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OLC 74-0278

21 February 1974

MEMORANDUM FOR THE RECORD

SUBJECT: Senate Select Committee on Presidential Campaign Activities
 Testimony of Barbara Pindar on 21 February 1974

1. The executive session hearing (investigation) was held in Room G334 and went from about 1400 to 1800 hours. As in the previous hearings, there was a technical sweep but the testimony was not monitored. Senator Edward Gurney (R., Fla.) administered the oath in his office. Staff in attendance were: Minority Counsel Fred Thompson, Howard Liebengood, and Michael Madigan. A transcript was taken and will be kept in the Office of Legislative Counsel.

2. Fred Thompson initiated the questioning and continued for about 2 hours, 20 minutes, during which the following points were developed:

a. Layout of Executive Suite

A great deal of time was spent in fixing on the physical location of the various offices in the executive suite.

b. Phone Transcripts

Miss Pindar clarified that those which were her transcripts, referred to in Mr. Karl Wagner's affidavit of 5 February 1974, were based upon stenographic notes and not recordings and the notes had been destroyed in December 1971 as part of the routine clean up of the office in view of General Cushman's reassignment as Commandant of the Marine Corps. (Mr. Wagner's affidavit refers to the discovery of "stenographer's notes" and "stenographic notes"

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and led Thompson to conclude in his 20 February memorandum (paragraph 4) to Senator Baker that they existed and should be transcribed by the Committee before Miss Pindar's testimony on the 21st.)

c. Monitoring Phone Calls

In response to questions Miss Pindar explained that her predecessor in Cushman's office said it was not her practice to monitor Cushman's phone calls. The counsels attempted to turn the fact of monitoring phone calls by Miss Pindar as spying on Cushman, but Miss Pindar straightened them out, explaining this as her normal practice in assisting her boss and that there was nothing surreptitious about it at all. (Although counsels did not pursue it, if it was not the practice of Miss Pindar's predecessor to monitor Cushman's conversations, what explains the transcripts we have on phone conversations prior to her tenure? Recordings?)

d. Tape Destruction

Jim Woolsey, General Counsel, Senate Armed Services Committee, may have been informed about the destruction of tapes as early as June 1973.

e. Tape for Cushman

Thompson pushed hard to determine whether Miss Pindar knew whether General Cushman had been provided a copy of the tape of the 22 July 1971 Cushman/Hunt conversation and she did not know. When Thompson resumed questioning later on, he queried as to why she did not inform Cushman of the June 1972 retyped transcript when in January 1973 she took his dictation for a letter to Mr. Ehrlichman concerning the identity of the White House individual who called to request Agency support for Hunt. Miss Pindar could not recall why she did not refresh General Cushman's memory and indicated, among other things, that she would not presume to interject herself. In response to a question, she said Mr. Colby was in the room while at least one of the letters was being dictated, but she did not recall any specific

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contribution by Mr. Colby. Finally, she indicated a vague recollection that perhaps General Cushman had seen a transcript of the conversation. (Thompson bore in quite unmercifully on this area and as at that time we had been in almost continuous session for about four hours, I passed him a note that I thought we ought to offer Miss Pindar a break. Previously Thompson had frowned upon what he took to be as my assisting Miss Pindar--in fairness to Thompson neither [redacted] nor I were present as personal counsel and under the Committee charter as Federal employees we are precluded from being so--and I did not want to voice anything that could be interpreted as our wanting to break the questioning because he was on to something. Thompson said there would only be a few more questions, but when time began to drag on I told him that we should break if the session was going to be prolonged. Liebengood, in an aside, asked me if I knew what Miss Pindar could be referring to and I told him that I did and he, in resuming the questioning, did not follow through on this point. After the hearing I refreshed his memory on Mr. Colby's role in refreshing General Cushman's recollection at Mr. Ehrlichman's request.)

f. Karl Wagner

The Committee probably will want to meet with Karl Wagner because of his key role concerning the transcripts, etc. Miss Pindar explained that upon General Cushman's departure she, together with Wagner, had reviewed the Cushman material (aside from personal papers he was to take with him) for determining which of it was of sufficient importance for retention in Agency records. In response to a question why the ten transcripts were retained, Miss Pindar said that she wasn't sure and I referred to Mr. Wagner's decision as reflected in his affidavit concerning retention of papers relating to conversations with members of the White House staff. Miss Pindar made it clear that the final decision was Mr. Wagner's.

Follow up item: Miss Pindar's June 1972 note to Mr. Wagner that her file box contained a card dated 22 July 1971 on the Cushman/Hunt meeting which indicated that a transcript had been made.

3. At 1620 hours, Mr. Liebengood began his initial series of questioning and the following developed:

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As a matter of standard procedure within the Agency, and at least for Miss Pindar, the appointment calendars of her principals are retained as permanent Agency records.

b. Spying on Cushman

Miss Pindar used a question by Liebengood to correct his misunderstanding by explaining telephone monitoring as just a simple normal secretarial practice.

c. Transcription of Room Conversations

Miss Pindar had earlier explained the circumstances of her transcribing the 22 July 1971 room conversation and the difficulty it entailed and was asked why she did not request assistance from the technician's transcriber. Miss Pindar felt it just was her job to do. (Thompson asked if she remembered conversation about the President, which she did not. Miss Pindar referred to airplane noise at the time of her transcribing, she was referring to the noise on the tape, but counsel may have interpreted this as being airplane noise at the time she was typing the transcript. To a mind in search of a problem, this could suggest such things as a re-recording of the original tape.)

4. At 1650 hours Michael Madigan initiated his questioning and the following developed:

a. He focused on the removal of the recording system in General Walter's office, asking Miss Pindar if she knew why this was done. She said no. He pressed her hard. She said she assumed it had been done at Director Helms' instruction.

b. It was established that the minutes of the executive morning meeting were taken by Mr. Ben Evans, they were not recorded, and did not involve verbatim text.

c. Photographs

A consistent preoccupation in the questioning of witnesses has been the "photographs," referring to the prints we developed for Hunt. Miss Pindar believed that she saw Xeroxes of the photographs in connection with the Agency's preparation of material for the FBI.

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d. Interest in Whether Miss Pindar Knew

e. Colby Files

(1) Miss Pindar explained that it was two files set up as material began to be accumulated following the June 1972 breakin; one for responses to outside requests from the FBI and the other for backup papers.

(2) The file was in Mr. Helms' hands up until October 1972 and turned over to the IG in May 1973.

(3) She was questioned on the meaning of the term "bigot" and explained it was really a list of people who had access to certain information. (This interest probably relates to the fact that Greenwood refers to Hunt as bigot and Madigan apparently was trying to find out if this could have been a project cryptonym.)

5. Joined Issue

Mr. Thompson started to question Miss Pindar about the ten transcripts referred to in Karl Wagner's affidavit. I asked to go off the record and explained to Thompson that I had just given him a paper on the only two transcripts relevant to "Watergate" and requested that he rephrase his questioning to get at the particulars and not develop information unrelated to the inquiry. This Thompson refused to do and insisted that we go on the record. I restated our position that if he pursued this line of questioning, as he had admitted, he would eventually get to the contents of conversations which had nothing to do with Watergate and may involve sensitive information. I said we had no objection if Miss Pindar was asked if any of the material related to a specific individual. Thompson said that the calls between the White House and the Agency are at the very heart of the matter under investigation and they needed to pursue this information in the manner he was following because he could not rely upon Agency witnesses to know what was relevant to Watergate. I said that I thought as in the past

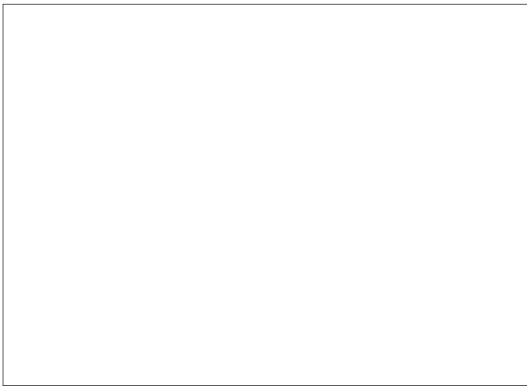
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we could work out some kind of arrangement to satisfy their legitimate needs but we had no authority to continue on the present course and would note his interest. Subsequently we all enjoyed Miss Pindar's observation that she couldn't recall any of the specifics.



Deputy Legislative Counsel



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