AFFIDAVIT

STATE OF VIRGINIA	•)	
· · · · · · · · · · · · · · · · · · ·)	SS
COUNTY OF FAIRFAX)	

- I, Karl Wagner, being first duly sworn, state:
- 1. I was born on 8 March 1924 in Milwaukee, Wisconsin. After serving as an Army officer in World War II and completing my college education, I joined the Central Intelligence Agency in October 1950.

 I have held the position of Executive Assistant to the Deputy Director of Central Intelligence since November 1969.
- 2. This affidavit is submitted at the request of Mr. William E. Colby to explain the circumstances of my discovery on February 4, 1974 of a file of stenographers' notes among which was the attached note of Miss Barbara Pindar summarizing a telephone conversation between Lt. General Robert E. Cushman, Jr. and Mr. John Ehrlichman on 7 July 1971.
- 3. Director Colby's secretary, Miss Barbara Pindar, came to my office on Monday morning, February 4, 1974. She said that Mr. Colby would like me to go through my files once more to make certain that there were no misplaced transcripts of conversations which had been recorded in the Office of the Deputy Director of Central Intelligence. The recording of visitors' conversations had been done on a very selective basis and this practice was discontinued after General Cushman left CIA in December 1971.

- 4. During the morning of February 4, 1974, I went throughthe papers in my safe in order to determine if any misplaced transcripts of conversations were located there. At the bottom of the second drawer were two folders of material that contained information used for General Walters' orientation briefings after he was appointed Deputy Director of Central Intelligence in March 1972. Under these briefing files I found a brown folder containing ten stenographic notes summarizing General Cushman's telephone conversations with members of the White House staff in 1969, 1970 and 1971. In this folder was a summary of General Cushman's 7 July 1971 conversation with Mr. John Ehrlichman.
- 5. These stenographic notes in this folder included summaries of General Cushman's conversations with Dr. Kissinger on leaks of intelligence reports in the press, and his request for an analytical paper on Cambodia. There were also conversations with other White House officials on intelligence leaks and on requests for name checks of foreigners. The conversations with Dr. Kissinger were on top of the file of ten stenographic notes and one memorandum written by the CIA General Counsel. The note of General Cushman's conversations with Mr. Ehrlichman on 7 July 1971 was included about two thirds of the way down in the file. I had looked at this file in May 1973 when Dr. Schlesinger requested employees to search all files for material which might have been related to Howard Hunt and the Watergate affair. At that time I noted the records of the conversations with Dr. Kissinger and others on matters which were completely unrelated to Watergate. I did not see the single page item on General Cushman's conversation with Mr. Ehrlichman about Howard Hunt, and presumably, inadvertently failed to uncover it when I was paging through these papers.

6. The file of summary notes of General Cushman's telephone conversations was maintained by his secretary. I usually did not see them when they were made because they were chiefly used by the secretaries to clarify questions which might be raised later. In many cases, General Cushman probably did not see them either. In December 1971 Miss Barbara Pindar, General Cushman's secretary, and I reviewed General Cushman's papers after he left CIA to become Marine Commandant. I decided to retain only those papers which related to General Cushman's conversations with members of the White House staff.

KARL WAGNER

Affiant.

SUBSCRIBED and SWORN to before me this 5th day of February, 1974.

Notary Public

My Commission Expires March 15, 1977

(SEAL)

AFFIDAVIT

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*)	ss.
COUNTY OF FAIRFAX	X)	

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