CIA INVESTIGATION

INTRODUCTION

This report is submitted at Senator Baker's request to summarize the highlights of an investigation of CIA activity, if any, in connection with the Watergate incident and aftermath. It is based on material in the possession of the Committee, both classified and unclassified. It does not attempt to deal with all the matters deemed pertinent and important to a full and complete inquiry, but is designed to generally describe the areas of interest and concern pursued during the staff investigation and executive session interviews since the conclusion of the Committee's public hearings.

In view of the fact that the Committee has chosen to have no further public hearings; that the Committee staff is in the process of being reduced in size; that further cooperation by the Agency seems more likely on the request of the standing jurisdictional committees than on the request of the Watergate Committee, and that the total burden of additional work to complete the investigation thoroughly is probably beyond the competence of the remaining staff in terms of numbers and time, Senator Baker requested that this memorandum be prepared for submission to the full Committee for further disposition as the Committee may determine. It is pointed out that, while the report itself is not classified, it makes reference to, and in some instances quotes from, material which is classified. Therefore, each copy of this report has been treated for security purposes as if it were classified. They are numbered and accounted for as in the case of classified material.

The report is broken down into seven categories, tabbed as follows:

(1) Background

A recitation of the first references to CIA connections on the part of the Watergate burglars, reference to the possibility of CIA involvement by the President in his speech of May 22, 1973, and certain other published information and correspondence.

(2) Mullen

The fact that the Mullen Company and its president, Bob Bennett, had an established relationship with the CIA is described in some detail in this section of the report. Most of the information contained in this section was discovered after Volume IV was requested by Senator Baker. The CIA arranged to release this volume and subsequent documents to the Watergate Committee in the custody of George Murphy serving as security officer for the Committee through an arrangement with the Joint Committee on Atomic Energy. 3. 4

(3) Pennington

This section derives from a CIA supplied memorandum dated February 22, 1974, from the then Director of Security, Mr. Howard Osborn, detailing the information that Lee R. Pennington, a CIA operative, had entered James McCord's house and/or office shortly after the Watergate breakin for the purpose of destroying evidence of a CIA connection with McCord. 5 6

(4) Tapes

This section derives from information supplied to Senator Baker by Director Colby that there was a central taping capability at the CIA; that the tapes had been destroyed, and the possibility that some of the tapes may have been Watergate related. 7 8

(5) TSD

The initials stand for Technical Services Division of the Central Intelligence Agency, and the section deals with rather extensive contacts between Hunt and the Agency and the support supplied by the Agency to Hunt and Liddy, which was used in a wide variety of undertakings. A number of factual discrepancies appear in this section which cannot be effectively reconciled on the basis of the information we now possess--such as Hunt's contemporaneous participation in the planning for and preparation of the Ellsberg psychiatric profile. 9

(6) Martinez

This tab refers to Eugenio Martinez, one of the Watergate burglars. The section delineates the Martinez-Agency relationship, Hunt's early activities in Miami, the actions taken or not taken by the Agency's office in Miami, and certain other questions which are essentially unresolved.

10

(7) Recommendations

The seventh tab is self-explanatory and constitutes the recommendations of the staff for further inquiry.

BACKGROUND

In a speech on May 22, 1973, President Nixon stated in part the following in connection with the Watergate matter:

> Within a few days, however, I was advised that there was a possibility of CIA involvement in some way.
>
> It did seem to me possible that, because of the involvement of former CIA personnel, and because of some of their apparent associations, the investigation could lead to the uncovering of covert CIA operations totally unrelated to the Watergate break-in.
>
> In addition, by this time, the name of Mr. Hunt had surfaced in connection with Watergate, and I was alerted to the fact that he had previously been a member of the special investigations unit in the White House. Therefore, I was also concerned that the Watergate investigation might well lead to an inquiry into the activities of the special investigations unit itself.
>
> * * * *
>
> I also had to be deeply concerned with insuring that neither the covert operations of the CIA nor the operations of the special investigations unit should be compromised. Therefore, I instructed Mr. Haldeman and Mr. Ehrlichman to insure that the investigation of the break-in not expose either an unrelated covert operation of the CIA or the activities of the White House investigations unit--and to see that this was personally coordinated between General Walters, the Deputy Director of the CIA, and Mr. Gray of the FBI.
>
> * * * *

One of the matters to which the President was evidently referring was explored by Senator Baker in his questioning of John Ehrlichman when Ehrlichman appeared before the Select Committee on July 26, 1973. Ehrlichman was questioned with regard to missing paragraph five of a memo from Egil Krogh and David Young to John Ehrlichman dated August 11, 1971.[1] 11.

This was the same matter which had been brought to the attention of the Minority staff in July of 1973 which resulted in a briefing of Senator Ervin, Senator Baker, Sam Dash, and Fred Thompson by White House Counsels Fred Buzhardt and Leonard Garment. The subject of that briefing is what is now referred to as the "Admiral Moorer-Yeoman Radford Incident."

With regard to involvement of the CIA in the Watergate affair, it should be noted that since June 17, 1972, there have been numerous newspaper articles pointing out the fact that many of those involved in the Watergate break-in were former CIA employees; that CIA equipment was used by Hunt, and other possible CIA links to Watergate. 12 13

In the September 14, 1973, issue of the National Review, Miles Copeland wrote an article entitled "The Unmentionable Uses of a CIA"[2], suggesting that McCord led the Watergate burglars into a trap.

In the November, 1973, issue of Harper's Magazine, an article entitled "The Cold War Comes Home"[3], by Andrew St. George, indicated strongly that former CIA Director Helms had prior knowledge of the Watergate break-in. As a result of the St. George allegation, Senator Baker asked Senator Symington and the Senate Armed Services Committee to conduct the inquiry into those allegations. It would appear that no information relative to this Committee's mandate was developed from the testimony adduced during the hearings before the Senate Armed

---

[1] See Public Testimony of John Ehrlichman dated July 26, 1973, at 2702-2704.

[2] National Review, September 14, 1973, "The Unmentionable Uses of a CIA", at 996.

[3] Harper's Magazine, November, 1973, "The Cold War Comes Home," at 82.

Services Committee on the St. George matter. However, in the aftermath of the St. George inquiry, Senator Baker propounded a number of questions to the CIA on November 8, 1973, one of which follows:

> 7. QUESTION: On or after ~~July~~ June 17, 1972, did any of the individuals associated with these break-ins in any way communicate with any individual associated with CIA to discuss the Watergate break-ins or the Ellsberg psychiatrist office break-in, other than Mr. McCord who wrote letters to CIA which are part of the Watergate hearing record?
>
> ANSWER: On 10 July 1972 an officer of a commercial concern communicated to an employee of CIA information which had come to his attention concerning the "Watergate Five." The relationship of this informant and his company to the Agency was and is classified. Since this information was hearsay, contained a repetition of then current published speculation, and indicated that the informant had appeared before the Grand Jury on the matter, no action was taken. The employee's hand-written memorandum for the record on this matter is contained in sensitive material which Agency officers have made available for review, but not retention, by the staffs of the four CIA Subcommittees as well as the staffs of the Senate Select Committee on Presidential Campaign Activities and the Federal Prosecutor. Aside from this, the Agency had no communication of the type referred to in this question.

An examination of the aforementioned "sensitive material"[4] revealed more than was theretofore known about the scope of the CIA's dealings with Robert Bennett and the Mullen and Company and led to a further intensification of the staff's investigative efforts in other CIA related areas. 14

[4]This material was produced as a part of Volume IV of the documents furnished to us by the CIA.

The Mullen and Company has been used as a cover for foreign agents since its incorporation in 1959.[1] It served as a cover for an agent in Europe and an agent in the Far East at the time of the Watergate break-in.[2]

Hunt left the CIA in 1970 and joined Mullen and Company with what founder Robert Mullen understood to be Director Helms' blessing.[3] Hunt's covert security clearance was extended by the CIA[4], he was witting of the Mullen cover[5], and on occasion he undertook negotiations with the Agency with respect to that cover--even after becoming employed at the White House (according to Agency records).[6]

---

[1]Executive Session Testimony of Robert R. Mullen, February 5, 1974, at 3.

[2]Executive Session Testimony of Robert F. Bennett, February 1, 1974, at 25-26; Executive Session Testimony of Martin J. Lukoskie, February 4, 1974, at 5.

[3]CIA Memorandum, undated, Subject: Wrap-Up of Agency's Association with Robert R. Mullen and Company, found at Tab 3 of CIA Supplemental Material, Volume III, at 3; Executive Session Testimony of Robert R. Mullen, supra note 1, at 8; Executive Session Testimony of Robert F. Bennett, supra note 2, at 67.

[4]See [redacted] Memorandum for Deputy Director for Plans, October 14, 1970, Subject: E. Howard Hunt--Utilization by Central Cover Staff, found at Tab 16, CIA Supplemental Materials, Volume II. (b)(3)

[5]Id.; Executive Session Testimony of Robert R. Mullen, supra note 1, at 9.

[6]Executive Session Testimony of Thomas H. Karamessines, February 5, 1974, at 6-10; CIA Memorandum, undated, Subject: Wrap-Up of Agency's Association with Robert R. Mullen and Company, supra note 3, at 2.

Robert Bennet, who is Senator Bennett's son, joined Mullen and Company and became its President in 1971. He was introduced to the Mullen CIA case officer in April of that year.[7] Bennett brought the Hughes Tool account with him to Mullen.[8] CIA records indicate that Agency consideration was given to utilizing Mullen's Hughes relationship to garner information on [redacted] and for cover purposes in [redacted][9] (b)(3)

Bennett's accessibility to the CIA has raised questions concerning possible Agency involvement in, or knowledge of, Bennett's activities in regard to Hunt/Liddy, to wit: Bennett suggested and coordinated the DeMott interview regarding Chappaquidick;[10] Bennett coordinated the release of Dita Beard's statement from Denver, after contacting Beard's attorneys at the suggestion of a Hughes executive;[11] Bennett suggested that Greenspun's safe contained information of interest to both Hughes and the CRP;[12] Bennett asked for and received

---

[7]Executive Session Testimony of Martin J. Lukoskie, supra note 2, at 12.

[8]Executive Session Testimony of Robert F. Bennett, supra note 2, at 132.

[9]See Lukoskie Memorandum for Record, April 30, 1971, Subject: Association of Robert R. Mullen and Company with the Hughes Tool Company. This document is found at Tab 16, Supplemental CIA Material, Volume II.

[10]Executive Session Testimony of E. Howard Hunt, December 18, 1973, at 69-70; Executive Session Testimony of Robert F. Bennett, supra note 2, at 62-65.

[11]Executive Session Testimony of Robert F. Bennett, supra note 2, at 93-94.

[12]Executive Session Testimony of E. Howard Hunt, supra note 10, at 6-8; But see Executive Session Testimony of Robert F. Bennett, supra note 2, at 79-84. Bennett indicates that Hunt suggested Bennett coordination with Hughes.

from Hunt a price estimate for bugging Clifford Irving for Hughes;[13] Bennett coordinated the employment of political spy Tom Gregory by Hunt and discussed with Gregory the latter's refusal to proceed with bugging plans on or about June 16, 1972;[14] Bennett received a scrambler from Hughes personnel for use on Mullen telephones;[15] Bennett and Liddy set up dummy committees as a conduit for Hughes campaign contributions;[16] and Bennett served as the point of contact between Hunt and Liddy during the two weeks following the Watergate break-in.[17] Furthermore, Robert Oliver, Mullen's Washington lobbyist for Hughes Tool, is the father of R. Spencer Oliver, Jr., whose telephone was tapped at the Democratic National Committee. Bennett met with the Olivers after the break-in to discuss the bugging.[18] 24

The true nature of Bennett's relationship to the CIA was not known to us until late November of 1973 when, at Senator Baker's request, the CIA produced another volume of CIA documents (Volume IV). The following information was adduced from this volume.

---

[13]Executive Session Testimony of E. Howard Hunt, supra note 10, at 72-73; Executive Session Testimony of Robert F. Bennett, supra note 2, at 121-124. 25.

[14]Staff Interview of Thomas J. Gregory, September 1, 1973, at 5; Executive Session Testimony of E. Howard Hunt, supra note 10, at 17; Executive Session Testimony of Robert F. Bennett, supra note 2, at 69-75. 26.

[15]Staff Interview of Linda Jones, September 6, 1973, at 3; Executive Session Testimony of Robert F. Bennett, supra note 2, at 140. 27

[16]Staff Interview of Linda Jones, supra note 15, at 9; See Summarized Highlights of Linda Jones Interview, dated September 10, 1973. 28

[17]Staff Interview of Linda Jones, supra note 15, at 8; Executive Session Testimony of Robert F. Bennett, supra note 2, at 153-157.

[18]Executive Session Testimony of Robert F. Bennett, supra note 2, at 100-101. 29.

On July 10, 1972, Bennett reported detailed knowledge of the Watergate incident to his CIA case officer. The case officer's report of this meeting was handwritten[19] and carried to Director Helms on or before July 14, 1972, in this form because of the sensitivity of the information.[20] It revealed that Bennett had established a "back door entry" to E. B. Williams, the attorney for the DNC, in order to "kill off" revelations of Agency affiliation in the course of the DNC lawsuit. He agreed to check with the CIA prior to contacting Williams.[21] Our staff has confirmed that Bennett did funnel information to Williams via attorney Hobart Taylor, and that this information was more extensive than the information Bennett had previously provided the Grand Jury.[22] The CIA has admitted paying one-half of Bennett's attorney fee for his Grand Jury appearance.[23]

Although Bennett was supplying information to the CIA about many aspects of the Watergate incident and was at that time serving as liaison between Hunt and Liddy, there is no indication that these facts were disclosed to the FBI.

---

[19] [Lukoskie] Memorandum for Record, July 10, 1972, Subject: Meeting with Robert Foster Bennett and his comments concerning E. Howard Hunt, Douglas Caddy, and the "Watergate Five" Incident (sic), found in CIA Supplemental Material, Volume IV.

[20] Executive Session Testimony of [Martin J. Lukoskie], supra note 2, at 20-21, 28-29.

[21] [Lukoskie] Memorandum for Record, supra note 19, at 11-12.

[22] Robert F. Bennett, Memorandum for Record, dated January 18, 1973, at 17; Executive Session Testimony of Robert F. Bennett, supra note 2, at 129. See also Hobart Taylor Interview Report, dated February 11, 1974.

[23] CIA Memorandum, undated, Subject: Wrap-Up of Agency's Association with Robert R. Mullen and Company, supra note 3, at 5.

The aforementioned July 10 report contains my serious reference to a "WH flap".[24] The report states that if the Mullen cover is terminated, the Watergate could not be used as an excuse.[25] It suggests that the Agency might have to level with Mullen about the "WH flap".[26] Nonetheless, a July 24, 1972 contact report shows that the CIA convinced Robert Mullen of the need to withdraw its Far East cover through an "agreed upon scenario" which included a falsified Watergate publicity crisis.[27] The Agency advises that the "WH flap" has reference to [redacted] Western Hemisphere operations[28] but has not explained any reason to withhold such information from Mullen nor explained the relationship of same to Watergate developments. This Agency explanation is further clouded by conflicting evidence. The Assistant Deputy Director of Plans has testified that he is very familiar with the matter and that it had no unique effect on Mullen's cover.[29] The Mullen case officer testified that the flap concerned [redacted]

33(a) 33(b) 33(c) 34 34(a)

---

[24] [Lukoskie] Memorandum for Record, supra note 19, at 13-14.

[25] Id. at 12-13.

[26] Id. at 13.

[27] [Lukoskie] Memorandum for Record, July 24, 1972, Subject: Meeting with [redacted] Re: Withdrawal of [redacted] found in CIA Supplemental Material, Volume V, at 1-2.

(b)(3) ((b)(3)

[28] Executive Session Testimony of [Thomas H. Karamessines] supra note 6, at 39; Executive Session Testimony of [Martin J. Lukoskie] supra note 2, at 43.

[29] Executive Session Testimony of [Cord Meyer, Jr.], February 28, 1974, transcript not presently available.

cover. [illegible], who thought the reference seemed a "White House flap", did advise of information received from the European cover that a [redacted] adversely affected a former Mullen cover [redacted].[31]

A memorandum drafted by the Chief of the Central Cover Staff, CIA, on March 1, 1973, notes that Bennett felt he could handle the Ervin Committee if the Agency could handle Hunt.[32] Bennett even stated that he had a friend who had intervened with Ervin on the matter.[33] The same memorandum suggests that Bennett took relish in implicating Colson in Hunt's activities in the press while protecting the Agency at the same time.[34] It is further noted that Bennett was feeding stories to Bob Woodward who was "suitably grateful"; that he was making no attribution to Bennett; and that he was protecting Bennett and Mullen and Company.[35]

---

[30] Executive Session Testimony of [Martin J. Lukoskie], supra note 2, at 43.

[31] Executive Session Testimony of Robert F. Bennett, supra note 2, at 17-24.

[32] [redacted] Memorandum for Deputy Director for Plans, March 1, 1973, Subject: Current Time Magazine Investigation of Robert R. Mullen & Company Connection with the Watergate Incident, found in CIA Supplemental Material, Volume IV, at 4.

[33] Id.

[34] Id.

[35] Id.

PENNINGTON MATTER

The results of our investigation clearly show that the CIA had in its possession, as early as June of 1972, information that one of their paid operatives, Lee R. Pennington, Jr., had entered the James McCord residence shortly after the Watergate break-in and destroyed documents which might show a link between McCord and the CIA. This information was not made available to this Committee or anyone else outside the CIA until February 22, 1974, when a memorandum by the then Director of Security, [Howard Osborn] was furnished to this Committee.[1]

The evidence further shows that in August of 1972, when the FBI made inquiry about a "Pennington," the decision was made by the CIA to furnish information about a former employee, [redacted] who was obviously not the man the FBI was interested in, and to withhold the name of Lee R. Pennington, Jr.[2]

The Pennington information was known within the CIA at least at a level as high as [Howard Osborn] Director of Security, according to [Paul Gaynor] the former director of the Security Research Staff, by whom Pennington was retained at $250 per month until December of 1973.[3] In January of this year, [Osborn] ordered that the Pennington materials be removed from the CIA Watergate files when those files were about to be reviewed by the CIA's Inspector General's office in connection with the CIA furnishing this and other Congressional

---

[1] See "Memorandum for Director of Intelligence," February 22, 1974, Exhibit 1 to the Executive Session Testimony of Lee R. Pennington, February 23, 1974.

[2] Executive Session Testimony of [redacted] February 25, 1974 at 11-14, 15, 17-18; Executive Session Testimony of [Hollis Whitaker] March 2, 1974 (transcription not presently available).

[3] Executive Session Testimony of [Paul Gaynor] February 24, 1974 at 25-26, 30; Executive Session Testimony of Lee R. Pennington, supra note 1, at 29.

committees certain information on the taping capacity at the CIA. Our information is that, since the revelation of the Pennington matter in February of this year, [Osborn's] early retirement has been "accepted."[5]

It seems that the Pennington matter was extremely sensitive not only because of the above-mentioned facts, but because Pennington may have been a "domestic agent," possibly in violation of the CIA's charter.[6] The Security Research Staff has now been abolished.[7]

All of the above information was produced by the CIA only as a result of the position taken by a staff employee of the Personnel Security Division, [redacted] Because of the Senator's and the staff's request for documentation and information relating to the destruction of CIA tapes and other matters, [redacted] Associate Legislative Counsel, prepared a statement for Director Colby's signature on February 19, 1974. In it was the blanket assertion that the CIA had produced all Watergate-related information for this Committee as

(b)(3)

(b)(3)

---

[4]Executive Session, Testimony of [redacted] supra note 2 at 46-49, 50-51, 52-54, 57-59, 69-72.

(b)(3)

[5]The CIA, through its legislative liaison, has informed this Committee that [Howard Osborn] "retired" on or about February 26, 1974, shortly after his Executive Session Testimony before this Committee on February 25, 1974.

[6]See Executive Session Testimony of [Paul F. Gaynor] supra note 3, at 25-26, 30; Executive Session Testimony of Lee R. Pennington, supra note 1, at 4-7, 10, 29. In this regard, Volume VIII CIA Supplemental Materials references an apparent CIA file on a United States citizen, Jack Anderson (#349691). This reference is contained in CIA memoranda in November and December of 1972 which discuss Pennington's providing his CIA case officer with a memorandum allegedly written by McCord about Jack Anderson and others. It should be noted that the CIA file on Mr. Pennington has not been provided to this Committee and also apparently has portions "missing" from it, see Action Required section of this memorandum, infra, at Miscellaneous, No. 9.

[7]Executive Session Testimony of [Howard J. Osborn] February 25, 1974, at 17-18.

well as its Congressional oversight committees.[8] Because he was aware of many of the above facts, [redacted] made it clear that he could not and would not subscribe to such a statement.[9] [redacted] was so concerned that the documentary evidence of the Pennington information would be destroyed by others in the CIA that he and a co-employee copied the relevant memoranda and placed them in their respective personal safes.[10] The Inspector General was notified the next day and the Osborn memorandum of February 22 was drafted and made available to this Committee, the oversight committees, and the Special Prosecutor's office.[11]

(b)(3) (b)(3) 55 56

Our investigation in this area also produced the fact that, contrary to previous CIA assertions, the CIA conducted a vigorous in-house investigation of the Watergate matter, starting almost immediately after the break-in.[12] As one member of the Security Research Staff

58

---

[8] Supplemental CIA Materials, Volume VIII; see also Executive Session Testimony of [redacted] supra note 2, at 61-63. (b)(3)

[9] Executive Session Testimony of [redacted] supra note 2, at 45-52. In his Executive Session Testimony, [redacted] states that, at a meeting on January 22, 1974, to discuss whether the "Pennington matter" should be withheld from or disclosed to the appropriate authorities and Congressional committees, he informed his supervisory CIA personnel that (tr. 52): (b)(3) (b)(3) 59

> "Up to this time we have never removed, tampered with, obliterated, destroyed, or done anything to any Watergate documents, and we can't be caught in that kind of bind now. We will not do it." [redacted] added that he "didn't cross the Potomac on (his) way to work in the morning, and that the Agency could do without its own L. Patrick Gray" (tr. 53). Subsequently, [redacted] prevailed and the information was made available to this and other appropriate Congressional Committees. (b)(3) 60

[10] Executive Session Testimony of [redacted] supra note 2, at 49, 45-52. (b)(3)

[11] See "Memorandum for Director of Central Intelligence, supra note 1.

[12] Executive Session Testimony of [redacted] supra note 2, at 1-4; Executive Session Testimony of [redacted] February 25, 1974, at 5, 31-32, 42, 49. (b)(3) (b)(3)

stated they were in a state of "panic."[13] In November and December of 1972, Leo Dunn was specially assigned to then Executive Director/Comptroller Colby to conduct a very secretive investigation of several Watergate-related matters. [Dunn] was instructed to keep no copies of his findings and to make no records. He did his own typing and utilized no secretaries.[14]

Less clear than the aforementioned efforts to suppress the Pennington information, is an understanding of Pennington's actual role or non-role in the destruction of documents at the McCord home shortly after the Watergate breakin. Pennington has testified that he did not go to the McCord home for the purpose of searching for or destroying CIA-related documents, but does acknowledge witnessing the destruction of documents by Mrs. McCord and others.[15] It is clear from the testimony of others[16] that the CIA received information, evidently from Pennington, indicating more active participation by operative Pennington.

---

[13] Executive Session Testimony of [redacted] (b)(3) supra note 12, at 5.

[14] Executive Session Testimony of [Leo J. Dunn], March 3, 1974 (transcription not presently available).

[15] Executive Session Testimony of Lee R. Pennington, supra note 1.

[16] Executive Session Testimony of [redacted] (b)(3) supra note 12;
Executive Session Testimony of [redacted] (b)(3) supra note 2;
Executive Session Testimony of [Paul F. Gaynor] supra note 3.

TAPES

In a meeting in Senator Baker's office with Director Colby and George Murphy, following a discussion of the Cushman tape, Murphy asked Colby if there were other tapes, and he replied in the affirmative. In response to a question from Senator Baker, Colby further acknowledged the prior existence of a central taping capability at the CIA. Senator Baker then requested that relevant tapes be reviewed and delivered to the Committee, to which Colby agreed. Shortly thereafter, Colby confirmed to Senator Baker recent press accounts that the tapes had been destroyed. In that same connection it should be pointed out that the staff had previously interviewed Victor Marchetti, who stated upon questioning that he suspected that there was a central taping system at the CIA. When the staff broached this subject with [redacted] he stated that if there had been such a system, it was no longer in existence. (b)(3)

Shortly before Director Helms left office, and approximately one week after Senator Mansfield's letter requesting that evidentiary materials be retained,[1] Helms ordered that the tapes be destroyed.[2] Although the CIA is apparently unable to state with any degree of precision the date on which the tapes were actually destroyed, testimony indicates that it was during the week of January 22, 1973.[3] While the CIA claims that the destruction was not unusual and was one of several periodic destructions, two facts seem clear. First, the only other destruction for which the CIA has any record was on January 21, 1972, when tapes

---

[1] Letter from Senator Mansfield to DCI Helms, dated January 16, 1973.

[2] Executive Session Testimony of Elizabeth Dunlevy, February 6, 1974, at 14. See also CIA memorandum for Director of Security, dated January 31, 1974, at 3. Dunlevy states that she told the technicians to destroy only Helms' tapes and not all of the tapes (Executive Session Testimony at 34-35). However, there seems to have been no doubt in the minds of the technicians that they were to destroy all of the tapes on hand. Executive Session Testimony of Allen Kobliska, February 6, 1974, at 23. Executive Session Testimony of Nicholas Popivchak, February 6, 1974, at 53.

[3] Executive Session Testimony of Nicholas Popivchak, supra note 2, at 36. See also CIA memorandum for Director of Security, supra note 2.

for 1964 and 1965 were destroyed (there are no records of periodic destructions)[4]; and secondly, never before had there been a destruction of all existing tapes.[5] It should be noted that there exists a separate taping system for the Office of Security.[6] That system is still operative, and the O/S tapes presumably are still in existence. The January, 1973 tape destruction pertained only to recordings of room conversations. However, on Helms' instruction, his secretary [Elizabeth Dunlevy] destroyed his transcriptions of both telephone and room conversations.[7] The evidence indicates that among those telephone transcriptions were conversations with the President, Haldeman, Ehrlichman, and other White House officials.[8] Helms and [Dunlevy] have testified that such conversations were non-Watergate related.[9] Unfortunately, any means of corroboration is no longer available. We have examined summaries of logs made available by the CIA, but it is impossible to determine who was taped in many of the room conversations. In this regard, even the CIA's analysis does not provide this vital information. There are several references to a "Mr. X." The CIA has not produced the actual logs for our examination. However, we were informed that there are "gaps" in the logs.

The circumstances surrounding the transcriptions of room and telephone conversations of former Deputy Director Cushman are bizarre to say the least. When Cushman testified before the Watergate Committee on August 2, 1973, he presented a transcription of the

---

[4] Executive Session Testimony of [Allen Kobliska] supra note 2 at 10. Executive Session Testimony of [Nicholas Popivchak], supra note 2 at 36-37.

[5] Executive Session Testimony of [Nicholas Popivchak] supra note 2 at 20.

[6] CIA memorandum for Director of Security, supra note 2 at 4.

[7] Executive Session Testimony of [Elizabeth Dunlevy] supra note 2 at 14, 17, 19. Executive Session Testimony of Richard Helms, March 8, 1974 (transcription not yet available).

[8] Executive Session Testimony of [Elizabeth Dunlevy] supra note 2 at 22.

[9] Executive Session Testimony of Helms, supra note 7; Executive Session Testimony of [Elizabeth Dunlevy] supra note 2 at 23.

Cushman/Hunt conversation of July 22, 1971.[10] We recently discovered that there exists an original, more complete transcription; that the original transcription contained an insignificant but uncomplimentary reference to the President, and that the original was available to the CIA at the time of the Committee's hearings in August of 1973. In fact, the original transcript was not produced until February of this year, the day before Senator Baker was to listen to the Cushman/Hunt tape, per his request.

The Cushman/Hunt conversation and one other were the only two room transcriptions saved by Cushman's secretary, [Barbara Pindar] and his assistant, [Karl Wagner] when Cushman's safe was cleaned out in December of 1971.[11] They claimed that they made a search for the original transcription shortly after the Watergate break-in but that it was not found, and therefore an abbreviated transcription was typed.[12] Therefore, we have a search by [Wagner] shortly after the Watergate break-in in June of 1972 and another search in May of 1973, the original transcript not having been found until May of 1973.

In February of this year [redacted] hand-delivered to Senator Baker (b)(3)
a very significant document. It was the transcription of a portion of
the Ehrlichman/Cushman telephone conversation. [redacted] stated it had (b)(3)
been recently discovered by [Karl Wagner].[13] It was discovered during [Wagner's] third search for Watergate-related materials, and it was located in the same file as the Cushman/Hunt transcript.[14] The

---

[10]Public Testimony of General Robert E. Cushman at 3291.

[11]Executive Session Testimony of [Barbara Pindar] February 21, 1974.

[12]Id at 64; see also memorandum of [Karl Wagner] July 23, 1973, Supplemental CIA Materials, Volume IV.

[13]See Ehrlichman/Cushman tape transcription, CIA memorandum "For All Employees" dated January 31, 1974, at Tab B.

[14]Affidavit of [Karl Wagner] February 5, 1974, and Executive Session Testimony of [Karl Wagner] March 6, 1974 (transcription not yet available).

The document is especially significant in that it quotes Ehrlichman as saying that Hunt was working for the President and that the CIA was to give Hunt "carte blanche." This, of course, substantiates the CIA's claim that Ehrlichman made the original call with regard to the CIA's assistance to Hunt. Surprisingly, we learned that [Barbara Pindar] although she says she was told that Mr. Cushman did not have his calls monitored, did, in fact, monitor certain of his calls anyway, especially with people at the White House, without Cushman's knowledge.[15] The Cushman/Ehrlichman transcript was a result of the shorthand notes she took of a monitored call.[16]

There are two interesting aspects to this transcription. First, only the Ehrlichman portion of the conversation was transcribed, contrary to normal practice;[17] and secondly, Cushman does not recall any reference to the President or to "carte blanche."[18]

---

[15] Executive Session Testimony of [Barbara Pindar] supra note 11 at 12-13.

[16] Id at 17, 18.

[17] Id at 80-81.

[18] Executive Session Testimony of General Robert E. Cushman, March 7, 1974 (transcription not yet available).

HUNT--TSD SUPPORT--ELLSBERG PROFILE

The Committee has received much testimony over the past several months detailing the extensive support of Howard Hunt by CIA personnel with CIA materials and the CIA's role in the preparation of the psychological profiles of Daniel Ellsberg. Howard Hunt was involved in a wide variety of domestic undertakings with the use of CIA equipment and the assistance of CIA personnel, e.g., the burglaries of Dr. Fielding's office and the DNC, the preparation of psychological profiles on Daniel Ellsberg, and the investigation of the Chappaquidick incident. In light of the facts and circumstances developed through the documents and conflicting testimony of CIA personnel adduced by this Committee, which are summarized below, the question arises as to whether the CIA had advance knowledge of the Fielding break-in. The Fielding burglary was not made public until May of 1973.[1]

While the CIA has previously belatedly acknowledged some of the technical support it provided to Hunt and Liddy prior to the Fielding break-in, the CIA has continually downplayed the extent of that technical support as well as the specific approval and detailed knowledge of such support by high level CIA officials.* The scenario of events culminating in the Fielding break-in caused a wealth of conflicting testimony among CIA officials as referred to hereinafter.

The CIA's assistance to Hunt began on July 22, 1971, when Hunt met with General Cushman, then Deputy Director of the CIA, in Cushman's office to request physical disguise and phony identification to effect a "one time operation, in and out."[2] This meeting was tape recorded by Cushman. Thereafter, pursuant to the specific approval of both

---

[1] See affidavits of Cushman, [Wagner,] and [Krueger,] Original CIA Materials, Volume II, Tab D.

[2] Partial tape transcript of July 22 meeting, Original CIA Materials, Volume II, Tab K, at 1; see also Cushman's affidavit, id., and complete unabridged tape transcript of July 22 meeting, CIA Supplemental Materials, Volume II, Tab 4.

Cushman and then Director of the CIA Richard Helms, a member of the CIA's Technical Services Division was assigned to provide Hunt with the assistance and materials he requested.[3] During the next thirty days, the CIA technical staff met with Hunt on four separate occasions. Most meetings were held at CIA "safe houses" (dwellings owned by the CIA for clandestine meetings).[4] At those meetings Hunt was provided with the CIA equipment and assistance described in earlier Committee testimony, i.e., wigs, voice alteration devices, heel lift to cause a limp,[5] fake glasses, phony driver's licenses and identification cards, a Uher 5000 tape recorder disguised in a typewriter case, a camera hidden in a tobacco pouch, preliminary steps toward a phony New York telephone answering device, and the developing of the film of Hunt and Liddy's reconnaissance trip to Los Angeles to "case" Dr. Fielding's office.[6] This assistance was abruptly terminated on August 27, 1971[7]--one week before the Fielding burglary of September 3, 1971.

Recent testimony and documents have developed several matters of considerable import with regard to the assistance provided Hunt and Liddy. The technician who dealt with Hunt has testified that he received approval for each and every request of Hunt from his supervisory

---

[3] See Executive Session Testimony of General Robert E. Cushman, March 7, 1974, at 10, 12; contra, Executive Session Testimony of Richard Helms, March 8, 1974, and Testimony of Richard Helms before the Senate Committee on Appropriations, May 16, 1973, at 195-196.

[4] See Executive Session Testimony of [Stephen C. Greenwood] February 5 and 6, 1974, at 3-25 (February 5 tr.), and Exhibit 1 to that testimony (notes of [Greenwood] compiled contemporaneously with the support of Hunt) also found in CIA Supplemental Materials, Volume VII, Tab 8.

[5] Staff interview with Howard Hunt, February 4, 1974.

[6] Public Testimony of Richard Helms and General Robert E. Cushman, August 2, 1973; affidavits of [Greenwood,] Krueger, and Wagner, Original CIA Materials, Volume II, Tab D. (b)(3)

[7] Id.

officials at the CIA.[8] He also testified that, contrary to earlier and other CIA testimony, Hunt informed him early in August that he would be introducing a second man (Liddy) to the technician for the provision of disguise and false identification.[9] CIA officials heretofore had claimed that Hunt introduced Liddy unannounced late in August and that this introduction had been one of the leading causes for the CIA's ultimate termination of its support for Hunt.[10]

82(a)

82(b)

Testimony and documents have also revealed, again contrary to the testimony of high CIA officials, that Hunt's request for a New York "backstopped" telephone (a telephone with a New York number which would in reality be answered by a Washington CIA switchboard) answering service was well on its way to completion.[11] A detailed memorandum of the TSD technician, dated August 27, 1971, reveals that the backstopped telephone request was about to be implemented.[12] This memorandum includes the actual relay number to be called. Previous CIA testimony had always been to the effect that this telephone

82(c)

---

[8] Executive Session Testimony of [Stephen C. Greenwood] supra note 4 at 10 (February 6 tr.), at 57 (February 5 tr.).

[9] Id. at 55-57 (February 5 tr.); see also notes referred to in note 4, supra.

[10] Affidavits of [Wagner, Krueger] Cushman, supra note 1; memoranda of [Wagner] dated August 23, 26, and 30, Original CIA Materials, Volume II, Tab K; compare Executive Session Testimony of [Stephen C. Greenwood] supra note 4 at 55-56 (February 5 tr.) with Executive Session Testimony of [Richard Krueger,] February 5, 1974, at 24.

[11] Executive Session Testimony of [Stephen C. Greenwood] supra note 4 at 8-10, 12 (February 6), and Exhibit 1 to [Greenwood's] testimony at 5, which details the steps taken by the CIA to implement Hunt's request.

[12] Id.

request was so unreasonable that it was immediately disapproved and that it was also a leading cause of the ultimate termination of Hunt's support.[13] 82(d)

Recent testimony also established that the CIA created a file on Hunt's activities entitled the "Mr. Edward" file. This file was maintained outside the normal CIA filing system, and this Committee's requests to obtain this file have not been granted, despite the fact that testimony has established that this file was turned over to Director Colby after the Watergate break-in.[14] Moreover, recent testimony also indicates that a "bigot list" (CIA term for treatment of especially sensitive case restricting access to a limited number of persons) was created for Hunt's activities.[15] 83

---

[13] See affidavits of [Wagner, Krueger,] Cushman, and memoranda of [Wagner,] supra note 10; Executive Session Testimony of Cushman, March 7, 1974, at 19-21. Moreover, Executive Session Testimony of Richard Helms, supra note 3, indicates that it was Hunt's request for a secretary which caused him to order the cut-off of support. This request, however, occurred on August 18 and was denied the same or next day, see Executive Session Testimony of [Karl Wagner,] March 6, 1974 (transcription not presently available), contra, testimony of Richard Helms before the Senate Committee on Appropriations, supra note 3, at 197.

[14] Executive Session Testimony of [Richard A. Krueger] February 5, 1974, at 14-15; Executive Session Testimony of [Sidney Gottlieb] February 5, 1974, at 29-30.

[15] Executive Session Testimony of [Stephen C. Greenwood,] supra note 4, at 2-4 (February 6 tr.).

Testimony has indicated that the film developed for Hunt and Liddy was, in fact, of Dr. Fielding's office.[16] Not only was the film developed, however, but it was reviewed by CIA supervisory officials before it was returned to Hunt.[17] One CIA official who reviewed the film admitted that he found the photographs "intriguing" and recognized them to be of "southern California."[18] He then ordered one of the photographs to be blown up. The blow-up revealed Dr. Fielding's name in the parking lot next to his office.[19] Another CIA official has testified that he speculated that they were "casing" photographs.[20] Recent testimony has shown that the CIA official who reviewed these photographs immediately reported their content to Cushman and his assistant in the office of the Deputy Director of the CIA.[21] With a degree of incredulity, however, he denies telling his superiors that he blew up one of the photographs and that it revealed the name of Dr. Fielding.[22] Moreover, both Cushman and his assistant denied ever

84

---

[16] Executive Session Testimony of [Leo J. Dunn] March 3, 1974 (transcription not presently available); Staff interview of Howard Hunt, supra note 5 (wherein Hunt indicates that the film the CIA developed included shots of "a close-up of (Fielding's office) door, a close-up of the directory of (Fielding's) building, photographs of the ingress and egress of the parking lot . . ." as well as shots of the inside of Fielding's office, including the top of Fielding's desk.

[17] Executive Session Testimony of [Stephen C. Greenwood], supra note 4 at 20-24, 52-53 (February 5 tr.); Executive Session Testimony of [Richard A. Krueger], supra note 14 at 43-47.

[18] Executive Session Testimony of [Richard A. Krueger] supra note 14 at 44.

[19] Id. at 45-46.

[20] Executive Session Testimony of [Sidney Gottlieb] February 5, 1974, at 19-20.

[21] Executive Session Testimony of [Richard A. Krueger] supra note 14 at 47-49.

[22] Id.

having been told about the content of the photographs by [Krueger] or anyone else.[23] In any event, recent testimony now shows that it was only after these photographs were developed and examined that the CIA technician dealing with Hunt was ordered to cut off all support for Hunt.[24] This decision was made by the Deputy Director of the CIA (Cushman) and/or the Director of the CIA (Helms).[25]

Finally, while previous public CIA testimony claimed that the CIA "had no contact whatsoever with Mr. Hunt subsequent to 31 August, 1971,"[26] recent testimony and secret documents indicate that Hunt had extensive contact with the CIA after that date. Not only did Hunt play a large role in the CIA's development of psychological profiles on Daniel Ellsberg (not completed until November of 1971), but he actually contacted the CIA's External Employment Assistance Branch (EEAB) and approached active CIA personnel regarding several

---

[23] Executive Session Testimony of General Robert E. Cushman, March 7, 1974, at 22-23; Executive Session Testimony of [Karl Wagner] March 6, 1974 (transcription not presently available).

[24] Executive Session Testimony of [Stephen C. Greenwood] supra note 4, at 59-60, and Exhibit 1 to that testimony.

[25] Executive Session Testimony of General Robert E. Cushman, March 7, 1974, at 21-22, 16-20; Executive Session Testimony of Richard Helms, March 8, 1974, contra (transcription not presently available).

[26] Lieutenant General Vernon A. Walters Memorandum For Record, July 28, 1972, Original CIA Materials, Volume I, Tab S.

operations, including, e.g., Hunt's requests to the CIA for person(s) skilled in lockpicking, electronic sweeping, and entry operations.[27] 93

It is significant that during the same time period as the ongoing support of Hunt by the CIA, August of 1971, the CIA was also compiling a psychological profile on Daniel Ellsberg. Recent testimony has revealed that Hunt was deeply involved in that project as well. 93(a)

---

[27] Contacts after August 31, 1971, indicated in the Secret Supplemental CIA Materials, include the following:

a. Hunt was referred to [redacted] by [redacted] of the CIA's EEAB [redacted] retired on June 19, 1972) when Hunt requested a "retired lockpicker" and entry man in the time period of March-May, 1972. CIA Supplemental Materials, Volume I, Tab 4, [redacted] Memorandum of June 19, 1973. 94. (b)(3)(3) (b)(3) (b)(3)

b. Hunt, in late 1971, requested some "'security types' to check physical security and monitor telephones in Las Vegas," in connection with Hunt's work on the Hughes account with Mullen and Company. Hunt was referred by [redacted] (b)(3) support'] (CIA Supplemental Materials, Volume I, Tab 4). 95

c. Hunt contacted [redacted] (an active CIA employee until November 10, 1972) sometime in late 1971 regarding a weekend entry operation. 96 (b)(3)

d. Hunt contacted CIA employee [John F. Caswell] in October of 1971 concerning certain Indo-China War documents (Original CIA Materials, Volume II, Tab D). 97

e. On December 8, 1971, Hunt requested and received a CIA computer name trace, by CIA employees, on a person who had allegedly formed the [redacted] National Independent Party in December of 1971 (Original CIA Materials, Volume II, Tab D). (b)(3)

f. The CIA acknowledges that the Deputy Director of Plans of the CIA did meet with Hunt on October 15, 1971 to discuss Mullen and Company problems. 98

The preparation of this profile was specifically approved by then Director Helms in late July of 1971.[28] The actual compiling of the profile was done by the CIA's medical services staff, and, in particular, its chief psychiatrist.[29] Recent testimony has indicated that a meeting was held on August 12, 1971, in which both Howard Hunt and Gordon Liddy participated. They told the CIA psychiatrist that Ellsberg had been undergoing psychiatric analysis. Hunt and Liddy discussed with him their desire to "try Ellsberg in public," render him "the object of pity as a broken man," and be able to refer to Ellsberg's "Oedipal complex."[30] At the close of the meeting, Hunt asked the psychiatrist not to reveal his presence in the profile discussions to anyone at the CIA, stating that he already had been in contact with General Cushman and was on good terms with Director Helms. The psychiatrist has testified recently that he was extremely concerned about Hunt's presence and remarks. He so reported this to his CIA superiors, both in memoranda and in a meeting on August 20, 1971. Access to the memoranda of both the psychiatrist and his superiors has been refused to this Committee.[31]

99
99(a)
99(b)
100

The CIA psychiatrist also was given the name of Dr. Fielding as Ellsberg's psychiatrist and numerous FBI reports of interviews with Ellsberg's associates, as well as a memorandum of a reported telephone conversation between Ellsberg and another party.[32] And, recent testimony has revealed that it was reported back to the psychiatrist that Director Helms was advised of his concerns regarding Hunt's participation and comments.[33] While Director Helms has

101
102

---

[28] Affidavit of [John W. Coffey] and [Dr.'s Tietjen] and [redacted] (b)(3) Original CIA Materials, Volume I, Tab U; Volume II, Tab D.

[29] Id.

[30] Executive Session Testimony of [redacted] (b)(3) March 6, 1974 (transcription not presently available).

[31] Id, see also Colby letter refusing access, infra.

[32] Id.

[33] Id.

denied that he was ever told that Hunt was involved in the CIA's Ellsberg profile project,[34] It is not without significance that the time period during which the CIA psychiatrist was briefing his superiors of his concerns regarding Hunt was circa August 20, 1972--a week prior to the developing of Hunt's film of "intriguing" photographs of medical offices in southern California which impressed at least one CIA official as "casing" photographs.[35] 102(cont.)

With the aforementioned background, we are reminded that when the second profile on Ellsberg was completed (completion was delayed until November of 1971), Director Helms took pains to inform the White House that:

> I do wish to underline the point that our involvement in this matter should not be revealed in any context, formal or informal (emphasis added).[36]

In his recent testimony before this Committee, Director Helms stated that the above quoted language represented his concern only for the professional reputations of the CIA psychiatrists and not any concern over the possible illegality of the profile.[37] It should be noted, however, that in a memorandum from the psychiatrists' CIA supervisor to Helms in November of 1971, which accompanied the completed profile, their concern is expressed as follows:

> [Dr. Tietjen] and [redacted] . . confirmed that their worries did not . . . involve professional ethics or credibility. Instead, they are concerned lest the Agency's involvement . . . become known and particularly that it

(b)(3)

---

[34] Executive Session Testimony of Richard Helms, supra note 3; Testimony of Richard Helms before the Senate Armed Services Committee, May 17, 1973, at 17.

[35] See Executive Session Testimony of [Sidney Gottlieb,] supra note 20.

[36] Memorandum from Richard Helms to David Young, November 9, 1971, Original CIA Materials, Volume II, Tab J.

[37] Executive Session Testimony of Richard Helms, supra note 3.

might come to light during any legal proceeding. * * * We will be guided by your determination after you have had an opportunity to read the new paper. (Emphasis supplied.) [38]

The facts and circumstances related above, as derived from the recently curtailed investigation of this Committee, would appear to raise many unanswered questions as to the involvement of the CIA in matters outside its legislative parameters. 103

[38] Memorandum from [John W. Coffey] CIA Deputy Director of Support, to Richard Helms, Director of Central Intelligence, November 9, 1971, Original CIA Materials, Volume II, Tab J.

HUNT--MARTINEZ--CIA

Director Helms, upon being questioned about Martinez, has consistently testified to little more than the fact that Eugenio Martinez was on a $100 per month retainer with the CIA as an informant on Cubans of interest to the Agency.[1] Our investigation has revealed relevant information concerning Martinez' CIA relationship, as set out below, not previously brought forward in testimony by CIA officials.

Because of Hunt's close relationship with Martinez at a time when Martinez was a paid CIA operative, the basic question arises as to whether the CIA was aware of Hunt's activities early in 1972 when he was recruiting Cubans to assist in the Watergate break-in.

Prior to assuming a retainer status in the summer of 1971, Martinez had been a full-salaried operative involved in Agency [redacted] endeavors.[2] In November of 1971, a month after his participation in the Fielding break-in, Martinez mentioned his contact with Hunt in an allegedly innocuous fashion to his case officer and the Miami Chief of Station.[3] There is also evidence that Martinez had mentioned Hunt even earlier to his case officer.[4] In March of 1972, Martinez advised

---

[1] Senate Foreign Relations Committee Report of Richard Helms Testimony, February 7, 1973, at 24, 50; Senate Select Committee Transcript of Richard Helms Testimony, August 2, 1973, at 6733-6734, 6814-6815.

[2] Executive Session Testimony of [Jacob Esterline] February 7, 1974, at 5-9.

[3] [redacted] Memorandum for the Record (excerpt), November 19, 1971, Agent: [redacted] found at Tab 1, CIA Supplemental Materials, Volume II; Executive Session Testimony of [Jacob Esterline] supra note 2, at 14-18. (b)(3) (b)(3)

[4] [redacted] Memorandum for the Record (excerpt), supra note 3; Executive Session Testimony of [Jacob Esterline] supra note 2, at 13. (b)(3)

the Miami Chief of Station that Hunt was employed by the White House and asked the Chief of Station if he was sure that he had been apprised of all Agency activities in the Miami area.[5] This concerned the Chief of Station who sent a letter to CIA headquarters requesting information on Hunt's White House status.[6] On March 27, 1972, the Chief of Station received a cryptic response at the direction of the Assistant Deputy Director of Plans advising the Chief of Station not to concern himself with the travels of Hunt in Miami, that Hunt was on domestic White House business of an unknown nature and that the Chief of Station should "cool it."[7] (It should be remembered that this was after the Agency provided Hunt with TSD support in July and August of 1971. It is not explained why Hunt, who had "used" the CIA, was not of more interest to the Agency, especially when he was contacting a current operative, Martinez.) The tone of this letter[8] infuriated the Chief of Station and left him uneasy about the matter. Accordingly, the Chief of Station requested that Martinez prepare in Spanish a report on the Hunt information provided the Chief of Station in March.[9] Martinez compiled a "cover story"[10] on April 5, 1972,

---

[5] Executive Session Testimony of [Jacob Esterline] supra note 2, at 23-27.

[6] Id. at 25-27; See [Esterline] Memorandum for Chief, [redacted] (b)(3) March 17, 1972, Subject: Miscellaneous Information from [redacted] (b)(3) found at Tab 1, CIA Supplemental Materials, Volume II; [Esterline] [redacted] letter [redacted], March 17, 1972, found at Tab 1, CIA (b)(3) Supplemental Materials, Volume II.

[7] Executive Session Testimony of [Jacob Esterline] supra note 2, at 31-34; [redacted] letter to [Esterline] (H/W Attachment to [redacted], (b)(3) March 27, 1972, found at Tab 1, CIA Supplemental Materials, Volume I.

[8] Executive Session Testimony of [Jacob Esterline] supra note 2, at 32, 80.

[9] Id. at 33-34, 38-40; [redacted], December 15, 1973, found at Tab 2, CIA Supplemental Materials, Volume II; (b)(3) Executive Session Testimony of Eugenio Martinez, December 10, 1973, at 45-47.

[10] Executive Session Testimony of [Jacob Esterline] supra note 2, at 91; see Executive Session Testimony of Eugenio Martinez, supra note 9, at 11.

after being told by his case officer not to put anything in the report which might come back to haunt him.[11] The Spanish report, which did not contain any of the alarming innuendos suggested earlier by Martinez, was maintained in the Chief of Station's file until after the Watergate break-in.[12]

It is known that Martinez had two case officers during 1971 and 1972. There is conflicting evidence concerning the precise date of the spring, 1972 case officer change-over.[13] It is known that Martinez met with his last case officer on June 6, 1972, and at that time had at least two reporting requirements, i.e., [redacted] (b)(3)

[redacted] (b)(3)

[15] The Agency has not afforded this Committee an unabridged examination of the case officer contact reports, despite requests for same.

The Agency has advised that Martinez' first case officer was on an "African safari" throughout June of 1972.[16] The second case officer

---

[11] Executive Session Testimony of Eugenio Martinez, supra note 9, at 53, 58-59. [redacted] supra note 9. (b)(3)

[12] Executive Session Testimony of Jacob Esterline, supra note 2, at 33-34. See also Original Spanish Report and Translated Spanish Report, found at Tab 1, CIA Supplemental Materials, Volume I (attention to discrepancies).

[13] Tab 2, CIA Supplemental Materials, Volume VII (indicating April 14, 1972 change-over); Tab 10, Original CIA Materials, Volume III (indicating a March, 1972 change-over); Executive Session Testimony of Jacob Esterline, supra note 2, at 36 (indicating April 23-30, 1972 change-over).

[14] Executive Session Testimony of [redacted] February 4, 1974, at 25-26, 41-42. (b)(3)

[15] Supra note 1.

[16] CIA Deputy Legislative Counsel showed this staff a printed itinerary for the first case officer which contained the referenced entry. Legislative Counsel has not made that itinerary a part of the supplemental materials furnished the staff.

has testified that the former case officer was in Miami on June 19, 1972.[17] The first case officer has been transferred to [redacted] and was not made available for interview by our Committee. The second case officer stated in his interview that he was rushed to CIA headquarters the week following Watergate and told that he would be required to stay there until September for reasons related to his involvement with Martinez.[18] This case officer remains assigned to CIA headquarters.

On the morning of June 18, 1972, the Miami Chief of Station dispatched a cable to CIA headquarters regarding the activities of Martinez but deliberately omitting Martinez' prior reference to Hunt's activities.[19] On June 19, 1972, the Chief of Station received correspondence from CIA headquarters advising him to keep in better touch with his operatives in Miami.[20] This prompted the Chief of Station to forward a copy of the Martinez report in Spanish to headquarters.[21] The Chief of Station was confounded as to why he was not told to terminate the Martinez relationship if the CIA headquarters suspected the involvement of Hunt in political activities.[22] He later brought this matter up with the Assistant Deputy Director of Plans, who told him that the Agency was uneasy about Hunt's activities for the White House in "March or May" of 1972.[23] The Assistant Deputy Director

---

[17] Executive Session Testimony of [redacted] supra note 14, at 73. (b)(3)

[18] Id. at 49-50.

[19] Id. at 36-37, 78.

[20] [redacted] "Dear Friend" letter, June 19, 1972, found at Tab 2, CIA Supplemental Materials, Volume II.

[21] [Esterline] "Dear Friend" letter, June 20, 1972, found at Tab 2, CIA Supplemental Materials, Volume II; Executive Session Testimony of [Jacob Esterline] supra note 2, at 73-75.

[22] Executive Session Testimony of [Jacob Esterline] supra note 2, at 80-82.

[23] Id. at 82-83.

of Plans testified that he assumed in March of 1972 that Hunt was involved in partisan political work for the White House and that this assumption formed the basis for his guidance to the Miami Chief of Station at that time.[24] He further testified that the Miami Chief of Station wanted to check on Hunt's activities domestically,[25] an allegation denied by the Chief of Station[26] and not reflected in any of the CIA correspondence made available to us.

Despite conflicting evidence from the FBI and the CIA,[27] it is known that the Agency received information on June 19, 1972, from an operative that Martinez' vehicle was at the Miami airport and contained compromising documents.[28] The Agency contacted the FBI with this information on June 21, 1972.[29] Our staff has yet to receive a satisfactory explanation regarding the aforementioned time lag and an accounting of Agency actions during the interim.

---

[24] Executive Session Testimony of [Cord Meyer, Jr.], February 28, 1974, transcript not presently available.

[25] Id.

[26] Executive Session Testimony of [Jacob Esterline], supra note 2, at 84.

[27] Id. at 62-65; Report of Interview of Agent Robert L. Wilson, dated January 11, 1974, at 4. A comparison reveals a discrepancy as to manner in which FBI was notified and raises questions concerning what the FBI found.

[28] Executive Session Testimony of [Jacob Esterline] supra note 2, at 58-60; Executive Session Testimony of [redacted] supra note 14, at 15-17. (b)(3)

[29] Report of Interview of Agent Robert L. Wilson, supra note 27, at 3.

ACTION REQUIRED

The following is a breakdown by area of interest of action desirable to complete the Watergate-related CIA investigation commenced by this staff.

MARTINEZ RELATIONSHIP

1. Interviews

   a. Chief, Western Hemisphere Division (1971- April, 1972).

   b. Chief, Western Hemisphere Division (April, 1972 - 1973).

   c. Chief, Cuban Operations Branch, Western Hemisphere Division (1971 - 1972).

   d. Martinez' case officer (1971 - March, April, 1972). Prior efforts to interview this individual have been frustrated by virtue of his present assignment in [redacted]

   e. Executive Assistant to the ADDP (1971 - 1973).

   f. Executive Assistant to the DDP (1971 - 1973).

   The aforegoing interviews are necessary in order to determine the extent of the CIA's knowledge of Hunt's activities.

   g. Chief, Miami Office of Security (June, 1972).

   h. Miami Chief of Station's informant with regard to Martinez' car.

   i. Above informant's source with regard to Martinez' car.

   These interviews are necessary to explain the time lag in giving notice to the FBI; to identify CIA actions (particularly the Miami Office of Security) regarding this information; and to determine the scope of information received by the Agency and transmitted to the FBI.

2. Documents

a. All Martinez case officer contact reports (1971 - July, 1972). We have repeatedly requested access to unabridged reports, but the Agency has made available only an abridged version of early reports. Access is necessary to determine the scope of Martinez' relationship in the relevant time frame and whether he provided any Watergate-related information to his case officer.

b. All CIA correspondence re: Martinez car (cables, etc.). This information, although not previously requested per se, is critical to the documentation of Agency action on this issue and to resolve conflicting evidence supplied by the FBI.

c. All reports or memoranda relating to the debriefing of Martinez' last case officer upon his return to Washington, D.C., after the Watergate break-in. This information has been previously requested but not provided to this staff.

MULLEN AND COMPANY RELATIONSHIP

1. Interviews

a. Mullen and Company secretaries (1971 - 1972). This is needed to confirm or deny suspicions relevant to the indicated Agency/Bennett/Hughes link.

b. [redacted]

c. [redacted]

The aforegoing interviews are necessary to a meaningful understanding of the "WH flap" and to gauge any relationship of same to the Watergate break-in.

remove deletion brackets

e. Chief, Central Cover Staff (1971 - 1972). This interview is necessary to clarify the "WH flap" and to ascertain the Agency's response to the Bennett information contained in the summer, 1972 memoranda.

2. Documents

Any and all reports of contacts between [Martin Lukoskie] and Mullen, Bennett, Hunt and anyone else at Mullen & Company from April 30, 1970 to January 1, 1974, including but not limited to logs, records, or memoranda reflecting such contact or the content of that contact. This information was requested during the February 4, 1974 Executive Session of [Martin Lukoskie] along with data reflecting changes in the procedure for maintaining and/or making reports of contacts outside the Agency. 119(c)

3. Miscellaneous

A definitive response to repeated requests for information to confirm or deny any Agency relationship with reporter Bob Woodward. It should be noted that at a time when legislative liaison was advising this Committee that no relationship existed, sworn testimony by [redacted] indicated that there were 46 potential relationships as reflected by the computer that had not been examined. While legislative counsel has again recently advised that no relationship exists, this needs to be checked with 120 [redacted] who is the person examining the raw materials. (b)(3)

remove underscoring of [redacted] (b)(3)

(b)(3)

TSD SUPPORT OF HUNT

1. Interviews

a. [redacted] -- TSD technician who developed the photographs for Hunt and blew up a particular photograph for [Krueger]. Determination needed as to what was done with blow-up and whether it was used subsequently for briefing others at CIA. 120(a) (b)(3)

b. [redacted] -- TSD technician who purchased the Uher 5000 tape recorder and equipped it for Hunt's purposes. (b)(3)

c. Executive Assistant to DDP -- Consulted during initial stages of TSD support and relayed the TSD requirement to the DDP.

Documents

a. "Mr. Edward" file -- The file containing all memoranda and other materials relating to the CIA's TSD support of Hunt. This file has been requested, but has not been produced, despite the fact that the file was given to Director Colby after the Watergate break-in. 121

b. All memoranda prepared by [Leo Dunn] or any other CIA employee, regarding the TSD support of Hunt, including but not limited to all internal memoranda concerning the TSD support which is not contained in the "Mr. Edward" file.

PSYCHOLOGICAL PROFILE OF DANIEL ELLSBERG

1. Interviews

a. [Dr. Tietjen] -- Director of Medical Services who supervised and participated in the preparation of both Ellsberg profiles.

b. [John Coffey] DDS -- The immediate supervisor of the Medical Services staff who prepared the psychological profile and who served as liaison between Director Helms and the psychiatric staff.

c. Executive Assistant to DDS -- Knowledgeable with regard to the psychological profile.

2. Documents

a. All information received by the CIA from the FBI or the White House which served as raw data for preparation of both psychological profiles. Testimony has established that this data contained FBI reports of interviews with female associates of Ellsberg, as well as a report of a purported telephone conversation between Ellsberg and another party.[1] The data should establish the extent of the CIA's admitted knowledge of the name of Ellsberg's psychiatrist as well as the CIA's knowledge of the activities of Hunt. 121(

---

[1]Executive Session Testimony of [redacted] March 7, 1974, (transcription not presently available). (b)(3)

b. All documents, reports, or memoranda relating in any way to the psychological profiles, including but not limited to the internal memoranda prepared by [redacted], Dr. Tietjen, and John Coffey regarding the two psychological profiles. Testimony has established that memoranda for the record were written detailing the concerns about Hunt. Director Helms has testified that he has no knowledge of same. (b)(3) 121(6)

c. The so-called "psychological profile file", presently located in the office of the Director of Medical Services, CIA, containing all materials regarding the preparation of the psychological profiles. Note: This file was previously requested, as well as the materials described in parts (a.) and (b.) above. By letter dated March 8, 1974, Director Colby indicated that he would release this information to the oversight committees only. 121(6

TAPES

1. Log maintained by the Office of Security with reference to known tapings of which transcripts are thought to be available. This has been previously requested, but not furnished.

2. All logs, memoranda, or notations reflecting communications into or out of the Office of Security for the time period from June 16, 1972 to June 22, 1972. This information has been requested but it is available to the Senate Armed Services Committee only. Such information is critical to any determination as to the chronology of Watergate notification and related actions. 122

3. Access to the five inch reel of tape labeled, "McCord Incident/ 18-19 June 1972," which was found in the Office of Security on March 1, 1974. It is not known what is contained in this tape, but its importance is obvious. 123

MISCELLANEOUS

1. Access to the special Watergate file formerly maintained in the Office of Security. This file was requested as early as mid-January, 1974, and its existence at that time was denied by legislative liaison. Sworn testimony has since confirmed existence of such a file, now under control of the Inspector General. 123(a

2. Any and all CIA files relating to the activities of E. Howard Hunt. This was requested in January of 1974, and was ignored by the Agency. We are aware of at least an executive registry file in which information on Hunt was placed in 1971 and suggest that this would be a good starting point for compliance with this request.

3. Any and all CIA files relating to G. Gordon Liddy during the time frame of January, 1970, to the present. When this request was made in January of 1974, the staff was advised that CIA information on Liddy was limited to sensitive briefings, the subject matter of which was beyond the purview of this Committee.[2] Files relative to these briefings need to be examined, particularly in light of the time period of same, i.e., August and September, 1971.

4. Any and all CIA files pertaining to Attorney [redacted] and/or his law firm from the period from January, 1971 to the present. [redacted] (b)(3)

[redacted][3] Contact reports and memoranda must be reviewed in the raw before a determination can be made as to the impact of the aforementioned facts.

5. Office calendars for Director Helms, General Cushman, and the Deputy Director of Plans for the time frame from January of 1971 through June of 1973. These calendars have been previously requested and are critical to a thorough investigative analysis of knowledge available to these respective officials at the critical times. These calendars have not been made available to this staff for review.

6. All records pertaining to Agency financing of Egil Krogh's activities, as evidenced by sworn testimony before this Committee. Also, interviews of superiors of [redacted][4] (b)(3)

---

[2] See CIA's response to this inquiry regarding Liddy, Supplemental Materials, Volume II, Tab 13.

[3] See CIA's response to this inquiry regarding [redacted] CIA Supplemental Materials, Volume II, Tab 14; Volume IV (CIA Memorandum, June 28, 1973).

[4] See Executive Session Testimony of [redacted] March 2, 1974, (b)(3) (transcription not presently available).

7. Interviews of [redacted] (former outplacement director), John Caswell, [redacted] (b)(3) (b)(3) all of whom were either in the employ or were former employees of the Agency at the time they discussed Hunt operation activities (including entry operations) during 1971 and 1972.

8. A review of all CIA activities (regardless of nature or degree of support) in Mexico during the calendar year, 1971-1972. This information, which is relevant to an objective assessment of CIA's post-Watergate posture and pre-Watergate potential involvement, has been requested (to an extent consistent with national security) since February 1, 1974.[5] 12B(a)

9. The "Pennington File," which was previously requested and made available only to the House Armed Services Oversight Committee. This file contains memoranda and other documents dealing with the activities of the CIA operative, Pennington, who was alleged to have participated in the burning of documents in the McCord home after the Watergate break-in. This file also contains data regarding the "domestic activities" of Pennington, and the CIA has made it known that there are "gaps" in this file during certain relevant time periods.

10. At the conclusion of his Executive Session on Friday, March 8, 1974, Ambassador Helms testified concerning an individual in a peculiar position to know the activities of both the Agency and the FBI. While Helms knew of no Watergate information in this individual's position, other evidence suggests the contrary. Consideration should be given to interviewing this individual who has already commenced preparation of a Watergate-related memorandum in response to a previous request by the staff.[6] 12B(b)

---

[5]The CIA, through its legislative liaison, has confirmed that Mexico is an "important country" to the CIA, but has refused to provide any other information regarding CIA Mexican activities during the 1971-72 time period. 12C 13

[6]See CIA Supplemental Material, Volume II, Tab 18.

11. Michael Mastrovito of the Secret Service should be interviewed concerning his Agency communications on June 17, 1972. Agency documents indicate that Mastrovito agreed to downplay McCord's Agency employment; that Mastrovito was being pressured for information by a Democratic state chairman; and that Mastrovito was advised by the CIA that the Agency was concerned with McCord's emotional stability prior to his retirement.[7]

---

[7] See CIA cable traffic shortly after the Watergate break-in, CIA Supplemental Material, Volume VI.