to be Deputy Attorney General of the United States, and served as Assistant Attorney General, Civil Division, and Deputy Attorney General Designate from about March 1, 1972 to May 3, 1972 when I was appointed as the Acting Director of the Federal Bureau of Investigation and actually left the Civil Division of the Department of Justice on May 16 of 1972 to go up to the offices of the Acting Director of the Federal Bureau of Investigation and serve in that capacity until April 27, 1973.

Q Thank you. Are you represented at this deposition

by counsel?

A Yes, I am.

Q Who is your counsel?

A Mr. Franzinger.

Q Have you read the complaint filed in this action?

A Yes, I have.

Q When was the last time that you reviewed the complaint?

A Yesterday.

Q Have you filed an answer in this lawsuit?

A Yes, an answer has been filed in my behalf.

Q Have you read the answer?

A Yes.

Q During the years that you served in the administration headed by President Nixon, particularly the years that you were in charge of the Civil Division and the Acting Head of the FBI, was there a concern in the Nixon administration about unauthorized leaks of information to the Press?

A I think there was a publicly expressed concern as reflected by the various newspaper reports that were prevalent during that time.

Q What do you mean by that, publicly expressed concern?

A By appearing right in the public press.

Q Officials of the Administration would express concern about leaks?

A This is my recollection, that these were publicly expressed and were set forth in the public press.

Q When did you first become aware of this concern about leaks?

A I would not have any positive recollection. There was no great emphasis upon it during the time I was in the Civil Division other than what I would read in the press, and later in the FBI and particularly during the conduct of the Watergate investigation there was concern expressed then about the leaks coming out about the Watergate investigation.

Q When the so-called Dita Beard memorandum was leaked and printed, published by Jack Anderson at the time that you were head of the Civil Division, didn't you have something to do with that investigation, with the investigation of the Dita Beard memorandum?

A I had nothing to do with the investigation of the Dita Beard memorandum as such because I was sitting then in the position as Assistant Attorney General, Civil Division, and Deputy Attorney General Designate and that was at a time that Mr. Kleindienst asked that his hearings be reopened.

And it was at that time when those hearings began, I think about maybe somewhere around between the 10th and 17th of March, I was given the task of working with the Assistant Attorney General in charge of the Anti-Trust Division and the Assistant Attorney General in charge of the Civil Rights Division to coordinate the documents that were going to the Committee pursuant to the request of the Judiciary Committee of the United States Senate. And also in that connection I worked with a group of attorneys in the Department who were preparing Issues and Answers papers and reviewing the record of the testimony for Mr. Kleindienst.

And my role was in the nature of a coordinator, and also working with these two other Assistant Attorney Generals, Anti-Trust Division, Civil Rights Division, and applying department policy to the requests for information and making the decisions in conjunction with them as to what papers should be forwarded to the Judiciary Committee.

Q In your capacity as the coordinator that you have just described did you request the FBI to conduct a lab report on the so-called Dita Beard recommendation?

A Yes. I previously testified to this in my confirmation hearings and I can't remember the exact dates to this day -- I couldn't remember it then -- but the document in question, the original of the document in question, the

Dita Beard memorandum, came over to the Department of Justice and was forwarded up to the FBI with the request -- and this was a committee request -- that it be examined to determine its authenticity.

Q And did you forward it to the FBI?

A Yes, I did.

Q Did anybody instruct or ask you to do that?

A I'm sure that the committee did, and I would have had no --

Q The U. S. Senate Judiciary Committee?

A Yes. I think the Chairman may very well have testified that he did this but that's my recollection.

Q Did you ever receive a report from the FBI on the results of the lab test on that Dita Beard memorandum?

A Yes. My recollection is that a report was made and that it was stated in that report that the strong possibility existed that the memorandum was authentic and that report was forwarded to the Judiciary Committee.

Q Was the publishing by Jack Anderson of the so-called Dita Beard memorandum considered a leak that was of concern to the Nixon Administration?

A I can't say that it was of concern to the Nixon Administration but it was of concern to Mr. Kleindienst who thought that his honor had been impugned and he requested

that the Judiciary Committee reopen his hearings.

Q Was it of concern to anyone else within the Nixon Administration other than Mr. Kleindienst?

MR. FRANZINGER: Object to the form, calling for speculation by the witness.

BY MR. GEBHARDT:

Q Please answer.

A Want me to answer that question as it's phrased?

MR. FRANZINGER: You can answer it to the extent of your knowledge if you have such knowledge.

BY THE DEPONENT:

A I don't have such knowledge because I don't know who the people were who were involved in the Task Force that Mr. Kleindienst had advising him with regard to the conduct of his reopened confirmation hearings. I did not have a role in that. My role was entirely different.

Q Who were the members of the Task Force that assisted Mr. Kleindienst?

A I do not know. The only man that I know might have been a member of that Task Force, and he may have only been an informal consultant to it, I don't know whether he constituted a part of the Task Force group advising Mr. Kleindienst, but that was Mr. Mardian.

Q Mr. Robert Mardian?

Q Then head of the Justice Department's Internal Security Division?

A I believe that was the position he occupied at the time but I'm not sure of the timing because there came a time when he left the Department of Justice and went over to the Committee to Reelect the President, as I recall. But I don't know that timing. I don't recall that timing.

Q Do you know whether any of these gentlemen were members of that Task Force -- and I'm trying to refresh any recollection that you might have -- Mr. Charles Colson, Mr. John Dean or Mr. John Ehrlichman?

A No, I do not.

Q Thank you. You have testified that Mr. Kleindienst was concerned about the publishing of the Jack Anderson column on the so-called Dita Beard memorandum. Were there any other leaks that you now remember that were of concern to the Nixon Administration?

MR. FRANZINGER: I object to the characterization of his testimony.

MR. GEBHARDT: In what respect?

MR. FRANZINGER: I don't know that he has testified that there was concern about the publishing of the document as opposed to the fact that the document --

MR. GEBHARDT: Was leaked?

MR. FRANZINGER: That's not what you said in your question either.

MR. GEBHARDT: I know. I'm trying to find out --

MR. FRANZINGER: Why don't we clarify what he means by that. I mean you're characterizing his testimony and I don't think that's exactly what he testified to.

MR. STRICKLER: When you use the term "Nixon Administration" I suppose that has some identity of individuals in your thinking. I'm not sure that I know what the Nixon Administration means at all times, so if you could clarify Nixon Administration by reference to the defendants in this case or any other way you care to do so I'd appreciate it.

MR. GEBHARDT: Well, the way I would characterize it is the high officials of the Executive Branch of the United States Government during the Presidency of Richard Nixon including --

MR. STRICKLER: This would be all agencies and departments?

MR. GEBHARDT: Principally the White House

and the officials in the various departments who were close to the President and close to the White House in terms of decision making.

BY THE DEPONENT:

A I would say that I really couldn't answer that question except to relate to you that on one occasion when the Dita Beard memorandum was in the Department of Justice and in the FBI the counsel to the President, John Dean, asked if -- called me and asked if he may have the memorandum to look at and examine it, and I told him it was a public document and I would furnish it to him in his capacity as counsel to the President, and I did.

But that is the only individual that ever called me directly about that memorandum.

Q And you furnished the so-called Dita Beard memorandum in the original form that you had to John Dean?

A That's correct, and I have testified to that extensively in my confirmation hearings.

Q And did he return that document to you?

A Yes. The document was returned but how it came back to me I cannot be certain to this day, and we tried to reconstruct it during my confirmation hearings using the facilities of the FBI and the Civil Division and we just could not do it.

We believe that the document went back and forth three times between the committee and the Department of Justice and the Federal Bureau of Investigation and that was the best that we could reconstruct it at the time of my confirmation hearings when I was testifying then.

Q Mr. Gray, when you became Acting Head of the Federal Bureau of Investigation were you briefed on a wire-tapping of Charles Radford?

A No.

Q At any time while you were Acting Head of the FBI were you given a briefing by anybody, officials or personnel, on a wire tapping of Charles Radford?

A No.

Q And I take it you were not given a briefing by anyone else in the Government?

A By no one.

Q By no one. When you were in charge of the Civil Division did you learn of a wire tapping of Jack Anderson?

A No. I had absolutely nothing to do with wire tapping in the Civil Division.

Q At that time were you aware of any physical surveillance of Jack Anderson?

A No, I was not.

Q At that time were you aware of any planting of

bugs on Jack Anderson?

A No, I was not.

Q At that time were you aware of any effort by personnel within the Nixon Administration to discredit Jack Anderson as a journalist?

A No, I was not. I wasn't at that kind of a level. As the Assistant Attorney General Civil Division I would not.

MR. FRANZINGER: Off the record.

(Off the record)

BY MR. GEBHARDT:

Q When you were Assistant Attorney General in charge of the Civil Division were you aware of any effort by persons employed by the Nixon Administration to poison or drug or kill Jack Anderson?

A Certainly not.

Q Now I am going to ask you those five or six questions in terms of when you were head of the FBI. When you were head of the FBI did you learn of any wire tapping of Jack Anderson?

A No, I did not.

Q And of any physical surveillance of Jack Anderson?

A No, I did not.

Q Of any planting of listening bugs on Jack Anderson?

A No, I did not.

Q Of any effort engaged in by persons employed by the Nixon Administration to discredit Jack Anderson as a journalist?

A No.

Q And did you learn of any plot or plan to poison or drug or kill Jack Anderson?

A No indeed.

Q And you are absolutely certain of your testimony on these previous ten questions?

MR. FRANZINGER: I object to the question.

He has answered the questions. Whether he's absolutely certain is somewhat irrelevant here.

You can answer it.

BY THE DEPONENT:

A Certainly to the best of my total knowledge, recollection and belief the answers must stand as given because I was surprised when I read that complaint.

Q Did anything in particular cause you to be surprised when you read the complaint?

A Just the allegations with regard to poisoning and that sort of thing. I think that's pretty serious. I just -- to me it's a shocking thing.

Q Mr. Gray, as you probably know from reading the

complaint this is an alleged conspiracy case and what I am going to do now is to ask you a series of questions about your contacts if any with the other defendants in this case about the subject of leaks, information to the press, and the subject of Jack Anderson. Okay?

A Yes. Well, I can tell you I had no contacts with any of them about the subject of leaks to the press with reference to Mr. Anderson. My contacts in the continual berating that I took was directed toward the leaks during the Watergate investigation, the so-called alleged leaks from Justice Department sources and the accusation made to me that these were coming from members of the FBI. And I vehemently denied that they were coming from the FBI but that's where I took the heat. But there would be from --

I remember one specific meeting with John Ehrlichman complaining to me about the leaks from the FBI, and I think it was some time in October when either the Segretti story came out or Haldeman being the custodian of the slush fund came out. It was that type of thing. But nothing in reference to Mr. Anderson as such.

Q When you say nothing in reference to Mr. Anderson as such are you also including within that answer Mr. Anderson's columns and Mr. Anderson's associates and family?

A Yes, because they were generally directed toward --

the ones that I remember most particularly are the Segretti story where he was alleged to have been delivered his FD-302, the report of interview by FBI agents. And the other one I remember is the report -- I think it was in the Washington Post and it may have been in other papers -- with regard to Mr. Haldeman being the custodian of the so-called slush fund.

Q Let me try to run through these questions quickly.

A Sure.

Q And something may occur to you as we go through the questions. Do you know the defendant Richard Nixon?

A Do I know him? I know him as the President of the United States, and my relationship with him was a professional relationship as is amply demonstrated by his own transcripts.

Q I'm going to limit my questions to the time period that you were head of the FBI. While you were head of the FBI did you ever have any contact, either orally or in writing, with Mr. Nixon concerning unauthorized leaks of information to the press?

MR. MORTENSON: I object to the question. It is not limited to discussions pertaining to Jack Anderson or leaks alleged to have been involved in the allegations of this complaint.

MR. GEBHARDT: Mr. Franzinger, are you

objecting to that question, too?

MR. FRANZINGER: I am objecting to the question also but I am not advising him not to answer, so go ahead.

MR. GEBHARDT: What is the basis of your objection?

MR. FRANZINGER: I concur in Mr. Mortenson's objection. I am not prepared to engage in a debate with you on the record as I think you are leading up to and I am not advising him not to answer the question so lets proceed, please.

MR. GEBHARDT: Mr. Gray --

THE DEPONENT: What was the question now? I want to be sure that I understand it.

(Whereupon, the last question was repeated by the Court Reporter)

BY THE DEPONENT:

A The only contact that I can remember in that respect was when I met with the President when he told me that he was going to send my name to the Senate as the Director of the FBI, and he told me once again referring back to the Water (sic) leaks that I've got to be tougher on the FBI agents, that I've got to be like Hoover and that I've got to use the lie detector test on them.

And I said, "Mr. President, those leaks in the Watergate investigation" -- these may not be verbatim words but -- "Those leaks in the Watergate investigation did not come from agents of the FBI."

Q Then I take it you had no contact with Mr. Nixon about any of the leaks referred to in the complaint in this action?

A No, because I met with the President of the United States very few times during that period. When it was initially decided to appoint me, then the day after Mr. Hoover's funeral, and then the day that he decided that he was eventually going to send my name to the Senate.

Q Did you ever have any contact with Mr. Nixon about Jack Anderson or Jack Anderson's family or associates?

A None that I recall because he was never that specific. His talk to me on this particular occasion was the Watergate leaks and I have absolutely no recollection of the mention of any specific journalist.

Q Other than the testimony you have just given did you and Mr. Nixon ever have any contact about procedures to control leaks?

A No, certainly not, other than what I have testified to.

Q With respect to the Watergate leaks?

A That's right.

Q When you were head of the FBI did you ever send any information obtained from the FBI files and records to Mr. Nixon on the subject of leaks or on the subject of Jack Anderson?

A I certainly recall no such but there could have been name check requests that came over, but neither the President nor anyone on his immediate staff ever called me and said "I want information about Jack Anderson". That is certainly my strong recollection.

Q As Acting head of the FBI did you ever have any contact either orally or in writing with the defendant Henry Kissinger concerning the subject of unauthorized leaks of information to the press?

A No, I did not.

Q Did you have any contact with Mr. Kissinger either orally or in writing concerning Jack Anderson?

A No.

Q Or Jack Anderson's family or associates?

A No, I did not.

Q Did you have any contact with Mr. Kissinger concerning the wire tapping of Charles Radford?

A No, I did not.

Q Did you have any contact with Mr. Kissinger when

you were head of the FBI?

MR. MORTENSON: Objection.

MR. FRANZINGER: You can answer yes or no.

BY THE DEPONENT:

A No, I had no contact with him. I remember when I first came into the office I tried to call him and telephoned him to meet with him, and my recollection is I spoke to General Hague, but that was just to go over and sit down and meet with him and have him know me. And the same as I did with Mr. Helms when I went over to meet Mr. Helms at the CIA.

Now I may have seen him on some social occasions at the White House, my wife and I attended perhaps six or eight of those, but never did I engage in more -- if I did see him never did I engage in more than two or three minutes conversation with Mr. Kissinger, and I doubt that I did that because I don't have that recollection or feel for that kind of a contact with him.

Q And you never discussed the question of the subject of leaks?

A No.

Q Did you ever send any information obtained from the FBI files and records to Mr. Kissinger --

MR. MORTENSON: Objection.

BY MR. GEBHARDT:

Q -- on the subject of leaks or on the subject of Jack Anderson?

MR. FRANZINGER: You can answer.

BY THE DEPONENT:

A None whatever that I can recollect. This is not to say, however, that once again there could not have been requests that would come from the White House to a name check section in the Federal Bureau of Investigation, but did your question relate specifically to wire tap information?

Q No, just with respect to the subject of leaks.

A No. No. I don't recall any whatsoever.

Q My next line of questions refers to the time period when you were both head of the Civil Division and later acting head of the FBI. During that time period did you ever have any contact orally or in writing with the defendant John Mitchell concerning unauthorized leaks of information to the press?

A You're talking now when I was acting as Assistant Attorney General Civil Division and Acting Director of the FBI, for that period of time between May 3 to May 16 when I held those two hats?

Q That's right.

A When I held those two positions.

MR. FRANZINGER: Simultaneously.

BY THE DEPONENT:

A That's when I held those positions during that period of time and the answer is no.

Q The answer is no?

A No.

MR. FRANZINGER: Off the record.

(Off the record)

BY MR. GEBHARDT:

Q My previous question related to the time period when you held either the position of head of the Civil Division and then the position as acting head of the FBI.

A No. The answer is still no.

Q At this time period did you ever have any contact with Mr. Mitchell about Jack Anderson or about Jack Anderson's column or about Jack Anderson's associates or family?

A No, I don't recall Mr. Mitchell ever speaking in those terms. As you probably know he was a rather reserved man and my position with him was as an Assistant Attorney General and to me he was General. I never called him John. When I was in his office I stood up. I didn't sit down.

Q Did you have any contact during this time period with Mr. Mitchell about procedures to control leaks of

information to the press?

A No, I did not.

Q Did you ever have any contact with Mr. Mitchell when you were acting head of the FBI about the Watergate leaks that you have already testified about?

A No, because at that time as I recall he was with the Committee to Reelect the President and I had no contact with those people with regard to Watergate other than the investigative capacity through my agents. But I personally, no.

Q You personally had no dealing with Mr. Mitchell at that time?

A No.

Q Did you send any information obtained from the FBI files and records to Mr. Mitchell concerning the subject of leaks or concerning the subject of Jack Anderson?

A To the best of my recollection, no, because that was just not a subject that was discussed.

Q When you were acting head of the FBI did you have any contacts either orally or in writing with the defendant H. R. Haldeman concerning unauthorized leaks of information to the press?

A No.

Q Concerning Jack Anderson?

A No.

Q Or any of Jack Anderson's columns or his family or his associates?

A No.

Q Concerning procedures to control leaks?

A No. I talked with Ehrlichman only on that.

Q Haldeman?

A Yes. I know I talked with Mr. Ehrlichman only on that one occasion, and for your record the only time I talked with Mr. Haldeman was one time when I was directed by one of the Senators to find out if he had read any of the material that I had been providing to John Dean in the conduct of his inquiry for the President.

When I first tried to reach Mr. Haldeman he didn't return my call. I called John Dean. I said, "I've got to talk to Mr. Haldeman because I've got to answer these Senator's questions." So Mr. Haldeman called me back and said no, he had not read the FD-302's and I reported that to the Senate. That's it.

Q Did you send any information obtained from the FBI records and files to Mr. Haldeman on the subject of leaks or on the subject of Jack Anderson?

A No, I did not.

Q When you were acting head of the FBI did you ever

have any contact either orally or in writing with the defendant John Ehrlichman concerning unauthorized leaks of information to the press?

A Only on the one that I have previously testified to in October when he took me over the coals for the Water-gate leaks that were being published at that time and stated that these were coming from the FBI, they had to be, and I denied it. I said that they were not coming from the FBI and that was that.

Q Was that contact in person --

A Yes.

Q -- or on the telephone?

A No, that was in person at his office.

Q Did you discuss with Mr. Ehrlichman procedures to control leaks?

A No, I did not. I told him that Mark Felt and I were making some efforts within the FBI -- I told him we were planning to make some efforts within the FBI to plant information to see if we could determine positively that any of this information was coming from the FBI, and we never did do that.

Q Never planted the information?

A No, we didn't do it. We decided it would be fruitless because of the mass of paper that rolls through

the FBI trying to trace it down.

Q Did you ever send Mr. Ehrlichman any information obtained from the FBI files and records concerning the subject leaks or concerning Jack Anderson?

A Not that I recall, and certainly not with regard to Mr. Anderson. And I doubt very seriously that I would have put anything in writing to him regarding leaks other than that one conversation that I had with him with regard to the Watergate leaks. My problem through all that period of time in the FBI was Watergate leaks.

Q When you were at the Justice Department and then acting head of the FBI did you ever have any contact either orally or in writing with the defendant Richard Kleindienst concerning the subject of unauthorized leaks of information to the press?

A No, I don't think so, but it's conceivable that it could have come up in conversations or at luncheons, but I recall no specific incident. Certainly not when I was in the Civil Division.

And when I was in the Federal Bureau of Investigation I went up there with the understanding with Mr. Kleindienst that he's put me in there as the Acting Director and I couldn't do the job get some other boy. So he wasn't looking over my shoulder and I wasn't going around asking him

what to do on each and every occasion. That was the relationship that we had.

Q Did you ever have a discussion with Mr. Kleindienst during this time period about Jack Anderson?

A I don't recollect any such conversation. I don't know what the subject matter of it could have been or would have been.

Q Did you discuss Jack Anderson's column on Dita Beard?

A I'm sure that that must have come up during the ITT hearings, but whether I had a direct conversation with Mr. Kleindienst on that or not I certainly can't recall.

Q Did you have any correspondence with Mr. Kleindienst about Jack Anderson?

A I don't recall any because I don't know that I would have had any reason to have had any such correspondence with him on that.

Q When you coordinated the efforts that you have previously testified to concerning the reopening of the Kleindienst confirmation hearings did you prepare anything in writing for Mr. Kleindienst?

A The attorneys prepared it and it was coordinated through me and then it was sent up to the -- I think it was the Associate Deputy Attorney General who headed the

legislative section. That material that we did went up to them and the documents I sent directly over to the committee.

Q So let me ask you again. Did you prepare anything in writing for those hearings?

A No, I didn't prepare it. It was prepared by attorneys within the department.

Q Did those attorneys prepare anything in writing on Jack Anderson?

A I do not recall.

Q Mr. Gray, did the memorandum prepared by the department attorneys for the reopening of the Kleindienst confirmation hearings contain any information about Jack Anderson's column on the so-called Dita Beard memorandum?

A I can't recall with any specificity but I'm sure there must have been something to that effect in there, but I do not recall. These were not actually memoranda. They were entitled Issues and Answers papers, and the other phase of it was correction of the record.

Q I understand.

A Yes.

Q Off the record.

(Off the record)

MR. GEBHARDT: The Issues papers that you just referred to, Mr. Gray, I would like to ask

Mr. Franzinger to have those papers produced to the plaintiff in this case.

MR. FRANZINGER: I will note your request.

I don't think it's proper under rule 34.

BY MR. GEBHARDT:

Q Mr. Gray, when you were acting head of the FBI did you ever send any information obtained from the FBI's records and files and send that information to Mr. Kleindienst on the subject of leaks or on the subject of Jack Anderson?

A Not that I recall at all, no.

Q When you were at the Civil Division and later acting head of the FBI did you have any contact either orally or in writing with the defendant Robert Mardian concerning unauthorized leaks of information to the press?

A No.

Q Concerning Jack Anderson?

A No.

Q Concerning Jack Anderson's columns, his family or associates?

A No. Certainly none that I recall. I don't recall discussing that at all with Bob Mardian at that time because at that time he was over at the Committee to Reelect the President. Prior to that he was Assistant Attorney General

in the Internal Security Division and there was no meshing of our work at all.

Q Was Mr. Mardian involved in the decision to ask the FBI for a lab report on the so-called Dita Beard memorandum?

A If he was I don't know or recall that he was. He may have initiated the request on his own but I don't know.

Q During this time period did you ever discuss with Mr. Mardian procedures to control leaks?

A No.

Q When you were head of the FBI did you send Mr. Mardian any information obtained from the FBI's files and records concerning either the subject of leaks or of Jack Anderson?

A None that I know of, but I do not know the relationship between the attorneys in the Internal Security Division and the FBI at the working level, and I don't remember when Mr. Mardian left the Department of Justice. I don't think he was there when I was Acting Director of the FBI.

Q When you were Acting Director of the FBI did you ever have any contact either orally or in writing with the defendant Charles Colson concerning unauthorized leaks of

information to the press?

A No. I only recall one telephone call from Mr. Colson. That was in October and I was up here at Stonington at my home, and when I told him where I was he said, "I apologize for us chasing you down but what I wanted to talk to you about isn't that important," and to this day I can't remember what that call was about but that's the only telephone call.

Q Your reference to October means October 1972?

A Yes.

Q Earlier when you testified about an October meeting with John Ehrlichman were you also referring to October 1972?

A Yes, that was October 1972.

Q Did you ever have any contact with Mr. Colson about procedures to control leaks?

A No.

Q Any correspondence with Mr. Colson about that?

A None that I recall.

Q When you were head of the FBI did you ever send any information obtained from the FBI's files and records to Mr. Colson concerning the subject of leaks or of Jack Anderson?

A None that I would recall, no.

Q When you were Acting Director of the FBI did you send any information obtained from the FBI's records or files to Charles Colson on any subject?

MR. FRANZINGER: I object to the question.

I advise him not to answer.

BY MR. GEBHARDT:

Q When you were at the Civil Division and later the acting head of the FBI did you ever have any contact either orally or in writing with David Young, a defendant in this case, concerning unauthorized leaks of information to the press?

A No. I recollect only one telephone call with David Young and it had to do with terrorism. That's when I was Acting Director of the FBI and he was head of the Cabinet Committee and had the responsibility of handling that.

Q Do you remember the month and year?

A No, I don't recall the month and year at all.

Q I take it you never had any discussions or correspondence with Mr. Young about procedures to control leaks?

A I did not.

Q Did you ever send any information from the FBI files and records concerning leaks or Jack Anderson to Mr. Young?

A None whatever that I recall, no.

Q Again the same time period when you were at the Justice Department and later acting head of the FBI did you ever have any contact either orally or in writing with defendant Egil Krogh, Jr., concerning unauthorized leaks of information to the press?

A No.

Q Concerning Jack Anderson?

A No.

Q Concerning Jack Anderson's columns or Jack Anderson's associates or Jack Anderson's family?

A No.

Q Concerning procedures to control leaks?

A No.

Q Did you ever send Mr. Krogh information from the FBI files and records concerning leaks or Mr. Anderson?

A None whatever that I recall.

Q Did you have any contact with Mr. Krogh?

A Only on other matters, the Gun Control Bill and once again the Cabinet committee to control terrorism. Those were my only contacts with him.

Q Again the same time period that was mentioned in the previous question, did you ever have any contact either orally or in writing with the defendant E. Howard Hunt

concerning unauthorized leaks of information to the press?

A No. I didn't know Mr. Hunt at all, had no contact with him whatsoever on any subject at any time.

Q Have you ever spoken or corresponded with Mr. Hunt?

A No. I did not respond to a letter that he sent me during the Watergate investigation saying my agents were investigating and pursuing the investigation with far too much aggression and vigor, but I did not respond to that letter.

Q Move on to the next defendant. During the same time period did you ever have any contact either orally or in writing with G. Gordon Liddy concerning unauthorized leaks of information to the press?

A No. I did not even know Mr. Liddy at all, had no contact with him whatsoever at any time.

Q You have never spoken or corresponded with Mr. Liddy?

A No, I have not.

Q During the same time period did you ever have any contact either orally or in writing with Jeb S. Magruder, a defendant in this case, concerning unauthorized leaks of information to the press?

A No.

Greenberg/Gray-4406

Q Concerning Jack Anderson?

A No.

Q Concerning any of Jack Anderson's columns? His family? His associates?

A No.

Q Concerning procedures to control leaks?

A No.

Q Did you ever send any information obtained from the FBI files and records to Mr. Magruder concerning the subject of leaks or of Jack Anderson?

A None whatever that I recall, no.

Q Do you know who Mr. Magruder is?

A Yes, I know who Mr. Magruder is.

Q Did you ever discuss the Dita Beard memorandum with Mr. Magruder?

A No.

Q Did you ever discuss the Kleindienst confirmation hearings with him?

A With Mr. Magruder?

Q Yes.

A No.

Q During the same time period when you were at the Justice Department and later acting head of the FBI did you ever have any contact either orally or in writing with

John Dean, III, the former White House counsel and defendant in this action, concerning the subject of unauthorized leaks to the press?

A None other than the fact that I transmitted that Dita Beard memorandum to him at his request.

Q Did you have any communication with Mr. Dean about the documents stolen from the Bureau of Indian Affairs?

A None that I ever recall because I don't recall John Dean injecting himself into that matter.

Q Did you ever discuss or correspond with John Dean about Jack Anderson?

A No.

Q About any Jack Anderson columns?

A None that I would recall, no.

Q Did you ever discuss or correspond with Mr. Dean about procedures to control leaks?

A No.

Q Can you remember your discussion with Mr. Dean about the Dita Beard memorandum?

A I previously testified to that. He called me and asked me if I could make it available to him and I said it was a public document and that the committee was interested in its authenticity and I would make it available to him.

Q Did you ever send any information obtained from

the FBI files and records concerning the subject of leaks or concerning Jack Anderson to Mr. Dean?

A None whatever that I recall, no.

Q During the same time period did you ever have any contact either orally or in writing with the defendant John Caulfield concerning the subject of unauthorized leaks of information to the press?

A No.

Q Concerning Jack Anderson?

A No.

Q Concerning any of the Jack Anderson columns, his associates, his family?

A No.

Q Concerning Charles Radford?

A No.

Q Did you ever have any contact with Mr. Caulfield about procedures to control leaks?

A No.

Q Did you send him any information obtained from the FBI files and records concerning leaks?

A None whatever that I recall.

Q Or Jack Anderson. Do you know Mr. Caulfield?

A I know who he is and I met with him on only one occasion.

Greenberg/Gray-4409

Q Was that meeting in any way related to any of the allegations raised in the complaint in this case?

A Not at all.

Q During the same time period did you ever have any contact either orally or in writing with the defendant Anthony Ulasewicz concerning unauthorized leaks of information to the press?

A No. I don't even know Mr. Ulasewicz.

Q You have never had any discussions or correspondence with Mr. Ulasewicz?

A No, never met him.

Q I'll move on to the next defendant. During the same time period did you ever have any contact either orally or in writing with the defendant James McCord concerning unauthorized leaks of information to the press?

A None whatever. The same answer would apply there. I do not know Mr. McCord. I have not met him.

Q You have had no correspondence with him?

A No.

Q During the same time period did you ever have any contact either orally or in writing with the defendant Herbert Kalmbach concerning leaks?

A No, I did not.

Q Concerning anything?

A No.

Q During the same time period did you ever have any contact either orally or in writing with defendant Richard Helms concerning unauthorized leaks of information to the press?

A No, I did not.

Q Concerning Jack Anderson?

A No, I did not.

Q Concerning any of Jack Anderson's columns? His associates, his family?

A No, I did not.

Q Concerning procedures to control leaks?

A No, I did not.

Q Did you ever send Mr. Helms any information obtained from the FBI files and records concerning leaks or Jack Anderson?

A None that I recall.

Q You testified that you had one meeting with Mr. Helms?

A Well, I had one meeting with him initially and I was relating that to the early days of my tenure in the FBI. And then I recollect that I had a later meeting with him in October that involved nothing to do with this case.

And then I had a final luncheon for him when he was

going away as Ambassador to Iran. Those were my contacts with Mr. Helms, Mr. Gebhardt.

Q Mr. Gray, do you know about an operation of the CIA known as Mud Hen?

A No, I do not.

Q Have you ever heard that term?

A Only I think I saw it in that complaint.

Q That was the first time it came to your knowledge?

A That is correct.

Q When you were acting head of the FBI did you ever discuss unauthorized leaks of information to the press with officials of the FBI other than what you have already testified to concerning the Watergate leaks?

A With Mark Felt certainly during the Watergate situation and that was it.

Q And that was it?

A That was it.

Q When you became acting head of the FBI did you have any discussions with FBI officials about the Dita Beard memorandum and the investigation on that?

A No. That did not come up until my confirmation hearings when we tried to reconstruct the movement of that memorandum.

(The deposition recessed at 12:30 P.M.)

(The deposition resumed at 12:40 P.M.)

BY MR. GEBHARDT:

Q I want to go back to your testimony on your contact with President Nixon that you testified to earlier. At that time during that meeting the President accused the FBI of leaking information to Jack Anderson?

A Certainly I gathered that -- not to Jack Anderson but to the press in general -- with regard to Watergate. That's what he was concerned about.

Q You say the press in general. Can you remember anything else? Did he mention the newspaper? Did he mention Anderson?

A I don't recall him mentioning a newspaper, but there were many, innumerable stories in the Washington Post, as you know, about the Watergate investigation, almost daily.

Q So you considered that the import of the President's criticism?

MR. FRANZINGER: Considered what?

BY MR. GEBHARDT:

Q Strike that. Did you think this criticism of the FBI was directed towards the Washington Post as distinct from Jack Anderson or anybody else?

A That was --

MR. FRANZINGER: I object to the

characterization. Go ahead. You can answer.

BY THE DEPONENT:

A That was certainly my impression.

Q Mr. Gray, was the purpose of the Kleindienst hearings, the reopened Kleindienst hearings, the discrediting of Jack Anderson's story about the so-called Dita Beard memorandum?

A No. My impression and understanding was that Mr. Kleindienst felt that his honor had been impugned and that he wanted to clear his own record and did not want to go into the position of Attorney General with this allegation hanging over his head.

Q Was one of the intended effects of the reopened Kleindienst hearings the discrediting of Jack Anderson's story about the so-called Dita Beard memorandum?

MR. FRANZINGER: Objection. Repetitious.

He has already testified what his understanding was and the purpose of it.

BY THE DEPONENT:

A Yes, and my answer would be the same. That was my impression of it, that Mr. Kleindienst felt that he personally, his honor had been impugned and he wanted to clear the record before he assumed the position of Attorney General.

Greenberg/Gray-4414

Q In your role as the coordinator for Mr. Kleindienst in the reopened Kleindienst hearings was one of your assignments to prove that the so-called Dita Beard memorandum was fraudulent or not real?

A No. That was not one of my assignments because the committee was interested in authenticity as was Mr. Kleindienst and as was the Department of Justice itself.

Q Was one of your jobs to prove that it was authentic?

A No. My job was really not to prove one way or another. My job was supportive of Mr. Kleindienst in the decision making process of submitting the documentation requested by the committee, the development of these issues and answers papers.

Q At the time of the reopened Kleindienst confirmation hearings did you know that someone in the Nixon Administration had turned the Dita Beard memorandum, so-called Dita Beard memorandum, back over to ITT for expert examination?

A No, I did not. I found that out only on my confirmation hearings when Senator Burdick read back to me testimony from the reopened hearings, and I was not present at those. The only time I was present at those hearings was when Mr. Kleindienst was testifying.

Q So you had no role in turning that memorandum back over to ITT?

Greenberg/Gray-4415

A Absolutely not. I gave it to John Dean, period.

Q At that time, the time of the reopened confirmation hearings, did you know of expert document examiners named Tytell and McCrone?

A Not until my own confirmation hearings when this was read back to me, the testimony of, I think it was Mr. Abel, the counsel of ITT.

Q At the time of the reopened Kleindienst confirmation hearings were you aware that the defendant Liddy assisted Dita Beard to go to a hospital in Denver?

A No. I think that all came out later when we interviewed Mr. Colson during the Watergate hearings, and I'm not even sure it was Mr. Liddy or Mr. Hunt that was involved in that.

The only thing I know of the visit out there, we found out in interviewing Mr. Colson that Mr. Hunt had -- I think it was Mr. Hunt -- had visited out there.

Q But you didn't know that at the time of the reopened hearings?

A No, I did not.

Q Mr. Gray, have you ever had any personal contact with the plaintiff Jack Anderson?

MR. FRANZINGER: Off the record.

(There was a five minute break)

MR. GEBHARDT: Back on the record. I will withdraw my previous question.

MR. MORTENSON: May I ask in light of your withdrawing the question have you been informed of the substance of a contact on this? That will influence whether I will ask the same question.

MR. GEBHARDT: I think it would be appropriate not to comment.

MR. FRANZINGER: I think it would be appropriate to comment. And, yes, in fact he, Mr. Gebhardt, has been so informed. I think it's only fair that we put that on the record.

BY MR. GEBHARDT:

Q During the period that you were at the Justice Department and later acting head of the FBI, Mr. Gray, did you ever have any contact either orally or in writing with anyone at the CIA other than Richard Helms concerning the subject of leaks or Jack Anderson?

A No, and I had no contact with Mr. Helms regarding leaks or the subject of Mr. Anderson.

Q Did you have any such contact with Mr. Howard Osborn?

A I'm not sure that I know who Howard Osborn is. I don't know whether he was the liaison man for the

Alexandria Field Office or not. I just don't know who Mr. Osborn is.

Q Did you have --

A Let's say I don't know at this time. Maybe the name came across my desk then but I don't recall Mr. Howard Osborn.

Q Did you have any such contact with Vernon Walters of the CIA?

A Yes, I had several meetings with General Walters but they had nothing to do with leaks or Mr. Anderson.

Q Have you given testimony about those contacts?

A Yes, I have.

Q I take it that testimony is in the Senate Watergate hearings?

A Yes, it's in the Irving Committee hearings and in others. That's just one of the places but that's the public record.

Q During the same time period did you have any contact either orally or in writing with any official of the Internal Revenue Service concerning Jack Anderson or the subject of leaks of information to the press?

A No, I did not.

Q Mr. Gray, I don't mean to be repetitious and hopefully I won't be, but is it your testimony that you have

never seen any wire tap reports or logs on Jack Anderson?

A That is correct.

Q That's what I thought it was. I just wanted to make sure.

A Yes.

Q Have you ever seen any file at the FBI that contains information on Jack Anderson?

A No file on Jack Anderson at all that I ever called for, asked for, or saw.

Q Did such a file exist?

A I don't know.

Q Did anyone ever tell you? Did anyone tell you while you were head of the FBI that there was a Jack Anderson file?

A I couldn't recall whether anyone ever did or not. I was not that much concerned in looking at such files of that type. In fact when my own file was brought over to the Director's Office and Mark Felt offered to let me review it I refused.

Q Mr. Gray, do you know what a June file?

A No, I do not.

Q Do you know what an Elsur Card is?

A An Elsur card? Yes. I think those -- you're speaking of the Electronic Surveillance card records that

were maintained in the, I believe in the Domestic Intelligence Division for National Security electric surveillances and in the special investigative division for Organized Crime electronic surveillances.

Q Have you ever seen an Elsur card with Jack Anderson's name on it?

A No, I have not.

Q Have you ever been information that there is such a card?

A No, I have not.

Q Do you know what a sub-1 file is?

A No, I do not.

Q Have you ever heard the word celotex?

A Only I think it's in the complaint. That's the first time I had heard that or read it.

Q Thank you. I take it then that you are not familiar with the term celotex two from your days of government service?

A Celotex 2?

Q Yes, Celotex roman numeral 2.

A No.

Q When you were at the Justice Department and later acting head of the FBI did you ever have any contacts with officials of the CIA concerning the use of wire tapping in

order to prevent leaks from occurring?

A No, I did not.

Q Did you ever have any discussions with CIA officials about any other investigative techniques to control or prevent leaks?

A No, I did not.

Q Other than this contact that you mention with President Nixon on the Watergate leaks did you have any contact with anyone else at the Nixon White House concerning the subject of leaks to the press?

A Only the one I testified to with regard to John Ehrlichman, that October meeting. And then from time to time John Dean would call me and would raise cain about the fact that so many newspapers were coming up with reports from Justice Department sources or FBI sources regarding the Watergate leaks.

Q In that context did John Dean ever discuss Jack Anderson's columns with you?

A No. These were all primarily directed toward the Washington Post stories.

Q Did John Dean ever ask you to take any particular actions about leaks?

A No, he did not.

Q I believe you mentioned that you once discussed

but did not implement an effort to plant a story and find out where the leaks were coming from in the FBI?

A Mark Felt and I had discussed the development of single one-page memoranda that would not be correct in fact and was there a way in which we could put these within the FBI mail system and later trace them, and we finally, as I said, gave it up because it was a fruitless endeavor because of the vast amount of paper.

Q During your tenure as acting FBI Director did you implement any other plan to control FBI leaks?

A No plan as such except to speak to the top executives with regard to the fact that the agents must not be, to use my words, flap-jaw agents, that their investigations were to be conducted discreetly and they were not to discuss.

And this was particularly true in the first week of the Watergate investigation when I spoke to them, all of the Washington Field Office agents including the SAC.

MR. MORTENSON: Let me interject that I think this line of questioning -- I object to it on the grounds that it goes beyond the scope of proper discovery as Judge Gesell outlined in that he said this is not a case about the right of access to information but rather a case about the

harassment of a particular news reporter.

MR. GEBHARDT: I'm getting to that.

MR. MORTENSON: I think this line of questioning that we are going through right now goes to the question of the right of access by way of leaks and therefore I object to it.

MR. GEBHARDT: I would just disagree with that characterization.

Q (By Mr. Gebhardt) When you spoke to the FBI officials about leaks did the name Jack Anderson come up?

A It did not. Because this was related solely to the stories that were appearing during that first week that Gray refused to let the agents subpoena Colson's toll calls, and I knew that that was not true and I was very angry about it, so I called them all in and I told them that that investigation was going to go forward aggressively.

Q Other than with respect to the Watergate leaks were there any other efforts undertaken at the FBI to control or prevent leaks?

A None certainly that I knew of or initiated other than those that I have discussed with you, my conversations with Mark Felt, my early meeting with the agents and from time to time at meetings of the executive conference I would emphasize the point that we had to preserve the sanctity

and integrity of our investigations.

Q Could you briefly tell me about the executives conference?

A Just a meeting of the top executives of the FBI held from time to time to review general policy considerations.

MR. GEBHARDT: I think this would be a good place to take the break because my next line of questioning is going to be fairly long.

(The deposition recessed for lunch at 1:17 P.M.)

(The deposition resumed at 2:20 P.M.)

PLAINTIFF'S EXHIBIT #1 - Memorandum dated 3/10/73 from Mr. R. E. Gebhardt to Mr. Baker.

BY MR. GEBHARDT:

Q Mr. Gray, take a little time to look through this document. It purports to be a memorandum from R. E. Gebhardt to Mr. Baker bearing the date 3/10/73, subject: Confirmation: Opposition witnesses Leslie H. Whitten, Jr., and Jack Anderson.

A Okay.

Q Mr. Gray, prior to the filing of this lawsuit had you ever seen this document before?

A I think I probably had, because this may have

been a document that was prepared by my confirmation task force within the Federal Bureau of Investigation headed up by Mr. Baker who was Assistant Director of the Office of Planning and Evaluation, and this looks like it may have been one of the documents that would be in an accordian file that was carried up each day of my hearings and was carried by my Executive Assistant and was used --

These documents in this accordian file were used to refresh my recollection and backup and support any testimony that I might make, and the effort was undertaken to be absolutely certain that what I was saying was correct insofar as the FBI records revealed. It appears to be one of those documents.

However, I notice that my initials are not on it but I do think it's probably one of those that was in that accordian file.

Q What is Mr. Baker's full name?

A I think it was Richard J. Baker. I know it's Dick Baker. I know it's Richard Baker.

Q And is it your testimony that you think you have seen this before?

A Yes, I believe that I may have.

MR. STRICKLER: Was a number given to this document?

Greenberg/Gray-4425

BY MR. GEBHARDT:

Q One. If I may, Mr. Gray, I would like to direct you to the bottom of page 7 and the top of page 8, that particular paragraph, and ask you to read that paragraph.

A (Pause) Yes, I have read it.

Q I want to ask you about the accuracy of a particular statement in this paragraph. Let me start on the second line and what I read I'd like to see if you believe this is accurate.

"As information received from the informant indicated a secretary of Jack Anderson would pick up the documents at Hank Adams' apartment and that Assistant U. S. Attorney William H. Collins, Jr., Washington D. C., on 1/30/73 had authorized the arrest of Hank Adams, Anita Collins and the secretary or any other identifiable representative of columnist Jack Anderson for violation of Title 18, U. S. Code, Section 641 and 2071, in the event the documents were turned over to such representatives."

MR. FRANZINGER: What is your question?

BY MR. GEBHARDT:

Q Is what I just read an accurate -- is what I just read a basically accurate reading of that paragraph?

A You read it almost verbatim so I would say it is an accurate reading.

Greenberg/Gray-4426

Q Okay, fine. Now is the information contained in what I read, is that accurate?

A That's the information that we received from the informant of the Metropolitan Police Department through the Intelligence Division of the Metropolitan Police Department communicating with our Washington Field Office.

Q So the informant whose name does not appear in this paragraph is Mr. John Arellano, the man who is identified in many other documents as the informant?

A Yes. I think it's Arellano who was an undercover police officer of the Metropolitan Police Department from the District of Columbia.

I may underscore two points here. One is that the FBI had information that a secretary of Jack Anderson would pick up the documents, that is, the BIA stolen documents at Hank Adams' apartment.

Q Is that correct?

MR. FRANZINGER: Is it correct that the FBI had such information? Is that what you're asking?

BY MR. GEBHARDT:

Q Yes.

A Yes, and that's what it states here. Now I don't know in detail what other information that undercover police officer may have given to the Washington Field Office in

minute detail. I don't know all that because that came to our Washington Field Office through the Intelligence Division of the Metropolitan Police Department.

Q The information was transmitted from the Metropolitan Police Department to the Washington Field Office?

A That is correct.

Q Is it also correct that on January 30th 1973 Assistant U. S. Attorney Collins had authorized the arrest of Mr. Adams, Miss Collins and a representative of Jack Anderson?

A Yes, I believe that to be correct.

Q That was the day before the arrest took place?

A That is correct.

Q Did you have this information personally at that time?

MR. FRANZINGER: At what time? Prior to the arrest?

BY MR. GEBHARDT:

Q Prior to the arrest.

A I think the earliest information that I received on this came from a telephone call from Mark Felt who indicated that an informant of the Metropolitan Police Department had obtained such information. The information had been passed by the Intelligence Division of the Metropolitan Police

Department to our Washington Field Office.

And then there was later, somewhere toward the end of January, around perhaps the 24th of January, a teletype from the Washington Field Office to FBI Headquarters setting forth this information.

Q This conversation that you had with Mark Felt took place then prior to January 24th?

A It was pretty close to that time because that's the date on which -- it could have either been that day or the day after because that was the day on which the teletype is dated, as I remember it. Now that's my recollection of it.

Q I understand.

A Because I knew it was about a week before.

Q Did the FBI have any role in approving the Assistant U. S. Attorney's authorization of the three arrests?

A I would think not, because when I received the first report my orders to Mr. Felt were to coordinate this fully with the Department of Justice and take our instructions directly from the Department of Justice.

I would think this would have been the normal situation in which the Department of Justice and the Office of the United States Attorney acting through the Assistant U. S. Attorney was receiving the information and was following the

case and directing the agents.

Q Do you know that Mr. Felt followed your instructions?

A I'm pretty sure he did because there were memoranda as I recall of conferences between I think it was Bob Gebhardt and Inspector Henry Schutz and Carl Belcher of the Department of Justice, and of course there was the contact with the Field Office, with the special agent in charge of the Field Office, too.

Q Did the FBI give any advice to the Assistant U. S. Attorney with respect to this arrest authorization?

A I don't know that to be the case at all, whether the case agent or the SAC gave any advice to the Assistant United States Attorney. The normal practice and procedure in the FBI was to make the reports to the Assistant United States Attorney or the United States Attorney and if he were not satisfied he would direct further leads to be pursued or he would take action on the information presented.

Q Was the information that the informant was passing on to the FBI, would that information have gone to the Assistant U. S. Attorney?

A I am quite certain that it probably did although I can't guarantee that as a fact, but that would certainly be the standard operating procedure, that the Intelligence

Division of the Metropolitan Police Department would give it to the Washington Field Office who would give it to the General Investigative Division who would give it to the Criminal Division and then there would be a meshing of that guidance through the Department of Justice.

Q Did you know on January 30th 1973 that the three arrests had been authorized?

A I'm not sure that I knew on January 30th 1973.

Q Did you know prior to that?

A I'm not sure that I did. All I know is that I very definitely made the point that we were to coordinate and cooperate with the Department of Justice and follow the guidance of the Department of Justice and if necessary get a warrant for any possible arrests that might result.

Q So this phrase, "Authorized the arrest of" refers to obtaining the warrants?

A That refers to the authority obtained from the Assistant United States Attorney, and as it later turned out in my subsequent direction that the case be reexamined and reevaluated that due to the emergency involved -- the delivery was to be made the next day -- that an authorization was given by the Assistant United States Attorney and a warrant not issued.

MR. GEBHARDT: Could you read back his answer.

please?

(Whereupon, the last answer was repeated
by the Court Reporter)

BY MR. GEBHARDT:

Q Mr. Gray, I have some trouble understanding your
answer. Maybe it's just the words.

A I don't think you should have any trouble under-
standing it. I made it as clear as I could make it because
the information that I uncovered later indicated that the
delivery of the documents was to be made the following day
and the Assistant United States Attorney authorized the
arrest as set forth in this language in Plaintiff's Exhibit
#1 that you are referring to.

Q Okay, I understand that. What I'm driving at is
whether the FBI knew on January 30th that the Assistant U.
S. Attorney had authorized those arrests.

A Yes, very definitely. The subsequent examination
and reevaluation of the case indicated that.

Q But you can't say whether you personally knew?

A No, no, I cannot.

Q But somebody in the FBI knew?

A Absolutely.

Q Mr. Gray, who was in charge of the investigation
of this, well, of this investigation that led to the arrests

on January 31, 1973 of Les Whitten and Hank Adams and Anita Collins? Who in the FBI was in charge?

A There isn't any one individual in charge. The office of origin was the Washington Field Office, and the Special Agent in charge of course is in charge of that Field Office, and in accordance with standard FBI procedure a case agent is designated and then a supervisor in the Federal Bureau of Investigation Headquarters within the General Investigative Division would be the individual in FBI Headquarters who would be following that case for the Assistant Director in charge of the General Investigative Division. That's the normal procedure.

Q Do you know who the case officer was?

A I don't know whether the case agent was Special Agent Hyten or not. I believe he was but I'm not absolutely positive.

Q And is it normal operating procedure that the --

MR. FRANZINGER: You mean was it normal operating procedure at this time?

MR. GEBHARDT: Yes.

MR. FRANZINGER: Okay. You said is.

MR. GEBHARDT: I have made bigger mistakes.

Q (By Mr. Gebhardt) Was it normal operating procedure that the Field Office would report immediately on

arrest authorizations to the National Office?

A I don't know whether the normal operational procedure was that they would immediately report but shortly after they would. There would be a teletype and it's just a matter of time and how fast the particular situation was moving and developing.

Q Do you know this case was being handled in the National Office?

A It was being handled in the General Investigative Division because it fell within the jurisdiction of that particular division in the Federal Bureau of Investigation.

Q So a report on the arrest authorization would have gone from the Washington Field Office to the Investigative Division?

A Yes, and I believe it would then be routed to the Supervisor in the Investigative Division who had this particular case among many others that he would be responsible for to the Assistant Director of the General Investigative Division.

Q Do you know who that Supervisor was?

A No, I do not. I am not certain at all as to who he was.

MR. GEBHARDT: Mr. Franzinger, correct me if I am wrong, but I don't believe that we have a

copy of that teletype, the teletype that Mr. Gray just referred to, and I would request that we be provided with a copy of it.

MR. FRANZINGER: I will note your request. There are Court Orders and Federal Rules of Civil Procedure regarding discovery and documents. In this request I don't know what you have and what you don't have. We will follow the Court Order and the Federal Rules with respect to any documents that are to be produced in this case.

MR. GEBHARDT: That's all we can ask. I think that's all the questions that I have about Exhibit #1. I'd like this item marked Plaintiff's Exhibit #2.

PLAINTIFF'S EXHIBIT #2 - Motion of the U. S.

Attorney dated March 7, 1973.

BY MR. GEBHARDT:

Q Mr. Gray, please take a minute to read this document.

A I have read it and I am reading it again and I don't believe that I have ever seen it and I don't know really what it is purporting to do. I don't believe I have seen this document before at all.

Q Let me direct you to paragraph 2. I will read

that paragraph:

"Upon examination of the Grand Jury Docket Book in this matter dated February 2, 1973, there is thereupon reflected the entry 'United States versus in re Poss. Viol. 18 USC (Leslie H. Whitten, Jr., Henry L. Adams, Anita Collins, Jack Anderson)'".

First of all was that an accurate reading of that paragraph?

A I believe it was.

MR. STRICKLER: It's an Exhibit in evidence.

The Exhibit will speak for itself.

BY MR. GEBHARDT:

Q Right. Is that paragraph accurate?

A I don't know because I have never seen this document before and I think the best person to testify to its accuracy is the man who signed it.

Q Harold H. Titus, Jr.?

A That is correct.

Q Did you know that the first Grand Jury action in the matter of the stolen BIA documents included both Jack Anderson and Les Whitten as possible suspects?

MR. FRANZINGER: I object to the characterization.

BY THE DEPONENT:

A No, because I didn't know anything about the Grand Jury action except that the case was going to be presented to the Grand Jury and that it was later no bill.

Q Let me direct you to paragraph 3. I'd just like to direct you to the last few words in that paragraph. "Jack Anderson - withdrawn 2/13/73".

Did you know that Jack Anderson was withdrawn from the persons to be charged?

A No, because I knew nothing of those Grand Jury proceedings except that the case was presented and the case was no bill. This is the first time I have seen this document and Mr. Titus is the man who is going to have to testify to that because I simply don't have the knowledge.

Q Did the FBI have anything to do with naming Jack Anderson as a person to be charged by the Grand Jury?

A The FBI can never have anything to do with naming a person to be charged by the Grand Jury. That's a prerogative and function of the Assistant United States Attorney. And too often the role of the FBI is misconceived in these proceedings.

Q The role of the FBI would be to provide the U. S. Attorney with information?

A Absolutely, and I insisted upon it at all times.

Q You said this is the first time you have seen

this document?

A Correct. To the best of my knowledge I have never seen it. I still don't understand it.

Q Well, I can't say that I do either, but --

A Then we are in agreement.

Q Is this the first time that you have come to know that Jack Anderson was originally a person to be charged?

MR. STRICKLER: I object to any inference that this Grand Jury investigation indicates anybody named within as a person to be charged. I don't know of any information to support that. This is an investigation, a Grand Jury investigation.

MR. FRANZINGER: I am objecting to the suggestion that your question makes and that is that that is in fact the case. The witness certainly can testify whether he ever knew that to be the fact. I think that's what you're after.

BY THE DEPONENT:

A To the best of my knowledge, information, belief and recollection, Mr. Whitten was arrested, Mr. Adams was arrested, and I think later Miss or Mrs. Collins, and that's the extent of my knowledge as to the people who were involved. Now that's all that I can testify to today.

Q How would you -- I know the attorneys are having

some difficulty with my characterization of what these names mean, their placement on this page --

MR. STRICKLER: I am also having trouble with continuing questioning pertaining to a document that the witness has testified repeatedly he has never seen before and did not participate in the preparation of.

MR. FRANZINGER: He further does not even know what it means.

BY MR. GEBHARDT:

Q Well, doesn't paragraph 2 -- and I'm asking for a conclusion because I'm trying to grope for the right terminology -- does not paragraph 2 show Jack Anderson as a target of this Grand Jury?

MR. FRANZINGER: I object to the question.

BY THE WITNESS:

A Mr. Gebhardt, I am not going to answer that question because I can't. Mr. Titus drafted this document and I'm not going to interpret Mr. Titus' document for you. I cannot do it. I am unable to.

MR. FRANZINGER: Further, the witness has already testified that to his knowledge he has no knowledge of Jack Anderson ever being a target of a Grand Jury investigation. I don't see how

you can ask him any further questions about this.

BY MR. GEBHARDT:

Q Is that your testimony?

A Yes. I told you the people that I knew who were arrested were Mr. Whitten and Mr. Adams and I believe Miss Collins, and I assumed that those were the people that had a case presented to the Grand Jury. I don't have the Grand Jury report and I have never seen the Grand Jury report.

Q Neither have I. Did the FBI plan to arrest Jack Anderson?

A No.

Q Is your answer based on fact or what? What fact?

A I am under oath testifying, of course.

Q How do you know that?

A We planned to arrest whoever the individual was who would be there to receive the documents within the authorization of U. S. A. Collins. I might add we did not know who would be there.

Q You mean from Jack Anderson's office?

A We did not know who would be there. That's right.

Q But you were expecting a representative of Jack Anderson to be there?

MR. STRICKLER: I object to what the witness may or may not have expected. I am only interested

in the facts.

MR. FRANZINGER: I want a clarification of the question, whether you're talking about whether this individual witness expected or whether the FBI expected.

BY THE DEPONENT:

A We operated on the basis of the information furnished us by the MPD Intelligence Division. That is the information we got. We operated on that information.

Q Did you see that information? You personally?

A The only information that I saw was that which would come in bureau teletypes that may have come across my desk, and one of them I remember is the 1/24/73 teletype that I have previously testified to and I think that's the correct date.

Q Was a teletype made of the arrest?

A No. The first indication I had of the arrest was when Mr. Felt called me and was surprised and astonished and reported to me that Mr. Whitten had been arrested there.

Now later there probably were teletypes but I cannot recall that with certainty because it would have been in the standard operating procedure of the Bureau for the Washington Field Office to furnish the report to the FBI Headquarters.

Q Did Mr. Felt tell you why he was surprised and astonished?

A Just expressed astonishment, "Guess who we arrested".

Q You mean he was expecting to have the secretary arrested?

MR. STRICKLER: I object.

MR. FRANZINGER: I object.

BY THE DEPCNENT:

A I don't know what he was expecting. I'm only telling you what he testified to and I'm not going to interpret Mr. Felt's remarks.

Q Do you know whether Mr. Felt was informed as to the information I showed you in Exhibit #1, that is that an informant --

A I don't know. I'd have to look and see if his initial is on there. I don't see his initial on there but that doesn't necessarily mean that he was uninformed, it merely means that he perhaps did not see this particular document, Plaintiff's Exhibit #1.

Q Just prior to the arrest of Les Whitten and Hank Adams and Anita Collins was the FBI aware that Mr. Adams sought to return the BIA documents?

MR. FRANZINGER: Was anyone in the FBI?

MR. GEBHARDT: Yes.

MR. FRANZINGER: Sought to return which BIA documents?

MR. GEBHARDT: The stolen BIA documents then in his possession.

MR. FRANZINGER: To whom?

MR. GEBHARDT: To the government.

BY THE DEPONENT:

A Our information was all to the contrary, that there was no such intent on his part, that it was to deliver them to Mr. Anderson or a representative of his office.

Q Did the FBI have any information that Jack Anderson or one of his colleagues was going to see Hank Adams in order to help facilitate the delivery of these documents back to the government and to witness that delivery?

A Absolutely not. The information we had was to the contrary. And the informant even asked the question of Mrs. Collins, "What do we do if we are caught by the police?" And she said, "We'll make up some kind of a story, and we'll even write the case agent's name on the boxes," so our information was to the contrary.

Q When did the informant give that information to the FBI?

A I don't know exactly when he gave that information

to the FBI but it's a matter of record. It's a matter of record in my testimony in the confirmation hearings.

Q When you learned of the arrest of Les Whitten and Mr. Adams and Mrs. Collins did you give any instructions? Did you do anything in response to that information?

A I don't know that I did or that I didn't because I know that I had given the instructions earlier as to how the affair was to be handled, that we would coordinate with Justice, and I can't recall whether I gave Mark Felt any instructions one way or another because to me then the matter was in the hands of the Assistant United States Attorney.

Q Did you contact anybody at a higher level in the chain of command within the administration immediately after you learned of the arrests?

A I don't know whether I did or didn't. I may very well have notified the Attorney General. I don't know, but that is a possibility and it cannot be precluded.

Q If you did would there be a record of that?

A Probably I did it right on the telephone if I did it, just called up and gave him the report.

Q Were your calls logged?

A Some were and some were not so I don't know. I don't even know whether I called him.

Q So if you called him there might be a record and

there might not be?

A That's correct.

MR. GEBHARDT: And if there is such a record, Mr. Franzinger, I'd like to have a copy. I make that request.

MR. FRANZINGER: Same response.

BY MR. GEBHARDT:

Q Did you contact anyone else?

A I don't know that I did, no. I may possibly, may have talked to the Assistant Attorney General in charge of the Criminal Division, but I just frankly can't remember. It's been too long a period of time.

Q Who was that Assistant Attorney General?

A Henry Peterson.

Q Did you call anyone at the White House?

A No.

Q Did anyone at the White House call you?

A Not that I recall, no.

Q Do you recall if John Dean called you?

A No. I don't believe that he did. I don't recall but I don't believe that he did. I don't believe that I had any calls from the White House on this, but once again that's a recollection.

Q Right. Was John Dean the liaison between the

White House and the FBI?

A No. He was the liaison between the White House and the Department of Justice. That was the correct liaison.

Q Did the FBI ever engage in direct communications through a liaison to the White House?

A Through a liaison?

Q Right, as a point of contact at the White House.

A We had agents within the bureau who were designated as liaison agents to the White House, yes.

Q Who would they call at the White House?

A They wouldn't call. They generally would carry things over.

Q Was there some person at the White House who was the FBI's contact point?

A Not necessarily, but John Dean did have the liaison job between the Department of Justice and the White House. He was counsel to the President and that was one of his assigned functions.

Q And so the FBI being part of the Department of Justice he would be the contact point for FBI communications?

A More than likely if there were communications that he as counsel to the President should see that could be true. If it were a letterhead memorandum that was being addressed to one of the other officials at the White House it would

go to them. They go over by courier.

Q Did anyone at the White House make a request to the FBI for information on the arrest of Les Whitten and Hank Adams and Anita Collins?

A I do not know.

Q Do you know of any written record prepared by the FBI that was sent to the White House dealing with the three arrests?

A I do not know of any. That does not mean to say that there isn't one but I do not know of any offhand. I can't recollect, but that doesn't mean there isn't one. I want you to clearly understand that.

Q Was such a record made and sent to the Attorney General or one of his assistants?

A No. Primarily the records that I remember about this were those that were prepared for my use at my confirmation hearings and placed in my accordion file such as that document you have there, that type of thing.

MR. FRANZINGER: That document means Exhibit #1.

BY THE DEPONENT:

A Plaintiff's Exhibit #1.

Q The FBI knew approximately a day in advance that a representative of Jack Anderson would meet with Hank Adams

and Anita Collins on the matter of the stolen BIA documents, isn't that right?

A According to Plaintiff's Exhibit #1 they received the authorization from U. S. A. Collins on January 30, 1973.

Q And that was one day before the arrest?

A That was one day before the arrest. I believe the arrest was the next day.

Q Well, the central question is --

MR. FRANZINGER: Would counsel please just ask questions rather than argue with the witness?

MR. GEBHARDT: I am not arguing.

MR. FRANZINGER: Or making statements for the record and arguing his case?

MR. GEBHARDT: I think you're doing that now, Bob.

Q (By Mr. Gebhardt) Wasn't Jack Anderson in effect set up?

A Absolutely not. I would have been no party to such an action.

PLAINTIFF'S EXHIBIT #3 - Teletype message.

BY MR. GEBHARDT:

Q I will show this to Mr. Gray. Mr. Gray, have you ever seen this document?

A I don't believe so. I don't see my initials on it

anywhere.

Q On the first page there is a line that states, "To Acting Director".

A That's standard address procedure in the Federal Bureau of Investigation. Everything coming comes to Acting Director or to Director and everything going out goes the same way.

MR. FRANZINGER: Can I ask a clarifying question here?

MR. GEBHARDT: If I can ask you what is deleted, sure.

MR. FRANZINGER: I just want to ask the witness what he meant by coming into what or going from what?

BY THE DEPONENT:

A Oh, coming into FBI Headquarters and leaving FBI Headquarters.

Q Mr. Gray, do you have any idea what this document is all about?

A I think, and I can only -- this is a conclusion and a surmise -- there is enough here that is not blanked out to indicate that it might be information concerning the informant, the undercover police officer of the Metropolitan Police Department of the District of Columbia.

Q On page 3, that paragraph there, two sentences in that paragraph and the word department is used three times or so, does that refer to the Department of Justice?

A Yes, it does.

Q Did you know on January 23rd, 1973 that it was the position of the Department of Justice that "No effort should be made to interview Anderson or Whitten"?

A No, I did not follow the investigation that closely at all and I don't recollect seeing this teletype at all.

Q So you would also not know if the Department of Justice knew that Les Whitten had seen many thousands of the BIA documents?

A I think perhaps I may have known that because of the fact that it might have been published in some of the columns of Mr. Anderson and I don't know. I know there were publications of that fact but I don't know when they occurred with reference to this date.

Q Were those columns under study by the FBI investigators?

A I'm sure they must have had them when this whole investigation came to pass following the breaking and entry into the Bureau of Indian Affairs and the ensuing investigation thereafter, but that once again is a surmise on my part.

Q Did you read the Anderson columns on the BIA stolen documents?

A I'm sure they must have come across my desk.

Q Did you take a personal interest in this investigation?

A No.

Q Was this investigation handled through regular normal channels?

A Standard operating procedures within the Federal Bureau of Investigation. There wasn't anyone there that wasn't handled in that manner while I was the Acting Director because I insisted from the day that I came into that office that we operate within our jurisdiction according to our statutory guidelines and with the executive orders of the President.

MR. GEBHARDT: I have no further questions at this time.

CROSS EXAMINATION BY MR. STRICKLER:

Q Mr. Gray, this morning during questioning by Plaintiff's attorney you were asked about meetings with Mr. Anderson, the Plaintiff in this case.

A Yes, sir, I was.

Q I believe you related to one that occurred on the

Hill during your confirmation hearings?

A It occurred, Mr. Strickler, during the reopened ITT hearings for Mr. Kleindienst.

Q And I think you described that as being a casual contact in passing?

A Yes, it was a casual contact. It was. Mr. Anderson and I were passing behind the dais at which the Senators are seated and Mr. Anderson said to me, "If this keeps on going like it is you may be the next Attorney General." That was one of them.

Q And was there a second contact that you described?

A Yes, sir, there was.

Q And I understand that or I heard the plaintiff's attorney withdraw the question that elicited your response as to the second contact after there had been an off the record meeting between yourself and your attorney and the two attorneys representing the plaintiff so I'd like to ask you now --

MR. GEBHARDT: May I just say something? This testimony that Mr. Gray has just given is new. It's not in the record.

MR. STRICKLER: That's why I asked the question.

MR. FRANZINGER: I believe he began an answer

before we got off the record. He didn't finish it.

(Mr. Franzinger was informed by the reporter that she stopped at the first off the record and does not have that aborted answer.)

BY MR. STRICKLER:

Q Mr. Gray, I do not know the subject of that conversation, the second one between you and Mr. Anderson, but I do feel we ought to spread it on the record inasmuch as counsel for the plaintiff has heard what the subject was and we have not. Would you please tell us what that was?

A I would like to say first, Mr. Strickler, that when I had this conversation with Mr. Anderson he and I agreed that each of us would hold it confidential and I believe that we have to this date, but I am under oath here and I must respond.

MR. FRANZINGER: I would also note for the record that this witness is here today because of a lawsuit filed by the plaintiff seeking money damages against him as an individual.

BY THE DEPONENT:

A During the course of my confirmation hearings, and particularly in the early days of March, Mr. Edward Morgan, who is senior partner of Morgan and Wench in Washington, D. C., called me on several occasions and let me know that he was a

strong supporter of mine and he thought that I would make an excellent Director of the Federal Bureau of Investigation but that I was being severely harmed by Jack Anderson who was a friend of his and that he wanted to arrange for me to meet with Jack Anderson for Jack Anderson to get to know me as he, Ed Morgan, knew me, and in particular he wanted me to explain to Mr. Anderson the arrest of Les Whitten, that he felt that he knew enough of the bureau procedures to know that this had been carried out in accordance with those procedures.

I resisted and I told him no gain can come of this, and he said, "I can tell you, Pat, that Jack is killing you on the Hill and I see no reason for you not to meet." I gave it some thought and I finally called Ed up. I said, "All right, I'll do it, but I think nothing is going to come of it."

So it was arranged that we would meet in the evening after working hours at Mr. Morgan's home. We met at Mr. Morgan's home and spent approximately an hour and a half to two hours there, and Mr. Anderson, Mr. Morgan and I discussed at great length the investigation of Mr. Whitten and how it came about, and Mr. Anderson stated that he had indeed been speaking to Senators on the Hill and on the Judiciary Committee and doing everything he could to convince them to

oppose my nomination on the basis of the arrest of Les Whitten.

At the conclusion of that meeting he said that I had established to his satisfaction my bona fide and that he would go back up on the Hill and speak to those same Senators and endeavor to right, as he put it, the wrong he had done. Mr. Morgan was present and heard that entire conversation. Neither Mr. Morgan nor I know if Mr. Anderson ever did that.

Q Did he thereafter give testimony on the Hill?

A I cannot recall, Mr. Strickler, whether this was before or after his testimony. It seems to me that this was during the period when I was not testifying that I went up there one evening. I didn't tell my chauffeur, Tom Mouden, the purpose for which we were going. I just told him where we were going and to find out how to get there and I just gave him the address of Ed Morgan's home.

Q You can't establish the date of that meeting at Mr. Morgan's house?

A No, sir, except to say that it had to be right after I finished my testimony and others began testifying. It was right, I don't know, the last day I testified in the first setting. If we could look at my confirmation hearings we might know.

MR. FRANZINGER: Any objection?

MR. GEBHARDT: No.

BY THE DEPONENT:

A Let's see. I testified March 8th and it had to be after that. Mr. Anderson testified on March 9th, so I would say that it would be my belief that it was after Mr. Anderson testified that we had this meeting in Mr. Morgan's home.

Q Did you discuss anything other than the substance of the Whitten arrest?

A To the best of my knowledge this occupied the vast majority of the conversation but we did cover my general thoughts and principles as a Director of the Federal Bureau of Investigation. I reviewed with him again my 13 avenues of inquiry which are published in my confirmation hearings but very little time was spent on that because the thing that Mr. Anderson was most interested in was the arrest of Mr. Whitten.

Q During that discussion did he give voice to any feeling on his part that he was the target of a governmental campaign to dry up his news sources or to harm his First Amendment rights?

A No, he didn't. He was more concerned that we had arrested Les Whitten.

Q Did you ever conspire with anyone to harm Jack Anderson's First Amendment rights as alleged in the complaint?

A Absolutely not. I would have leaned over backwards the other way.

MR. STRICKLER: I have no further questions.

MR. GONDELMAN: No questions.

CROSS EXAMINATION BY MR. FRANZINGER:

Q I have a couple. Do you recall being asked questions concerning any concern on the part of government officials during the time President Nixon was President about the leak of what has become known as the Dita Beard memorandum? Do you recall being asked questions about that?

A Yes, I do.

Q I believe you testified that there was some concern on the part of Mr. Kleindienst in this connection with respect to his integrity being impugned. Is that correct?

A That is correct, and that he would go into the position with a cloak over him, a cloud.

Q Did you understand Mr. Kleindienst's concern to be with the allegations made in the memorandum, or based upon that memorandum, or were they with the fact that the memorandum had leaked?

A They were based primarily upon the fact that the

allegations in the memorandum impugned his honor.

Q Did he ever ask you to investigate how that memorandum had leaked or had gotten to --

A No, he did not.

Q Did he ever indicate to you that he was concerned about the fact that the memorandum had gotten out as a fact?

A No, except to take the strong position that the memorandum itself impugned his honor and that he wanted his confirmation hearings reopened.

Q Mr. Gray, focusing your attention on Plaintiff's Exhibit #1, the paragraph on that Exhibit that you were asked about by counsel for the plaintiff appearing on the bottom of page 7 and the top of page 8 --

A Yes.

Q -- did you ever become aware that the Federal Bureau of Investigation had received information from an informant of the Metropolitan Police Department that a secretary of Jack Anderson would pick up certain documents stolen from the Bureau of Indian Affairs at Hank Adams' apartment?

A I think I did, and I think it was contained either in that teletype or in verbal reports that I might have received on it, but I can't pinpoint the exact time, the exact date.

Q Was it prior to or subsequent to the arrest?

A Oh, it was prior to the arrest.

Q That you knew yourself personally?

A Yes. That I knew that that was the gist of the informant's information, yes.

Q Did you ever also become aware of the fact that an Assistant United States Attorney had authorized the arrest of Hank Adams, Anita Collins or any other identifiable representative of Jack Anderson?

A Yes, and I believe that occurred after the arrest.

Q That you became aware of that fact?

A Yes.

Q Did you ever become aware of the fact that the FBI had information that Mr. Anderson was going to pay a sum of money or someone on Mr. Anderson's staff was going to pay a sum of money for the turnover of those documents?

A Yes. The initial reports that we received from the informant were to the effect that there would be a hundred to two hundred thousand dollars paid for these documents.

Q And when did you become aware of that, that the FBI had such information?

A I believe that was in the teletype that I previously referred to. It was either there or it would have

come from the briefing by Lieutenant Kirwan of the Metropolitan Police Department Intelligence Division to the SAC of the WFO and that could have produced the teletype, but it was sometime in that period of time, the 24th to the 30th of January of 1973.

Q Now you have identified Metropolitan Police Department informant by the name of John Arellano. Did Mr. Arellano to your knowledge report concerning this matter directly to the Federal Bureau of Investigation?

A He did not.

Q Was information transmitted from Mr. Arellano to the bureau through any channel?

A Through the Intelligence Division of the Metropolitan Police Department. That was transmitted to the Washington Field Office of the Federal Bureau of Investigation.

Q Did you at any time discuss the arrest or possible arrest of anyone in connection with possession of these documents with Mr. Mark Felt prior to the arrests on January 31?

A Only in my initial conversation with him when I directed him to coordinate and cooperate with the Department of Justice and be absolutely certain that we have the warrant for the arrest.

Q Did you give any other instructions to Mr. Felt?

A None that I recall right at this time.

Q Did you enter into agreement with anyone, whether a defendant in this action or not, to prevent Jack Anderson from publishing information in his possession?

A Absolutely not.

MR. FRANZINGER: I have no further questions.

REDIRECT EXAMINATION BY MR. GEBHARDT:

Q I have a few follow-up questions. Mr. Gray, is it your testimony that Jack Anderson asked for the meeting with you?

A No, it is not my testimony that he asked for the meeting with me. It is my testimony that Ed Morgan called me and suggested that I have this meeting with Jack Anderson and that he felt Jack would be willing to do it because Jack was killing me on the Hill. Ed Morgan arranged the meeting.

Q Is it fair to say that the suggestion of the meeting was coming from Mr. Morgan?

A Not fair to say it. I have testified to it as a fact.

Q As a result of the meeting did Jack Anderson say that he would withdraw his charges?

A No. He said he would go up to the Hill and speak

to the Senators with whom he had spoken and try to undo the harm he had done.

Q That's essentially the same thing, isn't it?

MR. STRICKLER: Object.

BY THE DEPONENT:

A This is my testimony, Mr. Gebhardt, and I will not have words put in my mouth.

Q Did Jack Anderson say at the end of that meeting that he would lobby for you on the Hill?

A He did not. I have testified as to what he said, Mr. Gebhardt, that he would attempt to go to the Hill and undo the harm, to undo the wrong that he had done.

He was very sincere about it, too. Both Ed Morgan and I thought it was a very good meeting and that's why I have maintained the confidentiality of that meeting to this date.

Q We didn't bring this up.

A I know. You asked the question. You opened the door.

MR. FRANZINGER: I object to counsel's statement. I disagree with it and I also suggest to counsel that he did in the first instance bring it up but that he should restrain himself and try to confine himself to asking questions of the witness rather than argument.

MR. GEBHARDT: Could be you'd do well to follow your own words, Mr. Franzinger.

MR. STRICKLER: Gentlemen, I'm neutral.

BY MR. GEBHARDT:

Q Mr. Gray, did you report this meeting to the Attorney General or to anyone else?

A Absolutely not, because I respected Mr. Anderson's request and I believe he respected mine until this occasion when I am under oath and asked the question.

Q Have you had any recent discussions with Mr. Morgan about this meeting?

A No.

Q Did the FBI receive any reports prepared by the informant, John Arellano?

A The only information that I know that the FBI received was that transmitted through the Metropolitan Police Department Intelligence Division, and the one name I remember is Lieutenant Kirwan.

Q You do not remember seeing any report bearing the name John Arellano?

A No. As a matter of fact I am quite certain that there were none because the reports came to us through the Intelligence Division of the MPD.

Q Was John Arellano considered an FBI informer?

A Absolutely not.

Q Prior to the January 31st, 1973 arrests did you discuss the information learned from the informant with Mark Felt?

A I'm not sure whether I did or not, whether I stayed in that close touch with it. When I gave him the instructions that I gave him I assumed that they would be carried out, and I now know and can testify that they were carried out because of the reevaluation of the case that we made to determine the lessons to be learned from it following the no bill. We did coordinate with the Department of Justice as I directed.

Q So you remember discussing with Mr. Felt the instructions concerning the warrants?

A I don't know that I discussed that with him or not during that period of time following the first set of instructions that I gave to him. I can't recall.

Q And you said that -- I don't know if I'm saying the right word but that -- Mr. Kleindienst was upset not with the leak of the Dita Beard memorandum but the fact that the allegations in that Dita Beard memorandum cast doubt on his integrity?

A That's right, and the attitude was that the newspaper story is dead the next day, but Kleindienst in my

judgment, knowing him at that time, was a very high principled man and he felt this very, very keenly.

Q So the whole effort in the Kleindienst confirmation hearings was to refute and repudiate the allegations in the Dita Beard memorandum?

MR. FRANZINGER: I object. The witness has already testified about his knowledge as to those and it's purpose and his efforts with regard to that.

MR. GEBHARDT: He has not done so.

BY THE DEPONENT:

A Yes, I have. I testified as to my role there and I don't know what the whole effort was in the ITT hearings. I know what my role was in it because I told you, Mr. Gebhardt, I was not a member of Mr. Kleindienst's task force who was handling the so-called strategy and tactics of the presentation to the Senate Judiciary Committee during the ITT hearings. I did not have that role.

MR. GEBHARDT: Well, I would like to have an answer to that question so could you read back the question that I asked, the one that Mr. Franzinger objected to?

(Whereupon, the indicated question was repeated by the Court Reporter as follows:)

"Q So the whole effort in the Kleindienst confirma-
tion hearings was to refute and repudiate the allegations
in the Dita Beard memorandum?"

MR. FRANZINGER: The witness has answered
that question.

THE DEPONENT: I answered that question.

MR. FRANZINGER: He answered he didn't know.

BY MR. GEBHARDT:

Q Is that right? The answer is you don't know?

A Yes.

MR. GEBHARDT: I have no further questions.

MR. STRICKLER: No questions.

MR. FRANZINGER: I have none.

(Whereupon, the deposition adjourned at
3:47 P.M.)

DEPONENT

Subscribed and sworn to before me this _____ day of
_____ 1978.

NOTARY PUBLIC
COMMISSIONER OF SUPERIOR COURT

My Commission expires _____

C E R T I F I C A T E

STATE OF CONNECTICUT
COUNTY OF HARTFORD

I, Violet A. Smith, a Notary Public within and for the State of Connecticut, duly commissioned and qualified to administer oaths, do hereby certify that pursuant to notice, at the offices of Suisman, Wool, Shapiro, Brennan, Gray & Faulkner, 1028 Poquonock Avenue, Groton, Connecticut, on Thursday, December 15, 1977, the following named person, to wit: L. PATRICK GRAY, was by me duly sworn to testify to the truth and nothing but the truth of his knowledge touching and concerning the matters in controversy in this cause; that he was thereupon carefully examined upon his oath and his testimony reduced to writing by me; that the deposition is a true record of the testimony given by the witness.

I further certify that I am neither attorney nor counsel for, nor related to nor employed by any of the parties to the action in which this deposition is taken, and further that I am not a relative or employee of any attorney or counsel employed by the parties hereto or financially interested in the action.

I further certify that Plaintiff's Exhibit 1 through 3 were duly marked by me and are attached herewith.

In witness whereof I have hereunto set my hand and affixed my notarial seal this 6th day of January, 1978.

My Commission expires 4/1/81.

NOTARY PUBLIC

Smith Reporters, Inc.

I N D E X

	<u>Page No.</u>
Direct Examination by Mr. Gebhardt	3
Cross Examination by Mr. Strickler	80
Cross Examination by Mr. Franzinger	86
Redirect Examination by Mr. Gebhardt	90

E X H I B I T S

<u>Plaintiff's Exhibits</u>		<u>Page No.</u>
1	Memorandum dated 3/10/73 from Mr. R. E. Gebhardt.	53
2	Motion of the U. S. Attorney dated March 7, 1973.	64
3	Teletype message.	77

UNITED STATES GOVERNMENT

Memorandum

TO: *AS* DIRECTOR, FBI
ATTN: LEGAL COUNSEL DIVISION

DATE: 2/23/78

FROM: SAC, WFO (62-10968) (P)

SUBJECT: JACK ANDERSON
V.
RICHARD NIXON, ET AL
(U.S.D.C., D.C.)
CIVIL ACTION #76-1794

17
8-1

62-117353-52
Remylet dated 12/13/77.

Enclosed for the Bureau is one xerox copy
of the current docket sheet as of 2/13/78.

WFO will follow and report.

(C)

EX-120
REC-46
62-117353-54

20 FEB 24 1978

ENCLOSURE

- 2 - Bureau (Enc. 1)
 - 1 - WFO
- GEO:mkg

Handwritten signature and initials

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(3) 1- CC to Rm 7338
Avt enc. docket sheet

Greenberg/Gray-4470



5010-110

58 *Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan*

PLAINTIFF	DEFENDANT	DOCKET NO. <u>76-179</u>
JACK N. ANDERSON	RICHARD M. NIXON, et al.	PAGE <u>10</u> OF <u> </u> PAGES

DATE	NR.	PROCEEDINGS
1977 Oct	28	ORDER filed Oct. 26, 1977 granting in part motion of deft. Colson, Dean, Gray, Helms, Kissinger, Kleindienst, Krogh, Mardian, Young, Nixon, Mitchell & Ehrlichman for protective orders with respect to plttf's interrogatories & production requests dated 7-27-77 but without prejudice to plttf. filing renewed production requests after further discovery by plttf.; granting motion of defts. CIA, FBI & DJ to quash & sustaining their objections to subpoenas duces tecum; denying motion of plttf. for an order to compel; setting forth directions to all parties. (N) Gesell, J.
Oct	27	STATUS CONFERENCE. Ruling deferred re. the taking of deposition of Young. No written interrogatories - Anderson's deposition to be taken 1-3-78. Defer the taking of deposition of Kissinger. Discovery to proceed by way of depositions. (Rep. Watson) Gesell, J.
Nov	21	STIPULATION of counsel agreeing that counsel within 20 days after receipt of transcript of any deposition file a motion for a protective order & further agreeing as to the handling of motion & transcripts. So Ordered. (FIAT) (N) Gesell, J.
Dec	7	ORAL motion of plttf. to compel certain defts. to answer questions propounded during depositions begun; respited until 12-8-77 at 9:30 A.M. (I. Watson) Gesell, J.
Dec	8	ORAL motion of plttf. to compel certain defts. to answer questions propounded at deposition concluded & denied. Court approves the procedure followed by defense counsel. (Rep. Watson) Gesell, J.
Dec	16	DEPOSITION of James D. Swartzwelder w/defts. exhibits 1(2), 2, 3 & 4 and plttf's exhibits 1 & 2.
Dec	22	TRANSCRIPT of Proceedings of Dec. 8, 1977; pages 1 - 5; Rep. Ida Z. Watson; Court Copy.
Dec 1978	29	DEPOSITION of W. Mark Felt for the plttf. ; exhibit 1, 2 & 3.
Jan	4	MOTION of deft. Nixon to compel answers; P&A; Exhibit A; c/m 1-4-78.
Jan	4	DEPOSITION of Jack Northman Anderson for the deft. Nixon (copy).
Jan	4	MOTION of deft. Nixon to compel answers heard; deft. to file any further pleadings re. motion by 1-9-78; plttf. to file opposition by 1-13; deft to file response by noon on 1-17; further hearing set for 1-18-78 at 9:30; taking of deposition of Mitchell deferred until after the hearing on the 18th; deposition of Anderson continued until after the hearing on the 18th. (Rep. Watson) Gesell, J.

PLAINTIFF		DEFENDANT	DOCKET NO. 76-11
JACK H. ANDERSON		RICHARD M. NIXON, et al	PAGE 11 OF 11 PAGES
DATE	NR.	PROCEEDINGS	
1978 Jan	6	ADOPTION of #5 to motion of deft #1 to compel answers; P&A's; c/m 1-6-78	
Jan	09	MEMORANDUM of defts. 2,7,9,10,8,11,14&15 in support of deft Nixon's motion to compel answers; c/m 1-9-78	
Jan	10	ADOPTION by deft. #4 of deft. Nixon's motion to compel answers; c/m 1-9-78.	
Jan	11	ADOPTION by deft. #6 of deft. Nixon's motion to compel answers; c/m.	
Jan	13	OPPOSITION by plttf. to defts' motion to compel; c/m 1-13-78.	
Jan	17	REPLY by deft. #1 to plttf's opposition to defts motion to compel answers; c/m 1-17-78.	
Jan	17	MEMORANDUM of defts. 2, 3, 7, 9, 8, 10, 11, 14 & 15; c/m 1-17-78.	
Jan	18	MOTION of deft. Nixon to compel answers resumed, concluded and taken under advisement. No more depositions to be taken unless pending decision on the motion. (Rep. Watson) Gesell, J.	
Jan	25	DEPOSITION of L. Patrick Gray for the plttf.; Exhibit A; Exhibits 1, 2 & 3.	
Jan	26	LETTER to the Clerk dated 1-26-78 from Hoover Reporting Company, Inc. enclosing errata sheets to Deposition of W. Mark Felt filed Dec. 29, 1977; errata sheet attached; c/m 1-26-78.	
Jan	27	MEMORANDUM & ORDER filed Jan. 26, 1978 granting in part & denying in part motion of defts to compel answers & directing that movants shall not be awarded any expenses incurred in relation to the motions. (See Order for details) (N) Gesell, J.	

memorandum

BAB:DJA:RJF:cjc
145-1-548

APR 24 1978

DATE:

REPLY TO
ATTN: *BAB*

Barbara Allen Babcock
Assistant Attorney General
Civil Division **FEDERAL GOVERNMENT**

SUBJECT:

Jack N. Anderson v. Richard M. Nixon,
et al., USDC D.C., C.A. No. 76-1794.
Mr. William H. Webster

TO:

Director
Federal Bureau of Investigation

Attention: Legal Counsel Division

Enclosed is a copy of an Order dismissing this civil action, entered by United States District Judge Gerhard A. Gesell on April 4, 1978. As you will note from the Order, the Court found that defendants' inquiries as to plaintiff's sources were crucial to the statute of limitations defense. Accordingly, the Court, as it has clear authority to do under the applicable Federal Rules of Civil Procedure, deemed that defense to be established and therefore dismissed the case on the ground of the statute of limitations.

Plaintiff has sixty days in which to seek to appeal the Court's decision. Counsel for the plaintiff has indicated in open court that he will seek to appeal this matter.

Many thanks for your assistance and cooperation regarding the defense of this matter.

Enclosure

REC-123

62-117353-54X

ENCLOSURE

24 JAN 16 1979

Greenberg/Gray-4473

cc-7338
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62 JAN 31 1979

File
9-9A



Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

APR 4 1978

JACK N. ANDERSON,)
)
 Plaintiff,)
)
 v.)
)
 RICHARD M. NIXON, ET AL.,)
)
 Defendants.)

JAMES E. DAVEY, Clerk

Civil Action No. 76-1794

ORDER

While his deposition was being taken, plaintiff refused to reveal the identity of news sources that had provided him with information concerning the subject matter of this litigation. On January 19, 1978, the Court held a full hearing on defendants' motions to compel and by Memorandum and Order filed January 26, 1978, directed that plaintiff respond to questions concerning the identity of his news sources. Plaintiff received the Order and respectfully notified the Court that on grounds of principle he would continue to refuse to answer such questions. Accordingly, defendants promptly moved for default, invoking Rule 37 of the Federal Rules of Civil Procedure. The motions were opposed, briefed by the parties, and argued. The Court finds that:

(1) There is substantial indication found in the jacket to date that plaintiff can prove acts of official harassment and efforts at high levels of the Nixon administration to interfere with his work as a newspaperman. The extent of each defendant's participation in the alleged conspiracy, if any, is yet to be developed. If a conspiracy existed, it has terminated.

(2) Defendants oppose plaintiff's effort to obtain damages by motion to dismiss on the ground that the statute of limitations has run. This also is a substantial claim

62-117353-54X

ENCLOSURE

Greenberg/Gray-4475

supported by pertinent excerpts from plaintiff's widely syndicated column showing contemporaneous knowledge of many key events and thus contradicting plaintiff's claim that the conspiracy was concealed.

(3) It is admitted that plaintiff received information about the official conduct he now questions about the time it occurred from sources both within the White House, where the alleged conspiracy centered, and from outside sources as well.

(4) To test plaintiff's denial that he was aware of the alleged conspiracy at an early date and to develop the full extent of plaintiff's knowledge of events as they were occurring, it is highly material and relevant to the defendants' motion to ascertain and then to depose plaintiff's sources.

(5) The identity of his sources is well known to plaintiff. There are no alternative practical means of ascertaining who they are.

(6) Plaintiff's refusal to comply with the Court's Order and to respond to defendants' inquiries is not made in bad faith. It is, however, willful and deliberate and made with full undertaking of the consequences. Plaintiff's decision to disregard the Court's Order will not change.

(7) An orderly trial, fair to both sides, cannot proceed to a just result unless plaintiff reveals the names of all his relevant sources. Plaintiff alone is responsible for the present impasse.

(8) The Court in the exercise of its discretion hereby enters an order pursuant to Rule 37(b)(2)(i) of the Federal Rules of Civil Procedure that the statute of limitations matter regarding which the questions concerning plaintiff's sources were asked shall be taken to be established for purposes of this action adversely to plaintiff and that ~~defendants' motions to dismiss are granted.~~ No other action

is consistent with necessity, policy, and the Court's duty in the premises. See Smith v. Schlesinger, 513 F.2d 462, 467 & n. 10 (D.C. Cir. 1975); see generally Societe Internationale v. Rogers, 357 U.S. 197, 210 (1958).

(9) The complaint shall be and hereby is dismissed.

SO ORDERED.

Hubert A. Gezell
UNITED STATES DISTRICT JUDGE

April 4, 1978.

Greenberg/Gray-4477

William F. Buckley Jr.

STAR - Sunday
2-19-78, pg F3

Where confidentiality comes in second

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b7c

Here's one a lot of us missed. An important ruling by a heavyweight judge of the District Court for the District of Columbia in a fascinating Watergate-related case.

I write of Jack Anderson v. (take a long breath) Richard Nixon, Henry Kissinger, Richard Helms, John Mitchell, H.R. Haldeman, John Ehrlichman, Charles Colson, Richard Kleindienst, Patrick Gray, John Dean, Robert Mardian, Jeb Magruder, Herbert Kalmbach, Egil Krogh, David Young, Anthony Ulasewicz, Howard Hunt, Gordon Liddy, and James McCord. The only one missing from that line-up is Neil Armstrong, but perhaps Jack Anderson ran out of breath.

The suit was filed in September 1976. It alleges that the defendants conspired to harass Mr. Anderson because of his writings. Anderson complains that his ability to report the news was prejudiced by this conspiracy in that many of his sources dried up. Anderson also alleges that the defendants were guilty of overt acts which were "intentionally and fraudulently concealed."

Now this last point is of considerable procedural importance. The statute of limitations protects the defendants if they have not been sued three years after their alleged tort. September 1976 minus three years equals September 1973. But all of the overt acts allegedly undertaken were undertaken before September 1973, and therefore Jack Anderson needs to prove fraudulent concealment in order to set aside the statute of limitations.

Richard Nixon et al replied, as is conventional in civil actions, by demanding to depose the plaintiff. On doing so, they asked him who were the sources of his information about this conspiracy. Specifically, who advised him that he was the subject of illegal wiretapping and unlawful entries. Anderson testified that it was someone on Haldeman's staff but, pleading the privileges of the First Amendment, declined to say who. He further declined, on the same grounds, to say who it was that told him he had been subjected to illegal electronic surveillance after his famous exposure of Nixon's National Security Council meeting at which he instructed the government to "tilt" towards Pakistan.

"I made an agreement not to," said Jack Anderson, "and I will keep that agreement." For using such language as this, one notes in passing — and to protect the national interest, rather than to forward one's commercial interest — people like Richard Helms have been publicly savaged.

The defendants replied in two parts. The first, that if the statutory protection was to be waived, the onus fell on the plaintiff to prove the "fraudulent concealment." To prove it required more than merely to assert that an unnamed, uncross-examined third party told him so.

But most importantly, on the merits the defense raised the question whether surveillance of the plaintiff, if indeed there had been such, was for the purpose of inhibiting his rights as a journalist or for the purpose of investigating a security leak. The motives, in a civil action of this nature, are of course crucial.

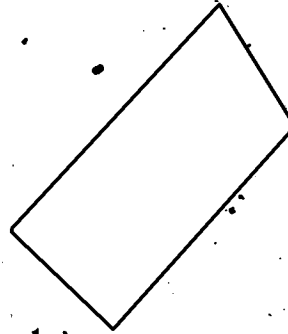
In a carefully written opinion, Judge Gerhard A. Gesell ruled that Jack Anderson can't have it both ways. The newsman's privilege, he reminded us, is a qualified privilege. Quoting Branzburg v. Hayes, the judge reminds us that on the one hand "official harassment of the press undertaken not for the purposes of law enforcement but to disrupt a reporter's relationship with his news sources" is forbidden. On the other hand, where "the interests of justice" require that relevant information be disclosed, it must be disclosed.

Now, nobody is using any muscle to get at Anderson's sources:

"Plaintiff's pledge of confidentiality would have remained unchallenged had he not invoked the aid of the court seeking compensatory and punitive damages based on his claim of conspiracy. Plaintiff is attempting to use the First Amendment simultaneously as a sword and a shield. He believes he was wronged by a conspiracy that sought to retaliate against his sources and to undermine his reliability and professional standing before the public because what he said was unpopular with the conspirators. But when the accused seek to defend by attempting to discover who his sources were, so that they might find out what the sources knew, their version of what they told him, and how they were hurt, plaintiff says this is off limits — a forbidden area of inquiry . . . Plaintiff is not a bystander in the process but a principal. He cannot ask for justice and deny it to those he accuses."

The judge then forecast, lest there should be any ambiguity, what he will do if Jack Anderson persists in declining to name his informants. He will throw the case out of court.

It is hard to quarrel with Judge Gesell's reasoning, which doesn't mean Anderson won't quarrel with it. Perhaps he will reveal that the judiciary has been instructed to tilt against Anderson.



file
62-117353
4-12-78

WASHINGTON
STAR
2-19-78
PAGE F3 -

62-117353-19
NOT RECORDED
170 MAR 21 1978

Anderson Loses Suit Against Nixon

By Toni House
Washington Star Staff Writer

A damage suit asking more than \$22 million from former President Richard M. Nixon and other top officials of his administration has been dismissed because the plaintiff, columnist Jack Anderson, refused to reveal some of his sources for the complaint.

U.S. District Judge Gerhard Gesell dismissed Anderson's suit yesterday after he ruled that Anderson is under the same obligation as any other litigant in a civil suit to answer the opposition's questions.

Anderson was seeking \$22 million in damages for alleged violation of his constitutional rights as a newsman from Nixon, John Ehrlichman, H.R. Haldeman, John Mitchell and 15 others for what Anderson contended were their efforts to damage his abilities to gather the news.

IN DISMISSING the suit, Gesell wrote that while there was "substantial indication" that Anderson could prove acts of harassment and "efforts at high levels of the Nixon administration to interfere with his work," the defendants could not get a fair trial unless Anderson revealed the names of sources of the allegations he made against them.

Technically, Gesell dismissed the suit because the three-year statute of limitations had expired on what Anderson alleged was a 1971 conspiracy against him.

In his suit, Anderson claimed he did not learn of the reputed conspiracy until much later. But the judge said he could not prove that without the word of his unnamed sources.

A spokeswoman for William Dobrovir, Anderson's attorney, said the office had no comment yet on whether they would appeal Gesell's ruling.

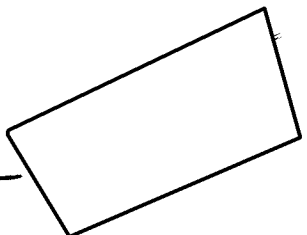
The controversy arose in January after Anderson refused to answer certain defense questions about two of his charges of illegal electronic surveillance.

At that time Gesell put Anderson on notice he would either have to answer the questions or face possible dismissal of the suit.

THE DISPUTE OVER sources centered on a claim that Nixon, Ehrlichman and Haldeman, on at least three separate occasions, hired men to eavesdrop on Anderson and break into his office in an effort to discover his sources.

Anderson also refused to reveal his sources for a claim that at White House instigation the "plumbers" — a unit set up to probe leaks of secrets — used illegal electronic surveillance to try to find the syndicated columnist's sources of a story on the Nixon administration "tilt" toward Pakistan during its 1971 war with India.

file 62-117353

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WASHINGTON STAR
4-5-78
PAGE A-11

62-117353-A

NOT RECORDED
191 APR 26 1978

PH
57 APR 27 1978

UNITED STATES GOVERNMENT

Memorandum

*NEJ
JAY*

TO : DIRECTOR, FBI
ATTN: LEGAL COUNSEL DIVISION

DATE: 5/25/78

FROM : SAC, WFO (62-10968) (RUC)

SUBJECT: JACK ANDERSON
V.
RICHARD NIXON, ET AL
(U.S.D.C., D.C.)
CIVIL ACTION #76-1794

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8-1
fuc*

ReWFOlet, 2/23/78.

Enclosed for the Bureau is one xerox copy of the current docket sheet as of 5/16/78.

In view of the order to dismiss, WFO is placing this file in RUC status.

[Handwritten initials]

Greenberg/Gray-4480

EX-110

REC-46

62-117353-55

17 MAY 26 1978

2 - Bureau (Enc. 1) **ENCLOSURE**

1 - WFO

MCP:mkg

(3)

cc - Rm 7336

Copy of [unclear]

LEGAL COUNSEL
[Signature]



JUN 13 1978

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

PLAINTIFF	DEFENDANT	DOCKET NO. <u>76-1794</u>
JACK N. ANDERSON	RICHARD M. NIXON, et al	PAGE <u>11</u> OF <u> </u> PAGES

DATE	NR.	PROCEEDINGS
1978 Jan	6	ADOPTION of #5 tp motion of deft #1 to compel answers; P&A's; c/m 1-6-78
Jan	09	MEMORANDUM of defts. 2,7,9,10,8,11,14&15 in support of deft Nixon's motion to compel answers; c/m 1-9-78
Jan	10	ADOPTION by deft. #4 of deft. Nixon's motion to compel answers; c/m 1-9-78.
Jan	11	ADOPTION by deft. #6 of deft. Nixon's motion to compel answers; c/m.
Jan	13	OPPOSITION by plttf. to defts' motion to compel; c/m 1-13-78.
Jan	17	REPLY by deft. #1 to plttf's opposition to defts motion to compel answers; c/m 1-17-78.
Jan	17	MEMORANDUM of defts. 2, 3, 7, 9, 8, 10, 11, 14 & 15; c/m 1-17-78.
Jan	18	MOTION of deft. Nixon to compel answers resumed, concluded and taken under advisement. No more depositions to be taken under pending decision on the motion. (Rep. Watson) Gesell, J.
Jan	25	DEPOSITION of L. Patrick Gray for the plttf.; Exhibit A; Exhibits 1, 2 & 3.
Jan	26	LETTER to the Clerk dated 1-26-78 from Hoover Reporting Company, Inc. enclosing errata sheets to Deposition of W. Mark Felt filed Dec. 29, 1977; errata sheet attached; c/m 1-26-78.
Jan	27	MEMORANDUM & ORDER filed Jan. 26, 1978 granting in part & denying in part motion of defts to compel answers & directing that movants shall not be awarded any expenses incurred in relation to the motions. (See Order for details) (N) Gesell, J.
Feb	17	AFFIDAVIT of Jack Anderson; notice of filing; c/m 2-16-78.
Feb	24	MOTION of defts. #2, 3, 7, 8, 9, 10, 11, 14 & 15 for entry of default judgment; memorandum; c/m 2-24-78.
Feb	24	DEPOSITION of Charles W. Colson for the plttf.; exhibits 1 - 11; errata sheet.
Feb	24	DEPOSITION of Richard M. Helms for the plttf.; exhibit I & II.
Feb	24	DEPOSITION of Egil Krough, Jr. for the plttf.; exhibit 1.
Feb	24	DEPOSITION of Richard G. Kleindienst for the plttf.; exhibit 1 - 4.
Feb	27	ADOPTION of deft. #5 of motion by defts. #2, 3, 7, 8, 9, 10, 11, 14 & 15 for entry of default judgment; P&A; c/m 2-27-78.
		see next page

62-117353-35

ENCLOSURE

PLAINTIFF JACK N. ANDERSON	DEFENDANT RICHARD M. NIXON, et al.	DOCKET NO. <u>76-178</u> PAGE <u>12</u> OF <u> </u> PAGE
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DATE	NR.	PROCEEDINGS
1978		
Mar	1	MOTION of deft. #1 for entry of default judgment; P&A; c/m 3-1-78.
Mar	1	MOTION of deft. #4 for entry of default judgment; c/m 2-28-78.
* Mar	2	ADOPTION by deft. John Ehrlichman of the motion of defts. #2, 3, 7
		8, 9, 10, 11, 14 & 15 for entry of default judgment; P&A; c/m 3-1-78.
Mar	3	MOTION of deft. #13 for entry of default judgment; P&A; c/m 3-3-78
* Mar	1	STIPULATION of counsel extending time thru 3-28-78 for plttf. to respond to motion of defts for default judgment, approved. (N) Gesell, J.
Mar	7	MOTION of deft. #17 for entry of default judgment; P&A; c/m 3-7-78
Mar	7	ADOPTION by deft. #19 of the motion of defts. Colson, Dean, Gray, Helms, Kissinger, Kleindienst, Krogh, Mardian and Young for entry of default judgment; P&A; c/m 3-3-78.
Mar	28	OPPOSITION by plttf. to motions for default judgment; Exhibit 1 thru 7; Affidav c/m 3-28-78.
Mar	31	MOTION of deft. for default argued, concluded & taken under advisement. (Rep. Sanche) Gesell,
Apr	6	ORDER filed Apr. 4, 1978 granting motions of defts. to dismiss & dismissing complaint. (N) Gesell,

Greenberg/Gray-4483

1 - [Redacted]

SAC, Los Angeles (52-15445)

May 8, 1980

Director, FBI (62-117353)

LESLIE HUNTER WHITTEN, JR., et al.
TGP
OO:WFO

[Redacted]

Re Los Angeles letter dated 4/29/80.

b6
b7C

Enclosed for Los Angeles is a copy of a court order dated April 4, 1978. This order dismissed the civil action entitled: "Jack N. Anderson v. Richard M. Nixon, et al., (U.S.D.C., D.D.C.), Civil Action No. 76-1794.

Any additional inquiries in this matter should be directed to Special Agent [Redacted] Legal Counsel Division, Civil Litigation Unit II, extension [Redacted]

b6
b7C

Enclosure

CEM:lad
(3)

Adm

NOTE: Los Angeles has requested the current status of the above-noted civil suit. This letter encloses the dismissal order.

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APPROVED:

Director _____
Exec. AD-Inv. _____
Exec. AD-Adm. _____
Exec. AD-LES _____

Adm. Serv. _____
Crim. Inv. _____
Ident. _____
Intell. _____
Laboratory _____

Legal Coun. *JB*
Plan. & Insp. _____
Rec. Mgnt. _____
Tech. Servs. _____
Training _____
Public Affs. Off. _____

ENCLOSURE

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- Laboratory _____
- Legal Coun. _____
- Plan. & Insp. _____
- Rec. Mgnt. _____
- Tech. Servs. _____
- Training _____
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- Director's Sec'y _____

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MAR 5 1981

Greenberg/Gray-4484

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62-117353-56

ENCLOSURE

Greenberg/Gray-4486

ENCLOSURE

62-117353-3
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Declassify on: OADR
8-1-85~~

ALL INFORMATION CONTAINED
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DATE 08-13-2009 BY 60322 dml/lsc/sbs
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Greenberg/Gray-4489

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EXEMPTED FROM AUTOMATIC
DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 25X(1,6)
DATE 04-15-2009

ALL INFORMATION CONTAINED
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WHERE SHOWN OTHERWISE

CLASSIFIED DECISIONS FINALIZED
BY DEPARTMENT REVIEW COMMITTEE (DRC)
DATE: 11/24 RFP/ant
7-30-84

~~Classified by 9789 RFP/ant PCS/BE
Declassify on: OADR
8-1-83~~

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~~Classified by 3832 on 5-17-78
Exempt from GDS, Category 2, 3
Date of Declassification Indefinite~~

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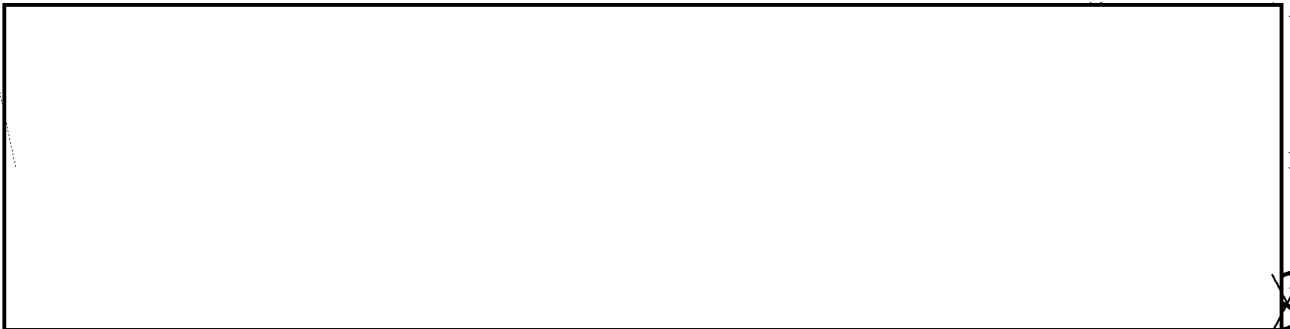
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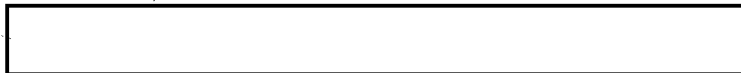


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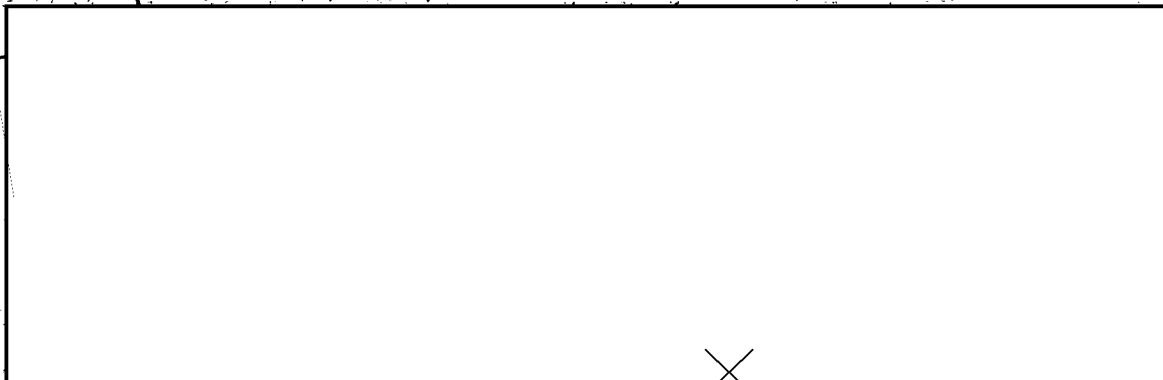


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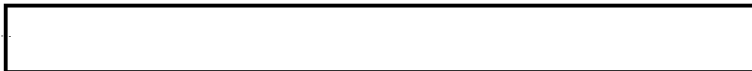


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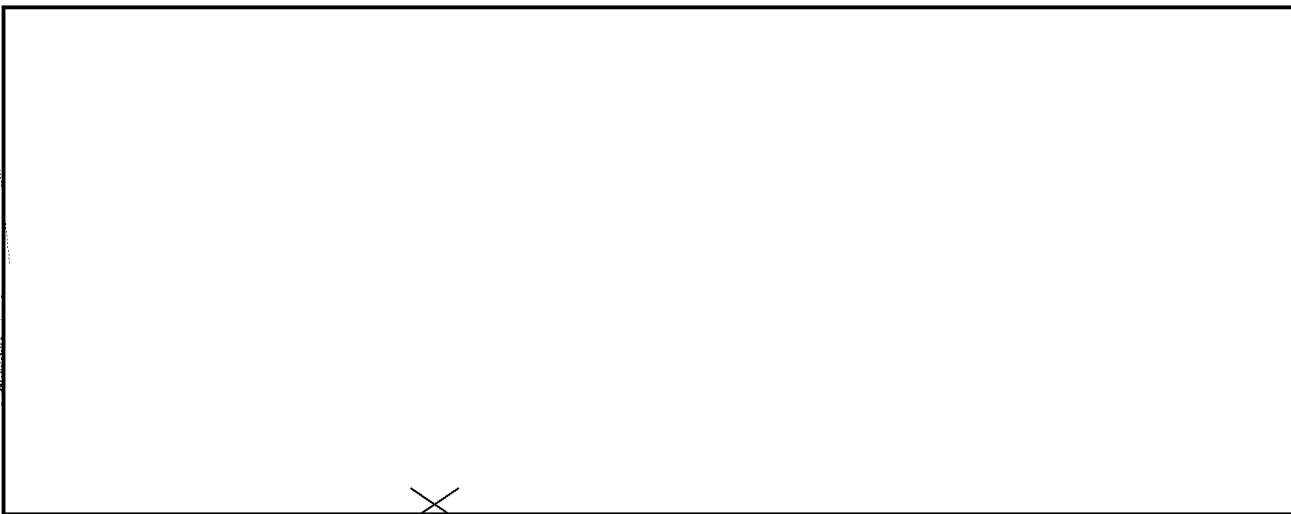
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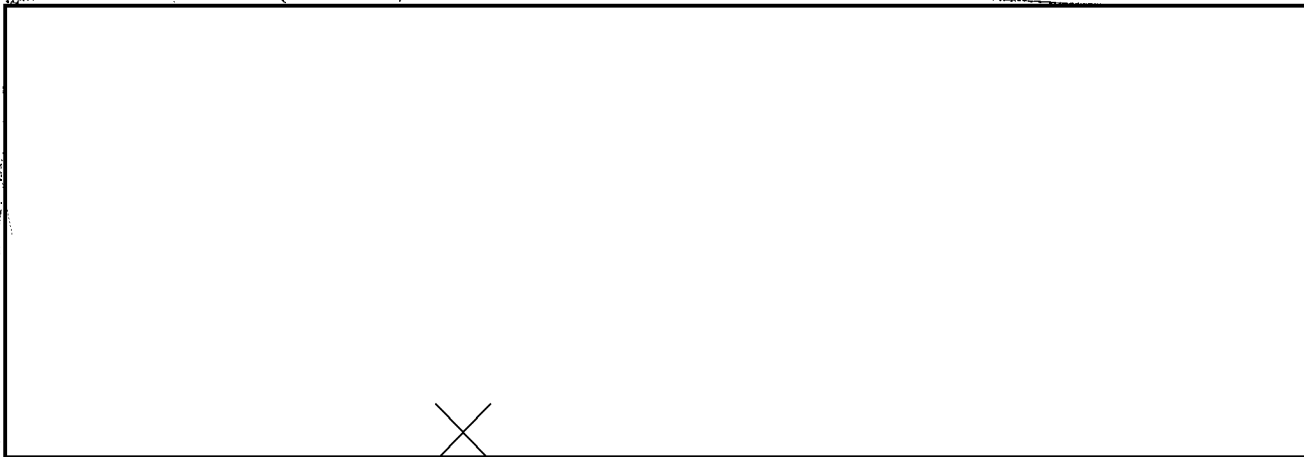
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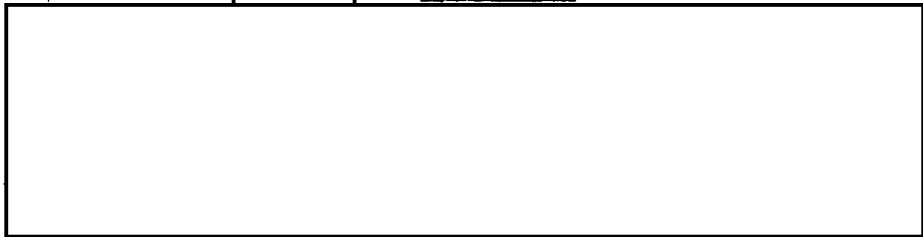
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WF 1441-C 4-5-63

Record 140 to Anderson -



(21)

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Greenberg/Gray-4499

4-5-63
Verbatim

(2)

b6
b7C

[redacted] to Jack Anderson

(2)
(3)

[redacted]

-----([redacted] very indistinct). [redacted]

[redacted]

Continuing - [redacted] said [redacted]

[redacted]

[redacted] - mumbling can't get. (4)

(2)

Jack Anderson from Drew Pearson's
Column

told he will call . (u)

b6
b7c

- (1) they were there a year and a half after they started. (u)
- (2) It looked to me like the weren't really trying to find anything in particular tax evasion they were trying to find some conflict of interest. or maybe I was paying off somebody (Indistinct) (u)
- (3) the third day you asked me several times to have a drink w/ you. (u)
- (4) to see about ----- because of the value of the items involved he said I don't think we have any choice. (u)
- (5)

(3)

4-5-63

b6
b7c

Verbatim

[redacted] and Jack Anderson - (Cont)

J.A.

"Did they bring Levinson before the G.J." (u)

[redacted]-

[redacted]

A

"Yeah." (u)

[redacted]-

[redacted]

An exchange of comments by [redacted] and Anderson
unintelligible. [redacted]

In what way. A - They're saying your representing him--- (u)

[redacted]-

[redacted]

And

developed into a fellow theirs. He's just a gd nice guy
so's [redacted] (u)

[redacted]

[redacted]

(4)

Verbatim
4-5-63

b6
b7c

[redacted] and Anderson (cont)

Anderson I would gather - this - I assumed - I could only
----- putting 2 and 2 together.
that these people - Justice who talked to me about
this - I was telling them one day that ---- was the Bureau
I thought the G. J. was going to turn around and (u)

[redacted] (u)
Anderson No, I would guess they would phone offered you
a deal. They want (u)

[redacted]

5
Verbatim
4-5-63

b6
b7C

[redacted] and Anderson - Cont

[redacted]

A - "These guys that I talked to, they didn't tell me any-
thing, Incidentally, mentions name [redacted] can't hear rest.
"He told me you are a friend of [redacted] and
[redacted] a good friend of mine." (u)

[redacted]

A - I think I can - (u)

[redacted]

[redacted]

6
Verbatim
4-5-63

b6
b7c

[redacted] & Anderson (Cont)

[redacted]

[redacted]

A -

"I know --- I handle this kinda sutff all the time.
I, I've well, I will
help where ever I can (He gave the story that he or
rather ---- I can pull thru (?) quite a line on this)
(Missed part) - the
guy I talked to was a little cryptic.
& I would guess from what he said that they
got you tied up some way that some of boys
they think you are tied up with. that they
will try to talk to you if they
haven't already, that we will forget about this
indictment j---

[redacted]

A -

[redacted]

I know -
"You know the indictment is pure blackmail."

[redacted] (jumble of conversation)

[redacted]

(u)

6 Don't be too concerned. I'm going to do what I can. [redacted] will try to help (me) out. He said you were a friend of [redacted] and [redacted] is a good friend of mine (u)

b6
b7C

7 [redacted] interrupts A - But if I were you I'd be concerned about the Justice Dept. I can't (give)? any sources but I think there's a couple of people that I would contact. I never I don't think this is pertinent --- the guy that talked to me, without mentioning. I don't think he was screwy. I don't know He thought probably that he wasn't doing anything wrong. I would guess. I would guess from what he said, He didn't --- He was a little cryptic and I (guess he - some of these guys know I've been around town a long time. I supposed to be able to read their minds. He talked kind of in riddles. I'm supposed (u)

to figure out the damn riddles. I'm really a simple guy and somebody has to spell it out for me. I would guess from that - from the way they talked, that they're definitely set on that Los Angeles thing to see what they have. Some of the boys (garbled) U. S. Attorney. --- If they haven't already tried to talk to you. I would think that they probably would at some point they'll settle down and you tell us and we might forget about this indictment. (u)

(8) A - this was a gamble (garbled) (u)

(9) A - I don't think the Internal Revenue would bother (?) Kennedy. - - - -
I think that he is using you as a club on him (or them) (u)

7
Verbatim
4-5-63

b6
b7c

[redacted] and Anderson cont. (u)

[redacted]

[redacted]

A. (8) He found exactly what the Int. Revenue found. That there were these number of dollars left off. But he also found that [redacted] [redacted] had complete knowledge of my receiving this money." (u)

A. (9) -----Missed an exchange by Anderson and [redacted]. (u)

A. I expected them to have talked to you before now. They didn't tell me this but, (u)

[redacted]

[redacted] (u)

A. "They are going to come around to you some day and say 'Boy, we got you by the short hairs. You tell us, you answer the following questions or it's tough shit. (u)

[redacted]

(10) ----- [redacted]

(u)

~~SECRET~~

8
Verbatim
4-5-63

b6
b7C

and Anderson, cont. (u)

[Redacted]

A.

Unintelligible comment (u)

[Redacted]

20

~~SECRET~~

Greenberg/Gray-4509

(1)

A. (8) - - - - - was a gamble to - - - - - was smart - - - - - . (u)

A. (9) I don' think the Internal Revenue would bother you again about that - - - - - I think that he is using you as a club on (them?) (u)

[Redacted]

(10)

[Redacted]

A. (11) This is my guess - - - - - [Redacted] interrupts (u)

[Redacted]

[Redacted]

Verbatim
4-5-63

b6
b7c

[redacted] and Anderson (cont) (u)

[redacted]

[redacted]

A.

"Did they ask you about Levinson? in Kansas City (u)

[redacted]

[redacted]

(u)

A.

"The Int. Revenue did - (u)

[redacted]

[redacted]

A.

You see, I was wrong on that score then, because it was my impression that the tax thing that they had. That convinces me all the more that what they really intend to do is black - mail you." (u)

[redacted]

[redacted]

10
Verbatim
4-5-63

b6
b7C

[Redacted]

[Redacted]

[Redacted]

[Redacted]

A.

They're watching everyone with those people -
They think that you are some kind of a bag man or
something for them.

[Redacted]

(12)

[Redacted]

A.

"Well, I suppose it --- Have you ever (14) talked
to any Senators or Congressmen or anybody about
any of their problems, out there. Have you ever
tried to help them? - - - - -"

(u)

(2)

- (12) A. Say something else at this point which is unintell.
- (13) AVCO, No Aviat, Rocca Mfg. Co., - - Industries G.E., those kind of people. (13A) I don't -- with those kind of people that they're talking about.
- (14) or something like that, G. I'll be the most hated man in the U.S.
- (15) - - - they have (unintell) watching there might be 2 things they might be looking for to put the screws on this Levinson.

(u)

~~SECRET~~

(a)

these gamblers in any way out there? Lately? Have
any Senators or Congressmen entertained out there - -

(u)

25
~~SECRET~~

Greenberg/Gray-4514

11
Verbatim
4-5-63

b6
b7C

and Anderson (cont) (u)

[Redacted]

A. "Well, I don't think that there's much to worry about
-----my guess is they're going to scare you and
when the figure you're scared to death, they're going
to (unintell) (u)

[Redacted]

A. "I wouldn't worry about it. (u)

[Redacted]

[Redacted]

(15)



(u)

b6
b7C

(A) As far as publicity (?) is concerned - - - - (u)

12
Verbatim
4-5-63

[redacted] and Anderson - Cont. (u)

[redacted]

[redacted]

A.

Missed (u)

[redacted]

[redacted]

(u)

[redacted]

A.

"You know a lot of these people who are seen in Congress of these guys --- even [redacted] mentioned they went over his taxes w/ a fine tooth comb. (u)

[redacted]

[redacted]

A.

"No, I didn't, where?" (u)

13
Verbatim
4-5-63

[redacted] and Anderson - Cont. (u)

b6
b7c

[redacted] (u)

A. "He didn't tell me that" (u)

[redacted]

A. But the point is, they don't go that far unless they are really convinced they're cynical enough that. They aren't going to that extent because they saw you in his company. They have to be convinced of more than that. What they told me, my informant told me, they think they got something. (16) (Missed portion) The tax thing, they're using as a club. - - - They'd have to have a stronger case. They think you a bag man, a contact." (u)

[redacted] (u)

A. ----Ed Levinson ----. As a matter of fact, they told me that. At this point I'm not saying what I think they told me. I'm telling you what they told me." (u)

[redacted] (17) (u)

A. Can't hear him
#272 - 277
Discuss a trip to Acepulco. (u)

(16)

quite apart from the tax thing, in other words ---- (B) interrupts "Well, I hope that ----" (A) continues - "some body went to difficulty in Los Angeles to pick up the testimony that ---- these guys. Because that's what they thing you're guilty of. The tax thing is just a handy club -- but they wouldn't use it as a club - they've got to have a stronger case than that to prove that they've got their man and what they try to figure is, let's face it, is that you are a bag man (that may be the word) a contact, a contact. (u)

b6
b7C

(17)

-

[Redacted]

A -

I thing they'd would like to see Eddie and ^{has} Vegas and all the people out there----. (u)

-

[Redacted] (u)

A -

-

[Redacted] (u)

14

4/5/63

VERBATIM

[] and Anderson (con't) (u)

~~Anderson, but my advice on this thing is this is what they have against you.~~ (u)

[] -

[REDACTED]

A -

"I don't think the tax thing is any more than threatening." (u)

[] -

[REDACTED]

A -

"Do you know - []" ([REDACTED]) (u)

[] -

[REDACTED]

A -

[REDACTED] from N.J. (19) The Same guy who talked to me about you talked to me about him." so I imagine----he didn't say there was a connection, but I gathered----- (u)

[] -

[REDACTED]

A -

Can't hear (u)

A

These guys they can't make a move I would say 1,000 top men and women in the world are watched all the time. When they go to Acapulco, as they recently did, they know every step (B. interrupts [redacted]) when they go to Acapulco these guys were so aware that they were being watched that they were afraid to meet together except for fleeting conversations on the golf course or something like that. ----- Lobbyists --- Now these guys are having a pretty tough time of it. but my advise to you on this tax thing is to ignore --- this is the thing they've got you on (u)

b6
b7c

18 I'd rather see that than this tax GD tax thing (u)

19

[redacted]

~~SECRET~~

15
Verbatim
4-5-63

b6
b7C



& Anderson cont.

(u)



~~33
SECRET~~

Greenberg/Gray-4522

~~SECRET~~

b6
b7c

A He also -- I heard him say also that he is also ---
against (?) you by ----- he represents
(apparently means [redacted] is against [redacted] because
he is attempting to act as a lobbyist for people
[redacted] represents) (u)

[redacted] - [redacted] (u)

A - I think he does, but ([redacted]?) told me that you
represented Levinson. (u)

20 It sorta became a tug of war between the 2 of them who
was going to do the most for me in an entertainment fashion. (u)

34
~~SECRET~~

Greenberg/Gray-4523

Verbatim

4-5-63

b6
b7C

[Redacted]

& Anderson - cont. (u)

[Redacted]

A

He owns downtown L.V. ---- (7A)

[Redacted]

[Redacted]

A.

I don't know what ----- (u)

[Redacted]

[Redacted]

A -

Yeah, they're 1 A -- the few times I've been out there. (u)

[Redacted]

[Redacted] (u)

Verbatim

4-5-63

[redacted] & Anderson - cont. (u)

A - [redacted] (u)
I have written stories about Moe Dohlity. He has
sent word back ----- (u)

B1. -

[redacted]

A - He turned out to be nicer than ----- (u)

B -

[redacted] (u)

A - "No, I wouldn't either. If I wasn't in the newspaper
business." (u)

18

Verbatim

4-5-63

b6
b7C

[redacted] & Anderson - cont. (u)
[redacted] - 21

[redacted]

A - [redacted] "I'm glad to have seen you." (u)
[redacted]

[redacted]

A - something back to them
Oh if I bring into them. I might not tell them anything -
(Out of range) (u)

Anderson leaves.
Anderson leaves (u)

[redacted] to [redacted]
[redacted] -

[redacted]

[redacted] -

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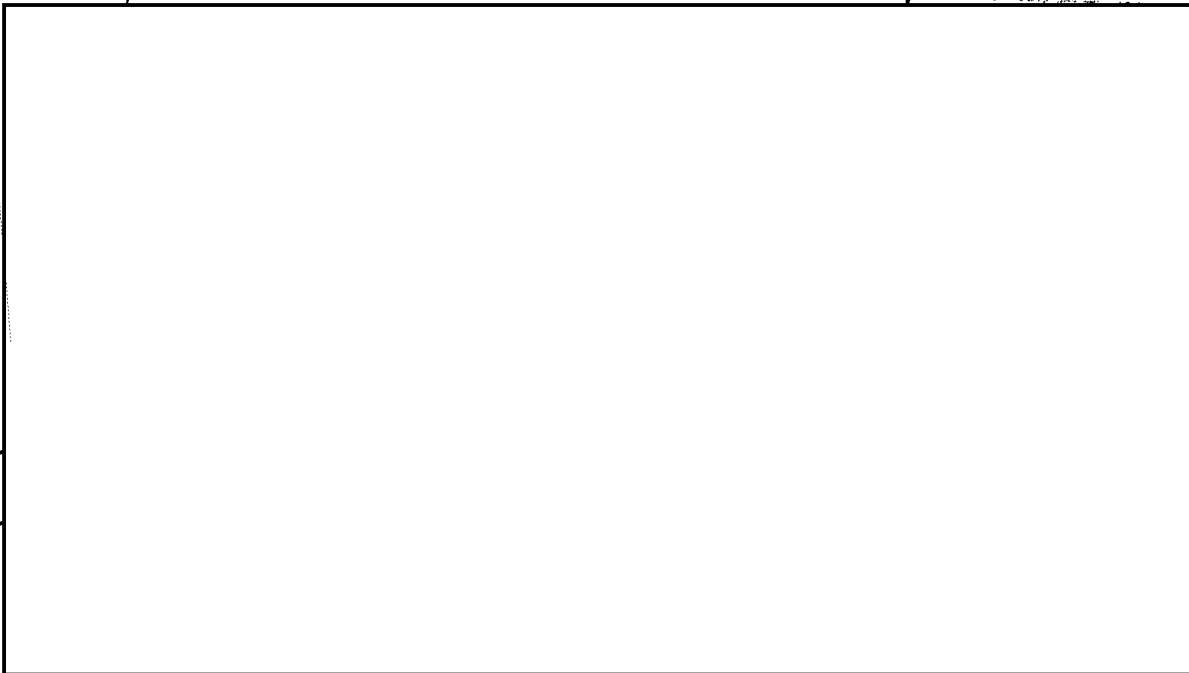
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*Airtel
5/3/63*



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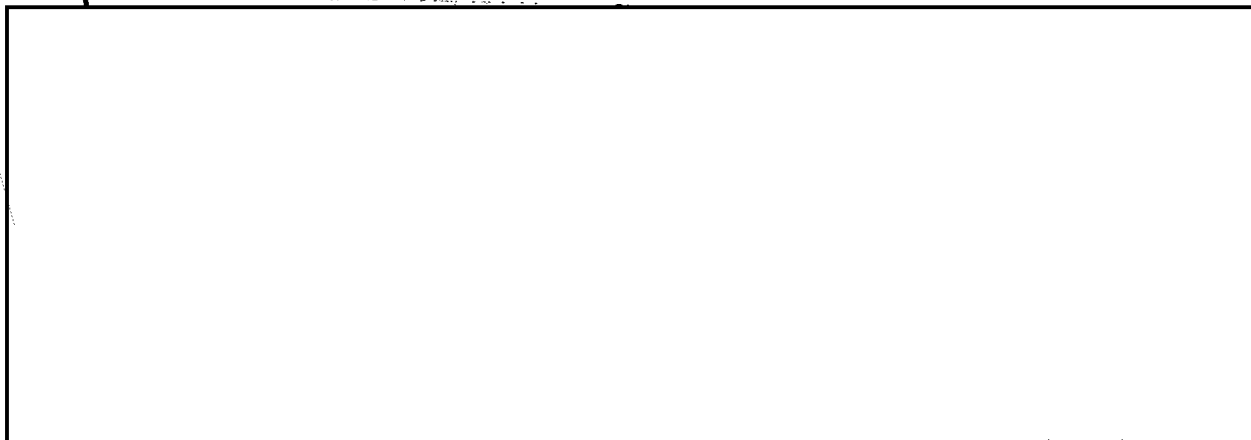
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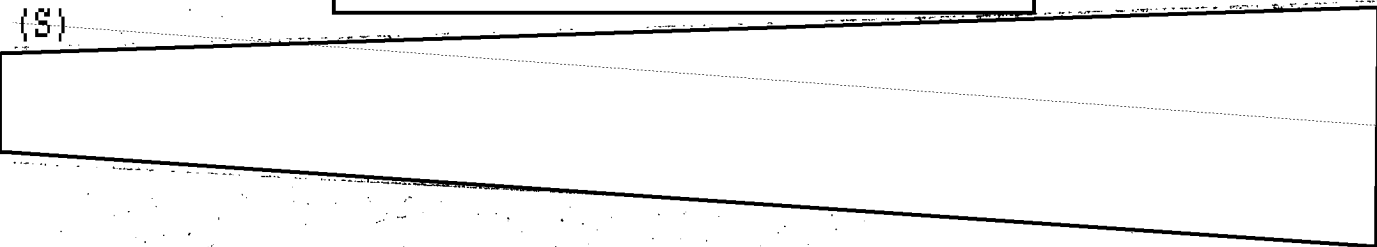
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March 30, 1959

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[Redacted]

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(S)

[Large Redacted Area]

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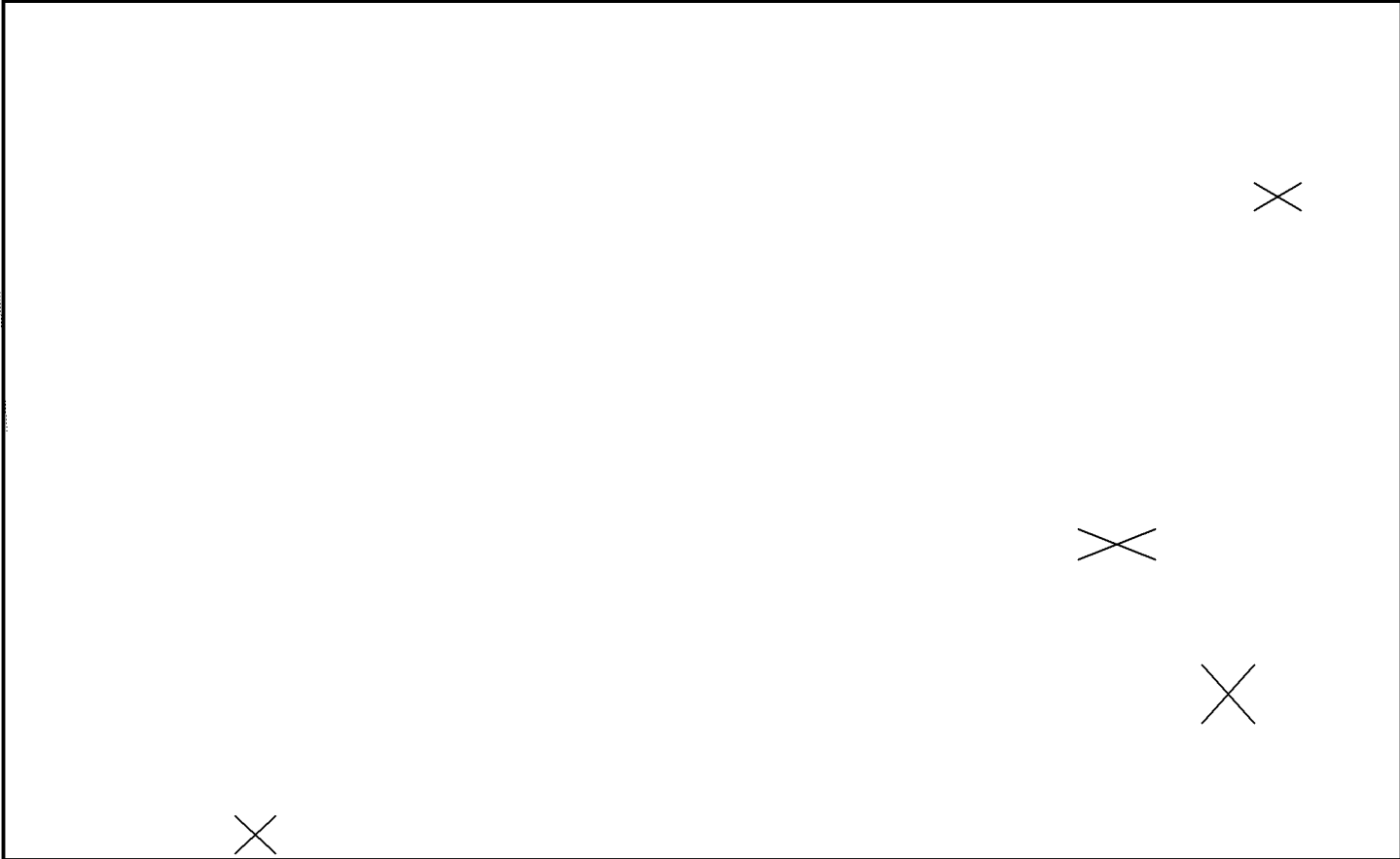
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May 3, 1963

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1-WFO (105-524)

MPC:nld
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Greenberg/Gray-4532

62-117353-23

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JACK N. ANDERSON,)

Plaintiff,)

v.)

RICHARD M. NIXON, et al.,)

Defendants.)

Civil Action No. 76-1794

ANSWER TO FIRST INTERROGATORIES TO DEFENDANT
DONALD C. ALEXANDER, Commissioner, Internal Revenue
Service

CHARLES A. GIBB, being first duly sworn, makes the following answer as the designee of DONALD C. ALEXANDER, Commissioner, Internal Revenue Service.

Interrogatory:

1.0 Do you, or does the agency under your supervision, possess any information respecting any of the matters listed in this Interrogatory 1.0, parts 1.1-1.18, (a) whether (where pertinent) such matters were consummated or only were attempted, contemplated or discussed, and (b) whether or not there was any involvement or potential involvement of your agency:

1.1 Mail cover on plaintiff;

Answer to Number 1.1: No.

Interrogatory:

1.2 Opening of the mail of plaintiff;

Answer to Number 1.2: No.

Interrogatory:

1.3 Wiretapping of any telephone of plaintiff;

Answer to No. 1.3: No.

Interrogatory:

1.4 Entry, intrusion, burglary or "black bag job" into the office or home, any hotel room or any other building or room occupied by plaintiff;

Answer to No. 1.4: No.

Interrogatory:

1.5 Electronic surveillance (bugging) of plaintiff;

Answer to No. 1.5: No.

Interrogatory:

1.6 Transmission or delivery of false information to plaintiff;

Answer to No. 1.6: No.

Interrogatory:

1.7 Arrest or prosecution of plaintiff;

Answer to No. 1.7: No.

Interrogatory:

1.8 Administration of drugs to plaintiff;

Answer to No. 1.8: No.

Interrogatory:

1.9 Electronic eavesdropping on plaintiff;

Answer to No. 1.9: No.

Interrogatory:

1.10 Electronic eavesdropping on any telephone which resulted in the overhearing of any conversation in which plaintiff

(a) was a participant

Answer to 1.10(a): No.

or (b) was mentioned;

Answer to 1.10(b): There is no record of the plaintiff being mentioned.

Interrogatory:

1.11 Infliction of physical harm on plaintiff;

Answer to No. 1.11: No.

Interrogatory:

1.12 Physical surveillance of plaintiff, of any associates or relatives of plaintiff, plaintiff's home or office, or of any other building or premises occupied by plaintiff;

Answer to No. 1.12: No.

Interrogatory:

1.13 Requests to you or the agency under your supervision from any other defendant in this action, the White House, the Executive Office of the President, or any department or agency of the Executive Branch for

- (a) a "name check" of plaintiff;
- (b) information about plaintiff, or
- (c) electronic telephone surveillance, other electronic surveillance or physical surveillance of plaintiff;

Answer to No. 1.13: No.

Interrogatory:

1.14 Transmission by you or the agency under your supervision to any other defendant in this action, the White House, the Executive Office of the President, or any department or agency of the Executive Branch of

- (a) information about plaintiff, or
- (b) any information about the results of electronic or physical surveillance of plaintiff;

Answer to No. 1.14: No.

Interrogatory:

1.15 Requests from you or the agency under your supervision to any other defendant in this action, the White House, the Executive

Office of the President, or any department of agency of the Executive Branch for

- (a) information about plaintiff, or
- (b) electronic telephone surveillance, other electronic surveillance or physical surveillance of plaintiff;

Answer to No. 1.15: No.

Interrogatory:

1.16 Transmission to you or the agency under your supervision, by any other defendant in this action, the White House, the Executive Office of the President, or any department or agency of the Executive Branch, of

- (a) any information about plaintiff, or
- (b) any information about the results of electronic or physical surveillance of plaintiff;

Answer to No. 1.16: No.

Interrogatory:

1.17 Investigation of plaintiff;

Answer to Number 1.17: Yes. The Internal Revenue Service has made three investigations concerning the plaintiff during the periods referred to in the complaint (July, 1969 to the present).

Interrogatory:

1.18 Investigation, arrest, prosecution or interrogation, by attorneys of the Department of Justice, by agents of the FBI or any other Federal law enforcement agency, by any United States Attorney or Assistant United States Attorney, or by or before any grand jury, of persons believed to be sources of information published by plaintiff.

Answer to Number 1.18: No.

Interrogatory:

2.0 If the answer to any part of Interrogatory 1.0 is affirmative, state with respect to such matter:

2.1 Whether the information is contained in a document or other record as defined in the Requests for Production served this day, and if so, list the documents or records and summarize the information contained therein;

Answer to Number 2.1: Yes. See response to Request for Production.

The investigations were:

1. An investigation in 1973 of the tax treatment of several hundred persons including the plaintiff requested by the Joint Committee on Internal Revenue Taxation;

2. An investigation in 1974 to determine whether there had been an unauthorized disclosure to the plaintiff of information about an audit of President Ford's tax returns;

3. An audit in 1974 and 1975 of the plaintiff's 1973 income tax return. The revenue agent recommended the assertion of an income tax deficiency of \$15,388.59 and the case is now before the IRS Appellate Division at the request of the plaintiff.

Interrogatory:

2.2 The name, home and business address, and home and business telephone numbers, of every individual possessing information with respect to the item, with a summary of the information the individual possesses;

Answer to Number 2.2: See records furnished to the plaintiff and Rule 33 (c), Federal Rules of Civil Procedure; See objections.

Interrogatory:

2.3 Unless answered fully in response to parts 2.1 and 2.2 supra, the substance of the information.

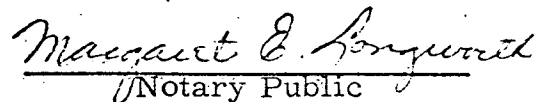
Answer to Number 2.3: Donald C. Alexander, a defendant in his official capacity as Commissioner, Internal Revenue Service, was informed of the pendency of the three investigations of the plaintiff, including the audit of plaintiff's 1973 income tax return, but I have been informed he has no other personal knowledge.

All of the records of the Internal Revenue Service pertaining to the plaintiff that could be located after a fair and reasonable search were used in the preparation of this answer to interrogatories. I believe the facts stated herein to be true.



CHARLES A. GIBB
Acting Director, Disclosure Operations Division
Internal Revenue Service
1111 Constitution Avenue N.W.
Washington, D.C. 20224

Sworn to and subscribed before me this 8th day of December 1976.



Notary Public

My Commission Expires 4-14-77

OBJECTIONS

Interrogatory:

2.0 If the answer to any part of Interrogatory 1.0 is affirmative, state with respect to such matter:

2.2 The name, home and business address, and home and business telephone numbers, of every individual possessing information with respect to the item, with a summary of the information the individual possesses.

Objection to No. 2.2. Defendant objects to Interrogatory 2.2 insofar as it seeks information in addition to that provided in the above answer thereto. The ground for this objection is that names of individuals who are familiar with the investigations referred to in the foregoing answers are identified in documents produced to plaintiff pursuant to previous Privacy Act and Freedom of Information Act requests or in documents produced pursuant to plaintiff's request for Production of Documents in this action. In light of the availability of this information to plaintiff, it would be unduly burdensome to attempt to compile a list of all of the Internal Revenue Service employees who, as a part of their official duties, may have some knowledge of the investigations referred to in the above answers. Defendant further objects to the production of the home addresses and home telephone numbers of any of its employees as the disclosure of this information would violate the Privacy Act, 5 U.S.C. §552a, as amended, and regulations appearing at 31 C.F.R. §1.24 and 5 C.F.R. §294.702, promulgated pursuant thereto.

Respectfully submitted,

REX E. LEE
Assistant Attorney General

EARL J. SILBERT
United States Attorney

DAVID J. ANDERSON

ROBERT J. FRANZINGER

SANDRA SCHRAIBMAN

Attorneys, Department of Justice
10th & Constitution Ave., N.W.
Washington, D.C. 20530
Telephone Nos. (202)739-3385
(202)739-3350

Attorneys for defendants
Alexander, Bush, Kelley,
Kissinger and Levi

CERTIFICATE OF SERVICE

I hereby certify that on this _____ day of December, 1976
I served the foregoing Answer to First Interrogatories to
Defendant Donald C. Alexander, Commissioner, Internal Revenue
Service and Defendant Donald C. Alexander's Response to Plain-
tiff's First Request for Production of Documents by hand
delivery, to:

William A. Dobrovir, Esquire
2005 L. Street, N.W.
Washington, D.C. 20036

ROBERT J. FRANZINGER

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JACK N. ANDERSON,)
)
 Plaintiff,)
)
 v.) Civil Action No. 76-1794
)
 RICHARD M. NIXON, et al.,)
)
 Defendants.)

ANSWER

Defendant Richard G. Kleindienst, by his undersigned attorneys, hereby admits, denies and avers in answer to the Complaint as follows:

1. Paragraph one of the Complaint constitutes plaintiff's characterization of this lawsuit as to which no answer is required. However, insofar as an answer may be deemed to be required, the allegation of this paragraph is denied.

2. Paragraph two of the Complaint sets forth conclusions of law as to which no answer is required. However, insofar as an answer may be deemed to be required, the allegations are denied. The Court is respectfully referred to the various statutory provisions cited in paragraph two for the terms thereof.

3. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph three of the Complaint and therefore denies the same, except to admit that plaintiff is a syndicated newspaper columnist.

4. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph four of the Complaint and therefore denies the same, except to admit the allegations of subparagraphs (a), (c), (d), (e), (h), (i), (j), (k), (u), (v), (w), and (x).

and that defendant Kissinger was Assistant to the President for National Security Affairs from January 20, 1969 to November 3, 1975 and has been Secretary of State since September 22, 1973 and that defendant Ehrlichman was Counsel to the President and, later, Assistant to the President for Domestic Affairs. The last sub-paragraph of paragraph four of the Complaint constitutes the plaintiff's characterization of this lawsuit and, as such, requires no answer by this defendant.

5. Denied.

6-21. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraphs 6-21 of the Complaint and therefore denies the same, except to specifically deny any personal knowledge of or participation, through a conspiracy or otherwise, by him in the acts alleged in paragraphs 6-21 of the Complaint.

22. Denied.

All allegations of the Complaint not hereinabove admitted denied or otherwise answered are hereby denied.

FIRST SEPARATE DEFENSE

The Complaint fails to state a claim upon which relief may be granted.

SECOND SEPARATE DEFENSE

Defendant Richard G. Kleindienst is immune from suit and from personal liability for the acts alleged with respect to him by plaintiff's Complaint.

THIRD SEPARATE DEFENSE

This Court lacks personal jurisdiction over this defendant due to insufficiency of service of process.

FOURTH SEPARATE DEFENSE

This Court lacks jurisdiction over the subject matter of this action.

FIRST AFFIRMATIVE DEFENSE

Plaintiff's action against this defendant is barred by the applicable statute of limitations.

WHEREFORE, having fully answered, defendant Richard G. Kleindienst prays that the relief requested by plaintiff be denied, that this action be dismissed, and that he be given all such other and further relief as the Court may deem just and proper.

Respectfully submitted,

REX E. LEE
Assistant Attorney General

EARL J. SILBERT
United States Attorney

DAVID J. ANDERSON

ROBERT J. FRANZINGER

SANDRA M. SCHRAIBMAN

JOHN BARG

Attorneys, Department of Justice
10th & Constitution Ave., N.W.
Washington, D.C. 20530
Tele: (202) 739-3385
(202) 739-3350
(202) 739-4189

Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of January, 1977, I have served a copy of the foregoing Answer, by mailing, postage prepaid, to:

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2005 L Street, N.W.
Washington, D.C. 20036

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Anthony T. Ulasewicz
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E. Howard Hunt
Federal Prison Camp
Eglin Air Force Base, Florida 32542

G. Gordon Liddy
25106 Pembroke Station
Danbury, Connecticut 06810

James W. McCord, Jr.
414 Hungerford Drive
Rockville, Maryland 20850

ROBERT J. FRANZINGER

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JACK N. ANDERSON,)
)
 Plaintiff,)
)
 v.) Civil Action No. 76-1794
)
 RICHARD M. NIXON, et al.,)
)
 Defendants.)

ANSWER

Defendant Egil Krogh, Jr., by his undersigned attorneys, hereby admits, denies and avers in answer to the Complaint as follows:

1. Paragraph one of the Complaint constitutes plaintiff's characterization of this lawsuit as to which no answer is required. However, insofar as an answer may be deemed to be required, the allegation of this paragraph is denied.

2. Paragraph two of the Complaint sets forth conclusions of law as to which no answer is required. However, insofar as an answer may be deemed to be required, the allegations are denied. The Court is respectfully referred to the various statutory provisions cited in paragraph two for the terms thereof.

3. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph three of the Complaint and therefore denies the same except to admit that plaintiff is a syndicated newspaper columnist.

4. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph four of the Complaint and therefore denies the same, except to admit that he was Assistant Director of the

White House Domestic Council from before July 17, 1971 until February of 1973 and was co-director of the White House Special Investigations Unit from July 17, 1971 until mid-March, 1973, that defendant Young was co-director of the White House Special Investigation Unit and except to admit the allegations of subparagraphs (a), (c), (d), (e), (h), (i), (j), (r), (s), (t), (u), (v), (w), and (x) and that defendant Kissinger was Assistant to the President for National Security Affairs from January 20, 1969 to November 3, 1975 and has been Secretary of State since September 22, 1973 and that defendant Ehrlichman was Counsel to the President and, later, Assistant to the President for Domestic Affairs. The last sub-paragraph of paragraph four of the Complaint constitutes the plaintiff's characterization of this lawsuit and, as such, requires no answer by this defendant.

5. Denied.

6-9. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraphs 6-9 of the Complaint and therefore denies the same, except to specifically deny any personal knowledge of or participation, through a conspiracy or otherwise, by him in the acts alleged in paragraphs 6-9 of the Complaint.

10. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 10 of the Complaint, and therefore denies the same, except specifically to deny that he participated through a conspiracy or otherwise, in any unlawful activity with respect to plaintiff as alleged in paragraph 10 of the Complaint and except to admit that certain other defendants

organized a White House Special Investigations Unit which engaged the services of three individuals whom defendant subsequently learned were Bernard Barker, Eugenio Martinez and Felixe diDiego and whose members included defendant Young, Hunt, Liddy and the answering defendant, to investigate and prevent the unlawful dissemination of classified information; that said unit did carry out one entry later determined by a court to be unlawful; that the Central Intelligence Agency, on occasion, provided defendant Hunt with certain requested items; and that defendant Ehrlichman instructed the Special Investigations Unit to learn who within the government had provided plaintiff with certain classified information plaintiff had published.

11-21. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraphs 11-21 of the Complaint and therefore denies the same, except specifically to deny any personal knowledge of or participation, by a conspiracy or otherwise, in the matters alleged in paragraphs 11-21 of the Complaint.

22. Denied.

All allegations of the Complaint not hereinabove admitted denied or otherwise answered are hereby denied.

FIRST SEPARATE DEFENSE

The Complaint fails to state a claim upon which relief may be granted.

SECOND SEPARATE DEFENSE

Defendant Egil Krogh, Jr., is immune from suit and from personal liability for the acts alleged with respect to him by plaintiff's Complaint.

THIRD SEPARATE DEFENSE

This Court lacks personal jurisdiction over this defendant due to insufficiency of service of process.

FOURTH SEPARATE DEFENSE

This Court lacks jurisdiction over the subject matter of this action.

FIRST AFFIRMATIVE DEFENSE

Plaintiff's action against this defendant is barred by the applicable statute of limitations. WHEREFORE, having fully answered, defendant Egil Krogh, Jr., prays that the relief requested by plaintiff be denied, that this be dismissed, and that he be given all such other and further relief as the Court may deem just and proper.

Respectfully submitted,

REX E. LEE
Assistant Attorney General

EARL J. SILBERT
United States Attorney

DAVID J. ANDERSON

ROBERT J. FRANZINGER

SANDRA M. SCHRAIBMAN

JOHN BARG

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(202) 739-4189

Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of January, 1977, I have served a copy of the foregoing Answer, by mailing, postage prepaid, to:

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Washington, D.C. 20036

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ROBERT J. FRANZINGER

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JACK N. ANDERSON,)
)
 Plaintiff,)
)
 v.) Civil Action No. 76-1794
)
 RICHARD M. NIXON, et al.,)
)
 Defendants.)

ANSWER

Defendant George Bush, Director of Central Intelligence, by his undersigned attorneys, hereby admits, denies and avers in answer to the Complaint as follows:

1. Paragraph one of the Complaint constitutes plaintiff's characterization of this lawsuit as to which no answer is required. However, insofar as an answer may be deemed to be required, the allegation of this paragraph is denied.
2. Paragraph two of the Complaint sets forth conclusions of law as to which no answer is required. However, insofar as an answer may be deemed to be required, the allegations are denied. The Court is respectfully referred to the various statutory provisions cited in paragraph two for the terms thereof.
3. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph three of the Complaint and therefore denies the same except to admit that plaintiff is a syndicated newspaper columnist.
4. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph four of the Complaint and therefore denies the

same, except to admit the allegations of subparagraphs (a), (c), (d), (e), (h), (i), (j), (u), (v), (w), and (x) and except to admit that defendant Kissinger was Assistant to the President for National Security Affairs from January 20, 1969 to November 3, 1975 and has been Secretary of State since September 22, 1973 and that defendant Ehrlichman was Counsel to the President and, later, Assistant to the President for Domestic Affairs. The last sub-paragraph of paragraph four of the Complaint constitutes plaintiff's characterization of this lawsuit and, as such, requires no answer by this defendant.

5. Denied.

6-14. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraphs 6-14 of the Complaint and therefore denies the same, except to admit that the CIA, at the request of defendant Ehrlichman, provided defendant Hunt with certain materials and except to specifically deny that the provision of said materials was unlawful or is related to plaintiff or the other allegations of plaintiff's Complaint and to deny any personal knowledge of or any other participation by employees of the Central Intelligence Agency, through a conspiracy or otherwise, in the matters alleged in paragraphs 6-14 of the Complaint.

15. Denied, except to admit that agents of the Central Intelligence Agency, during the period from February 15, 1972 to April 12, 1972, conducted a physical surveillance, including occasional photographic coverage, of plaintiff who was assigned code names "Brandy" and later his associates Britton Hume who was assigned the code name "Eggnog", Leslie Whitten who was assigned the code name "Cordial", and Joseph

Spear who was assigned the code name "Champagne" and that this physical surveillance and photographic coverage from time to time incidentally included Opal Ginn and members of plaintiff's family.

16. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 16 of the Complaint and therefore denies the same except to specifically deny that the physical surveillance referred to in defendant's response to paragraph 15 of the Complaint, supra, was pursuant to an effort, plan or scheme to attempt to discredit plaintiff and to destroy his reputation for truth, veracity and accuracy.

17-21. Defendant is without knowledge or information sufficient to form a belief as to the truth of the matters alleged in paragraphs 17-21 of the Complaint and therefore denies the same except to specifically deny any personal knowledge of or participation by him or employees of the Central Intelligence agency in the matters alleged in paragraphs 17-21 of the Complaint.

22. Denied.

FIRST SEPARATE DEFENSE

The Complaint fails to state a claim upon which relief may be granted.

SECOND SEPARATE DEFENSE

Insofar as plaintiff seeks equitable relief, the Complaint does not present a justiciable case or controversy because it is moot.

FIRST AFFIRMATIVE DEFENSE

Plaintiff's claim for equitable relief is barred by laches.

WHEREFORE, having fully answered, defendant George Bush prays that the relief requested by plaintiff be denied, that this action be dismissed, and that he be given all such other and further relief as the Court may deem just and proper.

Respectfully submitted,

REX E. LEE
Assistant Attorney General

EARL J. SILBERT
United States Attorney

DAVID J. ANDERSON

ROBERT J. FRANZINGER

SANDRA M. SCHRAIBMAN

JOHN BARG

Attorneys, Department of Justice
10th & Constitution Ave., N.W.
Washington, D.C. 20530
Tele: (202) 739-3385
(202) 739-3350
(202) 739-4189

Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of January, 1977, I have served a copy of the foregoing Answer, by mailing, postage prepaid, to:

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2005 L Street, N.W.
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ROBERT J. FRANZINGER

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JACK N. ANDERSON,)
)
 Plaintiff,)
)
 v.) Civil Action No. 76-1794
)
 RICHARD M. NIXON, et al.,)
)
 Defendants.)

ANSWER

Defendant Charles N. Colson, by his undersigned attorneys, hereby admits, denies and avers in answer to the Complaint as follows:

1. Paragraph one of the Complaint constitutes plaintiff's characterization of this lawsuit as to which no answer is required. However, insofar as an answer may be deemed to be required, the allegation of this paragraph is denied.

2. Paragraph two of the Complaint sets forth conclusions of law as to which no answer is required. However, insofar as an answer may be deemed to be required, the allegations are denied. The Court is respectfully referred to the various statutory provisions cited in paragraph two for the terms thereof.

3. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph three of the Complaint and therefore denies the same except to admit that plaintiff is a syndicated newspaper columnist.

4. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph four of the Complaint and therefore denies the same, except to admit the allegations of subparagraphs (a), (c), (d), (e), (g), (h), (i), (j), (k), (m), (n), (u), (v),

(w) and (x) and that defendant Kissinger was Assistant to the President for National Security Affairs from January 20, 1969 to November 3, 1975 and has been Secretary of State since September 22, 1973 and that defendant Ehrlichman was Counsel to the President and, later, Assistant to the President for Domestic Affairs, and that defendants Krogh, Young and Liddy were members of the White House Special Investigations Unit. The last sub-paragraph of paragraph four of the Complaint constitutes the plaintiff's characterization of this lawsuit and, as such, requires no answer by this defendant.

5. Denied.

6-8. Defendant is without knowledge or information sufficient to form a belief as to the truth of the matters alleged in paragraphs 6-8 of the Complaint and therefore denies the same, except specifically to deny any personal knowledge of or participation by him in the matters alleged in paragraphs 6-8 of the Complaint.

9. Denied, except to admit that under defendant's supervision, lists of persons who were believed to be either friendly or unfriendly to the incumbent administration were prepared for the purpose of assisting in the determination of those who should or should not be invited to certain White House functions and that plaintiff was on one or more of those lists.

10. Defendant is without knowledge or information sufficient to form a belief as to the truth of the matters alleged in paragraph 10 of the Complaint, and therefore denies the same, except specifically to deny that he organized

or was a member or supervisor of the White House Special Investigations Unit and except to admit that certain other defendants in this action and others organized a Special Investigations Unit in order to investigate and prevent the unlawful disclosure of classified information and that defendant Young caused wiretaps to be placed on Charles Radford, an enlisted man in the U.S. Navy on the staff of the Joint Chiefs of Staff who was suspected of having unlawfully disclosed classified information published by plaintiff, and certain of Radford's associates --- but not on plaintiff.

11-15. Defendant is without knowledge or information sufficient to form a belief as to the truth of the matters alleged in paragraphs 11-15 of the Complaint, and therefore denies the same, except specifically to deny any participation by him, through a conspiracy or otherwise, in the matters alleged in paragraphs 11-15 of the Complaint.

16. Defendant is without knowledge or information sufficient to form a belief as to the truth of the matters alleged in paragraph 16 of the Complaint, and therefore denies the same, except specifically to deny any personal knowledge of or participation, through a conspiracy or otherwise, in the matters alleged in this paragraph and except to admit that agents of the Internal Security Division of the Department of Justice interviewed witnesses and cooperated with Intertel, the Republican National Committee, and the Committee to Re-elect the President in investigating the authenticity of the memorandum referred to in paragraph 16 of the Complaint and except to admit that a photograph of said Dita Beard and plaintiff's Secretary was delivered to Senator Marlow W. Cook to be used and which was used at Senate Judiciary Committee hearings.

17. Denied, except to admit that defendant relayed to defendant Dean a report that plaintiff had been paid \$100,000, by the Cuban dictator Battista to write complimentary articles about Battista.

18-21. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraphs 18-21 of the Complaint and therefore denies the same, except to specifically deny any personal knowledge of or participation, through a conspiracy or otherwise, by him in the acts alleged in paragraphs 18-21 of the Complaint.

22. Denied.

All allegations of the Complaint not hereinabove admitted denied or otherwise answered are hereby denied.

FIRST SEPARATE DEFENSE

The Complaint fails to state a claim upon which relief may be granted.

SECOND SEPARATE DEFENSE

Defendant Charles N. Colson is immune from suit and from personal liability for the acts alleged with respect to him by plaintiff's Complaint.

THIRD SEPARATE DEFENSE

This Court lacks personal jurisdiction over this defendant due to insufficiency of service of process.

FOURTH SEPARATE DEFENSE

This Court lacks jurisdiction over the subject matter of this action.

FIRST AFFIRMATIVE DEFENSE

Plaintiff's action against this defendant is barred by the applicable statute of limitations.

WHEREFORE, having fully answered, defendant Charles N. Colson prays that the relief requested by plaintiff be denied, that this action be dismissed, and that he be given all such other and further relief as the Court may deem just and proper.

Respectfully submitted,

REX E. LEE
Assistant Attorney General

EARL J. SILBERT
United States Attorney

DAVID J. ANDERSON

ROBERT J. FRANZINGER

SANDRA M. SCHRAIBMAN

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Attorneys for Defendant

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ROBERT J. FRANZINGER

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JACK N. ANDERSON,)
)
 Plaintiff,)
)
 v.) Civil Action No. 76-1794
)
 RICHARD M. NIXON, et al.,)
)
 Defendants.)

ANSWER

Defendant Clarence M. Kelley, Director, Federal Bureau of Investigation, by his undersigned attorneys, hereby admits, denies and avers in answer to the Complaint as follows:

1. Paragraph one of the Complaint constitutes plaintiff's characterization of this lawsuit as to which no answer is required. However, insofar as an answer may be deemed to be required, the allegation of this paragraph is denied.
2. Paragraph two of the Complaint sets forth conclusions of law as to which no answer is required. However, insofar as an answer may be deemed to be required, the allegations are denied. The Court is respectfully referred to the various statutory provisions cited in paragraph two for the terms thereof.
3. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph three of the Complaint and therefore denies the same, except to admit that plaintiff is a syndicated newspaper columnist.
4. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations

of paragraph four of the Complaint and therefore denies the same, except to admit the allegations of subparagraphs (a), (c), (d), (e), (h), (i), (j), (u), (v), (w) and (x) and that defendant Kissinger was Assistant to the President for National Security Affairs from January 20, 1969 to November 3, 1975 and has been Secretary of State since September 22, 1973 and that defendant Ehrlichman was Counsel to the President and, later, Assistant to the President for Domestic Affairs. The last sub-paragraph of paragraph four of the Complaint constitutes plaintiff's characterization of this lawsuit and, as such, requires no answer by this defendant.

5. Denied.

6-9. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraphs 6-9 of the Complaint and therefore denies the same, except to specifically deny any personal knowledge of or participation by him or by the employees of the Federal Bureau of Investigation in the matters alleged in paragraphs 6-9 of the Complaint.

10. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph ten of the Complaint and therefore denies the same, except specifically to deny any unlawful conduct on the part of the Federal Bureau of Investigation as alleged in paragraph ten and except to admit that in December of 1971 plaintiff published in his newspaper column stories wherein disclosures were made of highly classified national security information, that at the request of defendant Mitchell, then Attorney General of the United States, electronic surveillance was initiated on the residential telephone of

Charles Edward Radford, II, Navy Yeoman, First Class, assigned to the Joint Chiefs of Staff who was then believed to have unlawfully disclosed classified information contained in plaintiff's December column; that additional electronic surveillance was established by the Bureau on Radford and certain other individuals -- but not on plaintiff -- relative to the unlawful disclosures of classified information at the request of defendant Mitchell or defendant Young who assured that defendant Mitchell concurred in the request.

11. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 11 of the Complaint, and therefore denies the same, except specifically to deny any personal knowledge of or participation by employees of the FBI in the matters alleged in paragraph 11.

12. Denied, except to admit that at the request of the United States Attorney, Alexandria, Virginia, and the Criminal Division of the Department of Justice, the FBI instituted a preliminary Interception of Communications investigation looking into the alleged bugging and tape recording of meetings held in October, 1970, at the Office of Information for the Armed Forces, Department of Defense, located at the Pomponio Building, Rosslyn, Virginia; that plaintiff on December 21-26, 1970, wrote news column articles reporting information apparently obtained from the tapes of these meetings; that the preliminary inquiry developed Eugene C. Smith, then an employee of the Armed Forces Radio-TV Service, as a logical suspect; that after consultation with the Criminal Division of the Department of Justice, United

States Attorney Brian P. Gettings, Eastern District of Virginia, subpoenaed several witnesses before the Grand Jury, Norfolk, Virginia, including Smith; that after hearing testimony, the Grand Jury did not return an indictment and thereafter the FBI investigation was concluded when the United States Attorney advised he contemplated no further action in this matter.

13-17. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraphs 13-17 of the Complaint, and therefore denies the same, except specifically to deny any personal knowledge of or participation, through a conspiracy or otherwise, by any employee of the FBI in the matters alleged in paragraphs 13-17.

18. Denied, except to admit that in December, 1972, plaintiff and his associates published articles which included information obtained from documents stolen from the Bureau of Indian Affairs' (BIA) Building, Washington, D.C.; that on January 19, 1973, information was received by the FBI that certain of said documents would be sold to plaintiff; that on January 30, 1973, three cartons believed to be containing stolen BIA documents were transported to the Washington, D.C., area for delivery to plaintiff; that on January 30, 1973, facts in this matter were presented to an Assistant United States Attorney, Washington, D.C., who, due to exigent circumstances, authorized the arrest of several persons including any representative of plaintiff for violation of Title 18, United States Code (USC), Section 641 and 2070, in the event the stolen documents were turned over to such a representative; that on January 31, 1973, plaintiff's associate

Whitten was arrested for possession of stolen Government property as he carried a box containing stolen BIA documents from an apartment building toward his automobile; that pursuant to subpoenas issued by a federal Grand Jury sitting in the District of Columbia, FBI agents obtained telephone toll records of plaintiff and Leslie H. Whitten and attempted to interview and did interview some of the persons whose telephone numbers appeared in said records; that the Department of Justice sought an indictment of Mr. Whitten, for unlawfully possessing stolen documents and that the Grand Jury did not indict Mr. Whitten, that thereafter certain interviews were conducted pursuant to that investigation; that on or about February 15, 1973, a complaint charging Whitten with violation of Title 18, USC, Section 641, was dismissed after the Grand Jury, United States District Court, District of Columbia, returned a "no bill" after hearing evidence in this matter.

19-21. Defendant is without knowledge or information sufficient to form a belief as to the truth of the matters alleged in paragraphs 19-21 of the Complaint and therefore denies the same except to specifically deny any personal knowledge of or participation by him or employees of the Federal Bureau of Investigation in the matters alleged in paragraphs 19-21 of the Complaint.

22. Denied.

FIRST SEPARATE DEFENSE

The Complaint fails to state a claim upon which relief may be granted.

SECOND SEPARATE DEFENSE

Insofar as plaintiff seeks equitable relief, the Complaint does not present a justiciable case or controversy because it is moot.

FIRST AFFIRMATIVE DEFENSE

Plaintiff's claim for equitable relief is barred by laches.

WHEREFORE, having fully answered, defendant Clarence M. Kelley prays that the relief requested by plaintiff be denied, that this action be dismissed, and that he be given all such other and further relief as the Court may deem just and proper.

Respectfully submitted,

REX E. LEE
Assistant Attorney General

EARL J. SILBERT
United States Attorney

DAVID J. ANDERSON

ROBERT J. FRANZINGER

SANDRA M. SCHRAIBMAN

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(202) 739-3350
(202) 739-4189

Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of January, 1977, I have served a copy of the foregoing Answer, by mailing, postage prepaid, to:

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2005 L Street, N.W.
Washington, D.C. 20036

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ROBERT J. FRANZINGER

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JACK N. ANDERSON,)
)
 Plaintiff,)
)
 v.) Civil Action No. 76-1794
)
 RICHARD M. NIXON, et al.,)
)
 Defendants.)

ANSWER

Defendant John W. Dean, III, by his undersigned attorneys, hereby admits, denies and avers in answer to the Complaint as follows:

1. Paragraph one of the Complaint constitutes plaintiff's characterization of this lawsuit as to which no answer is required. However, insofar as an answer may be deemed to be required, the allegation of this paragraph is denied.

2. Paragraph two of the Complaint sets forth conclusions of law as to which no answer is required. However, insofar as an answer may be deemed to be required, the allegations of this paragraph are denied. The Court is respectfully referred to the various statutory provisions cited in paragraph two for the terms thereof.

3. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph three of the Complaint and therefore denies the same, except to admit that plaintiff is a syndicated newspaper columnist.

4. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph four of the Complaint and therefore denies the same except to admit the allegations of subparagraphs (a), (c), (d), (e), (g), (h), (i), (j), (k), (l), (m), (n), (u),

(v), (w), and (x) and that defendant Kissinger was Assistant to the President for National Security Affairs from January 20, 1969 to November 3, 1975 and has been Secretary of State since September 22, 1973 and that defendant Ehrlichman was Counsel to the President and, later, Assistant to the President for Domestic Affairs, that defendant Caulfield was employed by defendant Ehrlichman to conduct investigations, that defendant Liddy was a member of the White House Special Investigations Unit and that defendant McCord was Security Coordinator for the Committee for the Re-Election of the President. The last sub-paragraph of paragraph four of the Complaint constitutes the plaintiff's characterization of this lawsuit and, as such, requires no answer by this defendant.

5. Denied.

6-8. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraphs 6-8 of the Complaint and therefore denies the same, except specifically to deny any personal knowledge of or participation by him, through a conspiracy or otherwise, in the matters alleged in paragraphs 6-8 of the Complaint.

9. Denied, except to admit that certain other defendants and others prepared or caused to be prepared lists of names of persons believed to be hostile to the incumbent administration. Defendant specifically denies any participation by him in the acts alleged in paragraph nine.

10-13. Defendant is without knowledge or information sufficient to form a belief as to the truth of the matters alleged in paragraphs 10-13 and therefore denies the same except specifically to deny any personal knowledge (except

as hereinbelow admitted) of or participation by him, through a conspiracy or otherwise, in the matters alleged in paragraphs 10-13 of the Complaint, and except to admit that certain other defendants organized a White House Special Investigations Unit whose members included defendants Young, Hunt, Liddy and Krogh to investigate and prevent the unlawful dissemination of classified information.

14-15. Defendant is without knowledge or information sufficient to form a belief as to the truth of the matters alleged in paragraphs 14-15 of the Complaint, and therefore denies the same, except to admit that he delivered information from the Federal Bureau of Investigation, consisting of newspaper and magazine clippings, to defendant Nixon on or about March 18, 1972.

16. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 16 of the Complaint, and therefore denies the same, except specifically to deny any personal knowledge of or participation by him in the matters alleged in paragraph 16, and except to admit that certain other defendant(s) causes a photograph of Opal Ginn, plaintiff's Secretary, and Dita Beard to be delivered to Senator Marlow Cook, which photograph was introduced by him at Senate Judiciary Committee Hearings.

17-18. Defendant is without knowledge or information sufficient to form a belief as to the truth of the matters alleged in paragraphs 17-18 of the Complaint, and therefore denies the same, except to specifically deny personal knowledge of or participation by him, through a conspiracy or otherwise, in the matters alleged in paragraphs 17-18 of the Complaint.

19. Denied, except to admit that defendant was informed by defendant Magruder that he had instructed defendant Liddy to investigate certain public statements that plaintiff had attempted to influence a Maryland college to sell him waterfront property at a reduced price by helping the college illegally to obtain federal grants.

20-21. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraphs 20 and 21 of the Complaint and therefore denies the same, except specifically to deny any personal knowledge or participation by him, through a conspiracy or otherwise, in the matters alleged in paragraphs 20 and 21 of the Complaint.

22. Denied.

FIRST SEPARATE DEFENSE

The Complaint fails to state a claim upon which relief may be granted.

SECOND SEPARATE DEFENSE

Defendant John W. Dean, III, is immune from suit and from personal liability for the acts alleged with respect to him by plaintiff's Complaint.

THIRD SEPARATE DEFENSE

This Court lacks personal jurisdiction over this defendant due to insufficiency of service of process.

FOURTH SEPARATE DEFENSE

This Court lacks jurisdiction over the subject matter of this action.

FIRST AFFIRMATIVE DEFENSE

Plaintiff's action for monetary damages is barred by the applicable statute of limitations.

WHEREFORE, having fully answered, Defendant John W. Dean, III prays that the relief requested by plaintiff be denied, that this action be dismissed, and that he be given all such other and further relief as the Court may deem just and proper.

Respectfully submitted,

REX E. LEE
Assistant Attorney General

EARL J. SILBERT
United States Attorney

DAVID J. ANDERSON

ROBERT J. FRANZINGER

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Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of January, 1977, I have served a copy of the foregoing Answer, by mailing, postage prepaid, to:

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ROBERT J. FRANZINGER

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JACK N. ANDERSON,)
)
 Plaintiff,)
)
 v.) Civil Action No. 76-1794
)
 RICHARD M. NIXON, et al.,)
)
 Defendants.)

ANSWER

Defendant Robert C. Mardian, by his undersigned attorneys, hereby admits, denies and avers in answer to the Complaint as follows:

1. Paragraph one of the Complaint constitutes plaintiff's characterization of this lawsuit as to which no answer is required. However, insofar as an answer may be deemed to be required, the allegation of this paragraph is denied.

2. Paragraph two of the Complaint sets forth conclusions of law as to which no answer is required. However, insofar as an answer may be deemed to be required, the allegations are denied. The Court is respectfully referred to the various statutory provisions cited in paragraph two for the terms thereof.

3. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph three of the Complaint and therefore denies the same except to admit that plaintiff is a syndicated newspaper columnist.

4. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph four of the Complaint and therefore denies the same, except to admit the allegations of subparagraphs (a), (c), (d), (e), (h), (i), (j), (k), (u), (v), (w), and (x)

and that defendant Kissinger was Assistant to the President for National Security Affairs from January 20, 1969 to November 3, 1975 and has been Secretary of State since September 22, 1973 and that defendant Ehrlichman was Counsel to the President and, later, Assistant to the President for Domestic Affairs. The last sub-paragraph of paragraph four of the Complaint constitutes the plaintiff's characterization of this lawsuit and, as such, requires no answer by this defendant.

5. Denied.

6-15. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraphs 6-15 of the Complaint and therefore denies the same, except to specifically deny any personal knowledge of or participation, through a conspiracy or otherwise, by him in the acts alleged in paragraphs 6-15 of the Complaint.

16-21. Defendant is without knowledge or information sufficient to form a belief as to the truth of the matters alleged in paragraphs 16-21 of the Complaint and therefore denies the same, except specifically to deny any personal knowledge of or participation by him, through a conspiracy or otherwise in the matters alleged in paragraphs 16-21, other than as hereinbelow admitted, and except to admit that defendant, after being provided with a photograph of plaintiff's Secretary, Opal Ginn, and Dita Beard together at a local hotel, asked an Attorney from the Internal Security Division of the Department of Justice to interview employees of the hotel where the picture was taken and except to admit that the photograph was introduced by Senator Cook at Senate Judiciary Committee Hearings.

22. Denied.

All allegations of the Complaint not hereinabove admitted denied or otherwise answered are hereby denied.

FIRST SEPARATE DEFENSE

The Complaint fails to state a claim upon which relief may be granted.

SECOND SEPARATE DEFENSE

Defendant Robert C. Mardian is immune from suit and from personal liability for the acts alleged with respect to him by plaintiff's Complaint.

THIRD SEPARATE DEFENSE

This Court lacks personal jurisdiction over this defendant due to insufficiency of service of process.

FOURTH SEPARATE DEFENSE

This Court lacks jurisdiction over the subject matter of this action.

FIRST AFFIRMATIVE DEFENSE

Plaintiff's action against this defendant is barred by the applicable statute of limitations.

WHEREFORE, having fully answered, defendant Robert C. Mardian prays that the relief requested by plaintiff be denied, that this action be dismissed, and that he be given all such other and further relief as the Court may deem just and proper.

Respectfully submitted,

REX E. LEE
Assistant Attorney General

EARL J. SILBERT
United States Attorney

DAVID J. ANDERSON

ROBERT J. FRANZINGER

SANDRA M. SCHRAIBMAN

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Attorneys for Defendant

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I hereby certify that on this 17th day of January, 1977, I have served a copy of the foregoing Answer, by mailing, postage prepaid, to:

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ROBERT J. FRANZINGER

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JACK N. ANDERSON,

Plaintiff,

v.

RICHARD M. NIXON, et al.,

Defendants.

Civil Action No. 76-1794

ANSWER

Defendant Richard M. Helms, by his undersigned attorneys, hereby admits, denies and avers in answer to the Complaint as follows:

1. Paragraph one of the Complaint constitutes plaintiff's characterization of this lawsuit as to which no answer is required. However, insofar as an answer may be deemed to be required, the allegation of this paragraph is denied.

2. Paragraph two of the Complaint sets forth conclusions of law as to which no answer is required. However, insofar as an answer may be deemed to be required, the allegations are denied. The Court is respectfully referred to the various statutory provisions cited in paragraph two for the terms thereof.

3. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph three of the Complaint and therefore denies the same, except to admit that plaintiff is a syndicated newspaper columnist.

4. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations

of paragraph four of the Complaint and therefore denies the same, except to admit the allegations of subparagraphs (a), (c), (d), (e), (h), (i), (j), (u), (v), (w) and (x) and that defendant Kissinger was Assistant to the President for National Security Affairs from January 20, 1969 to November 3, 1975 and has been Secretary of State since September 22, 1973 and that defendant Ehrlichman was Counsel to the President and, later, Assistant to the President for Domestic Affairs. The last sub-paragraph of paragraph four of the Complaint constitutes plaintiff's characterization of this lawsuit and, as such, requires no answer by this defendant.

5. Denied.

6-14. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraphs 6-14 of the Complaint and therefore denies the same, except to admit that the CIA, at the request of defendant Ehrlichman, provided defendant Hunt with certain materials and except to specifically deny that the provision of said materials was unlawful or was related to plaintiff or any other allegation of this Complaint and to deny any other personal knowledge of or participation by him, through a conspiracy or otherwise, in the matters alleged in paragraphs 6-14 of the Complaint.

15. Denied, except to admit that agents of the Central Intelligence Agency, during the period from February 15, 1972 to April 12, 1972, conducted a physical surveillance, including occasional photographic coverage, of plaintiff, who was assigned code names "Celotex", "Mudhen" and "Brandy", and later his associates Britton Hume who was assigned the code name "Eggnog", Leslie Whitten who was assigned the code

name "Cordial", and Joseph Spear who was assigned the code name "Champagne" and that this physical surveillance and photographic coverage from time to time incidentally included Opal Ginn who was assigned the code name "Sherry" and members of plaintiff's family.

16. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 16 of the Complaint and therefore denies the same except to specifically deny that the physical surveillance referred to in defendant's response to paragraph 15 of the Complaint, supra, was pursuant to an effort, plan or scheme to attempt to discredit plaintiff and to destroy his reputation for truth, veracity and accuracy.

17-21. Defendant is without knowledge or information sufficient to form a belief as to the truth of the matters alleged in paragraphs 17-21 of the Complaint and therefore denies the same except to specifically deny any personal knowledge of or participation by him through a conspiracy or otherwise in the matters alleged in paragraphs 17-21 of the Complaint.

22. Denied.

All allegations of the Complaint not hereinabove admitted, denied or otherwise answered are hereby denied.

FIRST SEPARATE DEFENSE

The Complaint fails to state a claim upon which relief may be granted.

SECOND SEPARATE DEFENSE

Defendant Richard M. Helms is immune from suit and from personal liability for the acts alleged with respect to him by plaintiff's Complaint.

THIRD SEPARATE DEFENSE

This Court lacks personal jurisdiction over this defendant due to insufficiency of service of process.

FOURTH SEPARATE DEFENSE

This Court lacks jurisdiction over the subject matter of this action.

WHEREFORE, having fully answered, defendant Richard M. Helms prays that the relief requested by plaintiff be denied, that this action be dismissed, and that he be given all such other and further relief as the Court may deem just and proper.

Respectfully submitted,

REX E. LEE
Assistant Attorney General

EARL J. SILBERT
United States Attorney

DAVID J. ANDERSON

ROBERT J. FRANZINGER

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Attorneys for Defendant

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ROBERT J. FRANZINGER

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JACK N. ANDERSON,

Plaintiff,

v.

RICHARD M. NIXON, et al.,

Defendants.

Civil Action No. 76-1794

ANSWER

Defendant L. Patrick Gray, by his undersigned attorneys, hereby admits, denies and avers in answer to the Complaint as follows:

1. Paragraph one of the Complaint constitutes plaintiff's characterization of this lawsuit as to which no answer is required. However, insofar as an answer may be deemed to be required, the allegation of this paragraph is denied.

2. Paragraph two of the Complaint sets forth conclusions of law as to which no answer is required. However, insofar as an answer may be deemed to be required, the allegations are denied. The Court is respectfully referred to the various statutory provisions cited in paragraph two for the terms thereof.

3. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph three of the Complaint and therefore denies the same, except to admit that plaintiff is a syndicated newspaper columnist.

4. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph four of the Complaint and therefore denies the same, except to admit the allegations of subparagraphs (a), (c), (d), (e), (h), (i), (j), (u), (v), (w), and (x) and

that defendant Kissinger was Assistant to the President for National Security Affairs from January 20, 1969 to November 3, 1975 and has been Secretary of State since September 22, 1973 and that defendant Ehrlichman was Counsel to the President and later, Assistant to the President for Domestic Affairs. The last sub-paragraph of paragraph four of the Complaint constitutes the plaintiff's characterization of this lawsuit and, as such, requires no answer by this defendant.

5. Denied.

6-17. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraphs 6-17 of the Complaint and therefore denies the same, except to specifically deny any personal knowledge of or participation, through a conspiracy or otherwise, by him in the acts alleged in paragraphs 6-17 of the Complaint.

18. Denied, except to admit that in December, 1972, plaintiff and his associates published articles which included information obtained from documents stolen from the Bureau of Indian Affairs (BIA) Building, Washington, D.C., that on January 31, 1973, agents of the Federal Bureau of Investigation arrested Leslie H. Whitten, that pursuant to subpoenas issued by a federal Grand Jury sitting in the District of Columbia, FBI agents obtained telephone toll records of the plaintiff and Leslie H. Whitten, that agents attempted to interview and did interview some of the persons whose telephone numbers appeared in said telephone toll records, that the Department of Justice sought an indictment of Mr. Whitten for unlawfully possessing stolen documents and that the Grand Jury did not indict Mr. Whitten.

19-21. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraphs 19-21 of the Complaint and therefore denies the same, except specifically to deny any personal knowledge of or participation by him, through a conspiracy or otherwise, in the matters alleged in paragraphs 19-21 of the Complaint.

22. Denied.

All allegations of the Complaint not hereinabove admitted denied or otherwise answered are hereby denied.

FIRST SEPARATE DEFENSE

The Complaint fails to state a claim upon which relief may be granted.

SECOND SEPARATE DEFENSE

Defendant L. Patrick Gray is immune from suit and from personal liability for the acts alleged with respect to him by plaintiff's Complaint.

THIRD SEPARATE DEFENSE

This Court lacks personal jurisdiction over this defendant due to insufficiency of service of process.

FOURTH SEPARATE DEFENSE

This Court lacks jurisdiction over the subject matter of this action.

FIRST AFFIRMATIVE DEFENSE

Plaintiff's action against this defendant is barred by the applicable statute of limitations.

WHEREFORE, having fully answered, defendant L. Patrick Gray prays that the relief requested by plaintiff be denied,

that this action be dismissed, and that he be given all such other and further relief as the Court may deem just and proper.

Respectfully submitted,

REX E. LEE
Assistant Attorney General

EARL J. SILBERT
United States Attorney

DAVID J. ANDERSON

ROBERT J. FRANZINGER

SANDRA M. SCHRAIBMAN

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Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of January, 1977, I have served a copy of the foregoing Answer, by mailing, postage prepaid, to:

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Danbury, Connecticut 06810

James W. McCord, Jr.
414 Hungerford Drive
Rockville, Maryland 20850

ROBERT J. FRANZINGER

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JACK N. ANDERSON,)
)
 Plaintiff,)
)
 v.) Civil Action No. 76-1794
)
 RICHARD M. NIXON, et al.,)
)
 Defendants.)

ANSWER

Defendant Henry A. Kissinger, Secretary of State, by his undersigned attorneys, hereby admits, denies and avers in answer to the Complaint as follows:

1. Paragraph one of the Complaint constitutes plaintiff's characterization of this lawsuit as to which no answer is required. However, insofar as an answer may be deemed to be required, the allegation of this paragraph is denied.

2. Paragraph two of the Complaint sets forth conclusions of law as to which no answer is required. However, insofar as an answer may be deemed to be required, the allegations are denied. The Court is respectfully referred to the various statutory provisions cited in paragraph two for the terms thereof.

3. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph three of the Complaint and therefore denies the same, except to admit that plaintiff is a syndicated newspaper columnist.

4. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph four of the Complaint and therefore denies the

same, except to admit the allegations of subparagraphs (a), (c), (d), (e), (h), (i), (j), (u), (v), (w), and (x) and that defendant Kissinger was Assistant to the President for National Security Affairs from January 20, 1969 to November 3, 1975 and has been Secretary of State since September 22, 1973 and that defendant Ehrlichman was Counsel to the President and, later, Assistant to the President for Domestic Affairs. The last sub-paragraph of paragraph four of the Complaint constitutes plaintiff's characterization of this lawsuit and, as such, requires no answer by this defendant.

5. Denied.

6-21. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraphs 6-21 of the Complaint and therefore denies the same, except to specifically deny any personal knowledge of or participation by him or by the employees of the Department of State, through a conspiracy or otherwise in the matters alleged in paragraphs 6-21 of the Complaint.

22. Denied.

FIRST SEPARATE DEFENSE

The Complaint fails to state a claim upon which relief may be granted.

SECOND SEPARATE DEFENSE

Insofar as plaintiff seeks equitable relief, the Complaint does not present a justiciable case or controversy because it is moot.

THIRD SEPARATE DEFENSE

Defendant Henry A. Kissinger is immune from suit and from personal liability for the acts alleged with respect to him by plaintiff's Complaint.

FOURTH SEPARATE DEFENSE

This Court lacks jurisdiction over the subject matter of this action.

FIFTH SEPARATE DEFENSE

This Court lacks personal jurisdiction over this defendant due to insufficiency of service of process.

FIRST AFFIRMATIVE DEFENSE

Plaintiff's claim for equitable relief is barred by laches.

SECOND AFFIRMATIVE DEFENSE

Plaintiff's action for monetary damages against this defendant is barred by the applicable statute of limitations.

WHEREFORE, having fully answered, defendant Henry A. Kissinger prays that the relief requested by plaintiff be denied, that this action be dismissed, and that he be given all such other and further relief as the Court may deem just and proper.

Respectfully submitted,

REX E. LEE
Assistant Attorney General

EARL J. SILBERT
United States Attorney

DAVID J. ANDERSON

ROBERT J. FRANZINGER

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Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of January, 1977, I have served a copy of the foregoing Answer, by mailing, postage prepaid, to:

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2005 L Street, N.W.
Washington, D.C. 20036

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James W. McCord, Jr.
414 Hungerford Drive
Rockville, Maryland 20850

ROBERT J. FRANZINGER

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JACK N. ANDERSON,

Plaintiff,

v.

RICHARD M. NIXON, et al.,

Defendants.

Civil Action No. 76-1794

ANSWER

Defendant Donald C. Alexander, Commissioner of Internal Revenue, by his undersigned attorneys, hereby admits, denies and avers in answer to the Complaint as follows:

1. Paragraph one of the Complaint constitutes plaintiff's characterization of this lawsuit as to which no answer is required. However, insofar as an answer may be deemed to be required, the allegation of this paragraph is denied.

2. Paragraph two of the Complaint sets forth conclusions of law as to which no answer is required. However, insofar as an answer may be deemed to be required, the allegations are denied. The Court is respectfully referred to the various statutory provisions cited in paragraph two for the terms thereof.

3. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph three of the Complaint and therefore denies the same, except to admit that plaintiff is a syndicated newspaper columnist.

4. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph four of the Complaint and therefore denies the same, except to admit the allegations of subparagraphs (a), (c), (d), (e), (h), (i), (j), (u), (v), (w), and (x) and

except to admit that defendant Kissinger was Assistant to the President for National Security Affairs from January 20, 1969 to November 3, 1975 and has been Secretary of State since September 22, 1973, and that defendant Ehrlichman was Counsel to the President and, later, Assistant to the President for Domestic Affairs. The last sub-paragraph of paragraph four of the Complaint constitutes plaintiff's characterization of this lawsuit and, as such, requires no answer by this defendant.

5. Denied.

6-20. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraphs 6-20 of the Complaint and therefore denies the same, except to specifically deny any personal knowledge of or participation by him or by the employees of the Internal Revenue Service, through a conspiracy or otherwise, in the matters alleged in paragraphs 6-20 of the Complaint.

21. Denied, except to admit that the Internal Revenue Service audited plaintiff's 1973 income tax return.

22. Denied.

FIRST SEPARATE DEFENSE

The Complaint fails to state a claim upon which relief may be granted.

SECOND SEPARATE DEFENSE

Insofar as plaintiff seeks equitable relief, the Complaint does not present a justiciable case or controversy because it is moot.

FIRST AFFIRMATIVE DEFENSE

Plaintiff's claim for equitable relief is barred by laches.

WHEREFORE, having fully answered, defendant Donald C. Alexander prays that the relief requested by plaintiff be denied, that this action be dismissed, and that he be given all such other and further relief as the Court may deem just and proper.

Respectfully submitted,

REX E. LEE
Assistant Attorney General

EARL J. SILBERT
United States Attorney

DAVID J. ANDERSON

ROBERT J. FRANZINGER

SANDRA M. SCHRAIBMAN

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(202) 739-4189

Attorneys for Defendant

CERTIFICATE OF SERVICE

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ROBERT J. FRANZINGER

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JACK N. ANDERSON,)
)
 Plaintiff,)
)
 v.) Civil Action No. 76-1794
)
 RICHARD M. NIXON, et al.,)
)
 Defendants.)

ANSWER

Defendant Edward H. Levi, Attorney General of the United States, by his undersigned attorneys, hereby admits, denies and avers in answer to the Complaint on behalf of the Bureaus, Offices and Divisions of the Department of Justice other than the Federal Bureau of Investigation, on behalf of which Defendant Kelley answers herewith, as follows:

1. Paragraph one of the Complaint constitutes plaintiff's characterization of this lawsuit as to which no answer is required. However, insofar as an answer may be deemed to be required, the allegation of this paragraph is denied.

2. Paragraph two of the Complaint sets forth conclusions of law as to which no answer is required. However, insofar as an answer may be deemed to be required, the allegations are denied. The Court is respectfully referred to the various statutory provisions cited in paragraph two for the terms thereof.

3. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph three of the Complaint and therefore denies the same, except to admit that plaintiff is a syndicated newspaper columnist.

4. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph four of the Complaint and therefore denies the same, except to admit that the allegations of subparagraphs (a), (c), (d), (e), (h), (i), (j), (u), (v), (w), (x) and that defendant Kissinger was Assistant to the President for National Security Affairs from January 20, 1969 to November 3, 1975 and has been Secretary of State since September 22, 1973 and that defendant Ehrlichman was Counsel to the President and, later, Assistant to the President for Domestic Affairs. The last sub-paragraph of paragraph four of the Complaint constitutes plaintiff's characterization of this lawsuit and, as such, requires no answer by this defendant.

5. Denied.

6-11. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraphs 6-11 of the Complaint and therefore denies the same, except to specifically deny any personal knowledge of or participation by him or by the employees of the Department of Justice in the matters alleged in paragraphs 6-11 of the Complaint.

12. Denied, except to admit that an individual named Eugene Smith, who was suspected to have unlawfully disclosed classified information which was published by plaintiff, was subpoenaed to testify before a Grand Jury in Norfolk, Virginia.

13-17. Defendant is without knowledge or information sufficient to form a belief as to the truth of the matters alleged in paragraphs 13-17 of the Complaint and therefore denies the same.

18. Denied, except to admit that on January 31, 1973, agents of the Federal Bureau of Investigation arrested

Leslie H. Whitten, that pursuant to subpoenas issued by a federal Grand Jury sitting in the District of Columbia, FBI agents obtained telephone toll records of plaintiff and certain of his associates, that agents attempted to interview some of the persons whose telephone numbers appeared in said telephone records, that the Department of Justice sought an indictment of Mr. Whitten for unlawfully possessing stolen documents and that the Grand Jury did not indict Mr. Whitten.

19-21. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraphs 19-21 of the Complaint and therefore denies the same, except specifically to deny any personal knowledge of or participation by him or employees of the Department of Justice in the matters alleged in paragraphs 19-21 of the Complaint.

22. Denied.

FIRST SEPARATE DEFENSE

The Complaint fails to state a claim upon which relief may be granted.

SECOND SEPARATE DEFENSE

Insofar as plaintiff seeks equitable relief, the Complaint does not present a justiciable case or controversy because it is moot.

FIRST AFFIRMATIVE DEFENSE

Plaintiff's claim for equitable relief is barred by laches.

WHEREFORE, having fully answered, defendant Edward H. Levi prays that the relief requested by plaintiff be denied,

that this action be dismissed, and that he be given all such other and further relief as the Court may deem just and proper.

Respectfully submitted,

REX E. LEE
Assistant Attorney General

EARL J. SILBERT
United States Attorney

DAVID J. ANDERSON

ROBERT J. FRANZINGER

SANDRA M. SCHRAIBMAN

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Tele: (202) 739-3385
(202) 739-3350
(202) 739-4189

Attorneys for Defendant

CERTIFICATE OF SERVICE

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ROBERT J. FRANZINGER

ENCLOSURE

62-117353-24

EBF

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF COLUMBIA

JACK N. ANDERSON,)

Plaintiff,)

v.)

RICHARD M. NIXON,)
et al.,)

Defendants.)

Civil Action

No. 76-1794

DEFENDANTS' MOTION TO DISMISS, OR
IN THE ALTERNATIVE, FOR SUMMARY JUDGMENT.

62-117353-24
ENCLOSURE

Greenberg/Gray-4617

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF COLUMBIA

JACK N. ANDERSON,)
)
 Plaintiffs,)
)
 v.) CIVIL ACTION NO.
)
 RICHARD M. NIXON,) 76-1794
 et al.,)
)
 Defendants.)

DEFENDANTS' MOTION TO DISMISS OR,
IN THE ALTERNATIVE, FOR SUMMARY JUDGMENT

Defendants Donald C. Alexander, Commissioner of Internal Revenue; Griffin B. Bell, Attorney General of the United States; Clarence M. Kelley, Director, Federal Bureau of Investigation; Stansfield Turner, Director of Central Intelligence; and Cyrus R. Vance, Secretary of State, hereby move this Court pursuant to Rules 12(b)(6) and 56 of the Federal Rules of Civil Procedure to dismiss this action or, in the alternative, for summary judgment. The grounds for these alternative motions are that the complaint fails to state a claim upon which injunctive relief may be granted and that plaintiff's complaint as to these defendants is barred by laches.

Defendants Charles N. Colson; John W. Dean, III; L. Patrick Gray, III; Richard Helms; Henry A. Kissinger; Richard G. Kleindienst; Egil Krogh, Jr.; and Robert C. Mardian also move the Court pursuant to Rules 12(b)(6)

and 56 of the Federal Rules of Civil Procedure to dismiss this action or, in the alternative, for summary judgment. The grounds for these alternative motions are that the complaint fails to state a claim upon which relief may be granted as to these defendants and the complaint as to these defendants is barred by the applicable statute of limitations. Defendants Colson, Dean, Gray, Helms, Kleindienst, Krogh, and Mardian move pursuant to F.R. Civ. P. 12(b)(2) to dismiss this action on the additional ground that this Court lacks jurisdiction over the person of these defendants due to insufficiency of service of process.

In support of these alternative motions the Court is respectfully referred to Plaintiff's Answers to Interrogatories dated January 21, 1977, Plaintiff's Response to Requests for Admissions, dated February 9, 1977 and the Local Rule 1-9(g) Statement and the Points and Authorities filed herewith.

Respectfully submitted,

BARBARA ALLEN BABCOCK
Assistant Attorney General

EARL J. SILBERT
United States Attorney

DAVID J. ANDERSON

ROBERT J. FRANZINGER

JOHN BARG

SANDRA SCHRAIBMAN

Attorneys, Department of Justice
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Tenth and Constitution Avenue, N.W.
Washington, D. C. 20530
Telephone: 202-739-3385

Greenberg/Gray-4619

UNITED STATES DISTRICT COURT

FOR THE

DISTRICT OF COLUMBIA

JACK N. ANDERSON,

Plaintiffs,

v.

RICHARD M. NIXON,
et al.,

Defendants.

)
)
)
)
)
)
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)
)
)
)

CIVIL ACTION NO.

76-1794

DEFENDANTS' STATEMENT PURSUANT TO
LOCAL RULE 1-9(h) OF MATERIAL FACTS
AS TO WHICH THERE IS NO GENUINE ISSUE

Defendants Donald C. Alexander, Griffin B. Bell, Clarence M. Kelley, Stansfield Turner, Cyrus R. Vance, Charles N. Colson, John W. Dean, III, L. Patrick Gray, III, Henry A. Kissinger, Richard G. Kleindienst, Egil Krogh, Jr., and Robert C. Mardian, hereby submit their Statement of Material Facts As to Which There Is No Genuine Issue in this case:

(1) Plaintiff knew each material alleged fact upon which the allegations of paragraph 10 of the complaint are based at least as early as July, 1973. [Plaintiff's Answers to Interrogatories (hereinafter "Int. Ans."), Answer 3(b) and (c)].

(2). In an article appearing in Parade Magazine on July 22, 1973, plaintiff wrote:

"In 1971, the President formed his private Plumbers Squad including G. Gordon Liddy and E. Howard Hunt, to plug news leaks, among them my India-Pakistan columns. They con-

cluded mistakenly that the source was located on Henry Kissinger's staff. Innocent staffers were yanked from behind their desks and dragged to polygraph machines, although it was the White House, not my sources, doing the lying about Pakistan."

[Plaintiff's Response to Requests for Admissions (hereinafter "Adm."), Exh. O].

(3) Plaintiff knew each fact upon which he bases his allegation of FBI investigation of his "sources" in paragraph 12 of the complaint before September 27, 1973.

[Int. Ans. 8].

(4) Plaintiff knew each alleged fact upon which he bases his allegations concerning an alleged investigation by defendant McCord (Complaint, para. 13), at least as early as June, 1973. [Int. Ans. 9].

(5) Plaintiff knew in 1972 each material fact upon which he bases the following allegation:

"In early 1972 defendants through the CIA, began and conducted until July 1972 an unlawful investigation, surveillance and interference with plaintiff and plaintiff's employees, with the purpose and intent of discovering and punishing persons who were sources for plaintiff of information which plaintiff published but which defendants wished suppressed, with the further purpose and intent of preventing plaintiff from gathering information in the future and from publishing such information. [Complaint, para. 15].

[Int. Ans. 12].

(6) Plaintiff knew each fact upon which he bases the allegations in paragraph 16 of the complaint concerning the investigation into the authenticity of the Dita Beard memorandum and the ensuing disclosure at the confirmation

hearings of defendant Kleindienst to be Attorney General, in March of 1972. [Int. Ans. 10 and 13(c); Adm., Exh. D].

(7) Each material fact upon which plaintiff relied in making the allegations set forth in paragraph 6 of the complaint and apparently realleged in paragraph 16 of the complaint concerning alleged investigations by defendants Ulasewicz and Caulfield were made public at least as early as 1974. [Int. Ans. 13(a)]. Plaintiff knew or should have known each such fact prior to September 27, 1975. Id.

(8) Each fact upon which plaintiff bases his allegations of paragraph 19 of the complaint, apparently also alleged in paragraph 16 of the complaint, was made public and was known by plaintiff in 1974. [Int. Ans. 13(d)].

(9) Plaintiff knew each fact upon which he bases his allegation of paragraph 17 of the complaint [the "Battista memorandum"] at least as early as July 1973. [Int. Ans. 15].

(10) Plaintiff knew each fact upon which he bases the allegations of paragraph 18 of the complaint (the "BIA investigation") at least as early July, 1973. [Int. Ans. 16-18; Adm., Exh. F and I].

(11) No one of defendants Colson, Dean, Gray, Helms, Kleindienst, Krogh, or Mardian was a resident of the District of Columbia at any time he is purported to have been served with process in this action. [Complaint, caption].

(12) No one of the defendants referred to in paragraph 10, supra, was served with process within the District of Columbia.

Respectfully submitted,

BARBARA ALLEN BABCOCK
Assistant Attorney General

EARL J. SILBERT
United States Attorney

DAVID J. ANDERSON

ROBERT J. FRANZINGER

JOHN BARG

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Telephone: 202-739-3385

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JACK N. ANDERSON,)	
)	
Plaintiff,)	
)	
v.	)	Civil Action
)	
RICHARD M. NIXON,	)	No. 76-1794
et al.,)	
)	
Defendants.)	

POINTS AND AUTHORITIES IN SUPPORT OF
DEFENDANTS' ALTERNATIVE MOTIONS TO
DISMISS OR FOR SUMMARY JUDGMENT

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JACK N. ANDERSON,)
)
 Plaintiff,)
)
 v.) Civil Action
)
 RICHARD M. NIXON,) No. 76-1794
 et al.,)
)
 Defendants.)

POINTS AND AUTHORITIES IN SUPPORT OF
DEFENDANTS' ALTERNATIVE MOTIONS TO
DISMISS OR FOR SUMMARY JUDGMENT

Statement Of The Case

This action is based upon allegations that each of the twenty individual and five federal agency defendants, beginning more than six years ago and ending more than three years ago, engaged in a conspiracy to deprive plaintiff of certain of his constitutional rights. In furtherance of this conspiracy, various of the defendants are alleged to have, inter alia, sought to learn whether "plaintiff had any connection with Democratic National Committee Chairman Lawrence O'Brien", placed wiretaps and other electronic surveillance upon persons who were not plaintiff's sources of information; questioned other persons who were not plaintiff's sources before a grand jury; examined public, police and telephone records of plaintiff and his family and caused Department of Justice attorneys to interview witnesses and to give information to a Congressional Committee about plaintiff. In addition, this conspiracy allegedly resulted in the arrest of plaintiff's associate by the Federal Bureau of Investigation (FBI) and the auditing of plaintiff's income tax return by the Internal Revenue Service (IRS). For acts such as these, plaintiff claims that he is entitled \$22,000,000 in damages, as well as injunctive relief.

Plaintiff, who claims that the existence of this conspiracy and each of the overt acts allegedly undertaken in furtherance of the conspiracy were "fraudulently concealed" from him by the defendants, has recently responded to discovery inquiring into the facts upon which the allegations of his complaint are based. Based upon those responses, which indicate plaintiff's knowledge of the material facts upon which his complaint is based, more than the limitations period prior to the filing of this action, defendants Colson, Dean, Gray, Helms, Kissinger, Kleindienst, Krogh, and Mardian now move to dismiss this action because it is barred by the applicable statute of limitations; and defendants Alexander, Bell, Kelley, Turner and Vance move to dismiss because plaintiff's claim for injunctive relief is barred by laches. Each of the 13 above-mentioned defendants also moves to dismiss because plaintiff has alleged neither a present nor a threatened deprivation of any constitutional right. Finally, defendants Colson, Dean, Gray, Helms, Kleindienst, Krogh and Mardian move to dismiss because this court lacks personal jurisdiction over them due to insufficiency of service of process.

STATEMENT OF FACTS

I THE ALLEGATIONS OF THE COMPLAINT

A. INTRODUCTION

Because, as we more fully explain infra, the nature of plaintiff's lawsuit is in reality a number of separate alleged claims based upon separate overt acts, separate analysis of each overt act is necessary. ^{*} Plaintiff's prolix and extremely redundant complaint is an impediment to such an analysis. Whether the nature of the complaint is by design an attempt to enhance plaintiff's allegations of "conspiracy" is not important here. What is important--as

^{*}/The complaint in this action should, therefore, have been set forth in separate counts based upon each separate transaction or occurrence. F.R. Civ. P. 10(b).

plaintiff's discovery responses make clear--is that plaintiff is complaining about separate alleged occurrences which he has no basis for alleging were connected to each other in a conspiracy. Therefore, we separately summarize the pertinent occurrences and the underlying "facts"--including when plaintiff learned of those "facts"-- as to each of the claims apparently raised, relying principally upon plaintiff's Answers to Interrogatories (hereinafter "Int. Ans.") and plaintiff's Response to Defendants Requests for Admissions (hereinafter "Adm").

We then attempt to summarize the facts concerning plaintiff's discernible allegations against each of the moving defendants and the basis upon which plaintiff purports to link that defendant to a "conspiracy" and thereby to impose liability upon each defendant for each overt act alleged.

B. ALLEGATIONS OF CONSPIRACY

The heart of plaintiff's complaint is his allegation that each of the defendants participated in a conspiracy to deprive plaintiff of certain of his constitutional rights (Complaint, para. 5). The ensuing paragraphs of the complaint set forth overt acts allegedly undertaken pursuant to that conspiracy. While a few of these acts, alleged principally on information and belief, appear to be directed to plaintiff's claimed infringement of his rights to privacy, due process of law and to be free from unlawful searches and seizures, most of the complaint is directed to plaintiff's "first amendment" claim that defendants conspired to (1) undermine his credibility and (2) interfere with plaintiff's "right" to obtain information not available to the public generally, through "sources".

In defendant's Interrogatories to Plaintiff, plaintiff was asked to enumerate each fact upon which he based each allegation of an overt act appearing to be addressed to any moving defendant and to state:

. . . those facts upon which you [plaintiff] base your allegations that the overt acts were the product of the alleged conspiracy . . . [Interrogatories to Plaintiff, p 2.]

In a separate interrogatory, plaintiff was also requested to "state with specificity each fact upon which you base your allegation (Complaint, para. 5)" that between July, 1969 and "sometime in 1974" defendants planned and participated in the alleged "conspiracy". Plaintiff's sole response to this latter inquiry was to incorporate by reference his other interrogatory answers. Those answers, however, state only the matters plaintiff relies upon in alleging that the overt acts occurred and identify some--often as few as one or two--of the defendants as the persons who allegedly took part in such acts.

In paragraph five of the complaint, as amended, plaintiff alleges that "plaintiff did not discover and with due diligence could not have discovered the existence of said conspiracy prior to February 19, 1974 . . .". However, in a column appearing in Parade magazine on July 22, 1973, plaintiff wrote:

Shortly after President Nixon moved into the White House, he and I began to investigate one another. I became aware in 1970 that he was using lie detectors and grand jury subpoenas in an effort to find out who my sources were. [Adm., Exh. O].

Similar charges were made in plaintiff's column "The Washington Merry Go Round", dated October 17, 1972. There plaintiff stated:

It is not surprising, therefore that the Nixon Administration doesn't like this column. So the President's dirty tricks department tried to play a few tricks on us.

* * * *

In our case, the dirty tricks were pulled by political operatives and government gum shoes alike. Their objective, apparently, was two-fold: (1) to discredit the column by undermining our credibility and (2) to shut off our sources. [Adm., Exh. A]. [Emphasis added]

Again, in the opening paragraph of a Washington Merry-Go-Round column appearing in the Washington Post on February 7, 1973, plaintiff stated:

The word has gone out from the White House to "nail" Jack Anderson and the Washington Post. This language was used, according to sources who heard it, by President Nixon's crewcut Chief of Staff, H.R. (Bob) Haldeman.

The sources are too sensitive to be identified, but they gave us details known only to the President's inner circle. [Adm., Exh. E].

C. THE INDIA-PAKISTAN "INVESTIGATIONS"

Paragraph ten of plaintiff's complaint alleges that after plaintiff's December 13, 1971 newspaper column "which disclosed conversations between [former President] Nixon and defendant Kissinger and other officials at the White House" (Int. Ans., 3(c)), "defendants" ordered the White House Special Investigations Unit ("the Plumbers") and "agencies of government" to investigate plaintiff and others to learn plaintiff's sources. The basis for these allegations are a May 22, 1973 speech by former President Nixon, Senate Watergate Committee hearings in

June and July of 1973, and a December 10, 1973 New York Times article.

Plaintiff's interrogatory answers state in 1974 he learned the additional "fact" that wiretaps were used in the Plumbers investigation^{*/}. Plaintiff states no knowledge of any fact indicating that he was the subject of any of the wiretaps referred to.

In an article appearing in Parade Magazine on July 22, 1973 (Adm., Exh. O), plaintiff wrote:

In 1971, the President formed his private Plumbers Squad, including G. Gordon Liddy and E. Howard Hunt, to plug news leaks, among them my India-Pakistan columns. They concluded mistakenly that the source was located on Henry Kissinger's staff. Innocent staffers were yanked from behind their desks and dragged to polygraph machines, although it was the White House, not my sources, doing the lying about Pakistan.

D. DISCUSSIONS ABOUT ADMINISTRATION OF DRUGS

In paragraph ten of his complaint, plaintiff alleges that the "defendants", "through the "Plumbers" conceived and committed overt acts in the furtherance of a plan and conspiracy to cause serious physical injury, possibly including death, to plaintiff." Plaintiff bases these allegations on a September 21, 1975 article in the Washington Post which plaintiff described as stating:

. . . a senior White House official ordered "Plumber" E. Howard Hunt of assassinate plaintiff . . . "the order was cancelled . . . [Int. Ans. 6(a)].
(Emphasis Added).

Plaintiff also bases this allegation upon January, 1976 testimony

*/ Typically, as plaintiff's interrogatory answers make clear, the allegations of paragraph ten of the Complaint encompass alleged Department of Defense investigations which are realleged in other paragraphs of the complaint. These investigations are addressed at Facts, I-E, infra.

by defendant Hunt that he was ordered by defendant Colson to investigate means of drugging plaintiff and, that, subsequent to this order, means of administering such drugs were "discussed". (Int. Ans. 6(b)).

E. DEPARTMENT OF DEFENSE AND
FBI INVESTIGATIONS OF
PLAINTIFF'S SOURCES

In paragraph twelve of his complaint, plaintiff alleges that:

Beginning in 1971, investigations were conducted by agents of the Department of Defense and the Federal Bureau of Investigation, acting at defendants' direction, aimed at discovering and prosecuting persons who had given information to plaintiff which plaintiff had published.

The basis for plaintiff's allegation that the FBI conducted "investigations" of his sources as part of the conspiracy and with its alleged purposes is the fact that former Department of Defense (DOD employee Eugene Smith was subpoenaed, plaintiff's claim that a United States Attorney stated that it had been "'suggested' that he go after Smith" and that, after Smith had testified, that the U. S. Attorney allegedly acknowledged that "we probably did have the wrong man." (Int. Ans. 8). "Plaintiff knew these facts before September 27, 1973." Id. Allegations equivalent to those made in the complaint appeared in plaintiff's column in the Washington Post as early as September 10, 1971 (Adm. Exh. N).

The basis for plaintiff's allegations that the DOD investigated plaintiff's sources as a part of the conspiracy is that "After January 1974, plaintiff learned" from a former DOD employee that the Department had conducted "investigations" of plaintiff. Plaintiff's interrogatory answers state no basis for believing that any such investigations, if they existed, were

a part of the "alleged" conspiracy, nor does any document filed by plaintiff to date inform as to what, if any, actions were allegedly undertaken as a part of such "investigations".

F. McCord Investigation

Plaintiff also alleges (Complaint, para. 13) that defendant McCord received information from the Internal Security Division of the Department of Justice in the course of conducting an investigation of plaintiff and that defendant Mardian participated in the exchange of information. Plaintiff learned each "fact" upon which this allegation is based from a September 27, 1972 newspaper article and June, 1973 Senate Watergate Committee hearings. (Int. Ans. 9).

G. The Exchange of Information Between
The FBI and The White House

Plaintiff alleges (Complaint, para. 14) that former President Nixon sought derogatory information about plaintiff from the FBI and that Mr. Nixon was disappointed with the information delivered to him from the FBI and asked for more details. This allegation, including the allegation that this matter was part of the conspiracy participated in by all of the defendants, is "based" upon alleged statements by defendant Ehrlichman in November 1975. (Int. Ans. 11).

H. The Central Intelligence Agency

Plaintiff also alleges (Complaint, para. 15) that the CIA participated in the "conspiracy" in the following manner:

In early 1972 defendants, through the CIA, began and conducted until at least July 1972 an unlawful investigation, surveillance and interference with plaintiff and plaintiff's employees, with the purpose and intent of discovering and punishing persons who were sources for plaintiff of information which plaintiff published but which defendants wished suppressed, with the further purpose and

intent of preventing plaintiff from gathering information in the future and from publishing such information.

This investigation allegedly included the examination of public and police records and a "surveillance" of plaintiff's Maryland home and his office. Id. Plaintiff had knowledge that such an investigation was being conducted due to "his own observations in 1972" (Int. Ans. 12) and published articles concerning this "investigation" in several instances. The following excerpt is typical:

As the Washington Post reported it, the White House was "coordinating a continuous effort to discredit Anderson." . . . He [defendant Mardian] ordered my house staked out, but I learned the makes and license numbers of three autos used by Mardian's men. With nine children, I was able to command a far more reliable counter-espionage squad than Mardian's. My kids has a lot of fun in the cars. They reported back that they could see men with binoculars, bringing to our neighborhood an exhilarating air of intrigue. They located the main lookout atop a knoll near a church about a mile from my door. [My Journal On Watergate, supra, Parade Magazine, July 22, 1973 (Adm. Exh. O).]

See also, plaintiff's columns of October 17, 1972 and January 18, 1974, Exhibits A and C, respectively, to defendant's Requests for Admissions. Plaintiff claims that he first learned that the CIA conducted the "surveillance" in 1975. (Int. Ans. 12).^{*/}

*/"Detailed knowledge" of alleged CIA involvement in "the conspiracy" was, plaintiff claims, not obtained by him until July of 1976 when he received the CIA's responses to his Freedom of Information Act (FOIA) requests. Interrogatory Answer 12, which states each "fact" upon which plaintiff relies in making the allegations of paragraph 15, cites not a single fact obtained from the FOIA responses. Plaintiff also charges for the first time in his interrogatory answers that the CIA "collected derogatory rumors" about him. However, as the CIA is not alleged to have done anything wrongful in collecting said rumors, the Court should disregard this allegation.

Paragraph 15 of the complaint also contains an allegation that the CIA investigation included wiretapping and electronic surveillance. The basis for these allegations are plaintiff's "surmise" and similar speculation in the 1976 book Nightmare. After a search of the pertinent files of the CIA, no evidence of such wiretapping or electronic surveillance has been found. Answers of Director of Central Intelligence to First Interrogatories to Defendants, 1.3, 1.5, 1.9, and 1.10.

I. THE "EFFORT, PLAN AND SCHEME TO DISCREDIT" PLAINTIFF

Paragraph 16 of the complaint alleges that in early 1972 "defendants began an effort, plan, and scheme" to discredit plaintiff and to destroy plaintiff's reputation. (Complaint, para. 16). Plaintiff's interrogatory answers have revealed that this allegation essentially repeats allegations-- for the second, third, and sometimes fourth times--made in paragraphs 6, 10, 13, 18, 19 and 20 of the complaint. (Int. Ans. 13). The matters alleged and realleged are separate alleged overt acts. We therefore address them separately.

1. The Dita Beard Investigation

The first matter is an investigation into the authenticity of the well-known Dita Beard memorandum, which became a public issue during the confirmation hearings of defendant Kleindienst in the Spring of 1972. Various aspects of this same "investigation" are alleged and realleged in paragraphs 10, 12 and 13 of the complaint.^{*/} Plaintiff claims that this "investigation" came about because:

On February 29, March 2 and March 3, 1972, plaintiff published columns charging that

*/See, interrogatory answer no. 13(c) incorporating answer no. 10 which incorporates interrogatory no. 7 which in turn incorporates interrogatory answers nos. 3(c) and (5).

the ITT Corporation had offered to contribute several hundred thousand dollars to support the 1972 Republican National Convention in San Diego, California, and that the contribution was linked to efforts by ITT to persuade defendants' Department of Justice to abandon antitrust actions against ITT respecting its merger with Hartford Fire Insurance Company, and citing a memorandum respecting this written by Dita Beard, a lobbyist for ITT. [Complaint, para. 16].

Subsequently, plaintiff states, "the Justice Department and its Internal Security Division were instructed to investigate a possible association between plaintiff's secretary and Dita Beard* * *^{*/}.

Concerning this matter, plaintiff wrote in his March 23, 1972 Washington Merry-go-round column as follows:

. . . The President's men tried to peddle the idea that we had conspired with Dita Beard to concoct the damaging memo. This was planted with Sen. Marlowe Cook, (R.-Ky.), who rushed out with a statement questioning "the veracity of Anderson's account of how he obtained the memorandum and perhaps even the origin and content of the memorandum itself." One of the Justice Department's counterspys, John Martin, Internal Security's Analysis and Evaluation Chief, tried to establish a link between Dita Beard and us. Intertel's President Robert Peloquin and his chief gumshoe, Ed Mullin, also worked on this angle. Their evidence was routed through the White House to Senator Cook. This too, backfired. [Adm., Exh. B.]

*/ At the time of the Kleindienst confirmation hearings, defendant Mardian received a photograph of plaintiff's Secretary, Opal Ginn and Ms. Beard together at a local hotel. Defendant Mardian then asked an Attorney from the Internal Security Division of the Department of Justice to interview employees of the hotel where the picture was taken. Answer of Robert C. Mardian, paras. 16-21. The Beard-Ginn photograph was subsequently introduced by Senator Cook at the Kleindienst confirmation hearing. Id. According to plaintiff, Senator Cook also made statements:

. . . To the Executive Session of the Judiciary Committee on March 14, 1972, [alleging] that Dita Beard and plaintiff's Secretary had a close relationship and were drinking companions. . . . Senator Cook [also] introduced into the record columns by plaintiff which he said were false and cast doubt on plaintiff's credibility generally. [Int. Ans. 13(c).]

Each of the facts upon which plaintiff relies in making these allegations were known to him "more or less contemporaneously" with a Washington Post article making similar claims appearing on March 18, 1972. (Int. Ans. 10 and 13(c)).

2. The Ulasewicz-Caulfield Investigations

As evidenced by plaintiff's interrogatory answer 13(a), the allegations in paragraph 16 of the complaint, alleging a conspiracy to discredit plaintiff, apparently repeat the following allegation from paragraph 6:

Beginning in January 1969, defendants Nixon, Haldeman, Ehrlichman and others hired defendants Jack Caulfield and Anthony Ulasewicz to conduct private investigations. * * * Caulfield's and Ulasewicz's activities including unlawful telephone wiretapping of journalists and others, carried out or intended to be carried out by means of unlawful entries. Plaintiff was one of the targets of Caulfield's and Ulasewicz's activities on at least three occasions (a) prior to February 1971, (b) in late 1971 and (c) on another date unknown. [Complaint, para. 6.]

The complaint identifies Messrs. Caulfield and Ulasewicz as having left the "employe" of defendant Ehrlichman on March 1 and December, 1972, respectively. (Complaint, para. 4(p) and (q)).

The "basis" for these allegations is information:

made known in the Senate Watergate Committee hearings in June and July 1973 and in the Committee's Final Report in June, 1974 [that] "Caulfield kept a watch on plaintiff" [and that] "Ulasewicz investigated plaintiff * * * and plaintiff's brother's.*" [Int. Ans. 13(a)].

*/The "Watergate" Committee's "Final Report states "there has been no evidence that . . . Ulasewicz . . . engaged in any electronic surveillance for the White House" and goes on to state that defendant Caulfield participated in wiretapping on two occasions, neither of which involved plaintiff. Final Report, Senate Select Committee on Presidential Campaign Activities, S.Rep. 93-981, 93rd Cong., 2d Sess. (June 1974), pp. 111-113.

plaintiff claims that he learned only "recently" that defendant Ulasewicz investigated "plaintiff's relationship with Kirkland Hall College" which was "first made public in the Watergate Committee's Final Report in 1974." Id.

3. The "Investigation" of Plaintiff's Relationship With A "Maryland University."

The allegations of paragraph 16 of the complaint apparently also encompass that of paragraph 19, which states:

On dates unknown to plaintiff, defendants Magruder and Liddy investigated plaintiff in an attempt to prove that plaintiff had attempted to influence a Maryland college to sell him waterfront property at a reduced price by helping the college illegally obtain federal grants, with the purpose and the intent of destroying plaintiff's reputation for truth, veracity and accuracy. [Complaint, para. 19.]

This allegation is allegedly based on a statement in defendant Magruder's book "An American Life", published in 1974. [Int. Ans. 13(d).] Neither the complaint nor plaintiff's interrogatories state anything further about this investigation.

J. THE BATTISTA MEMORANDUM

In paragraph 17 of his complaint, plaintiff alleges:

On or about November 17, 1972, defendants Colson and Dean conspired with other defendant to slander and destroy the reputation for truth, veracity and accuracy of plaintiff by falsely representing that plaintiff had been paid \$1,000,000 by Cuban dictator Battista to write complimentary articles about Battista. [Complaint, para. 17.] (Emphasis added).

This allegation is based upon the alleged fact that defendant Colson wrote a memorandum (hereinafter "Battista Memorandum")

*/An alleged instruction to establish a homosexual link between Navy Yeoman Charles Radford and plaintiff, said to have been given by defendant Young to one W. Donald Stewart apparently also falls within the ambit paragraph 16 of the complaint. Int. Ans. 13(b). Plaintiff nowhere so much as alleges any action as a result of this instruction and, therefore, address this allegation no further.

to defendant Dean regarding information he [Colson] had learned about plaintiff from a "confidential source." Int. Ans. 15. This information was known to plaintiff in "June or July 1973." Id.

K. THE PROVIDING OF INACCURATE NEWS INFORMATION

Plaintiff alleges in paragraph 20 of his complaint that "defendant Colson and other defendants" represented "to plaintiff and his associates certain facts to be true which defendants knew not true, in order that plaintiff might write inaccurate news stories." This allegation is based solely upon a statement in the book All The President's Men (pp. 139-140), published in 1974, which stated that a false story about Senator Eagleton's driving record which plaintiff published was "connected in some way with a Colson-Hunt operation." Int. Ans. 19 incorporating Int. Ans. 13(f).

L. THE BIA INVESTIGATION

In paragraph 18 of his complaint, plaintiff alleges that after he published information obtained from documents stolen from the Bureau of Indian Affairs:

Defendants thereupon employed and directed agents of the FBI to conduct surveillance of plaintiff and to arrest plaintiff if he reported on and was present at the return of the stolen Indian documents. . . for the purpose . . . of subpoenaing and copying private telephone records of plaintiff and his associates . . . [Complaint, para. 18.]

Plaintiff further alleges that pursuant to this "scheme" Leslie H. Whitten, plaintiff's associate, was arrested by FBI agents on January 31, 1973 and that, pursuant to court order in criminal proceedings subsequently instituted against Whitten, FBI agents copied certain records of plaintiff's telephone calls and interviewed certain of the persons whose telephone numbers were listed on those records.

In indicating the basis for these allegations, plaintiff states in his interrogatory answers 16-18:

The facts are all contained in grand jury testimony, court records and records of the FBI and Department of Justice in the control and custody of defendants Kelley and Levi. Plaintiff learned such of these facts that are public as they were made part of such records that are public, from February through July, 1973. The remaining facts have been withheld by defendants Kelly and Levi. (Int. Ans. 16-18.] (Emphasis added).*/

Approximately one week after Mr. Whitten's arrest, plaintiff wrote about this arrest in his February 7, 1973 newspaper column, as follows:

The word has gone out from the White House to "nail" Jack Anderson and the Washington Post. The word was passed to the Justice Department, we were told, to try to make a case against us. Last week, Les Whitten was arrested while gathering news for this column. [Adm. Exh. E,]

See also Adm. Exh. F.

The alleged ensuing investigation of plaintiff's telephone records was the subject of plaintiff's February 23, 1973 newspaper column:

The false arrest of my associate, Les Whitten, we have now learned, was used as a pretext for launching a massive FBI investigation into our operations. . . . [T]he FBI, pretending to investigate Whitten's 'crime,' secured a court order and served it on American Telephone and Telegraph. FBI agents immediately began checking into our phone calls, digging into our news sources and using all the powers of government to find out how we get information that the government doesn't want published.

*/While we do not understand how alleations may be based upon facts which are unknown to the plaintiff, we note that plaintiff wrote in a July 22, 1973 article with respect to the Watergate Grand Jury:

It seemed to me that the Nixon Administration intended to use grand jury secrecy to protect the guilty and keep the embarrassing facts from reaching the public. I sought access, therefore, to the grand jury findings and on April 16, I began printing verbatim excerpts. [Adm., Exh. O, p. 4.]

This was a flagrant violation of our rights under the First Amendment. [Adm. Exh. I.]

M. THE AUDIT OF PLAINTIFF'S 1973 INCOME TAX RETURN

Plaintiff alleges in paragraph 21 of his complaint that pursuant to the aforementioned "conspiracy," defendants directed and employed the Internal Revenue Service (IRS) to conduct a complete field audit of plaintiff's 1973 tax returns" and that in the course of that investigation, IRS agents "inquired into plaintiff's purchase of an apartment in Freeport, Grand Bahamas." These allegations purport to be based upon the alleged facts that defendants Nixon, Haldeman and Dean had discussed the use of the IRS to attack enemies of the Administration in September of 1972, that defendant Haldeman allegedly ordered defendant Dean to "initiate tax audits on certain individuals" and that he (Dean) had "arranged through defendant Caulfield for a tax audit on at least one occasion;" and that plaintiff's name appeared on "several list of 'enemies'" Int. Ans. 20. In 1974 plaintiff learned that his tax return was audited and learned in 1976 whatever basis he has for alleging that his ownership of a condominium in the Grand Bahamas was "investigated." Plaintiff's interrogatory answers state no knowledge that his was one of the tax audits, if any, suggested or initiated by the White House.

II. THE ALLEGED ACTIONS OF EACH OF THE DEFENDANTS

Any analysis of the complex allegations of plaintiff's complaint, alleging numerous overt acts for which each of the 25 defendants is alleged to be liable for either money damages or injunctive relief, must include an individual analysis of plaintiff's allegations against each defendant. We therefore attempt to summarize below plaintiff's allegations and the pertinent facts as they relate to each defendant.

A. Charles N. Colson

Defendant Charles N. Colson was Special White House Counsel

to President Richard M. Nixon from November, 1969 to March 10, 1973. (Complaint, para. 4(g)). He is first accused (para. 11) of assigning defendant Hunt to investigate means of drugging plaintiff. This allegation, which Mr. Colson has denied, is allegedly based upon testimony by defendant Hunt of which plaintiff learned in early 1976. There is no allegation that anything further than discussions occurred as a result of this instruction, if in fact it was given, or that defendant Colson participated any further in this matter. See Int. Ans. 6(b).

Secondly, Mr. Colson is accused of having been present at a discussion between defendant Mardian and John Martin, an attorney from Internal Security Division of the Department of Justice, when Mr. Martin allegedly received instructions "to investigate a possible association between plaintiff's secretary and Dita Beard." This allegation is based upon matters known to plaintiff in July of 1973. Int. Ans. 7. Mr. Colson is also accused of having conspired, for purposes of damaging plaintiff's reputation, to provide plaintiff with false information. This allegation is based solely upon a statement in the book All The President's Men published in 1974 that the providing of such information was "in some way connected with a Coslon-Hunt operation of manufacturing false news items for the press." Int. Ans. 13(f).

Finally, based upon plaintiff's "knowledge," obtained in June or July of 1973, of the Battista memorandum, Mr. Colson is accused of having conspired with Mr. Dean and "other defendants" to slander plaintiff.

B. John W. Dean, III

Defendant John W. Dean, III was counsel to President Richard M. Nixon from July 1970 to May 19, 1973. Complaint, para. 4(j). Mr. Dean is first accused, based upon information allegedly learned in November, 1975, that Mr. Dean delivered an FBI sum-

mary of information about plaintiff to defendant Nixon. ^{*/}

Mr. Dean is also accused of having conspired with defendant Colson solely because, plaintiff claims, he was sent the above-mentioned Battista Memorandum, " which plaintiff knew of "in June or July 1973." Int. Ans. 15. ^{**/}

C. L. Patrick Gray, III

Defendant L. Patrick Gray, III, was Acting Director of the Federal Bureau of Investigation from May 3, 1972 to April 27, 1973. Complaint. par. 4(i). Mr. Gray is not otherwise mentioned in the Complaint. He is accused only in plaintiff's response to his motion for particularization of having (1) "ordered, approved or participated" in the arrest of Mr. Whitten;" (2) "supervised and approved the maintenance of files concerning plaintiff." Plaintiff's Response and Opposition to Motions for Particularization ("Response"), paras. 1(a) and (c). The former allegation, which purportedly appears in para. 18 of the complaint is based upon information allegedly learned by plaintiff by July, 1973. Int. Ans. 16-18. Though requested to identify each fact upon which each operative allegation of the complaint is based, plaintiff nowhere identifies any basis for the latter allegation.

D. Richard Helms

Richard Helms was Director of Central Intelligence from June 30, 1976 to February 2, 1973. Complaint, para. 4(c). Mr. Helms is not mentioned elsewhere in the complaint nor in plaintiff's answers to interrogatories. Presumably, however, Mr. Helms is named as a defendant in this action because he was the Director of the Central Intelligence at the time that

^{*/}This "summary" consisted of newspaper and magazine articles. Answer of John W. Dean, III, para. 14-15.

^{**/}Mr. Dean is also mentioned in para. 8 of the complaint, in which it is alleged that defendant Waldeman ordered him to learn if plaintiff had any connection with former Democratic National Committee Chairman Lawrence O'Brien. Because it is not alleged that defendant Dean took any action as a result of this "instruction," we address this allegation no further.

E. Henry A. Kissinger

Defendant Henry A. Kissinger was Assistant to the President for National Security Affairs from January 20, 1969 to November 3, 1975 and was Secretary of State from September 22, 1973 until January 20, 1977. Complaint, para. 4(b) and Answer of Henry A. Kissinger, para. 4. Dr. Kissinger is not elsewhere referred to in the complaint. In the Response to defendants' motion for particularization, plaintiff accuses defendant Kissinger of having "ordered, requested or participated in the plan or scheme which resulted in" the activities of the plumbers and the CIA surveillance Complaint, paras. 10-15. This allegation is apparently based upon an alleged January 23, 1977 statement by Dr. Kissinger and:

. . . a January 23, 1974, article in the New York Times that defendant Kissinger had been informed of the formation of a unit to investigate so-called "leaks", the "Plumbers," in July 1971, and that defendant Kissinger knew it was formed under the authority of defendant Nixon and under the direction of defendant Ehrlichman and that he knew of the role defendant Young had in it. [Int. Ans. No. 3(b).]

F. Richard G. Kleindienst

Defendant Kleindienst was Deputy Attorney General of the United States from January 31, 1969 to March 2, 1972; was Acting Attorney General of the United States from March 2, 1972 to June 12, 1972; and was Attorney General of the United States from June 12, 1972 to May 25, 1973. Complaint para. 4(h). No further allegations with respect to Mr. Kleindienst are alleged in the complaint or in plaintiff's interrogatory answers.

Mr. Kleindienst is accused for the first time in plaintiff's response to defendants' motion for particularization of having "ordered, approved or participated in an FBI investigation (Eugene Smith) (Complaint, para. 12) the exchange of information between the FBI and the White House (para. 14) the Dita Beard investigation (para. 16) and the

BIA matter (para. 16). The sole "basis" for these allegations is that Mr. Kleindienst was either Deputy Attorney General, Acting Attorney General, or Attorney General at the time they allegedly occurred. Response. pp. 2-3.

Plaintiff knew all of the facts upon which he bases his allegations concerning these four matters before September 27, 1973. Statement of Facts (hereinafter "Facts"), Parts I-E, G, I, and L. Int. Ans. 8, 10, 13(c) and 16-18.

G. Egil Krogh, Jr.

Defendant Krogh was Assistant Director of the White House Domestic Counsel from before July 17, 1971 until February of 1973 and was co-director of the White House Special Investigation Unit from July 17, 1971 until mid-March, 1973. Complaint para. 4(n); Answer of Egil Krogh, Jr., para. 4. Defendant Krogh is referred to in only paragraph 10 of the complaint in which it is alleged that he was a member of the White House Special Investigations Unit. He is apparently accused therein of having participated in an investigation following plaintiff's alleged disclosures concerning India-Pakistan. The basis for this allegation is an alleged statement in a New York Times article that plaintiff's name was placed on a bulletin board in the Plumbers headquarters and upon an alleged statement by Mr. Krogh that he had:

. . . been assigned on December 14, 1971, to investigate plaintiff's investigatory disclosures of the India-Pakistan "tilt," and that Krogh was removed from the unit on December 20, 1971, when he declined to authorize taps . . ." [Int. Ans. 3(b)].

H. Robert C. Mardian

Robert C. Mardian was Assistant Attorney General in charge of the Internal Security Division of the Department of Justice from November 1970 to approximately May 1, 1971 and was Coordinator of the Committee for the Re-election of the President from May 1, 1971 to November, 1972. Complaint, para. 4(k). Defendant Mardian is accused in paras. 12, 13 and 16 of the

complaint of participation in the Dita Beard investigation. Each fact upon which plaintiff relies in making these allegations was known in March of 1972 except for the "fact", allegedly learned in 1975, that defendant Mardian "visited the office of the 'Plumbers' several times . . .". Int. Ans. 10(b) and (c). Defendant Mardian is accused, based solely on "facts" known to plaintiff by June of 1973, of participation in the McCord investigation alleged in paragraph 13 of the Complaint. Facts, I-F.

I. The Central Intelligence Agency

The Director of Central Intelligence is sued in this action for an injunction:

. . . enjoining him and his "successors and subordinates forever, from interfering or attempting to interfere with plaintiff's function and activities as a reporter, investigator, journalist and broadcaster, either by acts directed against plaintiff or by acts directed against persons believed to be sources of information for plaintiff (hereinafter "injunction")." [Complaint, para. 25].

The CIA is alleged to have conducted an investigation with the purpose and intent "discovering and punishing persons who were sources for plaintiff . . .". Complaint, para. 15. It is further alleged that CIA agents, in the course of this investigation, followed plaintiff and members of his family, photographed them, examined public and police records concerning them, and conducted a surveillance of plaintiff's office and home and the homes of his employees. It is also alleged, on information and belief, that this investigation included electronic surveillance and wiretaps. Plaintiff knew each fact upon which he bases the allegations in 1972, except that plaintiff allegedly believed the surveillance was conducted by the Department of Justice until 1975. Int. Ans. 12. Plaintiff's allegation of electronic surveillance and wiretapping, which the CIA has denied, is "based" only upon plaintiff's "surmise" and an accusation to that effect appearing in the book Nightmare, published in 1976.

Int. Ans. 5 and 12.^{*}

J. The Federal Bureau of Investigation

Actions by the Federal Bureau of Investigation are alleged in four separate areas of the complaint: (1) a wiretap on Navy Yeoman Charles Radford and three others (India-Pakistan); (2) the investigation of former Department of Defense employee Eugene Smith; (3) the transmittal of newspaper clippings to the White House from the Bureau; and (4) the BIA investigation. Complaint, para. 10, 12, 14 and 18. Plaintiff's allegations as to the first of these matters are based upon facts indicating that the Bureau placed a wiretap on Yeoman Radford and three others (not including plaintiff), suspected of having unlawfully disclosed classified information to plaintiff. Int. Ans. 3(c) and 5. Plaintiff claims to have learned of the newspaper clipping exchange in 1975. The "facts" underlying plaintiff's allegations respecting the Eugene Smith investigation and the Bureau participation in the BIA investigation were known to plaintiff before September 27, 1973. Facts, I-E and L.

K. The Internal Revenue Service

The sole allegation against the Internal Revenue Service (IRS) is that "defendants directed and employed" IRS to "audit plaintiff's 1973 income tax return" and that in the course of such an audit, IRS agents inquired into plaintiff's purchase of a condominium in the Bahamas. Complaint, para. 20. This allegation is based upon alleged testimony by defendant Dean in June of 1973 relating to audits of persons other than plaintiff. Int. Ans. 20. Defendant Dean left the White House in May, 1973. Complaint, para. 4(j). No basis is cited by plaintiff for alleging that his audit occurred as a result of White House instruction.

^{*}The CIA is also accused in para. 10 of the complaint of having "provided assistance to the plumbers" However, plaintiff's interrogatory answer no. 2 demonstrates clearly that this allegation has nothing whatever to do with plaintiff's allegations of wrongful actions against him.

L. The Department of Justice

The Department is first charged with having participated in the investigation of Eugene Smith, who was not a source of information for plaintiff. Complaint, para. 12. This is based upon the fact, known to plaintiff before September 27, 1973, that Mr. Smith was subpoenaed to appear before a grand jury in Norfolk, Virginia. The second area of the Department's alleged involvement is the Dita Beard investigation. This is based upon plaintiff's knowledge in March of 1972 that a Department of Justice attorney interviewed witnesses in attempting to learn if there was an association between plaintiff's secretary and Dita Beard. See, e.g., Int. Ans. 7. Finally, the Department is alleged to have sought an indictment against Mr. Whitten, Complaint, para. 18. Plaintiff's allegations that the seeking of such an indictment was a part of the "conspiracy" is the fact, known to plaintiff in early 1973, that the Department did seek such an indictment. Int. Ans. 16-18.^{*/}

M. The Department of State

The Department of State is not mentioned in the complaint, plaintiff's interrogatory answers, or in plaintiff's response to defendants' motion for particularization, which was made on behalf of, inter alia, the Secretary of State. Indeed, the only "fact" cited by plaintiff related in any way to the Department of State is that defendant Kissinger acknowledged that he knew the Plumbers existed. Int. Ans. 3(b). This "fact" appeared in a January 23, 1974 article in the New York Times.

* * *

Because, as the foregoing facts show, the allegations of plaintiff's complaint, with minor immaterial exceptions, are

^{*/}The Department is also implicitly accused of having provided defendant McCord with information about plaintiff. Each "fact" upon which this allegation is based was known to plaintiff by June, 1973. Facts, I-F.

based--if they have any basis at all--on matters plaintiff knew more than the applicable limitations period before this action was filed, plaintiff's complaint is barred by the statute of limitations and laches. Moreover, because the well-pleaded allegations of plaintiff's complaint fail to allege a violation of plaintiff's constitutional rights and do not state the imminence of any threatened harm prerequisite to any award of injunctive relief, plaintiff has failed to state a claim upon which relief may be granted. Finally, insofar as plaintiff sues non-resident defendants for acts not both occurring within the District of Columbia and causing injury within the District, this Court lacks personal jurisdiction over such non-resident defendants. Moving defendants therefore now move for a dismissal of this action.

ARGUMENT

Introduction-Summary Of Argument

Plaintiff in this action seeks damages and injunctive relief for an alleged deprivation of constitutional rights. The complaint, which is premised upon highly speculative claims of injury resulting from alleged actions taken--if at all--with respect to third persons, many of whom had no connection with plaintiff whatsoever, fails to state a violation of plaintiff's constitutional rights. This action is, moreover, time-barred as to both forms of relief plaintiff seeks by his failure to bring the action for more than three years (or in some cases one year) after he learned of all but insignificant facts upon which this action is allegedly based. In addition, even assuming plaintiff has stated an actionable claim for any relief against any defendant plaintiff clearly has no basis for even alleging involvement of the vast majority of the defendants in the vast majority of acts for which he, by his action, claims they are liable. Plaintiff seeks to avoid these inadequacies of his complaint by characterizing this action as based upon a

grand conspiracy involving some twenty-five defendants, which conspiracy is, of itself, actionable. However, "separate conspiracies may not be characterized as a single grand conspiracy for procedural advantage." Fitzgerald v. Seamans, Docket No. 75-1032 (C.A.D.C. February 23, 1977), Slip Opinion at p. 21, a copy of this opinion is attached hereto as Appendix A. A fortiori, such procedural advantage may not be obtained-- as is attempted here--based upon unfounded allegations of individual defendants' involvement in separate overt acts connected only by plaintiff's speculation. On the contrary, as we show at the outset below, plaintiff's complaint at best states several independent claims based upon the overt acts alleged and plaintiff's unfounded allegations of conspiracy must therefore be disregarded. Plaintiff may not, therefore, avoid the preliminary and dispositive defenses raised herein.

Secondly, we show that plaintiff's unexplainable delay in bringing this action after he admittedly had knowledge of any claim he is asserting herein bars his claim for damages under the applicable statute of limitations and his claim for equitable relief under the doctrine of laches. Thirdly, the allegations of plaintiff's complaint fail to state a claim upon which relief may be granted against the moving defendants who are sued as individuals for monetary damages as well as the defendants sued in their official capacities for equitable relief.

Finally, because the District of Columbia long-arm statute, upon which plaintiff apparently relies, authorizes personal jurisdiction over non-resident defendants only in those instances where the tortious acts and the injury received as a result of those acts occurred within the District of Columbia, this Court lacks personal jurisdiction over any defendant sued for damages who is not a resident of the District of Columbia

as to any overt act which has not both occurred within the District of Columbia and caused injury within the District.

I. Plaintiff's Vague, Unsupported Allegations Of A Conspiracy May Not Be Considered In Addressing Defendants' Dispositive Motion

A. In A Cause Of Action Premised Upon Conspiracy, Only Overt Acts In Furtherance Of The Conspiracy Are Actionable

In the complaint in this action, plaintiff seeks to characterize this lawsuit as an action based upon the alleged conspiracy itself, rather than upon the overt acts alleged.^{*/} In so doing, plaintiff seeks to state claims against all of the defendants for all of the acts alleged, despite the fact that he has no basis for even alleging involvement or connection between the vast majority of the defendants and the vast majority of the acts alleged.^{**/} Moreover, in part, through his allegations of "conspiracy", plaintiff seeks to "finesse" an allegation of fraudulent concealment by alleging only that he did not timely discover the conspiracy though he does not allege--because he cannot--that he lacked "knowledge" of the overt acts. This transparent attempt to gain procedural advantage must fail because it is based upon a fundamental misperception of the nature of the nature of a civil action sounding in conspiracy.

It is a "long-settled principle that a civil conspiracy is not in itself actionable, but rather, it is the acts causing injury undertaken in furtherance of the conspiracy which give rise to the action." Fitzgerald v. Seaman, 384 F. Supp. 688,

^{*/}This characterization is most obvious in plaintiff's (1) allegation of the overt acts (described as "among the overt acts committed pursuant to the conspiracy") in a confusing admixture of repetitive allegations not separated into counts which (2) very vaguely indentify the "defendants" as the persons involved in each of the matters alleged and (3) seeking of relief for injury allegedly caused by "the conspiracy". Complaint, para. 5, 22.

^{**/}For example, plaintiff apparently claims that defendant Gray participated in the conspiracy while Acting Director of the FBI, a post he occupied from May 3, 1972 until April 27, 1973. However, plaintiff apparently alleges participation by Mr. Gray in acts occurring prior to Mr. Gray's assumption of office. See, e.g., Complaint, para. 10. ("Defendants then ordered the "Plumbers" * * * to investigate plaintiff.")

693 (D.D.C. 1974); aff'd, Fitzgerald v. Seamans, supra, (Appendix A). Thus, the procedural advantages for purposes of limitations, discovery, and the stating of the cause of action against individual defendants which plaintiff seeks to obtain by allegations of a grand conspiracy must be denied him.

B. Plaintiff's Unfounded Allegations Of
Conspiracy Are Not Well-Pleaded Facts
And Should Therefore Be Disregarded

While a motion to dismiss admits all well-pleaded, material allegations of fact, "such admission does not, of course, embrace sweeping legal conclusions cast in the form of factual allegations." Pauling v. McElroy, 278 F. 2d 252 (C.A.D.C. 1960), cert. denied 364 U.S. 835 (1960). "Conclusionary allegations and unwarranted deductions of fact are not admitted as true." Associated Builders Inc. v. Alabama Power Company, 505 F. 2d 97 (5th Cir., 1974); Ryan v. Coggin, 245 F. 2d 54 (10th Cir., 1957). See also, 2A, J. Moore, Federal Practice, para. 12.08 at pp. 2267-2269 (2d edition 1976). This principle is certainly applicable to the conclusory allegations of conspiracy involving the numerous defendants herein. See, e.g., Kamsler v. Zaslowsky, 355 F. 2d 526, 527 (7th Cir. 1965); Weiner v. Bank of King of Prussia, 358 F. Supp. 684, 701 (E.D. Penn., 1973); Reese v. Nixon, 347 F. Supp. 314, 316 (C.D. Cal., 1972).

Plaintiff was given ample opportunity to state the basis for his conspiracy allegations in response to defendants' interrogatories, yet he completely failed to do so.^{*/} The allegation is rather "conclusionary . . . an unwarranted deduction of fact" not well-pleaded and not admitted for purposes

*/In the first interrogatory with which he was served in this action, plaintiff was asked to state each fact upon which he bases his allegation of a conspiracy. In addition, the ensuing interrogatories served upon plaintiff ask for each fact upon which plaintiff bases his various allegations of "overt acts", including the basis for his allegation that such overt acts were a part of the conspiracy participated in by all of the defendants. Plaintiff responded to the first interrogatory by incorporating by reference his subsequent interrogatory answers. Those subsequent answers, however, cite only the "facts" upon which plaintiff relies in alleging that the overt acts occurred and that one, two, or three of the defendants were involved with them.

of the instant motion. Associated Builders, Inc. v. Alabama Power Co., supra. Each procedural advantage which plaintiff seeks to avail himself of, through such an allegation, should therefore be denied him.

II. Plaintiff's Claims For Money Damages And Equitable Relief, Filed Many Years After Plaintiff Learned Of The "Facts" On Which He Bases His Claims, Are Barred By The Statute Of Limitations And Laches

The Complaint in this action is facially defective. Plaintiff is complaining of overt acts which are alleged to have occurred or which must have occurred, if at all, in 1971, 1972, and early 1973. The longest limitations period applicable to plaintiff's claim for damages is three years. The same maximum period should be applied to plaintiff's claims for equitable relief in determining whether they are barred by laches. Because plaintiff has neither alleged nor--as his discovery responses show--can he prove that his claims fall within any exception which either tolled the running of the statute limitations or cured his laches, plaintiff's claims are time barred. Dismissal of each of these claims is therefore required.

A. The One-Year And Three-Year District Of Columbia Statute Of Limitation Applicable To This Action Bar Plaintiff's Claims For Money Damages Against The Defendants Sued As Individuals

As plaintiff alleges a cause of action arising from federal law and there is no applicable federal statute of limitations, the most nearly analogous D.C. statute of limitations should be applied to plaintiff's claim. Chevron Oil Company v. Huson, 404 U.S. 97, 104 (1971); Macklin v. Spector Freight Systems, Inc., 478 F. 2d 979, 994 (C.A.D.C. 1973). Consonant with the well-established principle that only overt acts undertaken in furtherance of a conspiracy, rather than the conspiracy itself, are actionable, this Court ruled, in an opinion recently affirmed by the Court of Appeals for this Circuit:

The allegation that a conspiracy continues within the limitations period is of no consequence to the running of the statute of

limitations unless tortious overt acts pursuant to the conspiracy are committed within that period. Lambert v. Conrad, 308 F. 2d 571 (9th Circuit 1962). [Fitzgerald v. Seaman, 384 F. Supp. 688 693 (D.D.C. 1974), aff'd, Docket No. 75-1032 (February 23, 1977).]

The teaching of the Fitzgerald case is that the application of the statute of limitations in actions in which civil conspiracy is alleged is, in essence, to be determined without regard to the conspiracy allegations. Rather, as only the overt acts are actionable, the statute of limitations is to be individually applied to the overt acts, which are the sole basis for action. Thus, in Fitzgerald, this Court determined that the limitations period commenced running based upon the date the overt acts averred were discovered. By parallel reasoning, the appropriate statute of limitations to be applied to the overt acts sued on in this case is to be determined according to the nature to the individual overt acts alleged and should be separately applied to each such act.

Plaintiff characterizes this action as a suit for deprivation of his rights to privacy and to be free from unlawful searches and seizures and an alleged First Amendment right. The First Amendment claim is two-fold: alleged attempts to (1) create a "reluctance" in plaintiff's sources to provide him further information and (2) damage plaintiff's reputation. Examples of this latter type of allegation may be found in paragraphs 14 (FBI-White House exchange of information), 16 (Dita Beard investigation), 17 (Colson-Dean attempt to "slander and destroy [plaintiff's] reputation"), 19 (Magruder-Liddy investigation on Maryland College), and 20 (providing false news stories). As to these allegations, the most nearly analogous District of Columbia statute of limitations is the one-year period applicable to libel, slander and other intentional torts. 12 D.C. Code §301(4). The three year limitations period applicable to actions "for which a limitation is not otherwise specially prescribed" would appear to be the only other statute

of limitations applicable to this action and should be applied to the other allegations of the Complaint.

It is clear from the face of the complaint that each alleged overt act, except for the IRS audit, occurred in 1971, 1972 or early 1973. Each alleged act identified by date in the complaint is described as having occurred during this time period. Moreover, those acts alleged to have occurred on dates unknown in the complaint must have occurred, if at all, more than the three years prior to filing of this action.^{*/} Thus, from the face of the complaint, it is clear that unless plaintiff can bring himself within some exception to the normal running of the statute of limitations, this action,

^{*/}For example, para. 19 of the complaint alleges an attempt by defendants Magruder and Liddy to damage plaintiff's reputation. Another attempt to damage plaintiff's reputation is attributed to defendants Colson and Hunt in para. 20 of the complaint. Int. Ans. 13(f). However, defendant Colson and Hunt left the White House on March 10, 1973 and April 1, 1972, respectively, and defendant Magruder left the Committee for the Reelection of the President in March of 1973. Complaint, para. 4(g), (l) and (r). Plaintiff's complaint cannot be read to allege that they undertook these actions while private citizens. Other undated allegations of plaintiff's complaint are (1) an allegation of wiretapping by defendants Caulfield and Ulasewicz (para. 6); (2) alleged wiretapping as a result of plaintiff's articles on India-Pakistan in 1971 (para. 10); and (3) an investigation by defendant McCord allegedly participated in by defendant Mardian when he was Assistant Attorney General in charge of the Internal Security Division (para. 13). Plaintiff cannot seriously contend that the first of these alleged acts occurred within the limitations period, for defendants Caulfield and Ulasewicz both, according to plaintiff's allegations, ceased working for defendant Ehrlichman in 1972. Complaint, para. 4(p) and (q). Moreover, the facts relied upon by plaintiff in making these allegations were learned by him from testimony before the Senate Watergate Committee in June and July of 1973. Int. Ans. 13(a). Secondly, the charges of wiretapping in para. 10 of the complaint are allegedly based upon information received by plaintiff that such wiretaps occurred "around the period of plaintiff's reports on the India-Pakistan 'tilt'," which were published in approximately June, 1971. Int. Ans. 3(b), (c), and 5. Plaintiff cannot seriously claim that these actions occurred after September 27, 1973. Finally, the McCord investigation alleged in paragraph 13 of the complaint was, according to plaintiff, "assisted, authorized or directed" by defendant Mardian, while he was Assistant Attorney General. As plaintiff's complaint alleges that defendant Mardian relinquished that position on May 1, 1971, the McCord investigation must have occurred, if at all, prior to that date and significantly more than three years ago.

insofar as it seeks money damages against the individual defendants, is clearly time-barred.

B. Plaintiff's Claim For Injunctive Relief Is Barred By Laches

Plaintiff also seeks injunctive relief against the heads of five federal agencies, in addition to his claim for damages against the defendants sued individually. These allegations are barred by laches.

The equitable defense of laches, which bars untimely claims in equity, "is designed to promote diligence and prevent enforcement of stale claims." Powell v. Zuckert, 366 F. 2d 634, 636 (C.A.D.C. 1966). The hallmark of the bar of laches is (1) the plaintiff's lack of diligence in presenting his claim and (2) prejudice to the defendants as a result of the plaintiff's delay. Powell v. Zuckert, supra. Courts have traditionally looked to the most nearly analogous statute of limitations as a guide to applying laches. Holmberg v. Armbrrecht, 327 U.S. 392, 396 (1946). Indeed, the running of the analogous statute of limitations shifts the burden of proof under the laches defense to the plaintiff:

If the analogous state statute of limitations has expired, defendant bears the burden of proving both elements of laches; [but] [w]here as here, that statute has expired, the plaintiff bears the burden on both inexcusable delay and prejudice [Gruca v. U.S. Steel Corporation, 495 F. 2d 1252, 1258 (3rd Circuit 1974).] [Emphasis in original].

See also, Burke v. Gateway Clipper, Inc., 441 F. 2d 946 (3rd Cir. 1971); West Los Angeles Institute For Cancer Research v. Mayer, 366 F. 2d 220, 227 (9th Cir. 1966), cert. denied, 385 U.S. 1010 (1967); Gersten v. U.S., 176 Ct. Cl. 633, 364 F. 2d 850, 852 (Ct. Cl., 1966); Lasseigne v. Nigerian Gulf Oil Company, 397 F. Supp. 465 (D. Del., 1975). Indeed, the running of the analogous statute of limitations entitles defendants to an inference that the delay has been both inexcusable and prejudicial. Raymos v.

Continental Insurance Company, 493 F. 2d 329, 332 (1st Cir. 1974).

Burdens of proof aside, the prejudice to the federal agency defendants is evident from the face of the complaint. Each alleged participant in the so-called conspiracy has left the respective agencies and have scattered throughout the country. Indeed, former FBI Director Hoover, who is alleged to have had personal knowledge of several of the matters alleged, has died. The maximum limitations period applicable to any allegation of plaintiff's complaint is three years. Since every overt act attributed in the complaint to either the CIA, the FBI, or the Departments of Justice and State occurred more than three years prior to the filing of the complaint herein, plaintiff's complaint should be dismissed as to defendants Bell, Kelley, Turner and Vance because it is barred by laches.

C. Plaintiff Has Not Properly Alleged, And His Own Discovery Responses Disprove, Any Claim Of Fraudulent Concealment Which Could Remove The Bar Of His Untimeliness

In paragraph five of the complaint in this action, plaintiff seeks to avoid the obvious bar of his own untimeliness in bringing this action, by alleging:

Defendants did intentionally and fraudulently conceal said conspiracy and said overt acts from plaintiff, and plaintiff did not discover and with due diligence could not have discovered the existence of said conspiracy prior to February 19, 1975; plaintiff has with due diligence attempted to discover all the facts pertaining thereto since that date and has not been able to do so, by reason of the refusal of certain defendants to disclose documents and information pertaining thereto, which continues to date. [Complaint, para. 5] [Emphasis added].

The three elements of "fraudulent concealment" such as plaintiff purports to allege were succinctly stated in Dayco Corporation v. Goodyear Tire and Rubber Company, 523 F. 2d 389, 394 (6th Cir., 1975), as follows:

Three elements must be pleaded in order to establish fraudulent concealment: (1) wrongful concealment of their actions by the defendants; (2) failure of the plaintiff to discover the operative facts that are the basis of his cause of action within the limitations period; and (3) plaintiff's due diligence until discovery of the facts. [Emphasis added.]

Moreover, as this court made clear in its opinion in Fitzgerald v. Seamans, supra, 384 F. Supp. at 693, "operative facts" as issued by the 6th Circuit means facts:

. . . so material in character that the knowledge of a basis for, or intelligent prosecution of, the cause of action was precluded . . . Mere ignorance of evidentiary details, although such information might be useful at trial, will not suffice. [Citations Omitted].

Bearing in mind that plaintiff's claims, if any, in this action are on the overt acts alleged and not on the conspiracy itself, it is clear from the face of the complaint that plaintiff has failed to properly allege fraudulent concealment, because he has not alleged a failure to discover the material facts indicating the occurrence of the overt acts alleged herein. Rather, plaintiff alleges only that he did not discover the existence of "the conspiracy" prior to February of 1975.^{*/} The complaint is, thus, barred on its face by the applicable statute of limitations and plaintiff's laches and should therefore be dismissed.

Moreover, as we show below, plaintiff's failure to properly allege fraudulent concealment is more than a pleading oversight, as undisputed facts established by plaintiff's own discovery responses demonstrate that before the limitations period, plaintiff knew all of the facts, excepting minor evidentiary details, upon which he relies in bringing this action.

*/While concealment of the "conspiracy" alone would be insufficient to establish "fraudulent concealment", it is important to note that plaintiff's allegations that he did not discover the "conspiracy" alleged in his complaint is contradicted by his own statements appearing in his newspaper column as early as October 17, 1972, in which, as here, he claims a conspiracy with the specific objectives of discrediting him and attempting to

The first overt act alleged by plaintiff's complaint is an investigation allegedly occurring shortly after plaintiff's December, 1971 columns on India-Pakistan, consisting of: (1) an alleged investigation of persons not plaintiff's sources and (2) an investigation of plaintiff. Plaintiff bases his allegations as to the first matter upon facts known to him in June and July of 1973 and must, of course, have verified these facts by July 22, 1973, when he wrote an article about such an investigation. Facts, I-C. The only "fact" which plaintiff claims he learned after September 27, 1973 is that persons other than plaintiff were wiretapped in connection with this investigation. Insofar as plaintiff claims damages from the investigation of these other persons, the alleged fact that wiretaps were employed is immaterial.

Plaintiff next alleges DOD investigations of plaintiff and FBI investigations of former DOD employee Eugene Smith "beginning in 1971." Plaintiff can make no claim of fraudulent concealment as to the Eugene Smith matter because each fact upon which such allegations purport to be based was known by him before September 27, 1973. Facts, I-E. Despite the several times (e.g. Complaint, Answers to Interrogatories) plaintiff has been required to state the basis for his claim arising out of the DOD investigations, we to date know virtually nothing about those investigations except that plaintiff has no basis to even allege any wrongdoing involved therein.

Plaintiff next alleges a three-part scheme to damage his reputation. Facts, I-I. Because plaintiff knew the "basis" for his allegations as to the first aspect of the "scheme," the Dita Beard investigation, in March, 1972, no claim of fraudulent concealment can survive as to this matter, whether the one-year or three year limitations period is applied. Because plaintiff knew or should have known the basis for his allegations of the Ulasewicz-Caulfield investigations (Complaint, para. 6) and of the Magruder-Liddy investigation of plaintiff's dealings with a Maryland college (Complaint, para. 19) the

second and third parts of the "scheme" to discredit plaintiff, in 1974, the one-year statute of limitations applicable to slander and related torts precludes plaintiff's claim for fraudulent concealment of these matters. Facts, I-E-2 and 3. ^{*}/

Two other attempts to damage plaintiff's reputation are alleged in other parts of the complaint. The first is the "Battista" matter allegedly involving defendants Colson and Dean (Facts, I-J); and, secondly, the alleged providing to plaintiff of false information which he subsequently published (Facts, I-K). Plaintiff's claim of concealment of these matters fails because plaintiff knew the only fact upon which he bases the first allegation in "June or July 1973" (Facts, I-J) and the "basis" for the second matter in February of 1974, well beyond the one-year limitations period. Facts, I-K.

Plaintiff also is precluded from claiming fraudulent concealment of the BIA investigation because each fact upon which plaintiff bases his allegations as to this matter were known by July, 1973. Facts, I-L, supra.

The final matter for which plaintiff seeks recovery in this action is his allegation that pursuant to the conspiracy allegedly controlled in the White House, the CIA conducted an investigation of plaintiff. Each fact upon which plaintiff bases this allegation, with one immaterial exception, was known to him by his own observation in 1972. Facts, I-N. supra.

^{*}/Plaintiff claims to have learned "only recently" of an alleged investigation by defendant Ulasewicz into plaintiff's relationship with Kirkland Hall College, which plaintiff admits was made public in the Watergate Committee's Final Report in 1974. Even when a proper claim of fraudulent concealment is established for some period of time, the statute of limitations begins to run as soon as plaintiff with reasonable diligence could have discovered the basis of the lawsuit. Fitzgerald v. Seamans (C.A.D.C.), supra, Slip Opinion at p. 14. As plaintiff apparently examined the Committee's Final Report in 1974, and in particular the sections thereof on the Ulasewicz-Caulfield investigations, his apparent oversight demonstrating a lack of diligence, estops him from claiming a fraudulent concealment of this alleged matter.

Indeed, plaintiff wrote several columns in 1972 describing what he now alleges. Facts, I-L. The only fact he did not know was the precise identity of the Executive Branch agency actually doing the surveillance. The immateriality of the fact is clearly demonstrated by the recent Court of Appeals decision in Fitzgerald v. Seamans, supra. Appendix A. There plaintiff A. Ernest Fitzgerald brought a civil action against, inter alia, officials of the United States Air Force.

The Court of Appeals held that plaintiff's knowledge of the material facts indicating a cause of action as to higher ranking Air Force officials precluded any claim that the statute of limitations was tolled as to lower-ranking officials, whose participation in the alleged "conspiracy" was unknown to plaintiff until within the three-year limitations period. The Court's reasoning is particularly apropos here:

Appellant had failed to bring timely action against the higher Air Force and Defense officials, although he knew of their actions and statements and had at least constructive knowledge of grounds for the late lodged suit; it would be anomalous and unjust to allow appellant to begin an action against lesser fry merely because their identity and participation were earlier unknown. The matter would stand differently if appellant had proceeded with diligence within the three-year period by suing those conspirators known to him at the time, and later sought to add other participants whose identity he learned in the course of that suit. [Fitzgerald v. Seamans, supra, Slip Opinion at p. 17-18.].

By parallel reasoning, plaintiff's right of action against all of the alleged coconspirators is barred by his inexcusable delay. Like plaintiff Fitzgerald, plaintiff in this action apparently knew all the material "facts" upon which his allegations are based, prior to three years before this lawsuit. Indeed, he had made virtually identical charges in his newspaper column nearly four years ago, except that he failed to accurately identify the "lesser fry" involved. Just as with plaintiff Fitzgerald, this matter might stand differently if plaintiff had proceeded with diligence during the almost four and one half years he claims he knew of the "verified facts" upon which these charges are based. Indeed, if there is any merit to plaintiff's charges of conspiracy--and there is not--had plaintiff proceeded appropriately and sued those "at the top" of his alleged conspiracy he could easily have sought to add the other alleged participants whose identity he learned in the course of the suit. Just as in Fitzgerald, plaintiff's claim of fraudulent concealment must fail.

In summary, if plaintiff has actionable claims based upon the overt acts alleged in the complaint herein, he knew of all of the material facts indicating the existence of those claims at a time more than the limitations period prior to the filing of this action. Moreover, his lengthy delay in filing this action must be presumed to have--and has in fact--caused substantial prejudice to the federal agency defendants. This action is therefore time-barred by the statute of limitations and under the equitable doctrine of laches.

III. The Allegations of Plaintiff's Complaint Fail To State A Claim Upon Which Relief May Be Granted

A. The Complaint Does Not Set Forth A Violation Of Plaintiff's Constitutional Rights

Plaintiff's claims in this action are premised upon alleged violation of his (1) Fourth Amendment rights and the related

right to privacy; and (2) an alleged First Amendment right to the unfettered receipt of non-public information through his "sources."^{*} This latter claim is based upon alleged attempts to (1) undermine plaintiff's credibility; and (2) to shut off plaintiff's news sources.

Plaintiff clearly has not alleged a violation of his First Amendment rights. Insofar as his First Amendment claim is based upon alleged attempts to diminish plaintiff's credibility, the claim is surely frivolous. The First Amendment--indeed the Constitution as a whole--will be searched in vain for any constitutional guarantee that the public accept a news reporter's columns as accurate.

The second aspect of plaintiff's First Amendment claim is the attempted assertion of a right to receive through "sources," information that is not generally available to the public. However, the Supreme Court has explicitly rejected recognition of such a right in language that could hardly be clearer: "the First Amendment does not guarantee the press a constitutional right of special access to information not available to the public generally. Pell v. Procunier, 417 U.S. 833 (1974); Branzburg v. Hayes, 408 U.S. 665, 684 (1972).

Moreover, plaintiff has not alleged any injury to such "rights." Indeed, plaintiff does not allege that his credibility has been diminished or that any source has failed to provide him information as a result of the actions of the defendants.^{**}

^{*}/ Plaintiff also claims that interference with his rights to Life, liberty and property without due process of law. However, this claim is in fact subsumed by his Fourth Amendment, right to privacy, and First Amendment claims and is addressed in connection with those claims.

^{**}/ Indeed, any such claim would be highly speculative in light of plaintiff's allegation that each person who was the alleged target of the defendants' activities was not a source of plaintiff information. For, even if the defendants took the actions they are alleged to have taken against persons not plaintiff's sources of information, we do not understand how, in light of plaintiff's other allegations in the complaint, this can be said

Plaintiff's conclusory allegations that he was "investigated" by the "Plumbers," DOD, or defendants Caulfield and Ulasewicz certainly fail to state such a claim. See generally, Katz v. United States, 389 U.S. 347 (1967).^{*/} Were there any substance to plaintiff's allegations of unlawful wiretapping or electronic surveillance, it may be conceded for purposes of this motion that as to those aspects of his complaint, plaintiff has at least stated a colorable claim to an infringement of his privacy. However, plaintiff's claims of any form of electronic surveillance are based upon pure speculation, are not well-pleaded facts and are not, therefore, admitted for purposes of this motion. In summary, plaintiff has failed to meet his initial duty in this action of alleging a violation of any constitutional right and has therefore failed to state a claim upon which relief may be granted.

B. Plaintiff's Stale Allegations Of Past Misconduct Do Not Provide A Basis For Injunctive Relief

Plaintiff's claim in this action is based upon an alleged

^{*/} The same is true of plaintiff's allegations that the FBI and the Department of Justice passed on information about plaintiff to others in Government. Plaintiff does not even allege on information and belief that such information was obtained through means violating his privacy.

conspiracy ending approximately three years ago. Indeed, most of the matters raised in the complaint are alleged to have occurred between five and six years ago. All of the defendants accused in the complaint of any wrongful action left the Government of the United States more than two years prior to the commencement of this action.

This Court (Corcoran, J.) has recently summarized several principles of law applicable to any claim for injunctive relief:

Injunctive relief is appropriate only "to prevent existing or presently threatened injuries" and "will not be granted against something merely feared as liable to occur at some indefinite time in the future." * * * The injury complained of must be of such imminence that there is a "clear and present" need for equitable relief to prevent irreparable harm. * * * And the required showing of irreparable injury is not eliminated simply by virtue of a claim alleging violation of statutory or constitutional rights. [Ashland Oil Co. v. FTC, 409 F.Supp. 297 (D.D.C. 1976).] [Citations omitted and emphasis supplied.]

A court of equity does not enjoin an act not about to take place. N. W. Controls, Inc. v. Outboard Marine Corporation, 317 F.Supp. 698 (D. Del. 1970).

These principles are dispositive of plaintiff's claims for injunctive relief. There is not so much as an allegation in the complaint that any of the five agencies whose principle officers are sued in this action for injunctive relief are about to take any action against plaintiff. Indeed, after two changes in presidential administrations and several changes in the leadership of each of these agencies, any claim of threatened or immediate injury based upon alleged acts occurring--at the very latest--nearly three years ago, would be entirely frivolous. This case is the very antithesis of an appropriate case for injunctive relief.

C. Injunctive Relief May Not Be Awarded
In This Action In The Highly Unlikely
Event That Plaintiff Can Prove An
Imminent Threat Of Injury

Fundamental problems with framing any meaningful injunction in this case demonstrate why this Court may not enter any injunction herein. Plaintiff's prayer for relief is extremely vague. The court is requested by plaintiff to enjoin each of the federal agency defendants:

* * * from interfering or attempting to interfere with plaintiff's function and activities as a reporter * * * either by acts directed against plaintiff or by acts directed against persons believed to be sources of information for plaintiff. [Complaint, para. 25.]

If this prayer for relief has any meaning at all as to the IRS, for instance, it must mean that IRS is sought to be enjoined from auditing or investigating the plaintiff or anyone "believed to be" his source. Such an injunction is flatly prohibited by the anti-injunction statute, Int. Rev. Code of 1954, § 7421, 26 U.S.C. § 7421, as it would effectively insulate plaintiff and his news sources from the assessment or collection of taxes. This attempt to create very special privileges for plaintiff and his "sources" is prohibited. Bob Jones University v. Simon, 416 U.S. 725 (1974); Alexander v. Americans United, 416 U.S. 752 (1974).

The Department of Justice is accused only of calling witnesses to testify before a grand jury and investigating the authenticity of a memorandum introduced at Congressional hearing, on the confirmation of the Attorney General. It can't seriously be argued that this Court may enjoin the Department in its prosecutive function of obtaining grand jury testimony or from investigating the authenticity of charges made against the Department and the Attorney General in proceedings before Congress. Surely the FBI may not be enjoined from the investigation and arrest of anyone associated with plaintiff who is suspected of violating

the criminal law. Nor may the CIA be enjoined from observing and collecting what is available to the public generally. And what is the State Department, which is accused of nothing, to be enjoined from? The injunctive relief sought by plaintiff is wholly inappropriate and his claim therefor should be denied.

Plaintiff has not properly alleged any violation of any constitutional rights. Nor has he established any of the fundamental prerequisites to injunctive relief. Finally, no meaningful injunction such as is sought by plaintiff may be properly framed in this action. Plaintiff has therefore failed to state a claim for either money damages or injunctive relief and the complaint must, therefore, be dismissed. F.R.Civ.P. 8, 11, and 12(b)(6).

IV. THIS COURT LACKS JURISDICTION OVER
THE PERSON OF DEFENDANTS BECAUSE OF
INSUFFICIENCY OF SERVICE OF PROCESS

This final argument asserted by the moving defendants is not one which the Court must necessarily reach in order to grant defendants' motion. The Court can and should dismiss the complaint on the basis of the preceding arguments. The defect of insufficiency of service of process does exist, however, and does serve to deprive the Court of jurisdiction over the person of several of the defendants. Subsequent to the filing of a Motion to Dismiss on January 17, 1977, by defendant Richard M. Nixon on grounds of lack of personal jurisdiction and improper venue, plaintiff amended his complaint to allege that the "conspiracy" was formed "in the District of Columbia * * * " and that "various of the overt acts * * * " were "carried out * * * within the District of Columbia." (Amendment No. 2 to the Complaint.)

Plaintiff apparently seeks to rely on 13 D.C. Code, § 423-(a)(3) as the statutory authority for service of process on nonresident defendants:

(a) a District of Columbia Court may exercise personal jurisdiction over

a person who acts directly or by an agent
as a claim for relief arising from the
person's--

* * *

(b) causing tortious injury in the
District of Columbia by an act or omis-
sion in the District of Columbia.

Plaintiff has an affirmative duty to allege sufficient facts to
establish jurisdiction over the person of each defendant for each
act for which he seeks to hold that defendant liable. See,
e.g., Williams v. Vick Chemical Company, 279 F.Supp. 833 (S.D.
Iowa 1967); Keckler v. Brookwood Country Club, 248 F.Supp. 645
(N.D. Ill. 1965).

The caption of the complaint in this case is ample evidence
that no one of the individual moving defendants was or is a
resident of the District of Columbia. The returns of service
filed in this case do not show personal service on any moving
defendant within the District. Having failed to allege a basis
for long-arm jurisdiction over these non-resident defendants for
all of the matters for which plaintiff seeks to hold them liable,
this action should be dismissed as to defendants Colson, Dean,
Gray, Helms, Kleindeinst, Krogh and Mardian due to insufficiency
of service of process.

CONCLUSION

For the foregoing reasons, defendants' Motion to Dismiss
or, In the Alternative, for Summary Judgment should be granted.

Respectfully submitted,

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United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 75-1032

A. ERNEST FITZGERALD, APPELLANT

v.

ROBERT C. SEAMANS, JR., ET AL.

Appeal from the United States District Court
for the District of Columbia

(D.C. Civil 74-178)

Argued January 16, 1976

Decided February 23, 1977

Judgment entered
this date

John Bodner, Jr., with whom *John F. Bruce*, *William L. Sollee* and *Ralph J. Temple*, were on the brief for appellant. *Melvin L. Wulf* also entered an appearance for appellant.

John M. Kelson, Attorney, Department of Justice, of the bar of the Supreme Court of Michigan, *pro hac vice*, by special leave of court, with whom *Rex E. Lee*, Assist-

APPENDIX A

C. A. No. 76-1794

ant Attorney General, *Earl J. Silbert*, United States Attorney, *Morton Hollander*, and *William Kanter*, Attorneys, Department of Justice, were on the brief for appellees.

Before: LEVENTHAL and WILKEY, *Circuit Judges* and BRYAN,* *United States District Judge* for the Eastern District of Virginia

Opinion for the Court filed by *Circuit Judge* LEVENTHAL.

LEVENTHAL, *Circuit Judge*: The District Court found the three year statute of limitations barred the maintenance of a damage action against officials of the Air Force and the Executive Branch for participation in a conspiracy to deprive plaintiff of his civilian position with the Air Force and his constitutional rights, *Fitzgerald v. Seamans*, 384 F. Supp. 688 (D.D.C. 1974). We affirm summary judgment in favor of the Department of Defense appellees; we remand for further factual development the action against the named White House defendant.

I. SUMMARY OF PROCEEDINGS

Appellant A. Ernest Fitzgerald was Deputy for Management Systems in the Office of the Assistant Secretary of the Air Force for Financial Management from September 20, 1965 until termination of his employment on January 5, 1970. His responsibility was cost analysis of major weapon systems acquisition. On November 13, 1968, Fitzgerald testified on military procurement cost problems before the Subcommittee on Economy in Government of the Joint Economic Committee of Congress. His testimony was notable for his revelation of a potential \$2 billion cost overrun on the C-5A transport plane. On November 4, 1969, Fitzgerald was notified that his job had been abolished in a reduction in force, economy re-

* Sitting by designation pursuant to 28 U.S.C. § 292(d).

organization, a termination that became effective January 5, 1970.

Fitzgerald appealed this termination to the Civil Service Commission (CSC) in a letter dated January 20, 1970. He complained that he had been the victim of a discharge improperly motivated by his congressional testimony, entitling him to reinstatement and back pay. The CSC began closed hearings on the appeal on May 4, 1971. Fitzgerald demanded open hearings; this was refused. He sought and obtained an injunction against closed hearings, *Fitzgerald v. Hampton*, 152 U.S.App.D.C. 1, 467 F.2d 755 (1972). Public hearings were held between January 26 and May 3, 1973. On September 18, 1973, the CSC Chief Appeals Examiner issued a decision that Fitzgerald be reinstated to his original or an equivalent job, with back pay, based on the Examiner's finding:

that the agency's decision to abolish Mr. Fitzgerald's position and to include him in the Project 703 reduction-in-force improperly resulted from and was influenced by reasons purely personal to the appellant; and was for the purpose of terminating his employment with the Air Force.¹

This decision was not appealed and thus became binding. Effective December 10, 1973, Fitzgerald was reinstated and simultaneously reassigned, back in the Office of the Assistant Secretary of the Air Force for Financial Management, but in a different position, as Deputy for Productivity Management.²

¹ Decision of CSC Chief Appeals Examiner, September 18, 1973 at 19-20.

² Fitzgerald appealed this reassignment as not in compliance with the CSC recommendation and constituting an adverse personnel action. The CSC denied the appeal without a hearing. On appeal to the district court, the case was remanded for hearings on the issue of job equivalency. *Fitzgerald v. Hampton*, 383 F. Supp. 823 (D.D.C. 1974). The

On January 25, 1974, Fitzgerald filed suit in the district court for \$500,000 in compensatory damages and \$3,000,000 in punitive damages, alleging a conspiracy to deprive him of constitutional and statutory rights resulting in permanent injury to his career and personal injury to his dignity, privacy, and reputation, as well as mental anguish.

The parties agree that the statute of limitations applicable to this case is that of D.C. Code § 12-301(8) (1973), which establishes a three year limitations period for actions not otherwise enumerated. The District Court agreed, citing *Macklin v. Spector Freight Systems, Inc.*, 156 U.S.App.D.C. 69, 84, 478 F.2d 979, 994 (1973).³ We affirm that ruling.

To avoid the limitations bar, more than three years having elapsed between his discharge and the filing of his action, appellant advances three grounds for exception to operation of the statute of limitations: (1) realization of injury from a past wrong, for harm which was too speculative at the time of the wrong to be actionable, *Zenith Radio Corp. v. Hazeltine Research, Inc.*, 401 U.S. 321 (1971); (2) fraudulent concealment of the cause of action, *Holmberg v. Armbrecht*, 327 U.S. 392 (1946); and (3) continuing conspiracy to deny appellant employment and to cover up the conspiracy.

CSC Appeals Office held hearings in June 1975. On June 18, 1976, the CSC Chief Appeals Officer found that the reassignment was in compliance with the September 18, 1973 directive. This decision is being appealed to the district court.

³ Where a federal cause of action does not contain its own statute of limitations, the analogous local limitations period is grafted on as a general rule. *Johnson v. Railway Express Agency*, 421 U.S. 454, 462 (1975); *United Automobile Workers v. Hoosier Cardinal Corp.*, 383 U.S. 696, 701-05 (1966); *Fitzgerald v. Seamans*, *supra*, 384 F. Supp. at 690.

II. ALLEGATIONS

The defendants moved in the district court for summary judgment on the basis of affidavits and a statement of material facts as to which there is no genuine issue. In opposition, plaintiff responded with affidavits, principally his own, and a statement of genuine issues. *Donofrio v. Camp*, 152 U.S.App.D.C. 280, 283, 470 F.2d 428, 431 (1972).

In order to determine whether there is any dispute which makes summary judgment improper, on any of the three asserted theories, we review appellant's allegations as reflected in his affidavits. The rule is that his affidavits must be taken as true—with all disputes resolved in favor of the party opposing summary judgment. His affidavits ran as follows:

Fitzgerald's Affidavits

Fitzgerald testified before the Subcommittee on Economy in Government at the request of its chairman, Senator William Proxmire. The Air Force reluctantly agreed to his appearance as a backup witness, with no prepared text. He disclosed the potential for a \$2 billion cost overrun on the C-5A transport plane.

After his testimony, Fitzgerald was socially and professionally ostracized at the Pentagon. Many of his tasks and functions were removed, including most of his C-5A responsibilities, and he was given no significant new assignments. Two months after his testimony, on January 6, 1969, a memorandum was prepared by John Lang, Administrative Secretary to the Secretary of the Air Force, outlining three ways "which could result in Mr. Fitzgerald's departure." One of these ways was the reduction-in-force method which was later put into effect. Fitzgerald became aware of this memo two days later when his superior showed it to him to indicate that he

was "no longer useful" to the Air Force, as a result of his testimony and the ensuing publicity. In late May and early June of 1969, Fitzgerald testified four times before the House Armed Services Committee and the Joint Economic Committee at their request.

On May 7, 1969, appellee Robert Seamans, Secretary of the Air Force, told the House Armed Services Committee in closed session of his dissatisfaction with Fitzgerald's work and accused him of leaking "confidential documents" to members of Congress, as well as spending government time on other than official duty, *i.e.*, talking to Congress. Six months later, in hearings on Fitzgerald's dismissal by the Subcommittee on Economy in Government of the Joint Economic Committee, Secretary Seamans partially retracted the leakage charge, indicating that there had been no security violation, but rather that his concern was with following proper channels for transmitting information to Congress.

In May, 1969, an investigation of Fitzgerald was begun by appellee General Joseph Cappucci, Director of Special Investigations in the Air Force. Various Air Force employees who knew Fitzgerald were interviewed and made nonspecific derogatory statements about him. The only specific charge—a conflict of interest through continued ownership of stock in Performance Technology Corporation, a consulting firm on weapons system management which Fitzgerald founded before joining the Air Force—was not substantiated and dropped. In November, 1969, Congressman William Moorhead became aware of the investigation file and requested to see it. The file provided to him (and later to Senator Proxmire) contained only the four derogatory interviews (with the informants' identities deleted). Missing from the file as thus transmitted were the general background material that had been compiled and the statement of Leonard Marks, Fitzgerald's former superior as Assistant Secre-

tary of the Air Force, which was favorable to Fitzgerald and cleared him of any conflict of interest.

In June, 1969, appellee Spencer Schedler became Fitzgerald's supervisor as Assistant Secretary of the Air Force for Financial Management. At about the same time, Fitzgerald met with then Secretary of Defense, appellee Melvin Laird. Laird told Fitzgerald that he had become "a personnel problem" and that the incoming Assistant Secretary Schedler would be allowed to reorganize his office and pick his deputies. This made it clear to Fitzgerald that his employment would soon be terminated. RIF Project 703 carried out the reduction in force in the fall of 1969 and Fitzgerald's position was abolished. He was informed of this termination on November 4, 1969, to be effective January 5, 1970.

Appellees Seamans, Schedler, and Laird contacted Congressmen and Senators in November, 1969 in response to the reaction to Fitzgerald's layoff. Seamans and Schedler explained that it was due to Fitzgerald's not being "a team player." Secretary Laird stated in testimony to the House Appropriations Committee that Fitzgerald had been "fired" although his C-5A estimates were correct.

On January 20, 1970, Fitzgerald appealed his termination to the Civil Service Commission. The pursuit of this appeal through reinstatement, reassignment, and contest of the equivalency of the reassignment has been set out, *supra* note 2. What is significant for present purposes is that all the allegations set out above are substantially contained in Fitzgerald's CSC appeal letter, including the charge that he was illegally fired in retaliation for his November, 1968 testimony on the C-5A and that he had been harassed and intimidated by Air Force officials.

White House Staff Involvement

In the course of the CSC hearings held between January 26 and March 3, 1973, indications appeared of White House involvement in Fitzgerald's dismissal. Secretary Seamans refused to discuss conversations he had had outside of the Department of Defense, invoking executive privilege. However, he inadvertently testified that "I did receive advice from the White House at some period prior to Mr. Fitzgerald's job being abolished."⁴

Immediately after the announcement of Fitzgerald's dismissal in November, 1969, Clark Mollenhoff, then Deputy Counsel to the President, began investigating the reasons and justification for the dismissal, in his role as ombudsman and because of the adverse political consequences if the dismissal were not publicly justified. Mollenhoff met with Assistant Secretary of the Air Force Schedler and Schedler's assistant, Colonel James Pewitt. They gave as reasons for getting rid of Fitzgerald the "not a team player" characterization and unspecified charges of security violations and conflict of interest. Mollenhoff was promised a report spelling out the charges against Fitzgerald, but it never materialized. Thereafter, Mollenhoff wrote intra-White House memoranda calling attention to the Air Force's misjudgment of the case against Fitzgerald. Mollenhoff advocated that, unless a strong case of Fitzgerald's professional deficiencies could be made, the embarrassment of appearing to persecute Fitzgerald for his testimony be avoided by finding him another responsible post in the Defense Department.

On August 31, 1973, in the course of the Watergate hearings of the Senate Select Committee on Presidential Campaign Activities, a memorandum written by appellee Alexander P. Butterfield on January 20, 1970 was made public. In January, 1970, Butterfield was Deputy Assist-

⁴ Fitzgerald Affidavit, July 22, 1974 at 46, 54, App. 61, 69.

ant to the President, serving as an aide to H. R. Haldeman, White House Chief of Staff. Prior to taking that position, he had been an Air Force officer for 19 years. The memorandum to Mr. Haldeman, with copies to other well-known White House officials, presented Butterfield's opinion of Fitzgerald as a "basic nogoodnik," who "must be given very low marks in loyalty." Fitzgerald Affidavit, July 22, 1974, Attachment G. The memorandum recommended:

We should let him bleed, for a while at least. Any rush to pick him up and put him back on the Federal payroll would be tantamount to an admission of earlier wrong-doing on our part.

Id.

Continuing Air Force Hostility

After Fitzgerald was ordered reinstated by the CSC on September 18, 1973, he met with Assistant Secretary of the Air Force William Woodruff to discuss his restoration. Woodruff told Fitzgerald that he was returning "under a cloud" and that it was up to him to "remove the stigma" he bore. To remove the stigma, Woodruff said Fitzgerald would have to gain the acceptance of the staff, including his "enemies" Generals Larry Killpack and Duward Crow, the latter being Comptroller of the Air Force and an appellee in this case.⁵ Fitzgerald characterizes these statements, as well as his immediate transfer upon reinstatement in December, 1973, as continuing retaliatory action by certain Air Force officials.

III. BASIS OF ACTION

We say a few words about the basis of appellant's action, although we intend no ruling whatever on the merits, because it aids in understanding our rulings.

⁵ Fitzgerald Affidavit, July 22, 1974 at 54-55, App. 69-70.

on the limitations issue, particularly in relation to the claim, discussed in section IV A, *infra*, that the policy underlying the present action calls for application of the *Zenith* doctrine, which in effect permits a deferral of suit until damages crystallize.

Suit was brought on the bases of: 1) an implied cause of action for constitutional violations by governmental officials, 2) an action based on 42 U.S.C. §§ 1985 (3) and 1986, and 3) the common law of torts, including injury to plaintiff's reputation, dignity, privacy, and career, as well as causing him mental distress. No answer has been filed.

One issue that would arise on the merits is whether plaintiff's action meets the requirement for an action based on section 2(3) of the Klu Klux Klan Act of 1871, now 42 U.S.C. § 1985 (3), "that there must be some racial, or perhaps otherwise class-based, invidiously discriminatory animus behind the conspirators' action." *Griffin v. Breckenridge*, 403 U.S. 88, 102 (1971).

Another issue is the applicability of the doctrine of official immunity, either as an absolute immunity under *Barr v. Matteo*, 360 U.S. 564 (1959), or a qualified immunity by extension of *Scheuer v. Rhodes*, 416 U.S. 232, 247-48 (1974).⁶

⁶ Plaintiff's action is grounded on the assumption that defendants' actions were beyond "the outer perimeter of [their] line of duty." *Barr*, 360 U.S. at 575. Plaintiff's action was filed before *Rhodes* issued, and we need not concern ourselves with the abstract possibility that *Rhodes* gave a new lease on life to actions that had previously been barred. To the extent the action was not time-barred when filed, plaintiff may contend that *Rhodes* defines the defense of immunity, and makes that defense available only to one who shows a reasonable, good faith belief in the legality of his actions. There may be a difference, in applicability of *Rhodes*, between the federal actions and the common law action.

In view of these difficulties confronting plaintiff's civil action for damages, not least the defense of official immunity, it is hardly surprising that counsel seeking to vindicate Fitzgerald focused on the direct proceeding for reinstatement and backpay. The availability of that administrative remedy is not a reason for failing to consider plaintiff's claim for judicial relief, if timely filed, but neither, as we shall point out, is it a reason for unusual solicitude in order to accommodate the late filing or forge novel exceptions to the statute of repose.

IV. TOLLING THE STATUTE OF LIMITATIONS

A. CSC Appeal and *Zenith* Argument

Appellant does not argue that his filing of an appeal with the Civil Service Commission and pursuit of an administrative remedy tolls the statute of limitations as it applies to this tort—civil rights damages action.⁷ However, he does argue that the CSC proceeding is material to the scope of the damages action, and thus to the issues as to when the action accrued and his diligence in pursuing it. Appellant puts it that when he undertook his CSC appeal, he expected that he would be speedily made whole in his job and reputation, as well as back pay. He could not anticipate the long delay due to the appeal of the CSC's closed hearing decision. Due to his long layoff, under a cloud of accusations by some of the appellees, and his reassignment to a nonequivalent position (outside of his specialty of major weapons systems cost control), his career was permanently injured in a way not remediable by the CSC. In effect, appellant argues that his present suit is for the residual damage unremedied by the CSC. Since this residue only

⁷ See *Johnson v. Railway Express Agency*, 421 U.S. 454 (1975); *Intl. U. of Electr. Radio & Mach. Workers v. Robbins & Myers*, 97 S. Ct. 441 (1976).

accrued during the pendency of the first CSC proceeding, between 1970 and 1973, the cause of action only accrued then, making appellant's complaint in January, 1974 timely.

The trouble with this theory is twofold: 1) it confuses the wrong and the injury; 2) it overlooks the fact that whatever cause of action appellant may have here, it is independent of the CSC remedy and thus cannot "accrue" as a residuum depending on the timing and outcome of the administrative appeal. We first discuss the second of these points.

Since appellant had the option to bring an action for the harm done to him by appellees concurrently with his recourse to the CSC,⁸ he cannot now untimely invoke the judicial remedy because the administrative one does not make him whole. The choice of whether to pursue one remedy or the other, or both, may be difficult, but Fitzgerald had the choice, and was not barred from the damages action by an exhaustion requirement.⁹ There was no guarantee that the CSC route would be successful, speedy, or complete. But the administrative and judicial remedies were independent. And the limitations period

⁸ See cases cited in note 7, *supra*. See also *Brown v. GSA*, 96 S.Ct. 1961 (1976).

⁹ We recognize, too, that the filing of a lawsuit might tend to deter efforts at conciliation, that lack of success in the legal action could weaken the Commission's efforts to induce voluntary compliance, and that a suit is privately oriented and narrow, rather than broad, in application, as successful conciliation tends to be. But these are the natural effects of the choice Congress has made available to the claimant by its conferring upon him independent administrative and judicial remedies. The choice is a valuable one. Under some circumstances, the administrative route may be highly preferred over the litigatory; under others, the reverse may be true.

Johnson, supra, 421 U.S. at 461.

ran on the judicial remedy independently of the CSC proceeding.

We turn to appellant's reliance on *Zenith Radio Corp. v. Hazeltine Research Inc.*, 401 U.S. 321 (1971). In that antitrust action, the Supreme Court allowed suit for treble damages for profits lost within the four years limitations period prior to the filing of the action, though arising from conspiratorial conduct at some prior time, where an action brought at the time of the wrongful conduct could not have recovered the future profits because the existence and amount of future profits were too speculative.¹⁰ Appellant argues, by analogy, that he could not anticipate that the CSC proceeding would not quickly make him whole and avoid prolonged interference with his career development. Thus, even if the wrong was fully accomplished by the time of his dismissal, the harm that emerged in the succeeding years was too speculative to recover on in advance, so that he should now be able to recover for the damage suffered in the three years preceding the filing of the complaint in 1974.

The *Zenith* doctrine arose in and has been confined to the area of antitrust treble damage recovery for lost profits. The *Zenith* exception to the statute of limitations is necessitated by the intersection of the traditional requirement of reasonable certainty of proof of lost profits

¹⁰ In antitrust and treble-damage actions, refusal to award future profits as too speculative is equivalent to holding that no cause of action has yet accrued for any but those damages already suffered. In these instances, the cause of action for future damages, if they ever occur, will accrue only on the date they are suffered; thereafter the plaintiff may sue to recover them at any time within four years from the date they were inflicted.

Zenith, supra, 401 U.S. at 339.

and the strong congressional policy in favor of antitrust enforcement by private damage suits.¹¹

Neither of these factors is here present. Assuming appellant does have a cause of action, it is based on deprivation of civil rights and injury to reputation and career. These matters are inherently less certain and capable of pecuniary evaluation than lost profits. There is often uncertainty as to the damage that will ensue from a defamation, yet the statute of limitations generally starts running with the publication. Appellant was aware of wrongs done at the time of his discharge, and the fact of injury was sufficiently plain for his cause of action to accrue even though the extent and precise nature of the injury had not yet developed.

B. *Fraudulent Concealment*

Read into every federal statute of limitations, including the adoption of an analogous local statute of limitations, is the equitable doctrine that in case of defendant's fraud or deliberate concealment of material facts relating to his wrongdoing, time does not begin to run until plaintiff discovers, or by reasonable diligence could have discovered, the basis of the lawsuit. *Holmberg v. Armbrecht*, 327 U.S. 392, 396-97 (1946), *Tomara v. Galt*, 511 F.2d 504, 510 (7th Cir. 1975). This discovery of facts standard (with a diligence requirement) has been applied, for example, in securities cases dealing

¹¹ Otherwise future damages that could not be proved within four years of the conduct from which they flowed would be forever incapable of recovery, contrary to the congressional purpose that private actions serve "as a bulwark of antitrust enforcement," and that the antitrust laws fully "protect the victims of the forbidden practices as well as the public."

Zenith, *supra*, 401 U.S. at 340 (citations omitted).

with fraudulent or deceptive practices,¹² and in medical malpractice cases,¹³ where the "concealment" element is particularly supported by the combination of fiduciary relation and layman's reliance on experts. We have also applied the discovery-diligence standard where an employer, charged with violating the duty to bargain in good faith, has deliberately misstated its business intentions.¹⁴

We think it appropriate to apply the discovery-diligence standard to this case, where appellant alleges there was a conspiracy to terminate his government service in retaliation for his congressional testimony, and to conceal this by making false accusations to besmirch his reputation and by perpetrating the termination in the guise of a reduction in force. In the particular case, there is the "aggravation" that appellant has been im-

¹² *Tomara*, *supra*, 511 F.2d at 510 (fraudulent concealment by failure to keep records or provide information about business); *Dzenits v. Merrill Lynch, Pierce, Fenner & Smith*, 494 F.2d 168, 172 (10th Cir. 1974) (no summary judgment on issue of plaintiff's constructive knowledge of fraudulent "churning"); *Hupp v. Grey*, 500 F.2d 993, 996-97 (7th Cir. 1974) (drastic drop in stock price provided sufficient notice of possibility of fraud to start statute running).

¹³ *Emmett v. Eastern Dispensary & Casualty Hospital*, 130 U.S.App.D.C. 50, 396 F.2d 931 (1967); *Jones v. Rogers Memorial Hospital*, 143 U.S.App.D.C. 51, 442 F.2d 773 (1971); *Casias v. U.S.*, 532 F.2d 1339 (10th Cir. 1976); *Goodman v. Mead Johnson*, 534 F.2d 566 (3rd Cir. 1976), cert. denied, 45 U.S.L.W. 3458 (Jan. 11, 1977); *Nardone v. Reynolds*, 538 F.2d 1131 (5th Cir. 1976); *Camire v. U.S.*, 535 F.2d 749 (2nd Cir. 1976).

¹⁴ *Intl. Ladies' Garment Workers U. v. NLRB*, 150 U.S.App.D.C. 71, 80, 86, 463 F.2d 907, 916, 922 (1972). See also, applying the discovery standard to civil rights actions with medical overtones, *Cox v. Stanton*, 529 F.2d 47, 50 (4th Cir. 1975) (sterilization); *Pollard v. U.S.*, 384 F. Supp. 304, 303 (M.D. Ala. 1974) (wrongful death from syphilis study).

peded in exploring the circumstances of his dismissal and its aftermath by invocation of governmental secrecy, e.g., the confidential investigation conducted by General Cappucci, based on statements of unidentified informants, and the invocation of executive privilege in the CSC hearings with respect to communication with the White House. Compare *Crummer Co. v. DuPont*, 255 F.2d 425 (5th Cir.), cert. denied, 358 U.S. 884 (1958), applying the discovery standard to an alleged antitrust conspiracy accomplished by "fraudulent use by the appellees of the governmental bodies whose investigations are by law largely kept secret. . . ." *Id.* at 432. This discovery standard tends to obviate the danger that dismissed government employees will rush to litigation on bare suspicion that superiors acted in bad faith and outside the perimeter of their duties.

However, we disagree with appellant on the proper application of the discovery doctrine to the present case. We agree with the district court that Fitzgerald's appeal letter to the CSC demonstrates that, by 1970, he had facts in hand sufficient to put him on notice of the conspiracy by the Air Force appellees to retaliate against him for his congressional testimony. He not only had a strong suspicion of the "real" reason for his termination, he knew that immediately after his testimony he was ostracized within the Air Force, his duties were shifted, and he was given no new responsibilities; he knew of the Hicks memorandum which showed that the RIF was only a stratagem for accomplishing his removal; he knew of the investigation of him by General Cappucci, and the false charges of inadequate job performance, security violations, and conflicts of interests that were made against him to Congress, both in the 1969 testimony by Secretary Seamans and by accusations in the investigatory file provided to Congress. In view of the diligence feature of the discovery doctrine, this was sufficient to put appellant on notice of the con-

duct by some Air Force officials which is now asserted as the basis for the lawsuit.¹⁵

Appellant claims not to have known at the time of the CSC appeal letter of the conspiracy against him, and to have only later learned the identities of some of the conspirators and the meetings held concerning him. The CSC appeal letter does not use the words of conspiracy. What matters is that appellant knew of facts and actions pointing toward retaliation by the Air Force for his congressional testimony.

Our affirmance of the summary judgment in favor of the defendants includes all the Air Force officials, including Colonel Hans Driessnack, whose identity as an informant in General Cappucci's investigation was not known to appellant three years before the complaint was filed. Appellant had failed to bring timely action against the higher Air Force and Defense officials, although he knew of their actions and statements and had at least constructive knowledge of grounds for the late lodged suit; it would be anomalous and unjust to allow appellant to begin an action against lesser fry merely because their identity and participation were earlier unknown. The matter would stand differently if appellant had proceeded with diligence within the 3-year period by suing those conspirators known to him at the time, and later

¹⁵ Compare the summary judgment for the defendant on the basis of limitation on a monopolization claim over the plaintiff's fraudulent concealment contention in *Weinberger v. Retail Credit Co.*, 498 F.2d 552 (4th Cir. 1974).

In short, while RCC may have concealed its alleged monopolistic position from numerous persons during this period, its "deceptive practices and techniques of secrecy" effectively concealed very little from Weinberger. He knew he had been injured, who was responsible, how the injury occurred, and the methods utilized to prevent him from discovering the injury.

Id. at 556.

sought to add other participants whose identity he learned in the course of that suit.

A different situation prevails with respect to appellee Butterfield. He is not lesser fry in the Air Force, but a person of influence in a different center of power. Nothing in the CSC letter indicates that appellant had any knowledge of any White House involvement in his removal. Fitzgerald's CSC appeal letter and Butterfield's memorandum bear the same date—January 20, 1970. The papers before us do not compel any ruling that as a matter of law Fitzgerald should have become aware prior to 1973 of the White House deliberations concerning his government employment. When he finally succeeded in vindicating his right to an open CSC hearing, he was met with the assertion by the Air Force witness of executive privilege with the respect to White House involvement. Butterfield's role emerged by happenstance during the Watergate hearings. Summary judgment for Butterfield on the ground of statute of limitations cannot stand. This implies no view on whether further factual development may show that with diligence plaintiff should have known of White House involvement; or whether Butterfield's opposition to moves within the White House to find another government job for Fitzgerald is an actionable wrong; or whether he has an immunity defense. Those are issues on the merits, and we only reverse the summary judgment that the action against Butterfield is time-barred.¹⁶

¹⁶ Appellant's complaint named nine defendants and in addition "Other Persons, Including But Not Limited To One Or More White House Aides, Whose Identities Are At This Time Unknown To Plaintiff, But Who Are Designated Herein As John Does." If a new defendant were discovered, he could be added, subject to the requirement of due diligence.

C. Continuing Conspiracy

Appellant seeks to avoid the limitations bar by characterizing appellees' actions as part of a continuing conspiracy to deprive him of and to prevent his restoration to his rightful job. He relies chiefly on *Macklin v. Spector Freight Systems, Inc.*, 156 U.S.App.D.C. 69, 478 F.2d 979 (1973). We held there that appellant's complaint of racial employment discrimination by an employer and a union constituted an allegation not merely of an early isolated refusal of employment but a continued discriminatory hiring system which denied appellant the right of hiring opportunity on a nondiscriminatory basis. The case was bolstered by appellant's expectation of a job under a prior grievance decision but for the employer's racially motivated business decision.¹⁷ Appellant claims a similar expectation of restoration if his allegations are taken as correct, reinforced by the CSC order of 1973 that he be reinstated in an equivalent position. However, as the district court properly stated, *Fitzgerald v. Seamans*, 384 F. Supp. at 697, the mere failure to right a wrong and make plaintiff whole cannot be a continuing wrong which tolls the statute of limitations, for that is the purpose of any lawsuit and the exception would obliterate the rule.

In treble damage actions involving antitrust conspiracies, the action accrues at the last overt act causing

¹⁷ *Macklin, supra*, 156 U.S.App.D.C. at 77, 478 F.2d at 987. See *Williams v. Norfolk & Western Ry.*, 530 F.2d 539, 541-42 (4th Cir. 1975) which found continuing discrimination in the deprivation on racial grounds of seniority to railway brakemen dating from a merger fifteen years earlier for those still employed at the commencement of the action, but not for a plaintiff who had retired more than two years (the limitations period) earlier. *Accord, Greene v. Carter Carburetor Co.*, 532 F.2d 125, 126 (8th Cir. 1976).

injury.¹⁸ In *Underwater Storage, Inc. v. United States Rubber Co.*, 125 U.S.App.D.C. 297, 371 F.2d 950 (1966), *cert. denied*, 386 U.S. 911 (1967), we allowed recovery for use during the limitations period, of a trade secret previously misappropriated, to prevent the misappropriators from "baptiz[ing]" their wrongful actions by general publication of the secret." *Id.* at 302, 371 F.2d at 955. This approach to limitation of civil conspiracies has been adapted to civil conspiracies to violate civil rights. *Hoffman v. Halden*, 263 F.2d 280, 302 (9th Cir. 1959), *overruled on other grounds*, *Cohen v. Norris*, 300 F.2d 24, 30 (9th Cir. 1962).¹⁹

In the present case, appellant's allegation of a continuing conspiracy is general and conclusory, without specification of any retaliatory actions within the limitations period. In his affidavit of September 16, 1974, appellant alleges failure to be hired by a private employer in 1972 due to the well-known attitude of the Department of Defense toward him. However, no active steps to blackball him are alleged. This would constitute subsequent damage resulting from a past wrong.

Appellant claims that the Air Force officials involved in his reassignment in 1973, when he was told that he had to satisfy his "enemies," committed overt acts in the continuing retaliatory conspiracy against him. Even apart from the fact of the almost complete turnover in the Air Force officials involved in Fitzgerald's reassignment in 1973, the allegation raises the claim of a new con-

¹⁸ Compare *Pioneer Co. v. Talon, Inc.*, 462 F.2d 1106 (8th Cir. 1972) with *Garellick v. Goerlich*, 323 F.2d 854 (6th Cir. 1963), applying this rule, but differing on the injuriousness of defendants' refusal to deal.

¹⁹ See also *DeBobula v. Goss*, 90 U.S.App.D.C. 28, 29, 193 F.2d 35, 36 (1951); *Mizell v. North Broward Hospital Dist.*, 427 F.2d 468, 475 (5th Cir. 1970); *Bergschneider v. Denver*, 446 F.2d 569 (9th Cir. 1971).

spiracy—to disobey and frustrate the carrying out of the CSC order—rather than the original one of getting him out of the Air Force and depriving him of his good reputation by making false accusations. Separate conspiracies may not be characterized as a single grand conspiracy for procedural advantage.²⁰ Appellant might have a cause of action for any conspiracy to prevent his reemployment by the Air Force in good standing. However, that would not serve to save the appellant's action for damages caused by the earlier conspiracy. A key issue in any claim of a 1973 conspiracy would be the equivalency of the job to which he was now reassigned, an issue now before the district court.²¹

The action against appellee Butterfield is remanded for further proceedings not inconsistent with this opinion. As to all other appellees the judgment is affirmed.

So ordered.

²⁰ Compare *Kottaekos v. United States*, 328 U.S. 750 (1946) (hub and spokes conspiracies) with *United States v. Bruno*, 105 F.2d 921 (2nd Cir.), *rev'd on other grounds* 303 U.S. 287 (1939) (functionally related parts of a chain of distribution, single conspiracy). See also *United States v. Borelli*, 336 F.2d 376, 383 n. 2 (2nd Cir. 1964), *cert. denied*, 379 U.S. 960 (1965).

²¹ See note 2, *supra*.

UNITED STATES DISTRICT COURT

FOR THE

DISTRICT OF COLUMBIA

JACK N. ANDERSON,)
)
 Plaintiffs,)
)
 v.) CIVIL ACTION NO.
)
 RICHARD M. NIXON,) 76-1794
 et al.,)
)
 Defendants.)

O R D E R

This matter having come before the Court on defendants' Motion to Dismiss or, in the alternative, for Summary Judgment and the Court having found that the complaint fails to state a claim against defendants Alexander, Bell, Kelley, Turner and Vance upon which injunctive relief may be granted and that the complaint as to these defendants is barred by laches; that the complaint fails to state a claim upon which relief may be granted against defendants Colson, Dean, Gray, Helms, Kissinger, Kleindienst, Krogh, and Mardian and that plaintiff's complaint as to these defendants is barred by the applicable statute of limitations; and that this Court lacks personal jurisdiction over defendants Colson, Dean, Gray, Helms, Kleindienst, Krogh, and Mardian as to the matters alleged with respect to them by the complaint in this action, it is this _____ day of _____, 1977, hereby

ORDERED

that defendants' Motion be and hereby is granted;
and it is

FURTHER ORDERED

that this action be and hereby is dismissed as to
defendants Alexander, Bell, Kelley, Turner, Vance, Colson,
Dean, Gray, Helms, Kissinger, Kleindienst, Krogh, and
Mardian.

UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of March, 1977, I have served a copy of the foregoing Motion, Points and Authorities in Support Thereof and Statement Pursuant to Local Rule 1-9(g) by mailing postage prepaid to:

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Federal Bureau of Investigation
Records Section

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 Service Unit, 4654 JEH-FBI Bldg.
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Supervisor Room Ext.

Type of References Requested:

Regular Request (Analytical Search)
 All References (Subversive & Nonsubversive)
 Subversive References Only
 Nonsubversive References Only
 Main References Only

Type of Search Requested:

Restricted to Locality of _____
 Exact Name Only (On the Nose)
 Buildup Variations

main letter

Subject Jack Anderson
 Birthdate & Place 10/19/22, Long Beach, Calif.
 Address 7300 Burdette Court
Bethesda, Maryland

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 R# _____ Date 6-7-76 Searcher Initials RS
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I	65-74690	3 sections
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I " - A. Wash Cap. News Service (no date)

I " - A. Wash Post Times Herald 1/27/72

I " - A. Wash Post Times Herald 1/12/72

I " - A. Wash Post Times Herald 1/12/72

I " - A. Wash Post Times Herald 1/12/72

I " - A. Wash Post Times Herald 1/12/72

I 62-98719-1708 *Sp. File Room*

NI 62-100259-2

I 62-106214-101 *Bureau Source*

I 62-106558-A Wash Post 12/12/71

I 62-109060-7381 *Lawn 4436*

I 62-110826-5783

pass I 62-112287-365 p45:

NI 62-112981-7

I 62-114254-7

I 62-114274-148

I 62-115102-170,

I 62-115529-440476

I " - 30x2

I 62-114606-1 *Sp. File Room*

I 62-114607-1 *Sp. File Room*

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NUMEROUS REFERENCE

SEARCH SLIP

Subj: _____

Supervisor _____ Room _____

R# _____ Date _____ Searcher Initial _____

Prod. _____

FILE NUMBER

SERIAL

<i>I</i>	<i>Jack</i>	
<i>I</i>	62-114486-X3	
<i>NR</i>	64-200-243-528	
<i>I</i>	64-211-204-225	
<i>/</i>	64-330-207-1926	<i>Bureau Source</i>
<i>/</i>	64-330-210-58,68,5869,	<i>Bureau Source</i>
<i>/</i>	64-330-229-1	<i>Bureau Source</i>
<i>I</i>	62-98194-A	<i>(Newspaper on card)</i>
<i>NI</i>	65-11750-34	
<i>NI</i>	65-19243-11, 106, 108, 109,	<i>NI NI NI</i>
<i>NI</i>	113, 104, 105,	<i>NI NI</i>
<i>NI</i>	65-19243-111,	
<i>/</i>	65-47134-1009	<i>June mail</i>
<i>NI</i>	65-20583-6,	
<i>NI</i>	65-59601-118 p24; 183 p16,	<i>NI</i>
<i>/</i>	65-59762-342,	<i>June mail</i>
<i>pass I</i>	65-61249-46,	
<i>pass I</i>	65-61249-51,	
<i>/</i>	65-67306-805,	<i>Bureau Source</i>
<i>/</i>	65-68966-103	<i>Sp. File Room</i>
<i>I</i>	65-74060-1306, 441,	<i>I</i>
<i>I</i>	3693 p8; 263, 452 p129;	<i>I</i>
<i>I</i>	65-74138-8	
<i>I</i>	65-74131-6	

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SEARCH SLIP

Subj: _____
 Supervisor _____ Room _____
 R# _____ Date _____ Searcher Initial _____
 Prod. _____

FILE NUMBER

SERIAL

<u>FILE NUMBER</u>	<u>SERIAL</u>
<i>I</i> Jack	
<i>I</i> 65-74474-8	
<i>I</i> 65-74726-1	
<i>I</i> 65-74690-4X, 3S,	
<i>I</i> 65-75108-1	
<i>I</i> 65-78868-5	
<i>I</i> 65-78907-3	
<i>I</i> 67-58199-215,	
<i>I</i> 67-476042- (No serial)	
	4/23/71)
<i>I</i> 74-2446-82, 1S, p13:	
<i>I</i> 81-133497-4	
<i>NI</i> 94-2-40839	
<i>SNEF</i> 94-2-4-1298-108	
<i>I</i> 94-8-6-627, 630, 638,	
<i>NI</i> 94-34860-1,	
<i>I</i> 94-50053-226,	
<i>I</i> 94-50053-225	
<i>I</i> 94-82379-44,	
<i>I</i> 94-65861-4	
<i>I</i> 94-67650-54 p3:	
<i>POSS</i> <i>I</i> 97-5352-11,	
<i>NI</i> 98-3129-A Wash Post 6/12/71	

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SEARCH SLIP

Subj: _____

Supervisor _____ Room _____

R# _____ Date _____ Searcher Initial _____

Prod. _____

FILE NUMBER

SERIAL

Jack

NI	98-12798-12
NI	98-33823-8
NI	98-40574-1
I	98-46308-2109
I	100-0-43331
NR	100-0-40696
NR	100-2-655 p1:
NR	100-3-14-170 x2
NI	61-7559-9997, 10411, NI
NR	100-3-14-273703:
NR	-2257
NI	100-2-2946.
NI	100-3-12-421,
NI	100-3-29-720,
NI	100-3-41-161 pas: 1425, NI
NI	102, 112, 80, NI
NI	100-3-51-123 p 52:58:60
NI	100-3-69-11931, 11967 p7, NI
NI	100-3-74-5546
NI	100-40-34-480 p1:
NI	100-7061-642,
NI	100-326-15-2 p18:
NI	100-7326-227 pas:

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SEARCH SLIP

Subj: _____

Supervisor _____ Room _____

R# _____ Date _____ Searcher Initial _____

Prod. _____

FILE NUMBER

SERIAL

Jack,

~~100-17383-17,~~

NI 100-7946-122 p29:

NR 100-13413-18

~~100-17383-17,~~

NR 100-17828-27

NI 100-203881-4775

NI 100-27048-44,

NI 100-47663-18, 14, 15,

NI 100-21497-521, 285, 376, NI NI

NI 100-164185-24, 32, NI

NI 100-295910-1,

NI 100-24918-28,

NR 100-364273-2

NI 100-24918-107, 119, NI

NI 100-26912-3834 p4:2:3:9

NI 3049 p2: 4238, 3668 p2: NI NI

NI 2854, 2704, 3222 p20: NI NI

NI 2691 p12: 2911, 3893 p4: NI NI

~~38-44 p6:~~ 4115, 4119 p2: NI NI

NI 4284 p9: 3985, 4214, NI NI

NI 3026 p9: 3880 p11, 13: 119 NI NI

NI 4233 p1:

NI 100-26844-412, 287, 546, 605 NI NI NI

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NUMEROUS REFERENCE

SEARCH SLIP

Subj: _____

Supervisor _____ Room _____

R# _____ Date _____ Searcher Initial _____

Prod. _____

FILE NUMBER

SERIAL

	<u>FILE NUMBER</u>	<u>SERIAL</u>
	<i>Jack</i>	
NR	<i>C.T. 100-3-15</i> 100-27444-X	
NI	100-63356-13	
	100-81039-1,	<i>Destroyed</i>
NI	100-9741-24	
NI	100-148005-3,	
NI	100-102463-128	
NI	100-201103-102 p1:	
NI	100-230790-1,	
NI	100-260007-731,	
NR	100-326317-12	
NI	100-326952-5 p1:	
NI	100-357044-257 p14:	
I	100-363379-15,	
NI	100-420517-6	
NI	100-424218-1	
NI	100-432794-40,	
NI	100-444664-323	
<i>POSS</i> I	100-442997-73-3716 p13:	
I	100-448910-552 p5:	
NI	100-451384-1.	
NI	100-454865-823,	
NR	100-456865-1,	
NR	100-456865-4,	

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SEARCH SLIP

Subj: _____

Supervisor _____ Room _____

R# _____ Date _____ Searcher Initial _____

Prod. _____

FILE NUMBER

SERIAL

I	100-460495-5613,
I	100-462480-8
I	100-462483-4228 p40:
<i>Bulky Receipt</i>	100-462483-873 p812:
I	100-478089-8 ps:
I	105-0-29529
NI	105-0-512
/	<i>Sp. File Capm</i> 105-12189-65,
NI	105-10222-1
NI	105-34237-195
/	<i>Bureau Source</i> 105-36141-123,
NI	105-38069-207
NI	105-52107-6
NI	105-52107-7 p9:
I	105-53922-A Wash Post ^{12/30/74}
NI	105-70374-3770
SNEF	105-87346-15,
I	105-101552-20
I	105-138290-6
I	105-138202-43,
NI	105-138315-794
NI	105-138315-2512, 655, ^{NI}
NI	369,

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SEARCH SLIP

Subj: _____
 Supervisor _____ Room _____
 R# _____ Date _____ Searcher Initial _____
 Prod. _____

FILE NUMBER SERIAL

	<u>FILE NUMBER</u>	<u>SERIAL</u>
	<i>back</i>	
I	105-162770-21	p17:
I	105-175295-80	p11:
I	105-184336-4463,	4462
I	105-203686-832,	
NI	105-205838-1	
I	105-209024-28,	147
I	105-209024-68	pD:
I	105-21014-122	
I	105-213145-48,	
I	105-214653-117,	
I	105-224146-101	p13:
NI	105-261063-9	
I	105-261336-3	
I	105-286101-1	p7:
I	109-12-204-2385	
I	109-12-207-1551	
I	109-12-207-1568,	
I	109-12-210-6910	
I	109-12-223-8130	
I	109-12-330-A	Wash
	<i>Post Times Herald 12/30/72</i>	
I	109-584-5299	
NI	122-1831-14	

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SEARCH SLIP

Subj: _____

Supervisor _____ Room _____

R# _____ Date _____ Searcher Initial _____

Prod. _____

FILE NUMBER

SERIAL

	<u>FILE NUMBER</u>	<u>SERIAL</u>
	<i>Jack</i>	
NI	[Redacted]	
	140-0-87074	<i>Restored</i>
NI	140-11550-9	
NI	140-16771-6	
SNEF	137-6-740	
NI	137-6-1-267	
NR	137-6-47-1712	
NI	137-6-54-2712, 2971,	<i>NR</i>
NI	137-370-8-2438 p2:	
NI	137-9079-529X	
NI	137-9079-501 p4:	
NI	137-9079-405,	
NI	137-9079-357,	
NI	137-11904-4703:	
I	137-12589-239	
NI	137-18117-4	
I	137-12589- 245X	<i>245X</i>
NI	137-24813-429,	
NI	137-24813-491 p4:	
NI	137-24813-465 p2:	<i>NI</i>
NI	161-7584-2	
	<i>Sp. File Room</i>	
	161-9896-140,	
I	164-3930-26	

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SEARCH SLIP

Subj: _____

Supervisor _____ Room _____

R# _____ Date _____ Searcher Initial _____

Prod. _____

FILE NUMBER

SERIAL

Jack

NI	173-6711-3
I	973-9071-5
I	174-3-6514
I	176-34-254
I	176-2846-115
NI	9-1585-4
NI	-5
I	9-56123-79
NI	9-27535-14
NI	9-27730-4 p2
NI	9-46643-18
NI	15-23232-16
NI	-64
NI	15-25278-26 p26
NI	-46 p15
NI	17-19595-4
NI	19-440-14
	26-18199-62 p1
NI	26-46460-3
NI	-4
NI	26-40871-14
NI	26-50008-16
NI	26-56503-1

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SEARCH SLIP

Subj: _____

Supervisor _____ Room _____

R# _____ Date _____ Searcher Initial _____

Prod. _____

	<u>FILE NUMBER</u>	<u>SERIAL</u>
	<i>Book</i>	
NI	26-91283	- 1
NI	26-125614	- 12
NI	26-132152	- 1
NR	26-149800	- 7
M	26-390480	- 4
NI		- 3
NI	29-63213	- 5
M	31-48789	- 3
NI	31-51053	- 1
NI	31-57273	- 4
NI	31-68359	- 70
NI	31-80521	- 1
NI	32-25603	- 1
M	42-8951	- 5
NI	46-00	- 752
NI	46-2304	- 671
I	46-59903	- 95
I	46-61693	- 21
I	46-66598	- 8
NI	48-83	- 2 p1
NI	52-4356	- 4
NI	52-6108	- 2
NI	52-30930	- 2

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SEARCH SLIP

Subj: _____
 Supervisor _____ Room _____
 R# _____ Date _____ Searcher Initial _____
 Prod. _____

FILE NUMBER

SERIAL

FILE NUMBER	SERIAL
NI ^{rock} 52-57234-6	
I 52-96893-156	
I	- 176
I	- 217
/ 52-96921-72	
/ file room-	9
I 52-96986-	3
I 56 ^{IT} -0-3074-X	
NI	- 688
NI 56-244-3	
NI 56 ⁵⁶⁻⁴⁸⁵⁻²⁴⁻⁸ -485-8	
I 56-5029-4	
NR 57-106-98 p5	
I 58-0-7196	
I 58-3891-A	Wash Post 7-7-58
I 58-3891-A	Editor & Publisher 7-12-58
I 58-3891-A	Wash. News 7-14-58
I 58-3891-	239
I 58-3891-A	Pride magazine N.Y. Herald Tribune 5-1-59
I 58-3891-	89
/ 58-5520-	2042
/ Jones mail	2043

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NUMEROUS REFERENCE

SEARCH SLIP

Subj: _____

Supervisor _____ Room _____

R# _____ Date _____ Searcher Initial _____

Prod. _____

	<u>FILE NUMBER</u>	<u>SERIAL</u>
	<i>dock</i>	
I	58-7712 -	4
I	58-8562 -	2
NI	62-26829 -	420
NI	62-75147-38 -	119 p 26
NI	63-5327 -	2402
I	63-14253 -	52
NI	66-2058-39 -	836
NI	66-2341 -	9-8
NR	66-2542 -	3225
NI	66-6361 -	204
I	66-11201 -	901
NI	68-477 -	68
I	69-829 -	10 p 18
I	70-63906 -	4
NI	71-3219 -	21
I	72-2010 -	59
NI	73-3728 -	127
NI	77-46947 -	1
NR	77-9484 -	1
NR	77-9484 -	612
NI	87-780 -	2
NI	87-13473 -	2
NI	87-16669 -	20

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NUMEROUS REFERENCE

SEARCH SLIP

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Subj: _____

Supervisor _____ Room _____

R# _____ Date _____ Searcher Initial _____

Prod. _____

FILE NUMBER

SERIAL

	<u>FILE NUMBER</u>	<u>SERIAL</u>
	<i>gock</i>	
I	87-133497	- 4
NR	88-29790	- 14
<i>pass</i> I	89-2026	- 4
NI	91-710	- 32
NI	91-5563	- 12
NI	91-1419-26	- 137
NI	91-2636	- 41
NI	91-16019-10	p 19
NI	92-174	- 34
NI	92-934	- 1
NI	92-1090-7	p 18, 19
NI	92-5825	- 35
NI	92-6170	- 31
NI	92-6054	- 2883
/	92-6170	- 170
D	92-6170	- 561
D		- 562
D		- 567
D		- 618
I		- 558
NI	92-7985	- 27
NI	92-8016-9	p 17
NI	92-8713	- 1 p 8

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Subj: _____

Supervisor _____ Room _____

R# _____ Date _____ Searcher Initial _____

Prod. _____

FILE NUMBER

SERIAL

lock

NI	92-8226-1	113
NI	92-12581	-2
<i>pass</i> I	92-13559	-1
NI	95-3212	-38
NI	95- 48 42873	-1
NI	95-94666	-3980
NI	100-397785	-12
NI	100-445302	-15
NI	103-86	-1
I	139-3779	-14
D	139-4089	-413
I		-628
I		-3065
I		-982
I		-2469
I		2413
I		-2121
I		-2517
I		-2545
I		-2540
I		-2525
I		-741 p158
I		-2178

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Supervisor _____ Room _____

R# _____ Date _____ Searcher Initial _____

Prod. _____

FILE NUMBER

SERIAL

	<u>FILE NUMBER</u>	<u>SERIAL</u>
	<i>gock</i>	
I	139-4089	-2595
I	139-4501	-3
I	139-5003	-3
NI	143-971	-7
I	149-11598	-34
NI	157-6-38	-433
NI	159-1172	-4
NI	162-3228	-11
NI	166-1935	-10pG
	alphabetical section	
	National Review 5-18-71 ^{p356}	
	The Progressive 2-72 p12	
	National Review 4-28-72 ^{p44}	
	The Progressive 6-72 p13	
	" " 5-72 p15	
	<i>gock N</i>	
	SI	
	<i>gock Northon</i>	
	SI	
	<i>gock Northman</i>	
	SI	
	<i>Northman</i>	
	SI	

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SEARCH SLIP

Subj: _____

Supervisor _____ Room _____

R# _____ Date _____ Searcher Initial _____

Prod. _____

FILE NUMBER

SERIAL

	<u>FILE NUMBER</u>	<u>SERIAL</u>
	Northom	
	NR	
	J.N.	
NI	52-57869	
NI	87-114905	
NI	87-116823	
NI	117-1425	
NR	9-1827-1	
NI	62-62736-1125	
NI	100-829-900 p9	
NI	100-203581-2110	
NI	180-344835-223-46	9/2/52
NI	100-345229-56	Ep 32
NI	140-4697-3	
	J. Northman	
	NR	
	Frank D. (AKA)	
NI	101-3357	
NI	147-7629	

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Federal Bureau of Investigation
Records Section

6-4-76

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Name Searching Unit, 4543 JEH-FBI Bldg.
 Service Unit, 4654 JEH-FBI Bldg.
 Forward
 Attention
 Return to 5443
Supervisor Room Ext.

Type of References Requested:

Regular Request (Analytical Search)
 All References (Subversive & Nonsubversive)
 Subversive References Only
 Nonsubversive References Only
 Main _____ References Only

Type of Search Requested:

Restricted to Locality of _____
 Exact Name Only (On the Nose)
 Buildup Variations

(March, 1972)

Subject President Richard M.

Birthdate & Place Nixon

Address _____

and

Localities Jack Anderson

R# _____ Date 6-9-76 Initials MXE

Prod. _____

FILE NUMBER

SERIAL

Mr

Pertaining to Jack
Anderson 1972

Federal Bureau of Investigation
Records Section

6-4-76, 19__

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Name Searching Unit, 4543 JEH-FBI Bldg.
 Service Unit, 4654 JEH-FBI Bldg.
 Forward to
 Attention
 Return to 5943
Supervisor Room Ext.

Type of References Requested:

Regular Request (Analytical Search)
 All References (Subversive & Nonsubversive)
 Subversive References Only
 Nonsubversive References Only
 Main _____ References Only

Type of Search Requested:

Restricted to Locality of _____
 Exact Name Only (On the Nose)
 Buildup Variations

TP15, SER B

Subject
 Birthdate & Place _____
 Address _____ **and** _____
 Localities **Jack Anderson**
 R# _____ Date **6.8.76** Searcher Initials **MKE**
 Prod. _____

	FILE NUMBER	SERIAL
I	S2-96921	Summ
I	100-462483-493	
I	5	-187
I	S2-96921-201	Summ
I	to file from 4/75	
I	SI	
I	62-115529-13x	
I	100-462483-873	p801
I		-148x5
I		-187

**Ref limited to
 American Indian Movement
 and Bureau of Indian
 Affairs Burg.
 All Ref Not listed**

Federal Bureau of Investigation
Records Section

6-4-76

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Name Searching Unit, 4543 JEH-FBI Bldg.
 Service Unit, 4654 JEH-FBI Bldg.
 Forward to
 Attention
 Return to 5443
Supervisor Room Ext.

Type of References Requested:

Regular Request (Analytical Search)
 All References (Subversive & Nonsubversive)
 Subversive References Only
 Nonsubversive References Only
 Main _____ References Only

Type of Search Requested:

Restricted to Locality of _____
 Exact Name Only (On the Nose)
 Buildup Variations

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b7C

TP17, sch B

Subject
Birthdate & Place _____
Address _____ and _____
Localities Jack Anderson
R# _____ Date 6-8-76 Searcher Initials MA
Prod. _____

	FILE NUMBER	SERIAL
I	161-7653	4 serials
I	105-165706	2074
I	62-109276	965
I	139-4089	2457 p106
NK	100-793344	12
	<input type="text"/>	(max)
NI	726-318918	
NI	131-452	
NI	14-2285-1	
I	139-4089-2785	2477
I	2457 p106	2453
I	139-4324	2
NI	91-36538	11 pE
pass I	105-112098	551 p2
I	62-33287	91
I	924-64578	113
I	100-32188	27
I	62-112821	11
NK	105-63370	34

NUMEROUS REFERENCE

SEARCH SLIP

Subj: _____

Supervisor _____ Room _____

R# _____ Date _____ Searcher Initial _____

Prod. _____

	<u>FILE NUMBER</u>	<u>SERIAL</u>
	NI 98-20385-6	
	NI 14-2285-2	
	NI 62-96922-1	
	NIK 64-4123-217-21	
	NI 15-23313-1	
	NI 140-14865-13	
	[Redacted]	b6 b7C
	I 761-6259	10, serials
	NI 62-5-19586	
	I 62-112654-358	
	I 62-115680-2	
	I 62-115697-17	
	NI 83-2184-5	
	I 105-102168-89	
	I 139-4089-2715, 2704, 154	I I
	I 102, 3051,	I
	[Redacted]	
	personal 67-438727	
	I 161-6259.9	Summ 2/8/69
	I 62-115697-7	
	I 139-4089-81109	
	I 139-4324-2	

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Federal Bureau of Investigation
Records Section

6-4-76, 19__

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Name Searching Unit, 4543 JEH-FBI Bldg.
 Service Unit, 4654 JEH-FBI Bldg.
 Forward to _____
 Attention _____
 Return to 5443 _____
Supervisor Room Ext.

Type of References Requested:
 Regular Request (Analytical Search)
 All References (Subversive & Nonsubversive)
 Subversive References Only
 Nonsubversive References Only
 Main _____ References Only

Type of Search Requested:
 Restricted to Locality of _____
 Exact Name Only (On the Nose)
 Buildup Variations

TR 88, Sch B

Subject The Committee To Re-
 Birthdate & Place Elect The President
 Address _____

Localities _____
and

R# Jack Anderson Searcher

Prod. 6-8-76 NRK
 FILE NUMBER SERIAL

<u>I</u>	<u>44-54114</u>	<u>12 serials</u>
<u>I</u>	<u>174-3865</u>	<u>3 serials</u>
<u>I</u>	<u>62-115096</u>	<u>45</u>
<u>I</u>	<u>100-427491</u>	<u>745</u>
<u>I</u>	<u>139-4089</u>	<u>683 p11</u>
<u>I</u>	<u>176-2404</u>	<u>1361</u>
	<u>Committee to Reelect</u>	
	<u>President Nixon</u>	
<u>I</u>	<u>86-4434</u>	<u>38</u>

62-11353-30

Memorandum

1 - Mr. E. S. Miller

1 - Mr. T. J. Smith

DATE: 6/14/73

Mr. E. S. Miller

FROM: T. J. Smith TJS

SUBJECT: CHARLES EDWARD RADFORD II
SENSITIVE COVERAGE FOR THE WHITE HOUSE
COVE - ESPIONAGE

- Mr. Felt _____
- Mr. Baker _____
- Mr. Callahan _____
- Mr. Cleveland _____
- Mr. Conrad _____
- Mr. Gebhardt _____
- Mr. Jenkins _____
- Mr. Marshall _____
- Mr. Miller, E.S.
- Mr. Soyars _____
- Mr. Thompson _____
- Mr. Walters _____
- Tele. Room _____
- Mr. Baise _____
- Mr. Barnes _____
- Mr. Bowers _____
- Mr. Herington _____
- Mr. Conny _____
- Mr. Mintz _____
- Mr. Eardley _____
- Mrs. Hogan _____

EM/TJS

Although completely unrelated in any way to prior requests of the White House for electronic surveillance coverage of White House aides and newsmen from 1969 - 1971 in connection with leaks of highly classified national security information, captioned matter also related to electronic surveillance coverage of individuals at the specific request of the White House. Because of the very sensitive nature of the matter, it is being given a code word "COVE - Espionage" and all records and documents relating to the matter will be kept in the Associate Director's Office with access limited to those persons who have received prior individual approval from the Director, Associate Director or the Assistant Director in charge of the Intelligence Division. Although index cards will be maintained in the general indices of the Bureau, and index cards will be filed in the Special Electronic Surveillance indices, no abstracts will be prepared except in correspondence to and from the field and memoranda dated from this date forward.

The genesis of this matter is as follows: On 12/22/71, the Attorney General, John N. Mitchell, personally contacted Mr. W. Mark Felt, who was then the Deputy Associate Director, and instructed him to institute, after clearing with Mr. Hoover, a telephone surveillance of Charles Edward Radford II, a Navy Yeoman 1st Class assigned to the Joint Chiefs of Staff. Mr. Mitchell said that this instruction came directly from President Nixon. He called attention to the Jack Anderson column of 12/14/71, wherein disclosures were made of conversations between the President and Dr. Henry A. Kissinger and between Dr. Kissinger and other high officials at the White House and the State Department.

Mitchell said they believed Radford was the leak to Anderson of this information. He explained that both Radford and Anderson are members of the same church (Mormon) and that their respective wives

TJS: glw
(3)

CONTINUED - OVER

ROUTE IN ENVELOPE

Greenberg/Gray-4745

File Returned to Special File Room 6-22-76 yw

MCT-31

75106

JUN 18 1973

S-TJS

FILE

67 JUN 19 1973

Memorandum to Mr. E. S. Miller
Re: Charles Edward Radford II
Sensitive Coverage for the White House
COVE - Espionage

were closely associated in church work. Radford was responsible for frequent contact with the White House and the National Security Council. It was later determined that Radford had been brought to Washington by Admiral Moorer, and he was in a position to be privy and have access to the type of data being leaked. He had previously worked for Admiral Moorer.

It was also subsequently learned unofficially that Radford had already been confronted by Navy investigators concerning the leaks and had, as a matter of fact, already been given polygraph tests concerning the leaks and his association with Jack Anderson. The FBI was not requested to conduct any investigation of the leaks; only to place electronic coverage on Radford.

Mr. Mitchell told Mr. Felt that the President was gravely concerned over this matter and was anxious to ascertain the full extent of the security breach. He said that no prosecution was contemplated. Mr. Mitchell inquired as to whether Mr. Felt believed physical surveillance might be productive and Mr. Felt replied that it might be productive, but also might be very dangerous because if Radford became aware of the same and furnished this information to Jack Anderson even more damaging columns could result. Mr. Mitchell agreed.

The Attorney General requested to be advised on a day-to-day basis of developments in this case. Mr. Felt told Mr. Mitchell that reports would be made directly to him and that the matter would be handled on a strict "need-to-know" basis in the Bureau.

After clearing with Mr. Hoover, Mr. Felt instructed you to personally contact the SAC, WFO, and instruct that the coverage be instituted as quickly as possible. You were also told to instruct the SAC, WFO, that the number of individuals having access to this matter be limited on a strict "need-to-know" basis. Mr. Felt instructed that

Memorandum to Mr. E. S. Miller
Re: Charles Edward Radford II
Sensitive Coverage for the White House
COVE - Espionage

summaries prepared for the Attorney General should be blind and no tickler copies should be made. One yellow copy was to be made for personal retention of Mr. Felt under maximum security in his office. These instructions were modified shortly thereafter so that the original blind memorandum was sent to the White House in a sealed envelope addressed to "Honorable John D. Ehrlichman - Eyes Only." A copy was prepared for the Attorney General, and a yellow file copy for Mr. Felt's retention.

Only one copy of the logs were prepared by WFO and these were delivered on a daily basis in a sealed envelope to you marked in such a manner that it would be opened only by you. No record was maintained of the installation by WFO. Only the SAC, Robert Kunkel, and Coordinating Security Supervisor, Courtland J. Jones, were fully knowledgeable in WFO concerning the coverage. I was the only one in the Intelligence Division besides yourself who knew of the coverage. I reviewed the logs and prepared the summaries, and I always hand-carried them to Mr. Felt, the Director's Office, the Attorney General's Office and handed the sealed envelope over to the Liaison Agent for delivery to the White House. On two or three occasions, I personally delivered the sealed envelopes to the White House and turned them over to David Young, who was on Mr. Ehrlichman's staff. As a matter of record, these envelopes were delivered to Young's office by the Liaison Agent. We know for a fact that Young was reviewing the summaries and he personally informed us that he furnished the summaries to Ehrlichman.

Electronic surveillance coverage was instituted on Radford's residence on 12/23/71. In line with the policy which was in effect at the time, a leased line letter was prepared for delivery to the C & P Telephone Company, and this letter was signed by Mr. Hoover.

[REDACTED]

Memorandum to Mr. E. S. Miller
Re: Charles Edward Radford II
Sensitive Coverage for the White House
COVE - Espionage

[REDACTED]

[REDACTED]

On 1/11/72, the Attorney General called Mr. Felt with further reference to the matter of the leak of confidential White House memoranda to columnist Jack Anderson. Mr. Mitchell said that this matter was far from being resolved and indications were then that other persons may be involved. He said that Radford was still a prime suspect. Radford was presently en route to his new duty station at Portland, Oregon, and he would be staying temporarily with his stepfather, William Frank Morgan. The Attorney General requested that a telephone surveillance of Radford at his temporary location at the Morgan home be instituted as quickly as possible. He requested that results be promptly furnished

Memorandum to Mr. E. S. Miller
Re: Charles Edward Radford II
Sensitive Coverage for the White House
COVE - Espionage

daily to him and to Mr. John D. Ehrlichman at the White House. Upon Mr. Hoover's approval, Mr. Felt instructed you to obtain the coverage promptly and to exercise the same security precautions as before.

[REDACTED]

Coverage of Radford in Portland, Oregon, was productive in that it established that the Radfords were still in contact with Jack Anderson, although the conversations were innocuous in nature.

[REDACTED]

Radford was then transferred permanently to the Naval Reserve Training Center at Salem, Oregon, and David Young requested that we institute electronic surveillance (wiretap) coverage of Radford both at his place of employment and his residence. Young assured us that the Attorney General concurred. In order to effect coverage at the Naval Reserve Training Center, it was necessary to place coverage on three separate lines going into the Naval Reserve Training Center. However, no calls were monitored

Memorandum to Mr. E. S. Miller
Re: Charles Edward Radford II
Sensitive Coverage for the White House
COVE - Espionage

which were obviously not directed to or from Radford. Even so, a large volume of traffic was handled. Coverage was instituted on the Naval Reserve Training Center lines 2/4/72, although no calls were monitored until opening of business on 2/7/72 when Radford was scheduled to report for duty. Coverage was instituted on the residence of Charles Edward Radford II on 2/15/72.

On 2/17/72, David Young advised that coverage of [REDACTED]
[REDACTED] but that the coverage maintained at both Portland and Salem, Oregon, be continued. [REDACTED]
[REDACTED]

Subsequently, at the request of David Young at the White House, coverage on the Naval Reserve Training Center in Salem, Oregon, and on William Frank Morgan, Radford's stepfather in Portland, Oregon, was discontinued 4/11/72. The coverage on Radford's residence continued, however. The coverage on Radford was finally discontinued on 6/20/72, following the Supreme Court decision in the Keith case. It was not discontinued on 6/19/72, as others falling under the Keith rule had been, since we were awaiting a decision from the White House.

Although we felt at the time that the Radford case fell within the meaning of the Keith rule, and so stated to the White House at the time, a reexamination of the facts surrounding the coverage relating to leaks such as those involved in the Radford coverage has resulted in a conclusion that this coverage would not have been affected by the Keith decision, inasmuch as such coverage was in furtherance of efforts by the President to protect national security information, which function was excepted in the Keith decision.

It is to be noted that in connection with wiretaps placed in this instance, no written authority was ever obtained from the Attorney General. The initial request came from the Attorney General in personal instructions

Memorandum to Mr. E. S. Miller
Re: Charles Edward Radford II
Sensitive Coverage for the White House
COVE - Espionage

to Mr. Felt. Each was then approved by Mr. Hoover. Reports prepared from review of the logs were delivered to the Attorney General as well as the White House, so there was no question at any time that the Attorney General was not aware of the coverage. Propriety of the coverage was never in doubt at any time. It was unquestionably related to the national security, and the necessity for maintaining the fewest possible records relating to the coverage was obvious. This was the reason why no letter was sent to the Attorney General requesting and getting individual written approvals. This was the reason the coverage was reported by blind memorandum on unwatermarked bond paper. This was the reason the records were retained under heavy security in Mr. Felt's Office. This was the reason that only a very few persons were privy to the coverage. The possibility of our coverage being leaked to Jack Anderson was very real and very great. At the time, some of the Bureau's tightly held matters were appearing in public print and the need for secrecy was apparent.

It is to be noted that following John N. Mitchell's resignation as Attorney General, no further reports relating to the coverage were delivered to the Attorney General's Office. Mr. Felt inquired of Attorney General Kleindienst if he desired to continue to get the reports and he replied in effect that he did not know anything about the coverage and did not want any reports relating to it.

Insofar as other records maintained, there were no records in the electronic indices. However, Mr. Hoover instructed that the number of wiretaps be included in the overall number of wiretaps which was a part of his testimony before the Appropriations Subcommittee, and a part of the total number which had a definite ceiling. In other words when the total number of wiretaps permitted by Mr. Hoover at any given time included one of the Radford wiretaps, other national security taps were reduced by this number.

Memorandum to Mr. E. S. Miller
Re: Charles Edward Radford II
Sensitive Coverage for the White House
COVE - Espionage

RECOMMENDATIONS:

1. That an espionage case file be opened on this case and that it be hereafter referred to by the code word "COVE - Espionage."
2. That upon being serialized and indexed, this file be maintained in the Associate Director's Office under secure conditions and that access to the file be limited to those who have received prior approval of the Director, Associate Director or Assistant Director, Intelligence Division.
3. That in accordance with procedures approved in connection with prior file on White House-requested wiretaps in 1969-1971, no abstracts be made except as described herein.
4. That index cards be prepared for inclusion in the Bureau's general indices, and that indexing be done by the Intelligence Division.
5. That index cards be prepared by the Intelligence Division from the logs of coverage in this case for inclusion in the Special Electronic Surveillance indices maintained by the Special Investigative Division.

Memorandum to Mr. E. S. Miller
Re: Charles Edward Radford II
Sensitive Coverage for the White House
COVE - Espionage

6. That no dissemination be made of information contained in this file or from the coverage related thereto without prior authorization of the Director, Associate Director or Assistant Director, Intelligence Division.

~~2~~ EM

12-22-71

TO THE DIRECTOR:

RE: CHARLES EDWARD RADFORD II
148 CLAGETT, SOUTHWEST
WASHINGTON, D. C.

On 12-22-71 Attorney General Mitchell personally instructed me to institute, after clearing with you, telephone surveillance of captioned individual, telephone number 561-8384.

Mr. Mitchell said that this instruction came directly from President Nixon. Mitchell called attention to the Jack Anderson column of Tuesday, December 14, 1971, wherein disclosures were made of conversations between the President and Henry Kissinger and between Kissinger and other high officials at the White House and the State Department. Mitchell said they believed Radford was the leak to Anderson of this information. He explained that both Radford and Anderson are members of the same church and that their respective wives are closely associated in church work. According to Mitchell Radford is a Navy Yeoman 1st Class assigned to the Joint Chiefs of Staff and responsible for frequent contact with the White House and the National Security Council.

Mitchell advised that the President was gravely concerned over this matter and was anxious to ascertain the full extent of the security breach. He said that no prosecution was contemplated. He inquired as to whether I felt physical surveillance would be productive. I indicated that while it might be productive it might also be very dangerous because if Radford became aware of the same and furnished this information to Anderson even more damaging columns could result. The Attorney General agreed.

The Attorney General requested to be advised on a day-to-day basis of developments in this case. I advised him that reports would be made directly to him and that the matter would be handled on a strict "need-to-know" basis in the Bureau.

After clearing with you, I instructed Miller to personally contact SAC Kunkel of the Washington Field Office and instruct that the desired coverage be instituted as quickly as possible. I instructed Miller and told him to instruct Kunkel that the number of individuals having access to this

ENCLOSURE

65-7510-2
NOT RECORDED

JUN 25 1973

Greenberg/Gray-4754

JUN 21 1973

matter be limited on a strict "need-to-know" basis. I told Miller that summaries prepared for the Attorney General should be blind and no tickler copies should be made. One yellow copy should be made for personal retention by me under maximum security in my office.

Attached is a copy of the Jack Anderson column for Tuesday, 12-14-71.

W. MARK FELT

~~7~~

U.S. Soviet Vessels in Bay of Bengal

By Jack Anderson

A dangerous confrontation is developing between Soviet and American naval forces in the Bay of Bengal.

President Nixon has ordered a naval task force into those troubled waters as a restraint upon India. Now heading for the Bay of Bengal are the aircraft carrier Enterprise, amphibious assault ship Tripoli, guided missile frigate King, and guided missile destroyers Parsons, Decatur and Tartar Sam.

At the same time, Soviet naval ships have been spotted steaming into the Bay of Bengal ostensibly to bolster India.

Even more ominous, intelligence reports claim that Soviet technicians are aboard Indian naval craft that have attacked Pakistani harbor and shore installations. U.S., British and other foreign merchant ships have been hit in these attacks.

Rockets fired from under the ocean have also been tracked. The Pakistani Navy has urgently requested U.S. help in determining whether the rockets could have been launched from a Soviet submarine.

Inside the White House, meanwhile, the President has made no attempt to hide his favoritism for Pakistan. He has developed a close personal

relationship with Pakistan's dynamic President Yahya Khan.

Mr. Nixon, accordingly, has ordered his crisis team, known formally as the Washington Special Action Group, to find ways short of direct intervention to help Pakistan. The hush-hush group, headed by presidential policymaker Henry Kissinger, has been meeting almost daily in the White House's fabled secret Situation Room since the India-Pakistani outbreak.

Nixon's Secret Ire

At the Dec. 3 meeting Kissinger snorted: "I'm getting hell every half-hour from the President that we're not being tough enough on India. He has just called me again. He doesn't believe we're carrying out his wishes. He wants to tilt in favor of Pakistan. He feels everything we do comes out otherwise."

Adm. Thomas Moorer, chairman of the Joint Chiefs of Staff, reviewed the military situation. CIA Chief Richard Helms also reported what his agents had found out about the fighting. Then Kissinger brought up the United Nations.

"If the U.N. can't operate in this kind of situation effectively," he growled, "its utility has come to an end, and it is useless to think of U.N. guarantees in the Middle East."

"We'll have a recommen-

tion for you this afternoon," promised Assistant State Secretary Joseph Sisco.

"We have to take action," pressed Kissinger. "The President is blaming me, but you people are in the clear."

"That's ideal!" retorted Sisco cheerily.

There was discussion about a statement that had been prepared for Ambassador George Bush to deliver at the U.N. Kissinger thought it was "too evenhanded" and ought to be tougher on India.

To maintain a diplomatic balance, Sisco suggested that economic steps could be taken against India but that similar moves against Pakistan should be announced as "under review."

"It's hard to tilt toward Pakistan," grumped Kissinger, "if we have to match every Indian step with a Pakistan step."

U.S. Too Gentle?

At the next secret meeting on Dec. 4, Kissinger reported that the President was still fuming over the gentle treatment U.S. spokesmen were giving India.

"The President is under the 'illusion' that he is giving instructions," said Kissinger, "not that he is merely being kept apprised of affairs as they progress."

Mr. Nixon, meanwhile, has regarded several secret, ur-

gent appeals from Kenneth Keating, the American Ambassador in New Delhi, that the U.S. should be careful not to alienate India.

He reported that he had received personal assurances from Indian Foreign Minister Swaran Singh not only that the populace welcomed the liberation of East Pakistan but that India had no intention of annexing the conquered territory. India had no wish, said Singh, to provide "even a semblance of Indian administration" but would permit the Bengalis to rule themselves.

In another secret message, Keating sharply disputed a story put out by the White House about the Indian-Pakistani developments.

"I have made the foregoing comments," he concluded, "in the full knowledge that I may not have been privy to all the important facts of this tragedy. On the basis of what I do know, I do not believe these elements of the (White House) story either add to our position or, perhaps more importantly, to our credibility."

It would be ironic if Richard Nixon, who mounted the political soapbox in times past to accuse the Democrats of "losing" China to the Communists, should be responsible for pushing India into eager Soviet arms.

Bell-McClure Syndicate

ENCLOSURE

68-7519-2

SELL
LEADIN
HEY
BUY
-PAD!
D!
BY
I SEE
I TALK
THEY
HE!

January 11, 1972

DO NOT FILE
RETURN TO ROOM 5744

MR. TOLSON:

RE: CHARLES E. RADFORD II

At 12:30 p. m. , 1-11-72, Attorney General Mitchell called with further reference to the matter of the leak of confidential White House memoranda to columnist Jack Anderson.

Mitchell said that this matter is far from resolved and indications are now that other persons may be involved. He said that Radford is still a prime suspect. Radford is presently en route to his new duty station at Portland, Oregon, where he will be staying, at least temporarily, with his step-father, Mr. William Frank Morgan, 5511 Southeast Mitchell Street, Portland, Oregon.

The Attorney General requested that telephonic surveillance of Radford at his temporary location at the Morgan home be instituted as quickly as possible. He requested that results be promptly furnished daily to him and to Mr. John Ehrlichman at the White House.

If the Director approves, I will instruct Miller to take the necessary steps to obtain this coverage promptly and to exercise the same security precautions as before.

W. MARK FELT

WMF:crt

65-75108-29
NOT RECORDED

JUN 25 1973

JUN 25 1973

Greenberg/Gray-4757

Post Office Box 709
Portland, Oregon 97207

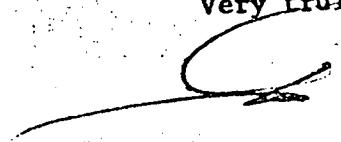
January 11, 1972

[REDACTED]
[REDACTED]
Pacific Northwest Bell Telephone Company
723 Lincoln Building
Portland, Oregon 97204

Dear [REDACTED]

It is requested that facility information, including terminal locations, be furnished for the service listed to William Frank Morgan at 5511 SE Mitchell Street, Portland, Oregon.

Very truly yours,


J. L. MATTSON
Special Agent in Charge

1-11-72
NOT RECORDED

JUN 25 1973

Greenberg/Gray-4758

JUN 25 1973

January 12, 1972

RE: CHARLES E. RADFORD II

For your information telephone surveillance coverage was instituted on the telephone service of William Frank Morgan, 5511 Southeast Mitchell Street, Portland, Oregon, Telephone Number (503) 774-9750 at 11:20 AM this date, pursuant to your request.

You will be kept currently informed of all pertinent information developed through this coverage.

65-75108-31

NOT RECORDED

JUN 25 1973

7

JUN 25 1973

Greenberg/Gray-4759

January 12, 1972

[REDACTED]
[REDACTED]
Pacific Northwest Bell Telephone Company
723 Lincoln Building
Portland, Oregon 97204

Dear [REDACTED]

In connection with an investigation being conducted by the Federal Bureau of Investigation, under its lawful and established jurisdiction, it is requested that you furnish to the Federal Bureau of Investigation, at the usual commercial rates, the facilities or services set out below. This request is made upon the specific written authorization of the Attorney General of the United States as a necessary investigative technique under the powers of the President to protect the national security. Your cooperation in this matter will be greatly appreciated.

It is requested that leased line facilities be furnished as follows:

From: 551 Southeast Mitchell Street,
Portland, Oregon

To: Crown Plaza Building,
Portland, Oregon

Very truly yours,

John Edgar Hoover
Director

TJS:mea (2)

15-75108-35
NOT RECORDED

✓
PAP
7

TJS

JUN 25 1973

JUN 25 1973
Greenberg/Gray-4760

January 17, 1972

RE: WILLIAM FRANK MORGAN
PORTLAND, OREGON
(Charles E. Radford II)

The following is a summary of pertinent information developed through coverage of William Frank Morgan, Portland, Oregon, over the period January 14 through 16, 1972:

[REDACTED]

65-75107-40

On January 16, 1972, at 9:33 PM Tonne (Radford) called the long distance information operator and asked for the telephone number of Jack H. Anderson, Bethesda, Maryland. It was given as (301) 365-7632 and was then dialed by Tonne. A male voice answered and Tonne said, "Jack? Is Libby (phonetic) there, this is Tonne." A woman came on the line and Tonne said, "Libby? This is Tonne, I understand you called. We are in Portland, Oregon right now." Libby inquired if they would be there awhile and said, "I never did give you that stuff." Tonne replied that they were going to be transferred someplace around Portland. She said, "He's supposed to pick up his orders tomorrow." Libby replied, "O.K., send me your address and I'll send you your geneology. If you want me to do anything more I'll send what we have so far. We wondered and I called." Tonne replied, "There was nothing we could say to anybody." Libby said, "I'll still help you on your geneology. Did you see the folks in Salt Lake City?" Tonne replied that the weather had been bad and they took the Southern route. She said, "We couldn't tell anybody where we were going, so it's still hush-hush and it's between you and I. Did Jack get the card?" Libby replied, "Not yet." Tonne said, "He sent a post card from Arizona last week. It's all done in short hand so I'm sure Jack can read it. It'll explain some things. Libby replied, "I hope to see you again sometime." Nothing more pertinent was discussed, and there were no other pertinent calls on January 16, 1972.

NOT RECORDED
JUN 25 1973

JUN 25 1973

Greenberg/Gray-4761

7

January 24, 1972

MEMORANDUM FOR MR. TOLSON

RE: SPECIAL ELECTRONIC SURVEILLANCE
COVERAGE FOR THE WHITE HOUSE
LEAKS TO JACK ANDERSON

You will recall that just prior to Christmas we instituted electronic surveillance coverage of Charles E. Radford II, a Navy Yeoman who was assigned to Admiral Moorer's Office at the White House. It developed that Radford had been examined on a polygraph and it was detected that he had been in contact with Jack Anderson and, according to the polygraph examiner, had guilty knowledge of material being leaked to Anderson.

65-75102-62
NOT RECORDED

JUN 25 1973

JUN 25 1973

Greenberg/Gray-4762

MEMORANDUM FOR MR. TOLSON
SPECIAL ELECTRONIC SURVEILLANCE
COVERAGE FOR THE WHITE HOUSE
LEAKS TO JACK ANDERSON

PAGE TWO

Shortly after the first of the year Radford was suddenly transferred to Portland, Oregon. Coverage of his phone in this area was of course discontinued. However, at the request of the White House coverage was instituted on 1/11/72 of the residence of Radford's stepfather in Portland, Oregon, Mr. William Frank Morgan.

Information of possible significance to the White House has been developed through coverage of the Morgan residence in Portland. For example, Radford's wife, Tonne (pronounced Tony), telephoned Jack Anderson's residence in Bethesda and talked to Anderson's wife. It was obvious from the conversation that the Radfords and Andersons are more than just casually acquainted.

Greenberg/Gray-4763

The White House has now requested* that we institute coverage of Radford both at his place of employment and residence in Salem, Oregon when he finally moves there. He will be at the Naval Marine Corps Training Center at Salem, and has indicated he will either buy or rent a place to live in Salem. Radford at this moment is visiting relatives in the Seattle, Washington, area. With the Director's approval we will institute the coverage requested by the White House. I will keep you currently advised of all developments.

* FROM DAVID YOUNG, ASST. TO
ERLICHMAN. YOUNG SAYS
A.G. CONCURS

W. MARK FELT

Post Office Box 709
Portland, Oregon 97207

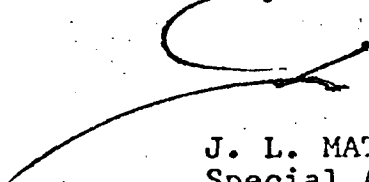
February 14, 1972

~~_____~~
~~_____~~
Pacific Northwest Bell Telephone Company
723 Lincoln Building
Portland, Oregon 97204

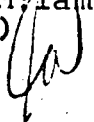
Dear Mr. Swank:

It is requested that facility information, including terminal locations, be furnished for the telephone service listed to C. E. Radford, 4074 Campbell Street, SE, Salem, Oregon.

Very truly yours,


J. L. MATTSON
Special Agent in Charge

1 Addressee
1 SAC

JLM:lam
(2)


~~7~~
65-75107-109
NOT RECORDED

JUN 25 1973

JUN 25 1973

Greenberg/Gray-4764

February 17, 1972

MEMORANDUM FOR MR. TOLSON

RE: SPECIAL ELECTRONIC SURVEILLANCE
REQUESTED BY THE WHITE HOUSE

You will recall that in connection with the leak of highly classified and extremely sensitive White House documents to Jack Anderson, the White House requested that we institute special electronic surveillance coverage of the prime suspect, Charles E. Radford, II, a Navy enlisted man who had access to the documents and was personally acquainted with Jack Anderson.

Radford was subsequently transferred to Portland, Oregon, however, and the coverage on [redacted] and [redacted] has been mostly negative in recent days. On 2/17/72, Mr. David Young, of Mr. John D. Ehrlichman's Office at the White House, advised that the coverage of [redacted] and [redacted] should be removed due to lack of productivity. He requested that the coverage we are maintaining at Portland and Salem, Oregon be continued, however. You will recall that we maintain coverage of William Frank Morgan, Portland, Oregon, Radford's stepfather, and on Radford himself at his residence and place of employment in Salem.

[redacted]

I will keep you fully of all developments in this case.

65-75107-113
NOT RECORDED

W. MARK FELT

JUN 25 1973

Greenberg/Gray-4765

JUN 25 1973

May 4, 1972

Re: CHARLES E. RADFORD II

The following is a summary of pertinent information developed on May 3, 1972, concerning Radford at Salem, Oregon.

At 8:50 p.m. after several attempts Chuck called Jack Anderson (301 - 365-7632) to congratulate him for his Pulitzer designation. At first Anderson didn't know who Chuck was. When he did realize with whom he was talking he asked Chuck if he were still following his geneology. He said he had received Chuck's letter but hadn't had an opportunity to answer. He asked Radford if he were pleased now that life was a little easier for him. Chuck said "everything was fine," but said he feels he'll be able to get back in the mainstream in a while.

Anderson suggested civilian life and offered to assist Chuck in the future.

Chuck mentioned the letter he wrote Anderson to which Anderson replied "Certainly, you can see anything." Chuck replied "OK, that's what I wanted to know."

Tonne and Libby (Mrs. Anderson) then talked (small talk) and Libby gave her the Andersons' unlisted telephone number (365-8242).

1775408-170
NOT RECORDED

JUN 26 1973

Greenberg/Gray-4766

Interception date: 5/3/72
 Telephone number: 588-1031 SD-78
 Tape reel number: SD-87-88-89

From: 11:00A
 To: 11:00P

Time	Initial	IC OG	Activity or Traffic Recorded
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Greenberg/Gray-4767

Operator's name/initials	Date	Time period
██████████	5/3/72	5:00 AM to 2:00 PM
W. Allen Bostdorff WAB	5/3/72	2:00 PM to 11:00 PM

Interception date: 5/3/72

From: 11:00

Telephone number: 588-1031

To: 11:00

Tape reel number: SD-87-88-89

P 2

Time	Initial	IC OG	Activity or Traffic Recorded
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Greenberg/Gray-4768

Interception date:

5/3/72

From:

11:00

Telephone number:

588-1031

To:

11:00

Tape reel number:

SD- 87-88-89

page 3

Time	Initial	IC OG	Activity or Traffic Recorded
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Greenberg/Gray-4769

Interception date: 5/3/72

From: 11:00

Telephone number: 588-1031

To: 11:00

Tape reel number: SD-87-88-89 page 4

Time	Initial	IC OG	Activity or Traffic Recorded
[REDACTED]	[REDACTED]	[REDACTED]	
			Greenberg/Gray-4770
6:49	WAB	OG	Information operator in Bethesda, Md., Chuck wanted the home phone number of Jack Anderson 365-7632.
6:50	WAB	OG	Line Busy (301-365-7632 Anderson)
6:51	WAB	OG	Chuck to Long Distance operator re a second home phone number for Anderson or in the alternative a number listed for Elizabeth Anderson. No listing.
6:52	WAB	OG	Line Busy (301-365-7632 Anderson)
6:53	WAB	OG	" " " " "
6:54	WAB	OG	" " " " "
6:55	WAB	OG	" " " " "
6:56	WAB	OG	" " " " "
7:00	WAB	OG	" " " " "

Operator's name/initials	Date	Time period
		5:00 AM to 2:00 PM
		2:00 PM to 11:00 PM
	89	

Interception date:

5/3/72

From: 11:00

Telephone number:

588-1031

To: 11:00

Tape reel number:

SD- 87-88-89

page 5

Time	Initial	IC OG	Activity or Traffic Recorded
7:11	WAB	OG	Line Busy (301-365-7632 Anderson)
7:19	WAB	OG	" " " " "
8:38	WAB	OG	Line Busy (301-365-7632 Anderson)
8:50	WAB	OG	<p>MC Chuck to (301-365-7632) to MA Jack Anderson. Chuck sought to congratulate him on the Pulitzer Prize and asked him when he would accept it. Anderson said that he had received Chucks last letter and then broke away to discuss genealogy. Chuck said that he enjoyed Anderson's column and they discussed Chucks life being easier now. (BEFORE parting Anderson said) " on the other thing you can see anything". Chuck said " ok thats what. I wanted to know" Anderson replied " I don't think there will be anything that.....I'll be glad to show it."</p> <p>Tonne talked to Libby re genealogy. Tonne discussed teaching primary school at church and they talked about their kids. Mrs. Anderson teaching in the church nursery school. They discussed playing a game called MaJong(phi). Anderson's unlisted number is 365-8242. They promised to write. Chuck and Jack didn't want to talk any more. the end.</p>

489
(32)

Greenberg/Gray-4771

Operator's name/initials	Date	Time period
		5:00 AM to 2:00 PM
	088	2:00 PM to 11:00 PM

Intercepted at Portland, Oregon.

Interception Date: January 16, 1972 ⁷¹⁵ Time Period From: 12:01 AM
To: 12:00 PM
Telephone Number: 503-774-9750 Order Number:
Tape-Reel Number: #5

Time	Initials	IC OG	Activity or Traffic Recorded
------	----------	----------	------------------------------

Greenberg/Gray-4772

Operator's Name & Initials	Date	Time Period From: To:
[REDACTED]	1/16/72	12:01 AM 8:00 AM
[REDACTED]	1/16/72	8:00 AM 4:00 PM
[REDACTED]	1/16/72	4:00 PM 12 Midnight
		.003

EXCISED

Memorandum

- Tolson ✓
- Sullivan ✓
- Mohr ✓
- DeLoach ✓
- W.C. Sullivan ✓
- Callahan ✓
- Casper ✓
- Conrad ✓
- DeLoach ✓
- Felt ✓
- Gale ✓
- Rosen ✓
- Tavel ✓
- Walters ✓
- Soyars ✓
- Tele. Room ✓
- Holmes ✓
- Gandy ✓

TO : Mr. Mohr

DATE: 2/17/71

FROM : T. E. Bishop Greenberg/Gray-4774

SUBJECT: JAMES HAGERTY
AMERICAN BROADCASTING COMPANY (ABC)
NEW YORK, NEW YORK

For the Director's information, Hagerty called Bishop back at 5:50 p.m. on February 17, 1971, to furnish the following information which he had determined to date concerning the incident at Mr. Hoover's house on the morning of 2/17/71:

ABC had a car in front of Mr. Hoover's house this morning bearing District of Columbia license 777-383, which was occupied by 4 men. One was Sam Donaldson, the ABC newsman who had requested an interview with Mr. Hoover concerning the Shaw case and Senator McGovern's allegations against the Director regarding the Shaw case, and who had been advised that the Director could not give the interview because the Shaw case is presently under litigation. The other 3 men were a 3-man camera crew from ABC. They had located themselves in front of Mr. Hoover's house this morning in order to get some silent film footage of Mr. Hoover coming out of his house. They also had in the car some sound equipment in the event Mr. Hoover wished to make some comment for them, even if it was a "no comment."

There was another car parked in front of Mr. Hoover's house, a blue car with Maryland license. Hagerty stated that the license number was GB 1065, but he requested that ABC under no circumstances be indicated as the source for this license number. While the ABC car was parked in front of Mr. Hoover's house, one of the 2 men in the blue car with the above Maryland license, got out of the car and went over to Mr. Hoover's garbage can and started going through it. When the ABC camera crew saw this happening, they took some silent film footage of the proceedings. While this was going on, a chauffeur came out of Mr. Hoover's house and talked briefly with the man going through the garbage can and another Negro (a female) also came out of the house and appeared to speak briefly with the man. The ABC crew saw the man going through the garbage can remove some material from the can, although they are unable to state what was taken out of the can, and they saw him then make the "V" sign with his fingers, get back in the blue car and it drove off.

- 1 - Mr. Mohr
- 1 - Mr. Bishop
- 1 - Miss Gandy
- 1 - Mr. M. A. Jones

REC-23

APR 16 1971

(CONTINUED - OVER)

COPY MADE FOR MR. TOLSON

CRIME RESEARCH
PEMS. REC. UNIT

APR 19 1971

UNRECORDED COPY FILED IN 6

2
1
3

495

57 APR 19 1971
(5)361

Bishop to Mohr memo (continued)
Re: JAMES HAGERTY

Mr. Hagerty stated that the management of ABC was very much disturbed on getting the initial report about this matter because they would never have countenanced anyone from ABC stooping so low as to go through Mr. Hoover's garbage. Hagerty stated that he doubted very much that the film of the individual going through the garbage would ever be used on ABC. He stated, however, that Mr. Hoover is a public figure and they felt sure he would understand why a television company might want to take some up-to-date pictures of Mr. Hoover in connection with a possible news story. Mr. Hagerty advised that he was going to make some additional inquiries into this matter and would call the Director or Bishop on the morning of 2/18/71, with whatever additional facts he has developed. He again reiterated that it was definitely no one from ABC who was going through Mr. Hoover's garbage can and that they would never have done such a thing, or been responsible for having it done, under any circumstances.

Why didn't they ask for H. H.

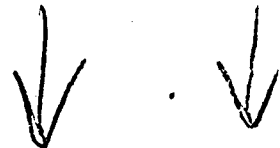
At 6:10 p. m., 2/17/71, Mr. Hagerty again called Bishop and stated that he had just been advised by the manager of the Washington Bureau of ABC News, that he had determined that an unidentified employee at the Washington office of ABC had received a telephone call sometime this morning from an individual who said his first name was "Clyde." This individual stated that he understood that ABC had gotten a picture of him this morning going through Mr. Hoover's garbage can. He stated that he does it everyday, that he works for Jack Anderson, and that he told Anderson that he had been filmed in the act of doing so this morning and Anderson told him to call ABC and tell them that he was employed by Anderson.

I think this is a check of the station. H

SAC Kunkel of the Washington Field Office (WFO) has been furnished with Maryland license number GB 1065 (it is noted that the Director's Office previously had received this number as CB 1065) and has been instructed to immediately institute discreet inquiries to determine the identity of the person to whom this license plate is issued and what his employment, background, etc. consist of, with particular attention to whether he is employed by Jack Anderson. SAC Kunkel was instructed that the results of his inquiries should be furnished in written form to the Director's Office as early as possible on the morning of 2/18/71.

ATTACHED

(RECOMMENDATION-OVER)



Bishop to Mohr memo (continued)
Re: JAMES HAGERTY

RECOMMENDATION:

None. For information. Whatever additional information may be furnished by Mr. Hagerty on 2/18/71 will be immediately brought to the Director's attention.

TJB

7 10 11
10 11

I think a B.C. in Wash.
 is being. I saw a A B C
 card in front of my house
 & noted the license of each,
 one a red license in which
 there was 1 man & who was
 giving instructions to the men
 in the vicinity who had
 the camera & which was a
 D. C. license. In Hagerty's
 report he states there were
 only 1 A B C car, that in fact
 that the check was made
 identified the
~~_____~~
~~_____~~
 the man who was in
 without me and the
 car was in the
 at the time of the
 was in the area of the report 18

Mr. Tolson	.....
Mr. DeLoach	.....
Mr. Mohr	.....
Mr. Bishop	.....
Mr. Casper	.....
Mr. Callahan	.....
Mr. Conrad	.....
Mr. Felt	.....
Mr. Gale	.....
Mr. Rosen	.....
Mr. Sullivan	.....
Mr. Tavel	.....
Mr. Trotter	.....
Tele. Room	.....
Miss Holmes	.....
Miss Gandy	.....



**MARYLAND LICENSE
GB-1065**

2/18/71

During the course of the night of February 17, 1971, the female, age 20, with long black hair who was observed driving a vehicle with the captioned license to the 57th Street address in Bladensburg, Maryland, was seen in Apartment 302. Inquiry with the apartment house management disclosed that Apartment 302 is occupied by Vincent Peter Ruehl and Charles Elliott, Jr.

1945

[REDACTED]

Elliott is a white male, approximately 26 years of age, 5 feet 7 inches, 175 pounds, has dark hair, wears a moustache and is employed by Jack Anderson, the columnist. He was previously employed by the Prince Georges County Post. Elliott drives a 1969 MG Roadster with Maryland license HN-7425.

As of 1:15 p.m. this date, the female and Elliott were observed leaving the apartment house and departing in their respective automobiles. The female, obviously Barbara Crouse, is en route to Annapolis. A photograph was obtained of Elliott who, according to the Agents, appears to be approximately 30 years old and has a reddish moustache.

[REDACTED]

RGK

94-1-32354-495

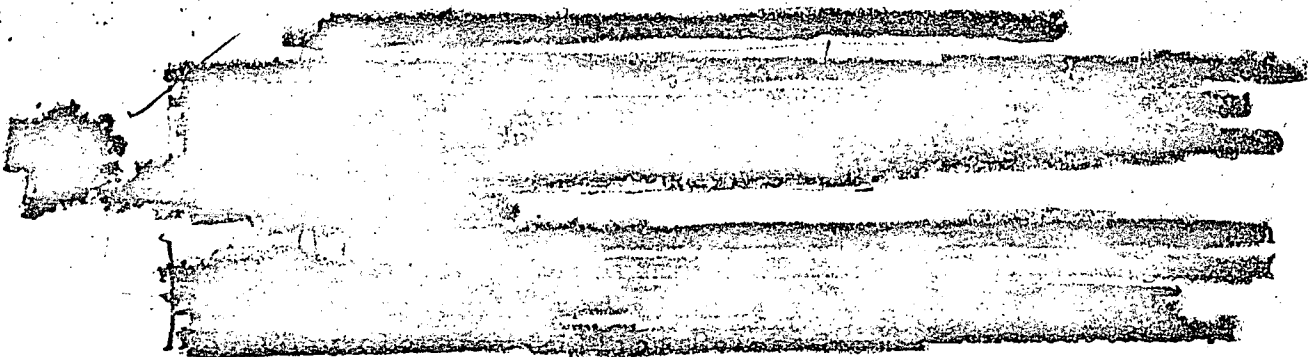
ENCLOSURE

OVER
↓

INDEX

29 1971

Greenberg/Gray-4777



You will be advised of further developments.

Greenberg/Gray-4778

MARYLAND LICENSE
GB 1065

2/18/71

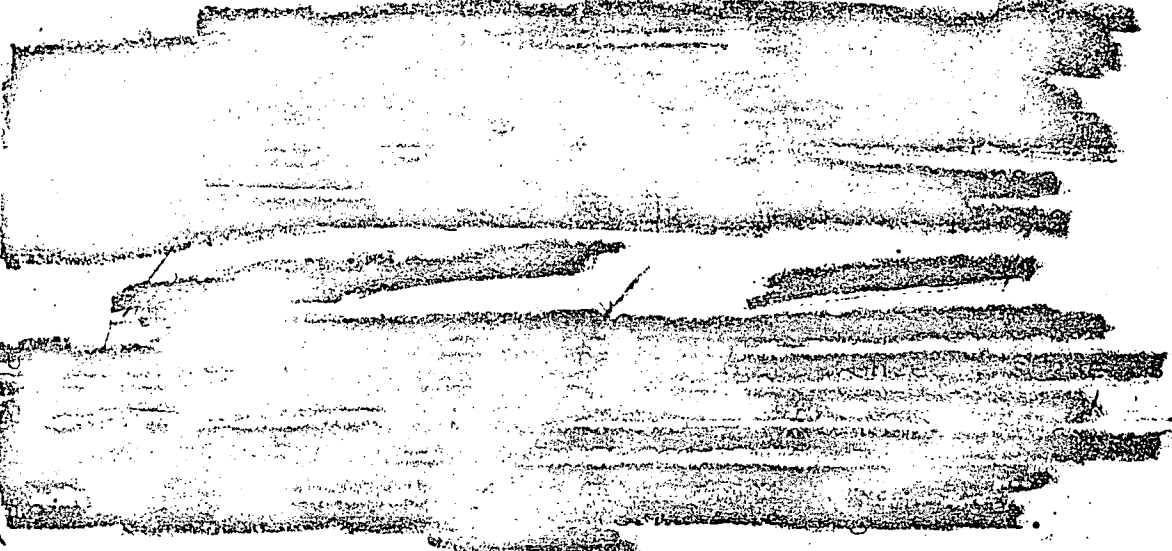
FROM JUNE 3, 1970. SEVERN, MARYLAND

ALIF

Maryland Department of Motor Vehicles' records disclosed the captioned license to be registered for a 1969 Chevrolet for William Ralph Crouse, 1973 Fairfax Road, Annapolis, Maryland.

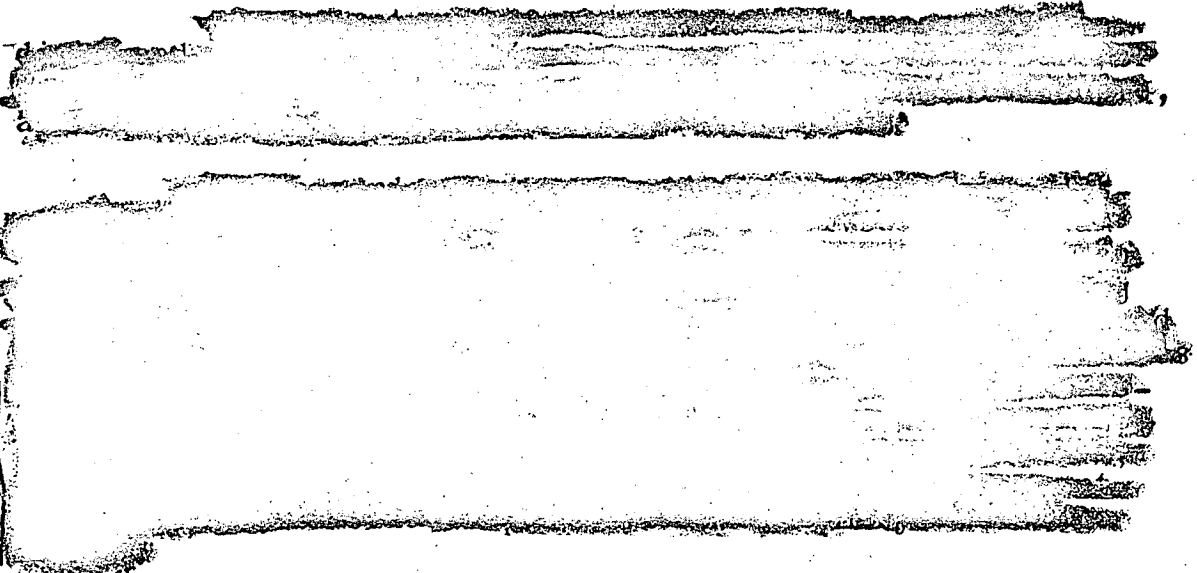
Daughter Barbara Crouse, age twenty, is employed at the Evening Capitol Newspaper in Annapolis. She generally operates the automobile bearing Maryland license GB 1065. She has not been observed at her residence for the past few days. During the evening of February 17, 1971, a light green Malibu two-door with black vinyl top bearing Maryland license GB 1065 was observed in the parking lot located to the rear of the Evening Capitol Newspaper, located at 213 West Street, Annapolis.

- Mr. Monr.....
- Mr. Bishop.....
- Mr. Brennan CD.....
- Mr. Callahan.....
- Mr. Casper.....
- Mr. Conrad.....
- Mr. Dalbey.....
- Mr. Felt.....
- Mr. Gale.....
- Mr. Rosen.....
- Mr. Tavel.....
- Mr. Walters.....
- Mr. S. vars.....
- Tele. Room.....
- Miss Holmes.....
- Miss Gandy.....



RGK

1-1-3104-495
ENCLOSURE



At 11:00 p.m. February 17, 1971, the vehicle bearing the captioned license, occupied by a female, age 20, with long black hair, was observed departing the vicinity of the newspaper. The vehicle was followed to 5051 57th Street, Bladensburg, Maryland, where the female entered a 12-unit apartment building. The name of Barbara Crouse was not shown on any of the mail boxes for the apartment building.

You will be advised of the results of the additional inquiries being made in this matter.

Greenberg/Gray-4780

UNITED STATES GOVERNMENT

Memorandum

Tolson	_____
Sullivan	_____
Mohr	_____
Bishop	_____
DeLoach	_____
Casper	_____
Callahan	_____
Conrad	_____
Dalbey	_____
Felt	_____
Gale	_____
Rosen	_____
Tavel	_____
Walters	_____
Soyars	_____
Tele. Room	_____
Holmes	_____
Gandy	_____

mac
HW
MA Jones

TO : Mr. Mohr

DATE: 2/18/71

FROM : T. E. Bishop *TEB* Greenberg/Gray-4781

SUBJECT: JAMES HAGERTY
AMERICAN BROADCASTING COMPANY (ABC)
NEW YORK, NEW YORK

As reflected in the addendum of Bishop's memorandum to Mr. Mohr of 2/18/71, Bishop furnished Mr. Hagerty on that date the Director's reaction to the information which he had given to Bishop on the late afternoon of 2/17/71 concerning incidents at Mr. Hoover's house on the morning of 2/17/71, as set forth in Bishop's memorandum to Mr. Mohr on that date. Hagerty stated that he was going to make additional forceful inquiries into the matter to insure that he had the complete, accurate story and has not been given a "cock and bull" story by the Washington ABC representatives.

Hagerty called Bishop back at 4:30 p.m. on 2/18/71 and stated that in his haste to get an explanation of this matter yesterday afternoon, he had gotten a garbled version of what actually happened, although he hastened to explain that ABC representatives definitely had nothing to do with taking any of Mr. Hoover's garbage. He said that the following is what he has determined through his complete inquiries:

B.C.
In Mr. Hoover's neighborhood yesterday morning there were 2 ABC cars; one bore District of Columbia license 777-383 and contained a 3-man camera crew. This car is assigned to George Romilly, one of the camera crew; the other car was the personally owned car of Sam Donaldson, the ABC newsman who was in charge of the group, his car being a green Chevrolet Camaro bearing Maryland license GJ 4146. Donaldson and the crew had agreed to meet at Mr. Hoover's house on the morning of 2/17/71 and Donaldson drove there in his personal car. When he arrived, the car with the District of Columbia plates, bearing the 3-man camera crew, was there. He got out of his personal car, went over and talked to the men in the camera crew and gave them their instructions as to how he wanted cameras set up for the possibility of filming Mr. Hoover as he departed his residence and continued while in the area to give directions to the camera crew.

- 1 - Mr. Mohr
- 1 - Mr. Bishop
- 1 - Miss Gandy
- 1 - Mr. M.A. Jones

TEB:jo
(5)

APR 16 1971
(CONTINUED - OVER)

COPY MADE FOR MR. TOLSON

55 MAY 10 1971

SEARCHED
SERIALIZED
INDEXED
FILED

Bishop to Mr. Mohr memo (continued)
Re: JAMES HAGERTY

A third car, a 1969 green colored Chevrolet bearing Maryland license GB 1065, drove up to the area of Mr. Hoover's house after the 2 ABC cars were already there. A man got out of the car and when he started to take things out of the garbage can, Donaldson instructed his crew to shoot film of the incident. After Mr. Hoover's chauffeur and a female Negro from Mr. Hoover's house talked to the man taking things out of the garbage can, he gave the "V" sign with his fingers, got back in the car with Maryland license GB 1065 and drove off. At no time did any of the ABC representatives speak to this individual or anybody else in his car. When Mr. Hoover's chauffeur departed in Mr. Hoover's car, Donaldson, in his car, and the 3 ABC cameramen in the car with the District of Columbia license, followed it for a short while until they determined that Mr. Hoover was not in the car, at which time they came back to the area of Mr. Hoover's house. After remaining there awhile and feeling that Mr. Hoover was not coming out, Donaldson gave instructions that the group should leave and both of the ABC cars departed; Donaldson left alone in his car, and the 3 cameramen in the car with the District of Columbia license plates.

With regard to the call received by ABC on the morning of 2/17/71 from the individual who said he worked for Jack Anderson, Mr. Hagerty advises that he caused an inquiry to be made to Jack Anderson's office asking if someone had called ABC on the morning of 2/17/71 to report that they had been filmed taking items from Mr. Hoover's garbage can by an ABC crew. Hagerty said that Anderson admitted that one of his employees, who he identified as "Chuck Elliott, Jr., a staff assistant," was the individual who had telephoned ABC on that morning advising he was the individual photographed by ABC.

Mr. Hagerty again stated that he wanted Mr. Hoover to know that the film made by ABC would never be utilized on the air and that ABC was not going to show any program concerning Mr. Hoover or the Shaw case at this time, and he also advised Bishop that he felt he had given sufficient instructions to insure that no ABC cameramen would ever again take pictures at Mr. Hoover's residence. He did state, however, that he must agree with Mr. Hoover that Donaldson and the camera crew used poor judgment in going to Mr. Hoover's residence in the first place, after Mr. Hoover had indicated that he would not grant any interviews, and that they should have at least advised the FBI in advance of their intentions to film Mr. Hoover departing his residence.

(CONTINUED - OVER)

Bishop to Mr. Mohr memo (continued)
Re: JAMES HAGERTY

This would seem to clarify to a great extent what was observed by Mr. Hoover at his residence yesterday morning. To further clarify the matter, SAC Turyn of the Baltimore Office, on Bishop's instructions, contacted this afternoon [REDACTED] to whom is issued Maryland license CB 1065 for a 1967 Dodge. [REDACTED] advised that he drives his car to work each morning, arriving at a Baltimore factory at 6:00 a.m. and that the car remains parked there in a locked condition until he leaves in the late afternoon. He said that he arrived at his employment at 6:00 a.m. on 2/17/71 and his car was not utilized by him or anyone else until the late afternoon. He additionally noted that his car is a 4-door Dodge Dart, beige (very light tan) in color. It would appear from the above that the car utilized by the individual who searched through the garbage can bore Maryland license GB 1065 rather than CB 1065. It will be noted that inquiries concerning this Maryland tag by the Washington Field Office (WFO) have developed that this license plate is issued to a William Ralph Crouse of Annapolis, Maryland, for a 1969 light green Chevrolet. This car is generally in the possession of Crouse's daughter, Barbara Crouse, aged 20, who is employed at the Evening Capitol Newspaper in Annapolis, of which Jack Anderson was a director in April, 1970. Through investigation by WFO on the night of 2/17/71, it was determined that Barbara Crouse is the girlfriend of Charles Elliott, Jr., who lives at Apartment 302, 5105 57th Street, Bladensburg, Maryland, and who is employed by Jack Anderson, the columnist. It will be noted that Elliott is the same individual who has been asking questions in Mr. Hoover's neighborhood previously and also was previously identified in a column by Anderson as having searched Mr. Hoover's garbage can.

751
B.C. *CHARLES ELLIOTT JR.* *12 ANNAPOLIS*

As the Director is aware, Elliott is described as being 26 years of age, 5 feet 7 inches, 175 pounds, wears a moustache and has dark hair. His photograph is being obtained by WFO and will be shown to the Director and Moten.

RECOMMENDATION:

None. For the Director's information.

✓ *W* *TEB*

1 - Mr. Berthay

November 19, 1975

BY COURIER SERVICE

EX 103
REC-14 139-4089-3065

AB

JAMES WALTER MC CORD
AND OTHERS
BURGLARY OF THE DEMOCRATIC
NATIONAL COMMITTEE HEADQUARTERS
WASHINGTON, D. C.
JUNE 17, 1972
INTERCEPTION OF COMMUNICATIONS

On October 1, 1975, Mr. Henry S. Ruth, Jr., Special Prosecutor, requested that informants in the Cuban community in Miami, Florida, be canvassed to determine if these sources ever heard any information concerning a plot to assassinate or drug Syndicated Columnist Jack Anderson and to determine if these sources heard of a plot to assassinate [REDACTED]

Enclosed are two copies of a report dated November 7, 1975, of the Miami Division, Federal Bureau of Investigation, setting forth results of contacts with informants and sources in that area concerning the above matter.

No further investigation is being conducted in this matter by the Federal Bureau of Investigation.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

Assoc. Dir. — Enclosures 2

Dep. AD Adm. —

Dep. AD Inv. —

Asst. Dir.:

Admin. —

Comp. Syst. —

Ext. Affairs —

Files & Com. —

Gen. Inv. —

Ident. —

Inspection —

Intell. —

Laboratory —

Plan. & Eval. —

Spec. Inv. —

Training —

NOTE: Original and one copy LHM with enclosures forwarded to SPF by 0-14 this date, attn. John P. Lydick.

JLB:els (4)

JLB

PT

Greenberg/Gray-4784

DEC 2 1975

Director Sec'y —

MAIL ROOM

TELETYPE UNIT

FBI

Date: 11/7/75

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL _____
(Priority)

TO: DIRECTOR, FBI (139-4089)
FROM: SAC, MIAMI (139-328) (RUC)
SUBJECT: JAMES WALTER MC CORD
ET AL
BURGLARY OF THE DEMOCRATIC
NATIONAL HEADQUARTERS
WASHINGTON, D.C.
6/17/72
IOC (ACCOUNTING & FRAUD SECTION)

Re Bureau airtel to Miami dated 10/2/75.

Enclosed for the Bureau are 5 copies of an LHM dated and captioned as above.

Sources contacted by the Miami Office are as follows:

- [redacted] on 10/7/75, by SA [redacted]
- [redacted] on 10/17/75, by SA [redacted]
- [redacted] on 10/22/75, by SA [redacted]
- [redacted] on 10/10/75, by SA [redacted]
- [redacted] on 10/10/75, by SA [redacted]
- [redacted] on 10/20/75, by SA [redacted]
- [redacted] on 10/29/75, by SA [redacted]
- [redacted] on 10/17/75, by SA [redacted]
- [redacted] on 10/6/75, by SA [redacted]
- [redacted] on 10/16/75, by SA [redacted]

All sources contacted above advised they have never received any information regarding plots against JACK ANDERSON or [redacted]

No further investigation remains to be conducted

by Miami.

- (2) - Bureau (Enc. 5) (RM)
- 1 - Miami
- JSD:jkc
- (3)

REC-11
LHM to SP4 (Enc. 2)
1-CC Km 5005, 11-19-75
JLB: [signature]

NOV 13 1975
20

Greenberg/Gray-4785

Approved: _____ Sent _____ M Per _____

Special Agent in Charge



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No. 139-328

Miami, Florida
November 7, 1975

RE: JAMES WALTER MC CORD
ET AL
BURGLARY OF THE DEMOCRATIC
NATIONAL HEADQUARTERS
WASHINGTON, D.C.
JUNE 17, 1972
INTERCEPTION OF COMMUNICATIONS

During the month of October, 1975, informants and sources of the Miami, Florida office of the Federal Bureau of Investigation were contacted regarding any information they may have had regarding the existence of a plot to assassinate or drug syndicated columnist JACK ANDERSON.

D.C.

All the informants and sources contacted advised that they have never received any information regarding the above-mentioned plots.

Greenberg/Gray-4786

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

ENCLOSURE 139-4077-

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Gallagher *JCO's*

DATE: 10/1/75

FROM : L. E. Rhyne

[REDACTED]

SUBJECT: JAMES WALTER MC CORD AND OTHERS
BURGLARY OF THE DEMOCRATIC
NATIONAL HEADQUARTERS
WASHINGTON, D. C.
JUNE 17, 1972
INCEPTION OF COMMUNICATIONS

- Assoc. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.:
- Admin. _____
- Comp. Syst. _____
- Ext. Affs. _____
- Files & Com. _____
- Gen. Inv. _____
- Ident. _____
- Inspection _____
- Intell. _____
- Laboratory _____
- Legal Coun. _____
- Plan. & Eval. _____
- Spec. Inv. _____
- Training _____
- Telephone Rm. _____
- Director Sec'y _____

R. Rhyne

PURPOSE: To set forth request from Special Prosecutor, Henry S. Ruth, Jr., regarding any information we may have in our files regarding the assassination plot against Jack Anderson. A review of our files discloses no such information.

DETAILS: Henry S. Ruth, Jr., Special Prosecutor, telephonically contacted Section Chief, Louis E. Rhyne, 9/30/75, in reference to recent newspaper articles reporting that E. Howard Hunt had contemplated the murder of Jack Anderson, a Washington Syndicated Columnist. Ruth requested that we review our files regarding the Watergate investigation to determine if we had ever received any such information from informants or during the course of our investigation. He indicated that they had conducted some interviews and reference had been made that such a plot may have existed, however, no concrete facts have been developed, that such was the case.

[REDACTED]

In an interview in the current issue of Time Magazine, convicted Watergate Burglar E. Howard Hunt, OCT 10 1975 said former White House Aide, Charles Colson, once suggested that Anderson might be discredited if he appeared on his live radio program under the influence of a drug. Hunt and G. Gordon Liddy, another convicted Watergate Burglar, discussed the means for doing this, but never contemplated murder as was previously reported. Hunt said it was just another wild idea that never got beyond the proposal stage, in the interview with Time. Hunt denied that any action as serious as murder was ever contemplated, but revealed the drugging plot.

EX-106 REC-50 139-4089-2057

GDR:els (6)
Bufile 139-4089

XEROX

CONTINUED - OVER

OCT 14 1975

JFA

U.S.A.



84 OCT 16 1975

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan
Greenberg/Gray-4787

MEMO to Mr. Gallagher
RE: JAMES WALTER MC CORD AND OTHERS

A review has been conducted of files maintained relative to the Watergate investigation and no information was found to indicate that we had any knowledge of such a plot nor was any reference to such a plot found relative to Jack Anderson or [REDACTED]

On 10/1/75, Mr. Ruth was advised of the above and no investigation will be conducted unless specifically requested by the Special Prosecution Force.

ACTION: For information.

RR
JWB
RW
JMA
K

Greenberg/Gray-4788

Airtel

10/2/75

To: SAC, Miami

1 - Mr. Rosenquist

From: Director, FBI

JAMES WALTER MC CORD
ET AL.
HEADQUARTERS OF THE DEMOCRATIC NATIONAL
HEADQUARTERS
WASHINGTON, D. C.
JUNE 17, 1972
INTERCEPTION OF COMMUNICATIONS
(ACCOUNTING & FRAUD SECTION)

Recently national publicity has been given to the existence of the possible plot to assassinate or drug Syndicated Columnist, Jack Anderson, by E. Howard Hunt convicted Watergate burglar. Hunt in an interview with Time Magazine said former White House Aide, Charles Colson once suggested that Anderson might be discredited if he appeared on his live radio program under the influence of a drug. Hunt and G. Gordon Liddy, another convicted Watergate burglar discussed the means for doing this, but never contemplated murder.

Henry S. Ruth, Jr., Special Prosecutor, requested that Cuban informants in the Miami area be canvassed to determine if they ever heard of such a plot.

[REDACTED]

REC-49

139-4087-3005

EX-115

SEE NOTE PAGE TWO....

21 OCT 10 1975

- Assoc. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.:
- Admin. _____
- Comp. Syst. _____
- Ext. Affairs _____
- Files & Com. _____
- Gen. Inv. _____
- Ident. _____
- Inspection _____
- Intell. _____
- Laboratory _____
- Plan. & Eval. _____
- Spec. Inv. _____
- Training _____
- Legal Coun. _____
- Telephone Rm. _____

els
GDR:els (4)

MAILED 6
2
FBI

W. Rosenquist
5005

Airtel to SAC, Miami
Re: JAMES WALTER MC CORD

Promptly conduct above investigation. Submit results to FBIHQ by LHM (4 copies) suitable for dissemination to Special Prosecution Force.

NOTE: Memorandum L. E. Rhyne to Mr. Gallagher dated 10/17/75, sets forth information regarding contact by Henry S. Ruth, Jr., who in addition requested that informants in the Cuban community in Miami be canvassed regarding this matter.

Greenberg/Gray-4790

Airtel

10/2/75

To: SAC, Miami

1 - Mr. Rosenquist

From: Director, FBI

JAMES WALTER MC CORD
ET AL.
BURGLARY OF THE DEMOCRATIC NATIONAL
HEADQUARTERS
WASHINGTON, D. C.
JUNE 17, 1972
INTERCEPTION OF COMMUNICATIONS
(ACCOUNTING & FRAUD SECTION)

Recently national publicity has been given to the existence of the possible plot to assassinate or drug Syndicated Columnist, Jack Anderson, by E. Howard Hunt convicted Watergate burglar. Hunt in an interview with Time Magazine said former White House Aide, Charles Colson once suggested that Anderson might be discredited if he appeared on his live radio program under the influence of a drug. Hunt and G. Gordon Liddy, another convicted Watergate burglar discussed the means for doing this, but never contemplated murder.

Henry S. Ruth, Jr., Special Prosecutor, requested that Cuban informants in the Miami area be canvassed to determine if they ever heard of such a plot. Ruth further requested that in addition to the inquiry regarding the Anderson plot, that the inquiry include if any information was ever received regarding a plot to assassinate [redacted]

b6
b7c

REC-49

EX-115

SEE NOTE PAGE TWO.... 21 OCT 10 1975

139-487-3055

- Assoc. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.:
- Admin. _____
- Comp. Syst. _____
- Ext. Affairs _____
- Files & Com. _____
- Gen. Inv. _____
- Ident. _____
- Inspection _____
- Intell. _____
- Laboratory _____
- Plan. & Eval. _____
- Spec. Inv. _____
- Training _____
- Legal Coun. _____
- Telephone Rm. _____

els
GDR:els (4)

MAILED 6
OCT 2 1975
-FBI

Handwritten signature and date: 10/2/75

Greenberg/Gray-4791

Airtel to SAC, Miami
Re: JAMES WALTER MC CORD

Promptly conduct above investigation. Submit results to FBIHQ by LHM (4 copies) suitable for dissemination to Special Prosecution Force.

NOTE: Memorandum L. E. Rhyne to Mr. Gallagher dated 10/1/75, sets forth information regarding contact by Henry S. Ruth, Jr., who in addition requested that informants in the Cuban community in Miami be canvassed regarding this matter.

Greenberg/Gray-4792

UNITED STATES GOVERNMENT

Memorandum

Assoc. Dir. _____
 Dep. AD Adm. _____
 Dep. AD Inv. _____
 Asst. Dir. _____
 Admin. _____
 Comp. Syst. _____
 Ext. Affs. _____
 Files & Com. _____
 Gen. Inv. _____
 Ident. _____
 Inspection _____
 Intell. _____
 Laboratory _____
 Legal Coun. _____
 Plan. & Eval. _____
 Spec. Inv. _____
 Training _____
 Telephone Rm. _____
 Director Sec'y _____

TO : Mr. Gallagher *JED*

DATE: 10/1/75

FROM : L. E. Rhyne

- 1 - Mr. Gallagher
- 1 - Mr. O'Connell
- 1 - [Redacted]
- 1 - [Redacted]
- 1 - Mr. Wannall

SUBJECT: JAMES WALTER MC CORD AND OTHERS
 BURGLARY OF THE DEMOCRATIC
 NATIONAL HEADQUARTERS
 WASHINGTON, D. C.
 JUNE 17, 1972
 INCEPTION OF COMMUNICATIONS

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b7C

R. J. [Signature]

PURPOSE: To set forth request from Special Prosecutor, Henry S. Ruth, Jr., regarding any information we may have in our files regarding the assassination plot against Jack Anderson. A review of our files discloses no such information.

DETAILS: Henry S. Ruth, Jr., Special Prosecutor, telephonically contacted Section Chief, Louis E. Rhyne, 9/30/75, in reference to recent newspaper articles reporting that E. Howard Hunt had contemplated the murder of Jack Anderson, a Washington Syndicated Columnist. Ruth requested that we review our files regarding the Watergate investigation to determine if we had ever received any such information from informants or during the course of our investigation. He indicated that they had conducted some interviews and reference had been made that such a plot may have existed, however, no concrete facts have been developed, that such was the case. Ruth also indicated that possibly there was a plot to assassinate [Redacted]

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In an interview in the current issue of Time Magazine, convicted Watergate Burglar E. Howard Hunt, OCT 10 1975 said former White House Aide, Charles Colson, once suggested that Anderson might be discredited if he appeared on his live radio program under the influence of a drug. Hunt and G. Gordon Liddy, another convicted Watergate Burglar, discussed the means for doing this, but never contemplated murder as was previously reported. Hunt said it was just another wild idea that never got beyond the proposal stage, in the interview with Time. Hunt denied that any action as serious as murder was ever contemplated, but revealed the drugging plot.

EX-106 REC-50 139-4089-3057

GDR:els (6)
Bufile 139-4089

XEROX 3

CONTINUED - OVER

OCT 14 1975

JFH

[Handwritten initials]

84 OCT 16 1975

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

Memo to Mr. Gallagher
Re: JAMES WALTER MC CORD AND OTHERS

A review has been conducted of files maintained relative to the Watergate investigation and no information was found to indicate that we had any knowledge of such a plot nor was any reference to such a plot found relative to Jack Anderson or

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b7c

On 10/1/75, Mr. Ruth was advised of the above and no investigation will be conducted unless specifically requested by the Special Prosecution Force.

ACTION: For information.

RR

Joe

lu

[Signature]

RM

Jm

KY

Greenberg/Gray-4794

1 - Mr. Berthay

November 19, 1975

BY COURIER SERVICE

EX 103
REC-14

139-4089-3665

AB

JAMES WALTER MC CORD
AND OTHERS
BURGLARY OF THE DEMOCRATIC
NATIONAL COMMITTEE HEADQUARTERS
WASHINGTON, D. C.
JUNE 17, 1972
INTERCEPTION OF COMMUNICATIONS

On October 1, 1975, Mr. Henry S. Ruth, Jr., Special Prosecutor, requested that informants in the Cuban community in Miami, Florida, be canvassed to determine if these sources ever heard any information concerning a plot to assassinate or drug Syndicated Columnist Jack Anderson and to determine if these sources heard of a plot to assassinate

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Enclosed are two copies of a report dated November 7, 1975, of the Miami Division, Federal Bureau of Investigation, setting forth results of contacts with informants and sources in that area concerning the above matter.

No further investigation is being conducted in this matter by the Federal Bureau of Investigation.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

Assoc. Dir. — **Enclosures 2**

Dep. AD Adm. —

Dep. AD Inv. —

Asst. Dir.:

Admin. —

Comp. Syst. —

Ext. Affairs —

Files & Com. —

Gen. Inv. —

Ident. —

Inspection —

Intell. —

Laboratory —

Plan. & Eval. —

Spec. Inv. —

Training —

NOTE: Original and one copy LHM with enclosures forwarded to SPF by 0-14 this date, attn. John P. Lydick.

JLB:els (4)

JLB

PT

51 DEC 2 1975

MAIL ROOM

TELETYPE UNIT

Greenberg/Gray-4795

FBI

Date: 11/7/75

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL _____
(Priority)

Thompson

TO: DIRECTOR, FBI (139-4089)
FROM: SAC, MIAMI (139-328) (RUC)
SUBJECT: JAMES WALTER MC CORD
ET AL
BURGLARY OF THE DEMOCRATIC
NATIONAL HEADQUARTERS
WASHINGTON, D.C.
6/17/72
IOC (ACCOUNTING & FRAUD SECTION)

Re Bureau airtel to Miami dated 10/2/75.

Enclosed for the Bureau are 5 copies of an LHM dated and captioned as above.

Sources contacted by the Miami Office are as follows:

[Redacted] on 10/7/75, by SA [Redacted]
[Redacted] on 10/17/75, by SA [Redacted]
[Redacted] on 10/22/75, by SA [Redacted]
[Redacted] on 10/10/75, by SA [Redacted]
[Redacted] on 10/10/75, by SA [Redacted]
[Redacted] on 10/20/75, by SA [Redacted]
[Redacted] on 10/29/75, by SA [Redacted]
[Redacted] on 10/17/75, by SA [Redacted]
[Redacted] on 10/6/75, by SA [Redacted]
[Redacted] on 10/16/75, by SA [Redacted]

b2
b6
b7C
b7D

All sources contacted above advised they have never received any information regarding plots against JACK ANDERSON or [Redacted]

No further investigation remains to be conducted

by Miami.

(2) - Bureau (Enc. 5) (RM)
1 - Miami
JSD:jkc
(3)

LHM to SP4 (Enc. 2)
1-CC Rm 5005, 11-19-75
JLB:elw

21 NOV 13 1975

b6
b7C

Greenberg/Gray-4796

SIX



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No. 139-328

Miami, Florida
November 7, 1975

RE: JAMES WALTER MC CORD
ET AL
BURGLARY OF THE DEMOCRATIC
NATIONAL HEADQUARTERS
WASHINGTON, D.C.
JUNE 17, 1972
INTERCEPTION OF COMMUNICATIONS

During the month of October, 1975, informants and sources of the Miami, Florida office of the Federal Bureau of Investigation were contacted regarding any information they may have had regarding the existence of a plot to assassinate or drug syndicated columnist JACK ANDERSON. These informants and sources were also queried about any information they may have received regarding a plot to assassinate [redacted]

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D.C.
All the informants and sources contacted advised that they have never received any information regarding the above-mentioned plots.

Greenberg/Gray-4797

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

UNEXERCISED

- Tolson
- Sullivan
- Mohr
- Bishop
- DeLoach
- Malone
- McGuire
- Rosen
- Sullivan
- Tavel
- Walters
- Soyars
- Tele. Room
- Holmes
- Gandy

Memorandum Greenberg/Gray-4798

TO : Mr. Mohr

DATE: 2/17/71

FROM : T. E. Bishop *CB*

SUBJECT: JAMES HAGERTY
AMERICAN BROADCASTING COMPANY (ABC)
NEW YORK, NEW YORK

Handwritten signature

Handwritten notes:
31
412
2
1-3
BB

For the Director's information, Hagerty called Bishop back at 5:50 p.m. on February 17, 1971, to furnish the following information which he had determined to date concerning the incident at Mr. Hoover's house on the morning of 2/17/71:

ABC had a car in front of Mr. Hoover's house this morning bearing District of Columbia license 777-383, which was occupied by 4 men. One was Sam Donaldson, the ABC newsman who had requested an interview with Mr. Hoover concerning the Shaw case and Senator McGovern's allegations against the Director regarding the Shaw case, and who had been advised that the Director could not give the interview because the Shaw case is presently under litigation. The other 3 men were a 3-man camera crew from ABC. They had located themselves in front of Mr. Hoover's house this morning in order to get some silent film footage of Mr. Hoover coming out of his house. They also had in the car some sound equipment in the event Mr. Hoover wished to make some comment for them, even if it was a "no comment."

Handwritten note: This certainly was unwarranted in view of my previous refusal to grant the interview.

There was another car parked in front of Mr. Hoover's house, a blue car with Maryland license. Hagerty stated that the license number was GB 1065, but he requested that ABC under no circumstances be indicated as the source for this license number. While the ABC car was parked in front of Mr. Hoover's house, one of the 2 men in the blue car with the above Maryland license, got out of the car and went over to Mr. Hoover's garbage can and started going through it. When the ABC camera crew saw this happening, they took some silent film footage of the proceedings. While this was going on, a chauffeur came out of Mr. Hoover's house and talked briefly with the man going through the garbage can and another Negro (a female) also came out of the house and appeared to speak briefly with the man. The ABC crew saw the man going through the garbage can remove some material from the can, although they are unable to state what was taken out of the can, and they saw him then make the "V" sign with his fingers, get back in the blue car and it drove off.

- 1 - Mr. Mohr
- 1 - Mr. Bishop
- 1 - Miss Gandy
- 1 - Mr. M. A. Jones

Handwritten notes: They were parked in the driveway not in front of my house.
REG-23
APR 16 1971
(CONTINUED - OVER)

57 APR 16 1971
(5)361

COPY MADE FOR MR. TOLSON
RESEARCH
PEWS. REC. UNIT

UNRECORDED COPY FILED IN 44-38861-495

Bishop to Mohr memo (continued)
Re: JAMES HAGERTY

Mr. Hagerty stated that the management of ABC was very much disturbed on getting the initial report about this matter because they would never have countenanced anyone from ABC stooping so low as to go through Mr. Hoover's garbage. Hagerty stated that he doubted very much that the film of the individual going through the garbage would ever be used on ABC. He stated, however, that Mr. Hoover is a public figure and they felt sure he would understand why a television company might want to take some up-to-date pictures of Mr. Hoover in connection with a possible news story. Mr. Hagerty advised that he was going to make some additional inquiries into this matter and would call the Director or Bishop on the morning of 2/18/71, with whatever additional facts he has developed. He again reiterated that it was definitely no one from ABC who was going through Mr. Hoover's garbage can and that they would never have done such a thing, or been responsible for having it done, under any circumstances.

Why didn't they ask for B. H

At 6:10 p. m., 2/17/71, Mr. Hagerty again called Bishop and stated that he had just been advised by the manager of the Washington Bureau of ABC News, that he had determined that an unidentified employee at the Washington office of ABC had received a telephone call sometime this morning from an individual who said his first name was "Clyde." This individual stated that he understood that ABC had gotten a picture of him this morning going through Mr. Hoover's garbage can. He stated that he does it everyday, that he works for Jack Anderson, and that he told Anderson that he had been filmed in the act of doing so this morning and Anderson told him to call ABC and tell them that he was employed by Anderson.

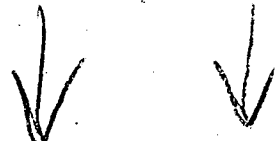
B.H.

I think this is a "cock & bull" story. H

SAC Kunkel of the Washington Field Office (WFO) has been furnished with Maryland license number GB 1065 (it is noted that the Director's Office previously had received this number as CB 1065) and has been instructed to immediately institute discreet inquiries to determine the identity of the person to whom this license plate is issued and what his employment, background, etc. consist of, with particular attention to whether he is employed by Jack Anderson. SAC Kunkel was instructed that the results of his inquiries should be furnished in written form to the Director's Office as early as possible on the morning of 2/18/71.

ATTACHED

(RECOMMENDATION-OVER)



Bishop to Mohr memo (continued)
Re: JAMES HAGERTY

RECOMMENDATION:

None. For information. Whatever additional information may be furnished by Mr. Hagerty on 2/18/71 will be immediately brought to the Director's attention.

TOB
7 10 14
100-116-1

I think ABC in Wash. is lying. I saw 2 ABC cars in front of my house & noted the license of each, one a red license in which there was 1 man & who was giving instructions to the men in the second car who had the cameras & which has a D.C. license. In Hagerty's report he states there was only 1 ABC car, that is not true & the check I made identified ~~the man in the car~~ the man in the 1st car when my car left without me had the ABC car circle the block & then return to the front of my house & was on the 1st car's departure. 18

Mr. Tolson	_____
Mr. DeLoach	_____
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. Felt	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Trotter	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

**MARYLAND LICENSE
GB-1065**

2/18/71

During the course of the night of February 17, 1971, the female, age 20, with long black hair who was observed driving a vehicle with the captioned license to the 57th Street address in Bladensburg, Maryland, was seen in Apartment 302. Inquiry with the apartment house management disclosed that Apartment 302 is occupied by Vincent Peter ~~Ruehl~~ and Charles ~~Elliott, Jr.~~ [redacted]

APPROX 11:46

APPROX 1975



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[redacted] Elliott is a white male, approximately 26 years of age, 5 feet 7 inches, 175 pounds, has dark hair, wears a moustache and is employed by Jack Anderson, the columnist. He was previously employed by the Prince Georges County Post. Elliott drives a 1969 MG Roadster with Maryland license HN-7425.

As of 1:15 p.m. this date, the female and Elliott were observed leaving the apartment house and departing in their respective automobiles. The female, obviously Barbara Crouse, is en route to Annapolis. A photograph was obtained of Elliott who, according to the Agents, appears to be approximately 30 years old and has a reddish moustache.

See memo 2-18-71

The Baltimore Office advised that corporation records for the State of Maryland disclosed that in connection with a reorganization of the Evening Capitol Newspaper on April 6, 1970, Jack Anderson was listed as a director.

A pretext telephone call was made to the Evening Capitol Newspaper in Annapolis and inquiry was made concerning Clyde who was described as being in his early 40's, heavy set, reddish hair and reddish moustache. The response

RGK

94-1-32254-495

ENCLOSURE

OVER

Greenberg/Gray-4801

FEB 19 1971

EVENING CAPITOL NEWS

D.C.
N.D. was that this was probably a new employee by the name of [redacted] who fit this description and was slightly balding on the top of his head. Efforts are currently being made to obtain his photograph.

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Right - N
It is noted that Special Agent [redacted] has advised that the individual who was observed going through the trash appeared to be in his early 40's, heavy set, and reddish hair with a reddish moustache.

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b7C

You will be advised of further developments.

Greenberg/Gray-4802

- Mr. Mohr.....
- Mr. Bishop.....
- Mr. Brennan CD.....
- Mr. Callahan.....
- Mr. Casper.....
- Mr. Conrad.....
- Mr. Dalbey.....
- Mr. Felt.....
- Mr. Gale.....
- Mr. Rosen.....
- Mr. Tavel.....
- Mr. Walters.....
- Mr. S v a r s.....
- Tele. Room.....
- Miss Holmes.....
- Miss Gandy.....

MARYLAND LICENSE
GB 1065

2/18/71

BORN JUNE 9, 1949, SEVERN, MARYLAND

CALIF.

Maryland Department of Motor Vehicles' records disclosed the captioned license to be registered for a 1969 Chevrolet for William Ralph Crouse, 1973 Fairfax Road, Annapolis, Maryland. A discreet neighborhood inquiry disclosed [redacted]

[redacted]

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Daughter Barbara Crouse, age twenty, is employed at the Evening Capitol Newspaper in Annapolis. She generally operates the automobile bearing Maryland license GB 1065. She has not been observed at her residence for the past few days. During the evening of February 17, 1971, a light green Malibu two-door with black vinyl top bearing Maryland license GB 1065 was observed in the parking lot located to the rear of the Evening Capitol Newspaper, located at 213 West Street, Annapolis.

2/18/71
151

Inquiry also disclosed that about a year and a half ago there was considerable publicity in Annapolis concerning the ownership of the stock for the Evening Capitol Newspaper. At that time it was widely reported that Drew Pearson and Jack Anderson were part owners, either in their own names or in the name of a separate firm.

[redacted] [redacted]
Other members of the [redacted] family include son [redacted] age [redacted] daughter [redacted] age [redacted] daughter [redacted] age [redacted] sister [redacted] brother-in-law [redacted]

b6
b7C

RGK

44-1-32254-495
ENCLOSURE

Greenberg/Gray-4803

b6
b7C

ANNAPOLIS, MARYLAND

The Department of Motor Vehicles' records also disclosed three other automobiles registered to members of the [redacted] family and two registered to the [redacted] couple, all at the [redacted] address in Annapolis.

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The records of the Identification Division disclosed two civil fingerprint records received on [redacted] [redacted] born [redacted], one on June 3, 1942, as an applicant for the General Engineering and Dry Dock Company at Alameda, California, and the second on December 3, 1942, for his enlistment in the United States Army. The records of the following sources failed to disclose any records of any members of the [redacted] family: Washington Field Office indices, Bureau indices, Baltimore indices, Washington Metropolitan Police Department, Baltimore Police Department and the Maryland State Police.

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b7C

At 11:00 p.m. February 17, 1971, the vehicle bearing the captioned license, occupied by a female, age 20, with long black hair, was observed departing the vicinity of the newspaper. The vehicle was followed to 5051 57th Street, Bladensburg, Maryland, where the female entered a 12-unit apartment building. The name of Barbara Crouse was not shown on any of the mail boxes for the apartment building.

You will be advised of the results of the additional inquiries being made in this matter.

Greenberg/Gray-4804

UNITED STATES GOVERNMENT

Memorandum

me

Tolson	<input checked="" type="checkbox"/>
Sullivan	<input checked="" type="checkbox"/>
Mohr	<input checked="" type="checkbox"/>
Bishop	<input checked="" type="checkbox"/>
Belmont	<input checked="" type="checkbox"/>
Callahan	<input checked="" type="checkbox"/>
Casper	<input checked="" type="checkbox"/>
Conrad	<input checked="" type="checkbox"/>
Dalbey	<input checked="" type="checkbox"/>
Felt	<input checked="" type="checkbox"/>
Gale	<input checked="" type="checkbox"/>
Rosen	<input checked="" type="checkbox"/>
Tavel	<input checked="" type="checkbox"/>
Walters	<input checked="" type="checkbox"/>
Soyars	<input checked="" type="checkbox"/>
Tele. Room	<input checked="" type="checkbox"/>
Holmes	<input checked="" type="checkbox"/>
Gandy	<input checked="" type="checkbox"/>

W. J. Jones
M. A. Jones

TO : Mr. Mohr

DATE: 2/18/71

Greenberg/Gray-4805

FROM : T. E. Bishop *TEB*

SUBJECT: JAMES HAGERTY
AMERICAN BROADCASTING COMPANY (ABC)
NEW YORK, NEW YORK

As reflected in the addendum of Bishop's memorandum to Mr. Mohr of 2/18/71, Bishop furnished Mr. Hagerty on that date the Director's reaction to the information which he had given to Bishop on the late afternoon of 2/17/71 concerning incidents at Mr. Hoover's house on the morning of 2/17/71, as set forth in Bishop's memorandum to Mr. Mohr on that date. Hagerty stated that he was going to make additional forceful inquiries into the matter to insure that he had the complete, accurate story and has not been given a "cock and bull" story by the Washington ABC representatives.

Hagerty called Bishop back at 4:30 p.m. on 2/18/71 and stated that in his haste to get an explanation of this matter yesterday afternoon, he had gotten a garbled version of what actually happened, although he hastened to explain that ABC representatives definitely had nothing to do with taking any of Mr. Hoover's garbage. He said that the following is what he has determined through his complete inquiries:

D.C.

In Mr. Hoover's neighborhood yesterday morning there were 2 ABC cars; one bore District of Columbia license 777-383 and contained a 3-man camera crew. This car is assigned to George Romilly, one of the camera crew; the other car was the personally owned car of Sam Donaldson, the ABC newsman who was in charge of the group, his car being a green Chevrolet Camaro bearing Maryland license GJ 4146. Donaldson and the crew had agreed to meet at Mr. Hoover's house on the morning of 2/17/71 and Donaldson drove there in his personal car. When he arrived, the car with the District of Columbia plates, bearing the 3-man camera crew, was there. He got out of his personal car, went over and talked to the men in the camera crew and gave them their instructions as to how he wanted cameras set up for the possibility of filming Mr. Hoover as he departed his residence, and continued while in the area to give directions to the camera crew.

- 1 - Mr. Mohr
- 1 - Mr. Bishop
- 1 - Miss Gandy
- 1 - Mr. M.A. Jones

TEB:jo
(5)

COPY MADE FOR MR. TOLSON

REC-73 94-1-32254-496
5 APR 16 1971
(CONTINUED - OVER)

55 MAY 10 1971

CRIME RESEARCH
PENNS. UNIT

UNRECORDED COPY FILED IN 94-1-32254-496

Bishop to Mr. Mohr memo (continued)
Re: JAMES HAGERTY

A third car, a 1969 green colored Chevrolet bearing Maryland license GB 1065, drove up to the area of Mr. Hoover's house after the 2 ABC cars were already there. A man got out of the car and when he started to take things out of the garbage can, Donaldson instructed his crew to shoot film of the incident. After Mr. Hoover's chauffeur and a female Negro from Mr. Hoover's house talked to the man taking things out of the garbage can, he gave the "V" sign with his fingers, got back in the car with Maryland license GB 1065 and drove off. At no time did any of the ABC representatives speak to this individual or anybody else in his car. When Mr. Hoover's chauffeur departed in Mr. Hoover's car, Donaldson, in his car, and the 3 ABC cameramen in the car with the District of Columbia license, followed it for a short while until they determined that Mr. Hoover was not in the car, at which time they came back to the area of Mr. Hoover's house. After remaining there awhile and feeling that Mr. Hoover was not coming out, Donaldson gave instructions that the group should leave and both of the ABC cars departed; Donaldson left alone in his car, and the 3 cameramen in the car with the District of Columbia license plates.

With regard to the call received by ABC on the morning of 2/17/71 from the individual who said he worked for Jack Anderson, Mr. Hagerty advises that he caused an inquiry to be made to Jack Anderson's office asking if someone had called ABC on the morning of 2/17/71 to report that they had been filmed taking items from Mr. Hoover's garbage can by an ABC crew. Hagerty said that Anderson admitted that one of his employees, who he identified as "Chuck Elliott, Jr., a staff assistant," was the individual who had telephoned ABC on that morning advising he was the individual photographed by ABC.

Mr. Hagerty again stated that he wanted Mr. Hoover to know that the film made by ABC would never be utilized on the air and that ABC was not going to show any program concerning Mr. Hoover or the Shaw case at this time, and he also advised Bishop that he felt he had given sufficient instructions to insure that no ABC cameramen would ever again take pictures at Mr. Hoover's residence. He did state, however, that he must agree with Mr. Hoover that Donaldson and the camera crew used poor judgment in going to Mr. Hoover's residence in the first place, after Mr. Hoover had indicated that he would not grant any interviews, and that they should have at least advised the FBI in advance of their intentions to film Mr. Hoover departing his residence.

(CONTINUED - OVER)



Bishop to Mr. Mohr memo (continued)
Re: JAMES HAGERTY

This would seem to clarify to a great extent what was observed by Mr. Hoover at his residence yesterday morning. To further clarify the matter, SAC Turyn of the Baltimore Office, on Bishop's instructions, contacted this afternoon [redacted] of Ellicott City, Maryland, to whom is issued Maryland license CB 1065 for a 1967 Dodge. [redacted] advised that he drives his car to work each morning, arriving at a Baltimore factory at 6:00 a.m. and that the car remains parked there in a locked condition until he leaves in the late afternoon. He said that he arrived at his employment at 6:00 a.m. on 2/17/71 and his car was not utilized by him or anyone else until the late afternoon. He additionally noted that his car is a 4-door Dodge Dart, beige (very light tan) in color. It would appear from the above that the car utilized by the individual who searched through the garbage can bore Maryland license GB 1065 rather than CB 1065. It will be noted that inquiries concerning this Maryland tag by the Washington Field Office (WFO) have developed that this license plate is issued to a William Ralph Crouse of Annapolis, Maryland, for a 1969 light green Chevrolet. This car is generally in the possession of Crouse's daughter, Barbara Crouse, aged 20, who is employed at the Evening Capitol Newspaper in Annapolis, of which Jack Anderson was a director in April, 1970. Through investigation by WFO on the night of 2/17/71, it was determined that Barbara Crouse is the girlfriend of Charles Elliott, Jr., who lives at Apartment 302, 5105 57th Street, Bladensburg, Maryland, and who is employed by Jack Anderson, the columnist. It will be noted that Elliott is the same individual who has been asking questions in Mr. Hoover's neighborhood previously and also was previously identified in a column by Anderson as having searched Mr. Hoover's garbage can.

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B.C. CHARLES ELLIOTT JR. B. ANAPOLIS

As the Director is aware, Elliott is described as being 26 years of age, 5 feet 7 inches, 175 pounds, wears a moustache and has dark hair. His photograph is being obtained by WFO and will be shown to the Director and Moten.

RECOMMENDATION:

None. For the Director's information.

Handwritten signatures and initials:
JAN TOB

UNITED STATES GOVERNMENT

Memorandum

1 - Mr. E. S. Miller
1 - Mr. T. J. Smith

- Mr. Felt _____
- Mr. Baker _____
- Mr. Callahan _____
- Mr. Cleveland _____
- Mr. Conrad _____
- Mr. Gebhardt _____
- Mr. Jenkins _____
- Mr. Marshall _____
- Mr. Miller, E.S.
- Mr. Soyars _____
- Mr. Thompson _____
- Mr. Walters _____
- Tele. Room _____
- Mr. Baise _____
- Mr. Barnes _____
- Mr. Bowers _____
- Mr. Herington _____
- Mr. Conny _____
- Mr. Mintz _____
- Mr. Eardley _____
- Mrs. Hogan _____

TO : Mr. E. S. Miller

DATE: 6/14/73

FROM : T. J. Smith *TJS*

JUNE

SUBJECT: CHARLES EDWARD RADFORD II
SENSITIVE COVERAGE FOR THE WHITE HOUSE
COVE - ESPIONAGE

EM/TJS

*KNOW TO [unclear]
S. [unclear]*

Although completely unrelated in any way to prior requests of the White House for electronic surveillance coverage of White House aides and newsmen from 1969 - 1971 in connection with leaks of highly classified national security information, captioned matter also related to electronic surveillance coverage of individuals at the specific request of the White House. Because of the very sensitive nature of the matter, it is being given a code word "COVE - Espionage" and all records and documents relating to the matter will be kept in the Associate Director's Office with access limited to those persons who have received prior individual approval from the Director, Associate Director or the Assistant Director in charge of the Intelligence Division. Although index cards will be maintained in the general indices of the Bureau, and index cards will be filed in the Special Electronic Surveillance indices, no abstracts will be prepared except in correspondence to and from the field and memoranda dated from this date forward.

The genesis of this matter is as follows: On 12/22/71, the Attorney General, John N. Mitchell, personally contacted Mr. W. Mark Felt, who was then the Deputy Associate Director, and instructed him to institute, after clearing with Mr. Hoover, a telephone surveillance of Charles Edward Radford II, a Navy Yeoman 1st Class assigned to the Joint Chiefs of Staff. Mr. Mitchell said that this instruction came directly from President Nixon. He called attention to the Jack Anderson column of 12/14/71, wherein disclosures were made of conversations between the President and Dr. Henry A. Kissinger and between Dr. Kissinger and other high officials at the White House and the State Department.

MCT-31
75108

JUN 18 1973
75108

Mitchell said they believed Radford was the leak to Anderson of this information. He explained that both Radford and Anderson are members of the same church (Mormon) and that their respective wives

S-TJS

TJS: glw
(3)

CONTINUED - OVER

ROUTE IN ENVELOPE

Greenberg/Gray-4808

FILE

*File Returned to
Special File Room
9-22-76
jw.*

67 JUN 19 1973

Memorandum to Mr. E. S. Miller
Re: Charles Edward Radford II
Sensitive Coverage for the White House
COVE - Espionage

were closely associated in church work. Radford was responsible for frequent contact with the White House and the National Security Council. It was later determined that Radford had been brought to Washington by Admiral Moorer, and he was in a position to be privy and have access to the type of data being leaked. He had previously worked for Admiral Moorer.

It was also subsequently learned unofficially that Radford had already been confronted by Navy investigators concerning the leaks and had, as a matter of fact, already been given polygraph tests concerning the leaks and his association with Jack Anderson. The FBI was not requested to conduct any investigation of the leaks; only to place electronic coverage on Radford.

Mr. Mitchell told Mr. Felt that the President was gravely concerned over this matter and was anxious to ascertain the full extent of the security breach. He said that no prosecution was contemplated. Mr. Mitchell inquired as to whether Mr. Felt believed physical surveillance might be productive and Mr. Felt replied that it might be productive, but also might be very dangerous because if Radford became aware of the same and furnished this information to Jack Anderson even more damaging columns could result. Mr. Mitchell agreed.

The Attorney General requested to be advised on a day-to-day basis of developments in this case. Mr. Felt told Mr. Mitchell that reports would be made directly to him and that the matter would be handled on a strict "need-to-know" basis in the Bureau.

After clearing with Mr. Hoover, Mr. Felt instructed you to personally contact the SAC, WFO, and instruct that the coverage be instituted as quickly as possible. You were also told to instruct the SAC, WFO, that the number of individuals having access to this matter be limited on a strict "need-to-know" basis. Mr. Felt instructed that

Memorandum to Mr. E. S. Miller
 Re: Charles Edward Radford II
 Sensitive Coverage for the White House
 COVE - Espionage

summaries prepared for the Attorney General should be blind and no tickler copies should be made. One yellow copy was to be made for personal retention of Mr. Felt under maximum security in his office. These instructions were modified shortly thereafter so that the original blind memorandum was sent to the White House in a sealed envelope addressed to "Honorable John D. Ehrlichman - Eyes Only." A copy was prepared for the Attorney General, and a yellow file copy for Mr. Felt's retention.

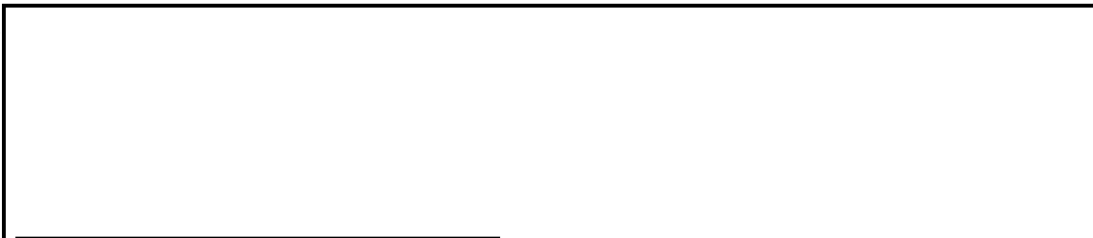
Only one copy of the logs were prepared by WFO and these were delivered on a daily basis in a sealed envelope to you marked in such a manner that it would be opened only by you. No record was maintained of the installation by WFO. Only the SAC, Robert Kunkel, and Coordinating Security Supervisor, Courtland J. Jones, were fully knowledgeable in WFO concerning the coverage. I was the only one in the Intelligence Division besides yourself who knew of the coverage. I reviewed the logs and prepared the summaries, and I always hand-carried them to Mr. Felt, the Director's Office, the Attorney General's Office and handed the sealed envelope over to the Liaison Agent for delivery to the White House. On two or three occasions, I personally delivered the sealed envelopes to the White House and turned them over to David Young, who was on Mr. Ehrlichman's staff. As a matter of record, these envelopes were delivered to Young's office by the Liaison Agent. We know for a fact that Young was reviewing the summaries and he personally informed us that he furnished the summaries to Ehrlichman.

Electronic surveillance coverage was instituted on Radford's residence on 12/23/71. In line with the policy which was in effect at the time, a leased line letter was prepared for delivery to the C & P Telephone Company, and this letter was signed by Mr. Hoover.

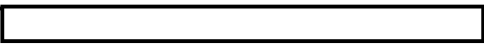
It was quickly determined that [REDACTED]

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Memorandum to Mr. E. S. Miller
Re: Charles Edward Radford II
Sensitive Coverage for the White House
COVE - Espionage



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 This information was reported to the White House and the Attorney General.

On 1/4/72, the Attorney General called Mr. Felt and said

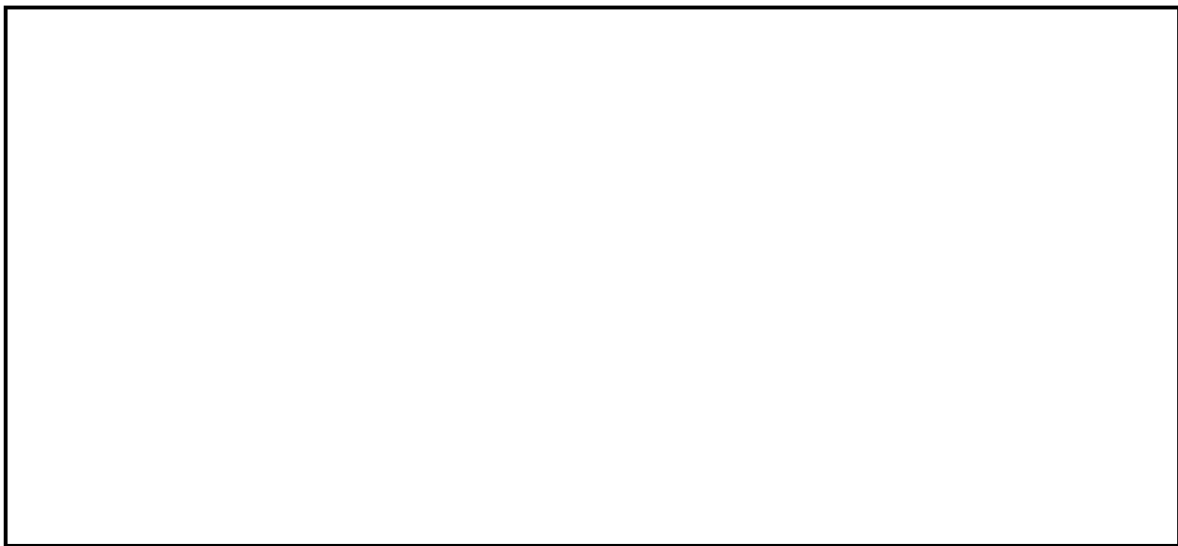


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On 1/11/72, the Attorney General called Mr. Felt with further reference to the matter of the leak of confidential White House memoranda to columnist Jack Anderson. Mr. Mitchell said that this matter was far from being resolved and indications were then that other persons may be involved. He said that Radford was still a prime suspect. Radford was presently en route to his new duty station at Portland, Oregon, and he would be staying temporarily with his stepfather, William Frank Morgan. The Attorney General requested that a telephone surveillance of Radford at his temporary location at the Morgan home be instituted as quickly as possible. He requested that results be promptly furnished

Memorandum to Mr. E. S. Miller
Re: Charles Edward Radford II
Sensitive Coverage for the White House
COVE - Espionage

daily to him and to Mr. John D. Ehrlichman at the White House. Upon Mr. Hoover's approval, Mr. Felt instructed you to obtain the coverage promptly and to exercise the same security precautions as before.



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Coverage of Radford in Portland, Oregon, was productive in that it established that the Radfords were still in contact with Jack Anderson, although the conversations were innocuous in nature. 



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Radford was then transferred permanently to the Naval Reserve Training Center at Salem, Oregon, and David Young requested that we institute electronic surveillance (wiretap) coverage of Radford both at his place of employment and his residence. Young assured us that the Attorney General concurred. In order to effect coverage at the Naval Reserve Training Center, it was necessary to place coverage on three separate lines going into the Naval Reserve Training Center. However, no calls were monitored

Memorandum to Mr. E. S. Miller
Re: Charles Edward Radford II
Sensitive Coverage for the White House
COVE - Espionage

which were obviously not directed to or from Radford. Even so, a large volume of traffic was handled. Coverage was instituted on the Naval Reserve Training Center lines 2/4/72, although no calls were monitored until opening of business on 2/7/72 when Radford was scheduled to report for duty. Coverage was instituted on the residence of Charles Edward Radford II on 2/15/72.

On 2/17/72, David Young advised that coverage of [redacted] [redacted] should be removed because of lack of productivity, but that the coverage maintained at both Portland and Salem, Oregon, be continued. Accordingly, the coverage on [redacted] was removed on 2/17/72.

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Subsequently, at the request of David Young at the White House, coverage on the Naval Reserve Training Center in Salem, Oregon, and on William Frank Morgan, Radford's stepfather in Portland, Oregon, was discontinued 4/11/72. The coverage on Radford's residence continued, however. The coverage on Radford was finally discontinued on 6/20/72, following the Supreme Court decision in the Keith case. It was not discontinued on 6/19/72, as others falling under the Keith rule had been, since we were awaiting a decision from the White House.

Although we felt at the time that the Radford case fell within the meaning of the Keith rule, and so stated to the White House at the time, a reexamination of the facts surrounding the coverage relating to leaks such as those involved in the Radford coverage has resulted in a conclusion that this coverage would not have been affected by the Keith decision, inasmuch as such coverage was in furtherance of efforts by the President to protect national security information, which function was excepted in the Keith decision.

It is to be noted that in connection with wiretaps placed in this instance, no written authority was ever obtained from the Attorney General. The initial request came from the Attorney General in personal instructions

Memorandum to Mr. E. S. Miller
Re: Charles Edward Radford II
Sensitive Coverage for the White House
COVE - Espionage

to Mr. Felt. Each was then approved by Mr. Hoover. Reports prepared from review of the logs were delivered to the Attorney General as well as the White House, so there was no question at any time that the Attorney General was not aware of the coverage. Propriety of the coverage was never in doubt at any time. It was unquestionably related to the national security, and the necessity for maintaining the fewest possible records relating to the coverage was obvious. This was the reason why no letter was sent to the Attorney General requesting and getting individual written approvals. This was the reason the coverage was reported by blind memorandum on unwatermarked bond paper. This was the reason the records were retained under heavy security in Mr. Felt's Office. This was the reason that only a very few persons were privy to the coverage. The possibility of our coverage being leaked to Jack Anderson was very real and very great. At the time, some of the Bureau's tightly held matters were appearing in public print and the need for secrecy was apparent.

It is to be noted that following John N. Mitchell's resignation as Attorney General, no further reports relating to the coverage were delivered to the Attorney General's Office. Mr. Felt inquired of Attorney General Kleindienst if he desired to continue to get the reports and he replied in effect that he did not know anything about the coverage and did not want any reports relating to it.

Insofar as other records maintained, there were no records in the electronic indices. However, Mr. Hoover instructed that the number of wiretaps be included in the overall number of wiretaps which was a part of his testimony before the Appropriations Subcommittee, and a part of the total number which had a definite ceiling. In other words when the total number of wiretaps permitted by Mr. Hoover at any given time included one of the Radford wiretaps, other national security taps were reduced by this number.

Memorandum to Mr. E. S. Miller
Re: Charles Edward Radford II
Sensitive Coverage for the White House
COVE - Espionage

RECOMMENDATIONS:

1. That an espionage case file be opened on this case and that it be hereafter referred to by the code word "COVE - Espionage."

2. That upon being serialized and indexed, this file be maintained in the Associate Director's Office under secure conditions and that access to the file be limited to those who have received prior approval of the Director, Associate Director or Assistant Director, Intelligence Division.

3. That in accordance with procedures approved in connection with prior file on White House-requested wiretaps in 1969-1971, no abstracts be made except as described herein.

4. That index cards be prepared for inclusion in the Bureau's general indices, and that indexing be done by the Intelligence Division.

5. That index cards be prepared by the Intelligence Division from the logs of coverage in this case for inclusion in the Special Electronic Surveillance indices maintained by the Special Investigative Division.

Memorandum to Mr. E. S. Miller
Re: Charles Edward Radford II
Sensitive Coverage for the White House
COVE - Espionage

6. That no dissemination be made of information contained in this file or from the coverage related thereto without prior authorization of the Director, Associate Director or Assistant Director, Intelligence Division.

~~7~~ EM

12-22-71

TO THE DIRECTOR:

RE: CHARLES EDWARD RADFORD II
148 CLAGETT, SOUTHWEST
WASHINGTON, D. C.

JUNE

On 12-22-71 Attorney General Mitchell personally instructed me to institute, after clearing with you, telephone surveillance of captioned individual, telephone number 561-8384.

Mr. Mitchell said that this instruction came directly from President Nixon. Mitchell called attention to the Jack Anderson column of Tuesday, December 14, 1971, wherein disclosures were made of conversations between the President and Henry Kissinger and between Kissinger and other high officials at the White House and the State Department. Mitchell said they believed Radford was the leak to Anderson of this information. He explained that both Radford and Anderson are members of the same church and that their respective wives are closely associated in church work. According to Mitchell Radford is a Navy Yeoman 1st Class assigned to the Joint Chiefs of Staff and responsible for frequent contact with the White House and the National Security Council.

Mitchell advised that the President was gravely concerned over this matter and was anxious to ascertain the full extent of the security breach. He said that no prosecution was contemplated. He inquired as to whether I felt physical surveillance would be productive. I indicated that while it might be productive it might also be very dangerous because if Radford became aware of the same and furnished this information to Anderson even more damaging columns could result. The Attorney General agreed.

The Attorney General requested to be advised on a day-to-day basis of developments in this case. I advised him that reports would be made directly to him and that the matter would be handled on a strict "need-to-know" basis in the Bureau.

After clearing with you, I instructed Miller to personally contact SAC Kunkel of the Washington Field Office and instruct that the desired coverage be instituted as quickly as possible. I instructed Miller and told him to instruct Kunkel that the number of individuals having access to this

ENCLOSURE

65-75109-2
NOT RECORDED

JUN 25 1973 Greenberg/Gray-4817

JUN 21 1973

matter be limited on a strict "need-to-know" basis. I told Miller that summaries prepared for the Attorney General should be blind and no tickler copies should be made. One yellow copy should be made for personal retention by me under maximum security in my office.

Attached is a copy of the Jack Anderson column for Tuesday, 12-14-71.

W. MARK FELT

~~7~~

Greenberg/Gray-4818

U.S., Soviet Vessels in Bay of Bengal

By Jack Anderson

A dangerous confrontation is developing between Soviet and American naval forces in the Bay of Bengal.

President Nixon has ordered a naval task force into those troubled waters as a restraint upon India. Now heading for the Bay of Bengal are the aircraft carrier Enterprise, amphibious assault ship Tripoli, guided missile frigate King, and guided missile destroyers Parsons, Decatur and Tartar Sam.

At the same time, Soviet naval ships have been spotted steaming into the Bay of Bengal ostensibly to bolster India.

Even more ominous, intelligence reports claim that Soviet technicians are aboard Indian naval craft that have attacked Pakistani harbor and shore installations. U.S., British and other foreign merchant ships have been hit in these attacks.

Rockets fired from under the ocean have also been tracked. The Pakistani Navy has urgently requested U.S. help in determining whether the rockets could have been launched from a Soviet submarine.

Inside the White House, meanwhile, the President has made no attempt to hide his favoritism for Pakistan. He has developed a close personal

relationship with Pakistan's dynamic President Yahya Khan.

Mr. Nixon, accordingly, has ordered his crisis team, known formally as the Washington Special Action Group, to find ways short of direct intervention to help Pakistan. The hush-hush group, headed by presidential policymaker Henry Kissinger, has been meeting almost daily in the White House's fabled secret Situation Room since the Indian-Pakistani outbreak.

Nixon's Secret Ire

At the Dec. 3 meeting Kissinger snorted: "I'm getting hell every half-hour from the President that we're not being tough enough on India. He has just called me again. He doesn't believe we're carrying out his wishes. He wants to tilt in favor of Pakistan. He feels everything we do comes out otherwise."

Adm. Thomas Moorer, chairman of the Joint Chiefs of Staff, reviewed the military situation. CIA Chief Richard Helms also reported what his agents had found out about the fighting. Then Kissinger brought up the United Nations.

"If the U.N. can't operate in this kind of situation effectively," he growled, "its utility has come to an end, and it is useless to think of U.N. guarantees in the Middle East."

"We'll have a recon-

struction for you this afternoon," promised Assistant State Secretary Joseph Sisco.

"We have to take action," pressed Kissinger. "The President is blaming me, but you people are in the clear."

"That's ideal!" retorted Sisco cheerily.

There was discussion about a statement that had been prepared for Ambassador George Bush to deliver at the U.N. Kissinger thought it was "too evenhanded" and ought to be tougher on India.

To maintain a diplomatic balance, Sisco suggested that economic steps could be taken against India but that similar moves against Pakistan should be announced as "under review."

"It's hard to tilt toward Pakistan," grumped Kissinger, "if we have to match every Indian step with a Pakistan step."

U.S. Too Gentle?

At the next secret meeting on Dec. 4, Kissinger reported that the President was still fuming over the gentle treatment U.S. spokesmen were giving India.

"The President is under the illusion that he is giving instructions," said Kissinger, "not that he is merely being kept apprised of affairs as they progress."

Mr. Nixon, meanwhile, has regarded several secret, ur-

gent appeals from Kenneth Keating, the American Ambassador in New Delhi, that the U.S. should be careful not to alienate India.

He reported that he had received personal assurances from Indian Foreign Minister Swaran Singh not only that the populace welcomed the liberation of East Pakistan but that India had no intention of annexing the conquered territory. India had no wish, said Singh, to provide "even a semblance of Indian administration" but would permit the Bengalis to rule themselves.

In another secret message, Keating sharply disputed a story put out by the White House about the Indian-Pakistani developments.

"I have made the foregoing comments," he concluded, "in the full knowledge that I may not have been privy to all the important facts of this tragedy. On the basis of what I do know, I do not believe those elements of the (White House) story either add to our position or, perhaps more importantly, to our credibility."

It would be ironic if Richard Nixon, who mounted the political soapbox in times past to accuse the Democrats of "losing" China to the Communists, should be responsible for pushing India into eager Soviet arms.

Bell-McClure Syndicate

ENCLOSURE

65-75107-2

Greenberg/Gray-4819

January 11, 1972

DO NOT FILE
RETURN TO ROOM 5744

JUNE

MR. TOLSON:

RE: CHARLES E. RADFORD II

At 12:30 p. m. , 1-11-72, Attorney General Mitchell called with further reference to the matter of the leak of confidential White House memoranda to columnist Jack Anderson.

Mitchell said that this matter is far from resolved and indications are now that other persons may be involved. He said that Radford is still a prime suspect. Radford is presently en route to his new duty station at Portland, Oregon, where he will be staying, at least temporarily, with his step-father, Mr. William Frank Morgan, 5511 Southeast Mitchell Street, Portland, Oregon.

The Attorney General requested that telephonic surveillance of Radford at his temporary location at the Morgan home be instituted as quickly as possible. He requested that results be promptly furnished daily to him and to Mr. John Ehrlichman at the White House.

If the Director approves, I will instruct Miller to take the necessary steps to obtain this coverage promptly and to exercise the same security precautions as before.

W. MARK FELT

WMF:crt

65-75108-29
NOT RECORDED

JUN 25 1973

JUN 25 1973

Greenberg/Gray-4820

Post Office Box 709
Portland, Oregon 97207

January 11, 1972

JUNE

(Handwritten scribble)

[Redacted]

General Security Manager
Pacific Northwest Bell Telephone Company
723 Lincoln Building
Portland, Oregon 97204

b6
b7C
b7D

Jim

Dear [Redacted]:

b6
b7C

It is requested that facility information, including terminal locations, be furnished for the service listed to William Frank Morgan at 5511 SE Mitchell Street, Portland, Oregon.

Very truly yours,

(Handwritten signature)

J. L. MATTSON
Special Agent in Charge

65-75104-30

NOT RECORDED

JUN 25 1973

Greenberg/Gray-4821

JUN 25 1973 *jam*

January 12, 1972

JUNE

RE: CHARLES E. RADFORD II

For your information telephone surveillance coverage was instituted on the telephone service of William Frank Morgan, 5511 Southeast Mitchell Street, Portland, Oregon, Telephone Number (503) 774-9750 at 11:20 AM this date, pursuant to your request.

You will be kept currently informed of all pertinent information developed through this coverage.

65-75108-31

NOT RECORDED

JUN 25 1973

7

JUN 25 1973 *jm*

Greenberg/Gray-4822

January 12, 1972

b6
b7C

JUNE

[Redacted]

Pacific Northwest Bell Telephone Company
723 Lincoln Building
Portland, Oregon 97204

b6
b7C

Dear [Redacted]:

In connection with an investigation being conducted by the Federal Bureau of Investigation, under its lawful and established jurisdiction, it is requested that you furnish to the Federal Bureau of Investigation, at the usual commercial rates, the facilities or services set out below. This request is made upon the specific written authorization of the Attorney General of the United States as a necessary investigative technique under the powers of the President to protect the national security. Your cooperation in this matter will be greatly appreciated.

It is requested that leased line facilities be furnished as follows:

From: 551 Southeast Mitchell Street,
Portland, Oregon
To: Crown Plaza Building,
Portland, Oregon

Very truly yours,

John Edgar Hoover
Director

PKP
7

TJS:mea (2)

65-75108-35 *EM* *TJS*
NOT RECORDED

JUN 25 1973 *jam*

JUN 25 1973

~~Greenberg/Gray~~ 4823

January 17, 1972

JUNE

RE: WILLIAM FRANK MORGAN
 PORTLAND, OREGON
 (Charles E. Radford II)

The following is a summary of pertinent information developed through coverage of William Frank Morgan, Portland, Oregon, over the period January 14 through 16, 1972:

On January 14th at 12:40 PM [redacted] talked to [redacted]

[redacted]

[redacted] " There was nothing more significant in this conversation and there were no other significant calls on January 14th.

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 b7c

No information of pertinence was developed on January 15th.

On January 16, 1972, at 9:33 PM Tonne (Radford) called the long distance information operator and asked for the telephone number of Jack N. Anderson, Bethesda, Maryland. It was given as (301) 365-7632 and was then dialed by Tonne. A male voice answered and Tonne said, "Jack? Is Libby (phonetic) there, this is Tonne." A woman came on the line and Tonne said, "Libby? This is Tonne, I understand you called. We are in Portland, Oregon right now." Libby inquired if they would be there awhile and said, "I never did give you that stuff." Tonne replied that they were going to be transferred someplace around Portland. She said, "He's supposed to pick up his orders tomorrow." Libby replied, "O.K., send me your address and I'll send you your genealogy. If you want me to do anything more I'll send what we have so far. We wondered and I called." Tonne replied, "There was nothing we could say to anybody." Libby said, "I'll still help you on your genealogy. Did you see the folks in Salt Lake City?" Tonne replied that the weather had been bad and they took the Southern route. She said, "We couldn't tell anybody where we were going, so it's still hush hush and it's between you and I. Did Jack get the card?" Libby replied, "Not yet." Tonne said, "We sent a post card from Arizona last week. It's all done in short hand so I'm sure Jack can read it." It'll explain some things. Libby replied, "I hope to see you again sometime." Nothing more pertinent was discussed, and there were no other pertinent calls on January 16, 1972.

NOT RECORDED

JUN 25 1973

JUN 25 1973

January 24, 1972

JUNE

MEMORANDUM FOR MR. TOLSON

RE: SPECIAL ELECTRONIC SURVEILLANCE
COVERAGE FOR THE WHITE HOUSE
LEAKS TO JACK ANDERSON

You will recall that just prior to Christmas we instituted electronic surveillance coverage of Charles E. Radford II, a Navy Yeoman who was assigned to Admiral Moorer's Office at the White House. It developed that Radford had been examined on a polygraph and it was detected that he had been in contact with Jack Anderson and, according to the polygraph examiner, had guilty knowledge of material being leaked to Anderson.

As result of coverage of Radford, two predominant names emerged showing an unusual amount of interest in the investigation being conducted by Defense Department of Radford. *Jim*

[REDACTED]

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The White House requested coverage of [REDACTED] and we are still monitoring his phone.

b6
b7C

[REDACTED]

b6
b7C

The White House requested coverage of [REDACTED] and we are still monitoring her phone.

b6
b7C

65-75108-62
NOT RECORDED

JUN 25 1973

JUN 25 1973 Greenberg/Gray-4825

MEMORANDUM FOR MR. TOLSON
 SPECIAL ELECTRONIC SURVEILLANCE
 COVERAGE FOR THE WHITE HOUSE
 LEAKS TO JACK ANDERSON

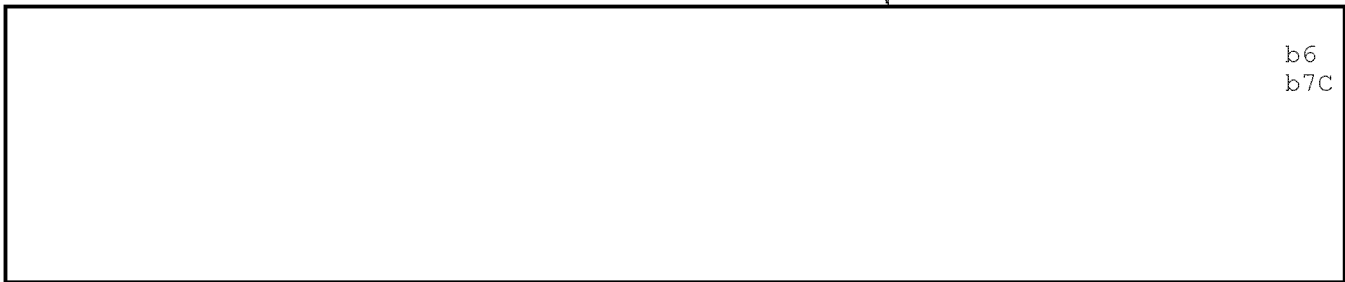
PAGE TWO

Shortly after the first of the year Radford was suddenly transferred to Portland, Oregon. Coverage of his phone in this area was of course discontinued. However, at the request of the White House coverage was instituted on 1/11/72 of the residence of Radford's stepfather in Portland, Oregon, Mr. William Frank Morgan.

Information of possible significance to the White House has been developed through coverage of the Morgan residence in Portland. For example, Radford's wife, Tonne (pronounced Tony), telephoned Jack Anderson's residence in Bethesda and talked to Anderson's wife. It was obvious from the conversation that the Radfords and Andersons are more than just casually acquainted.



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b7C

The White House has now requested* that we institute coverage of Radford both at his place of employment and residence in Salem, Oregon when he finally moves there. He will be at the Naval Marine Corps Training Center at Salem, and has indicated he will either buy or rent a place to live in Salem. Radford at this moment is visiting relatives in the Seattle, Washington, area. With the Director's approval we will institute the coverage requested by the White House. I will keep you currently advised of all developments.

* FROM DAVID YOUNG, ASST. TO
 ERICH M. YOUNG SAYS
 A. G. CONCURS

W. MARK FELT

Post Office Box 709
Portland, Oregon 97207

February 14, 1972

JUNE

Handwritten initials in a circle

[Redacted]

General Security Manager
Pacific Northwest Bell Telephone Company
723 Lincoln Building
Portland, Oregon 97204

b6
b7C

Dear Mr. Swank:

It is requested that facility information, including terminal locations, be furnished for the telephone service listed to C. E. Radford, 4074 Campbell Street, SE, Salem, Oregon.

Very truly yours,

Handwritten signature of J. L. Mattson

J. L. MATTSON
Special Agent in Charge

1 Addressee
1 SAC

JLM:lam
(2)

Handwritten initials

Handwritten number 7

65-75108-109
NOT RECORDED

JUN 25 1973

JUN 25 1973 *from* Greenberg/Gray-4827

February 17, 1972

JUNE

MEMORANDUM FOR MR. TOLSON

RE: SPECIAL ELECTRONIC SURVEILLANCE
REQUESTED BY THE WHITE HOUSE

You will recall that in connection with the leak of highly classified and extremely sensitive White House documents to Jack Anderson, the White House requested that we institute special electronic surveillance coverage of the prime suspect, Charles E. Radford II, a Navy enlisted man who had access to the documents and was personally acquainted with Jack Anderson.

The White House subsequently requested that we also institute coverage of [redacted]

[redacted]

b6
b7C

Radford was subsequently transferred to Portland, Oregon, however, and the coverage on [redacted] and [redacted] has been mostly negative in recent days. On 2/17/72, Mr. David Young, of Mr. John D. Ehrlichman's Office at the White House, advised that the coverage of [redacted] and [redacted] should be removed due to lack of productivity. He requested that the coverage we are maintaining at Portland and Salem, Oregon be continued, however. You will recall that we maintain coverage of William Frank Morgan, Portland, Oregon, Radford's stepfather, and on Radford himself at his residence and place of employment in Salem.

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Accordingly, the coverage on [redacted] was ordered discontinued immediately and Washington Field Office advised that it was discontinued at 9:45 AM on this date.

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b7C

I will keep you fully of all developments in this case.

65-75108-113
NOT RECORDED

W. MARK FELT

JUN 25 1973

Greenberg/Gray-4828

May 4, 1972

JUNE

Re: CHARLES E. RADFORD II

The following is a summary of pertinent information developed on May 3, 1972, concerning Radford at Salem, Oregon.



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b6
b7C

At 8:50 p.m. after several attempts Chuck called Jack Anderson (301 - 365-7632) to congratulate him for his Pulitzer designation. At first Anderson didn't know who Chuck was. When he did realize with whom he was talking he asked Chuck if he were still following his geneology. He said he had received Chuck's letter but hadn't had an opportunity to answer. He asked Radford if he were pleased now that life was a little easier for him. Chuck said "everything was fine," but said he feels he'll be able to get back in the mainstream in a while.

Anderson suggested civilian life and offered to assist Chuck in the future.

Chuck mentioned the letter he wrote Anderson to which Anderson replied "Certainly, you can see anything." Chuck replied "OK, that's what I wanted to know."

Tonne and Libby (Mrs. Anderson) then talked (small talk) and Libby gave her the Andersons' unlisted telephone number (365-8242).

1575409-170
NOT RECORDED

JUN 26 1973

Greenberg/Gray-4829

Intercepted at SALEM, OREGON

Interception date: 5/3/72

From: 11:00 PM

Telephone number: 588-1031

SD-78

To: 11:00 PM

Tape reel number: SD-87-88-89

Greenberg/Gray-4830

Time	Initial	IC OG	Activity or Traffic Recorded
8:21AM	JTE	OG	Busy [redacted] b6 b7C
8:21AM	JTE	OG	" " " " " "
8:22AM	JTE	OG	" 2 " " " "
8:25AM	JYE	OG	" " " " " "
8:25AM	JTE	OG	" " " " " "
8:26AM	JTE	OG	" " " " " "
8:26AM	JTE	OG	" " " " " "
8:29AM	JTE	OG	[redacted]
XXXXXXXX 8:46AM	JTE	OG	[redacted] b6 b7C
8:50AM	JTE	OG	[redacted] b6 b7C
10:31AM	JTE	IC	[redacted] b6 b7C
11:20AM	JTE	OG	[redacted] b6 b7C
11:59AM	JTE	OG	[redacted] a b6 b7C

Operator's name/initials	Date	Time period
[redacted] JTE	5/3/72	5:00 AM to 2:00 PM
W. Allen Bostdorff WAB	5/3/72	2:00 PM to 11:00 PM

Intercepted at SHLEIN, OREGON.

Interception date: 5/3/72

From: 11:00 PM

Telephone number: 588-1031

To: 11:00 PM

Tape reel number: SD-87-88-89 Greenberg/Gray-4831

Time	Initial	IC OG	Activity or Traffic Recorded
1:50	WAB	IC	[Redacted] b6 b7C
2:46	WAB	OG	Line Busy [Redacted] b6 b7C
3:47	WAB	OG	[Redacted] b6 b7C
3:54	WAB	IC	[Redacted] b6 b7C
4:06	WAB	IC	[Redacted] b6 b7C
4:19	WAB	OG	[Redacted] b6 b7C
4:22	WAB	OG	Directory Assistance b6 b7C
4:24	WAB	OG	[Redacted] to directory assistance b6 b7C
4:26	WAB	OG	[Redacted] b6 b7C
4:28	WAB	OG	Directory Assistance for dialing long Distance directory assistance.
4:29	WAB	OG	[Redacted] b6 b7C

Operator's name/initials	Date	Time period
		5:00 AM to 2:00 PM
		2:00 PM to 11:00 PM

Intercepted at SHREVEPORT, OREGON

Interception date: 5/3/72

From: 11:00 PM

Telephone number: 588-1031

To: 11:00 PM

Tape reel number: SD- 87-88-89

page 3

Time	Initial	IC OG	Activity or Traffic Recorded
4:31	WAB	OG	Line Busy
4:36	WAB	OG	<div style="border: 1px solid black; width: 100%; height: 80px;"></div>
4:40	WAB	OG	<div style="border: 1px solid black; width: 100%; height: 70px;"></div>
4:42	WAB	OG	<div style="border: 1px solid black; width: 100%; height: 50px;"></div>
4:44	WAB	OG	<div style="border: 1px solid black; width: 100%; height: 50px;"></div>
4:46	WAB	OG	<div style="border: 1px solid black; width: 100%; height: 40px;"></div>
4:49	WAB	OG	<div style="border: 1px solid black; width: 100%; height: 40px;"></div>
5:14	WAB	OG	<div style="border: 1px solid black; width: 100%; height: 40px;"></div>
5:35	WAB	IC	<div style="border: 1px solid black; width: 100%; height: 40px;"></div>
5:41	WAB	OG	<div style="border: 1px solid black; width: 100%; height: 40px;"></div>

b6
b7C

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Operator's name/initials	Date	Time period
		5:00 AM to 2:00 PM
Greenberg/Gray-4832	000	2:00 PM to 11:00 PM

Intercepted at SIBELI, OREGON

Interception date: 5/3/72

From: 11:00 PM

Telephone number: 588-1031

To: 11:00 PM

Tape reel number: SD-87-88-89 page 4

Time	Initial	IC OG	Activity or Traffic Recorded
5:55	WAB	IC	<div style="border: 1px solid black; height: 300px; width: 100%;"></div>
6:49	WAB	OG		Information operator in Bethesda, Md., Chuck wanting the home phone number of Jack Anderson 365-7632.
6:50	WAB	OG	Line Busy (301-365-7632 Anderson)
6:51	WAB	OG	Chuck to Long Distance operator re a second home phone number for Anderson or in the alternative a number listed for No listings
6:52	WAB	OG	Line Busy (301-365-7632 Anderson)
6:53	WAB	OG	" " " " "
6:54	WAB	OG	" " " " "
6:55	WAB	OG	" " " " "
6:56	WAB	OG	" " " " "
7:00	WAB	OG	" " " " "

#88
376

b6
b7C

b6
b7C

Operator's name/initials	Date	Time period
Greenberg/Gray-4833	89	5:00 AM to 2:00 PM
		2:00 PM to 11:00 PM

Intercepted at SALEM, OREGON

Interception date: 5/3/72

From: 11:00 PM

Telephone number: 588-1031

To: 11:00 PM

Tape reel number: SD- 87-88-89 page 5

Time	Initial	IC OG	Activity or Traffic Recorded
7:11	WAB	OG	Line Busy (301-365-7632 Anderson)
7:19	WAB	OG	" " " " "
8:37	WAB	IC	Navy Answering Service checking on a drill date for a person.
8:38	WAB	OG	Line Busy (301-365-7632 Anderson)
8:50	WAB	OG	<p>MC Chuck to (301-365-7632) to MA Jack Anderson. Chuck sought to congratulate him on the Pulitzer Prize and asked him when he would accept it. Anderson said that he had received Chucks last letter and then broke away to discuss genealogy. Chuck said that he enjoyed Anderson's column and they discussed Chucks life being easier now. (BEFORE parting Anderson said) " on the other thing you can see anything". Chuck said " ok thats what. I wanted to know" Anderson replied " I don't think there will be anything that.....I'll be glad to show it."</p> <p>Tonne talked to Libby re genealogy. Tonne discussed teaching primary school at church and they talked about their kids. Mrs. Anderson teaching in the church nursery school. They discussed playing a game called MaJong(ph). Anderson's unlisted number is 365-8242. They promised to write. Chuck and Jack didn't want to talk any more. the end.</p>

(#89)
(32)

Greenberg/Gray-4834

Operator's name/initials	Date	Time period
		5:00 AM to 2:00 PM
	088	2:00 PM to 11:00 PM

Intercepted at Portland, Oregon.

Interception Date: January 16, 1972 **75**

Time Period From: 12:01 AM
To: 12:00 PM

Telephone Number: 503-774-9750

Order Number:

Tape-Reel Number: #5

Time	Initials	IC OG	Activity or Traffic Recorded
12:00A TO 8:00A	RVS		NO CALLS
11:42 AM	JGW	OG	[Redacted]
			Call terminated at 11:43 A.M.
12:04 AM	JGW	IC	[Redacted]
			Call terminated at 12:05 P.M.
12:06 P.M.	JGW	OG	[Redacted]
			Call terminated at 12:06 P.M.
2:11 P.M.	JGW	IC	[Redacted]
			Call terminated at 2:12 P.M.
2:47 P.M.	JGW	IC	[Redacted]
			Call terminated 2:47 P.M.
6:17 PM	JJH	IC	[Redacted]

Operator's Name & Initials	Date	Time Period From:	To:
RVS	1/16/72	12:01 AM	8:00 AM
JCW	1/16/72	8:00 AM	4:00 PM
JJH	1/16/72	4:00 PM	12 Midnight
Greenberg/Gray-4835			009

Intercepted at Portland, Oregon.

Interception Date: January 16, 1972

Time Period From: 12:01 AM
To: 12:00 PM

Telephone Number: 503-774-9750

Order Number:

Tape-Reel Number: #5

Time	Initials	IC OG	Activity or Traffic Recorded
9:33PM	JJH DGM	OG	FC asks for information number of Bethesda Md. 301-555-1212
9:34PM	JJH DGM	OG	FC calls Information Bethesda Md., asks for number of <u>Jack N. Anderson</u> , 301-365-7632.
9:35PM	JJH DGM	OG	FC <u>Jack?</u> , is <u>Libby</u> there? MA Just a minute. FC Libby?, Its Tonne. I understand you called. We are in Portland right now. FA Are you going to be there for a while? I never did give you that stuff. FC We are being transfered somplace around Portland He's supposed to pick up his orders tomorrow. FA O.K., send me your address and I'll send you your geneology. If you want me to do any more...I'll send you what we have so far. We wondered and I called. FC There was nothing we could say to anybody. FA I'll still help you on your geneology. Did you see the folks in Salt Lake. FC We took a different route. We could'nt tell anybody where we were going, so its still hush hush...it is still between you and I. Did Jack get the card? FA Not yet. FC We sent a post card from Arizona...last week. Its all done in short hand, so I'm sure Jack can read it. It explains some things. FA We hope to see you again. Call terminated.

Operator's Name & Initials	Date	Time Period From: To:
John J. Heidtke JJH	1/16/72	4:00PM 12:Midnight
David G. Maples III DGM	"	" "
Greenberg/Gray-4836		008

ENCLOSURE

62-

HQ-117353

Serial 51



62-HQ-117353-ES1

EBF

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62-117353-51

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GENERAL REPORTING

**ARBITRATIONS
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CONVENTIONS
SYMPOSIUMS**

November 21, 1977

TELEPHONE 546-6666

Mr. W. Mark Felt
% Robert J. Franzinger, Esq.
Department of Justice, Room 3129
10th & Pa. Avenue, N. W.
Washington, D. C. 20530

Re: Jack N. Anderson vs. Richard M. Nixon
Civil Action No. 76-1794
November 14, 1977
Pages 1 thru 158 & Exs. 1 thru 3

Dear Mr. Felt:

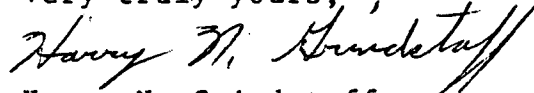
It is my understanding that you wish to read your deposition taken in the above-entitled matter.

The deposition will be available for your signature between the hours of nine a.m. and five p.m., Monday thru Friday, at 320 Massachusetts Avenue, N.E., Washington, D.C.

The Rules require that a Notary Public be present at the time you read and sign your deposition. Therefore, please call 546-6666 and let me know the date and time convenient for you to come in. It is important that I know in advance when you will be present in order that a Notary Public can be present.

All depositions are filed with or without signature 30 days after completion.

Very truly yours,


Harry N. Grindstaff

cc: William A. Dobrovir, Esq.
Joseph Borkin, Esq.
R. Stan Mortensen, Esq.

Lawrence H. Schwartz, Esq.
Larry S. Gondelman, Esq.
Frank H. Strickler, Esq.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JACK N. ANDERSON,)

Plaintiff,)

vs.)

RICHARD M. NIXON, et al.,)

Defendants.)

Civil Action No.

76-1794

~~CHARLES E. RADFORD II~~

~~DITA BEARD~~

Deposition of W. MARK FELT

Washington, D. C.
November 14, 1977

Pages 1 thru 138

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320 Massachusetts Avenue, N.E.
Washington, D.C. 20002
546-6666

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

-----X
 :
 JACK H. ANDERSON, :
 :
 Plaintiff, :
 :
 v. : Civil Action No. 76-1794
 :
 RICHARD M. NIXON, et al., :
 :
 Defendants. :
 :
 -----X

Monday, November 14, 1977
Washington, D. C.

Deposition of W. MARK FELT, taken on behalf of the Plaintiff, pursuant to notice in the law offices of Dobrovir, Oakes, Gebhardt & Scull, 2005 L Street, N.W., Washington, D. C., commencing at 10:05 a.m., before Jeanette Karp, a notary public in and for the District of Columbia, when were present on behalf of the respective parties:

For the Plaintiff:

WILLIAM A. DOBROVIR, ESQ.,
JOSEPH GEBHARDT, ESQ.,
ANDREA H. OAKES, ESQ.,
(Dobrovir, Oakes, Gebhardt & Scull),
2005 L Street, N.W.,
Washington, D. C. 20036

JOSEPH BERKIN, ESQ.,
1156 15th Street, N.W.,
Washington, D. C. 20005

hws-2

For Defendant Richard M. Nixon:

R. STAN MORTENSEN, ESQ.,
 (Miller, Cassidy, Larroca & Lewin),
 2555 N Street, N.W., (Suite 500),
 Washington, D. C. 2037

For Defendant Ehrlichman:

LAWRENCE H. SCHWARTZ, ESQ.,
 (Stiller, Adler & Schwartz),
 1825 K Street, N.W., (Suite 720),
 Washington, D. C. 20006

For Defendant Mitchell:

LARRY S. GONDELMAN, ESQ.,
 (Mundley & Cacheris),
 1709 New York Avenue (Suite 205),
 Washington, D. C. 20007

For Defendant Waldeman:

FRANK H. STRICKLER, ESQ.,
 1050 17th Street, N.W.,
 Washington, D. C.

For Deponent and Defendants Colson, Dean, Gray,
 Helms, Kissinger, Kleindienst, Krogh, Mardian,
 and Young:

ROBERT J. FRANZINGER, ESQ.,
 Civil Division, Room 3123,
 Department of Justice,
 10th and Pennsylvania Avenue, N.W.,
 Washington, D. C.

C O N T E N T S

WITNESS:

W. Mark Felt

Examination by Counsel for Plaintiff

E X H I B I T S

EXHIBIT NO.

IDENTIFIED

Plaintiff's No. 1

28

Plaintiff's No. 2

120

Plaintiff's No. 3

114

* * * * *

P R O C E E D I N G S

Whereupon,

W. MARK FELT

was called for examination by counsel for the Plaintiff and, having been first duly sworn by the notary public, was examined and testified as follows:

EXAMINATION BY COUNSEL FOR THE PLAINTIFF

BY MR. DOBROVIR:

Q Would you state your full name and address, please?

A W. Mark Felt, F-E-L-T, 3216 Wynford Drive, Fairfax, Virginia.

Q When did you first become employed by the Federal Bureau of Investigation?

A In January of 1942.

Q Would you please state chronologically from the beginning each position you held in the FBI?

A I will be glad to do that. Is that relevant to this thing?

(Discussion off the record.)

THE WITNESS: I was all over the country. I started out as a new Agent in Houston, Texas, and I was there for three months, and I was transferred to FBI Headquarters, where I served in the Espionage Section as a supervisor for the duration

WVS-4
of the war, until July of 1945.

Then I was transferred to Seattle, Washington, where I had various assignments. I was firearms instructor, supervisor, liaison representative with the Royal Canadian Mounted Police.

Then I was transferred to Bureau Headquarters, where I was attached to the Inspection staff.

BY MR. DOBROVIR:

Q When was that?

A In 1954.

Q Go ahead.

A I was there three months. Then I was transferred to the New Orleans Office as Assistant Agent in Charge. I was in New Orleans for 15 months.

I don't recall the exact date, but it would have been 1956, early 1956, when I was transferred to Los Angeles, California, where I was the Assistant Agent in Charge.

Then in October of that same year I was transferred to Salt Lake City, where I was the Special Agent in Charge. I served there until March of 1958, when I was transferred to Kansas City, Missouri, where I was the Special Agent in Charge.

In 1962 I was, again, transferred to Headquarters, where I was assigned to the Training Division.

hws-5

In the fall of 1964 I was transferred to the Inspection Division where, after --

Q In what capacity?

A I was about to say that. Where, after a short period, of more or less probation, I was promoted to the position of Assistant Director in Charge of the Inspection Division. I served in that capacity until July of 1971, when I was transferred to the position of Deputy Associate Director, which was the number three position in the FBI, directly under Mr. Clyde Tolson.

I served in that capacity until shortly after the death of Mr. Hoover. That would be May 2nd, 1972, at which time I was designated Acting Associate Director, and I remained in that capacity until I retired from the FBI, in June of 1973.

Q What employment have you had since then?

A I have been self-employed as a lecturer and consultant and writer.

Q How old are you?

A Sixty-four.

Q Now, between the beginning of 1969 and your retirement in 1973, which is the period we are most concerned about here --

MR. STRICKER: Off the record.

hws-6

(Discussion off the record.)

BY MR. DOBROWIER:

Q Did you have occasion to meet, personally, with Richard Nixon?

A No.

Q Did you speak to him on the telephone, personally?

A I spoke with him personally several times, yes.

Q Do you recall those occasions?

A Yes.

Q Would you tell us about them?

MR. MORTENSON: I object on the ground it calls for communication between the President and an advisor. The Plaintiff has made no attempt to limit his question to matters that are relevant to this lawsuit.

MR. DOBROWIER: Objection is noted.

BY MR. DOBROWIER:

Q Would you tell us about each occasion?

A Do you want me to tell you, any way?

Q Yes.

A All of my conversations with President Nixon --

MR. STICKLER: May I interrupt?

What I would like to have you agree to is if one of counsel for Defendants object, without all of us having to join

s-7
in that objection, and that would apply to each of us.

MR. DOBROVIR: If everybody wants to make all the objections --

MR. STRICKLER: I want to preserve all of them myself. If you would agree that someone else make an objection equally applicable to me I will not say another word to that extent.

MR. DOBROVIR: I am perfectly happy to agree that all objections are reserved, that you may join in any objection without specifically so stating, and I further would suggest, since under the rules all objections as to relevancy are reserved without being stated, perhaps we don't even need to do that.

The answer to your question is yes.

MR. SCHWARTZ: Why don't we have one caveat, in the event one of the Defendants does not wish to join, he can so note? Otherwise the assumption is he does join.

MR. DOBROVIR: Fine.

MR. FRANKINGER: I assure you are going to limit your question to this lawsuit. If not, I am going to direct the witness not to answer the question as to any kind of communication this witness had with the President.

MR. DOBROVIR: Until he tells me what the conversations were about I cannot know whether or not they are

hws-8

relevant.

MR. FRANZINGER: He can respond if he had a conversation related to the Complaint, but you are not entitled to ask him about any conversation he had with any Defendant in this lawsuit. You can couch your question in terms of relating to the Plaintiff, but certainly not any conversation ever had with the President, and he is so directed not to answer.

MR. DOBROVIR: Did you say he is directed not to answer?

MR. FRANZINGER: That is correct.

MR. DOBROVIR: In what capacity are you directing him not to answer?

MR. FRANZINGER: I represent him as a witness in this deposition, and as a former Federal employee.

MR. DOBROVIR: Are you also representing a number of Defendants in this case?

MR. FRANZINGER: I am.

MR. DOBROVIR: Are you directing him, on behalf of those Defendants, as well?

MR. FRANZINGER: I am directing him not to answer in my capacity as attorney.

MR. DOBROVIR: You have many capacities in this case, do you not?

hws-9

MR. FRANZINGER: I think it is very obvious that I represent several Defendants in this case, and I also represent the witness. That is self-evident.

MR. DOBROVIR: In whose interest are you directing Mr. Felt not to answer? May I ask?

MR. FRANZINGER: You may ask it, but I am not going to answer. I am not a witness here.

BY MR. DOBROVIR:

Q You said you had several conversations with Mr. Nixon, Mr. Felt?

A Do you want me to answer that?

MR. FRANZINGER: Yes.

THE WITNESS: Yes.

BY MR. DOBROVIR:

Q Do you remember how many?

A I would say four, five, possibly.

Q Did those conversations relate to FBI business, all of them?

A Yes.

MR. MORRISON: Objection to the question as irrelevant.

BY MR. DOBROVIR:

Q They all related to FBI business?

hws-10

A Yes.

Q Did they all relate to matters that the FBI was investigating?

A Yes.

Q Every one?

A Yes.

Q Did any of them relate to any kind of electronic surveillance?

MR. FRANKINGER: He can answer that insofar as it concerns the Plaintiff, or it relates to matters raised by the Complaint in this lawsuit.

THE WITNESS: The answer is no.

BY MR. DOBROWIE:

Q None of the conversations related to electronic surveillance?

A No.

Q Did any of them relate to physical surveillance of anybody?

MR. MORENSEN: Objection, because the question calls for a discussion of privileged communications between the President and his advisor insofar as the Plaintiff has failed to limit the question to discussions concerning matters raised by this Complaint.

hws-11

MR. FRANKINGER: Maybe we can shortcut this procedure.

The witness I think understands he is under a standing instruction not to answer except with matters related to this lawsuit for the Plaintiff.

THE WITNESS: My conversations with the President didn't involve anything that I know about this lawsuit.

BY MR. DOBPOVER:

Q Do you know everything there is to know about this lawsuit?

A No, probably not.

MR. FRANKINGER: Objection.

MR. MORRISON: I think it might be helpful if Plaintiff's counsel, in framing his questions, would assist the witness by asking questions relating to this lawsuit, as opposed to asking blanket questions that might pertain to anything.

BY MR. DOBROVIR:

Q Did any of your conversations relate to any placing of a bug anywhere?

A No.

Q Did any of your conversations with Richard Nixon have anything to do with Jack Anderson or Drew Pearson?

A No.

Q Did any of your conversations with Richard Nixon have

nws-12

anything to do with leaks, or alleged leaks?

MR. STRICKLER: May I interrupt?

MR. DOBROVIR: Can I finish the question?

BY MR. DOBROVIR:

Q Of national security matters.

MR. STRICKLER: May I interrupt?

I am trying to sit so that I can hear and participate, if necessary, in this. You are throwing your voice in that direction. I can hear the witness, and if you will change your seat so your questions come to me, then I will be able to hear you.

(Discussion off the record.)

MR. DOBROVIR: Would you read the question back?

(The pending question, as recorded, was read by the reporter.)

MR. FRENZINGER: I object to that question, and the witness understands he is under a standing instruction to limit his answer to matters referring to the Plaintiff, or matters raised by the Complaint.

MR. MORRISON: I note an objection on the ground that I have previously stated.

BY MR. DOBROVIR:

Q I ask you to answer the question.

hws-13

A Well, you heard what my attorney said. I agree with him. I think you are proceeding in a shotgun fashion.

I would like to wrap this up and get out of here.

BY MR. DOBROVIR:

Q You are not going to answer that question?

MR. FRANZINGER: You can answer so far as it relates to Plaintiff.

THE WITNESS: No, not so far as it relates to any of the Plaintiff's concerns.

BY MR. DOBROVIR:

Q Did any of your conversations with Mr. Nixon relate to leaks matters relating to the war between India and Pakistan in 1971?

A No.

MR. MORRENSON: Objection.

MR. FRANZINGER: I object to the question for the ground I have previously stated.

Can it be understood that I have a standing objection to anything that goes beyond relating to Plaintiff?

MR. DOBROVIR: Are you contending that is not related to this lawsuit?

MR. FRANZINGER: It certainly may or may not be, but it is certainly far too broad.

hws-14

Anything to do with the Indian and Pakistan War, or any leaks with relation to that war is too broad for this lawsuit.

BY MR. DOBROVIR:

Q Did any of your conversations with Mr. Nixon relate to questions of wiretap of Charles Radford?

A No.

Q Or of any relative of Charles Radford?

A No.

Q Did any of your conversations with Mr. Nixon relate to any wiretap of any newspaper reporter?

A No.

MR. MORRENSON: Objection.

MR. GONDELMAN: Repeat the question.

(The pending question, as recorded, was read by the reporter.)

BY MR. DOBROVIR:

Q Have you ever met, personally, with Henry Kissinger?

A No.

Q Have you ever had a telephone conversation with Henry Kissinger?

A No.

Q Have you ever met, personally, with Richard Helms?

aws-15

A Yes.

Q How many times?

A Once.

Q When?

A I can't give you the date. It was a social meet, a luncheon for someone retiring.

Q Have you ever had any telephone conversations with Mr. Helms?

A No. I just remembered I had two social contacts with Mr. Helms instead of one. They were both luncheons, and both in honor of someone who was leaving.

Q Leaving where?

A Leaving their post of assignment. I don't recall who it was now.

Q Leaving the FBI, or leaving the CIA?

A I think one was, I think one was a going away luncheon in the Attorney General's Office, when Mr. Helms was leaving, and being replaced by Mr. Schlesinger, and the other luncheon was at the Navy Shipyard, and I don't recall who it was that was leaving, someone in the Navy.

MR. MORTENSON: Could you explain to me the relevance of asking this witness who the luncheon was for, or whether they were leaving the FBI or CIA?

hws-16

MR. DOBROVIR: No.

MR. MORENSEN: Or how that will lead to relevant evidence in this lawsuit?

MR. DOBROVIR: No.

MR. MORENSEN: I would like to ask counsel to try to limit his questions to matters related to this lawsuit.

You said you didn't want to inconvenience Mr. Felt, and wanted to get started, and I think this is inconveniencing the witness and counsel.

MR. DOBROVIR: I think you are wasting time.

MR. MORENSEN: I am hoping that we can stop wasting time.

MR. DOBROVIR: You have been interposing objections consistently. Those tactics are beginning to be obstructive.

MR. MORENSEN: They are calculated to keep the deposition within the parameters of what is relevant to this lawsuit.

MR. DOBROVIR: I will ask questions within the bounds of Rule 26.

BY MR. DOBROVIR:

Q Have you met, personally, with John Mitchell?

A Yes.

Q How many times?

hws-17

MR. MOREWSON: Objection.

THE WITNESS: I would say four times, perhaps.

BY MR. DOBROVIR:

Q Have you had telephone conversations with Mr. Mitchell?

A Yes, on several occasions.

Q At any of those meetings with Mr. Mitchell was Jack Anderson discussed?

A You are talking about any personal meetings?

Q My first question relates to any personal meetings.

A The answer is no.

Q In any of your telephone conversations was Jack Anderson discussed?

A Yes.

Q How many times?

A I think two.

Q Would you please relate what was said in those conversations, by both of you?

A Well, the first conversation relating to Jack Anderson occurred during the latter part of December, 1971. I can't give you the exact date, but it was a few days before Christmas; and Mr. Mitchell said that he had just received a, I can't recall whether he received the instruction from Nixon,

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or whether he said that the order came directly from Nixon, but he wanted the installation of a wiretap, and he explained that the White House was very concerned that apparently Jack Anderson had planted an informant inside the Joint Security Council.

He said he thought they knew who it was. They wanted the wiretap to try to confirm it. He said there would be no prosecution. They were merely trying to stop the leak.

I told him that I would have to obtain authority for anything like that from Mr. Hoover, but assuming Mr. Hoover did not object, that we would go ahead and comply with the request.

Q What was the end of the conversation?

A Yes.

MR. FRANZINGER: Can we go off the record?

MR. DOBROVIR: Yes.

(Discussion off the record.)

THE WITNESS: I am talking about the National Security Council.

BY MR. DOBROVIR:

Q What was the second conversation with Mr. Mitchell in which you discussed Jack Anderson?

A The second conversation related to this matter. I am not sure that Jack Anderson was discussed, but the Attorney

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General found out that he was going to be out of town. He had previously requested that any summaries in the wiretap be brought directly to him. He said that while he was out of town he would like to have them taken instead to Mr. Ehrlichman in the White House, and I told him that would be okay, and we would.

Q Getting back to the first conversation, what did you do after that conversation with respect to the subject matter of that conversation?

A I immediately called Mr. Hoover, and informed him of the call, and asked him whether or not he approved, and he said that he did. I told him that I would take care of it. I then contacted subordinate employees, and furnished them the instructions, and what information I had, and told them to go ahead.

Q What exactly did you tell them?

A Well, I probably can't remember exactly what I told them. I related the extent of the call I had from Mitchell, and I said that I had received clearance from Hoover. I told them the name of the individual who was involved, and probably at that time I had the address of this individual, which I would have received from Mitchell, and I would have furnished that to them, but that is actually all I would have done.

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Q There was only one individual named?

A Yes.

Q Who was that?

A Charles Radford.

Q What did Mr. Mitchell say about him?

A He said that he was a yeoman, and that because of his position in the Navy Department he had access to matters pertaining to the National Security Council. He didn't tell me anything further than that.

Q Did he indicate why? Did he say that he thought Mr. Radford was the person that he thought Jack Anderson had planted?

A We either said that, or he said that the White House thought that, one or the other. I can't now recall which way that came about.

Q Did he say what was the basis for their belief, his or the White House's belief, that Radford was the person Jack Anderson had planted?

A I don't think he said any more than I already put on the record, that apparently he was the one that had access to the information which had been leaked.

Q That was all?

A Yes, I think so.

Q Did you ask him what basis he had for determining

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that Mr. Radford was that person?

A No, I don't recall that I did.

Q Who was it that you directed this information to?

A It was the subordinate employee. Should I put the name in the record?

(Discussion off the record.)

THE WITNESS: Edward, and I think the middle initial is M. Miller, who at that time was an Assistant Director in Charge of the Domestic Intelligence Division.

BY MR. DOBROVIR:

Q Was he the person always in charge of placing wire-taps?

A No.

Q Were there others?

A Yes.

Q Who were the others?

MR. MORRESON: Objection.

THE WITNESS: I think probably what you mean to ask is what other officials might have had authority to do this.

BY MR. DOBROVIR:

Q Yes.

A There were a few categories of wiretaps, one in the Domestic Intelligence field, and one in the Criminal, authorized

under the Organized Crime Act of 1958.

Q Let's talk about the Domestic Intelligence.

A Edward M. Miller was Assistant Director in Charge of the Domestic Intelligence Division, and he was the top official. He is the only one there who could exercise final authority at that level.

(2)

Q He was the one who had authority over wiretaps in the Domestic Intelligence field, and no one else?

A Yes -- I am not sure that I understand your question. His position would have been somewhat like mine, in the extent he passes instructions along to a subordinate who would implement such an instruction.

So there would be other people who would be involved, but he was the boss over in the Domestic Intelligence Division. He had no authority to institute a wiretap on his own, but once it was authorized by the Director, he would be the one most directly involved in implementing it.

Q In your discussion with Mr. Hoover about this matter, did the name Jack Anderson come up?

A Yes.

Q Would you please relate, as best you can remember, that entire discussion?

A I don't think Mr. Hoover said very much of anything.

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The conversation was mainly my explaining to him the call that I had received from Mitchell, and relaying the information that I had from the Attorney General. My recollection now is that the extent of Hoover's remarks would be to the effect that "all right, go ahead."

Q Did you discuss with Mr. Hoover the possibility of putting a wiretap on Mr. Anderson?

A No, I did not.

Q Did Mr. Mitchell discuss that with you?

A No.

Q Did they talk about wiretaps on anybody else in connection with this leak?

MR. FRANZINGER: Your question is with regard to these conversations?

MR. DOBROVER: Right.

THE WITNESS: Then the answer is no.

BY MR. DOBROVER:

Q Did you put a wiretap on anybody else with respect to this leak?

A Yes, in connection with this leak, there were three. Well, actually there was a wiretap on Radford's home. Then at the request of Mitchell there were wiretaps placed on two associates of Radford. There was a wiretap placed on the home

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of Radford's father-in-law, I believe, in Portland, Oregon.

Then there would have been a wiretap placed on his office in Salem, Oregon, and subsequently on his home in Salem, Oregon.

Q Whose office in Salem, Oregon?

A Radford's.

Q Did he move in the course of this?

A He sure did.

Q He started out in Washington, and then went to Salem, Oregon?

A I think when the White House became convinced he was the one guilty of the leaks, they transferred him out to Oregon.

Q You say two associates of Radford's. What kind of associates?

A I assume they were friends.

Q These were not employees of the National Security Council?

A Not to my knowledge.

Q Do you know their names?

MR. FRANZINGER: Objection. The witness is directed not to reveal that, if he has that information.

THE WITNESS: I don't recall the names.

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BY MR. DOBROVER:

Q You said that you didn't recall whether Mitchell did not indicate why he thought that Radford was the person Jack Anderson had planted in the White House.

Would it refresh your recollection if I suggest that he might have said they were both members of the same church?

A This certainly came up at one time or another, and I believe it did come up in connection with the first conversation.

Q Was that the only reason he gave, that they were both Mormons?

A No, I think that he also mentioned that Radford was privy to the information which appeared in the Anderson column.

MR. FRAMZINGER: Let me state an objection. You are restating the witness' testimony, and it is not entirely clear that the witness said they were members of the same church. He did not say they were both Mormons. That may not be an accurate characterization of his testimony.

BY MR. DOBROVER:

Q Did Mr. Mitchell indicate what church they were both members of?

A Yes, the Mormon Church.

Q You also said that Mr. Mitchell said there was no

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interest in any prosecution, is that right?

A Correct.

Q What was going to be the purpose of the wiretap?

A The purpose of the wiretap was to be definitely establish who was leaking, whether or not it was Radford and, if so, to correct it, and put an end to it.

Q How were they going to put an end to it?

A By getting rid of the cause of it, which is what they did.

Q What was the cause they were getting rid of?

A I am not sure I understand that question.

Q What was the cause they were going to get rid of?

A The leaker.

Q Get rid of the leaker?

A Transfer him.

Q That was your language.

A I am sure, from my recollection of the conversation, that their concern was to stop the leak, to not have any prosecution, and to stop the leak by removing the source of it.

Q Did Mr. Mitchell discuss the question of physical surveillance with you?

A Did who discuss with me?

Q Mr. Mitchell, in either of those telephone

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conversations.

A I don't think so.

Q I would like to call your attention to a memo which has your name typed at the bottom. It is dated December 22, 1971. Look at the third paragraph.

MR. FRANZINGER: Do you want to have that marked?

MR. DOBROVIR: Sure.

(The document referred to was marked for identification as Plaintiff Exhibit No. 1.)

THE WITNESS: I think I know already what he is getting at.

BY MR. DOBROVIR:

Q Does that change your answer?

A Yes, it does. Mr. Mitchell did discuss the possibility of a physical surveillance of Radford.

Q What did he say?

A Well, I don't think it was a question of what did he say. I think it was a question of he asked whether or not I thought it would be productive, and I said no.

Q Did you say why?

A I told him if Radford became aware of the surveillance the first thing he would do would be to go to Jack Anderson,

hws-2f

who would write a column about it, and I said I didn't think that would be helpful.

Q What made you think Mr. Radford would go to Jack Anderson?

A Mr. Mitchell seemed to be very convinced that Radford was the source of the leak to Anderson. Therefore, it was a very logical conclusion for me to come to, that if he was the leak, the first thing he would do would be to go to Anderson.

At that point I was basing my reasoning solely on what I had been told by Mr. Mitchell.

Q Did Mr. Mitchell indicate that the White House was very concerned about the reports that Mr. Anderson was publishing?

A Yes, he did.

Q Did he indicate that they wanted to make sure that such reports would not continue?

A Well, I think that was the general, I think the general import of the conversation was to the effect that they wanted the leaks stopped, they wanted to stop the leak.

Q Did you and Mitchell talk about physical surveillance of Anderson?

A No -- let me look at this again, but I am sure we didn't. No, we did not.

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Q In any of your discussions, either with Mr. Hoover, or Mr. Miller, did you discuss the thought, or did you mention the possibility that the best way to find out who the leaker was to Anderson was to either exercise surveillance, or to take some other investigative action with respect to Anderson?

A No.

Q Did you ever have any conversations with John Ehrlichman about this subject that we are discussing?

A No.

Q Did you transmit reports to Mr. Ehrlichman?

A When you say "you," you are talking about the FBI, presumably? I didn't handle anything personally. After Mitchell instructed that reports go to Ehrlichman, instead of to him, I passed that word down the line to Miller, and I think thereafter the reports were sent to Ehrlichman, but I never had a conversation with Mr. Ehrlichman.

Q Was what has been called a June file kept with respect to the wiretaps?

A I really don't know how to answer that question.

MR. FRANZINGER: Did you want to consult?

BY MR. DOBROVIR:

Q Do you know what a June file is?

A Yes. I understand June is the classification of a

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top confidential matter.

MR. FRANZINGER: Did you want to consult with me?

THE WITNESS: I think you know what I am going to say.

MR. FRANZINGER: Let's go off the record.

(Discussion off the record.)

THE WITNESS: The answer to that question is that I am not sure.

BY MR. DOBROWIR:

Q Do you know what a "Sub-1" file is, or was?

A Well, I think so.

Q Would you tell us what it was?

A I think this would apply generally to all FBI files, that Sub-1 would be something that would be comparable to an appendix to a book.

Q Was a Sub-1 file kept with respect to this Radford and the other three wiretaps that you have mentioned?

A I will have to answer that the same way. I don't know.

Q With respect to the wiretap that was placed on the Radford home in Washington, D. C., was the request transmitted through the Washington Field Office?

A You mean was it implemented by the Washington Field

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Office?

Q Yes.

A Yes.

Q And the request was transmitted by Mr. Miller to the Washington Field Office, or the order, whatever you call it.

A Either by Mr. Miller or by someone else, at his direction.

Q Was the person who usually handled that James Gafney?

A I don't know.

Q Have you ever dealt with the Chesapeake and Potomac Telephone Company with respect to wiretaps in Washington, D. C.?

A Are you asking me whether I ever dealt with them, personally?

Q You, personally.

A No.

Q Do you know the names of the people at CSP Telephone Company who were the FBI's contacts with respect to wiretaps?

A No, I do not.

Q Was that within Mr. Miller's area of responsibility?

A I doubt if he would know the name either, but you would have to ask him.

Q Was a contact usually made directly between the

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Washington Field Office and C&P Telephone Company with respect to taps in the Washington area?

A Yes, I think so.

Q Do you know what an Airtel is in FBI proceedings?

A Yes.

Q Now, was the usual procedure with respect to wiretap the preparation and transmission of an Airtel?

A I can't answer that question.

Q Do you know whether there was an Airtel transmitted with respect to these four wiretaps that we have been discussing?

A I don't know.

Q If there was one, would you have seen it?

MR. FRANEINGER: Objection.

THE WITNESS: Not necessarily.

MR. MURKINSON: Can you tell me what an Airtel is?

THE WITNESS: I can probably tell you better than he.

An Airtel is a communication that Mr. Hoover thought of years ago, when communication costs for teletypes were becoming rather high, and it was simply the idea of writing the message in the form of a telegram or a teletype, which could be transmitted by mail, and at the top level, the person making the decision, could go ahead and initial the teletype, and it could

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go, sent out as a letter, and save cost of transmission, the idea being it would get more attention at the other end if it looked like a telegram rather than a letter.

During recent years the airtel has become very, very common.

BY MR. DOBROVIR:

Q Getting back to your first conversation with Mr. Mitchell, could you search your recollection a little more on precisely what Mr. Mitchell said about Mr. Nixon's interest in this subject?

If the memo helps you --

MR. SCHWARTZ: Which memo? Do you mean Plaintiff's Exhibit Number 1?

MR. DOBROVIR: Right.

THE WITNESS: Shall I read it?

BY MR. DOBROVIR:

Q No, I would rather have you read it over, and see if it helps you recall anything more precisely than you have already told us.

A Mr. Mitchell said this instruction came directly from President Nixon, and I think previously when I answered the question, I said I didn't know whether this came in the form of a personal call from Nixon, or whether it came in the

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form of a relayed instruction from President Nixon and, of course, I still don't know.

Q Well, the memo says, "Mr. Mitchell said that this instruction came directly from President Nixon" to Mr. Mitchell.

A No, he didn't say that, but that seems to be the case.

Q He didn't say this came to anybody else?

A No, he did not. I don't think so.

Q Did he say anything else that you can remember, about any conversation he had with Mr. Nixon about this?

A No.

Q Did he mention that he had any conversation with Mr. Ehrlichman about this?

A No.

Q Did he mention that he had any conversation with Dr. Kissinger about this?

A Let's hold this precisely in the context of your question, and the answer would be no. However, Dr. Kissinger's name came up in connection with this thing, at one time or another.

Q In that conversation?

A I can't remember whether that came up in that conversation or later. My recollection is, and this would be

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confirmed by the memorandum, that the mention of Henry Kissinger merely came up as a description of the nature of the information which had been leaked, but I didn't get the impression that Kissinger had been brought into this in any other way.

Q Did Mr. Mitchell describe the information that had been leaked?

A Yes, he did. The information came out in a column of Jack Anderson's a few days prior to this, and I can't give you the exact date, and my recollection now is that it related to the, I think they called it the Pakistan tilt at the time, and this was the item which was of concern.

Q Did he indicate that Mr. Nixon was very angry at the report?

A I don't think he used the word angry, but he did imply that the President was very, very much concerned about this.

Q Do you know what word he did use?

A I don't recall.

Q Did he indicate that Dr. Kissinger was angry about the report?

A I don't think he did, no.

Q Did he indicate that he had spoken to David Young about this matter?

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A Not at that time.

Q But he did on other occasions?

A Well, I don't think that Mitchell ever mentioned to me anything about David Young. So the answer is no.

Q When did the name David Young come up in this connection?

A My recollection is that as the wiretaps continued, the summaries and logs started to go to Mr. Ehrlichman, and somewhere along the line Mr. Ehrlichman turned over to Mr. Young the responsibility for handling them for any necessary liaison with FBI, but I don't think I had anything to do with any of that. I think I learned that after the fact.

Q Did you ever have any contact with Mr. Young about this?

A Well, I have had contacts with Young, but not about this. I have no recollection of it. Conceivably I might have said something to him, but I don't think so.

Q Did you ever see any reports of what was overheard in any of those wiretaps?

A Yes, and also I was orally briefed on them, particularly at the outset.

Q Would you tell us the substance of those briefings?

A My recollection is of the early briefing, within the

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first four, five days, and during this period of time my impression was, from what I had been briefed, that Radford was extremely concerned about his position, that he had taken a polygraph examination and flunked the polygraph examination, and was worried about being fired, being transferred, and I remember receiving the impression very clearly that Radford was undoubtedly the source of the leak.

As time went on -- I think it was within a matter of a few days -- Radford was transferred to Portland, and I don't believe very much happened after that time that would indicate any further leaking.

I think there was one contact with Jack Anderson from Portland. That is a recollection. I am not sure of that.

Q If I recall what you just said, you indicated that you learned that Mr. Radford was the source of the leak.

A I did not say that. I said that on the basis of the briefings which I received I became convinced in my own mind that he was undoubtedly the source of the leak.

Q What was it that convinced you of that?

A His concern about being caught, his concern about flunking the polygraph examination. I remember one thing his wife had a conversation with Mrs. Anderson concerning an invitation for the Radfords to have dinner at the Anderson home,

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and Mrs. Radford said, "no, we can't do it, because this is the cause of all our trouble," something to that effect, which in my mind convinced me probably the White House was correct in assuming him to be the leak.

Q The leak to Anderson?

A Right.

Q Do you still believe that?

A Only --

Q Let me not ask that question. It is not a fair question.

Did anything come to your attention thereafter which changed your view?

A Yes, something came to my attention last Friday.

Q What was that?

A It was information which I received during my conference with my attorney, to the effect that apparently his concern over the polygraph related to the fact that he was also caught stealing documents for the Joint Chiefs of Staff, for his boss, the Admiral, who was head of the Joint Chiefs of Staff, but I don't know any more about it than that.

Q Well, are you convinced to this day that Mr. Radford was the source of the leak to Jack Anderson?

MR. SCHWARTZ: Objection to the form.

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MR. STRECKLER: Objection.

MR. SCHWARTZ: Objection to the form of the question. It calls for a conclusion, hypothetical.

MR. FRANZINGER: I think that stands for all of us.

BY MR. DOBROVER:

Q You say that you became convinced on the basis of briefings, that Mr. Radford was the source of the leak to Jack Anderson?

A Yes.

Q Are you still so convinced?

A Yes, I think so, yes, I am.

Q Do you know what action was taken, if any, with respect to any attempt to stop the leaks?

A Yes, Radford was transferred from the Pentagon to a Naval Recruiting Station in Salem, Oregon. Apparently that was effective in stopping the leak.

Q Now, when was that?

A It must have been in early January, 1972.

Q During this time, late 1971, early 1972, did you have any contact, personally, telephone, or in writing, with anybody from the Central Intelligence Agency with respect to this question of the Anderson reports on Pakistan, and the leak?

A Are you talking about me, personally, or are you

hws-40

talking about the FBI as an organization?

Q First you, personally.

A No.

Q Did the FBI, to your knowledge?

A I don't know.

Q Were you aware that surveillance had been instituted of Jack Anderson in January of 1972 by the CIA?

A I was not.

Q Did you become aware of that at any time since then?

A Yes.

Q When was that?

A When I read it in the paper.

Q What year?

A Well, that is pretty hard to say now. Sometime during all these exposures that have come out.

Q Did you have any liaison function with the CIA?

A Personally?

Q You, personally.

A No.

Q Who in the FBI was in charge of that?

A Do you want to fix a date on that?

Q Seventy-one, '72.

A Well, an Agent by the name of Sam Papich handled

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liaison, but he retired along in this period, sometime along there, but I don't know who took over that assignment when Mr. Papich left.

Q Spell the name.

A P-A-P-I-C-H, a kind of unusual one.

Q I believe I asked you whether you had any conversation with David Young about this subject and you said no.

A I said I didn't recall any.

Q Did you receive any memos from David Young, or send him any memos?

A Did I, personally, or did the FBI?

Q You, personally.

A No, I did not.

Q As far as the FBI is concerned, do you have any knowledge of memos going to David Young about this?

A No, I do not.

Q Do you have any knowledge of any memos coming from David Young about this subject?

A I do not.

Q Did you ever have any telephone conversations, or personal meetings with Eagle Krogh?

A Yes.

Q Personal meetings?

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A Meetings with other persons present. As a matter of fact, it was one meeting with other persons present.

Q When was that?

A I can't recall the exact date. It was, it must have been in the summertime of 1971.

Q Telephone conversations with Mr. Krogh?

A One telephone conversation.

Q Do you remember when that was?

A In the two or three days after the meeting that I attended.

Q Did there come a time when you learned that an organization called the Plumbers had been established within the White House?

A Yes.

Q When was that?

A During the Watergate hearings.

Q You didn't learn that until the Watergate hearings?

A Right.

Q You were unaware of them before that?

A Correct.

Q Did you not know that Mr. Krogh and Mr. Young were in charge of the Plumbers until then?

A I think that I should clarify that the meeting that

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I am talking about which I attended in the White House was chaired by Mr. Krogh, in attendance with other people, and that may have been one, well, may have been one of the earlier meetings of the Plumbers, but I didn't know at that time.

Q Do you remember who else was at the meeting?

A Is that pertinent?

MR. FRANZINGER: I am going to object.

THE WITNESS: It related to something entirely different.

MR. FRANZINGER: I am objecting, and he shouldn't answer that question.

BY MR. DOBROVIN:

Q Did the discussion at that meeting relate to the closing of leaks of national security information to newsmen?

MR. FRANZINGER: Answer in terms of the standing instruction you have with relation to this Plaintiff.

THE WITNESS: Well, it related to a leak, yes.

BY MR. DOBROVIN:

Q It did relate to a leak?

A Yes.

Q What was the leak?

MR. FRANZINGER: You can identify it.

THE WITNESS: It was a SALT talk leak which appeared

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in the New York Times, written by a reporter by the name of Beecher.

BY MR. DOBROVIR:

Q Was E. Howard Hunt there?

MR. FRANZINGER: I am going to instruct this witness not to answer these questions. If counsel can identify why he seeks this information in relation to this lawsuit, I may reconsider that instruction.

BY MR. DOBROVIR:

Q Was G. Gordon Liddy there?

MR. FRANZINGER: Same instruction.

BY MR. DOBROVIR:

Q Was David Young there?

MR. FRANZINGER: Same instruction.

BY MR. DOBROVIR:

Q Besides that leak, were other leaks discussed?

A No.

Q That was the only leak?

A (Nods head affirmatively.)

Q Was the possibility of placing a wiretap discussed at that meeting?

MR. FRANZINGER: Objection. The witness has identified this as having nothing to do with the Plaintiff, or any

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leak as to the Plaintiff, and he is not entitled to a general explanation of what was done generally to plug leaks during this period of time, and the witness should not answer that question.

BY MR. DOBROVIR:

Q Was Jack Anderson's name mentioned at the meeting?

A No.

Q Was William Beecher's name mentioned?

A Yes.

Q Was Morton Halperin's name mentioned at the meeting?

MR. FRANZINGER: Objection. He is also instructed not to answer. Unless counsel is willing to explain to me, and I presume to my colleagues, what the relevance of this is, what Morton Halperin has to do with this suit by the Plaintiff, the witness is going to be instructed similarly.

BY MR. DOBROVIR:

Q Did the meeting discuss the placing of wiretaps on any newspaper people?

MR. FRANZINGER: He has already been instructed not to answer that question, except insofar as it relates to Plaintiff.

BY MR. DOBROVIR:

Q Was Henry Kissinger present at the meeting?

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MR. FRANZINGER: Same instruction, and the same objection.

BY MR. DOBROVIR:

Q Do you know what an Elsur card is?

MR. SCHWARTZ: Is that an acronym, or in small letters?

MR. DOBROVIR: I don't know.

THE WITNESS: Yes.

BY MR. DOBROVIR:

Q What is it?

A Elsur is an abbreviation for electronics surveillance, and the FBI maintains what is called an Elsur index -- or it did at that time, and I presume they still do -- which covered any person on whom a wiretap had been placed, or any person whose conversation might have been overheard on wiretap, and a card would show the main file where that overheard occurred, together with page references, and so forth.

Q Was such a card always prepared with respect to every wiretap, and every overhearing?

A No.

Q What would be the reason why such a card would not be prepared?

A Well, I could only speculate with regard to some of

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the wiretaps, the so-called Kissinger wiretaps, and that would be, the reason was trying to maintain confidentiality, but not having any more persons aware of it; in other words, that the operation be maintained on a need-to-know basis.

Q Were such cards prepared with respect to the Radford tap?

A Not at that time.

Q Were they prepared later?

A Yes.

Q How much later?

A I can't answer that question.

Q How do you know they were not prepared at that time?

A Maybe I shouldn't have said no. I am not sure, but I don't think so.

Q Did you learn later that they had been prepared at some point?

A Yes.

Q How did you learn about it?

A On the basis of discussions with an FBI supervisor, Friday, last Friday.

Q Were such cards prepared with respect to Jack Anderson?

A Well, I can't answer that question.

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Q In your conversation with the FBI supervisor last Friday, did the name Jack Anderson come up?

A Not in connection with the Elsur Index.

Q In what connection did it come up?

MR. FRANZINGER: Objection. This FBI supervisor I can identify for the record, is in the Office of Legal Counsel of the FBI. I believe, I think that is who we are speaking of.

In that case, this conversation is privileged.

BY MR. DOBROVIR:

Q What is his name?

A His name is Richard Hamilton.

Q Is he an attorney?

A Yes.

Q A member of the Bar of what jurisdiction?

A I can't answer that question.

MR. DOBROVIR: Mr. Franzinger, will you ascertain that for us?

MR. FRANZINGER: I can tell you my personal knowledge is that he is an attorney, and I am certain that he is in the Office of Legal Counsel at the Federal Bureau of Investigation.

MR. DOBROVIR: And if he is a member of the Bar, let us know what jurisdiction that is.

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MR. FRANZINGER: Certainly.

MR. STRICKLER: Mr. Dobrovir, just a little bit louder, please.

MR. DOBROVIR: I will do my best.

MR. STRICKLER: Don't have to holler. Just don't whisper.

BY MR. DOBROVIR:

Q Have you ever met E. Howard Hunt?

A Yes.

Q How many times?

A Once.

Q When?

A This goes right back to the area where you told me not to answer literally.

MR. FRANZINGER: Let's consult for a moment.

MR. DOBROVIR: Why don't we take a five minute recess?

(Short recess.)

MR. FRANZINGER: You can answer when.

THE WITNESS: In July of 1971.

BY MR. DOBROVIR:

Q Was Mr. Hunt employed at the White House at that time?

hws-50

A I don't know.

Q Where did you meet him?

MR. FRAMZINGER: Objection, don't answer those questions, unless they relate to Plaintiff, or have anything to do with this lawsuit.

BY MR. DOBROVIR:

Q Did you discuss with him the question of leaks?

MR. FRAMZINGER: You can answer that question insofar as it relates to leaks as to this Plaintiff.

THE WITNESS: Well, there is no answer.

BY MR. DOBROVIR:

Q Did you discuss with him anything related to the Dita Beard -- ITW matters?

A No.

Q Have you ever discussed, or mentioned Jack Anderson in your conversation with E. Howard Hunt?

A No.

Q Have you had telephone conversations with E. Howard Hunt?

A No, I have never talked with E. Howard Hunt.

Q I thought you said you met him once.

A I met him, and shook hands. I never had any conversation.

nws-51

Q No words passed between you?

A Possibly. "I am glad to meet you."

Q Was it in a social occasion?

A No, it was not.

Q A business meeting?

A Yes.

(3)

Q Who else was there?

MR. FRANZINGER: Objection. This witness has already testified he did not discuss the Plaintiff, he did not discuss anything related to this lawsuit. He is instructed not to answer.

MR. DOBROVIR: What is the basis of your instruction?

MR. FRANZINGER: My instruction is as his counsel.

MR. DOBROVIR: I am asking whether your objection is on the ground of privilege, or some other ground.

MR. FRANZINGER: My objection is, first of all, on the ground of absolutely no relevance to this lawsuit, and if we continue to examine areas with no relationship to this lawsuit --

MR. DOBROVIR: Do you know what his answer is going to be?

MR. FRANZINGER: I am not the witness.

MR. DOBROVIR: Don't know whether his answer is

hws-52

relevant to the lawsuit.

MR. FRANZINGER: The witness was asked a question, what the context of his discussion with Mr. Hunt was, and he indicated there was no answer to the question and, as I understand, it had nothing to do with this lawsuit or the Plaintiff.

In light of that answer, how could this have any relevance to this action? We have a number of Defendants, and if we are going to be asked about every meeting Mr. Felt had with these Defendants, we will be here for many days.

MR. DOBROVIR: We may be here for many days.

THE WITNESS: I won't.

MR. MORTEENSON: I join in Mr. Franzinger's objection, and add to it, it is not only seeking matters irrelevant, but counsel has failed to indicate how it will present information relevant to the Complaint.

MR. DOBROVIR: That depends on the answer.

MR. MORTEENSON: Our instruction is that he should not answer the question, insofar as it does not pertain to the Complaint or other matters involved in this lawsuit, and the witness who does know the answer to it is following that instruction.

So it is irrelevant whether Mr. Franzinger, or any one else, knows what the answer is going to be, so long as the

hws-53

witness does.

BY MR. DOBROVIR:

Q Have you read the Complaint in the lawsuit?

A Not in its entirety.

Q How much have you read?

A About half of it.

Q Which half?

A I read a little bit of the first half, and a little bit of the second half.

Q A while ago I asked you about June files, and asked you whether a June file was maintained with respect to the Radford tapes. I think your answer was that you were not sure.

A That is correct.

Q Could you explain why you are not sure?

A Well, I simply don't know.

Q The answer is you don't know?

A Right.

Q Was a June file kept about Jack Anderson?

MR. FRONZINGER: Do you understand?

THE WITNESS: Well, I think so, and I think the answer has to be no. You are talking about a file. I have already told you Mr. Anderson was overheard in connection with the Radford wiretap.

hws-54

If you are referring to that file, then that material is in that file at this time, but if you are talking about a separate file on Jack Anderson, the answer is no.

BY MR. DOBROWER:

Q So your answer is no June file was kept for Jack Anderson?

A In the strict context of your question, the answer is no.

MR. FRANZINGER: I don't think we have an answer identifying what a June file is. Perhaps we would all be assisted by that.

BY MR. DOBROWER:

Q Why don't you tell us?

A I testified earlier.

Q I thought you had.

A I can't tell you exactly how it originated. June is merely a designation given by the Bureau to a document that should be afforded top secret handling. There are a large number of documents in the Bureau that are given these designations, but whether that file was or not, I don't know.

Q Were June files kept with respect to every Domestic Intelligence wiretap?

A I think so, yes.

CWS-55

Q Was a June file kept with respect to the Radford wiretap?

A I don't know.

Q You say you don't know whether a June file was kept with respect to either this tap, or with respect to Anderson?

A No, that isn't what I said. I said there was a file maintained, but I did not know whether it was given the classification of June, which is quite a bit different from what you just said.

Q Did I ask, and did you testify, that you don't know whether there was a June file with respect to Anderson, other than relating to these taps?

A The answer is that I do not know, right.

Q Who would know?

A Mr. Kelly.

Q Anybody else in the Bureau?

A I am sure a lot of people in the Bureau would.

Q Tell us who they are.

A I can't begin to do that.

Q Who would be the person with the most direct and specific knowledge of what June files were kept?

A I don't have the slightest idea. I was looking at the organizational chart the other day, and I only recognized

hws-54

If you are referring to that file, then that material is in that file at this time, but if you are talking about a separate file on Jack Anderson, the answer is no.

BY MR. DOBROVIR:

Q So your answer is no June file was kept for Jack Anderson?

A In the strict context of your question, the answer is no.

MR. FRANZINGER: I don't think we have an answer identifying what a June file is. Perhaps we would all be assisted by that.

BY MR. DOBROVIR:

Q Why don't you tell us?

A I testified earlier.

Q I thought you had.

A I can't tell you exactly how it originated. June is merely a designation given by the Bureau to a document that should be afforded top secret handling. There are a large number of documents in the Bureau that are given these designations, but whether that file was or not, I don't know.

Q Were June files kept with respect to every Domestic Intelligence wiretap?

A I think so, yes.

a couple of names. So I can't answer that question.

Q Was that Domestic Intelligence?

A At that time?

Q Yes.

A Yes.

Q Who was in charge?

A Edward M. Miller.

Q Were the June files kept in the Domestic Intelligence Division?

A I don't think so.

Q Were they kept by the General Intelligence Division?

A No, I don't think so. I think the June files were kept by the Division at that time, which would have been called the Files and Communications Division.

Q Who was in charge of that at that time?

A At that time, I don't remember.

Q Who is in charge of it now?

A I don't have the slightest idea.

Q You testified that you believe that no Elsur cards were kept with respect to the Radford taps at the time they were initiated, is that right?

A That is my best judgment, but I am not sure.

Q What records were kept?

hws-37

A A file was maintained.

Q Where was that file maintained?

A In my office.

Q You kept that file?

A Yes.

Q And you were familiar with its contents?

A No, that doesn't necessarily follow.

Q Were you familiar with its contents?

A To a limited extent, yes.

Q To what extent?

A To the extent that I was familiar with the major developments.

Q Did you read the documents that went in the file?

A No, not nearly all of them, a few of them.

Q Do you recall which documents you read?

A I have no way of recalling that now.

Q Where is that file now, if you know?

A I don't know.

Q Do you know why an Elsur card was prepared later?

A No. I am not even sure it was prepared later. You are misstating what I said again. I don't know. But I think that there are Elsur cards, but I don't know when they were prepared.

hws-58

Q In those two luncheons that you testified about, in which you met Mr. Helms, did you have any conversation with Mr. Helms?

A Not relating to this case.

Q Did you discuss with Mr. Helms the question of leaks?

A No.

Q Did you discuss with Mr. Helms the question of CIA, these particular surveillance activities?

A No.

Q Did the name Jack Anderson come up in the conversation?

A No.

Q Aside from your conversation with this attorney last Friday --

A That was Mr. Franzinger.

Q I was talking about the gentleman at the FBI.

A That was Mr. Hamilton.

Q Did you ever have any other conversation in which the question of Elsur cards on this Radford matter was mentioned?

A No.

Q So your only knowledge with respect to these Elsur cards comes from a conversation with Mr. Hamilton?

hws-59

A Yes.

Q In that conversation with Mr. Hamilton was he giving you information? Did he give you information about these Elsur cards?

A No, he gave me four or five key memoranda to read for the purpose of refreshing my recollection, and on the basis of looking at those, my impression is that there are Elsur cards, but when they were prepared I don't know.

Q Would you describe each of those memoranda that he gave to you?

A He gave me memoranda which I had either dictated or initiated during the course of the Radford case.

MR. DOBROVIR: Mr. Franzinger, I know you are not a witness, but perhaps it would shorten things up if you could answer this question.

Are you familiar with those memoranda?

MR. FRANZINGER: Generally.

MR. DOBROVIR: Have all of them been produced?

MR. FRANZINGER: I am not certain.

MR. DOBROVIR: Would you be kind enough to ascertain whether any of those documents have not been produced, and, if so, I request they be produced.

MR. FRANZINGER: I will certainly ascertain which of

hws-60

those memoranda they are, and go back and review them.

MR. DOBROVIR: Will you advise us?

MR. FRANZINGER: Yes.

MR. DOBROVIR: Will you advise us as to whether or not any of those documents have been, or have not been produced?

MR. FRANZINGER: Certainly.

BY MR. DOBROVIR:

Q Mr. Felt, have you ever had any discussion with anyone in which the question of a wiretap of Jack Anderson was mentioned?

MR. FRANZINGER: Let me ask for clarification. The wiretap of Jack Anderson, as opposed to the wiretaps involved in this lawsuit?

MR. DOBROVIR: Any wiretap of Jack Anderson.

MR. FRANZINGER: The telephone of Jack Anderson.

THE WITNESS: The answer is no.

BY MR. DOBROVIR:

Q Have you ever had any conversation with anyone in which physical surveillance of Jack Anderson was discussed, was the subject of conversation?

Q We have been into this before.

Q Not in this breath.

aws-61

A Yes, we have. The memorandum that you showed me, that I dictated after my conversation with Mr. Mitchell, on the first occasion, points out that he raised the probability of whether or not a surveillance of Radford would be justified. Radford, not Anderson, and I told him no, I did not think it was, but not a surveillance of Jack Anderson, no.

Q Have you ever had any conversation with anyone in which the subject of a surveillance of Jack Anderson was mentioned?

A Well, now, that is kind of a difficult question to answer, because there have been newspaper articles, and things of that sort.

Let's put it this way. During the time I was employed in the FBI I never had any conversations with anybody about a surveillance of Jack Anderson.

Q Did you ever have any conversation with anyone about the placing of a bug designed to listen in to any conversations of Jack Anderson?

A No.

Q Did you ever see a piece of paper, a writing, a document, in which a wiretap of any telephone of Jack Anderson was discussed or mentioned?

A No.

nws-62

Q Did you ever see any document or writing in which the physical surveillance of Jack Anderson was mentioned?

A Well, again, there have been newspaper articles, and you mentioned this morning the possibility of a CIA surveillance of Anderson. Undoubtedly I read that one time or another.

Q Leaving aside newspaper articles.

A I have no recollection of that, no.

Q Did you ever see any writing or document in which the placing of a bug designed to overhear conversations of Jack Anderson was mentioned or discussed?

A No.

Q You testified as to the conversations with former Attorney General Mitchell about the question of leaks to Jack Anderson. Did you ever have any conversation with anyone employed at the White House about leaks to Jack Anderson?

A No.

Q Do you know of any discussions between anyone else at the FBI and former Attorney General Mitchell about the subject of leaks to Jack Anderson?

A Could you read that to me, please?

(The pending question, as recorded, was read by the reporter.)

MR. FRAEINGER: I presume you are limiting your

hws-63

question to the period of '69 through '73.

MR. DOBROVIR: Or later, if he has knowledge.

THE WITNESS: The answer is no.

BY MR. DOBROVIR:

Q Do you have any knowledge of any conversations between anyone else at the FBI -- in this connection I include, of course, the late Mr. Hoover -- and anybody at the White House about leaks to Jack Anderson?

A No.

Q Did you ever have any discussion with Mr. Hoover about leaks to Jack Anderson?

MR. FRANKINGER: Other than the conversation he had identified about the wiretap?

MR. DOBROVIR: In addition to that one conversation which he has mentioned.

THE WITNESS: Well, in connection with additional wiretaps, which were requested in this case. I don't have any recollection of it, but I am sure that I talked with Mr. Hoover about those, and I am sure it would have been very logical to have pointed out this was an extension, or expansion of the Radford investigation and, perhaps, I said that this is still a continuing part of the investigation, to ascertain the leaks to Jack Anderson, but I am not sure. I am just

hws-64

speculating.

BY MR. DOBROVIN:

Q Did you have any other conversation with Mr. Hoover about any other leaks to Jack Anderson?

A No.

Q Did you have any conversation with William Sullivan about leaks to Jack Anderson?

A No.

Q Clyde Tolson?

A Well, of course, Mr. Tolson was my immediate superior during this period of time. I don't recall any discussions with him about the Radford case, but it is entirely possible that I did discuss it with him.

As a matter of fact, I think any memorandum which I wrote probably would have been directed to Mr. Tolson, rather than Mr. Hoover. To that extent I would have had dealings with Mr. Tolson about it.

Q Did you ever discuss with Mr. Hoover any White House request for information about Jack Anderson?

A No.

Q Did you ever discuss with Mr. Tolson any White House request for information about Jack Anderson?

A No.

hws-65

Q Did anybody in the FBI ever tell you about any White House requests for information about Jack Anderson?

A If they did, I don't remember it now.

Q Other than what you have read in the Complaint in this action, do you have any knowledge of any electronic activities conducted by John Caulfield?

A No.

Q Have you heard or read that John Caulfield ever engaged in electronic surveillance?

MR. FRANZINGER: Are your questions limited to other than what has been in the public press and the Watergate hearings, and that kind of thing?

MR. DOBROVER: Yes.

THE WITNESS: The answer then is no.

BY MR. DOBROVER:

Q You only know what you have read in the newspapers?

A Correct.

Q Other than what you have read in the Complaint, or in the newspapers, did there ever come to your attention any information with respect to any activities of John Caulfield involving Jack Anderson, or directed at Jack Anderson?

A No.

Q Have you ever met John Caulfield?

hws-66

A No.

Q Have you ever spoken to him?

A No.

Q In the course of your work at the FBI, did any document referring to John Caulfield come to your attention?

A No.

Q Did you ever have any discussions with anybody else at the FBI about John Caulfield?

A No.

Q Perhaps if you can remember that sequence of questions, if I substitute the name Anthony Ulasewicz?

A The answer is no.

Q G. Gordon Liddy?

A No.

Q E. Howard Hunt?

A No.

Q Bernard Barker?

A No.

MR. STRICKLER: I am sorry. What was that name?

MR. DOBROVIR: Bernard Barker.

BY MR. DOBROVIR:

Q Eugenio Martinez?

A No.

hws-67

Q Felipe deDiego?

A No.

Q So Mr. Barker's name never appeared in any memorandum that came to your attention during your tenure as an employee and official of the FBI?

A No.

Q Did you have anything to do with the investigation of the June 17 break in in the Watergate Office Building of the Democratic National Committee Headquarters while you were at the FBI?

MR. FRANZINGER: This witness is under a standing instruction not to answer any questions, except those which relate to the Plaintiff, and I fail to see how this has any relationship, and I repeat my statement, and I think it was echoed by Mr. Mortenson, that if counsel is willing to indicate how this line of questions has any relevance to his lawsuit, or is within Rule 26, I may reconsider it.

MR. DOBROWER: The witness has testified that he never saw, in his capacity, in his official capacity with the FBI, any memoranda which mentioned G. Gordon Liddy, Barker, and some other people.

So in order to probe --

THE WITNESS: I see what he is getting at. My answer

hws-68

was in the context with the current suit by the Plaintiff, and the answer in that context is no.

Obviously, those names came up in connection with the Watergate investigation. I am sure I saw many memoranda where those names were mentioned.

BY MR. DOBROWIER:

Q That is very helpful.

A I am sure it is.

Q James McCord?

A My answer would be the same. In connection with the Watergate investigation, yes. In connection with Anderson, no.

Q Now about in connection with publication of the Dita Beard memorandum about a conversation involving ITT's contributions to the Republican Convention that was expected to be held in San Diego? Did Mr. McCord's name come up in any conversation or any document in that context?

A Well, I am not sure that I understand the question. That is pretty broad.

Q There is information in our Complaint that Mr. McCord engaged in an investigation of that subject.

A Of the Dita Beard memorandum?

Q The leak of the Dita Beard memorandum, and other

matters relating to the ITT question.

A I have no recollection of anything like that at all.

Q To your knowledge, was that matter a subject of investigation by the FBI?

MR. FRANZINGER: Which matter, the leak?

MR. DOBROVIR: The ITT -- Dita Beard leak to Jack Anderson, and publication by Jack Anderson of that memorandum.

THE WITNESS: The answer is no. The FBI did conduct some investigation in that case. One was to locate, and serve upon Mrs. Beard the subpoena of the Senate Judiciary Committee.

Also, the FBI Laboratory conducted an examination of the Dita Beard memorandum with a view to determining whether or not it was authentic.

BY MR. DOBROVIR:

Q At whose request did they conduct that examination?

A Well, basically these requests came from Mr. Gray, Mr. L. Patrick Gray, III, who was then Assistant Attorney General in charge of the Civil Division, and Mr. Robert Mardian, who at that time was Assistant Attorney General in charge of the Internal Security Division.

Q Did you discuss that with Mr. Mardian?

A Yes.

Q When was that?

hws-70

A I can't remember the exact date, but it was during the Kleindienst hearings.

Q What was the nature of the discussion?

A With Mr. Mardian?

Q Yes.

A Mr. Mardian was the one who requested us, and directed the FBI to locate Mrs. Beard and serve the subpoena on her. He was also the one who authorized the FBI to conduct such laboratory tests as might alter the Dita Beard memorandum, in an attempt to determine its authenticity.

Q Say that again?

ms file

A He was also the one who authorized the FBI to proceed with laboratory examinations which might alter the document to determine the authenticity of the memorandum, the Dita Beard memorandum. When I use the word alter, I am talking about in the chemical sense. Certain examinations are made from the use of chemicals which might change somewhat the appearance of the document, not change the wording.

Q Were those tests carried out?

A Yes.

Q What was the result?

A A two or three-page laboratory report was written and you should have the entire laboratory report to really get the picture of what the laboratory found. But, in effect, the laboratory found that the document was probably authentic.

Q Are you familiar with any investigation carried out by the Internal Security Division of the Justice Department about Jack Anderson?

A If I ever was, I don't remember it now.

Q So there might have been such an investigation?

A Not necessarily. There might not have been, too. I just have no recollection of anything like that.

Q Did Mr. Mardian ever indicate to you that McCord was carrying out any investigation about this ITT matter?

ME-2

A No, he did not.

Q Have you ever met Mr. McCord?

A No.

Q Have you ever spoken to him?

A No.

Q Have you ever received correspondence from him?

A No.

Q Or sent correspondence to him?

A No.

Q Are you aware of any requests of John Dean to J. Edgar Hoover for information about Jack Anderson?

A No.

Q You never had any conversation with Mr. Hoover in which such a request was mentioned?

A I have no recollection of such a request.

Q You have no recollection of such a request?

A Right.

Q If there had been such a conversation, would you have made a memo of it?

A Not necessarily.

MR. FRANEINGER: Objection.

BY MR. DOBROWER:

Q You said not necessarily. What were the considerations

ms-3

which would indicate to you that a memorandum should be made of a conversation with Mr. Hoover?

MR. FRANZINGER: Objection. The witness is directed not to answer this question. He has already testified he has no recollection about a conversation with Director Hoover.

MR. DOBROVIR: I am trying to find out if a memo might exist of such a conversation since he doesn't have a recollection.

MR. FRANZINGER: You can ask him if he has a recollection of whether a memorandum exists.

BY MR. DOBROVIR:

Q Do you have a recollection of whether a memorandum exists of such a conversation?

A No.

Q Now, I would like you to answer my earlier question.

What would be the circumstances which would indicate that you should prepare such a memorandum of a conversation with Mr. Hoover?

MR. FRANZINGER: This is getting to be abusive. The witness has already indicated that he has no recollection of any such memorandum. I don't see how you can go beyond that.

MR. DOBROVIR: I have gone beyond that. I have asked the question.

ms-4

MR. FRANZINGER: The witness can answer if he can with respect to this particular conversation or any such conversation relating to the plaintiff Jack Anderson.

THE WITNESS: Well, I still can't answer it though. Whether or not a memorandum would be written would depend on a matter of judgment. It would depend on the subject matter. It would depend on who originated the conversation.

So there is no firm answer to the question.

BY MR. DOBROVIR:

Q Did Mr. Hoover ever mention to you any requests by the White House for information about any journalist? I am not asking for the name of any such journalist.

MR. FRANZINGER: I still object to the question. You can answer it insofar as it is directed to this journalist who is the plaintiff in this action, and I believe that is a question that has already been answered.

THE WITNESS: In that context the answer is no.

MR. DOBROVIR: I asked about any journalist.

MR. FRANZINGER: The witness has been instructed by me, his counsel, to limit his answers to this particular journalist.

BY MR. DOBROVIR:

Q Did you ever talk to Mr. Hoover about Jack Anderson

ms-5

besides this one conversation about the Radford tape?

A Aside from the Radford matter, I have no recollection of any conversations with him about Anderson.

Q Did you have any conversations with Mr. Tolson about Jack Anderson?

A I have no recollection of any conversations with him.

Q Mr. Sullivan?

A The answer is no.

Q That is different from your earlier answer that you have no recollection.

A Put it any way you want to. I have no recollection of any conversation.

Q I want you to put it.

A I did already. I am not going to elaborate.

Q Your answer was no?

A My answer is no and also that I have no recollection of it, and let that stand on the record because that is the way it is.

Q DeLoach?

A I have no recollection of any conversation with him.

Q About Jack Anderson?

A About Jack Anderson, right.

Q Have you ever met Robert Pelloguin?

ms-6

A I don't think so.

Q Have you ever had a telephone conversation with Robert Pelloquin?

A I don't recognize the name at all.

Q Have you ever heard of a private investigation company called Intertel?

A Yes, I have heard of it.

Q Have you ever met anybody connected with Intertel?

A It seems to me that one of the top officials in that company was a departmental attorney, wasn't he?

MR. FRANZINGER: I think Mr. Dobrovir's question is limited to someone who was, at the time you might have met him, employed by Intertel.

MR. DOBROVIR: My question is limited to his knowledge.

MR. FRANZINGER: That he knows of a person who, at the time he knew him, was -- why don't you go ahead and answer that question?

THE WITNESS: I don't think I have had any conversations with anybody in Intertel.

BY MR. DOBROVIR:

Q Have you ever had any official dealings with Intertel in your capacity as an employee and official in the FBI,

ms-7

starting in 1969?

A No.

Q Have you ever met Charles Colson?

A No.

Q Have you ever had a telephone conversation with Charles Colson?

A Yes.

Q How many?

A Three or four.

Q When were they?

A I can't give you the exact date but I talked with him three or four times on the date of the attempted assassination of George Wallace, and I have talked with him on one occasion since that time about the attempted assassination of George Wallace.

Q Did you ever talk to him about Jack Anderson?

A No.

Q Have you ever met John Ehrlichman?

A No.

Q Have you ever had a telephone conversation with John Ehrlichman?

A No. He wouldn't answer my calls.

Q You tried to call him?

ms-8

A Several times when Mr. Gray was Acting Director. When Mr. Gray was out of town, he would instruct me to call Ehrlichman, but I didn't get through to him.

Q This was at the time when you were Acting in Charge of the FBI when Mr. Gray was away?

A Correct.

Q Have you ever met H. R. Haldeman?

A No.

Q Have you ever had a telephone conversation with Mr. Haldeman?

A No.

Q Have you ever received a memorandum directed to you by John Ehrlichman?

A No.

Q Have you ever directed any written communication to John Ehrlichman?

A Personally, no. The FBI, during the time that I was in that capacity, may have sent material to Ehrlichman. In fact, as I mentioned, the Radford summaries were sent to Ehrlichman for a period of time.

Q Aside from the Radford summaries, was any document, writing, sent by the FBI to Mr. Ehrlichman which you have knowledge of in any way relating to Jack Anderson?

ms-9
A No.

Q Did you ever receive any written document from H. R. Haldeman?

A About Anderson?

Q Period.

A No.

Q Did you ever direct any written communication to H. R. Haldeman?

A If you qualify that about Jack Anderson?

Q No, I am not qualifying it.

MR. STRICKLER: I object unless it is so qualified.

MR. FRANZINGER: He can answer that and tailor his answer.

MR. DOBROVIR: I don't want him to tailor his answer. I would like a clear record of what the witness is answering.

BY MR. DOBROVIR:

Q My question is, did you ever direct any communication to H. R. Haldeman personally?

A No.

Q Are you aware of any FBI communications directed to H. R. Haldeman which, in any way, related to Jack Anderson?

A No.

Q Are you aware of any FBI communications to John

ns-10
Ehrlichman aside from these Radford tap memoranda which in any way relate to leaks of national security information?

MR. MORTENSON: Objection.

MR. FRANZINGER: I object to that question, too, and it is certainly not within the confines of Rule 26, and the witness is instructed, as he has been instructed before, not to answer that question.

BY MR. DOBROVER:

Q Are you aware of any communications from the FBI to H. R. Haldeman about leaks of national security information?

MR. FRANZINGER: Same instruction. The witness can answer that question insofar as it relates to the plaintiff Jack Anderson.

Did you want that answer, or do you want to withdraw your question?

MR. DOBROVER: I haven't withdrawn my question. You have instructed him not to answer.

MR. FRANZINGER: I have instructed him that he can answer as far as it relates to Jack Anderson.

THE WITNESS: Then the answer is no.

BY MR. DOBROVER:

Q You are answering Mr. Franzinger's question.

MR. MORTENSON: It is probably a better question.

ms-11 MR. DOBROVIR: Mr. Franzinger can try his case the way he sees fit.

THE WITNESS: I think what you are overlooking is the fact that the FBI, during this period of time, handled a tremendous number of documents. Correspondence was exchanged back and forth to the White House. I presume some went to Haldeman and some to Butterfield.

So for me to try and answer a broad sweeping question like you phrased it is impossible. But when you restrict it to the plaintiff in this case, then the answer is no.

BY MR. DOBROVIR:

Q It is not impossible to answer. With all due respect, all you have to do is probe your memory and answer that way.

MR. FRANZINGER: And that doesn't make it any more relevant.

MR. STRICKLER: If counsel will just ask questions, we will get finished quicker.

MR. DOBROVIR: If you gentlemen would each refrain from interruptions --

BY MR. DOBROVIR:

Q Was there any instruction to you from anyone that the Radford tap should be kept very closely secret?

A No, that was my own idea.

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Q On what basis did you decide that?

A Because I felt it was very sensitive, because I felt that Anderson was frequently quite careless in what he wrote and I didn't want anything about the possible investigation of the leak to Anderson to get out. And I wanted it to be held very closely on a need to know basis.

Q When you say you never spoke to David Young about the Radford tap --

A I have no recollection of such a conversation.

Q -- did Mr. Miller indicate to you that David Young had spoken to him about taps of this program?

A I can't be sure about that. My impression is that probably someone subordinate to Miller was the one who would have any conversation with David Young.

Q Are you aware of any other tap placed on Mr. Radford by anyone other than the one we have talked about?

A We talked about more than one. We talked about taps on a couple of his friends. Other than the one I have already testified to, no.

Q So would it come as a surprise if there had been any other taps?

A Yes.

MR. STRECKLER: Objection to what would come as a

ms-13

surprise to the witness. That is not material.

MR. DOBROVIR: He has answered.

BY MR. DOBROVIR:

Q Did you direct that no Elsur card be maintained with respect to this particular wire tap?

A No.

Q Were you aware at the time that the usual procedure was to maintain an Elsur card?

MR. STRICKLER: I object. I think this is repetitious.

MR. DOBROVIR: I didn't ask that question before.

THE WITNESS: Did you want to repeat the question, please?

(The last question, as recorded, was read by the reporter.)

THE WITNESS: Yes.

BY MR. DOBROVIR:

Q Did you assume that an Elsur card had been prepared at that time for those taps?

MR. STRICKLER: The witness' state of mind is not relevant.

MR. DOBROVIR: I think it is.

THE WITNESS: I can't answer that question because I really don't know. I don't know the answer to the question.

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BY MR. DOBROVIR:

Q Were the usual procedures with respect to wire taps and written authorization of wire taps followed in every case?

A Well, as I have already mentioned, the file was maintained in my office rather than being maintained in the Files and Communications Division. Also, in this case, there was no request of the Attorney General for authorization in writing.

Q The usual procedure is for the Attorney General to issue a written authorization?

A Yes, in response to the FBI's request for it.

Q Why wasn't that done in this case?

A It was strictly an oversight.

Q Whose oversight?

A I suppose I would take the blame. It should have been initiated at a lower level but it was not. And I didn't even think about it until much later.

Q Did you have a desire to keep this particular wire tap more secret than any other wire tap?

A Than the normal ones, yes.

Q Why?

A Because of the fact that any leak of this investigation, I felt, would be extorted by Anderson in a way which would be damaging to the FBI.

ms-15

Q Did Mr. Mitchell indicate to you he wanted this kept secret?

A No, I don't believe that he did. I would have to look back at my memorandum, but I don't think that he did.

Q Did you ask Mr. Mitchell why no prosecution was contemplated?

A I don't believe that I asked him.

Q Were you instructed by Mr. Mitchell that the FBI was not to do the investigation of these leaks beyond placing wire taps and monitoring them?

A We must have been because we did not do any investigation other than the wire tap itself.

Q Was that unusual?

A Yes, it was unusual to the extent that, in most instances, the FBI would be the one conducting the investigation. In this particular case, the FBI was merely providing services to the Attorney General and to the White House.

Q Did the Attorney General indicate who was going to conduct the further investigation?

A No, he did not. But the assumption was that the investigation was being conducted by people at the White House.

Q Whose assumption?

A My assumption.

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Q You assumed that the White House would be conducting the investigation?

A Yes.

Q Who in the White House?

A Well, that would be Richard Nixon, Bob Haldeman, John Ehrlichman, and that is pretty well it right there.

Q You understood that Mr. Nixon, Mr. Ehrlichman and Mr. Haldeman were conducting investigations?

A They would be in charge of it. They would supervise it.

Q Who did you think would be conducting the actual work?

A I didn't think about it. I didn't know then and I don't know now except I assumed it would be the plumbers.

Q You were aware of the existence of the plumbers?

A Not at that time. I have already testified to that.

MR. STRICKLER: Object to the witness' assumptions, number one, and move they be stricken, number two.

BY MR. DOBROWER:

Q Summaries of the taps were transmitted first to Mr. Mitchell?

A Correct.

Q To anyone else at the same time?

A Outside the Bureau?

ms-17

Q Outside the Bureau.

A At the initial stage, no.

Q Then you indicated that summaries were transmitted to Mr. Ehrlichman?

A Yes.

MR. STRICKLER: I did not hear that name.

MR. DOBROVIR: Ehrlichman.

BY MR. DOBROVIR:

Q To anyone else?

A Subsequently to David Young.

Q At the same time they were being transmitted to Ehrlichman, were summaries also being transmitted to anyone else?

A Yes, to the Attorney General.

Q So Mr. Mitchell and Mr. Ehrlichman got them at the same time.

A Correct.

Q Anyone else?

A No.

Q Then, was Mr. Young added as a recipient or substituted?

A Substituted for Mr. Ehrlichman.

Q Did Mr. Mitchell continue to receive the summaries?

ms-18

A Yes.

Q So then it was Mr. Mitchell and Mr. Young?

A Yes.

Q Did anyone else ever receive a summary?

A No.

Q Did Mr. Young have authority to initiate or to order the FBI to initiate wire taps?

MR. FRANZINGER: Objection. The question appears to be calling for a legal conclusion.

MR. DOBROVIR: To his knowledge.

MR. FRANZINGER: You can't ask this witness about legal conclusions.

MR. DOBROVIR: I can ask him if the FBI would accept an order as an authorization from Mr. Young.

THE WITNESS: The answer is yes.

BY MR. DOBROVIR:

Q On what basis?

A We would assume that in this particular case it was coming right from the President.

Q So you assumed any order from Mr. Young to initiate a wire tap came from the President?

A Correct.

Q Was there anyone else in the White House whose

authorization or request for wire tap would be accepted?

A Do you want me to answer that?

MR. SCHWARTZ: I am going to object on the ground of relevance and ask Mr. Franzinger to instruct the witness not to answer that question because I can't do that.

MR. FRANZINGER: I don't see how it is relevant to this action at all, and I will so instruct the witness.

BY MR. DOBROWER:

Q Would you accept a direct order from the President to initiate a wire tap?

A Yes.

Q Have you ever?

A No.

MR. MORRISON: Objection.

BY MR. DOBROWER:

Q Have you accepted an order from Mr. Ehrlichman to initiate a wire tap?

MR. SCHWARTZ: I object. We are asking for general principles, not related to this action. And I ask Mr. Franzinger to instruct the witness not to answer.

MR. FRANZINGER: The witness was instructed not to answer a similar question and on the same ground not to answer this question.

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BY MR. DOBROVIR:

Q In addition to the tap on Mr. Radford and Mr. Radford's father-in-law, were you ever asked by Mr. Mitchell to initiate a tap on anyone else who was believed to be a source of the story published by Jack Anderson?

A No.

Q Were you ever asked by anyone at the White House to initiate a tap on anyone suspected to be a source of a story written by Jack Anderson?

A No.

MR. STRICKLER: Your voice is getting very confidential. I can't hear at this end of the room. We are some 20 feet apart.

MR. DOBROVIR: I have to apologize again, but it is two weeks ago I was in the hospital with a respiratory illness, and it has affected my voice. So I am trying to do the best I can.

MR. STRICKLER: I am very sorry.

When you do look at me and speak to me, I hear you a lot clearer.

MR. DOBROVIR: I am talking to the witness most of the time.

MR. STRICKLER: Try to talk to us up here.

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THE WITNESS: I can hear you fine.

MR. DOBROVIR: Would you read back the last question and answer, please?

(The last question and answer, as recorded, were read by the reporter.)

BY MR. DOBROVIR:

Q Were you ever asked by anyone at the White House to initiate a tap on any other journalists besides William Beecher, Joseph Kraft, Henry Brandon, Hedrich Smith?

A Will you repeat the first part of the question, please?

(The last question, as recorded, was read by the reporter.)

MR. FRANZINGER: I object to that question and the witness is instructed not to answer it. It has no relevance to this lawsuit. It is not within Rule 26. And again I repeat my request that if counsel wishes to indicate why he believes it to be relevant, I may reconsider that objection and that instruction.

MR. DOBROVIR: Why don't we take a one-hour recess for lunch?

THE WITNESS: I am not available for an indefinite period of time. So I would like to move this proceeding on a

ms-22

little faster.

I realize you want to ask certain questions but I think you can be more precise. I am not available on an unlimited basis.

MR. DOBROVIR: Mr. Felt, Mr. Franzinger and I talked about this, and I made it very clear to him that we would probably have enough questions for a complete working day. And I hope he advised you of that.

MR. STRICKLER: How much do you think you have?

MR. DOBROVIR: I am sure we will be here until about 5:30.

I will see you at 1:30.

(Whereupon, at 12:35 p.m., the taking of the deposition was recessed, to reconvene at 1:30 p.m., the same day.)

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AFTERNOON SESSION

(1:30 p.m.)

Whereupon,

W. MARK FELT

resumed the stand and was examined and testified further as follows:

FURTHER EXAMINATION BY COUNSEL FOR THE PLAINTIFF

BY MR. DOBROVIR:

Q Mr. Felt, would you give us Mr. Papich's place in the FBI organization, his title, his office and the component?

A Well, his first name was Sam, and I have spelled his last name. And he was a supervisor in the Domestic Intelligence Division, assigned to the Liaison Section which was a subdivision of the major division. And he was, among a number of agents assigned to this division, responsible for liaison with other Government agencies.

His particular responsibility was for liaison with the CIA.

Q And you say he retired sometime before you retired?

A Yes.

Q You didn't remember precisely when?

A Probably in 1971, but that is the closest I can give it.

ms-24

Q You didn't recall who his successor was?

A No.

Q Do you happen to know who has that position now?

A No.

Q The Domestic Intelligence Division, unless I remember incorrectly, was at that time under the supervision of Mr. Miller.

A At the time that Papich retired?

Q In 1971 and in 1972.

A Until September of 1971, it was under the direction of Charles Brennan.

Q And then E. S. Miller?

A Yes.

Q And Mr. Miller continued in that post throughout your tenure until you retired?

A Yes.

Q Is he still there, do you know?

A He is retired.

Q So your testimony, unless I remember it incorrectly, and I am sure you will correct me if I did, when we were talking about why the FBI did not conduct any investigation with respect to the Radford matter of the leak, my recollection is that you said that you assumed the White House would conduct its

ms-25

own investigation, is that right?

A That was my impression, yes.

Q To your knowledge, had the White House ever conducted such an investigation of its own before?

MR. FRANZINGER: You are talking about with respect to this plaintiff?

MR. DOBROWER: No. I am talking about any other investigation, and I am trying to find out the basis for the difference between this particular procedure and the usual procedure.

THE WITNESS: Yes, I already testified about the investigation conducted in connection with the SALT talk leak which was in July of 1971.

BY MR. DOBROWER:

Q That was another White House investigation?

A Yes.

Q Were you kept apprised of the conduct of that early investigation?

A No.

Q Did you ever learn of the results of that investigation?

A Yes. They are set out in some detail in a book written by -- I don't remember the name -- it is "The American

ms-26

Police State," by David Wise.

Q Are you testifying that you did not learn the results of the investigation in the course of your official duties, and the only place you learned it was from that book?

A I think I had other information about it. Where it came from, I don't now remember.

Q Can you try to recall whether you learned that information in your capacity as an official of the FBI?

A I think I learned it from the newspapers.

Q So you were aware that the White House did possess an investigative capability?

A To that extent, yes.

Q Did you know any details about that capability?

A No.

Q You didn't know who the investigators were?

A No.

Q Were you aware or did you hear that as part of that investigative capability there was a wire tapping capability?

A No.

Q Did you have any information come to you as to how those White House investigations were conducted, what was done?

A Well, again, from the press I learned that extensive interviews were conducted and a number of polygraph examinations

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but I learned that from the press.

Q Did you ever learn about any wire taps?

A No.

Q Any surveillance, physical surveillance?

A No.

Q Did you ever learn anything about any results of any White House investigation with respect to the Radford matter?

A No.

Q Not through the press or any other way?

A Well, I think I indicated previously this morning that I learned last Friday that the White House investigation, which was conducted, pretty well pinned down Radford as the leak to the Joint Chiefs of Staff, but has not positively pinned him down as a leak to Jack Anderson.

I also said my opinion still was Radford was the leak to Jack Anderson.

Q Did you learn in 1971 in the course of your work with FBI that the White House had established something that it called Special Investigative Unit?

A No.

Q To what extent in your knowledge was the White House investigative capability related to the so-called Huston Plan?

A Would you repeat the question, please?

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(The last question, as recorded, was read by the reporter.)

THE WITNESS: The Huston Plan had nothing to do with White House capability.

BY MR. DOBROVIR:

Q What was the Huston Plan?

A That is a pretty broad question.

Q Can you summarize it?

MR. FRANSINGER: I don't think that is at all relevant to the lawsuit, and in keeping with my earlier instruction, I would similarly instruct the witness not to answer this question with the same caveat as before, and that is if counsel would wish to indicate to me why he believes this matter is relevant to the lawsuit, I may reconsider that objection.

BY MR. DOBROVIR:

Q This case involves allegations of wire tapping surveillance and other illegal investigative activities. And my knowledge, which comes from the public press, of the Huston Plan was that it was a plan for Government agencies to engage in just those activities.

Was one component of the Huston Plan the use of wire tapping, to your knowledge?

A The expanded use of wire tapping.

ms-29

Q And was part of that the use of wire tapping with respect to leaks of information to journalists?

A No.

Q It was not?

A No.

Q What was the wire tapping component of the Huston Plan supposed to be directed at?

A I think it was directed entirely in the area of foreign intelligence.

Q It had nothing to do with domestic intelligence?

A I think it would have to do with domestic intelligence too, as far as terrorism and violence were concerned.

Q That was all?

A Yes.

Q Is it not the case the Huston Plan was rejected by Mr. Hoover?

A That's correct.

Q Do you know why?

MR. FRANKLINGER: I am going to object to this entire line of questioning. The witness has already answered questions which indicate there was no connection between this Huston Plan, to his knowledge, and the activities alleged in this lawsuit.

MR. DOBROVIR: I don't know that until I hear the

ms-30
next answer.

MR. FRANKINGER: He has already testified there is no provision in the Huston Plan, as far as he is aware, for wire tapping of journalists. Included in that would be the plaintiff. I can't see what relevance this could possibly have to this lawsuit.

He could indicate whether he has knowledge of Mr. Hoover's basis for rejecting the Huston Plan. You can indicate whether or not you have such knowledge.

THE WITNESS: The only thing I would do would be to give my opinion.

BY MR. DOBROVIR:

Q Did you ever talk to Mr. Hoover about the Huston Plan?

A No.

Q Did you ever talk to Mr. Tolson about the Huston Plan?

A No.

Q Where did you learn about the Huston Plan?

A You mean when?

Q How and when.

A When I was promoted to the position of Deputy Associate Director, the man whom I was replacing called my attention to it. This was in July of 1971, or possibly June of 1971.

Q Who was that man you were replacing?

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A Rufus Beaver.

Q What did he tell you about it?

A He showed me copies of the Huston Plan, told me what had happened.

Q Told you Mr. Hoover turned it down?

A Yes.

Q Did he tell you why Mr. Hoover turned it down?

A I don't recall that he did, no.

Q Aside from these Radford taps, in addition to the Radford tap, Mr. Felt, do you have knowledge or information or have you ever heard or read about any other wire tapping in which Jack Anderson or the conversation of Jack Anderson was overheard and recorded?

A No, no.

Q Now, earlier today I asked you whether you had ever discussed with anybody or read in a document anything about the subject of a wire tap of Jack Anderson or a bug intended to overhear conversations of Jack Anderson, or surveillance of Jack Anderson.

Aside from what you read in the newspapers, your answer in each of those cases was no.

A That's right.

Q Now, my question is, in any other way, if there is

ns-32

another way, did you ever learn or obtain information or given to understand or to suspect the existence of any wire tap aimed at overhearing Mr. Anderson?

A No.

Q Or any bug aimed at overhearing Mr. Anderson?

A No, I have absolutely no recollection of anything like that.

Q You have no recollection?

A (Shakes head negatively.)

Q You testified a little bit earlier about the FBI's testing of the Dita Beard memorandum.

A The laboratory examination.

Q Yes.

A Yes.

Q Were you in charge of that project?

A No, only to the extent that I was in the chain of command. The responsibility for that was under the supervision of the Assistant Director in Charge of the Laboratory.

Q Did Mr. Hoover ask you to have that test done?

A He didn't ask me to have it performed. L. Patrick Gray asked me to have it performed. At that time, I cleared it with Hoover, who agreed, and I forwarded it to the laboratory for examination.

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Q Mr. Hoover did not indicate to you that John Dean had come to him and given him the Dita Beard memorandum and asked him to have it examined?

A No.

Q Did Mr. Hoover ever indicate to you that Mr. Dean had asked him or that he had offered to give Mr. Dean the FBI's file on Jack Anderson?

A No.

Q And he never asked you to put together any material to give to Mr. Dean on Jack Anderson?

A No.

Q Have you ever responded to any requests for information about Jack Anderson?

A No.

Q To your knowledge, has the Bureau ever responded to any requests from outside the Bureau for information about Jack Anderson?

A No.

Q Aside, of course, from the Radford taps?

A Correct.

Q Not even from the Justice Department?

A Not to my knowledge.

Q How about anybody else who worked for Jack Anderson --

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Les Whitten?

A Are you asking the same question?

Q Yes.

A Then the answer is the same.

Q You had never responded nor, to your knowledge, the FBI has never responded to any other Government agency or anybody else for any information about Les Whitten?

A Not to my knowledge.

Q Open Ginn?

A That is Anderson's secretary?

Q Right.

A No, not to my knowledge.

Q Britt Hume?

A No, not to my knowledge. I would have to qualify that and say that I can't now state what information was furnished to the Justice Department in connection with any ongoing investigation, and it may well be that in the FBI reports forwarded to the Justice Department there was information concerning Les Whitten or Britt Hume. I am not able to state positively one way or the other, but it is probably so.

Q Were you aware at the time the FBI agents arrested Les Whitten?

A I certainly was.

is-35

Q That information was collected in connection with that effort?

A Well, an investigation was conducted and reported, and copies of the report were sent to the Justice Department, yes.

Q So your answer with respect to Les Whitten is that information was provided?

A Information about an ongoing investigation.

Q An investigation about Les Whitten?

A An ongoing investigation.

Q My question is not --

A I am limiting my answer to an ongoing investigation.

Q So that your answer is information was transmitted?

A In connection with an ongoing investigation.

Q So that your earlier answer as to Les Whitten, that there was no information transmitted, was incorrect?

A No, I don't think it was incorrect. Read it again and I will analyze it. You have to distinguish between information and investigative reports and unsolicited information or solicited information from the files of the FBI. They are two distinctly separate things, and the only information that I know of from the FBI to the Justice Department about Les Whitten is in connection with an ongoing investigation.

ms-36

I want the record to very clearly show that.

Q Are you aware of any investigation that the FBI conducted of Jack Anderson with respect to Fred Black?

A No.

Q You have no knowledge?

A Not in my official capacity.

Q Now, when Mr. Whitten was arrested in January 1973, you were Assistant Director of the FBI, is that right?

A No. I was the Acting Associate Director.

Q Acting Associate Director.

A Correct.

Q Thank you.

When did you first have knowledge, what was the first knowledge that came to you with respect to the arrest of Mr. Whitten?

A It was a telephone call which I received probably within a very few minutes of the time it occurred.

Q Have you any information, or did you know prior to that time that any investigation of Mr. Whitten and Mr. Anderson with respect to the Bureau of Indian Affairs' documents was underway?

A No.

Q The arrest of Whitten came as a complete surprise to

ms-37

you?

A As a surprise, yes, although it could have been possibly been predicted because Anderson was known to have copies of papers which were stolen.

Q He had published columns some months before?

A Yes. But Whitten's arrest came as a surprise.

Q The publishing of those columns did not cause the commencement of any FBI investigation into that matter?

A Well, the way you phrased the question, the answer is no. The investigation was already underway to locate the papers which had been stolen. And sometime during the course of that investigation, because Anderson published copies of them, the investigation was conducted to try and find out where he got them.

Q Did there come a time at the FBI when a suggestion was made or the thought expressed that Jack Anderson should be targeted as the subject of a criminal investigation that might lead to his arrest?

A No.

Q So even though you believed that he had copies of the stolen documents, you did not decide to initiate an investigation into that?

MR. FROHSINGER: You are asking the witness whether

s-33
he decided?

BY MR. DOBROVIR:

Q Meaning the FBI. When I say "you," I mean the FBI, to your knowledge.

A The investigation was ongoing at the time, and I am sure that consideration of possible sources to Anderson was considered.

Q But not after Anderson's arrest as a possessor of stolen documents?

A No.

Q Did you yourself play any role in connection with the investigation involving Jack Anderson?

A Well, as I indicated already, it is incorrect to say there was an investigation of Jack Anderson. There was an investigation to recover the papers stolen from the Bureau of Indian Affairs, and because he was running columns about it, Jack Anderson would have to be considered on the periphery of this investigation. But the incident which you are leading up to, I think, is the arrest of Les Whitten and the part that I had to play was the fact that I was aware of the -- I was aware of the potential for recovery of the documents.

I was aware of the situation which existed on the afternoon that the documents were located. I was aware of it

ms-39

within minutes of his arrest when Whistler was taken into custody.

Q Did you communicate with the Justice Department with respect to the investigation that would involve contacting Anderson?

A No.

Q You did not?

A I did not.

MR. DOBROWIR: Would you mark this Plaintiff's Exhibit 2.

(The document referred to was marked for identification as Plaintiff's Exhibit No. 2.)

BY MR. DOBROWIR:

Q I am showing you Plaintiff's Exhibit 2, and asking if you have ever seen this before.

Have you seen that document before?

A My initials are on it. I don't remember it, but my initials are on it.

Q Do you know who prepared it?

A No -- wait a minute. I don't know who prepared it. You can't see the initials on it.

Q Does this help you remember any better about your

own role of the investigation of the theft of documents from the Bureau of Indian Affairs?

A Does this?

Q Yes.

A No, no. This is not inconsistent with anything I have said, although I think what is here probably should go into the record.

Q Do you recall any discussions within the FBI in December 1972 respecting the subpoena, a possible subpoena to be issued to Mr. Anderson or Mr. Whitten?

A For telephone toll call records?

Q Any subpoena.

A The only one I remember is for telephone toll call records.

Q So, in December '72, there were conversations with respect to subpoenaing telephone toll call records?

A Not necessarily conversations, but memoranda.

Q Do you recall what those memoranda were?

A No. But I remember there was a request or discussion or communication back and forth with the Justice Department about the advisability of getting a subpoena to get some of his toll call records to possible Indian sources to see where he was getting the documents.

ms-41

Q Can you be a little more precise as to the internal purpose of getting the toll call records?

A To try to find out where the documents were.

Q How would getting the toll call records find out where the documents were?

A This would provide information on the area where part of the documents were suspected to be. Knowing that Anderson had published copies, the inference was that he was in telephonic contact with the people furnishing him copies of documents.

Q And?

A And what?

Q How would getting the toll call records help you find out where the documents were?

A It would furnish the identity of the people with whom he had been in contact who might have been the ones that furnished him copies of documents.

Q You know that Mr. Anderson was in contact with many, many people?

A I don't have any idea how many people he was in contact with.

Q You thought the only people he would be in contact with --

ms-42

MR. FRANKINGER: Objection.

MR. DOBROWIR: Let me finish my question.

BY MR. DOBROWIR:

Q Wasn't it your assumption that the only people he would have been in telephonic contact with were people furnishing him with the Bureau of Indian Affairs' documents?

A There is only one answer to that question, and that is no.

Q Were you aware that obtaining the records of his toll calls would obtain for you the identity of everybody that he had been in telephonic contact with long distance?

A No, I wasn't aware of that.

Q What toll call records were you going to obtain?

A The obtaining of toll call records was not an action I initiated. I was aware of the fact that subordinates down along the line were trying to trace the documents and the subpoenaing of his telephone toll calls was an investigative step to try and do that.

Q What dates were you going to be subpoenaing?

A I don't know.

Q You didn't discuss that with anybody?

A I don't know whether I did or not.

Q You don't remember?

ms-43

A I don't remember.

Q Could you identify your initials on this document?

A I already did.

Q Would you mark a circle around it so that the record reflects it?

A It is this very handsome looking F here.

MR. SCHWARTZ: Are we on Plaintiff's No. 2 now?

MR. DOBROVER: Yes.

I show you another document. This will be No. 3.

(The document referred to was marked for identification as Plaintiff's Exhibit No. 3.)

BY MR. DOBROVER:

Q To your knowledge, was Jack Anderson the target of a Grand Jury investigation looking into the theft of Bureau of Indian Affairs' documents?

A No.

Q Was Les Whitzen?

A Les Whitzen was.

Q Do you know an attorney in the Criminal Division of the Justice Department named Paul Boucher?

A No.

Q I am showing you Exhibit 3.

ms-44

First of all, would you tell me whether your initial is on that document?

A Yes, my initial is on it.

Q Do you recall that document?

A No, I don't recall it.

Q Can you tell from it who prepared it?

A Whoever it was, it was the same one that prepared your Exhibit 2.

Q This document says, and I quote, "Department is aware of above and has concurred in FBI recommendation that Anderson not be interviewed due to his 'unreliability'."

Do you have any idea what that sentence means?

MR. FRANZINGER: Objection. That document speaks for itself. Mr. Felt doesn't recall.

MR. DOBROVIR: It doesn't speak for itself to me. Mr. Felt was about to answer.

THE WITNESS: It means exactly what it says.

BY MR. DOBROVIR:

Q What does it mean when it talks about Anderson's unreliability?

A I think he is unreliable.

Q In what way?

A I think he publishes things that are incorrect. I

ms-45

think he is trying to create sensational things to put in his column, and I think he is unreliable. I still think so.

Q Was anything that he published with relation to what was in the Bureau of Indian Affairs' documents unreliable, to your knowledge?

A No, not to my knowledge.

Q Did you learn at any time prior to the arrest of Les Whitten that it was expected that Anderson or Whitten would be receiving or possessing or delivering any Bureau of Indian Affairs' documents to anybody else?

MR. SCHWARTZ: I will object to the form of the question. It is four questions.

BY MR. DOBROWIR:

Q If you can answer --

A It is very difficult to answer that. All I can do is just say, as a matter of my judgment now, that certainly would have to be a consideration, that would have to be considered. But I don't recall any indication at all in advance that it was going to be Les Whitten or Jack Anderson who picked up those documents.

Q But was there information that was going to be, there was going to be one of them available for arrest?

A No.

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Q How did the FBI happen to be there to arrest them?

MR. FRANZINGER: You are confusing a couple of questions. Your first question, was there information, the witness and I understood that question, did he have information at that time. Is that correct?

THE WITNESS: Yes.

MR. FRANZINGER: And he indicated no.

Your next question goes to the FBI.

BY MR. DOBROVIR:

Q Do you know whether the FBI had such information?

A No.

Q Were you in any way involved in oversight of this investigation of the BIA?

A Not directly.

Q Did you receive memos about it fairly frequently?

A Well, I am sure that I did, yes.

Q Did you read them?

A Yes.

Q Was this a matter that you considered to be important?

A Yes, I think it was important.

Q Did you know any time in advance of the arrest of Mr. Whitten that FBI Agents had information that led them to believe they would be able to arrest Mr. Anderson or Mr. Whitten

ms-47

in possession of the BIA documents?

A No.

Q Who was in charge of that particular investigation directly on a day-to-day basis?

A I can't tell you, but the supervisor must be whoever is dictating these memoranda and his initials are DTP. And he would have been directly responsible. And going up the line, I can't now tell you whose initials are on here besides my own.

Q And you don't know who DTP would be?

A No.

Q Do you recognize any other initials on it?

MR. FRANZINGER: Circle the G. Patrick Gray, III.

THE WITNESS: The only other initials on this that I recognize now are those of my assistant, who is Wason G. Campbell.

BY MR. DOBROWER:

Q Are you aware that Mr. Gray in testimony before the Congress testified that the Bureau had knowledge in advance that documents were going to be in the possession of Anderson and Whitten?

A No. I am not aware of that.

Q Have you ever heard the name John Aralino of the Metropolitan Police Department?

ms-40
A I think so. Isn't that the informant which they had?

Q When did you first hear that name?

A I can't tell you that now.

Q Was it before January 31, 1973?

A I have no idea.

Q Did you have any discussions with Carl Belcher of the Justice Department about this particular case?

A Did I?

Q Yes.

A I don't recall any.

Q Do you recall a discussion on January 30, 1973, with Mr. Belcher?

A No.

Q In which it was indicated there was no objection from the Justice Department to going ahead and arresting Whitten?

A No, I don't recall that. But I do recall -- in fact, to set this matter straight, we will have to go back a little bit to clear the record.

Q Fine.

A This man you are referring to was an informant for the Metropolitan Police Department. He advised the Metropolitan Police Department that three boxes or four boxes -- I don't recall now -- of the stolen papers had been brought to

ms-49

Washington by one of the members of the AIM group, and at that time were in an apartment located in the District of Columbia.

He also said that the Indian and other members of his group were going to go to either North Carolina or South Carolina -- I don't recall which -- and pick up several additional boxes of Indian files.

So a later question was raised then as to whether we should take advantage of a bird in the bush or a bird in the hand, or two birds in the bush. And this matter was presented to the Department, not by me, and the decision of the Department was that FBI should try to get the papers from South Carolina. And this created the problem of maintaining the security of the files which were in the apartment. And the instructions of the Department were to maintain the apartment under surveillance and to keep our eye on that apartment, to prevent any files from being moved out until we could get the additional files.

The instructions were to the effect if anybody tried to remove the files, they should be arrested.

Whether or not there was any discussion with Belcher or anybody in the Department as to the possibility it might have been Les Whitten, I don't know.

Q Did you ever talk to Mr. Gray about this matter?

ms-50

A I am sure I did.

Q Did you talk to him about the question of arresting Jack Anderson or Les Whitten?

MR. FRANZINGER: You are talking pre-arrest?

MR. DOBROVER: Any time.

THE WITNESS: I don't remember. The only thing I remember is calling him after the arrest occurred and telling him it was Les Whitten who was trying to move the files.

BY MR. DOBROVER:

Q Was that the first conversation with him about this that you remember?

A I can't be sure. I don't know. I don't recall any other discussions.

Q Did you have any discussions with anybody in the White House about the possible arrest of Jack Anderson or Les Whitten?

A No.

Q Did you have any discussions with anybody in the Justice Department that you remember?

A Did I personally?

Q You personally.

A Not that I recall.

Q Did any of your superiors have such conversations,

ms-51

if you recall?

A I don't know.

Q Did any of your superiors have any conversations with anybody in the White House that you heard about?

A Not to my knowledge.

Q Did you get the toll call records?

MR. SCHWARTZ: I didn't hear the last question.

BY MR. DOBROVIR:

Q Did you get the toll call records?

MR. FRANKINGER: Would you clarify "you"?

BY MR. DOBROVIR:

Q The FBI.

A I understand that we did.

Q What did you do with them?

A I don't know.

Q Do you recall that there was eventually an order by the District Court suppressing them and having them returned?

A I don't recall what.

Q This is the first time you heard?

A I can't say to be sure about that, but I don't now recall the circumstances.

Q Have you ever met or talked to William H. Collins, Jr.?

ms-52

A The name is unfamiliar to me.

Q He is an Assistant United States Attorney. Would that help?

A That helps me to feel that I would not have a conversation with him.

Q Did there come a time when Jack Anderson became a target of the FBI's investigation into the theft of the BIA documents?

A The BIA documents?

Q Yes.

A No. Las Whitten did.

Q Were you kept apprised of what the Agents were going to be doing and were doing in connection with the arrest of Whitten prior to the arrest?

MR. SCHWARTZ: I didn't hear the last part of the question.

BY MR. DOBROWER:

Q The arrest of Whitten prior to the arrest.

MR. SCHWARTZ: Would you repeat that question?

(The last question, as recorded, was read by the reporter.)

THE WITNESS: That is a question which is impossible to answer because prior to the arrest I didn't know who it was

ms-53

going to be.

BY MR. DOBROVIR:

Q Let's leave Whitten's name out of the question.

Were you kept apprised of what the Agents were planning to do with respect to the arrest prior to the arrest?

A I was aware of the fact that the Department had a surveillance made of the apartment and an arrest was to be made if any person or persons who attempted to move the files.

Q Where was this apartment?

A In the District of Columbia.

Q Whose apartment was it?

A It was the apartment of a member of the AIM movement.

Q Mr. Felt, was it in your mind that, prior to that arrest, Jack Anderson or someone connected with him was likely to be involved in moving the documents?

MR. STRICKLER: I object. I think it is repetitious and I think it is just typical of a first-class fishing expedition.

MR. FRANZINGER: I would also object to the question.

Go ahead and answer it.

THE WITNESS: Well, the way you phrased it, the answer is no.

BY MR. DOBROVIR:

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Q So did you not expect -- is it your testimony that you did not expect anyone connected with Jack Anderson?

A Not specifically.

Q What did you mean not specifically?

A I have already pointed out the fact four or more times. This would have to be considered a possibility no matter how remote. I can truthfully say when Whitson was arrested, I was surprised.

Q How remote a possibility did you consider it?

MR. FRANZINGER: Objection.

MR. DOBROWIR: I am following up what the witness said.

MR. STRICKLER: I object. It is a state of the witness' mind and is not material and relevant.

MR. DOBROWIR: Quite to the contrary. I think the state of mind of people involved in these matters is very important. That is for the judge to decide.

BY MR. DOBROWIR:

Q Do you remember the question?

A Well, let the judge decide.

MR. DOBROWIR: Would you repeat the question?

THE WITNESS: It won't do any good because I am not going to answer it.

ms-55

MR. DOBROVIR: You are refusing to answer?

THE WITNESS: Right.

MR. FRANZINGER: He has already answered the question. He has already indicated his state of mind with a great deal of particularity, what he expected of the documents and who would be in possession of stolen documents. I don't think he is required to answer any further.

MR. STRICKLER: When I say state of mind, I am referring to a situation where we are calling upon the witness to speculate.

MR. DOBROVIR: I wasn't calling upon the witness to speculate. I was trying to find out whether the FBI was expecting to arrest Jack Anderson or somebody connected with Jack Anderson in connection with this matter. I am still being denied an answer to that question.

MR. STRICKLER: The ground of my objection was that it is repetitious.

MR. DOBROVIR: If I got an answer, I wouldn't have to repeat it. Apparently Mr. Felt refused to answer.

MR. SCHWARTZ: The problem is you got an answer and you didn't like the answer.

MR. FRANZINGER: He answered several times.

THE WITNESS: I tried to be honest with you and candid

ms-56

BY MR. DOBROVIR:

Q Did the FBI contact any of the people whose telephone numbers they obtained from the telephone toll call records of Jack Anderson?

A Right now I can't recall.

Q Did there come to your attention at any time between the beginning of 1971 and the time you left the Bureau that there was a desire or a feeling on the part of anybody at the White House that there were too many leaks to members of the press from too many places in the Government, and it ought to be stopped?

MR. FRANZINGER: I object to the form of that question.

BY MR. DOBROVIR:

Q Maybe you can answer it anyway.

A Yes.

Q There were two instances that you referred to, one the meeting in July 1971 with respect to the SALT talks and the -- or with respect to the --

A The leak to Anderson, the Pakistan tilt.

Q Did there at any other time come to your attention any such feeling or desire?

A Yes.

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MR. MORFENSON: Objection.

BY MR. DOBROVIR:

Q Would you tell us what that was?

A Well, it has no relation to this case.

MR. FRENZINGER: Fine.

BY MR. DOBROVIR:

Q I think that it may have a relation to this case insofar as this case is one example of an effort to cut off journalistic access to information to be published. So I am asking you whether there was any other indications to you of such a desire or feeling, while not necessarily specifically directed at this plaintiff because he was a journalist, who would have been included?

MR. SCHWARTZ: I object on the ground of materiality and relevancy. Even if his answer is yes, it would not lead to Rule 26.

MR. DOBROVIR: Objections as to relevancy, as you know, are saved.

MR. MORFENSON: I object on the ground of repetition.

MR. DOBROVIR: I said in addition to the two occasions which he mentioned.

BY MR. DOBROVIR:

Q Would you tell us what they are?

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MR. MORRISON: I have an objection.

MR. DOBROVIR: I would like to ask the question again and I would like the answer.

MR. FRANZINGER: I object to the question. It goes far beyond confines of this lawsuit.

The witness is under the standing instruction as to whether or not this information that he has relates to the plaintiff and if it does, he may so answer. If it does not, he is advised not to answer.

MR. DOBROVIR: I would like to ask him to answer if it does not expressly -- if the answer that he would give excludes the plaintiff.

THE WITNESS: My answer would exclude the plaintiff.

BY MR. DOBROVIR:

Q So are you saying these other instances were other specific instances involving other specific journalists?

A Yes.

Q How many were they?

MR. MORRISON: Objection.

MR. FRANZINGER: Objection. He is advised not to answer that question.

BY MR. DOBROVIR:

Q For the record, my question is, would you please tell

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us about each of those instances?

A No. I am going to refuse because they have absolutely nothing to do with Jack Anderson.

Q In your opinion?

A It is not my opinion. That is my good judgment.

MR. MORTENSON: He can't speak with anybody else's opinion.

BY MR. DOBROVIR:

Q In connection with the effort to plug leaks to journalists, did you have a particular contact at the White House?

MR. FRANZINGER: Again the witness is under the same standing instruction to limit his answer with respect to plaintiff.

THE WITNESS: Nothing that related to Jack Anderson.

MR. DOBROVIR: I would appreciate it, so that the record is clear, for my motion to compel if the witness would either answer my question as asked or if you would instruct him not to answer the question as asked.

MR. FRANZINGER: I will instruct him in accordance with the manner in which I see fit to instruct him.

BY MR. DOBROVIR:

Q Are you refusing to answer my question?

ms-60
A I am refusing to say any more than I did.

Q So you won't tell us if you had a particular contact in the White House with respect to the effort to plug leaks to journalists?

MR. STRICKLER: I can't hear you up here.

MR. DOBROVIR: Would you repeat that?

(The last question, as recorded, was read by the reporter.)

MR. FRANZINGER: I believe that incorrectly states the witness' testimony. He has indicated an answer to that question insofar as it concerns the plaintiff.

BY MR. DOBROVIR:

Q Were you involved in any effort to wire tap anybody in order to prevent the press from reporting matters that the Nixon Administration didn't like being reported?

MR. FRANZINGER: Shall I go first?

MR. STRICKLER: I think we are plowing the same old ground in a slightly different form.

MR. SCHWARTZ: May I make a suggestion off the record?

(Discussion off the record.)

MR. FRANZINGER: Back on the record.

I have the same objection I have had to this whole line of questioning

ms-31

The witness, if he has information insofar as that relates to plaintiff, is certainly is permitted to give an answer. Otherwise, I would advise him not to answer.

BY MR. DOBROVIR:

Q Are you aware of any efforts -- did there come to your attention information about any efforts by Charles Colson to discredit Jack Anderson's reporting?

A Not officially. And if I ever did learn of anything, it must have been something that came up in connection with Watergate. And even then I am not sure. But officially no.

Q Unofficially what do you recall about that?

A I have no unofficial recollection of that. But vaguely it seems to me there was some talk about it in the transcript or something.

Q Do you have any knowledge of any FBI investigation with respect to any attempt to do physical harm to Jack Anderson by the administration of some drug or other substance?

A No.

Q Do you know whether the FBI ever did that, made such an investigation?

A If it ever did I am unaware of it.

Q Do you have any knowledge, or have you ever heard, aside from the press, of course, of any investigation that

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resulted in a subpoena to a man named Eugene Smith before a Grand Jury down in Norfolk, Virginia?

A No.

Q I hope I recall correctly -- maybe I don't recall either way, I may have asked you about whether you had any conversations with Patrick Gray with respect to the arrest of Les Whitten and the Jack Anderson publication of material from the Bureau of Indian Affairs' documents.

Did I ask you that question?

A I think you did. But the way you are stating it now makes it impossible for me to answer.

When Whitten was arrested, I was notified by telephone, and I immediately notified Gray, and I earlier testified to that.

Q That is what I was trying to remember.

Did you, subsequent to that time, have any additional conversations with Mr. Gray relating to the Whitten arrest?

A I don't recall.

Q Did you have any conversations with Mr. Gray respecting testimony that Jack Anderson was going to be called to go before the Grand Jury?

A No, I don't recall anything like that.

Q Did you have any conversation with Mr. Gray about the

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possibility of arresting Mr. Anderson?

A No.

Q Did anyone at the White House contact you with respect to the possibility of arresting Mr. Anderson?

A No.

Q Did there come to your attention any suggestion that the White House or anybody in the White House was interested in achieving the arrest of Mr. Anderson?

A No.

MR. STRICKLER: My recollection may be wrong but it seems to me I heard that series of questions earlier.

THE WITNESS: I second the motion.

MR. STRICKLER: That is something that just drags this deposition out much longer than it needs to be dragged.

BY MR. DOBROWIR:

Q Did you ever have any conversation with Richard Kleindienst about the arrest of Les Whitten?

A I don't recall.

Q Did you ever have any conversation with Richard Kleindienst about the possibility of arresting Jack Anderson?

A No.

(5)
Q Did you have any conversation with Richard Kleindienst about the Dita Beard memo?

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A No.

Q Did you have any conversation with Richard Kleindienst about the ITT matter?

A No.

Q Did you have any conversation with either Mr. Gray or Mr. Kleindienst prior to their testimony before the Senate Judiciary Committee in connection with Mr. Kleindienst's nomination to be Attorney General or Mr. Gray's nomination to be Director of the FBI?

A About what?

Q About the ITT matter.

A I already testified I had conversations with Mr. Gray about the ITT-Dita Beard memorandum, but I had no conversations with Mr. Kleindienst about it.

Q My question was, did you have any such conversation with Mr. Gray prior to and in his preparation for his testimony before the Senate Judiciary Committee?

A The answer is no.

Q When did you have that conversation?

A This was during Kleindienst's confirmation testimony which would have been possibly late March or April possibly in 1972.

Q What was the substance of the conversation?

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A I have already testified to it.

Q Have you personally met John Dean?

A Yes.

Q How many times?

A I never talked to John Dean about Jack Anderson.

Q Answer my question.

A No. But it gets into the question of whether your question is a shotgun thing. I have had conversations with John Dean, none relating to Jack Anderson.

Q How many times?

MR. MORTEENSON: Can I ask you to explain?

If he tells you he has had no conversations about Jack Anderson or this matter, now asking him how many times he discussed, met or talked or had any conversations with John Dean is relevant, if he tells you 50 or one? How is that relevant or how is it calculated to lead to something discoverable or relevant?

MR. DOBROVIR: I don't intend to get into an argument--

MR. MORTEENSON: I am not --

MR. DOBROVIR: -- on the transcript of a deposition as to the parameters of a case in which the cause of action is conspiracy.

MR. MORTEENSON: I am not asking for argument. I am

asking for you to enlighten me as to how his answer to that question could conceivably be relevant to your discovery in this matter.

MR. DOBROVIR: This is a conspiracy case.

MR. MORTENSON: I understand that.

MR. STRICKLER: I would like to be enlightened as to what makes it a conspiracy case other than the allegations in the complaint?

MR. MORTENSON: I understand this is a conspiracy case. I still do not understand how the fact it is a conspiracy case makes his answer to your question relevant, to be calculated to lead to admissible evidence.

You have asked him that question of nearly every person, if he had any contact, and I don't see if he told you 350 occasions as to each one of those individuals how it makes any difference to your case.

MR. FRANZINGER: I join that.

MR. MORTENSON: I didn't hear an answer.

MR. DOBROVIR: I don't think I have to give an answer. There is an appropriate forum for that.

MR. MORTENSON: We are all spending time, and you are restricted by the rules of discovery --

MR. DOBROVIR: That is correct.

ms 7
MR. MORTENSON: -- to stick to questions calculated to lead to admissible evidence.

MR. DOBROVIR: That is correct.

MR. MORTENSON: This witness is instructed to answer things relevant to the case. If you are going to move for a motion to compel, I think you have to know, before getting into a battle in court, as to whether he would respond to that question here. I think if you can enlighten us how it could be conceivably relevant, it may be that none of us would have any objection and the witness would go ahead and answer. You are not giving us that courtesy.

MR. FRANZINGER: It would expedite this proceeding.

MR. DOBROVIR: As a matter of courtesy, in a conspiracy case, one of the efforts that the plaintiff makes is an attempt to find out the lengths and connections and channels of communication among the persons alleged to have participated in the conspiracy. And, further, to attempt to ascertain the identity of any documentary, real evidence that might exist.

Before I can even get to that, I have got to find out if there was any connection between an agency, in this case the FBI, which carried out specific acts, and those who are still defendants in this case as co-conspirators.

So my first question is to find out about what the

is-68 contacts were. You already know what my next questions are going to be because I have asked them with respect to other people.

MR. MORTENSON: I accept all of that and I am in total agreement with you. And I think you are entitled to ask this witness whether he ever met and talked to John Dean. But having told you he had no contacts with John Dean pertaining to Jack Anderson or any of the matters that are the subject of this case, I do not think you are entitled to ask how many times he ever met or talked with John Dean.

The fact that it could have been 300 times or two times, or any number of times, is irrelevant to establishing communications, conspiracy, or otherwise involved in this case. And so I think the witness is perfectly correct in refusing to answer your question.

BY MR. DOBROVIR:

Q Have you ever had any telephone conversations with John Dean while Mr. Dean was employed at the White House, Mr. Felt?

A Yes.

Q How many?

A Well, I can't say how many now because of the time which has elapsed. But I would say possibly 15 or 20 times.

Q Did Mr. Dean and you ever discuss the Bureau of Indian Affairs' documents?

A No.

Q Did you ever discuss the question of leaks published by journalists?

MR. FRANZINGER: I object to that question. I think we have already stated our ground, and I think the witness knows the instruction he is under and the advice he has received.

BY MR. DOBROVIR:

Q Did he ever, or did you ever mention the name Jack Anderson in any telephone conversation you or he had?

A Not to my recollection.

Q Did you and he ever discuss the plumbers?

A No.

Q Did you and he ever discuss any FBI wire taps?

MR. FRANZINGER: Of anyone?

MR. DOBROVIR: Of anyone.

MR. FRANZINGER: I object to that question on the same ground as stated before. And I advise the witness accordingly.

THE WITNESS: Well, my answer is not with regard to Jack Anderson.

ms-70
BY MR. DOBROVIR:

Q Did he ever give you any instructions with respect to wire taps of anybody?

A No.

Q Did you ever give him information with respect to the results of wire taps on anybody?

A Not with respect to Jack Anderson.

Q With respect to anyone?

MR. FRANZINGER: I repeat my advice to the witness and my objection.

BY MR. DOBROVIR:

Q Have you ever heard the name Project Mucken?

A Did I ever discuss it with whom?

Q Did you ever hear of it?

A I heard of it the last day or so. I read it in the paper but not officially.

Q Do you know what Cellutex is?

A It is an insulating material, fibreboard, made of cellulose.

Q Do you know what it is used for?

A I think it is used for insulating purposes.

MR. STRICKLER: I object.

What is the relevancy of that?

ms 11
BY MR. DOBROVIR:

Q Have you ever heard of the name Project Cellutex?

A No.

Q Or Cellutex 2?

A No.

Q Have you ever met Jeb Magruder?

A No.

Q Have you ever spoken to him on the telephone?

A No.

Q Have you ever met Lee Pennington?

A I think so. Probably 30 or 35 years ago, if we are thinking about the same man.

Q And not since then?

A No. The Lee Pennington I am thinking about used to be an FBI Agent in the early '40s, and I knew him casually at that time. And to the best of my knowledge, I have not seen him since.

Q Have you heard anything about him?

A I think so, but I can't remember what it was.

Q Does it refresh your recollection if I suggest it might have had something to do with James McCord?

A No.

Q Have you ever met John Martin who was a lawyer in

is-72 the Internal Security Division of the Justice Department?

A If I ever did, I don't remember it now.

(Short recess.)

BY MR. DOBROVIR:

Q Mr. Felt, were the files of the Radford wire tap ever removed from your office?

A Not to my knowledge.

Q Are you aware of a statement by the late Mr. Sullivan that FBI wire tap files were removed from the FBI and turned over to Mr. Mardian?

A Yes, I am aware of that.

Q What was your understanding of the facts behind that relating to that statement?

A I advised you that the wire taps in the Radford case were never removed from my office. Any other files, and particularly the ones to which you refer, had absolutely nothing to do with the Jack Anderson case.

Q You know there were no other wire tap files in the FBI that had anything to do with Jack Anderson or recording any conversation of Jack Anderson?

MR. FRANZINGER: That is not what the witness said.

BY MR. DOBROVIR:

Q I am asking him a question.

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A I don't have the slightest idea what is in those files.

Q Some of the files might have something to do with Jack Anderson?

MR. FRANZINGER: That calls for speculation.

THE WITNESS: If he had written a letter -- he used to be an informant for the FBI -- his name might be in those files.

BY MR. DOBROVIR:

Q I am not talking about the wire tap, the Radford file, but other wire tap files.

A I don't believe his name was in any of them, but I can't be sure. I have to say not to my knowledge. Let's put it that way.

Q But your knowledge is not all encompassing?

MR. FRANZINGER: Objection.

MR. MORTENSON: I thought he answered that.

MR. DOBROVIR: Yes.

MR. MORTENSON: Then I object on the ground of repetition.

BY MR. DOBROVIR:

Q To your knowledge, did those wire tap files -- leaving aside the wire tap files of Radford -- turn up in the office of

ms-74

John Ehrlichman?

A You are talking about certain Kissinger wire tap files and they did turn up in the office of Mr. Ehrlichman.

Q But the Radford files did not?

A Correct.

Q When did you retire?

A June 1973. As of that date, they certainly had not left the office.

Q Do you know where they are now?

A No.

Q Is it true that after Mr. Hoover's death some of Mr. Hoover's files were transferred to your office?

MR. FRANZINGER: The witness can answer with respect to any files concerning the plaintiff, the Radford tap, or any matter raised by the complaint.

THE WITNESS: To the best of my information, none of the files which were transferred to my office were related to Jack Anderson.

BY MR. DOBROVIR:

Q Did you read them all?

A No.

Q So it is possible that some of them were?

A Anything is possible.

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Q Right.

What happened to the files that were transferred to your office after you left?

A I have no way of knowing what happened to them.

Q Were they still in your office?

A At the time I left.

Q But you don't know what happened to them since then?

A No.

Q Do you have any familiarity with the files maintained by the Federal Bureau of Investigation generally? Start off with that question.

MR. GONDELMAN: I can't hear you.

THE WITNESS: He wants to know if I know anything generally about the FBI files. And, of course, the answer is yes, I do.

BY MR. DOBROVIR:

Q Are you familiar with FBI files kept on specific individuals?

MR. MORIENSON: I don't understand the question.

MR. FRANZINGER: I don't, and I don't think the witness does either.

BY MR. DOBROVIR:

Q Are you familiar with the fact that the FBI maintained

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files on many specific individuals while you were there?

A Well, the FBI has a file on Richard Nixon which it accumulated at the time he applied for an FBI Agent. And it has other files similar in nature.

The FBI has some six million, probably more by now, files involving a number of individuals, which would probably be many times that six million.

Q Are you familiar with the fact that the FBI maintains files on Jack Anderson?

A No, I am not familiar.

Q To your knowledge, did the FBI maintain files on Jack Anderson?

A Not to my knowledge. You have to take it in its proper concept. I am sure the FBI had copies of his columns. I am sure that from time to time people wrote in complaining about the inaccuracy of some of his columns. That type of correspondence would be in a file.

I am sure Jack Anderson's name is mentioned probably a number of times in connection with this sack of the BIA. So his name undoubtedly is in files, but I don't know that the FBI has a file on Jack Anderson in that concept.

Q I believe that there is an affidavit in the record by Richard Hamilton, who you mentioned, which indicates that

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the FBI has more than 50, what it describes as main reference files, on Jack Anderson and many other files in which there is a cross-reference to Anderson.

A Of course, I have no way of knowing what he is talking about, but I do know when anyone comes of importance to the FBI, all of these references would be consolidated together into one file for obvious reasons.

So I would gather from what he says and from what I know about the FBI files these are probably a lot of unrelated matters which have arisen during the years in connection with Jack Anderson. He used to be an informant.

Q Did Mr. Hoover ever complain to you about columns written by Mr. Anderson as being objectionable to him?

A No, not to my recollection.

Q Did John Dean ever indicate to you that he didn't like a particular column written by Jack Anderson or a story written by Jack Anderson and that such a story was wrong or false or inaccurate?

A Not to my recollection.

Q Did anyone else employed by the White House ever make such a statement or a similar statement to you?

A Not to my knowledge.

A lot of other people did.

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Q Anybody else who was an official of the United States Government?

A No. I am thinking about people outside the Government.

Q Did Mr. Hoover ever indicate to you that he thought Mr. Anderson was an adversary or enemy of the FBI?

A No. As I say, he used to be an informant, very helpful to the FBI.

Q Did he ever indicate to you anything you saw in writing or orally that he thought that Jack Anderson was a rat?

A That is probably what he thought but he never indicated that to me. Hoover used to write sometimes on the border of memos or columns or so forth that went up to him, and it is entirely possible that he might have written that.

Q In connection with the Dita Beard matter, did it come to your attention that the White House or anybody in the White House was afraid that Anderson was going to learn more that would be embarrassing to them about that matter?

A That he was going to learn any more?

Q Yes.

A No, I don't know anything about that.

Q Did it come to your attention at any time that the FBI gave any assistance to G. Gordon Liddy in removing Dita Beard from Washington, D. C. shortly after Anderson published

the Dita Beard memorandum?

A No.

Q To your knowledge, did the FBI have any advance information about Dita Beard's trip to Denver?

A No.

Q Did the FBI conduct any investigation intended to find out who instigated that trip to Denver?

A I don't know. I don't recollect.

Q Did the FBI have any contact with E. Howard Hunt in connection with his trip to Denver to interview Dita Beard?

A I don't think so.

Q Did the FBI learn anything about Hunt's trip to Denver to interview Dita Beard?

A After the fact, I think we did.

Q How did you learn that?

A I don't remember.

Q Did you learn it right away?

A I don't recall. As of today, I am aware that is what happened.

Q To your knowledge, did the FBI have any contact with the company, ITT, concerning the Dita Beard memorandum?

A Well, I suppose you have to say that Jack Anderson is related to the Dita Beard memorandum in that he surfaced it,

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but that is as far as it went. And so far as the FBI was concerned, our interest had nothing to do with Jack Anderson other than, I think, the FBI talked to Britt Hume -- somebody talked to him, but during the time that the FBI was examining the Dita Beard memorandum, representatives of ITT, not officials, but document examiners of ITT came to the FBI and asked for permission to see the document. And Mr. Hoover granted that permission and they were allowed to look at the document because they were making their own conclusions as to its authenticity.

But I think one of those individuals who came was a counsel, maybe the Chief Counsel for ITT. But that is the extent of contact.

Q Did you meet with these people?

A I did not.

Q So there was a report to you of these conversations?

A Yes. I think, too, speaking of contact with ITT, I think that Agents went to the ITT office here in Washington, and with the cooperation of whatever officials that were there, obtained copies of documents typed on the typewriter that Dita Beard's secretary used in an attempt to get documents for comparison. I am sure they used that typewriter to make sample copies for comparison and so forth.

So there was that contact with ITT also.

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Q Was there any contact with ITT with respect to Dita Beard's trip to Denver?

A Not to my knowledge.

Q Did the FBI have any contact with the White House, to your knowledge, with respect to the memorandum and the examination after you received the document to examine?

A Yes. John Dean called on at least two occasions, maybe three, and the first time they wanted to know what the results of the FBI laboratory examination were. And he was very disappointed when I told him. He wanted a copy of the FBI memorandum, which I made available to him with Hoover's approval.

Q The FBI memorandum?

A The laboratory report.

So there was this contact with Dean in connection with the Dita Beard memorandum.

Q Anybody else in the White House?

A No.

Q Was there any FBI contact with anybody in the White House with respect to Dita Beard's travel to Denver or with respect to her possible testimony or attempt to get her testimony?

A Not to my knowledge.

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Q You did have contacts with people from the Senate Judiciary Committee on this matter?

A I think the contact with the Senate Judiciary Committee was a letter from Senator Eastland. No personal contact. The personal contact was with Robert Mardian who indicated he was speaking for Senator Eastland when he requested the FBI first to locate Dita Beard and serve a subpoena and, second, when he indicated that the FBI was authorized to go to any extent chemically necessary to check the document in question.

Q Did Mr. Mardian indicate that the FBI ought to attempt to investigate and find out how Jack Anderson got ahold of that memorandum?

A No, not to me.

Q Was Mr. Dean disappointed to learn that the FBI believed that the Dita Beard memorandum was genuine?

MR. SCHWARTZ: Objection. Asked and answered.

THE WITNESS: I would say he was disappointed, yes.

BY MR. DOBROVIR:

Q Could you give his exact words?

A No, no way could I give his exact words.

Q Did he say something to the effect that "Gee, it is too bad we can't discredit Anderson on this," or something?

A No.

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Q What did he indicate?

A My impression was that Dean's concern had nothing to do with Anderson but was concern with embarrassment to the Administration because of the allegations in the memorandum.

Q Was he concerned about embarrassment to the Administration because of press publicity of the memorandum?

A Obviously yes.

Q Did he express a concern?

A Not about Jack Anderson.

Q Did he express it about others?

A No, I don't think he did. My impression, after talking to him, and I think Mardian, too, that the publicity was embarrassing to the Administration.

Q Now, you have testified that wire tap records with respect to the Radford tap were sent to Mitchell, Ehrlichman and Young?

A Not all at one time.

Q You testified --

MR. STRICKLER: I object to the summation of the testimony. Can't you just ask questions?

MR. DOBROVIR: This was earlier this morning, and I am trying to refresh the witness' recollection.

THE WITNESS: You don't need to. I remember what I

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said.

BY MR. DOBROVIR:

Q In addition to those documents and in addition to the five memoranda that you looked at on Friday that you told us about, are you aware of any other documents that came from the White House to the FBI which in any way related to Jack Anderson?

A No.

Q Are you aware of any documents in addition to those documents? I am talking specifically about the records of the wire taps.

A I didn't hear that.

Q The records of the wire taps, and I mean by that the transcripts of the conversations.

A The summaries.

Q The summaries of conversations, are there any other documents that in any way relate to Anderson that went from the FBI to the White House?

A Not to my knowledge.

Q With respect to the ITT matter, are you aware of any document, memoranda, communication between the FBI and the White House besides the telephone conversations with John Dean you told us about?

A Well, I mentioned I sent a copy of the laboratory

CS-85 report to John Dean.

Q Anything else?

A Not to my knowledge.

Q With respect to the Radford matter, aside from the summaries that went to John Mitchell, were there any documents that went from the FBI -- by document I mean any writing, any communication, any memorandum that went from the FBI to the Attorney General's office?

A In the Radford case?

Q Yes.

A I don't think so.

Q Is there any document, as I defined it, that went from the FBI to any other component in the Justice Department outside of the FBI?

A Not to my knowledge.

Q What documents are you aware of that went from the FBI to other components of the Department of Justice with respect to the Whitten arrest?

A I am not aware of anything that I have not already testified to.

MR. DOBROVER: That concludes my direct examination.

MR. MORTEENSON: Do you want to take a two-minute break?

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(Short recess.)

MR. MORTEENSON: I have no questions for this witness.

MR. FRANZINGER: I have no questions.

MR. CONDELMAN: Neither do I.

MR. SCHWARTZ: I have no questions.

MR. STRICKLER: No questions.

MR. FRANZINGER: I would like the witness to read and sign this deposition.

(Whereupon, at 4:05 p.m., the taking of the deposition was concluded.)

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I have read the foregoing 157 pages, which contain a correct transcript of the answers made by me to the questions therein recorded.

W. Mark Felt


Subscribed and sworn to before me this _____
day of _____, 1977.

Notary Public

My commission expires _____.

CERTIFICATE OF NOTARY PUBLIC

I, Jeanette Karp, the officer before whom the foregoing deposition was taken do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me stenographically and thereafter reduced to typewriting under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of the action.



Notary Public in and for
the District of Columbia

My commission expires:

September 1, 1978