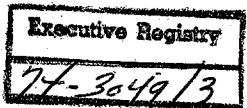


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OLC 74-0197



6 February 1974

_(b)(3)

MEMORANDUM FOR THE RECORD

SUBJECT: Select Committee Testimony of 6 February 1974

1. This, the third day of hearings, was held in B334. Following the sweep, it was determined that the voices within the hearing room could be heard in adjacent rooms. A radio was played throughout to enhance security. Although the hearings were scheduled for 1200 hours, Senator Baker did not appear to administer the oaths until 1250 hours. Since Greenwood was under oath from the previous day, I suggested we start with him, thus economizing on the time of all involved. Liebengood agreed but shortly after commencing the questioning, Senator Baker arrived for the swearing in and the other witnesses were assembled from the room upstairs that Jane McMullen, Senate Appropriations Committee staff, had kindly located again for us for the third straight day.

2. Steven Greenwood

The sole purpose of Greenwood's appearance was to swear to and identify a memorandum which he had typed up from his rough notes summarizing his contact with Hunt and Liddy. The fifteen minute session was generally uneventful. The "memorandum" actually amounted to rough typed notes with an attached chronology. The first page referred to three attachments which were not affixed and Committee Counsel asked if we could locate same, i. e., list of points supplied by Krueger for Greenwood to make to Hunt in the fourth meeting, suggestion awards submitted by Greenwood for the speech alteration device he used with Hunt, and a note from Greenwood to

3. Destruction of Tapes

Testimony covering the tapes destruction commenced at 1315 hours and ended at 1725 hours. I had arranged with , of Security, to have available as a back-up expert witness on the tape system

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but it became unnecessary to call on [] for testimony. The three witnesses were Messrs. Popivchak, Kobliska (who worked in the "pit" and who carried out the destruction of the tapes in January 1973), and Mrs. Elizabeth Dunlevy (from whom they received their instructions). Mr. Thompson moved to incorporate as an exhibit in the record the 31 January 1974 Memorandum by [] to the Director of Security. Thompson also wanted to incorporate the logs of the tapes in the records, but I explained that while Mr. Colby had shown these logs to Senator Baker they contained very sensitive information and he agreed to defer until he received a wrapup paper on the tape destruction (which is now in the process of preparation).

4. Allen D. Kobliska:

Mr. Kobliska testified from about 1355 hours until 1445 hours (subsequent to Greenwood's testimony, the Committee counsel took a short break). Kobliska's testimony regarding the handling of the tapes and the transcripts generally followed that outlined in [] memorandum of 31 January 1974 and he was a good witness. Kobliska explained that when he had come on the scene down at the "pit" he realized that there was lack of storage space for the tapes and that he had submitted to Mrs. Dunlevy a listing of some 238 tapes requesting permission to destroy. On 21 January 1972 permission to destroy from 1 through 54 was received. He estimated that by 22 January 1973 all but 100 of those 238 tapes had been destroyed periodically. He said a second list was compiled and submitted to Mrs. Dunlevy on 21 January 1972. He also said that used tape from the large discs was placed on smaller reels to save tape. During the discussion A. J. Woolston-Smith's name was brought up by counsel, a name unfamiliar to Mr. Kobliska.

5. Nicholas Popivchak:

Mr. Popivchak testified from 1455 hours until 1600 hours. His testimony essentially corroborated Mr. Kobliska's, but he recalled 184 tapes being on the original listing recommended for destruction, that 1 through 54 were destroyed in early 1972, that some tapes in the sequential numbers 55 through 184 were destroyed periodically from June 1972 through January 1973. He said the second list covered tapes 185 through 238. He

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estimated that the tapes destroyed in January 1973 occupied about six safe drawers and involved some 125 tapes. Mr. Popivchak's testimony somewhat conflicted with Mr. Kobliska's on providing Miss Pindar with a reel of the Cushman/Hunt tape small enough for her to use upstairs. Mr. Popivchak said that when called for the tape, he transferred it from the 10 1/2 inch to a 5 inch reel. He also said he prepared an original and two copies of the tape plus a cassette. (I have noted this for separate action, see attached memorandum.) About 1515 hours Sam Dash entered the hearing room. Mr. Popivchak said he had not seen a copy of the Mansfield letter until Mr. Colby had shown it to him the other day. [redacted] was identified as the main typist of the transcripts.

6. Mrs. Elizabeth Dunlevy:

Mrs. Dunlevy testified from 1600 hours until 1725 hours. She was an excellent witness. Before the questioning started, Mr. Thompson said they intended to go into a number of issues beyond the destruction of tapes question. I told Thompson that this was not the understanding we had when we relayed the Committee's interest to Mrs. Dunlevy, and that while I was sure that Mrs. Dunlevy would be willing to answer any question posed by the counsel, I did not want to be in a position of saying that she should answer those questions before knowing what the questions were. [redacted] recommended that we await developments, and everyone was agreeable to that.

The following points developed:

(a) She did not order the destruction of the tapes at her own initiative, but had done so at the request of Mr. Helms, in the context of cleaning out the office in preparation for a new director.

(b) She had no idea that any tapes other than Mr. Helms' tapes would be destroyed, pointing out that what happened to the DDCI's and the Executive Director-Comptroller's, etc., tapes were not her proper concern. (As a matter of fact, it is understood that all extant original tapes were destroyed in January 1973.)

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(c) The distinction between the handling of telephone and office tapes.

(d) All transcripts were under her tight control in the vault, she had read them all and on her oath none contained any information relating to Watergate.

(e) She had no knowledge of any information bearing on Watergate while working with Mr. Helms, but then corrected herself and referred to the 28 June 1972 memorandum to General Walters which she observed had been taken out of context and caused Mr. Helms and others unnecessary problems.

(f) She no doubt prepared the routing slip covering the Mansfield letter.

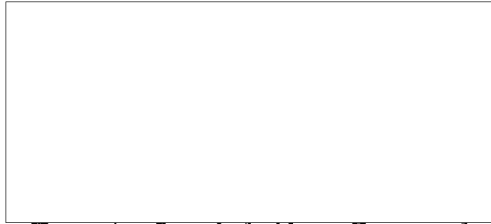
(g) Mr. Hunt had always been grateful to her for arranging a loan in connection with the terrible financial strain involving his daughter. Counsel wanted to know if she knew the details of the loan, but she said that was a personal matter between the lender and Mr. Hunt. (Later I questioned Mrs. Dunlevy on this and she explained that she had suggested to Mr. Helms that the PSAS could be helpful to Hunt and Mr. Helms had placed a call which apparently resulted in a loan of about \$12,000 to Hunt. She said Hunt was always thanking her for this assistance when as a matter of fact he had Mr. Helms to thank. I had previously shown Senator Baker and Fred Thompson the note by [redacted] concerning the PSAS loan, so I don't think we have any problem on this score.)

In summation, Mrs. Dunlevy was effective and convinced that neither she nor Mr. Helms had destroyed any material related to Watergate nor been involved in any type of cover up.

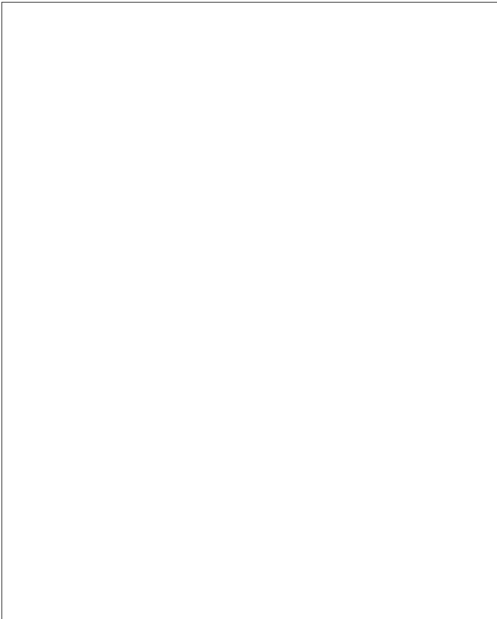
Following the session, Mrs. Dunlevy expressed her concern that material that had been sent to Archives labeled "To be opened only by Mr. Helms or Mrs. Dunlevy or at their death" was being used to reconstruct records on conversations taped in Mr. Helms' office. She also thought that she would be in the best position to be able to reconstruct information from Mr. Helms' and her appointment calendars.

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7. At the end of the testimony Mr. Thompson told me he saw some real conflict between Mrs. Dunlevy's testimony concerning the destruction of tapes and what Messrs. Kobliska and Popivchak had testified to. It was agreed we would get together later to discuss the dimensions of this problem. Frankly, I do not see substantial conflict in their testimonies, unless it relates to the fact that all the tapes were destroyed and Mrs. Dunlevy felt that only Mr. Helms' tapes were being destroyed.



Deputy Legislative Counsel



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