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74-3049/2

OLC 74-0196

5 February 1974

MEMORANDUM FOR THE RECORD

SUBJECT: Select Committee Testimony of 5 February 1974

1. This, the second day of testimony in executive session in room 1418, was again held in the office of the Minority Counsel, Fred D. Thompson; assisting the Minority Counsel were Michael Madigan and Howard Liebengood. Majority Staff Sam Dash and James Hamilton sat in intermittently to monitor the session.

2. Follow ups from previous sessions:

a. I advised Mr. Thompson that Senator Baker should talk to Mr. Colby about the recalling of [redacted] from Saigon to testify before the Committee. Mr. Thompson said he would do this.

(b)(3)

b. Mr. Thompson was provided for Senator Baker, the complete and partially complete transcript of the 7 July meeting between General Cushman and E. Howard Hunt.

c. During the hearing I received a message that Terry Lenzner was still interested in contacting me for the purpose of reviewing the Sensitive Supplement to Volume III. After failing to reach Lenzner early in the morning, I advised James Hamilton of the request and Hamilton said that he had advised Lenzner of the written 1 February 1974 agreement issued by Senator Baker limiting access to members and the senior staff, i. e., Dash and Thompson, unless special arrangements were made with the Chairman and the Vice Chairman of the Committee.

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The witnesses scheduled for testimony today were Richard A. Krueger, Steven Greenwood, Dr. Gottlieb, Thomas Karamessines and Jake Esterline. Around noon I advised Mr. Esterline's office that due to the length of the sessions with previous witnesses, he should not plan on appearing today and we would get word to him when he was rescheduled.

4. Richard A. Krueger:

Mr. Krueger testified from 10:40 a.m. until about 12:30 p.m. He was an excellent witness and everything went smoothly. Interest was expressed in the amount of training Hunt was given by [redacted] in the use of the camera. (This has been a matter of special interest of Senator Baker in the past, for reasons which still are not apparent. (b)(3)

5. Steven Greenwood:

Mr. Greenwood testified from 1:30 p.m. until 3:30 p.m. His confusion over dates suggested the existence of a non-existent memorandum. The memorandum was quite obviously one resulting from Skip Dunn's interview of Greenwood and during the questioning counsel agreed to accept my suggestion to raise Dunn's name in this connection and when this was done, the matter was cleared up.

Mr. Greenwood also related that he had a phone number for "Edward," and at his own initiative he had made Xerox prints of the pictures before turning them over to Hunt. (Krueger had told me sometime ago that he had ordered Xerox copies be made.) [redacted] name was mentioned.

Follow up: Provide the memoranda concerning the Hunt provisioning which Greenwood typed from his notes for Dr. Gottlieb's briefing of Thomas Karamessines before the latter's lunch with Howard Hunt in October 1971. It is possible that counsel will accept a certification by Greenwood, but failing this, Greenwood will have to appear before the Committee to so swear. Greenwood is scheduled [redacted] (b)(3) [redacted] and I told Krueger that he should make such arrangements. (The Committee will pick up Greenwood's trip expenses. This reimbursement will be handled between the Committee and the Agency in a secure fashion with the Agency submitting a bill to the Committee. OLC will follow up.) (b)(3)

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Separate Follow up Item: Fred Thompson said that he had a report that Bob Woodward of the Washington Post had a prior Agency association or relationship. Check this out, both current and past.

6. Dr. Gottlieb:

Dr. Gottlieb testified from 3:30 p.m. until 4:15 p.m. This session went well and Dr. Gottlieb was an excellent witness. Among other things, Dr. Gottlieb indicated that it was at his initiative that Tom Karamessines was briefed on the Hunt provisioning prior to Mr. Karamessines' lunch with Hunt (this conflicts with Mr. Karamessines' recollection, see below). The counsels showed particular interest in whether or not a particular segment of the prints or copies of the photographs by Hunt had been enlarged, but Dr. Gottlieb couldn't add anything on this. (The Committee will reimburse Dr. Gottlieb for his travel expenses.)

7. Thomas Karamessines:

Mr. Karamessines testified from 4:22 p.m. until 4:50 p.m. The session was excellent. Points developed included:

a. Apparently there were two calls to the DDP's office concerning the upcoming provisioning of Hunt. One came from TSD and the other from Karl Wagner. Mr. Karamessines initially indicated that the call from TSD mentioned that the individual being provisioned was E. Howard Hunt, but, of course at that time, the TSD people claimed they did not know that Hunt was the individual being assisted.

b. Mr. Karamessines believes that he initiated TSD's briefing of himself prior to the Hunt lunch.

c. Mr. Karamessines believed that he saw the prints not Xerox of the pictures, but said this was only the most cursory review, as was earlier testified by Gottlieb.

d. Mr. Karamessines distinguished between the activities of DCS and DODS.

e. Mr. Karamessines also explained the different concept for DODS before and after his appointment as DDP.

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f. Mr. Karamessines also explained his handling of the Lukoskie handwritten memorandum and that he had told his people subsequent to the Watergate "not to report to him on speculation that they had heard."

g. Mr. Karamessines started to go into the details of the Agee Case, but I interrupted, went off the record and told him he could describe the case generally but not to get into details.

8. Robert Mullen:

At the conclusion of our session, I met with Mr. Robert Mullen and released him from his secrecy agreement solely for the purpose of the executive interview then to take place at 6:00 p. m. I told him it was a pleasure to meet him because of all of the fine things I heard about him from my colleagues, and that we were certainly appreciative of his past assistance and sorry over the current developments. Mr. Mullen reciprocated by asking me to give his best regards to the Agency. He agreed that there was no other course than to fully cooperate with the investigative efforts underway. In the ensuing "chit chat" he said he had recently lunched with Egil Krogh, who had indicated that he felt what he had done was proper as in the best interests of the country. Mr. Mullen said he told Krogh that perhaps Daniel Ellsberg felt the same way about what he did. Mr. Mullen also mentioned that a Miami newspaperman by the name of Plessner had spoken to him and knew of [redacted] Agency relationship. I told Mr. Mullen that we are aware of certain leakage on the relationship but assured him that we were doing our best to prevent it, although we were doubtful of our ability to control the situation. (Arrangements were made with [redacted] Security, to take custody of the stenotype notes of the Mullen testimony.)

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9. Plans for tomorrow:

a. I reviewed generally with Thompson the plans for tomorrow's third day session, Esterline and the tapes and transcripts. Thompson wants Mrs. Dunlevy to testify and suggested Barbara Pindar as a witness. He had fixed on Miss Pindar because of her action in connection with Karl Wagner's discovery, but I said I didn't believe it was her job to "shake the tree." I told him that we were aware

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of their interests in a complete wrap up and that I am sure that Mr. Colby will arrange for them to have it as soon as all the facts are pulled together.

b. Mr. Colby called Mrs. Dunlevy concerning the Committee's interest. Later I called Elizabeth and reviewed the situation with her. About 10:45 p.m. I succeeded in reaching Fred Thompson at home and he suggested that his only interest is for her to recall what she can about the January 1973 destruction of tapes. I also got a run down from [redacted] what he and [redacted] had learned in their review. Messrs. Kobliska and Popivchak, who were involved in the tape destruction in 1973 and [redacted] as a back-up expert witness if needed, will be available for testimony tomorrow morning. □ (b)(3)

c. Mr. Jake Esterline will also be available to testify tomorrow.

10. Senator Baker:

a. Prior to the commencement of the afternoon session, I met with Senator Baker and Fred Thompson in the Senator's office and showed them the summary of the transcript of the Cushman/Erlichman conversation attached to Karl Wagner's 5 February 1974 affidavit. Senator Baker was appreciative of keeping him informed and immediately sent a letter to Fred Buzhardt at the White House referencing the information and requesting a copy of the transcript or tape of the conversation. Baker noted several items in the affidavit of special interest for our follow up. (Follow up: Senator Baker was particularly interested in the Cambodia analysis and an item involving Dr. Kissinger. I told him that I had not had a chance to review the memoranda mentioned in the affidavit, but I was sure we could work out an arrangement so that he could be assured whether or not they relate to Watergate or other matters which we are aware are of special interest to him.) I called OLC to assure that we had already provided the White House a copy of the same material so that there

wouldn't be any chance that the first notice would be Baker's letter and was so assured by

b. Senator Baker said Mr. Robert Mullen would be testifying in executive session later in the day and I assured him that we would release Mr. Mullen from his secrecy oath for the purpose of this interview.

c. Finally, Senator Baker said that as soon as he had clarified a few more matters, he intended to turn over to the Senate Armed Services Committee the matter of any further inquiries concerning the Agency. (This may well have related to a conversation that I had with Messrs. Thompson, Madigan and Liebengood last night. See memorandum of 4 February 1974.)

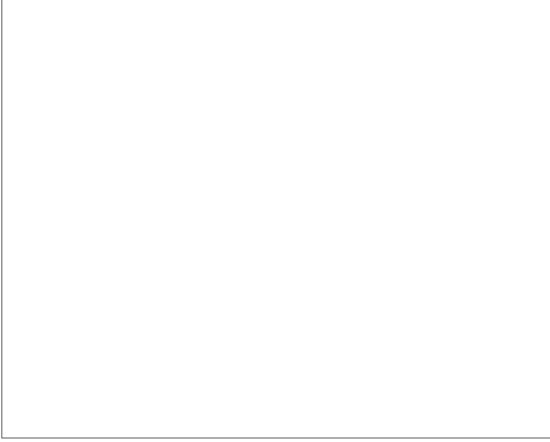
d. After swearing in Robert Mullen, Senator Baker told me that it was now current on the Sans Souci circuit that there soon would be some big event involving the Agency. He also said that Pat Buchanan is spreading tales about the Agency and that he had never talked to Pat Buchanan. In response to my query, Senator Baker said these matters did not involve either the Mullen Company or the transcript that Karl Wagner just found. In response to his question, I told Senator Baker that I was sure that the Agency is not leaking anything and he agreed that this wouldn't be in keeping with his estimation of Mr. Colby, but then pointed out that Mr. Colby, despite this, was aware of something that if he didn't reveal would be very damaging to him and the Agency. I asked Baker if this happened to involve the same matter he had mentioned to us earlier concerning Erlichman and he nodded. Mr. Cary and I advised Mr. Colby of the above late on 5 February. Mr. Colby will call Senator Baker concerning these matters.

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Deputy Legislative Counsel

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