

Foreword

The basic issues presented by the report of Senator Baker and his staff are those of possible CIA implication in the Watergate and Fielding break-ins and the subsequent cover-ups. These issues are presented in the form of unresolved questions that leave the reader with the inference that in some way CIA at least had prior knowledge of, and possibly participated in, the various break-in plans and was similarly involved in the cover-up.

The genesis of the investigation of CIA, carried on by Senator Baker independently of the Senate Select Committee, is set out in the Background section of his report. Apparently of primary importance was a speech by President Nixon on 22 May 1973, in which the question of CIA involvement was raised. It is now possible to put those statements in perspective by comparing them with the record of the discussion between President Nixon and Robert Haldeman on 23 June 1972, when they planned their unsuccessful effort to involve CIA in the cover-up. The relevant portions of that conversation are quoted below. The Background section of the Baker Report also cited newspaper stories that attracted the interest of the investigators and noted questions that arose in the minds of the Baker staff about the relationship of CIA with the public relations firm of Robert Mullen & Company, which provided operational cover for CIA operatives overseas.

It should now be apparent by all objective standards that CIA had no prior knowledge of the break-ins and did not participate in the cover-up that later was attempted by key public figures. Some key points are noted in this Foreword as considerations to be kept in mind while reviewing more detailed comments on the Baker Report.

(1) The conversations between President Nixon and Mr. Haldeman of 23 June 1972 constituted a review of what could be done to contain the crime to those immediately involved and to conceal the connection of the burglars with the Administration. CIA's name was invoked in a discussion of the possibility of involving the Agency in the cover-up:

Haldeman: that the way to handle this now is for us to have Walters call Pat Gray and just say, "stay to hell out of this -- this ah, business here; we don't want you to go any further on it." That's not an unusual development, and ah, that would take care of it.

.....

President Nixon: When you get in -- when you get in (unintelligible) people, say, "look the problem is that this will open the whole, the Bay of Pigs thing, and the president just feels that ah, without going into the details -- don't, don't lie to them to the extent to say there is no involvement, but just say this is a comedy

of errors, without getting into it, the president believes that it is going to open the whole Bay of Pigs thing up again. And, ah, because these people are plugging for (unintelligible) and that they should call the FBI in and (unintelligible) don't go any further into this case period. (Inaudible) our case....

It apparently was this conversation that led to the meeting that same day at the White House between Messrs. Haldeman and Ehrlichman and DCI Helms and DDCI Walters, at which CIA was asked to have the FBI call off its investigation. It makes it quite clear that CIA had no prior knowledge of the subject matter -- Watergate. Otherwise the conversation would have been quite different.

(2) In his testimony before the Senate Select Committee, John Dean described a conversation between John Ehrlichman and himself in early 1973, in which Dean reported the nature of documents delivered by CIA to the Department of Justice relating to CIA's association with Hunt in the summer of 1971. This material included copies of photographs that are now known to have been taken by Hunt at Dr. Fielding's office in August 1971. According to Dean, Ehrlichman requested him to try to have CIA retrieve the papers from the Department of Justice to prevent their leading to an investigation that would open up the fact of the Fielding break-in, which was not yet known in the

context of the Watergate affair. From other testimony, it is known that on 9 February 1973 Dean phoned DCI Schlesinger so requesting, a gambit that was rejected by the Agency. Dean, in reporting to President Nixon on this on 17 March 1973, described the photographs as showing Liddy in front of Dr. Fielding's office. He said:

CIA has not put this together, and they don't know what it all means right now. But it wouldn't take a very sharp investigator very long because you've got pictures in the CIA files that they had to turn over to (unintelligible).

(3) In sworn testimony on a number of occasions, Howard Hunt, when asked if CIA knew what he was up to, replied that he told no one and, indeed, went to great lengths to prevent CIA from having any knowledge of his activities. Following is one of the exchanges:

Q. Did you tell anybody at the CIA what was the purpose for this equipment?

A. No.

(4) Charles Colson, who was the source of continuing rumors about CIA involvement subsequent to the issuance of the Baker Report, testified before the CIA Oversight Subcommittee of the Senate Appropriations Committee on 19 June 1973, after he had resigned from the White House staff and lost his inside access to developments. After

disavowing any personal knowledge about CIA involvement, the following exchange occurred:

Senator Young: Your testimony would seem to indicate that your knowledge of the CIA involvement is mostly hearsay, then?

Mr. Colson: Yes, sir.

The Baker Report was issued on 2 July 1974. Already, key figures in the Watergate and Fielding break-ins had confessed fully without implicating CIA. Some of these involved in the cover-up had also told their story, without implicating CIA. The subsequent dramatic revelations would seem to have completed the search for the guilty, destroying the premise on which the Baker Report based its challenge of CIA's account of events. However, the subsequent republication of the Baker Report in the Congressional Record, and further statements relating its findings to the current allegations against CIA, suggests the relevance of an analysis of it.

BENNET AND THE MULLEN FIRM

Issue No. 1: Did CIA Ask Mullen to Hire Hunt?

The Baker Report states: "Hunt left the CIA in 1970 and joined Mullen and Company with what founder Robert Mullen understood to be Director Helms' blessing. Hunt's covert security clearance was extended by the CIA, he was witting of the Mullen cover, 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)." In footnotes on this passage the Baker Report cites documentary evidence provided by CIA as well as oral testimony of Mr. Bennet, Mr. Mullen, and the former CIA Deputy Director for Plans.

Agency Comment:

The above passage of the Baker Report conveys an impression not warranted by the facts. Although it is correct to state that the Agency did make an effort to assist Mr. Hunt in finding non-CIA employment, there is no record of any influence being brought to bear by CIA for Mr. Mullen to employ Hunt. Mr. Mullen did know that Mr. Helms had written to one or more firms recommending Mr. Hunt. Mr. Mullen's own testimony, however, says that it was Mr. Mullen himself who hired Mr. Hunt: "And no, I cannot say that the Agency leaned on me in any way to hire him. I am the one who did it."¹

There were meetings between Mr. Hunt and two Agency officials, at Hunt's initiative. At one of these he related reservations of the Mullen firm on its relationships with CIA. At the other he made an operational proposal that was not accepted. All official discussions of cover arrangements with the Mullen firm, however, were not with Mr. Hunt, but with Mr. Mullen and then Mr. Bennet, the man who actually succeeded Mr. Mullen as president of the firm.²

Issue No. 2: Did the Agency Have Prior Knowledge of Bennett's Assistance to Hunt?

The Baker Report states: "Bennet'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: Bennet suggested and coordinated the DeMotte interview regarding Chappaquidick; Bennett coordinated the release of Dita Beard's statement from Denver, after contacting Beard's attorneys at the suggestion of a Hughes executive; Bennett suggested that Greenspun's safe contained information of interest to both Hughes and the CRP; Bennett asked for and received from Hunt a price estimate for bugging Clifford Irving for Hughes, Bennet 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. Bennett received a scrambler from Hughes personnel for use on Mullen telephones; Bennett and Liddy set up dummy

committees as a conduit for Hughes campaign contributions; and Bennet served as the point of contact between Hunt and Liddy during the two weeks following the Watergate break-in. 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." The footnotes to this paragraph in the Baker Report cite testimony of Mr. Hunt, Mr. Bennett, "Staff Interview of Thomas J. Gregory," "Staff Interview of Linda Jones," and "Summarized Highlights of Linda Jones interview."

Agency Comment:

This recitation is phrased to suggest CIA involvement in, or advance knowledge of, Mr. Bennett's activities and Hunt's.

Bennett and Hunt have both testified unequivocally about whether CIA knew what Hunt was doing. Hunt's testimony has been quoted in part in the Foreword to this paper. Mr. Bennett's testimony before the Senate Select Committee, as follows, is pertinent to the question:

Mr. Thompson: Did you have any contact at all with any case officer or anyone else representing CIA during this period of time when you were aware of Hunt's activities according to what he told you?

Mr. Bennett: No, only the normal contact that I have described with [the case officer] But this never came up.

.....

Mr. Bennett: ...I think I ought to be asked somewhere along the line who asked for Howard Hunt to go to work for the White House. And nobody asked me that. And the answer is Colson.

And who did Hunt work for? And nobody asked me that. And the answer is, to the best of my knowledge, Colson.

It should be noted specially, in the context of this question, that the various activities of Mr. Bennett, cited in the Report, are revealed in the testimony available to Senator Baker and his staff as having arisen from a relationship between Mr. Bennett and Mr. Charles Colson of the White House.³ The Mullen Company is considered a Republican public relations firm, and Mr. Bennett had his own reasons for being responsive to White House initiatives, as distinguished from dealing with CIA in other areas of activity.⁴

Issue No. 3: What Did Bennett Tell CIA, and When?

The Baker Report states: "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 and carried to Director Helms on or before July 14, 1972, in this form because of the sensitivity of the information. 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 the Agency's relationship with the Mullen and Company in the course of the DNC lawsuit. He agreed to check with the CIA prior to contacting Williams. 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." Footnotes to this passage in the Baker Report cite the 10 July 1972 memorandum for the record by the Mullen firm case officer, a "Hobart Taylor Interview Report, dated February 11, 1974, a "Robert F. Bennett, Memorandum for Record, dated January 18, 1973," and oral testimony of Robert F. Bennett and the Mullen firm case officer.

Agency Comment:

The factual recitation is mainly about Bennett, while the implication has to do with CIA. The 10 July 1972 handwritten report of the case officer does not say what the Baker Report cites it as saying. It did not say that "He (Bennett) agreed to check with CIA prior to contacting Williams." It merely reports Bennett's unilateral statement that he would do so; the record of all subsequent contacts with Bennett -- copies of which have been made available to the Baker staff -- report no such exchanges.

If, in fact, Mr. Bennett did carry on some "back door" relationship with Mr. Williams, as is alleged in the Baker Report, it was at his own personal and uncoordinated initiative, and he has so testified. This testimony was available to Senator Baker and his staff, and the story seems fairly straightforward, given the circumstances. The subject was a civil suit, in which an individual -- Bennett -- wished to avoid being involved, with the attendant harmful publicity. It is implicit in the reported statements that he wished to avoid having a classified operational relationship (cover of CIA employees overseas) subjected to dramatic publicity.⁵ It is therefore clear that no sinister connotation should be attached to Mr. Bennett's offer to keep CIA informed of his attempt to contact Mr. Williams.

Because the Baker Report has so selectively represented the contents of the handwritten report, the relevant portion is repeated below:

"Mr. Bennett related that he has now established a 'back door entry' to the Edward Bennett Williams law firm which is representing the Democratic Party in its law suit for damages resulting from the Watergate incident. Mr. Bennett is prepared to go this route to kill off any revelation by Ed Williams of Agency associations with the Mullen firm if such a development seems likely. He said that he would, of course, check with CIA before contacting Mr. Williams for this purpose."

Issue No. 4: Why Did CIA Pay One-Half of Mr. Bennett's Attorney Fee?

The Baker Report states: "The CIA has acknowledged paying one-half of Bennett's attorney fee for his Grand Jury appearance." A footnote at this point cites "CIA Memorandum,

undated, Subject: Wrap-up of Agency's Association with Robert R. Mullen and Company."

Agency Comment:

The Baker Report cites this payment without recording the Agency's reason for it. The document cited by the Baker Report here reports not only the payment but also the justification therefor:

Mr. Bennett, in anticipation of a Grand Jury appearance, secured the services of a Washington law firm. In view of his representations that he could not have handled the questions concerning the Agency adequately without the advice of counsel, the Agency reimbursed him for one-half of the attorney's fee. The reimbursement was \$440.

Issue No. 5: Did the "WH Flap" Have Any Relevance to Watergate?

The Baker Report states: "The aforementioned July 10 report contains mysterious reference to a 'WH flap'. The report states that if the Mullen cover is terminated, the Watergate could not be used as an excuse. It suggests that the Agency might have to level with Mullen about the 'WH flap'. 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. The Agency advises that the 'WH flap' has reference to a [deletion at Agency request] that threatened to compromise Western Hemisphere

operations, but has not explained sufficient reason to withhold such information from Mullen nor explain the significance of same to Watergate developments. This Agency explanation is 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. The Mullen case officer testified that the flap concerned cover. Bennett, who thought the reference concerned a 'White House flap,' did advise of information received from the European cover that a [compromise] adversely affected a former Mullen cover [deleted at the Agency request]." Footnotes to this passage of the Baker Report cite several documents provided by the CIA as well as oral testimony of the Mullen firm case officer, the former Deputy Director of Plans, the Former Assistant Deputy Director for Plans, and Robert F. Bennett.

Agency Comment:

The confusion of the phrase "White House flap" seems to have been introduced into the record in the questioning of Mr. Bennett by Mr. Thompson. Mr. Bennett was unfamiliar with the phrase or its significance when first raised by Mr. Thompson. The Baker Report has elected to continue that confusion despite the fact that a thorough explanation has been provided the Committee by CIA.

The initial question arose from the use of the phrase "WH Flap," in documents furnished the Senate Select Committee by CIA. The letters "WH" referred to the CIA Western Hemisphere Division, and the "flap" referred to a disaffected Agency officer, whose resignation from CIA had preceded the Watergate incident by several years. This officer had been reported associating with foreign intelligence organizations, and there was concern over his exposing various overseas operations of CIA. Mr. Bennett did not know the whole story, and there was no controlling reason for briefing him on it, involving as it did operational and security matters that far exceeded his limited association with CIA, the cover service provided by the Mullen firm being only one of the endangered operational relationships. It was decided to withdraw overseas agents under Mullen Company cover, which was explained to Mr. Bennet on the grounds of Watergate.

The evidence seen as "conflicting" in the Baker Report is in fact consistent. There was "no unique effect on Mullen's cover," for there were other cover arrangements as well, affected by the affair, as well as on-going operations in a number of places.

As noted, the essential details of this were provided the Baker staff. Subsequent to release of the Baker Report, the story of the disaffected officer, one Philip Agee, has become public knowledge, with considerable detail. This should put this aspect of the matter to rest.

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PENNINGTON

Issue No. 1: Did CIA Conduct an In-house Investigation Immediately Following the Watergate Break-in?

The Baker Report states: "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." In a footnote at this point, the Baker Report refers to testimony of two members of the Office of Security.

Agency Comment:

The Baker Report is in error here. There was no "vigorous in-house investigation" in the CIA "starting almost immediately after the break-in." In fact, former DCI Helms testified at some length before the Committee on why no such investigation was undertaken in CIA.

It is possible that the Baker subcommittee or staff may have been misled by some of the statements in the testimony of Office of Security personnel. The Office of Security was actively engaged in responding to urgent requests from the FBI for name traces and other information because of the involvement in the Watergate break-in of former employees. The testimony cited in the footnote mentioned above refers specifically to this activity in the Office of Security, to the obvious interest of the

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"seventh floor," and to the testimony of a third member of the Office of Security that brings out the fact that it was unusual for the Office of Security to have to clear all its responses to FBI requests for information with the office of the Agency's Executive Director. Nonetheless, none of this testimony or other evidence would support a conclusion that there was at that time a vigorous or extensive investigation of possible CIA involvement in Watergate as distinguished from the responsibility of the Office of Security to respond to FBI requests.

The testimony of one of the two Office of Security employees stated:

The Monday after the break-in and the arrest, all hell broke loose in our office -- I don't mean any specific staff, which was headed by (General Gaynor) but the entire office of security. Everyone was trying to find out what happened and to what degree, if any, there was any involvement. And I am pleased to state right now that I have never found any. Everyone was checking names. A name would appear on the radio or in the press. And I know on one occasion I called out a name, and they said "You are the fifth person that called to see if we have a record of this person." It was a panic situation, instead of a brushfire, it was an inferno. And everyone who felt that their charter said, you should be doing something about it there was doing it. (pg. 5)

The testimony of the other includes:

It began that Monday morning which I guess was the 19th of June, and it was to assemble data beginning with memoranda that went out to the Federal Bureau of Investigation over the signature of the Director of Security. It continued very much in the same vein, just a matter of assembling information, replying to inquiries that we received either from the FBI or from the seventh floor, from Mr. Colby when he was Executive Director, Comptroller, or up to the present time, now that he is the Director. (pg. 2)

D20-3

With regard to testimony of former DCI Helms on the reasons an internal investigation was not initiated following the break-in, following are some excerpts from his extensive discussion of this topic in his testimony on 8 March 1974:

Senator Baker spoke to me ... about why an intensive investigation had not taken place in the Agency. And my explanation then was what is my explanation now, and that the Agency wasn't involved in Watergate. I was sure of this, and therefore, I hadn't gone down, you know, in the depths to find out any more about it. My preoccupation, as Director of the Agency, was to try and see that the Agency didn't get involved in something in which it was not involved, and didn't get entangled in it, and this was my preoccupation. (ppg. 85-86)

If there had been a question of using individuals to break and enter the headquarters of the Democratic National Committee, no one in the Agency would have undertaken anything like that without my personal authorization. I knew that nobody had been to see me about anything like that. I couldn't understand at the time what had happened, why it happened, or what was behind it. I would have had absolutely no motive in the world for wanting to do such a thing or undertake it under any pressure or anything else. (pg. 132)

Since nobody had ever approached me about my such operation and since I was totally unaware of this operation, since these people involved, at least McCord and Hunt had been retired for a couple of years, my initial inquiries, you know, from my Deputy and others, where did you ever hear about his, has anybody got any ideas about it and so forth, at least among those people who would have to know to authorize it in the first place. I knew that the Agency was not involved in the break-in, so I didn't have to go all through the Agency.

Now, let's be careful about semantics again. An organization in the Federal Government sometimes is large. The CIA is quite large. That is not to say that I knew what every human being employed by the CIA was doing, but for the "Agency" in quotes, to be involved in this kind of thing, there were certain individuals who would have to be aware to involve the Agency. Otherwise it would be the caper of some individual on their own personal recognizance.

D20-A

So, after I made the initial inquiries among the people that logically would have had to do with something of this kind, it would seem to me that that would be all that was necessary. (pgs. 133-134)

Issue No. 2: Was there anything unusual about the Procedures Followed by CIA in the Investigation it Commenced in October 1972?

The Baker Report states: "In November and December of 1972, (Executive Officer to Director of Security) was specially assigned to then Executive Director/Comptroller Colby to conduct a very secretive investigation of several Watergate-related matters. (Executive Officer to Director of Security) was instructed to keep no copies of his findings and to make no records. He did his own typing and utilized no secretaries." A footnote at this point refers to testimony of Executive Officer to Director of Security.

Agency Comment:

In early October 1972 the then CIA Deputy General Counsel met with Principal Assistant United States Attorney Sibert and others, at Silbert's request. They were interested in testimony on the question of whether the Watergate defendants had been acting on orders from higher authority. They also asked a number of questions for Agency response, which involved primarily the CIA/TSD support of Mr. Hunt and Mr. Liddy in late July and in August 1971, also covering relations with the Mullen firm. Martinez, etc. The DCI assigned Mr. Colby the responsibility for assembling and

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supplying the information to the Attorney General. In order to assist Mr. Colby in this task, the Executive Officer to the Director of Security was detailed to Mr. Colby's office. The work of Mr. Colby and this employee, characterized as "secretive," was secretive only in the sense that it was not given internal or external publicity, continuing, in effect, the compartmentalization in CIA which is standard procedure. The limited dissemination of information within the Agency did not affect the prompt passage of appropriate information by CIA to proper authorities outside the Agency. Similar procedures were observed in May 1973 when the Agency first became aware that there was a connection between the matter of the Ellsberg profile and the break-in of the office of Dr. Fielding.

Another reason for the procedures characterized by the Baker Report as "secretive" was that senior Agency officials wished to insure that the information was confined to the top levels of the FBI and the Department of Justice. As explained by former DCI Helms in his testimony on 8 March 1974, Mr. Helms stated:

Because for the first time in my memory there were definite leaks out of the Alexandria office of the FBI after the Watergate break-in, and it struck me that there was no need to get people from the Agency who were on active duty involved with the agents at the field office. So I wanted to make it clear that if anyone wanted to talk

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to either of these gentlemen then it should be somebody from Mr. Gray's office to talk to them. In other words, I wanted it at a level where it wasn't going to leak.
(pg. 107)

Issue No. 3: Did CIA fail to Act on Information of Actions by Lee Pennington at the McCord home, and were Documents Destroyed there which "which might show a link between McCord and CIA."

The Baker Report states: "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 was furnished to this Committee." A footnote at this point refers to the Director of Security's memorandum of 22 February 1974 for the DCI.

Agency Comment:

Information was available within CIA in late June 1972, after the event, that papers were destroyed at the McCord home and that Pennington was present. That information should have been made available promptly within the Agency and to proper authorities outside the Agency. The fact is, however, that senior Agency officials did not become aware of this

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information themselves until 22 February 1974, and that when they did become aware of it they made it available to proper authorities immediately. The circumstances of this were related in full to the Committee and Baker staff.

The Agency has not been given an opportunity to review the testimony of either Mr. Gaynor or Mr. Pennington on this matter, nor has it had access to other relevant information in the possession of the Committee. To this date it does not have knowledge of what papers were destroyed. Additionally, the Agency has no information whatever indicating that any CIA employee directed or encouraged Pennington to visit the McCord residence or had any prior knowledge that Pennington intended to do so; all indications are that such was not the case.

Employees of the Office of Security did err in June 1972 when information that they had about the incident at the McCord home was not reported within CIA immediately nor to the FBI. The error was compounded when, in August 1972, the FBI requested information about a "Pennington" who was described as possibly having been a former CIA supervisor of McCord. An Office of Security employee passed to the FBI representative information about a Cecil Pennington who, although a CIA employee in the Office of Security, was never McCord's supervisor and not the person in whom the FBI was interested at the time.⁶ Lee Pennington was never a staff employee of CIA, nor a supervisor of McCord's.

D20-8

There has been detailed testimony on the relationship between CIA and McCord, and there is no indication that any papers that may have been destroyed would show any unrevealed "link between McCord and CIA."

D20-9

TAPES

The Baker Report presents two statements, emphasized by underscoring, in the discussion of Agency handling of tape recordings of conversations. They are as follows:

"Shortly before Director Helms left office, and approximately one week after Senator Mansfield's letter requesting that evidentiary materials be retained, Helms ordered that the tapes be destroyed."

.....

"The evidence indicates that among those telephone transcripts were conversations with the President, Haldeman, Ehrlichman and other White House officials." This underscored statement was followed directly by the following: "Helms and Director Helms' secretary have testified that such conversations were non-Watergate related. 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." Footnotes refer to testimony by Mr. Helms and his secretary.

Agency Comment:

Thy import of the passage is that the tapes were destroyed because they were Watergate-related, rather than because they were not Watergate-related. Available evidence is recounted here, for consideration in the light of subsequent developments.

D20-10

Mr. Helms stated that he received Senator Mansfield's letter, had it "very much in mind," had instructed his secretary to save any Watergate-related materials, had circulated the letter in the Agency, and had issued a directive in the Agency concerning Senator Mansfield's request. Following is an excerpt from Mr. Helms' testimony on this matter:

Senator Baker. "You were acutely aware of the vulnerability of the CIA vis-a-vis Watergate, I take it? You have already said you were trying to put distance between the Agency and Watergate?"

Ambassador Helms. "Yes, sir. Senator Baker, I even had a letter from Senator Mansfield, who is a Senator I greatly respect and has been extraordinarily fair and decent with me over the years, and I would have never done anything to go counter to his wishes if I was aware of what his wishes were. And I had gotten a letter from him talking about papers and things related to Watergate, that they should not be destroyed, and I had that very much on my mind. You still have the Cushman-Hunt conversation which was not destroyed. I was very conscious of that, and I was careful about this, of destroying anything that had to do with Watergate." (pg. 33)

Senator Baker. "Did you in fact order Mrs. Dunlevy to destroy all tapes and transcriptions?"

Ambassador Helms. "Well, she came to me and said, we have got, we have got to do something about the tapes and the transcriptions and so forth. And I said well -- and I remember -- this was very shortly after the Mansfield letter had come, it wasn't that long before, so I said, I want to be sure that we don't do anything that is going to run afoul of Senator Mansfield's request."

Senator Baker. "Did you tell Mrs. Dunlevy to destroy all tapes and transcripts?"

Ambassador Helms. "I authorized her to destroy all of them except anything that had to do with Watergate. That's how the Cushman tape was kept. Is there something that runs counter to this?" (pg. 36)

D50-12

Senator Ervin. "I want to ask Mr. Helms a few questions. Now, as I understand your testimony, after you received the letters, the letter from Senator Mansfield asking you not to destroy any records that might have had any relationship to the Watergate affair, you talked -- is it Mrs. Dunlevy?"

Ambassador Helms. "Yes."

Senator Ervin. "Was she your secretary?"

Ambassador Helms. "Yes, she was."

Senator Ervin. "And when you talked to her, you told her to destroy the records that you thought had no value, but not to destroy anything that related to Watergate?"

Ambassador Helms. "Yes, She was clear about this. This letter had arrived in the office, I had circulated it in the Agency, and I want to say again, because I mean this, that I have known Senator Mansfield for a long time. He has always dealt very fairly with me, sometimes in some perplexing situations, and when I got a letter from him, which was the only letter I had ever had, as I recall, I obviously was on my toes about it and was conscious of what the letter said. And I want you to realize that I regret to this day, obviously, that in that same time frame my successor was confirmed, and therefore, I was tidying up, and I simply went about the tidying up job that I would have done under any circumstances, but I had had Senator Mansfield's letter, and I realized that since I gave these instructions within that time frame, and a week or ten days, or two weeks later, which is what it was that makes it look bad, but I promise you, Senator Ervin, that there was no intention because I know what was in those papers, I knew the people that I had had in my office and so forth. These had to do with intelligence matters." (pgs. 45-47)

The testimony of Mr. Helm's secretary (pg. 32) in response to a question by Mr. Thompson is direct and to the point. He asked if there were "any matters in any of those conversations which directly or indirectly pertained to what is commonly referred to as the Watergate situation." Her reply was "Not that I ever heard or typed."

D20-12

The Baker Report blurs the fact that there are two separate procedures for recording conversations, one having to do with telephone conversations and one for conversations occurring in certain executive offices. As testified, it was not customary to transcribe telephone conversations in full, it being more usual to make excerpts for the purpose of insuring that specific actions were based on a specific record of what was said. If recording of telephone conversations were made, the tapes were not retained, but were used over and over until worn out; such transcribed notes as were excerpted from the tapes before they were reused were seldom retained. There were only a handful of full transcriptions of recorded telephone conversations, and they were not Watergate-related. One stenographic excerpt of a telephone conversation between John Ehrlichman and General Cushman on 7 July 1971 had been saved and was turned over to the Committee. But there were no tapes of Watergate-related telephone conversations to save or destroy.

Some conversations, mainly with foreign visitors, were recorded in certain executive suites, and in such instances the tapes were retained. It was these tapes of room conversations that were destroyed and that were the subject of the questioning above.⁷ The distinction between the telephone and room recordings is obscured in the Baker Report, thereby losing the significance of the Agency's description of what was done to provide an answer to the Committee's questions.

D20-13

CIA conducted a review of 740,000 visitor sign-in slips for the period 1 January 1970 through 24 January 1973 to ascertain the persons visiting the Agency who might have discussed Watergate subject matter and to ascertain the places in the Agency visited by any of the individuals identified publicly with "Watergate." The appointment calendars of key Agency officials were checked generally, and against these slips specifically, for such meetings as they might have had with Watergate-related personalities. Logs kept of tape-recorded conversations in those rooms with a recording capability were also carefully checked.⁸ While the results of these checks obviously are limited to either actual verification that such conversations could have occurred, or the negative findings that there is no evidence of such conversations, it does, however, constitute a rather extensive check with a strong likelihood of discovering such conversations if they did, in fact, occur. The findings were negative, producing nothing to contradict the testimony of former Director Helms or his secretary. No individuals have come forward to say that they participated in such conversations, nor has there been any such testimony from all those who have provided evidence on various aspects of the Watergate affair.

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Following are some additional excerpts from the testimony on the subject:

Senator Baker. "There was no prohibition in your office or routine against the recording of Presidential phone calls?"

Ambassador Helms. "I would have been the one who would have to institute it. It wasn't for anyone else to institute it."

Senator Baker. "I understand. Did you institute it?"

Ambassador Helms. "I don't recall it, but I am not going to say I never did. I am only sure that I -- that I never would record anything with President Nixon on Watergate related matters because he never discussed Watergate with me."

Senator Ervin. "You were familiar with your past connection with the tapes and the transcripts that were destroyed?"

Ambassador Helms. "Yes. You see, sir --"

Senator Ervin. "And you also at that time did, such as you could, survey, as time permitted, to reinforce your recollection to the effect that none of them were related to Watergate?"

Ambassador Helms. "Yes, sir. You see, Senator Mansfield's thing was fresh in my memory. That had come in only a few days before, as I recall it, and the circumstances -- let me, if I may, turn this thing around. I never had Mr. Ehrlichman in my office during the period of time after the Watergate to the best of my recollection. I never had Mr. Haldeman there ever, as far as I am aware. I didn't have these other gentlemen in there. Therefore, this question was not one that would have arisen, if you see what I mean. In other words, they weren't in the building ever as far as I am aware..." (pg. 47)

Mr. Thompson. "Do you recall, for example, as you went through the transcripts, your eyes catching any conversations there with regard to the President, for example? I believe we did go over this."

Ambassador Helms. "I want to say again, because I don't want there to be any misunderstanding about it, I don't

recall having recorded any conversation with President Nixon, but I might have. And four years is a rather long time. The only thing I do know is that he never spoke to me about the Watergate anyplace, on the telephone or in private, or anyplace else, and he certainly never telephoned me in this context. And I happen rather to be able to say that in that election year of 1972 I got practically no calls from him at all of any kind, anyplace."

Mr. Thompson. "Would the same thing be true with regard to say Mr. Ehrlichman? I am responding to several statements you made, and what I mean is, is the same thing true with regard to no specific recollection but there could be?"

Ambassador Helms. "(But) I would like to go through these individuals one by one."

Mr. Thompson. "Yes."

Ambassador Helms. "...I do not recall any conversations on the telephone or in the Agency building with Mr. Ehrlichman on any Watergate-related topics. I do not even remember whether after June 17th, 1972, during that period between then and the time I left the Agency, whether I ever talked to him on the telephone again. I sort of have an impression that I did not, that anytime I saw him was on those occasions that I spoke about, or socially, or something of this kind.

"As far as Haldeman is concerned, in that time frame after June 17th, 1972, to the time that I left the Agency, the only conversations that I recall having had with him was after November the 20th, and that was on the November 20th that I was called to Camp David by the President and told that I was going to be leaving as Director. Subsequently to that I had at least two, and maybe three or four telephone conversations because I am just not precise about this, with Mr. Haldeman. (And) He called me one day to tell me that the President very much wanted me to go as his ambassador to Iran, and we had discussed that earlier, and this was to encourage me to accept the position rather than saying do you want it or not want it.

"I also recall talking to him from Florida one day about when the announcement of my being made ambassador and my leaving the Agency was going to be made.

"I also remember talking to Ron Ziegler about the same thing. Now, whether this took place in one conversation or a couple of conversations I don't know. But, they were confined to the subject matter that I have identified, and had nothing to do with the Watergate."

Mr. Thompson. "All right. So, it would be correct to say then, if, in fact, there were such transcriptions, they would not have anything to do with Watergate?"

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Ambassador Helms. "Yes, sir. That is correct." (pgs. 66-68)

HUNT-TSD SUPPORT-ELLSBERG PROFILE

Issue: Did CIA Have Advance Knowledge of the Break-in of Dr. Fielding's Office?

In the first paragraph of the section under the heading noted above, the Baker Report states: "In light of the facts and circumstances developed through the documents and conflicting testimony of CIA personnel adduced by the Committee, which are summarized below, the question arises as to whether CIA had advance knowledge of the Fielding break-in." In this nine-page section of the Baker Report, there are numerous references to documents provided by CIA and to testimony given orally by current and former employees of CIA.

Agency Comment:

There is no evidence in the Baker Report or elsewhere to support a suspicion of prior knowledge on the part of CIA about the Fielding break-in. In fact, the issue is raised in the face of positive evidence to the contrary.

Those who were associated in one way or another with the support given Hunt in the summer of 1971, or with the Ellsberg profiles, have stated that they did not know of the Fielding break-in until it was publicized at the Ellsberg trial a year and a half later.⁹ News of the Fielding break-in was first published in the press on 30 April 1973, based on reports in connection with the Ellsberg trial. On 4 May 1973 the Agency had its first official notice of the incident, when attorneys

at the Department of Justice showed Howard Hunt's testimony before the Grand Jury to the CIA General Counsel and his Deputy. Materials already provided the Department of Justice in October and December 1972, relating to the support to Hunt by the Agency's Technical Services Division (TSD) in 1971, were prepared for submission to the Court in California (to include copies of photographs taken by Hunt in 1971 and delivered to the Department of Justice on 3 January 1973).

Independently, and as a result of the publicity, the Agency psychiatrists had recognized the probable relationship between the Fielding burglary and the Ellsberg profiles. They raised the question with the Director of Medical Services on 1 May 1973,¹⁰ which led to a review of the 1971 activity for the purpose of reporting the matter to management (the new DCI, DDCI, and Deputy Director for Management and Services were unaware of the profiles). As the profiles had not been associated previously in the minds of any CIA employees with the support of Hunt by TSD in 1971, this added a new dimension to the matter. When the psychiatrists reported the matter to him, the CIA Director of Medical Services made an appointment with the Director of Security to complete the review prior to reporting to the DDM&S.

Meanwhile, DCI Schlesinger had been advised by the CIA liaison officer assigned to the Executive Office Building of possible Agency involvement in the Ellsberg profiles (having

deduced it, following the publicity, from his office having been the channel for transmitting materials from Hunt to an Agency psychiatrist) and saw the possible tie to the Fielding break-in. Mr. Schlesinger then assigned the DDM&S to investigate it, which led to a separate inquiry prior to the 4 May meeting at the Department of Justice.

Thus three separate inquiries were started in CIA, soon to become one. On 7 May 1973 the Deputy General Counsel delivered to the Department of Justice documents relating to the profiles, and on 9 May delivered the results of the completed investigation. A number of CIA employees subsequently testified in detail on the subject.

As stated above, a number of CIA employees have testified that they did not know of the Fielding break-in until it appeared in the press. While the CIA psychiatrist who worked on the profiles had met Hunt at the Executive Office Building on 12 August 1971 at a meeting on the profiles, he knew nothing of the TSD support of Hunt and had no reason to attach any particular significance to Hunt's presence at the meeting. Despite Hunt's request that his presence not be mentioned to anyone in the Agency, the psychiatrist did report it to his supervisor, but no particular significance was given the fact and it was not reported to the Office of the Director.¹¹

As stated previously, in addition to the foregoing, Howard Hunt has testified under oath a number of occasions that he kept this information from CIA.¹²

In the face of direct testimony to the contrary, a hypothesis to the effect the the Agency might have known in advance of the Fielding break-in would have to be supported by the following circumstances: (1) those with access to Hunt's photography of Dr. Fielding's office prior to the break-in (the technicians in TSD) would have had to know who Fielding was (they did not) and what his relationship was to Ellsberg (they did not), assuming they even noticed Fielding's name; (2) they would have had to know about the Ellsberg profiles and Hunt's interest in the subject (they knew neither, in fact they did not know who Hunt was, dealing with him as "Mr. Edward" until the contact was terminated). Instead, it was many months afterwards before both sets of activities were known to more than one or two persons -- each having been conducted discretely within separate components of the Agency. The evidence against such a hypothesis is clear and unequivocal.

In addition, there is other illuminating evidence that was available to the Baker staff, that has either been overlooked or, if noted, was omitted from that staff's reconstruction of what happened. John Dean testified on 25 June 1973 before the Senate Select Committee that CIA had delivered to the Department of Justice materials concerning Howard Hunt,

related to the 1971 period. Dean saw this material at Justice and realized that it included copies of photographs taken by Hunt, with Liddy in one of them standing next to the office sign showing Dr. Fielding's name. Dean testified that he discussed this with John Ehrlichman and Egil Krogh, the former asking him to attempt to have CIA retrieve the papers from the Department of Justice to avoid their eventually leading the investigators to the Fielding burglary.¹³ On 9 February 1973 Dean asked DCI Schlesinger to have CIA retrieve the materials from the Justice Department, which CIA declined to do. John Dean's testimony before the Senate Select Committee is corroborated by the transcript of his conversation with President Nixon on 17 March 1973.¹⁴ In that conversation, Dean was reporting on various issues raised by his inquiry. After discussing Segretti, the following exchange took place:

Dean: The other potential problem is Ehrlichman's and this is --

President Nixon: In connection with Hunt?

Dean: In connection with Hunt and Liddy both.

President Nixon: They worked for him?

Dean: They -- these fellows had to be some idiots as we've learned after the fact. They went out and went into Dr. Ellsberg's doctor's office and they had, they were geared up with all this CIA

equipment -- cameras and the like. Well they turned the stuff back in to the CIA some point in time and left film in the camera. CIA has not put this together, and they don't know what it all means right now. But it wouldn't take a very sharp investigator very long because you've got pictures in the CIA files that they had to turn over to (unintelligible).

President Nixon: What in the world -- what in the name of God was Ehrlichman having something (unintelligible) in the Ellsberg (unintelligible)?

Dean: They were trying to -- this was a part of an operation that -- in connection with the Pentagon papers. They were -- the whole thing -- they wanted to get Ellsberg's psychiatric records for some reason. I don't know.

President Nixon: This is the first I ever heard of this. I, I (unintelligible) care about Ellsberg was not our problem.

Dean: That's right.

President Nixon: (Expletive deleted)

Dean: Well, anyway, (unintelligible) it was under an Ehrlichman structure, maybe John didn't ever know. I've never asked him if he knew. I didn't want to know.

President Nixon: I can't see that getting into, into
this hearing.

Dean: Well, look. No. Here's the way it can come up.

President Nixon: Yeah.

Dean: In the CIA's files which they -- which the Com-
mittee is asking for -- the material they turned
over to the Department of Justice.

President Nixon: Yeah.

Dean: There are all the materials relating to Hunt. In
there are these pictures which the CIA developed
and they've got Gordon Liddy standing proud as
punch outside this doctor's office with his name on
it. And (unintelligible) this material it's not
going to take very long for an investigator to go
back and say, well, why would this -- somebody be
at the doctor's office and they'd find out that
there was a break-in at the doctor's office and
then you'd find Liddy on the staff and then you'd
start working it back. I don't think they'll ever
reach that point.

The foregoing treats with the central issue. Some of the
secondary points are commented on below:

The Baker Report states that "the CIA has continually
downplayed the extent of the technical support..." that was
provided to Hunt. CIA has not discounted the extent of its

support; to the contrary, it has reported it in detail and has acknowledged its impropriety. The support given Hunt was in keeping with the original request to help in the limited objective of concealing his identity for a White House security interview. Alias documents and disguise, a voice changing device -- or even the request for a secretary -- ^{could} not be related plausibly to a break-in. It was the introduction of a second man and the loan of a camera in the end that indicated he was doing more than he had said and led immediately to the termination of the support. The Agency's reservations about the descriptions of its support have to do with the indiscriminating and dramatic treatment given that support by the press, some of which seems to have been adopted by the Baker Report, in terms of what the support could actually do to help Hunt in the break-in.

There are instances in the Baker Report in which testimony is presented in such a way as to put it in the worst light, when there are more reasonable and accurate interpretations available. One such example is found in the following:

The technician who dealt with Hunt has testified that he received approval for each and every request of Hunt from his supervisory officials at the CIA. 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. 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.

The technician testified in fact that approval was not given each and every request by Hunt; some were turned down. He did assert his understanding that everything he did was approved, although clearly his supervisors were unaware until the last of some of the developments that he felt were in some way covered by his general operating instructions.¹⁵ This presentation in the Baker Report is more a case of confusion from trying to make responses by different persons to different questions fit together, than it is a conflict in testimony. The evidence is absolutely clear, that when a "second man" was given support, as well as Hunt -- which the case officer feels he reported earlier -- along with additional requests (the loan of a camera and request for backstopped mailing and telephone addresses), the reaction was prompt. Although the testimony seems to be cited as tending to show knowledgeable participation by CIA beyond that acknowledged, no note is taken in the Report of the fact that the incident in question, when reported, is the very development that led to the termination of the support to Hunt.

The Baker Report states: "Finally, while previous public CIA testimony claimed that the CIA 'had no contact whatsoever with Mr. Hunt subsequent to 31 August 1971,' recent testimony and secret documents indicate that Hunt had extensive contact with the CIA after that date." The internal quotation in this passage is a verbatim quotation from a memorandum for the

record of Lt. Gen. Walters dated 28 July 1972 on a meeting with the Acting Director of the FBI. Paragraph 3 of that memorandum reads:

3. Aside from the above contact with respect to the recorder, there were contacts with Mr. Hunt with respect to false documents and disguise for himself and associate. He was also loaned a clandestine camera, which was returned. We developed one roll of film for Mr. Hunt, of which we have copies showing some unidentifiable place, possible Rand Corporation. We had had no contact whatsoever with Mr. Hunt subsequent to 31 August 1971.

That statement represented General Walters' understanding at the time. It developed that there were other contacts, and they were reported as they became known. In October 1971, well before the Watergate arrests, Hunt obtained unclassified information on a French security leak in 1954; this was provided because of Hunt's known status as a security consultant with the White House. The name of the officer with whom Hunt dealt was found in Hunt's papers, leading to early discovery of the incident. A request by Hunt in December 1971 for biographic information on a foreign national was accepted and processed, because of his White House status, and the results were forwarded through official channels via the CIA liaison office in the Executive Office Building. This was reported to the Senate Select Committee on 23 July 1973 and again to Senator Baker on 22 January 1974. Further, two senior officers testified in February 1974 about separate contacts with Hunt, at his initiative (one in which Hunt discussed problems in

relationships between the Mullen Company and CIA, and the other in which he proposed an overseas operational activity that was declined). These were not known to General Walters in July 1972, when he made the quoted statement, and may well have not come to his attention even though reported to the various investigating authorities. All this information was available at the time of the preparation and issuance of the Baker Report.

The Baker Report also raises questions about a so-called "Mr. Edward file," making the following statement:

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.

As has been explained in detail to the Baker staff, the "Mr. Edward file" could not be given over because it had long since ceased to exist. In fact, the file was never more than a working folder with a handfull of papers in it, held by the Acting Chief, TSD, and later by the Chief of TSD. It was among the TSD materials that were turned over to Mr. Colby. He separated the papers which had been in that file, for his own reference; copies of these had been provided to the Special Prosecutor and the Senate Select Committee much prior to Senator Baker's request for the "Mr. Edward file." An attempt was made to reconstruct the file, which was delivered to the Baker staff on 21 June 1974 along with a reiteration of the explanation.

RF20-1

HUNT-MARTINEZ-CIA

Issue No. 1: Did CIA Have Knowledge of E. Howard Hunt's Watergate-related Activities Prior to the Publicity on the Break-in in June 1972

The Baker Report states that "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." The Baker Report refers to Martinez' contact with Hunt in 1971 and to Martinez' reporting of this fact to his case officer. He also refers to the exchange of messages between the Miami Chief of Station and CIA headquarters about Hunt in March 1972. The Baker Report states: "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."

Agency Comment:

We believe that a correct and reasonable answer was given to the basic question. The documents and testimony provided the Committee, and cited in the footnotes of this section of the Banker Report, definitely indicate that the Agency was not in any way aware of the nature of Hunt's Watergate-related activities and plans prior to the June 1972 break-in, through Martinez or otherwise. Martinez had met Hunt in 1971 and did mention his name to his case officer, but that name was not familiar to the case officer.

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Consequently, he did not include the name of Hunt in his contact report on that meeting with Martinez. Later, in November 1971, in a meeting with both the case officer and the Chief of Station, Martinez mentioned Hunt again. The Chief of Station knew the name, and it appears in the memorandum of 19 November 1971, cited in footnotes 3 and 4 of this part of the Baker Report. That memorandum set out the following description of the exchange:

Martinez brought up the name of Howard Hunt, a former CIA official who, according to Martinez, presently held the title of Counselor in the White House. Martinez said Hunt had been in Miami on an occasion celebrating an anniversary of the Cuban Brigade and Martinez had been introduced to Hunt at that time. Hunt told Martinez that he was passing through the area on a business deal in Central America. Hunt also told Martinez that he had known Barker in the past. Martinez then told his case officer and the COS that he consistently tried to live his cover of no longer working for CIA and for this reason did not pry into Hunt's affairs.

When Martinez told his case officer several months prior to the 19 November 1971 meeting that a Howard Hunt had been in the area on a business deal the case officer had never heard of Howard Hunt. The case officer did have a name trace conducted utilizing Station indices, with negative results. (Names of staff employees or former staff employees are not available at the Stations.) The case officer assumed that Hunt was of no importance and was only another of Martinez' business friends.

The Miami Chief of Station, testifying later on the subject, gave the following summary of the first meeting, in which Hunt's name was not reported, and the second one recorded above:

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[Martinez' case officer] is a young officer, 32 years of age, and was not in the Agency, nor was he familiar with the name Howard Hunt, the Bay of Pigs and things of that sort, and I guess now ... at that time, in a totally innocuous way, sometime in the summer of 1971 ... [Martinez] mentioned the name of Howard Hunt and said he had been in town. And ... this name didn't mean anything to him, so he just didn't mention it to me, nor did he put it in the report ...

.....

[Martinez said that he had] mentioned some months ago that Mr. Hunt had been in town, and I sort of looked at [the case officer] and I said really? I don't think you told me that? And [the case officer] looked at me and said, gee, I forgot it, I didn't know who the fellow was. And he didn't know who he was at that time either.

The Baker Report notes that in March 1972, Martinez "advised 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." The actual communication from the Chief of Station to Washington, summarized in the Baker Report, was dated 17 March 1972, and covered two subjects. The second of the subjects referred to Martinez' reports of Hunt's being in the Miami area, stating that he was indicating that:

"...he is a White House counselor, trying to create the impression that this could be of importance to his Cuban friends. Could you quietly ascertain for me whether Hunt, in fact, does have such capacity with the White House."

The reply from CIA headquarters, dated 27 March 1972, contained the following statement, advising him:

Pf 26-4

"...not to concern yourself with the travel of Mr. Hunt, and not to nose around regarding his movements where you are. He undoubtedly is on domestic White House business of no interest to us. In essence -- cool it."

The Baker Report characterizes the exchange in somewhat different terms. Further, it does not note that the Committee was provided with a letter of 20 June 1972 prepared by the Miami Chief of Station, which speaks of that March 1972 meeting with Martinez. That letter makes it clear that the Miami Chief of Station was confident that he knew of all CIA activities in the Miami area, including a training activity then being run by a component of the Agency not connected with the Miami Station, and also confident that any other "activities" referred to by Martinez had no connection with CIA. There had been no reason for the Miami Chief of Station to attach any particular importance to Martinez' report.

That the fact of Martinez' contact with Hunt prior to June 1972 would not be considered anything of major significance to CIA headquarters was explained to the Committee staff by former DDP Karamessines. Following is an excerpt from Mr. Karamessines' testimony in which he said the contact of former CIA officer Hunt with Martinez prior to the break-in:

"would not be a thing that would cause any particular commotion anywhere. We've got a lot of alumni of our Agency... . Every so often, one of them will pop up. We just don't take an interest in their work, and we don't encourage them to come to us and ask for our help in their work. We don't provide it."

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Pf 20-5

Issue No. 2: Did the Miami Chief of Station "Deliberately" Omit Hunt's name from a Communications to CIA Headquarters

The Baker Report states: "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." A footnote at this point refers to testimony of "Case Office #2."

Agency Comment:

The 18 June message was sent from Miami to CIA headquarters for the purpose of providing a resume of Martinez' association with the Agency, subsequent to announcement of his arrest in Watergate. The Miami Station was the organizational element of the Agency with the most recent contact with Martinez and such a report from it was appropriate. In the mind of the Miami Chief of Station, there would be nothing to conceal in the message, as the means of communication were classified and directed to the proper supervisory officers. In any event, Hunt's earlier contact with Martinez had been reported to Washington the previous November and this communication was only to provide background on Martinez.¹⁶ Hunt had not then been identified publicly with the Watergate affair, and as stated previously, his involvement was unknown to CIA officers.

Later, after Hunt's name was publicized in connection with Watergate, when the alias "Hamilton" surfaced in connection with the Watergate affair, the Chief of Station in Miami, as he testified, recalled that the name was or might have been

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the same name used by Hunt when he had been employed with the Agency. He immediately reported his suspicions to headquarters and suggested that the matter be checked out.¹⁷

Issue No. 3: Did CIA withhold Information from the FBI Regarding Martinez' Car

The Baker Report states: "Despite conflicting evidence from the FBI and the CIA, 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. The Agency contacted the FBI with this information on June 21, 1972. Our staff has yet to receive a satisfactory explanation regarding the aforementioned time lag and an accounting of Agency actions during the interim." A footnote at "CIA" refers to testimony of the Miami Chief of Station and to "report of Interview of Agent Robert L. Wilson, dated January 11, 1974 at 4" and adds: "A comparison reveals a discrepancy as to the manner in which the FBI was notified and raises questions concerning what the FBI found." A footnote at the end of the second sentence refers to testimony of the Miami Chief of Station and testimony of "Case Officer #2."

Agency Comment:

The statement that CIA learned of the location of Martinez' car on 19 June 1972 is incorrect. This date was indeed provided to the Committee by CIA, having been fixed by mistake at an early date. It was not questioned in the course of the hearings, being mentioned only briefly and imprecisely,¹⁸

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therefore, not being clarified. As the Baker Report has now made an issue of an ostensible delay of one day, CIA has reviewed the documents and events and determined that the date was actually 20 June, and not 19 June. The correct sequence of events follows:

The Agency received its first information about the Martinez car at about 5:30 p.m. on 20 June 1972, when a case officer of the Miami Station was called by a Station informant. This informant gave a description of the car and its location and passed on information to the effect that there might be sensitive documents in the car. The case officer promptly reported this to the Miami Chief of Station, and he in turn promptly reported it by telephone to CIA headquarters. The Miami Chief of Station had received instructions on 18 June that passage of Watergate-related material to the FBI would be handled at the Washington level. The headquarters officers who received the information from the Miami Chief of Station promptly attempted to reach the senior Agency officers who were responsible for handling Watergate-related matters. This was after normal business hours, however, and these senior officers were not immediately available. When they were reached that evening, they promptly decided that the information should be passed to the FBI in Miami as soon as possible. However, they felt it was necessary first to inform DCI Helms. Because of the hour, discussion with Mr. Helms was deferred until 21 June.

Pf 20-8

Meanwhile, the Miami field office of the Office of Security was asked to go to the Miami airport and verify that the car was there. The Office of Security personnel were not able to locate the car, because the description of the car which had been given was not accurate.

When the matter was discussed with Mr. Helms the morning of 21 June, he agreed that the information should be passed to the FBI in Miami immediately. The Miami Chief of Station was then telephoned and told to give the information to the FBI in Miami, which was done. The FBI contacted the Miami Chief of Station several hours later and said they were unable to locate the car. The Miami Chief of Station contacted the Station informant who had provided the original information and obtained from him a new and now correct description of the car. This new information was promptly supplied to the FBI. In the early afternoon of 21 June, the FBI informed the Miami Station Chief that the car had been located.

Rf 20-

ACTION REQUIRED

This section of the Baker Report seems to have been overtaken by events. The alleged involvement of CIA in the break-ins -- either by prior knowledge or actual participation -- has been disproved, and its determined avoidance of subsequent involvement in the cover-up has been clearly demonstrated. The dramatic events that saw the resignation of the President and the prosecution of a number of his personal aides and confidants, as well as a number of minor figures, does more than detailed refutation to answer the original questions that were asked about CIA by the press and others, including the point of departure set out in the Baker Report of the President's statements about possible CIA involvement.

It is our opinion that events have answered all the relevant questions that have been asked, to a far greater degree than might have been imagined when the Baker Report was issued in early July 1974. The preceding comments on that report, in our judgment, treat the issues presented most strongly in the Baker Report. One or two remaining points that the Report presented may warrant additional comment, having been presented as a basis for outlining things yet to be done in support of the search by the Baker staff for CIA implication. They are noted briefly, by reference, below:

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TapesNumber 3

The transcripts of the only relevant Watergate-related material on this tape have been made available to the Committee, and the Committee has been advised that no other relevant data exists on this tape.

MiscellaneousNumber 4; Footnote 3

CIA did not have any contact with Mr. Paul O'Brien after he left its employ in 1952.

Number 6; Footnote 4

As a member of the Cabinet Committee for International Narcotics Control (CCINC), CIA was asked to assist in supporting the foreign travel of the staff of the Executive Secretary who, at that time, was Egil Krogh. Thus, as has been testified to earlier, the only support provided to Mr. Krogh, in his capacity as Executive Secretary of the CCINC, was for the purpose of foreign travel, and the funds were accounted for in the proper manner.

R/20-

Footnotes

1. Senate Select Committee Hearings, Secret testimony of Robert R. Mullen, 5 February 1974, page 9.
2. Senate Select Committee Hearings, Secret testimony of Martin Lukoskie, 4 February 1974, pages 62-75; Secret testimony of Robert F. Bennett, 1 February 1974, page 5.
3. Senate Select Committee Hearings, Secret testimony of Robert F. Bennett: relationship with Colson and White House, pages 68-69, 127; initiative in DeMotte interview, pages 62-65; initiative in Dita Beard activity, taken in relation to Colson, pages 93-94; introduction of Hunt to Las Vegas connection re Greenspun, pages 82-83.
4. Senate Select Committee Hearings, Secret testimony of Robert F. Bennett, 1 February 1974, pages 12, 45.
5. Senate Select Committee Hearings, Secret testimony of Robert F. Bennett, 1 February 1974, pages 14, 28-29, 31, 35-36, 47-48.
6. Senate Select Committee Hearings, Secret testimony of (b)(3)
7. Senate Select Committee Hearings, Secret testimony of Nicholas Popivchak, 6 February 1974, pages 27-28; Secret testimony of Allen Kobliska, 6 February 1974, pages 14-15, 18, 21; Secret testimony of Barbara Pindar, 21 February 1974, page 12.
8. See Footnote 8, Tapes, in "Preliminary CIA Comments on Senator Baker's Revised Staff Report on 'CIA Investigation.'"
9. Senate Select Committee Hearings: Testimony of Richard Helms, Book 8, page 3234; testimony of General Cushman, Book 8, page 3295; Secret testimony of Karl Wagner, 5 March 1974, pages 32-33, 118, 133; Secret testimony of Richard Krueger, 5 February 1974, page 53.