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OGC 73-1440

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1 August 1973

MEMORANDUM FOR THE RECORD

SUBJECT: Watergate Case

1. After having been advised by [redacted] OLC, that the Armed Services Committee wished to release publicly the answers to the Senator Kennedy questions, I talked with Phillip Heymann, Watergate Prosecution Force staff. The documents concerned were:

- a. the John S. Warner memorandum for the record of the 27 November 1972 meeting between Petersen, Silbert, Colby, and Warner;
- b. Colby memorandum for the record of 18 December 1972 of the meeting between Ehrlichman, Dean, Helms and Colby of 15 December 1972;
- c. Record of the Colby to Cushman call of 15 December 1972; and
- d. Record of the Cushman to Barbara Pindar telephone call of 10 January 1973.

2. The purpose of calling Heymann was to see if the release in any way would prejudice their efforts. I specifically pointed out the reference to Robert Thurston Davis in the 27 November meeting. Heymann thought there would be no problem but said he would check this out. He called back and stated he had checked this out with Mr. Cox and they wished to take no action which would interfere in any way

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with Mr. Colby's confirmation. He indicated that Davis apparently has furnished a wild story of numerous high-level officials being involved but they had been unable to confirm this. He added, as an aside, that Davis had been in protective custody for a while by the Marshals Service. He then queried in strong terms why the Cox group had not gotten the two telephone transcripts earlier and queried what other materials, documents or records did we have. He wanted to meet with me on 2 August regarding this, and I promised to telephone him, indicating I could not meet with him on 2 August but would make arrangements to see him on Friday, 3 August.

3. We later learned Heymann telephoned Jim Woolsey, General Counsel, Senate Armed Services Committee, to advise him that the Cox staff had no objection to public release and wished to in no way interfere in the confirmation process (obviously the Cox staff is being doubly careful to assure that they were not being misquoted).

[REDACTED]
JOHN S. WARNER
Acting General Counsel

cc: ✓ Mr. Colby
IG
OLC