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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA )  
 )  
 v. ) Criminal No. 74-116  
 )  
 JOHN D. EHRLICHMAN, et al., )  
 )  
 Defendants. )

MOTION FOR RECONSIDERATION

The United States, through its attorney, the Special Prosecutor, hereby moves this Court in light of changed circumstances to withdraw its Order of June 11, 1974 severing Defendant Ehrlichman and indefinitely continuing his trial and enter an Order granting a two-week continuance as to all defendants to allow for oral argument and a full exploration of the remaining issues. As grounds therefore and in support thereof, the Government submits its Memorandum In Support Of Its Motion For Reconsideration and the Affidavit of J. Fred Buzhardt.

Respectfully submitted,

\_\_\_\_\_  
LEON JAWORSKI  
Special Prosecutor

Watergate Special Prosecution Force  
1425 K Street, N. W.  
Washington, D. C. 20005

DATED: June 12, 1974 Attorney for the United States



UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA )

v. )

JOHN D. EHRLICHMAN, et al., )

Defendants. )

Criminal No. 74-116

GOVERNMENT'S MEMORANDUM IN SUPPORT  
OF MOTION FOR RECONSIDERATION

The purpose of this motion is to bring to the Court's attention what we believe is a change in circumstances making it advisable for the Court to reconsider its June 11, 1974 order. Subsequent to the Court's June 11 order, the files subpoenaed by defendant Ehrlichman have been personally reviewed in their entirety by Counsel to the President who has stated under oath in the attached affidavit that said files do not contain any exculpatory material or any evidence discoverable under the principles of Brady v. Maryland.

This review and certification by Mr. Buzhardt now places the subpoenaed Ehrlichman notes in precisely the same posture as the materials defendant Ehrlichman subpoenaed from numerous governmental agencies. Those latter subpoenas were complied with to the apparent satisfaction of the Court and defendant Ehrlichman by the filing of affidavits certifying that appropriate government officials had reviewed the subpoenaed material and found none that related to the issue of whether defendant Ehrlichman had prior

Knowledge of the shielding breakdown. The affidavit of Mr. Buzhardt concerning his review of the Ehrlichman notes is even more comprehensive than the other affidavits in that it states that there is absolutely nothing remaining in those notes that contains material relevant to the issue of guilt or innocence, nor arguably exculpatory as to defendant Ehrlichman. Mr. Buzhardt personally reviewed these subpoenaed files. This review was conducted and the affidavit executed with a full awareness of the factual and legal issues of this case.

The fact that defendant Ehrlichman still has complete access to his files and the right to consult as often as he wishes with his counsel when reviewing those files, provides him with privileges as to these notes that exceed both what has been found necessary with respect to other possible locations of relevant material and the requirements of Brady. There is absolutely no merit to the defendant's position that in this setting there is somehow a less satisfactory compliance with Brady than the compliance offered and accepted on the other subpoenas. <sup>1/</sup>

---

1/ A defendant's own notes have no special Constitutional status under Brady and no special immunity from normal materiality requirements under Rule 16. On the record as it now stands, Ehrlichman has no right to personal access to these papers. The defendant here has, of course, been granted access to his notes. He can search those files, consult with counsel, draft specific subpoenas, and after an adequate showing, if any is forthcoming, invoke the processes of this Court to obtain compliance with such subpoenas. But granting him access beyond what the law requires cannot create a Constitutional right that his attorney have similar access. In fact, since defendant will have far greater access to these files than will the prosecutor, the evil which Brady was designed to ameliorate is not present in any form. See Moore v. Illinois, 408 U.S. 786 (1972); United States v. Ruggiero, 472 F. 2d 592 (2nd Cir. 1973).

Not can there be any argument that Ehrlichman has a right to the presence of counsel at a review of notes to which he himself is not entitled to under Brady.

Because we believe the legal issue of compliance with Brady is now clear without Ehrlichman's personal access to his notes and we believe that there can be no right to counsel at any occasion at which the defendant has no enforceable right himself to be present, we are at a loss to understand what further steps, if any, are required to bring to trial a defendant who has nowhere specifically alleged that exculpatory material of a certain type is located in his files. We have learned today that defendant Ehrlichman has never once this year personally reviewed the subpoenaed notes which he and his attorney have to this Court boldly represented to be absolutely essential to Ehrlichman's defense.<sup>2/</sup>

Moreover, there is no reason at this stage to simply assume, as the defendant seems to do, that the White House will refuse to provide a specifically identified document if, after an adequate showing, the Court orders it produced for an in camera determination as to relevancy, materiality and exculpability. In fact, copies of a vast array of the subpoenaed notes have very recently been furnished to the defendant.

---

2/ Secret Service access logs to the room in which all of defendant Ehrlichman's files are stored reveal that Ehrlichman's last visit to his files was on February 9, 1974, nearly one month before the return of this indictment in this case. His other visits this year were on January 7, January 11 and February 5. The Secret Service entries show the specific files which Ehrlichman reviewed on each of those dates and reveal that in each instance Ehrlichman reviewed files other than those now under subpoena.



his role as a high Government official, approved a  
criminal and unconstitutional act escapes the judicial  
process and verdict of his peers.

Respectfully submitted,

-----  
LEON JANOPSKI  
Special Prosecutor  
Watergate Special Prosecution  
Force  
1425 K Street, N.W.  
Washington, D. C. 20005

Attorney for the United States

DATED: June 12, 1974

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA, )  
 )  
 v. )  
 )  
 JOHN EHRLICHMAN, et. al., )

Criminal No: 74-116

Defendants.

AFFIDAVIT

J. Fred Buzhardt, being first duly sworn, deposes and says:

1. I am Counsel to the President of the United States and have held this position since January 4, 1974.

2. Prior to that time, I served as Special Counsel to the President and represented the Office of the President in litigation arising out of Watergate-related matters, including the Fielding break-in.

3. In the course of this litigation and as a result of numerous discussions and correspondence with the Special Prosecutor's Office, I have become familiar with the matters which are at issue in the case of United States v. John D. Ehrlichman, et al., Criminal No. 74-116.

4. Additionally, I have studied the indictment in this case, the Government's Bill of Particulars, the letter of May 29, 1974, to all counsel from Assistant Special Prosecutor Philip J. Bakes, Jr. setting forth the concealment aspects of this case, the Court's opinion on May 24, 1974 discussing national security discovery, and the Government's Supplemental Memorandum on the issue of Brady v. Maryland which was filed by the Special Prosecutor's Office on June 10, 1974.

5. Upon the specific authorization of the President, I have had access to the White House files in which are contained those items listed in a subpoena issued by this Court upon application of defendant Ehrlichman dated May 22, 1974, which was returnable on May 24, 1974.

the Court and the prosecutors. The issue of production is simply not ripe for judicial determination unless and until a specific document is found to be arguably material, ordered to be produced and then not produced. We are not at that point yet and may very well never reach that impasse.

We thus request a hearing with oral argument at which the parties can fully articulate their positions and make clear exactly what factual allegations underlie their claims in light of the review of the files by White House counsel. We urge that a two-week continuance of the entire prosecution against all defendants be granted for this purpose and for the purpose of exploring what further steps, if any, need to be taken to guarantee fairness for all the defendants and yet not continue the case against defendant Ehrlichman indefinitely. A short continuance of the trial as to the other defendants will not deprive them of their right to a speedy trial, since it has only been three and one-half months since the indictment.

Finally, it is worth stressing that an indefinite continuance of defendant Ehrlichman's trial may well mean a postponement until the spring of 1975 because of the September 9, 1974 trial in United States v. Mitchell, or perhaps no trial at all. We believe that there is a public as well as a legal obligation to commence this trial if, as we now believe, the Government and the Court have adequately assured defendant Ehrlichman the fair trial he most certainly deserves. An indefinite continuance now would result in other co-conspirators standing judged -- whether convicted or acquitted -- while the alleged co-conspirator who, in

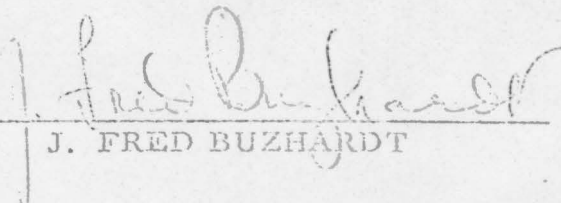




6. As a result of the Court's concern as expressed in open hearings on June 7 and 11, 1974, as to the possibility that exculpatory material is contained in the subpoenaed documents, I have personally examined each and every document in the category described in defendant Ehrlichman's subpoena.

7. This examination was conducted in order to determine whether the subpoenaed items contain any materials which would bear on the issue of guilt or innocence of defendant Ehrlichman on any of the charges listed in the pending indictment.

8. Based upon this search, I can represent to the Court that with the exception of those materials previously furnished to the Court and the defendant's counsel there is nothing contained in the subpoenaed documents which bears on the issue of guilt or innocence of defendant Ehrlichman and, specifically, nothing which is arguably exculpatory as to defendant Ehrlichman on the factual issues as set forth on page 4 of the "Government's Supplemental Memorandum on the Issue of Brady v. Maryland."

  
\_\_\_\_\_  
J. FRED BUZHARDT

Sworn to and subscribed before me this  
12th day of June, 1974.

  
\_\_\_\_\_  
NOTARY PUBLIC

Wilbur H. Jordan

Notary Public - State of Maryland  
My Commission Expires June 14, 1976

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	)	
	)	
v.	)	Criminal No. 74-116
	)	
JOHN D. EHRLICHMAN, et al.,	)	
	)	
Defendants.	)	

CERTIFICATE OF SERVICE

I, Charles R. Breyer, certify I have caused copies of the Motion For Reconsideration and Memorandum with attached affidavit of J. Fred Buzhardt dated June 12, 1974, in support thereof to be delivered to all counsel noted below either by United States mail or by personal service.

\_\_\_\_\_  
CHARLES R. BREYER

James D. St. Clair, Esquire  
William S. Frates, Esquire  
Peter Maroulis, Esquire  
Daniel E. Schultz, Esquire

UNITED STATES OF AMERICA

v.

JOHN D. EHRLICHMAN, et al.,

Defendants.

Criminal No. 74-110

MOTION FOR RECONSIDERATION

The United States, through its attorney, the Special Prosecutor, hereby moves this Court in light of changed circumstances to withdraw its Order of June 11, 1974 severing Defendant Ehrlichman and indefinitely continuing his trial and enter an Order granting a two-week continuance as to all defendants to allow for oral argument and a full exploration of the remaining issues. As grounds therefore and in support thereof, the Government submits its Memorandum In Support Of Its Motion For Reconsideration and the Affidavit of J. Fred Buzhardt.

Respectfully submitted,

LEON JAWORSKI  
Special Prosecutor

Watergate Special Prosecution Force  
1425 K Street, N. W.  
Washington, D. C. 20005

DATED: Jun. 12, 1974 Attorney for the United States



HERB SCHEIDT OF AMERICA	)	
v.	)	Criminal No. 74-116
JOHN D. EHRLICHMAN, et al.,	)	
Defendants.	)	

GOVERNMENT'S MEMORANDUM IN SUPPORT  
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This review and certification by Mr. Buzhardt now places the subpoenaed Ehrlichman notes in precisely the same posture as the materials defendant Ehrlichman subpoenaed from numerous governmental agencies. Those latter subpoenas were complied with to the apparent satisfaction of the Court and defendant Ehrlichman by the filing of affidavits certifying that appropriate government officials had reviewed the subpoenaed material and found none that related to the issue of whether defendant Ehrlichman had prior

in a way that is absolutely compelling, in these notes that contain material relevant to the issue of guilt or innocence, but arguably exculpatory as to defendant Ehrlichman. Mr. Danahy personally reviewed these subpoenaed files. This review was conducted and the affidavit executed with a full awareness of the factual and legal issues of this case.

The fact that defendant Ehrlichman still has complete access to his files and the right to consult as often as he wishes with his counsel when reviewing those files, provides him with privileges as to these notes that exceed both what has been found necessary with respect to other possible locations of relevant material and the requirements of Brady. There is absolutely no merit to the defendant's position that in this setting there is somehow a less satisfactory compliance with Brady than the compliance offered and accepted on the other subpoenas.<sup>1/</sup>

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... to the presence of counsel at a review of notes to which he himself is not entitled to view.

... because of failure of the local laws of compliance with Grand Jury is not clear about Ehrlichman's personal access to his notes and we believe that there can be no right to counsel at any occasion at which the defendant has no enforceable right himself to be present, we are at a loss to understand what further steps, if any, are required to bring to trial a defendant who has nowhere specifically alleged that exculpatory material of a certain type is located in his files. We have learned today that defendant Ehrlichman has never once this year personally reviewed the subpoenaed notes which he and his attorney have to this Court boldly represented to be absolutely essential to Ehrlichman's defense.<sup>2/</sup>

Moreover, there is no reason at this stage to simply assume, as the defendant seems to do, that the White House will refuse to provide a specifically identified document if, after an adequate showing, the Court orders it produced for an in camera determination as to relevancy, materiality and exculpability. In fact, copies of a vast array of the subpoenaed notes have very recently been furnished to the defendant.

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Respectfully submitted,

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LLOYD J. BROWN  
Special Prosecutor  
Watergate Special Prosecution  
Force  
1425 K Street, N.W.  
Washington, D. C. 20005

Attorney for the United States

DATED: June 12, 1974

JOHN D. EHRLICHMAN, et al.,

v.

Criminal No. 74-116

JOHN EHRLICHMAN, et al.,

Defendants.

AFFIDAVIT

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1. I am Counsel to the President of the United States and have held this position since January 4, 1974.

2. Prior to that time, I served as Special Counsel to the President and represented the Office of the President in litigation arising out of Watergate-related matters, including the Fielding break-in.

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4. Additionally, I have studied the indictment in this case, the Government's Bill of Particulars, the letter of May 29, 1974, to all counsel from Assistant Special Prosecutor Philip J. Bakes, Jr. setting forth the concealment aspects of this case, the Court's opinion on May 24, 1974 discussing national security discovery, and the Government's Supplemental Memorandum on the issue of Brady v. Maryland which was filed by the Special Prosecutor's Office on June 10, 1974.

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...with a...  
materially...  
We...  
...that...

We thus request a hearing at which the parties can fully...  
and make clear exactly what...  
their claims in light of the...  
White House counsel. We urge...  
of the entire prosecution against...  
granted for this purpose and for...  
what further steps, if any, need...  
fairness for all the defendants...  
the case against defendant Ehrlich...  
A short continuance of the trial...  
defendants will not deprive them...  
a speedy trial, since it has only...  
months since the indictment.

Finally, it is worth stressing...  
continuance of defendant Ehrlich...  
mean a postponement until the...  
of the September 9, 1974 trial...  
Mitchell, or perhaps no trial at...  
there is a public as well as a...  
commence this trial if, as we...  
ment and the Court have adequately...  
Ehrlichman the fair trial he...  
An indefinite continuance now...  
co-conspirators standing judge...  
acquitted -- while the alleged...

As a result of the search conducted pursuant to the subpoena issued on June 7 and 10, 1974, it is the possibility that a copy of material contained in the subpoenaed documents, but previously examined & classified as documents in the category described in defendant Ehrlichman's subpoena.

7. This examination was conducted in order to determine whether the subpoenaed items contain any materials which would bear on the issue of guilt or innocence of defendant Ehrlichman on any of the charges listed in the pending indictment.

8. Based upon this search, I can represent to the Court that with the exception of those materials previously furnished to the Court and the defendant's counsel there is nothing contained in the subpoenaed documents which bears on the issue of guilt or innocence of defendant Ehrlichman and, specifically, nothing which is arguably exculpatory as to defendant Ehrlichman on the factual issues as set forth on page 4 of the "Government's Supplemental Memorandum on the Issue of Brady v. Maryland."

  
\_\_\_\_\_  
J. FRED BUZHARDT

Sworn to and subscribed before me this  
12th day of June, 1974.

  
\_\_\_\_\_  
NOTARY PUBLIC

William H. Jenkins

Notary Public for the State of Maryland

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	)	
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v.	)	Criminal No. 74-116
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JOHN D. ERRLICHMAN, et al.,	)	
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CHARLES R. BREYER

James D. St. Clair, Esquire  
William S. Frates, Esquire  
Peter Maroulis, Esquire.  
Daniel F. Schultz, Esquire

June 19, 1974

James D. St. Clair, Esq.  
Special Counsel to the President  
Old Executive Office Building  
Room 188 1/2  
Washington, D.C.

Dear Mr. St. Clair:

I am writing on behalf of the August 13, 1973 Grand Jury to confirm the outstanding requests for certain documents called for by the March 14, 1974 subpoena specifically including those which we discussed with you on May 24, 1974. Although each of these documents is important to the grand jury's ongoing investigation, the grand jury's need for unexcised copies and originals of the following documents is of particular importance:

1. Two letters from Mr. Kalmbach to Mr. Haldeman, each dated July 15, 1971, one pertaining to Mr. Symington, one to Mr. deRoulet.
2. March 21, 1972 memorandum from Mr. Haldeman to Mr. Flanigan and Mr. Malek.
3. May 24, 1971 memorandum from Mr. Kingsley to Mr. Malek.
4. June 17, 1972 handwritten notes (probably of Mr. Flanigan) on White House stationery headed "(with Stars)".
5. April 3, 1970 memorandum from Mr. Haldeman to Mr. Fleming.

In addition, a chronological list of other documents we specifically request is attached. I have parenthetically indicated the version of that particular item which you have already submitted. I again emphasize our need for originals and all White House copies because marginal notations, covering memoranda, and other accompanying notes or documents might be relevant to the grand jury's inquiry.



The attached list omits reference to the November 23, 1972 memorandum from Mr. Stans to Mr. Malek, the December 16, 1972 memorandum from Mr. Flanigan and Mr. Malek to the President, and the March 7, 1973 memorandum from Mr. Jones to Mr. Haldeman, awaiting resolution of the subpoena litigation involving Stans and the Finance Committee to Re-Elect the President.

It is my further understanding that you have agreed to furnish generally correspondence between Mr. deRoulet and Mr. Haldeman, including correspondence that does not relate directly either to Mr. deRoulet's aspirations for an ambassadorial appointment or his political contributions.

I again ask that you advise us what specific files were searched for the documents thus far produced and, in particular, whether the President's files have been so searched.

In light of the grand jury's continuing need for these documents in connection with its ongoing investigation, we would appreciate your early attention to these matters.

Sincerely,

THOMAS F. McBRIDE  
Associate Special Prosecutor

Attachment

ATTACHMENT

1. Original and all copies of May 19, 1969 memorandum from Flanigan to the President. (Partial photocopy of carbon copy)
2. Original, Flanigan's copy, and all other copies of June 9, 1970 letter from Kalmbach to Ehrlichman. (Haldeman's photocopy of carbon copy)
3. Original and all copies of February 27, 1971 memorandum from Flanigan to the President. (Partial photocopy of carbon copy)
4. Original and all copies of March 25, 1971 memorandum from Malek to Haldeman. (Green carbon copy)
5. Original and all copies of April 29, 1971 memorandum from Flanigan to the President. (Partial photocopy of original with marginal notations and a crossed through upper case "P" on the first page)
6. Original and all copies of any documents relating to Presidential response to Flanigan's memorandum of April 29, 1971. (The possible existence of such documents is inferable from marginal notations on the copy of that memorandum in our possession which indicate that the President did respond to the memorandum)
7. Original, Flanigan's copy and all other copies of June 15, 1971 memorandum from Haldeman to Flanigan. (Partial photocopy of Malek's carbon copy)
8. Original and all copies of July 2, 1971 memorandum from Flanigan to the President. (Partial photocopy of carbon copy)
9. Original and all copies of any documents relating to Presidential response to Flanigan's July 2, 1971 memorandum. (The possible existence of such documents is inferable from a reference to Presidential "replies" to the July 2, 1971 memorandum contained in Flanigan's memorandum to the President of August 9, 1971.)
10. Original and all copies of August 9, 1971 memorandum from Flanigan to the President. (Partial photocopy of original)

11. Original and all copies of December 22, 1971 letter from Mrs. Payson to Flanigan. (Existence of letter inferable from Flanigan's reply letter of January 17, 1972.)

12. Original and all copies of any documents relating to a Presidential decision in or about the week of March 21, 1972 postponing further consideration of non-career ambassadorial nominations until after the 1972 election. (The possible existence of such documents is inferable from a marginal notation on Haldeman's March 21, 1972 memorandum to Flanigan and Malek which records that the President did make such a decision.)

13. All copies of June 16, 1972 memorandum from Malek to Flanigan. (Original)

14. Original and all copies of July 15, 1972 memorandum from Kissinger to the President. (Partial photocopy of original)

15. Original, Stan Anderson's copy, and all other copies of November 29, 1972 memorandum from Flanigan to Haldeman. (Partial photocopy of a carbon copy)

16. Original and all copies of December 5, 1972 memorandum from Flanigan and Malek to the President. (Partial photocopy of carbon copy)

17. Original and all copies of January 4, 1973 memorandum from Flanigan and Malek to the President. (Partial photocopy of original without indication of Presidential action)

18. Original and all copies of February 28, 1973 memorandum from Jones to Haldeman. (Partial photocopy of original)

June 19, 1974

James D. St. Clair, Esq.  
Special Counsel to the President  
Old Executive Office Building  
Room 188 1/2  
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Sincerely,

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Associate Special Prosecutor

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June 27, 1974

James D. St. Clair, Esquire  
Special Counsel to the President  
The White House  
Washington, D.C. 20500

Dear Mr. St. Clair:

The January 7, 1974 Grand Jury of the United States District Court for the District of Columbia is investigating possible violations of 18 U.S.C. §201 and other federal laws in connection with modification of the interpretation and enforcement of federal carpet flammability standards sought by carpet industry executives who pledged to raise substantial political contributions to the President's re-election campaign. Access to the following records believed to be in the possession of the White House is essential to a thorough investigation:

(1) Executive Office Building entry and exit records for July 27, 1972 for the following people:

- (a) Maurice H. Stans
- (b) Charles W. Colson
- (c) Henry Cashen
- (d) Elizabeth Hanford
- (e) James Lokens
- (f) William Letson
- (g) J.C. Shaw
- (h) Eugene T. Barwick
- (i) Roger J. McNamara
- (j) Robert Harlin;

(2) A memorandum, dated July 27 or 28, 1972, from Henry Cashen to Charles W. Colson, regarding a meeting attended by the people identified in paragraph 1 in the Executive Office Building on July 27, 1972; and



2

(3) Handwritten notes taken by Henry Cashen during the July 27, 1972 meeting described in paragraph 2.

We ask that you supply to us the records referred to above as soon as possible so that we may complete this investigation.

Sincerely,

LEON JAWORSKI  
Special Prosecutor



June 27, 1974

James D. St. Clair, Esquire  
Special Counsel to the President  
The White House  
Washington, D.C. 20500

Dear Mr. St. Clair:

The January 7, 1974 Grand Jury of the United States District Court for the District of Columbia is investigating possible violations of 18 U.S.C. §201 and other federal laws in connection with modification of the interpretation and enforcement of federal carpet flammability standards sought by carpet industry executives who pledged to raise substantial political contributions to the President's re-election campaign. Access to the following records believed to be in the possession of the White House is essential to a thorough investigation:

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Sincerely,

LEON JAWORSKI  
Special Prosecutor



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

July 25, 1974

James D. St. Clair, Esq.  
Special Counsel to the President  
The White House  
Washington, D.C.

Dear Mr. St. Clair:

I am enclosing copies of my letters to you under dates of March 21 and May 31, 1974. As you recall, these letters made specified, limited requests for access to documents and tape recordings relevant to our dairy industry investigation.

I write this letter to confirm my understanding of the current status of these requests. As to items 2a and 2b of the March 21 letter, you promised us access to the originals of these recordings at our meeting of April 3, 1974. After repeated calls from this Office to your associates to make the necessary arrangements for this access, we were informed by Mr. Howard of your office on June 21, 1974, that you would not fulfill your prior commitment to us and that access to the original recordings was permanently barred.

As to items 1a through 1d, 2c and 3 of the March 21 letter, you informed me by telephone in late June 1974 that the President had barred our access to even this limited number of tape recordings. I requested a confirming letter from you and you expressed hesitation about writing such a confirming letter, but you did state that the President's decision not to make these recordings available was final.

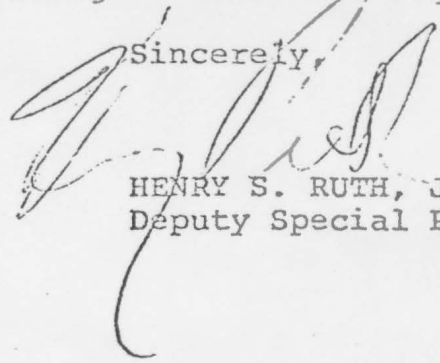
As to access to the originals of the two documents specified in item 4 of the March 21 letter, that access was afforded us by your staff on June 21.





Since these requests have been pending for over three months, I assume that the above facts correctly represent your present posture in these matters. Please advise me whether, particularly in light of yesterday's decision by the Supreme Court, you are now willing to honor our requests.

Sincerely,



HENRY S. RUTH, JR.  
Deputy Special Prosecutor



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

July 25, 1974

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Special Counsel to the President  
The White House  
Washington, D.C.

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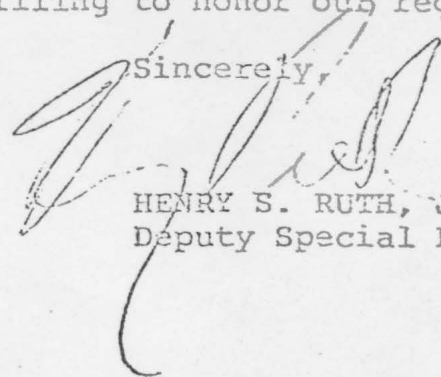
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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

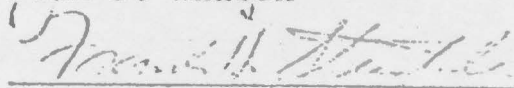
UNITED STATES OF AMERICA )  
 )  
 v. ) Crim. No. 74-110  
 )  
 JOHN N. MITCHELL, et al. )  
 )  
 Defendants )

MOTION TO SUPPRESS

Defendant H. R. Haldeman hereby moves this Court to direct that certain property of which he is the owner, consisting of his writings relating to the meetings and conversations referred to in the Schedule of Documents and Objects To Be Produced which accompanied the subpoena served April 16, 1974, on former President Nixon, and which are in the possession of the United States, and which on April 30, 1973, at the White House in Washington, D. C., were unlawfully seized and taken from him by agents of the Federal Bureau of Investigation acting upon directions of the then Attorney-General, Elliott Richardson, be suppressed as evidence against him in any criminal proceeding.

The petitioner further states that the property was seized against his will and without a search warrant.

  
\_\_\_\_\_  
John J. Wilson

  
\_\_\_\_\_  
Frank H. Strickler  
815-15th Street, N. W.  
Washington, D. C. 20005  
638-0465

Attorneys for Defendant H. R.  
Haldeman



Rec'd 8/14/74

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA )  
 )  
 v. ) Crim. No. 74-110  
 )  
 JOHN N. MITCHELL, et al., )  
 )  
 Defendants )

AFFIDAVIT OF H. R. HALDEMAN  
IN SUPPORT OF MOTION TO SUPPRESS

District of Columbia, SS:

H. R. Haldeman, being first duly sworn on oath does  
depose and say:

1. That I was Assistant to former President Richard  
Nixon from January 20, 1969, to April 30, 1973, the effective  
date of my resignation.

2. That during my employment I made notes during many  
meetings in which I participated with President Nixon alone and  
with others. I also made notes of some telephone conversations  
with the former president and with others.

3. I am advised that said notes are my property.

4. On the day I resigned I was advised by the White  
House Counsel's Office that, pursuant to orders issued by then  
Attorney General Elliott Richardson, I would not be able to  
remove any papers or documents from my office; that I would  
be searched by FBI agents and/or Secret Service agents before  
entering and leaving the room in which my files were stored.

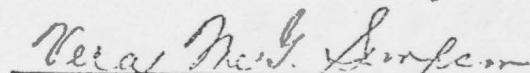


5. That I have had access to my files, under Secret Service supervision, on approximately twenty occasions since April 30, 1973, but I have not been permitted to remove any material, other than some items of personal property, from my files or to make copies of any documents or things therein.

6. That I am advised the Special Prosecutor is seeking to require that materials from my files be delivered to him, and I object to the delivery of any of my property to the Special Prosecutor.

  
\_\_\_\_\_  
H. R. Haldeman

Subscribed and sworn to before me this 13<sup>th</sup> day of  
August, 1974.

  
\_\_\_\_\_  
Notary Public, D. C.

My commission expires: May 31, 1976



CERTIFICATE OF SERVICE

I hereby certify that on this 13<sup>th</sup> day of August, 1974, true copies of the foregoing Motion were mailed, first class postage prepaid, to:

Leon Jaworski, Esq.  
Special Prosecutor  
1425 K Street, N. W.  
Washington, D. C. 20005

John M. Bray, Esq.  
Federal Bar Building  
Washington, D. C. 20006

William G. Hundley, Esq.  
1709 New York Avenue, N. W. #205  
Washington, D. C. 20006

David Bress, Esq.  
1700 Pennsylvania Avenue, N. W.  
Washington, D. C. 20006

Jacob A. Stein, Esq.  
1200 18th Street,  
Washington, D. C. 20036

William S. Frates, Esq.  
66 W. Flagler  
12th Floor Concord Building  
Miami, Florida 33130

Frank L. H. H. H.



UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA )  
 )  
 v. ) Crim. No. 74-110  
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 JOHN N. MITCHELL, et al., )  
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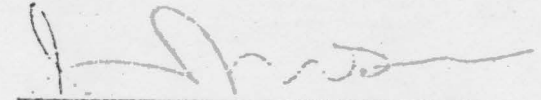
MEMORANDUM OF POINTS AND AUTHORITIES  
IN SUPPORT OF DEFENDANT HALDEMAN'S  
MOTION TO SUPPRESS

The Fourth Amendment to the Constitution protects the rights of the people to be secure in their papers and effects against unreasonable seizures. Defendant's notes are protected by the Fourth Amendment. In United States v. First Trust Co. of St. Paul, et al., 251 F.2d 686 (8th Cir. 1958), the Court held that notes made by William Clark during the famous Lewis and Clark expedition (1803-5) were private papers and not the property of the government. Clark made his notes during the expedition which "was an official expedition of the Government of the United States. . ." (Id, p. 689). Similarly, Mr. Haldeman's notes were made during the time he was on official business of the United States. Some of his notes were for the purpose of recording facts; others were memoranda of work to be assigned. The first purpose is clearly private. The second, after the work was assigned or the request fulfilled, made the memoranda valueless except as a private diary -- the reason the notes were kept rather than destroyed.

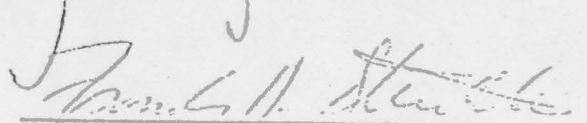




In these circumstances, Mr. Haldeman's notes are private documents of which he has been deprived in violation of both the Fourth and Fifth Amendments to the Constitution.



John J. Wilson



Frank H. Strickler  
815-15th Street, N. W.  
Washington, D. C. 20005  
638-0465  
Attorneys for Defendant  
H. R. Haldeman



UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA )

v. )

Crim. No. 74-110

JOHN N. MITCHELL, et al., )

Defendants )

ORDER

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\_\_\_\_\_  
JUDGE



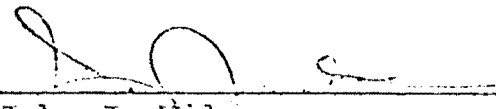

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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 v. ) Crim. No. 74-110  
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John J. Wilson  
  
\_\_\_\_\_  
Frank H. Strickler  
815-15th Street, N. W.  
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638-0465  
Attorneys for Defendant H. R.  
Haldeman

Rec'd 8/14/74



UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA )  
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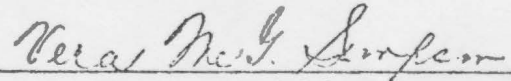
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\_\_\_\_\_  
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Frank L. Hall



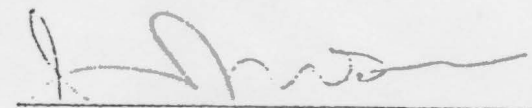
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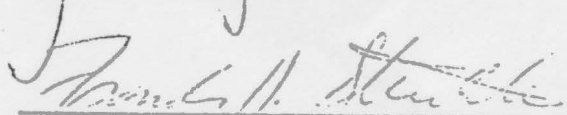
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Frank H. Strickler  
815-15th Street, N. W.  
Washington, D. C. 20005  
638-0465  
Attorneys for Defendant  
H. R. Haldeman





UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA    )  
                                  )  
          v.                        )     Crim. No. 74-110  
                                  )  
JOHN N. MITCHELL, et al.,    )  
                                  )  
                  Defendants     )

ORDER

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JUDGE

WATERGATE SPECIAL PROSECUTION FORCE

United States Department of Justice

1425 K Street, N.W.

Washington, D.C. 20005

August 14, 1974

PAL:sek

J. Fred Buzhardt, Esq.  
Counsel to the President  
The White House  
Washington, D. C.

Dear Mr. Buzhardt:

When members of our office met with you and Mr. St. Clair yesterday you indicated that the process of transition between Administrations would involve a supplemental appropriation and the appointment of a liaison official between the President and government agencies, including the White House and the Special Prosecutor's office. It was our understanding that this process would take some time, and that in particular no documents or materials to which the former President might be entitled would be or could be removed from the White House files until that time. You also then advised us of your judgment that, by custom, materials in the White House files become the "private property" of a former President when he leaves office.

As you know, materials in the White House files are of extreme importance to a number of investigations within the jurisdiction of this office. In fact, at the time of President Nixon's resignation, there were outstanding a considerable number of unresolved requests from us for access to specific tapes or documents or to categories of tapes and documents. The scope of a former President's entitlement to materials that, during his incumbency, were official White House files is, in our judgment, not free from doubt. Regardless of that question, however, the government, including the Special Prosecutor's office and the grand jury, certainly has a legitimate interest in access to these materials to the extent that they relate to continuing business of the government.



We therefore request that, until White House counsel, representatives of the former President, and this office can explore and hopefully agree upon procedures for assuring access to relevant evidence now located in White House files, the status quo should be maintained and no materials of any type should be relinquished from the custody or control of the White House.

We understand that, on the basis of your discussion with General Haig, he will explore this matter further with the Special Prosecutor and that for the present there will be no change in the status or location of the materials in question.

Sincerely,

Philip A. Lacovara  
Counsel to the Special  
Prosecutor



WATERGATE SPECIAL PROSECUTION FORCE  
United States Department of Justice  
1425 K Street, N.W.  
Washington, D.C. 20005  
August 15, 1974

J. Fred Buzhardt, Esq.  
Counsel to the President  
The White House  
Washington, D. C.

Dear Mr. Buzhardt:

As you requested, I am enclosing a schedule which recapitulates our outstanding request for documents and objects contained in the Presidential files of former President Nixon. Also enclosed are copies of the letters in which these open requests were made. As you can see these requests relate to a number of diverse areas under the jurisdiction of the Special Prosecutor's office.

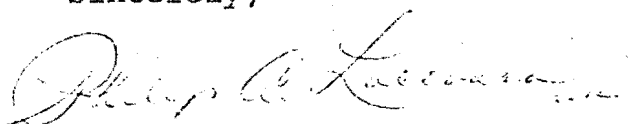
As I mentioned on the telephone, in order to give you a further and more concrete understanding of our interest in the status of those files, we shall shortly furnish to you a list of additional items that we intend to pursue as important evidence in pending investigations. Of course, that list will not and can not mark the final enumeration of the items it may be necessary to seek in fulfilling our responsibilities.

On the related question of the ownership of White House files, you will also find enclosed a copy of the motion filed yesterday on behalf of H. R. Haldeman, a defendant in United States v. Mitchell, et al., which seeks to have suppressed Mr. Haldeman's White House files which he contended were his personal papers and were illegally seized from him when he resigned as Assistant to former President Nixon on April 30, 1973.



It is my understanding that Judge Sirica has invited you or a representative of your staff to be present at the hearing on this motion.

Sincerely,



Philip A. Lacovara  
Counsel to the Special  
Prosecutor

Enclosures



SCHEDULE FOR DOCUMENTS AND OBJECTS  
FOR WHICH REQUESTS ARE OUTSTANDING.

1. Memorandum dated July 27 or 28, 1972, from Henry Cashen to Charles W. Colson regarding a meeting in the EO3 on July 27, 1972 (letter of June 27, 1974).
2. The following documents called for by the March 14, 1974 subpoena (letter of June 19, 1974):
  - a. Two letters from Mr. Kalmbach to Mr. Haldeman, each dated July 15, 1971, one pertaining to Mr. Symington, one to Mr. deRoulet.
  - b. March 21, 1972, memorandum from Mr. Haldeman to Mr. Flanigan and Mr. Malek.
  - c. May 24, 1971, memorandum from Mr. Kingsley to Mr. Malek.
  - d. June 17, 1972, handwritten notes (probably of Mr. Flanigan) on White House stationery headed "(with Stans)".
  - e. April 3, 1970, memorandum from Mr. Haldeman to Mr. Flemming.
  - f. Correspondence between Mr. deRoulet and Mr. Haldeman.
  - g. Original and all copies of May 19, 1969, memorandum from Mr. Flanigan to the President.
  - h. Original, Mr. Flanigan's copy, and all other copies of June 9, 1970, letter from Mr. Kalmbach to Mr. Ehrlichman.
  - i. Original and all copies of February 27, 1971, memorandum from Mr. Flanigan to the President.
  - j. Original and all copies of March 25, 1971, memorandum from Mr. Malek to Mr. Haldeman.
  - k. Original and all copies of April 29, 1971, memorandum from Mr. Flanigan to the President.
  - l. Original and all copies of any documents relating to Presidential response to Mr. Flanigan's memorandum of April 29, 1971.
  - m. Original, Mr. Flanigan's copy, and all other copies of June 15, 1971, memorandum from Mr. Haldeman to Mr. Flanigan.



- n. Original and all copies of July 2, 1971, memorandum from Mr. Flanigan to the President.
- o. Original and all copies of any documents relating to Presidential response to Mr. Flanigan's July 2, 1971, memorandum.
- p. Original and all copies of August 9, 1971, memorandum from Mr. Flanigan to the President.
- q. Original and all copies of December 22, 1971, letter from Mrs. Payson to Mr. Flanigan.
- r. Original and all copies of any documents relating to a Presidential decision in or about the week of March 21, 1972, postponing further consideration of non-career ambassadorial nominations until after the 1972 election.
- s. All copies of June 16, 1972, memorandum from Mr. Malek to Mr. Flanigan.
- t. Original and all copies of July 15, 1972, memorandum from Mr. Kissinger to the President.
- u. Original, Stan Anderson's copy, and all other copies of November 29, 1972, memorandum from Mr. Flanigan to Mr. Haldeman.
- v. Original and all copies of December 5, 1972, memorandum from Mr. Flanigan and Mr. Malek to the President.
- w. Original and all copies of January 4, 1973, memorandum from Mr. Flanigan and Mr. Malek to the President.
- x. Original and all copies of February 28, 1973, memorandum from Mr. Jones to Mr. Haldeman.
3. The following requests are pending with respect to dairy industry contributions (letters of January 8, 1974, March 21, 1974, May 31, 1974, July 25, 1974):
- a. Any tape recordings, transcripts, memoranda, notes or other writings relating to conversations between President Nixon and Secretary Connally during the period February 15, 1971, to March 25, 1971.
- b. All documents, memoranda, and correspondence in the files of Murray M. Chotiner relating to:



(i) political contributions received or expected to be received from the Associated Milk Producers, Inc., the Trust for Agricultural Political Education, the Mid-American Dairymen, Agricultural and Dairy Educational Political Trust, Dairymen, Inc., and the Trust for Special Political Agricultural Community Education;

(ii) the Section 22 Tariff Commission Recommendations proposed by the Tariff Commission on September 21, 1970, relating to dairy products;

(iii) the milk price support level announced on March 12, 1971, and March 25, 1971; and

(iv) the antitrust suit filed by the United States on February 1, 1972, against the Associated Milk Producers, Inc.

c. Tape recordings, transcripts, memoranda, notes, and other writings relating to a meeting between Attorney General John Mitchell, Mr. Lee Nunn, and the President held on May 5, 1971.

4. Any documents, memoranda, or notes of John D. Ehrlichman, H.R. Haldeman, and the President relating to meetings or conversations (letters of November 7, 1973, and December 4, 1973):

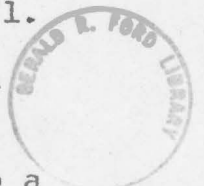
a. Meeting(s) between the President and John Ehrlichman on April 19, 1971.

b. Telephone conversation(s) between the President and Richard Kleindienst on April 19, 1971.

c. Telephone conversation(s) between John Ehrlichman and John Mitchell on April 19, 1971.

d. Meeting(s) between the President and John Mitchell on April 20, 1971.

5. The following requests are pending with respect to a physical assault by approximately 10 persons including allegedly Bernard Barker, perpetrated upon individuals lawfully demonstrating against Administration policies in Vietnam on the west steps of the Capitol the evening of May 3, 1972 (letter of October 10, 1973):





a. All diaries, calendars, logs, and/or other types of records which in any way reflect any meetings, appointments, or telephone conversations, had between April 24, 1972, and May 8, 1972, by Mr. Charles Colson and any persons on his staff, by Mr. Robert Haldeman, and any persons on his staff, and any such records reflecting meetings, appointments, or telephone conversations during that period of time had by Mr. E. Howard Hunt.

b. All records, including, but not limited to, memoranda, weekly reports, and/or letters, relating to the May 3, 1972, demonstration, "counter-demonstration or funeral proceedings for Mr. Hoover authored, addressed to, or received by, any of the following named individuals: Charles Colson, and anyone then serving on his staff; Robert Haldeman, and anyone then serving on his staff; Jeb Stuart Magruder; Bart Porter; E. Howard Hunt, Jr.; and G. Gordon Liddy.

6. All documents, objects, tape recordings, memoranda, writings and other records located in those files formerly or presently known or identified as Charles W. Colson's files, John D. Ehrlichman's files, Harry Robbins Haldeman's files, and Todd Hullin's files relating to the Pentagon Papers, Daniel Ellsberg, Daniel Ellsberg's psychiatrist, Dr. Lewis J. Fielding, Hunt-Liddy Special Project No. One, Hunt-Liddy Project No. One, Special Project No. One, Project Odessa, Project O, California Operation, Hunt and/or Liddy's travel to California, E. Howard Hunt, Jr., G. Gordon Liddy, including, but not limited to, all writings initiated or authorized by, addressed to or received by any of the following individuals: Richard M. Nixon, H.R. Haldeman, David R. Young, Egil Krogh, Jr., Charles W. Colson, John D. Ehrlichman, E. Howard Hunt, Jr., G. Gordon Liddy, and Todd Hullin. (letter of August 23, 1973).



WATERGATE SPECIAL PROSECUTION FORCE  
United States Department of Justice  
1425 K Street, N.W.  
Washington, D.C. 20005  
August 15, 1974

J. Fred Buzhardt, Esq.  
Counsel to the President  
The White House  
Washington, D. C.

Dear Mr. Buzhardt:

As you requested, I am enclosing a schedule which recapitulates our outstanding request for documents and objects contained in the Presidential files of former President Nixon. Also enclosed are copies of the letters in which these open requests were made. As you can see these requests relate to a number of diverse areas under the jurisdiction of the Special Prosecutor's office.

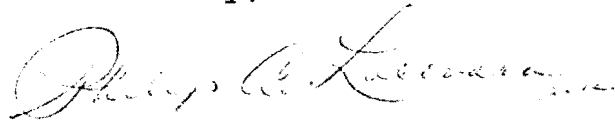
As I mentioned on the telephone, in order to give you a further and more concrete understanding of our interest in the status of those files, we shall shortly furnish to you a list of additional items that we intend to pursue as important evidence in pending investigations. Of course, that list will not and can not mark the final enumeration of the items it may be necessary to seek in fulfilling our responsibilities.

On the related question of the ownership of White House files, you will also find enclosed a copy of the motion filed yesterday on behalf of H. R. Haldeman, a defendant in United States v. Mitchell, et al., which seeks to have suppressed Mr. Haldeman's White House files which he contended were his personal papers and were illegally seized from him when he resigned as Assistant to former President Nixon on April 30, 1973.



It is my understanding that Judge Sirica has invited you or a representative of your staff to be present at the hearing on this motion.

Sincerely,



Philip A. Lacovara  
Counsel to the Special  
Prosecutor

Enclosures



SCHEDULE FOR DOCUMENTS AND OBJECTS  
FOR WHICH REQUESTS ARE OUTSTANDING

1. Memorandum dated July 27 or 28, 1972, from Henry Cashen to Charles W. Colson regarding a meeting in the EOB on July 27, 1972 (letter of June 27, 1974).
2. The following documents called for by the March 14, 1974 subpoena (letter of June 19, 1974):
  - a. Two letters from Mr. Kalmbach to Mr. Haldeman, each dated July 15, 1971, one pertaining to Mr. Symington, one to Mr. deRoulet.
  - b. March 21, 1972, memorandum from Mr. Haldeman to Mr. Flanigan and Mr. Malek.
  - c. May 24, 1971, memorandum from Mr. Kingsley to Mr. Malek.
  - d. June 17, 1972, handwritten notes (probably of Mr. Flanigan) on White House stationery headed "(with Stans)".
  - e. April 3, 1970, memorandum from Mr. Haldeman to Mr. Flemming.
  - f. Correspondence between Mr. deRoulet and Mr. Haldeman.
  - g. Original and all copies of May 19, 1969, memorandum from Mr. Flanigan to the President.
  - h. Original, Mr. Flanigan's copy, and all other copies of June 9, 1970, letter from Mr. Kalmbach to Mr. Ehrlichman.
  - i. Original and all copies of February 27, 1971, memorandum from Mr. Flanigan to the President.
  - j. Original and all copies of March 25, 1971, memorandum from Mr. Malek to Mr. Haldeman.
  - k. Original and all copies of April 29, 1971, memorandum from Mr. Flanigan to the President.
  - l. Original and all copies of any documents relating to Presidential response to Mr. Flanigan's memorandum of April 29, 1971.
  - m. Original, Mr. Flanigan's copy, and all other copies of June 15, 1971, memorandum from Mr. Haldeman to Mr. Flanigan.

- n. Original and all copies of July 2, 1971, memorandum from Mr. Flanigan to the President.
  - o. Original and all copies of any documents relating to Presidential response to Mr. Flanigan's July 2, 1971, memorandum.
  - p. Original and all copies of August 9, 1971, memorandum from Mr. Flanigan to the President.
  - q. Original and all copies of December 22, 1971, letter from Mrs. Payson to Mr. Flanigan.
  - r. Original and all copies of any documents relating to a Presidential decision in or about the week of March 21, 1972, postponing further consideration of non-career ambassadorial nominations until after the 1972 election.
  - s. All copies of June 16, 1972, memorandum from Mr. Malek to Mr. Flanigan.
  - t. Original and all copies of July 15, 1972, memorandum from Mr. Kissinger to the President.
  - u. Original, Stan Anderson's copy, and all other copies of November 29, 1972, memorandum from Mr. Flanigan to Mr. Haldeman.
  - v. Original and all copies of December 5, 1972, memorandum from Mr. Flanigan and Mr. Malek to the President.
  - w. Original and all copies of January 4, 1973, memorandum from Mr. Flanigan and Mr. Malek to the President.
  - x. Original and all copies of February 28, 1973, memorandum from Mr. Jones to Mr. Haldeman.
3. The following requests are pending with respect to dairy industry contributions (letters of January 8, 1974, March 21, 1974, May 31, 1974, July 25, 1974):
- a. Any tape recordings, transcripts, memoranda, notes or other writings relating to conversations between President Nixon and Secretary Connally during the period February 15, 1971, to March 25, 1971.
  - b. All documents, memoranda, and correspondence in the files of Murray M. Chotiner relating to:

(i) political contributions received or expected to be received from the Associated Milk Producers, Inc., the Trust for Agricultural Political Education, the Mid-American Dairymen, Agricultural and Dairy Educational Political Trust, Dairymen, Inc., and the Trust for Special Political Agricultural Community Education;

(ii) the Section 22 Tariff Commission Recommendations proposed by the Tariff Commission on September 21, 1970, relating to dairy products;

(iii) the milk price support level announced on March 12, 1971, and March 25, 1971; and

(iv) the antitrust suit filed by the United States on February 1, 1972, against the Associated Milk Producers, Inc.

c. Tape recordings, transcripts, memoranda, notes, and other writings relating to a meeting between Attorney General John Mitchell, Mr. Lee Nunn, and the President held on May 5, 1971.

4. Any documents, memoranda, or notes of John D. Ehrlichman, H.R. Haldeman, and the President relating to meetings or conversations (letters of November 7, 1973, and December 4, 1973):

a. Meeting(s) between the President and John Ehrlichman on April 19, 1971.

b. Telephone conversation(s) between the President and Richard Kleindienst on April 19, 1971.

c. Telephone conversation(s) between John Ehrlichman and John Mitchell on April 19, 1971.

d. Meeting(s) between the President and John Mitchell on April 20, 1971.

5. The following requests are pending with respect to a physical assault by approximately 10 persons including allegedly Bernard Barker, perpetrated upon individuals lawfully demonstrating against Administration policies in Vietnam on the west steps of the Capitol the evening of May 3, 1972 (letter of October 10, 1973):



a. All diaries, calendars, logs, and/or other types of records which in any way reflect any meetings, appointments, or telephone conversations, had between April 24, 1972, and May 8, 1972, by Mr. Charles Colson and any persons on his staff, by Mr. Robert Haldeman, and any persons on his staff, and any such records reflecting meetings, appointments, or telephone conversations during that period of time had by Mr. E. Howard Hunt.

b. All records, including, but not limited to, memoranda, weekly reports, and/or letters, relating to the May 3, 1972, demonstration, "counter-demonstration," or funeral proceedings for Mr. Hoover authored, addressed to, or received by, any of the following named individuals: Charles Colson, and anyone then serving on his staff; Robert Haldeman, and anyone then serving on his staff; Jeb Stuart Magruder; Bart Porter; E. Howard Hunt, Jr.; and G. Gordon Liddy.

6. All documents, objects, tape recordings, memoranda, writings and other records located in those files formerly or presently known or identified as Charles W. Colson's files, John D. Ehrlichman's files, Harry Robbins Haldeman's files, and Todd Hullin's files relating to the Pentagon Papers, Daniel Ellsberg, Daniel Ellsberg's psychiatrist, Dr. Lewis J. Fielding, Hunt-Liddy Special Project No. One, Hunt-Liddy Project No. One, Special Project No. One, Project Odessa, Project O, California Operation, Hunt and/or Liddy's travel to California, E. Howard Hunt, Jr., G. Gordon Liddy, including, but not limited to, all writings initiated or authored by, addressed to or received by any of the following individuals: Richard M. Nixon, H.R. Haldeman, David R. Young, Egil Krogh, Jr., Charles W. Colson, John D. Ehrlichman, E. Howard Hunt, Jr., G. Gordon Liddy, and Todd Hullin. (letter of August 23, 1973).



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

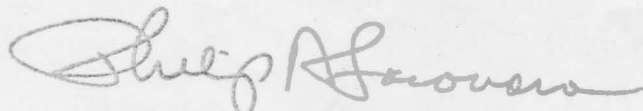
August 15, 1974

J. Fred Buzhardt, Esq.  
Counsel to the President  
The White House  
Washington, D.C.

Dear Mr. Buzhardt:

In my letter to you earlier today I mentioned that we would furnish to you a tentative list of items understood to be in the Presidential files of former President Nixon which we intend to seek as involving evidence relevant to pending investigations. The enclosed schedules are tentative, and by no means final or exhaustive and are designed primarily to provide you with an awareness of the categories of information contained in those files that are relevant to matters under our jurisdiction.

Sincerely,



Philip A. Lacovara  
Counsel to the Special  
Prosecutor

Enclosure





S C H E D U L E

All records for the period January 20, 1969, to the present, which record, refer or relate in any way to:

(1) Any loan, gift or other transfer of funds or real or personal property between Charles G. Rebozo and Richard M. Nixon, Mrs. Patricia R. Nixon, Julie Nixon Eisenhower, Patricia Nixon Cox, F. Donald Nixon, Edward C. Nixon and Rose Mary Woods.

(2) Any solicitation, receipt, storage, transmittal, or disbursement of political campaign contributions or payments of any kind to or by Charles G. Rebozo including but not limited to any payment from any of the following persons or his representative: Howard R. Hughes, A. D. Davis, J. E. Davis, J. P. Getty, James Crosby, I. G. Davis.

(3) Any acquisition, improvement, repair, maintenance, alteration, or extension by or at the instance of Charles G. Rebozo of any real property in which Richard M. Nixon holds or held a substantial ownership interest, including but not limited to any instruction given by Richard M. Nixon or his agent or representative to Charles G. Rebozo and any report from Charles G. Rebozo or his agent or representative directly or indirectly to Richard M. Nixon concerning any such transaction.

(4) Any investment by Charles G. Rebozo made at the direction of or for the benefit of Richard M. Nixon or any member of his family, or any agent, friend or associate, including but not limited to investments in real estate, certificates of deposit, precious gems or metals, and currency, anywhere, including but not limited to the United States, Jamaica, the Bahamas, Switzerland, and Canada.

(5) Any governmental action, decision, plan or proposal involving known interests of Howard R. Hughes, A. D. Davis, or J. E. Davis.

(6) The milk price support decisions announced March 12 and March 25, 1971; the commencement, prosecution, or attempted settlement of an antitrust suit commenced by the Department of Justice against the Associated Milk Producers, Inc.; and, contributions received, or expected to be received from the Associated Milk Producers, Inc., including but not limited to any and all notes, records, diary entries, or tapes relating to:

a. A meeting between John B. Connally and President Richard M. Nixon beginning on or about 2:30 p.m. on March 16, 1971;

b. A telephone conversation between John B. Connally and President Richard M. Nixon beginning on or about 11:45 a.m. on March 19, 1971;

c. A meeting between John B. Connally and President Richard M. Nixon beginning on or about 6:20 p.m. on March 18, 1971;

d. A telephone conversation between President Richard M. Nixon and John B. Connally on March 20, 1971;

e. A telephone conversation between John B. Connally and President Richard M. Nixon on March 22, 1971;

f. A meeting among President Richard M. Nixon, John Ehrlichman, John B. Connally, Clifford Hardin, John Whitaker, George Shultz, J. Phil Campbell and Donald Rice on March 23, 1971 from 5:05 - 5:35 p.m., including a meeting at the conclusion thereof between President Richard M. Nixon and John B. Connally;

g. A meeting between then Attorney General Mitchell, H. R. Haldeman, Lee Nunn, and President Richard M. Nixon on May 5, 1971;

h. A meeting among President Richard M. Nixon, H. R. Haldeman and Charles W. Colson held on September 22, 1972 in the Oval Office between 8:58 and 9:08 a.m.;

i. A meeting among President Richard M. Nixon, H. R. Haldeman, and Charles W. Colson on September 29, 1972 in the Oval Office between 12:11 and 2:03 p.m., a meeting which Mr. Alexander Butterfield joined for the period 12:15 - 12:17 p.m.



(7) Efforts by Richard M. Nixon, or by others acting at Richard M. Nixon's direction or independently, to solicit funds or contributions of any kind for use in support of Richard M. Nixon's candidacy for the nomination of the Republican Party for the office of President at the 1972 election; and all records relating to or reflecting the offer of or making of any such contribution by any individual, group or organization and relating to or reflecting the use to which such contribution was put; and all records relating to any offer or request for governmental benefit, favor or assistance by such contributor or potential contributor or any person acting on his behalf and/or any communication which could be understood to threaten the withholding of any governmental benefit, favor, assistance or other act to such contributor, potential contributor or person acting on his behalf by Richard M. Nixon or any person acting at Richard M. Nixon's direction or actually or purportedly on Richard M. Nixon's behalf, including, but not limited to, records relating to contributions by, or government benefit offered to, or received by the following individuals and corporations or other legal entities, or their agents or employers or anyone acting on their behalf:

Ablanalp, Robert  
Allen, Robert  
Amerada Hess Corporation  
ARMCO Steel Corporation  
Arthur B. Young Company  
Atlantic Richfield Company  
Avis Rent-A-Car  
Babcock, Tim  
Berger-Avon Steamship Company  
Bethlehem Steel  
Blake Construction Company  
Boeing Company  
Borg-Warner Corporation  
Charles E. Smith Company  
Charter Corporation  
Chase-Manhattan Bank  
Christo, John  
Cities Service Petroleum Company  
Coldwell Banker  
Continental Airlines  
Delta Airlines  
DeMarco, Frank  
de Roulet, Vincent  
Duncan, Walter T.  
Evans, Thomas  
Farkas, Ruth  
Fisher, Max  
Flying Tiger  
Ford Motor Company  
Frankil, Victor  
General Motors  
Georgia Pacific  
Gould, Kingdon  
Greyhound Corporation  
Gulf Resources Corporation  
Gulf & Western Corporation  
Hertz Rent-A-Car  
Hess, Leon  
Heublein  
Honeywell  
James, Leonard  
Jones, Thomas V.

Kaiser Aluminum  
Keaton, Darius  
Kerr-McGee Corporation  
Kiewit, Peter  
Kovens, Cal  
Kroc, Ray  
Lehigh Dairy  
Lindner, Carl  
Lockheed Aircraft  
Lyles, Bissett, Carlisle & Wolfe  
Marathon Oil  
McDonalds Corporation  
McDonnell-Douglas Corporation  
Merrill, Lynch, Pierce, Fenner & Smith  
National Airlines  
National Steel Company  
Nolan, Ramon  
Northwest Airlines  
Occidental Petroleum  
Ogarrio, Manuel  
Ourisman, Florenz  
Pan American Sulfur Company  
Pepsi-Cola  
Perot, H. Ross  
Precision Valve  
Rebozo, Charles  
Rollins, John  
Safer, John  
Salomon Brothers  
Scali, John  
Seafarer's International Union  
Smith, C. Arnholt  
Steinbrenner, George or The American Shipbuilding Company  
Stewart, James  
Stirling-Homex  
Stone, Clement  
Sun Oil  
Susquehanna Corporation  
Symington, Fife  
Teamsters Union  
Terra, Daniel  
Time Oil  
Transamerica Corporation  
Union Carbide



United Airlines  
United Gas-Pennzoil  
U.S. Steel  
Vesco, Robert  
W. R. Grace & Company  
Warner Communications, Inc.  
Warner-Lambert  
Weyerhauser, George H.  
Whitney, C. V.  
Winn-Dixie Stores  
Wynne, Toddie

(8) Any communication between Maurice Stans, H. R. Haldeman, John Ehrlichman, John Mitchell, Herbert W. Kalmbach, Peter M. Flanigan, Harry S. Dent, Rose Mary Woods, Charles W. Colson and Richard M. Nixon concerning the solicitation, conditions, making or use of contributions as described in "(7)", supra.

(9) Any plan, scheme, program, effort, organization or committee which was to operate during the congressional campaign leading up to the election held on November 3, 1970, to raise and distribute funds in support of candidates for the United States House of Representatives or the United States Senate, and all records relating to the roles played in any such plan, scheme, program, organization or committee by any of the following: Richard M. Nixon, Harry R. Haldeman, Harry S. Dent, Herbert W. Kalmbach, Jack A. Gleason, Murray Chotiner, Robert Finch, Donald Rumsfeld, Charles Colson, Lawrence Higby, Jeremiah Milbank, Bryce Harlow, Jeb S. Magruder, John A. Mulcahy, John Rollins, Thomas Evans, John Ehrlichman, John Dean, and Maurice Stans.

✓ (10) Actual or proposed political contributions by or from foreign nationals in connection with Richard M. Nixon's Presidential campaigns, including records relating to the



solicitation, making, disposition, propriety, or legality of any such contributions.

(11) Consideration for Presidential appointment as an ambassador of the United States of any person who offered or contributed \$25,000 or more to Richard M. Nixon's 1968 or 1972 Presidential campaigns including, but not limited to, Cornelius V. Whitney, Ruth Farkas, Vincent deRoulet, and Fife Symington, Jr.

(12) The International Telephone and Telegraph Co. or persons representing its interest including, but not limited to:

- a. Meetings between and among John Mitchell, H. R. Haldeman, Robert Dole and Richard M. Nixon on June 3, 1971;
- b. Meetings between Charles Colson and Richard M. Nixon on March 18, 1972;
- c. Meetings between and among Charles Colson, H. R. Haldeman and Richard M. Nixon on March 30, 1972;
- d. Meetings between and among John Mitchell, H. R. Haldeman and Richard M. Nixon on April 4, 1972;
- e. A meeting among John Ehrlichman, John Mitchell, George Shultz, John Connally and Richard M. Nixon on May 11, 1971.

SCHEDULE

1. All records which in any way relate to the following:

a. The employment of John Patrick Sears at the White House from May 1, 1969, through October 31, 1969;

b. A physical surveillance and electronic surveillance of Sears conducted by the FBI from in or about late July 1969, to in or about early October 1969;

c. Allegations that Sears was giving information to newspaper reporters in general and specifically, Messrs. Henry Brandon, Jules Witcover and/or Bruce Blossat; and

d. The identification of Sears as the "old campaign chap" referred to in a July 18, 1969, letter to President Nixon from J. Edgar Hoover.

e. The termination of Mr. Sears' employment at the White House.

2. All records which in any way relate to the following:

a. plans of Richard M. Nixon to donate pre-Presidential papers and/or other material to the United States of America in 1968 and/or 1969;

b. The preparation and/or signing of the joint Federal income tax returns of Richard M. Nixon for 1968 and/or 1969;

c. The gifts of papers allegedly made by Richard M. Nixon to the United States in 1968 and/or 1969.

3. All records prepared, written or produced at any time between July 15, 1972, and November 15, 1972, which in any way relate to:

a. The financial and/or income tax affairs of Lawrence F. O'Brien and/or any persons or corporations with which Mr. O'Brien has been associated, including, but not limited to, Howard Hughes, McDonnell & Company, Claude De Sautels, and/or Joseph Napolitan;

b. The financial and/or income tax affairs of Charles G. Rebozo and/or any persons or corporations with which Mr. Rebozo has been associated, including, but not limited to, Howard Hughes.

4. All records which in any way relate to the following specific conversations and meetings:

a. Telephone conversations on August 26, 1972, between Mr. John Ehrlichman and Mr. Charles G. Rebozo, telephone conversations on August 29, 1972, at approximately 11 a.m. and 6:50 p.m. between Mr. Ehrlichman and Secretary of the Treasury George Shultz, and a telephone conversation at 4:16 p.m., September 5, 1972, between Messrs. Shultz and Ehrlichman;

b. The meeting in the Oval Office at the White House between Richard M. Nixon, Secretary Shultz, and Mr. Ehrlichman, from 10:41 a.m. to 11:50 a.m. on September 7, 1972;

c. The meeting in the Oval Office at the White House between Richard M. Nixon, Mr. Ehrlichman, Mr. Haldeman, and Mr. Rebozo, from 12:58 to 1:15 p.m. on August 29, 1972; and

d. The meeting(s) between Richard M. Nixon and H.R. Haldeman in the Oval Office at the White House on September 15, 1972.

5. All records that reflect visits or admissions to the White House and/or Executive Office Building between July 15, 1972, and November 15, 1972, by any of the following individuals: Roger V. Barth, Mike DiMichele, Otha Hamer, Clyde Wise.

6. All records reflecting telephone calls which John Ehrlichman had from July 15, 1972, to November 15, 1972, to or from the following individuals:

- a. Roger V. Barth;
- b. Johnnie Walters.

7. All records written, prepared or produced between August 1, 1971, and December 1, 1971, which in any way relate to:

a. The series of articles published by Newsday in October 1971, concerning President Nixon, Charles "Bebe" Rebozo, and Senator George Smathers;



- b. Robert Greene, the head of the Newsday investigative team which wrote the series of articles on President Nixon, Charles "Bebe" Rebozo and Senator George Smathers in October 1971, and/or relating to any other persons or organizations in any way associated with the publication of those articles;
- c. John Wayne's tax problems with the Internal Revenue Service;
- d. Reverend Billy Graham's tax problems with the Internal Revenue Service;
- e. The initiation of tax audits by the Internal Revenue Service;
- f. John Caulfield's proposal to establish a private security firm known as "Operation Sandwedge;"
- g. The enemies and/or opponent's list and/or efforts of whatever tape relating to the commencement of proceedings of whatever nature against so-called "enemies;"
- h. Lawrence Yale Goldberg who was then under consideration for a job at the Committee to Re-Elect the President.
8. All records written, prepared or produced between December 1, 1971, and March 1, 1972, which in any way relate to James Ray Polk, a reporter who was writing an article regarding inter alia Herbert Kalmbach.
9. All records which in any way relate to a meeting or conversation concerning the Internal Revenue Service on September 16, 1971, as set forth in item 26 of a White House memorandum dated June 13, 1974, subject "Summary of Omitted Items Requested by Defendant John Ehrlichman."
10. All records written, prepared or produced between March 1, 1973, and May 2, 1973, which in any way relate to the appointment of Vernon Acree as United States Commissioner of Customs.
11. All records that reflect visits or admissions to the White House and/or Executive Office Building between January 1, 1971, and May 2, 1972, by Vernon Acree.
12. All records which in any way relate to the confirmation hearings of L. Patrick Gray III held before the Senate Judiciary Committee in February and March 1973, including, but not limited to, all records which in any way relate to the following specific conversations and meetings:

- a. Telephone conversation between Mr. Ehrlichman and Richard M. Nixon from 4:11 to 4:15 p.m. on January 9, 1973;
- b. Meeting of Richard M. Nixon and Mr. Ehrlichman from 4:50 to 5:43 p.m. on February 15, 1973;
- c. Meeting of Richard M. Nixon, Mr. Ehrlichman, and Mr. Gray from 9:08 to 9:38 a.m. on February 16, 1973;
- d. Meeting of Richard M. Nixon with Mr. Ehrlichman from 9:35 to 10:05 a.m. on February 23, 1973;
- e. Meeting of Richard M. Nixon with Mr. Kleindienst from 10:08 to 10:52 a.m. on February 23, 1973;
- f. Meeting of Richard M. Nixon with Mr. Ehrlichman from 2:48 to 3:40 p.m. on February 27, 1973;
- g. Meeting of Richard M. Nixon with Mr. Dean from 3:55 to 4:20 p.m. on February 27, 1973;
- h. Meetings of Richard M. Nixon with Mr. Dean on March 1, 1973, at (1) 9:18 to 9:46 a.m., (2) 10:36 to 10:44 a.m., (3) 1:06 to 1:14 p.m.;
- i. Telephone conversations of Richard M. Nixon with Mr. Kleindienst on March 1, 1973, at 9:36 a.m. and from 10:52 to 10:56 a.m.;
- j. Meeting of Richard M. Nixon with Mr. Dean on March 7, 1973, from 8:53 to 9:16 a.m.;

13. Any conversations of Richard M. Nixon with William D. Ruckelshaus and/or Elliot L. Richardson in the period from April 26, 1973, to June 1, 1973, which relate in any way to the Ellsberg prosecution and/or the seventeen wiretaps conducted by the FBI at the request of the White House from May 1969 to February 1971, and/or the records of these wiretaps.

14. All records prepared, written or produced at any time between May 2, 1972, and April 27, 1973, relating to conversations, correspondence, or contacts between Mr. Ehrlichman and Mr. Gray, including, but not limited to, all records which in any way relate to the following specific conversations:

- a. Telephone conversation between Mr. Ehrlichman and Mr. Gray at 3 p.m. on January 9, 1973;
- b. Telephone conversation between Mr. Ehrlichman and Mr. Gray at 12:57 p.m. on February 27, 1973.

15. All records that reflect visits or admissions to the White House and/or Executive Office Building between February 1, 1973, and May 31, 1973, by William C. Sullivan.

16 -a. All records which in any way relate to press briefings conducted at the White House from on or about February 23, 1973, to on or about March 2, 1973, which in any way relate to the article published in Time Magazine on or about February 26, 1973, referring to a White House directed electronic surveillance project.



16-b All records which relate in any way to seventeen wiretaps conducted by the FBI at the request of the White House in or about May 1969, to in or about February 1971, including, but not limited to, all records which relate in any way to:

a. The movement at any time of any of the FBI documents relating to these wiretaps;

b. The concealment from duly authorized officials of the Department of Justice of the fact that Morten Halperin had been the subject of one of these seventeen wiretaps and that Daniel Ellsberg, Paul Warnke and Leslie Gelb, among others, had been overheard during the course of these seventeen wiretaps.

17. All records which in any way relate to the following specific conversations and meetings:

a. Meeting with the President with Messrs. Mitchell and Ehrlichman at approximately 3:45 p.m. on June 15, 1971;

b. Meeting of the President with Messrs. Kissinger, Ehrlichman and Haldeman at approximately 5:20 p.m. on June 17, 1971;

c. Telephone conversation between Messrs. Ehrlichman and Mitchell at approximately 9:55 a.m. on June 29, 1971;

d. Telephone conversation between Messrs. Ehrlichman and Mitchell at approximately 4:32 p.m. on June 29, 1971;

e. Telephone conversation between the President and Mr. Mitchell at approximately 5:50 p.m. on June 29, 1971;

f. Meetings of the President with Mr. Mitchell from approximately 2:55 p.m. to 3:07 p.m. and from approximately 5:15 p.m. to 6:33 p.m. on June 30, 1971;

g. Meeting of the President with Messrs. Haldeman, Ehrlichman and Colson at approximately 10:50 a.m. on July 1, 1971;

h. Meeting of the President with Mr. Ehrlichman on July 1, 1971;

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i. Meeting of the President with Messrs. Haldeman and Ehrlichman at approximately 5:35 p.m. on July 2, 1971;

j. Meeting of the President with Messrs. Mitchell, Haldeman and Ehrlichman at approximately 11:00 a.m. on July 6, 1971;

k. Meeting with the President with Messrs. Haldeman and Ehrlichman probably occurring at approximately 10:30 a.m. on July 9, 1971;

l. Meeting of the President with Messrs. Haldeman, Ehrlichman and Miss Woods on July 10, 1971;

m. Meeting between Mr. Ehrlichman and Mr. Mardian at approximately 8:15 a.m. on July 12, 1971;

n. Meeting of the President with Messrs. Haldeman, Ehrlichman and Mardian at approximately 11:00 a.m. on July 12, 1971;

o. Meeting of the President with Mr. Ehrlichman at approximately 11:15 a.m. on July 20, 1971;

p. Meeting of the President with Mr. Mitchell at approximately 3:30 p.m. on August 9, 1971;

q. Meeting of the President with Mr. Ehrlichman on August 11, 1971;

r. Meeting of the President with Mr. Ehrlichman at approximately 6:00 p.m. on August 19, 1971;

s. Meeting of the President with Mr. Ehrlichman on September 16, 1971;

t. Meeting of the President with Messrs. Mitchell, Haldeman and Ehrlichman at approximately 12:15 p.m. on September 18, 1971;

u. Telephone conversation of the President with Mr. Mitchell at approximately 3:30 p.m. on September 18, 1971;

v. Meeting of the President with Mr. Mitchell at approximately 10:00 a.m. on September 30, 1971;

w. Telephone conversation of the President with Mr. Mitchell at approximately 12:00 noon on October 4, 1971;





x. Telephone conversation of the President with Mr. Mitchell at approximately 11:05 a.m. and 11:11 a.m. on October 7, 1971;

y. Meeting of the President with Messrs. Mitchell and Ehrlichman at approximately 10:00 a.m. on October 8, 1971;

z. Meeting of the President with Messrs. Ehrlichman and Helms at approximately 11:00 a.m. on October 8, 1971;

aa. Meeting of the President with Mr. Ehrlichman at approximately 12:00 noon on October 25, 1971;

bb. Meeting of the President with Mr. Mitchell at approximately 3:30 p.m. on October 27, 1971;

cc. Meeting of the President with Mr. Mitchell at possibly at or about 4:00 p.m. on November 1, 1971;

dd. Meeting of the President with Mr. Ehrlichman at approximately 4:30 p.m. on November 2, 1971.

18. All records reflecting meetings and/or telephone calls which the President had during 1971, with the following individuals:

- a. H. R. Haldeman
- b. John Ehrlichman
- c. Robert Mardian
- d. J. Edgar Hoover
- e. William C. Sullivan
- f. Richard G. Kleindienst

19. All records prepared, written or produced at any time between April 24, 1972, and May 16, 1972, which in any way relate to:

a. A demonstration, counter-demonstration and/or assault which took place on the west steps of the Capitol on the evening of May 3, 1972;

b. The funeral proceedings for J. Edgar Hoover;



c. Daniel Ellsberg including particularly, but not limited to, Dr. Ellsberg's participation in a demonstration in Washington, D. C. in early May 1972.

20. All records prepared, written or produced at any time between May 1, 1972, and May 31, 1972, which in any way relate to an entry or break-in at the Chilean Embassy on Massachusetts Avenue in Washington, D. C., on or about May 13-15, 1972, including particularly, but not limited to, all records relating to discussions or deliberations of this entry or break-in by any White House affiliated national security group.

21. All records prepared, written or produced at any time between March 1, 1972, and November 15, 1972, which in any way relate to the so-called "Responsiveness" or "Grantsmanship" program, including particularly, but not limited to, records prepared, written or produced by Fred Malek, William Gifford, and/or H. R. Haldeman.

22. All records prepared, written or produced at any time between January 1, 1972, and December 31, 1972, including particularly, but not limited to, records prepared, written or produced by Llewellyn "Bud" Evans, Charles Colson, Fred Malek, H. R. Haldeman and/or William Gifford, which in any way relate to: the Federation of Experienced Americans, the National Council on Aging, and/or the National Council of Senior Citizens.

23. All records which in any way relate to the treatment and/or handling of demonstrators at Presidential appearances, including specifically, but not limited to, records prepared, written or produced by H. R. Haldeman, Rhon Walker, William Henkle, or any White House advancement which in any way relate to demonstrators at President Nixon's visits to the following locations on the specified dates:

- a. Bangor, Maine, August 6, 1971;
- b. Springfield, Illinois, August 18, 1971;
- c. Dayton, Ohio, September 3, 1971;
- d. Charlotte, North Carolina, October 15, 1971;
- e. Philadelphia, Pennsylvania, April 6, 1972;
- f. Philadelphia, Pennsylvania, October 20, 1972;
- g. Cleveland, Ohio, October 28, 1972;

h. San Diego, California, August 24, 1972.

24. The so-called "Advanceman's Handbook" and all records which in any way relate to the Handbook, including particularly but not limited to, all additions and substitutions for the handbook.

25. All records written, prepared or produced from June 1, 1971 to November 31, 1971 which in any way relate to plans in the Summer or Fall of 1971 to retrieve any documents from the Brookings Institute, including but not limited to plans to "firebomb" the offices of the Brookings Institute.

26. All records which relate in any way to the preparation, adoption, implementation, operations conducted pursuant to, or discussions of the "Report of the Ad Hoc Committee on Intelligence Operations," also known as the "Huston Plan."

27. All records which relate in any way to the establishment, duties and operation of the Intelligence Evaluation Committee, which Committee was first formed in the Fall or Winter of 1970.

28. All records which relate in any way to physical or electronic surveillance in the Summer and Fall of 1969 of Joseph Kraft.

29. All records which relate in any way to physical or electronic surveillance in 1969 and 1970 of Donald Nixon.

30. All records which relate in any way to discussions in 1971 of the possible replacement of J. Edgar Hoover as Director of the FBI, including but not limited to discussions of possible congressional investigations of the FBI, conversations between Mr. Hoover and Mr. Kleindienst concerning such congressional investigations and the possibility that during the course of such congressional investigations or at any other time Mr. Hoover might reveal certain matters embarrassing to the Nixon administration.



31. All records relating to telephone conversations between President Nixon and Director Hoover at the following times:

- a. At approximately 9:13 a.m. on March 1, 1971;
- b. At approximately 12:44 p.m. on April 10, 1971;
- c. At approximately 5:33 p.m. on June 25, 1971;
- d. At approximately 5:59 p.m. on July 1, 1971;
- e. At approximately 5:35 p.m. on November 22, 1971

32. All records which relate in any way to the investigation of the disclosure of the Pentagon Papers, and the investigation and prosecution of Daniel Ellsberg.

33. All records written, prepared or produced between June 1, 1971, and December 31, 1972, which in any way relate to the assassination of Premier Diem of South Vietnam or State Department cable(s) indicating complicity of the Kennedy Administration in Diem's assassination including, but not limited to, all records which in any way relate to the following specific conversations and meetings:

- a. Meeting of Richard M. Nixon, Mr. Kissinger, Mr. Ehrlichman and Mr. Haldeman at approximately 5:20 p.m. on June 17, 1971.
- b. Meeting of Richard M. Nixon, Mr. Kissinger, Mr. Haldeman and Mr. Ehrlichman at approximately 9:30 a.m. on June 23, 1971.
- c. Meeting of Richard M. Nixon, Mr. Mitchell, Mr. Haldeman and Mr. Ehrlichman at approximately 12:15 p.m. on September 18, 1971.
- d. Meeting of Richard M. Nixon and John Ehrlichman on October 1, 1971.

34. All records prepared, written or produced at any time between June 1, 1972, and November 15, 1972, which in any way relate to information received by John Ehrlichman, H.R. Haldeman, Richard M. Nixon, and/or any other member of the White House staff, from any employee or division of the United States Post Office Department concerning then-Presidential candidate George McGovern's personal or campaign mail.

35. All records relating in any way to the Pentagon Papers, Daniel Ellsberg, Daniel Ellsberg's psychiatrist, Dr. Lewis J. Fielding, Hunt-Liddy Special Project No. One, Hunt-Liddy Project No. One, Special Project No. One, Project Odessa, Project O, California Operation, Hunt and/or Liddy's travel to California, E. Howard Hunt, Jr., G. Gordon Liddy, including, but not limited to, all writings initiated or authored by, addressed to or received by any of the following individuals: Richard M. Nixon, H.R. Haldeman, David R. Young, Egil Krogh, Jr., Charles W. Colson, John D. Ehrlichman, E. Howard Hunt, Jr., G. Gordon Liddy, and Todd Hullin.

36. All records relating in any way to meetings between Richard M. Nixon and John Ehrlichman on September 8, 1971, at approximately 3:30p.m., and September 10, 1971, at approximately 3 p.m.