

**FREEDOM OF INFORMATION  
AND  
PRIVACY ACTS**

**SUBJECT: WATERGATE**

**Bufile: 139-4089**

**Section 31, Serials 2171 to 2240**



**FEDERAL BUREAU OF INVESTIGATION**

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**WATERGATE**

**BURGLARY OF THE DEMOCRATIC NATIONAL COMMITTEE HEADQUARTERS**

**6/17/72**

**BUFILE: 139-4089**

**SECTION: 31**

**SERIALS 2171 TO 2240**

**PAGES REVIEWED: 312**

**PAGES RELEASED: 307**

**PAGES WITHHELD: 5**

**XXXXXXXXXXXXXXXXXXXXX  
X FOR INFO ONLY X  
X NO DUPLICATION FEEX  
X FOR THIS PAGE X  
XXXXXXXXXXXXXXXXXXXXX**

1 - Mr. Nuzum

April 25, 1973

Honorable Sam J. Ervin, Jr.  
United States Senate  
Washington, D. C. 20510

Dear Senator Ervin:

Enclosed with this letter is one copy of a summary index for you and one copy each for Senator Baker; Samuel Dash, the Majority Counsel; and Fred D. Thompson, the Minority Counsel. This index was abstracted from the records of the FBI's investigation of James Walter McCord, Jr., and others, and the burglary of the Democratic National Committee Headquarters which occurred on June 17, 1972.

With reference to my letter to you dated April 23, 1973, and the summary memorandum enclosed therewith, the same conditions and safeguards are to be afforded the confidentiality of the summary index as were set for the summary memorandum.

Sincerely,

ENCLOSURE

Assistant Attorney General

18 MAY 22 1973

OK TO FILE PER SA  
BUREAU HOLD. NUZUM. BUREAU COPY  
NOT BACK FROM DEPT  
AS OF 5/21/73. L&F

ENCLOSURE

Enclosures

- Mr. Felt
- Mr. Baker
- Mr. Callahan
- Mr. Cleveland
- Mr. Conrad
- Mr. DeLoach
- Mr. Mohr
- Mr. Pennington
- Mr. Rosen
- Mr. Sullivan
- Mr. Tavel
- Mr. Trotter
- Mr. Tele. Room
- Miss Holmes
- Miss Gandy

JJC/amm (6)

Hand delivered  
to HEP's personal  
secretary 8:50 AM  
4/26/73 JJC

MAIL ROOM  TELETYPE UNIT

1- Mr. Nuzum

Assistant Attorney General  
Criminal Division

April 25, 1973

Acting Director, FBI

**JAMES WALTER MC CORD, JR., AND OTHERS  
BURGLARY OF DEMOCRATIC NATIONAL  
COMMITTEE HEADQUARTERS, JUNE 17, 1972  
INTERCEPTION OF COMMUNICATIONS**

Reference is made to my memorandum to you dated April 23, 1973, which advised that a summary index listing all individuals interviewed in this case was being prepared and would be forwarded to you by April 25, 1973.

In this regard and consistent with the handling of the summary memorandum previously forwarded to you, a proposed letter for your signature to Senator Ervin is enclosed, together with five copies of the summary index. One copy of the index is for the Department of Justice file, and one copy each is designated for Senator Ervin, Senator Baker, Mr. Dash and Mr. Thompson.

Enclosures (6)

REC-90

139-4889-2111

**ENCLOSURE**

**ENCLO. BEHIND FILE**

18 MAY 22 1973

NOTE: See memorandum from Acting Director to Assistant Attorney General, Criminal Division, captioned as above, dated April 23, 1973, and letter from Assistant Attorney General to Honorable Sam J. Ervin, Jr., dated April 23, 1973.

- Mr. Felt
- Mr. Baker
- Mr. Callahan
- Mr. Conrad
- Mr. DeLoach
- Mr. Evans
- Mr. Gale
- Mr. Rosen
- Mr. Sullivan
- Mr. Tavel
- Mr. Trotter
- Mr. Tele. Room
- Mr. Holmes
- Miss Gandy

IJC/AMM (4)

IJC

Hand delivered  
to HEP's personal  
file 8:50 AM 4/26/73  
IJC

WGL REC'D

REC  
JAF

RH

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6/20/80 BY SP2 TAP/DAK/MS

MAY 23 1973

TELETYPE UNIT

UNITED STATES GOVERNMENT

# Memorandum

TO : Mr. Gebhardt *WAF*

DATE: May 2, 1973

FROM : R. E. Long *REC WAF*

- 1 - Mr. Gebhardt
- 1 - Mr. Gallagher
- 1 - Mr. Long
- 1 - Mr. Nuzum
- 1 - E. S. Miller

SUBJECT: WATERGATE

- Mr. Felt \_\_\_\_\_
- Mr. Baker \_\_\_\_\_
- Mr. Callahan \_\_\_\_\_
- Mr. Cleveland \_\_\_\_\_
- Mr. Conrad \_\_\_\_\_
- Mr. Gebhardt \_\_\_\_\_
- Mr. Jenkins \_\_\_\_\_
- Mr. Marshall \_\_\_\_\_
- Mr. Miller, E.S. \_\_\_\_\_
- Mr. Soyars \_\_\_\_\_
- Mr. Thompson \_\_\_\_\_
- Mr. Walters \_\_\_\_\_
- Tele. Room \_\_\_\_\_
- Mr. Kinley \_\_\_\_\_
- Mr. Armstrong \_\_\_\_\_
- Mr. Bowers \_\_\_\_\_
- Mr. Herington \_\_\_\_\_
- Mr. Herwig \_\_\_\_\_
- Mr. Mints \_\_\_\_\_
- Mrs. Neenan \_\_\_\_\_

JAMES WALTER McCORD, JR.

Based upon the request of Supervisor James R. Wagoner, Intelligence Division, and in accordance with the request of Los Angeles by teletype dated 5/1/73, three separate FD 302s were furnished to the Intelligence Division. They are as follows:

1. FD 302, interview of Margaret Elaine Johnson on 6/30/72, as contained in Los Angeles report of 7/6/72, regarding the Watergate investigation. *CAL*
2. FD 302, interview of Mary Denburg on 7/3/72, as contained in report of Los Angeles, dated 7/6/72, concerning the Watergate investigation. *CAL*
3. FD 302, interview of Mary Denburg on 12/9/72, as contained in Los Angeles report of 12/17/72, concerning the Watergate investigation. *W*

According to the teletype of Los Angeles captioned MC LEK, Judge Byrne requested immediate results of FBI investigation to resolve allegation that certain individuals burglarized Ellsberg's psychiatrist's office. *139-4089-2171X*

The above 302s were furnished SA Wagoner with strenuous objections made concerning their release to anyone in view of the fact 

SA Wagoner was advised that every step should be taken not to disclose the contents of the above 302s to anyone outside the Department of Justice. (Copy of teletype attached).

ACTION: For information.

REL:DC  
(6)

Enclosure

REC-91

REC-102

18 MAY 8 1973

MAY 9 1973  
MAY 15 1973  
JUN 21 1973

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6/20/80 BY SP2 TAP/RA/1045

**B7C**

*Handed over*

9 & D COPY  
DO NOT FILE

*Wagon*

NR 006 LA CODE  
1:03 PM IMMEDIATE  
TO ACTING DIRECTOR (65-74060)  
ATTN: INTD  
FROM LOS ANGELES (105-27952) 2P

MC LEX, SIO.

RE LA REPORT SA JOHN M. O'NEILL, JR., 7/6/72,  
CAPTIONED, "JAMES WALTER MC CORD, JR., ET AL, IOC",  
(BUFILE 139-4089).

BUREAU AUTHORITY IS EXPEDITIOUSLY REQUESTED FOR LOS  
ANGELES TO FURNISH TO PROSECUTOR DAVID NISSEN ONE COMPLETE  
FD 302 AND A PORTION OF ANOTHER CONTAINED IN REFERENCED  
REPORT WHICH WILL REFLECT THE PRESENCE OF LIDDY AND HUNT IN  
THE LOS ANGELES AREA ON 9/3-4/71. JUDGE BYRNE IS REQUESTING  
IMMEDIATE RESULTS OF FBI INVESTIGATION TO RESOLVE ALLEGATION  
THAT ABOVE INDIVIDUALS BURGLARIZED ELLSBERG'S PSYCHIATRIST'S  
OFFICE, WHICH BURGLARY OCCURRED AT THAT TIME.

THE COMPLETE FD 302 IS 6/30/72 INTERVIEW OF MARGARET  
ELAINE JOHNSON (PAGE 32 OF REPORT). 139-4089-2171X

END PAGE ONE  
XEROX ONE

MAY 9 1973

ENCLOSURE

*5/22 copy  
of FD 302's in question  
send to SA Wagon, Div. 5, Per [unclear]*

*Wagon*

LA 105-27952

PAGE TWO

THE PARTIAL FD 302 WILL BE THE FIRST THREE PARAGRAPHS  
OF THE 7/3/72 INTERVIEW OF MARY DENBURG (PAGE 49 OF REPORT)  
ENDING WITH "MR. LIDDY WAS WITH MR. HUNT ON THIS OCCASION."  
END

1" GMBT VFBIHQ CLR

2/2/73  
complete FD 302  
(5 pages) sent  
S. Wagner, per Mr.  
Eubank's  
instructions

UNITED STATES GOVERNMENT

# Memorandum

TO : Mr. Felt *S/N*

FROM : William D. Ruckelshaus  
Acting Director *WDR*

DATE: May 3, 1973

SUBJECT: *James Walter McConrad*

- Felt* Mr. Felt \_\_\_\_\_
- Mr. Baker \_\_\_\_\_
- Mr. Callahan \_\_\_\_\_
- Mr. Cleveland \_\_\_\_\_
- Mr. Conrad \_\_\_\_\_
- Mr. ~~Conrad~~ *WDR* \_\_\_\_\_
- Mr. Jenkins \_\_\_\_\_
- Mr. Marshall \_\_\_\_\_
- Mr. Miller, E.R. \_\_\_\_\_
- Mr. Soyars \_\_\_\_\_
- Mr. Thompson \_\_\_\_\_
- Mr. Walters \_\_\_\_\_
- Tele. Room \_\_\_\_\_
- Mr. Kirley \_\_\_\_\_
- Mr. Armstrong \_\_\_\_\_
- Mr. Bowers \_\_\_\_\_
- Mr. Herrington \_\_\_\_\_
- Ms. Herwig \_\_\_\_\_
- Mr. Minto \_\_\_\_\_
- Mrs. Neenan \_\_\_\_\_

The summary of the Watergate investigation notes that a witness reported the systematic destruction of CREP financial records in April 1972 (Hoback, p. 48).

Kindly advise whether a federal crime is possibly involved, and, if so, what steps have been, or should be taken to develop a case.

WDR:nm (2)

*Mem Legal Council  
to Acting Director  
5/9/73 JAM: nja*

*[Handwritten signature]*

1 REC-85

139-4089-2172

17 MAY 23 1973

*6-EM*

67 MAY 23 1973

Federal Bureau of Investigation

5-7

1973

- Director
- Mr. Felt, 5744
- Mr. Baker, 5734
- Mr. Callahan, 5525
- Mr. Cleveland, 1742
- Mr. Conrad, 7621
- Mr. Gebhardt, 5706
- Mr. Jenkins
- Mr. Marshall, 7746
- Mr. Miller, 1026 9&D
- Mr. Mintz, 5642
- Mr. Soyars, 3114 IB
- Mr. Thompson, 4130 IB
- Mr. Walters, 5256
- Mr. Kinley, 5633
- Mr. Armstrong, 5633
- Mrs. Neenan, 5633
- Telephone Room
- Mr. Bowers, 5630
- Mr. Hauer, 4718
- Mr. Heim, 4264
- Mr. Herington
- Corres. Review, 5533
- Mail Room, 5531
- Teletype
- Personnel Records
- Mechanical Section
- Mr. Campbell
- Mr. Bassett
- Miss Tschudy
- Mrs. Mutter
- Miss Downing
- Miss Southers
- For appropriate action
- For your approval
- Initial and return
- Please call me
- For information

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 6/20/90 BY SP2AFLJRM/oms

Room

I AM INFORMED FBI  
 DID NOT INTERVIEW  
 GEN. CUSHMAN LAST  
 WEEK OR OTHERWISE RE  
 WATERGATE OR ELLSBERG

LMW

W. M. Felt  
Room 5744, Extension 3351

Memorandum to Mr. Gebhardt  
Re: JAMES WALTER MC CORD, JR.

number would be furnished only to Acting Director Gray. U

On 7-28-72, Mr. Gray prepared a handwritten note to which was attached a card on which the following information was written in longhand:

[redacted] an electronics engineer who was in contact with Hunt during Aug. 1971. [redacted] supplied a Uher recorder pursuant to Hunts request and helped him get it in shape for overt not covert use. There was no attempt to make the recorder useful for clandestine activities. [redacted] had 2 subsequent meetings to straighten out difficulties with the recorder which we never recovered. U

VA

"Aside from above contact re recorders there were contacts with Mr. Hunt re false documents and disguise for himself and an associate. He was also loaned a Clandestine camera which was returned. We developed a roll of film for Hunt of which we have copies showing some unidentifiable place, presumably Rand Corporation. U

"TSD (Technical Services Division) has had no contact with Hunt since 31 Aug. 1971." U

Mr. Gray's note to which the card was attached stated as follows:

"Card delivered by General Walters today at 11:00 am. Telephone number is sterile. No further inquiry regarding [redacted] is necessary." U

On 7-28-72, SAC Kunkel was advised of the foregoing and no further investigation was conducted relative to [redacted]

ACTION: For information.

CMW ad

RSC

WAF

WAF

MS

CONFIDENTIAL

B1

B1

B1

CONFIDENTIAL

- Mr. Felt \_\_\_\_\_
- Mr. Baker \_\_\_\_\_
- Mr. Callahan \_\_\_\_\_
- Mr. Cleveland \_\_\_\_\_
- Mr. Conrad \_\_\_\_\_
- Mr. Gebhardt \_\_\_\_\_
- Mr. Jenkins \_\_\_\_\_
- Mr. Marshall \_\_\_\_\_
- Mr. Miller, E. S. \_\_\_\_\_
- Mr. Purvis \_\_\_\_\_
- Mr. Soyars \_\_\_\_\_
- Mr. Walters \_\_\_\_\_
- Tele. Room \_\_\_\_\_
- Mr. Kinley \_\_\_\_\_
- Mr. Armstrong \_\_\_\_\_
- Mr. Bowers \_\_\_\_\_
- Mr. Herington \_\_\_\_\_
- Ms. Herwig \_\_\_\_\_
- Mr. Mintz \_\_\_\_\_
- Mrs. Neenan \_\_\_\_\_

# SENATOR TO PROBE USE OF THE CIA IN A CRIMINAL CASE

BY DON IRWIN

WASHINGTON—Legal questions raised by the reported involvement of the Central Intelligence Agency in government spying on Daniel Ellsberg has prompted a senior senator to look into the matter.

Sen. Henry M. Jackson (D-Wash.), high-ranking member of the Armed Services subcommittee on the CIA, plans a prompt personal inquiry into the question, an associate said Saturday. Any further action will depend on the outcome of consultations with CIA officials, the aide said.

A call for a congressional inquiry into the reported use of the CIA to assist in the prosecution of criminal charges against Ellsberg came from Sen. John V. Tunney (D-Calif.).

CIA was chartered to do intelligence work overseas and not to help prepare cases against defendants, whatever they are charged with, Tunney said. He urged that the case be investigated by the CIA subcommittee, of which he is not a member.

Sen. Sam J. Ervin Jr. (D-N.C.), chairman of the select Senate committee on presidential campaign activities, which is investigating the Watergate affair, said he did not believe his committee's jurisdiction extended to any inquiry into the Ellsberg case.

The point at issue is the legality of the use of CIA personnel, equipment and facilities to develop data on Ellsberg, as alleged in testimony made public Friday at Ellsberg's trial in Los Angeles on charges arising out of his release of the Pentagon Papers.

### Purpose Described

The 1947 statute creating the CIA specified that the agency was to deal with intelligence matters "affecting the national security" but was to have no police, subpoena, law enforcement powers or internal security functions. It has been practice for the FBI to conduct any domestic investigations required in national security cases originating overseas.

The statute does not deal specifically, however, with activities reported in testimony given Wednesday in Washington by E. Howard Hunt, Jr. one of the conspirators convicted in the June 17 Watergate bugging case, to the District of Columbia grand jury investigating Watergate.

A transcript of that testimony, released by U.S. Dist. Judge Matt Byrne, the presiding jurist at Ellsberg's trial, recounted a story of CIA support for a plot by White House aides to uncover data on Ellsberg.

Hunt told the grand jury that Egil M. (Bud) Krogh, the former White House aide who is reported to have taken full responsibility for the venture, arranged for the CIA to provide equipment used in a burglary of the Beverly Hills office of Ellsberg's psychiatrist, Dr. Lewis Fielding. In an effort to find files on Ellsberg.

After no such files were found, Hunt's testimony said, he arranged through David Young, a recently resigned member of the National Security Council staff, for a CIA specialist to prepare a psychiatric profile of Ellsberg based on "FBI reports and other materials." Release of the testimony produced a guarded statement from a CIA spokesman that denied official advance

- The Washington Post \_\_\_\_\_
- Times Herald \_\_\_\_\_
- The Evening Star (Washington) \_\_\_\_\_
- The Sunday Star (Washington) \_\_\_\_\_
- Daily News (New York) \_\_\_\_\_
- Sunday News (New York) \_\_\_\_\_
- New York Post \_\_\_\_\_
- The New York Times \_\_\_\_\_
- The Daily World \_\_\_\_\_
- The New Leader \_\_\_\_\_
- The Wall Street Journal \_\_\_\_\_
- The National Observer \_\_\_\_\_
- People's World \_\_\_\_\_

MAY 6 1973

Date \_\_\_\_\_  
The Los Angeles Times PART I, P. 1

CONFIDENTIAL

ENCLOSURE 139 4 29 2115

Knowledge of the break-in but said certain information had been passed along to the Justice Department. The Central Intelligence Agency had no advance knowledge of any part of the break-in by Mr. Hunt of the office of Dr. Ellsberg's psychiatrist, or of the Watergate incident, the statement said.

**Contacts Reported**

"All agency information on our contacts with any persons involved in these incidents has been fully reported to the Department of Justice and as an investigation of these matters is in the hands of the courts and the grand jury, all inquiries should be directed to the Justice Department."

A Justice Department spokesman refused any comment whatever on the matter.

Hunt testified that the break-in at Dr. Fielding's office was accomplished with technical assistance from the CIA, which he said provided disguises, false identification papers and a camera that could be hidden in a tobacco pouch.

Hunt's transcript said there were five men in the group commissioned by Krogh and Young to commit the burglary. Besides himself, the transcript said the group consisted of G. Gordon Liddy and ex-CIA agent Bernard Barker, both of whom were

involved with Hunt in the Watergate case, and two Cubans named Martinez and Felipe L. Diego. Hunt said that the two Cubans actually performed the break-in on Oct. 3, 1971, after he and Liddy had made a feasibility study of the doctor's office 10 days earlier.

Hunt said in his testimony that some months after the failure in Beverly Hills, he suggested to Young that it might be helpful to develop a psychiatric profile of Ellsberg.

The transcript said he told Young: "After all, we had a whole psychological unit set up at CIA to provide, in effect, second-hand profiles of persons of interest to the United States government. That is an activity that has been going on for many years."

With Young's help, the testimony said, Hunt met in an office at the White House with Dr. Bernard Melloy, whom he identified as "the chief of the unit" that makes psychiatric profiles.

"He said he would consult with the chief of security at CIA," Hunt's testimony said. "In due course we embarked upon a program in which we assisted Dr. Melloy by providing film excerpts of FBI reports and other materials relating to Dr. Ellsberg so he could construct this sort of psychiatric profile."

~~CONFIDENTIAL~~ CWS

UNITED STATES GOVERNMENT

# Memorandum

- Mr. Felt \_\_\_\_\_
- Mr. Baker \_\_\_\_\_
- Mr. Callahan \_\_\_\_\_
- Mr. Cleveland \_\_\_\_\_
- Mr. Conrad \_\_\_\_\_
- Mr. Gebhardt \_\_\_\_\_
- Mr. Jenkins \_\_\_\_\_
- Mr. Marshall \_\_\_\_\_
- Mr. Miller, E.S. \_\_\_\_\_
- Mr. Soyars \_\_\_\_\_
- Mr. Thompson \_\_\_\_\_
- Mr. Walters \_\_\_\_\_
- Tele. Room \_\_\_\_\_
- Mr. Beise \_\_\_\_\_
- Mr. Barnes \_\_\_\_\_
- Mr. Bowers \_\_\_\_\_
- Mr. Herington \_\_\_\_\_
- Mr. Conroy \_\_\_\_\_
- Mr. Mintz \_\_\_\_\_
- Mr. Eardley \_\_\_\_\_
- Mr. Hogan \_\_\_\_\_

TO : Mr. Gebhardt *JAK*

DATE: May 8, 1973

FROM : R. E. Long *RE/CAF*

1 - Mr. Nuzum  
1 - Mr. Eardley

SUBJECT: JAMES WALTER MC CORD, JR.;  
AND OTHERS  
BURGLARY OF DEMOCRATIC NATIONAL  
COMMITTEE HEADQUARTERS  
JUNE 17, 1972  
INTERCEPTION OF COMMUNICATIONS

The May 8, 1973, issue of "The Washington Post" contains Jack Anderson's column captioned, "CIA Reportedly Set Up Watergate IDs." An analysis of the article as it relates to the Watergate case is set forth hereinafter. Items which appear to be pertinent are numbered and comments are keyed to those numbers.

(1) The column states, "The Watergate ringleaders apparently used phony credentials, which the Central Intelligence Agency authenticated, during their spying-sabotage operations against the Democrats."

COMMENT: Investigation established that E. Howard Hunt in his travel, ordinarily used the alias of Ed Warren and G. Gordon Liddy ordinarily used the alias of George Leonard. These names were ordinarily used in airline travel and for hotel registration.



(2) The article states that McCord flashed CIA papers identifying himself as "George Russell" and that CIA assured those who checked that Russell was a legitimate employee. The article also attributes to "other sources" the possibility that Liddy may have also used the George Russell alias.

COMMENT: The name George Russell is not known to have been used by McCord or Liddy. When arrested at the Democratic National Committee Headquarters, McCord claimed to be Edward Martin of New York City. As set forth above, Liddy almost without exception used the alias of George Leonard or G. Leonard.

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE.

ENCLOSURE  
CAN/jak (8)

REC-85

139-4089-2174

REC-102

CONTINUED - OVER

67 MAY 23 1973

CLASS. & EXT. BY SP-7APJ/RL/MS  
REASON-FCIM II, 1-2.4.2  
DATE OF REVIEW 5/8/93

17 MAY 23 1973

*6-08*  
~~CONFIDENTIAL~~

Long to Gebhardt Memo  
RE: James Walter McCord, Jr.

(3) The article states that, "These sources claim the FBI originally thought the Watergate break-in was a CIA operation."

COMMENT: This may readily be implied from the 7/21/72, summary memorandum concerning this case which was entered into the record by Mr. Gray in his confirmation hearings. On page 2 of the memorandum there is a statement that McCord who appears to have been the leader of the group was retired from the CIA and the remaining subjects are all known to have Cuban backgrounds and either worked with or participated in CIA activities against the Castro Government. In addition, the possibility that the Watergate incident was a CIA operation was definitely considered at the outset of the case, particularly since Hunt also was a retired CIA employee. U

(4) The article states, "The CIA, however, refused to cooperate with the FBI investigation." U



B1

(5) The article states, "A memo, intended for FBI eyes only, reported: 'It is recalled we specifically were requested by the CIA not to interview...two CIA employees, and instructions were issued to WFO [Washington Field Office] to this effect. One of the individuals had already been interviewed, and the second was not interviewed per the request of the CIA.'" U

COMMENT: The foregoing appears to be a direct quote from a 3/2/73 memorandum from Mr. Gebhardt to Mr. Baker captioned, "Confirmation." The point at issue which led to that memorandum was a question asked of Mr. Gray if there were any leads FBI Agents wished to follow which they were not permitted to do so. [redacted]

[redacted] were two names contained in Hunt's telephone file which was among his effects turned over to WFO on 6/26/72 by John Dean at the Executive Office Building. On 6/28/72, then CIA Director Richard Helms confidentially informed Mr. Gray that these two men were active CIA agents and Mr. Helms urgently requested they not be interviewed or investigated. Although instructions were immediately issued to WFO along these lines, [redacted]

B1

[redacted] not interviewed. U

B1

(6) The article states, "Another FBI memo, prepared for ex-White House Chief of staff H. R. Haldeman but never submitted to him, noted that Hunt and Liddy had 'traveled extensively around the United States contacting former CIA employees for the purpose of setting up a security organization for the Republican Party dealing with political espionage.'" U

Long to Gebhardt Memo  
Re: James Walter McCord, Jr.

COMMENT: The quotation in the article about Hunt and Liddy's travel appears to be taken verbatim from the first paragraph on page 3, of the 7/21/72, summary letterhead memorandum which, as set forth above, Mr. Gray entered into the record at his confirmation hearings. That memo is not known to have been prepared for H. R. Haldeman; rather, it was prepared at Mr. Gray's instruction, and forwarded to the Attorney General, Deputy Attorney General, and Assistant Attorney General, Criminal Division. Mr. Gray testified during the confirmation hearings that John Dean had requested a summary of the investigation and he expected the Attorney General's Office would forward a copy to Mr. Dean.

(7) The article states, "Both E. Howard Hunt and McCord are ex-CIA agents. When the FBI discovered Hunt was involved in the Watergate conspiracy, agent John Rule 'telephonically contacted' presidential assistant Alexander P. Butterfield for an explanation. Our sources say he was the White House liaison man with the CIA. An FBI memo states that Butterfield informed Rule that 'Hunt was used... on 'highly sensitive, confidential matters' about nine months ago.'"

COMMENT: The fact is that both Hunt and McCord are retired CIA employees. With respect to the telephone call by WFO Supervisor John Ruhl (not Rule) to Alexander P. Butterfield of the White House, mentioned in the article, this information is set forth in the second paragraph, page 3, of a memorandum dated 6/19/72, giving the brief early facts known at that time concerning the case. That memorandum, at Mr. Gray's instruction, was not transmitted outside the Bureau; however, it is one of the documents entered into the record for Mr. Gray's confirmation hearings. Mr. Butterfield was contacted by Supervisor Ruhl since WFO SA George Saunders, who works liaison with the White House, advised Ruhl, Mr. Butterfield, among other duties, was in over-all charge of personnel matters at the White House. Therefore, he would be the individual to contact to determine if Hunt was a White House employee. (U)

(8) The article states, "The first impulse of President Nixon's campaign chiefs was to blame the Watergate bugging operation on the CIA. Both Hunt and McCord balked at this suggestion and sent back angry word that they wouldn't 'sit still' for this. They have testified under oath that Watergate was not a CIA operation. But there is growing evidence of some kind of CIA involvement."

COMMENT: The alleged first impulse of President Nixon's campaign chiefs is not known to the FBI. Neither is it known to FBIHQ whether Hunt and McCord testified under oath that Watergate was not a CIA operation. Neither of these men testified during their trial; however, both have been before the present Federal grand jury and it is quite possible that both testified the CIA was not involved. In this regard, it will be recalled that Anderson has publicly acknowledged having gained access to transcripts of some of the grand

~~CONFIDENTIAL~~

CONFIDENTIAL

Long to Gebhardt Memo  
RE: James Walter McCord, Jr.

jury testimony. The statement by Anderson that there is growing evidence of some kind of CIA involvement may possibly be implied by the recent disclosure by Judge Byrne that Hunt and Liddy burglarized Daniel Ellsberg's psychiatrist's office. In addition, it has been disclosed in connection with Ellsberg's trial that Hunt has stated he utilized CIA equipment in preparing for the burglary of the psychiatrist's office. □

ACTION: This is for information.

① AN

~~WAS~~ not

RJC

WSC

FLAW

CRK

CONFIDENTIAL

~~CONFIDENTIAL~~

UNITED STATES GOVERNMENT

# Memorandum

- Mr. Felt ✓
- Mr. Baker
- Mr. Callahan
- Mr. Cleveland
- Mr. Conrad
- Mr. Gebhardt
- Mr. Jenkins
- Mr. Marshall
- Mr. Miller, E.S.
- Mr. Soyars
- Mr. Thompson
- Mr. Walters
- Tele. Room
- Mr. Baise
- Mr. Barnes
- Mr. Bowers
- Mr. Horington
- Mr. Conroy
- Mr. Mintz
- Mr. Eardley
- Mrs. Hogan

TO : Mr. Gebhardt *JAF*

DATE: 5-7-73

FROM : R. E. Long *REL/BJP*

- 1 - Mr. Eardley
- 1 - Mr. Miller
- 1 - Mr. Nuzum

SUBJECT: JAMES WALTER MC CORD, JR.,  
AND OTHERS  
BURGLARY OF DEMOCRATIC COMMITTEE  
NATIONAL HEADQUARTERS, 6-17-72  
INTERCEPTION OF COMMUNICATIONS

For the information of Mr. Ruckelshaus, on 6-26-72, after perusal of the personal telephone rotary file of Everett Howard Hunt, Jr., contained in Hunt's effects furnished the FBI that date by John Dean, Washington Field Office (WFO) forwarded a teletype to various offices, including Alexandria, setting forth a number of names of individuals together with their telephone numbers. Instructions were that the individuals and telephone numbers be identified and that interviews be conducted to develop their association with Hunt, the subjects and their knowledge of this case.

On 6-28-72, then CIA Director Richard Helms confidentially informed Mr. Gray that [redacted] are active CIA agents and Mr. Helms urgently requested they not be interviewed or investigated at that time. Instructions were immediately issued to then SAC Kunkel, WFO, to discontinue investigation or interviews of these two men and that the employment of these men should be kept strictly on a need-to-know basis. However [redacted] had been interviewed briefly on 6-27-72, by the Alexandria Office. He furnished little information of value. [redacted] was never interviewed.

By teletype dated 7-7-72, WFO advised that the telephone number for [redacted] was determined to be a CIA publicly subscribed number. Alexandria was instructed to conduct appropriate investigation regarding [redacted] to develop association with Hunt and the other subjects. By teletype dated 7-11-72, Alexandria advised that the CIA had advised information pertaining to [redacted] and his telephone

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WHERE SHOWN OTHERWISE.

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(4)

REC-102

REC-85 139-4089-2173  
CONTINUED 470677 23 1973

ENCLOSURE

62 MAY 24 1973

CLASS. & EXT. BY SP2 TAP/sem/ams  
DATE OF REVIEW 5/7/93

~~CONFIDENTIAL~~

- Felt \_\_\_\_\_
- Baker \_\_\_\_\_
- Callahan \_\_\_\_\_
- Cleveland \_\_\_\_\_
- Conrad \_\_\_\_\_
- Dalbey \_\_\_\_\_
- Gebhardt \_\_\_\_\_
- Jenkins \_\_\_\_\_
- Marshall \_\_\_\_\_
- Miller, E.S. \_\_\_\_\_
- Purvis \_\_\_\_\_
- Soyars \_\_\_\_\_
- Walters \_\_\_\_\_
- Tele. Room \_\_\_\_\_
- Mr. Kinley \_\_\_\_\_
- Mr. Armstrong \_\_\_\_\_
- Ms. Herwig \_\_\_\_\_
- Mrs. Neenan \_\_\_\_\_

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DATE 6/20/90 BY SP2 TAP/JR/ldw

The Washington Merry-Go-Round

# CIA Reportedly Set Up Watergate IDs

By Jack Anderson

The Watergate ring leaders apparently used phony credentials, which the Central Intelligence Agency authenticated, during their spying-sabotage operations against the Democrats.

Trusted sources have told us James McCord, while he was preparing to bug Democratic Party headquarters, flashed CIA papers identifying himself as "George Russell." Those who checked with the CIA were assured "George Russell" was a legitimate employee.

Other sources close to the Watergate investigation say that G. Gordon Liddy may also have used the same "George Russell" alias. These sources claim the FBI originally thought the Watergate break-in was a CIA operation.

The CIA, however, refused to cooperate with the FBI investigation. A memo, intended for FBI eyes only, reported "It is recalled we specifically were requested by the CIA not to interview two CIA employees, and instructions were issued to WFO [Washington Field Office] to this effect. One of the individuals had already been interviewed, and the second was not interviewed per the request of the CIA."

Another FBI memo, prepared for ex-White House Chief of Staff H.R. Haldeeman, told him to inform him,

noted that Hunt and Liddy had "traveled extensively around the United States contacting former CIA employees for the purpose of setting up a security organization for the Republican Party dealing with political espionage."

Both E. Howard Hunt and McCord are ex-CIA agents.

When the FBI discovered Hunt was involved in the Watergate conspiracy, agent John Rule "telephonically contacted" presidential assistant Alexander P. Butterfield for an explanation. Our sources say he was the White House liaison man with the CIA. An FBI memo states that Butterfield informed Rule that "Hunt was used ... on 'highly sensitive, confidential matters' about nine months ago."

The first impulse of President Nixon's campaign chiefs was to blame the Watergate bugging operation on the CIA. Both Hunt and McCord balked at this suggestion and sent back angry word that they wouldn't "sit still" for this. They have testified under oath that Watergate was not a CIA operation.

But there is growing evidence of some kind of CIA involvement.

Footnote: Butterfield told my associate Joseph Spear that he doesn't remember being called by the FBI. He had "security responsibility" at the White House, he said, but was "not aware" that he was a designated CIA liaison official. McCord couldn't be reached,

and the CIA would say only that "McCord is a retired employee and normally would not carry current identification."

## Cag Order

Angry senators have charged that the White House had interfered with the National Transportation Safety Board to stop the release of reports that might embarrass the Nixon administration.

The board is supposed to be an independent agency which investigates air accidents and oversees the performance of the Federal Aviation Administration. Senate Commerce Committee Chairman Warren Magnuson (D-Wash.) believes air safety should be kept out of politics.

He got assurances from board chairman John H. Reed on March 25, 1971, that "we do not yield one iota on independence, believe me. The board is completely independent. We try to be gentlemen in working with [the White House], but there is no intrusion beyond that independence line and if there is any influence it will be the first one up here to speak to you and members of the committee."

Magnuson has now been informed, however, that the White House ordered the board to cease issuing reports critical of the administration.

In a scathing letter, Magnuson has written Reed: "I have received allegations that de-

- The Washington Post Times Herald B-15
- The Evening Star (Washington) \_\_\_\_\_
- The Sunday Star (Washington) \_\_\_\_\_
- Daily News (New York) \_\_\_\_\_
- Sunday News (New York) \_\_\_\_\_
- New York Post \_\_\_\_\_
- The New York Times \_\_\_\_\_
- The Daily World \_\_\_\_\_
- The New Leader \_\_\_\_\_
- The Wall Street Journal \_\_\_\_\_
- The National Observer \_\_\_\_\_
- People's World \_\_\_\_\_

Date 5-8-73

*MEMO  
Long to  
Reber  
5/5/73  
CAG*

139-4089-2174 ENCLOSURE

Despite the assurance you personally provided the committee on March 25, 1971, that on March 18, 1973, you called a meeting of members of the National Transportation Safety Board to discuss communications you had received from the White House staff regarding certain lawful functions of the board.

"It has been alleged," continues the confidential letter, "on that occasion you, acting as chairman of the board, revealed that the White House staff had expressed displeasure with you and other members of the board because of certain reports and recommendations adopted and made publically by the board which were critical of the Department of Transportation and the Federal Aviation Administration."

"It has been charged that you were ordered, despite provisions of law to the contrary, to cease issuing such reports which might in any way be construed as critical of the Department of Transportation or the executive branch. Further, charges have been made that you informed members of the board that unless the board agreed to cease this activity... that members would be 'disciplined' by the White House."

Magnuson demanded full particulars from Reed, who, when contacted by us, refused to comment.

**CONFIDENTIAL**

UNITED STATES GOVERNMENT

# Memorandum

- Mr. Felt \_\_\_\_\_
- Mr. Baker \_\_\_\_\_
- Mr. Callahan \_\_\_\_\_
- Mr. Cleveland \_\_\_\_\_
- Mr. Conrad \_\_\_\_\_
- Mr. Cobhardt \_\_\_\_\_
- Mr. Jenkins \_\_\_\_\_
- Mr. Marshall \_\_\_\_\_
- Mr. Miller, E.S. \_\_\_\_\_
- Mr. Soyars \_\_\_\_\_
- Mr. Thompson \_\_\_\_\_
- Mr. Walters \_\_\_\_\_
- Tele. Room \_\_\_\_\_
- Mr. Bates \_\_\_\_\_
- Mr. Barnes \_\_\_\_\_
- Mr. Bowers \_\_\_\_\_
- Mr. Herington \_\_\_\_\_
- Mr. Conroy \_\_\_\_\_
- Mr. Mintz \_\_\_\_\_
- Mr. Farley \_\_\_\_\_
- Mrs. Hogan \_\_\_\_\_

TO : MR. GEBHARDT *J/MAF*

DATE: 5-8-73

FROM : MR. FELT *Felt*

SUBJECT: CIA INVOLVEMENT IN WATERGATE AND ELLSBERG

*James Walters  
McCool*

*b1*

[REDACTED]

[REDACTED]

*Yes*

This is on the Director's Special List.

LMW:ort  
(4) *LMW*

- 1 - Mr. Miller
- 1 - Mrs. Metcalf

REC-85 / 39-4089-2175

17 MAY 23 1973

U.S. DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

MAY 8 11 38 AM '73

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REASON-FCIM II, 1-2.4.2 3

DATE OF REVIEW 5/9/93

*Memo; Long to  
Gebhardt  
5/9/73. om:act*

**ROUTE IN ENVELOPE**

ALL INFORMATION CONTAINED  
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67 MAY 23 1973

**CONFIDENTIAL**

~~CONFIDENTIAL~~

UNITED STATES GOVERNMENT

# Memorandum

- Mr. Felt \_\_\_\_\_
- Mr. Baker \_\_\_\_\_
- Mr. Callahan \_\_\_\_\_
- Mr. Cleveland \_\_\_\_\_
- Mr. Conroy \_\_\_\_\_
- Mr. Gebhardt \_\_\_\_\_
- Mr. Jenkins \_\_\_\_\_
- Mr. Marshall \_\_\_\_\_
- Mr. Miller, E.S. \_\_\_\_\_
- Mr. Soyars \_\_\_\_\_
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- Mr. Baise \_\_\_\_\_
- Mr. Barnes \_\_\_\_\_
- Mr. Bowers \_\_\_\_\_
- Mr. Herington \_\_\_\_\_
- Mr. Conroy \_\_\_\_\_
- Mr. Mintz \_\_\_\_\_
- Mr. Eardley \_\_\_\_\_
- Mrs. Hogan \_\_\_\_\_

TO : Mr. Gebhardt *JWF*

DATE: 5-9-73

FROM : R. E. Long *REY*

- 1 - Mr. Eardley
- 1 - Mr. Nuzum
- 1 - Mr. E. S. Miller

SUBJECT: JAMES WALTER MC CORD, JR.,  
AND OTHERS  
BURGLARY OF DEMOCRATIC COMMITTEE  
NATIONAL HEADQUARTERS, 6-17-72  
INTERCEPTION OF COMMUNICATIONS

*mugshot*

The following is submitted in response to the request by Mr. Ruckelshaus for a memorandum dealing with Central Intelligence Agency (CIA) involvement in the Watergate case, as set forth in the memorandum, Mr. Felt to Mr. Gebhardt dated 5-8-73, captioned "CIA Involvement in Watergate and Ellsberg." The Intelligence Division is furnishing a separate memorandum relative to the Ellsberg matter.

In the early stages of investigation of the burglary of Democratic National Committee Headquarters, careful consideration was given to the possibility the CIA may be involved. A number of signs pointed to such involvement, such as the fact that James McCord and E. Howard Hunt were retired CIA employees.



Frank Sturgis was reported to be a soldier of fortune associated with Martinez in Cuban exile activities for a number of years.

However, during the course of the investigation, we did not develop evidence to indicate that CIA was involved in the planning or execution of the Watergate incident, nor did we develop information to indicate that agency was knowledgeable with respect to the incident. In a peripheral sense, however, involvement by the CIA might be implied by those not privy to the complete details of our investigation since the cast of characters in the Watergate incident includes a number of former CIA employees or persons who at one time were of interest to that agency. Examples of the foregoing are as follows:

REC-85 135-4089-276

CONTINUED - 17 MAY 23 1973 OVER

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67 MAY 23 1973

CLASS. & EXT. BY SP2TAP/RLMS  
REASON-FCIM II, 1-2.4.2 2  
DATE OF REVIEW 5/9/93

~~CONFIDENTIAL~~

Memorandum to Mr. Gebhardt  
Re: JAMES WALTER MC CORD, JR.

James Walter McCord, Jr., who was arrested 6-17-72, in connection with the burglary, is a retired CIA employee, having been employed by that agency from 8-22-51 to 8-31-70. According to [REDACTED]

[REDACTED] McCord, during his CIA employment, was involved with [REDACTED] investigation did not substantiate the foregoing claim by [REDACTED] and CIA, in a 6-21-72, memorandum, informed that a review of McCord's duties and assignments at CIA provided no indication he was involved in [REDACTED] not assigned to [REDACTED]

B1

[REDACTED]

B1

confided to a business associate that he was going to Washington, D. C., on a high level mission for CIA. No substantiation for the sources' information was gained through investigation and, in fact, McCord, in his letter dated 3-19-73, to Judge Sirica states in part "The Watergate operation was not a CIA operation. The Cubans may have been misled by others into believing that it was a CIA operation. I know for a fact that it was not."

B1

[REDACTED]

[REDACTED]

According to CIA, it has no record of subject Virgilio Gonzalez.

Everette Howard Hunt, whose name was found in subject Barker's address book, and whose check was found in subjects' room at the Watergate Hotel at the time of their arrest on 6-17-72, was employed by the CIA from [REDACTED] A

CONTINUED - OVER

Memorandum to Mr. Gebhardt  
Re: JAMES WALTER MC CORD, JR.

Miami source identified Hunt as the individual known as "Eduardo" who was in the White House

B1

[REDACTED] Miami sources acquainted with the subjects and Eduardo believe that the chain of command in the burglary of the Democratic Party Headquarters would have been "Eduardo" to McCord to Barker and/or Martinez. The Miami sources' analysis of the likely chain of command of the Watergate incident was accurate; however, as set forth above, McCord has stated the Watergate matter was not a CIA operation.

With further regard to Hunt, at the time of subjects' arrest on 6-17-72, he was employed by the Robert R. Mullen and Company, 1700 Pennsylvania Avenue, N.W., Washington, D. C., having joined this company following his retirement from CIA.

[REDACTED]

B1

In addition, investigation established that Hunt, in December, 1971 - January, 1972,

[REDACTED] Jack M. Bauman and Thomas

Amato. According to Bauman, Hunt told him he was forming a security group to promote security standards of the Republican Party. Bauman believed Hunt's security program consisted of the prevention of political espionage against the Republican Party, employee screening and security of files. Bauman and Amato each advised our Agents they did not accept Hunt's offer of employment.

Bernard Barker's address book, recovered in the Watergate Hotel by search warrant, contained the name of "Jack Stuart" with an address and telephone number at Madeira Beach, Florida. We interviewed this individual and he was determined to be Jack Stewart [REDACTED] who was approached for employment along the same lines as Bauman. He did not accept this employment.

B1

\*Caddy is the attorney who gratuitously appeared at

\*Michael Douglas Caddy

CONTINUED - OVER

Memorandum to Mr. Gebhardt  
 Re: JAMES WALTER MC CORD, JR.

the Metropolitan Police Department during the early morning hours on 6-17-72, where the subjects were taken after being arrested. It was known that each of the arrested subjects declined to make a telephone call and Caddy would not disclose how he became aware of subjects' arrests or who had retained him. Investigation disclosed telephone calls were made on 6-17-72, between Hunt's business phone at the Robert R. Mullen Company, Washington, D. C., and Barker's residence in Miami, Florida, and between Barker's residence and Caddy's office and residence telephones.

Upon his appearance before the Federal grand jury, Caddy was held in contempt of court for failing to answer questions on the basis that he had an attorney-client relationship with Hunt. The contempt action was upheld by the U. S. Court of Appeals on 7-19-72. Caddy subsequently testified that he

*b3*  
 The sign-in book at the Robert R. Mullen Company shows an entry signed in the name "Wait" at 3:20 am on that morning; however, investigation proved Robert Wait, an acquaintance of Hunt and associated with General Foods Corporation with office space provided by Robert R. Mullen Company, was visiting friends in Bridgewater, Connecticut, at that time.

Michael Douglas ~~Caddy~~, 2121 P Street, N.W., Washington, D. C., is an Attorney at Law having offices at 1250 Connecticut Avenue, N.W., Washington, D. C., and is associated with the law firm of Gall, Lane, Powell and Kilcullen. In 1960, he was graduated from the School of Foreign Service, Georgetown University, Washington, D. C., and later obtained his law degree from New York University, New York. In 1961, Caddy was the National Director of the Young Americans for Freedom, 343 Lexington Avenue, New York, New York.

Robert F. ~~Bennett~~, President, Robert R. Mullen Company, Mills Building, 1700 Pennsylvania Avenue, N.W., advised that prior to the purchase of the Mullen Company by Bennett in 1970, Mr. Mullen arranged a luncheon attended by Mullen, Bennett, Caddy and Hunt, the latter two being interested in purchasing a portion of the stock. Caddy was at that time employed by the General Foods Corporation and was assigned to the Mullen Company as liaison officer. During the same period, Hunt was employed by the Mullen Company. After Caddy was released by General Foods Corporation, Mr. Mullen arranged for Caddy to join the law firm of Gall, Lane, Powell, and Kilcullen. Mr. Bennett advised on

CONTINUED - OVER

Memorandum to Mr. Gebhardt  
Re: JAMES WALTER MC CORD, JR.

6-21-72, he knows that Hunt has maintained a personal relationship with Caddy as Caddy has called the Mullen Company offices on several occasions to speak to Hunt.

[REDACTED]

B1

CIA has requested the above information be tightly controlled and not be disseminated outside of this Bureau.

Among the names and telephone numbers in Hunt's telephone file, which was among his effects from the Executive Office Building given to WFO by John Dean on 6-26-72, were those of [REDACTED]. Instructions were issued to identify these individuals and interview them concerning their association with Hunt and the other subjects as well as their knowledge of the Watergate incident. On 6-28-72, then CIA Director Richard Helms confidentially informed Mr. Gray that [REDACTED] are active CIA Agents and Mr. Helms urgently requested they not be interviewed or investigated at that time. Further, that their employment should be kept strictly on a need-to-know basis. However [REDACTED] had already been interviewed, furnishing information of little value. [REDACTED] was not interviewed.

B1

WFO determined the telephone number for [REDACTED] to be a CIA publicly subscribed number. Upon inquiry at CIA, Alexandria was informed that the information pertaining to [REDACTED] would be furnished only to Acting Director Gray. On 7-28-72, Mr. Gray furnished a handwritten note indicating a card describing [REDACTED] had been delivered to Mr. Gray on that date by General Walters of CIA. [REDACTED]

B1

[REDACTED] CIA developed a roll of film for Hunt showing some unidentifiable

CONTINUED - OVER

CONFIDENTIAL X

Memorandum to Mr. Gebhardt  
Re: JAMES WALTER MC CORD, JR.

place, presumably Rand Corporation. Mr. Gray instructed that no further inquiry was necessary regarding [REDACTED] and none was conducted.

B1

[REDACTED]

B1

[REDACTED]

In reviewing Bernard Barker's bank account at the Republic National Bank, Miami, Florida, and in conducting interviews at that bank, on 6-21 and 22-72, information was developed that Barker had on 4-20-72, presented a cashier's check dated 4-10-72, payable to Kenneth Dahlberg, drawn on the First Bank and Trust Company of Boca Raton, Florida. Barker obtained cash after depositing that check to his account. Investigation showed Dahlberg to be a prominent Minneapolis businessman and fund raiser for the Committee to Reelect the President (CRP). Efforts to interview Dahlberg initially were unsuccessful as he evaded our Agents and finally declined interview of the basis of his counsel's advice.

[REDACTED]

Dahlberg was thereafter interviewed on 7-7-72, when

CONTINUED - OVER

CONFIDENTIAL X

Memorandum to Mr. Gebhardt  
Re: JAMES WALTER MC CORD, JR.

he claimed the \$25,000 represented contributions he had accumulated while he was staying in southeast Florida just prior to the early part of April, 1972. Later, in August, 1972, Dahlberg changed his story and admitted the \$25,000 represented a contribution by Dwayne Andreas, a prominent grain businessman who had desired anonymity for his contribution.

On 6-27-72, Mr. Helms orally advised Mr. Gray regarding information available to CIA concerning [redacted] who the CIA said had not been involved in any operational contacts with that agency.

[redacted] These bank drafts were significant since they also had passed through Barker's bank account in Miami. The Federal grand jury inquiry into the Watergate incident resulted in development of information that [redacted] was the donor of \$100,000 to CRP which was composed of \$11,000 in cash and \$89,000 in Mexican bank drafts.

B1  
B3  
B1

Investigation relative to the numerous long distance telephone calls billed to Hunt revealed he was frequently in contact with Morton Barrows Jackson, a Los Angeles attorney.

Calif

[redacted] CIA was not aware of any connection Hunt may have had with Jackson

B1

Jackson was interviewed and admitted being in personal as well as telephonic contact with Hunt, as well as Liddy, but denied any knowledge of the Watergate incident.

B1

CONTINUED - OVER

Memorandum to Mr. Gebhardt  
Re: JAMES WALTER MC CORD, JR.



BI

Ruiz was interviewed on 6-27-72, and advised he worked at McCord Associates from approximately February, 1972, until 5-30-72. He denied any knowledge of the Watergate incident.

Review of Liddy's FBI personnel file showed that on 1-14-70, information relative to his FBI service was sent to CIA upon request of that agency.

ACTION: For information.

*QAN*

*RSB*  
*CS*  
*WGC*

*WAF*  
*FLM*

*WGC*

Assistant Attorney General  
Criminal Division

May 16, 1973

Acting Director, FBI

REC-25 / 39-4089-2177

- 1 - Mr. Felt
- 1 - Mr. Gebhardt
- 1 - Mr. Long
- 1 - Mr. Nuzum
- 1 - Mr. Eardley
- 1 - Mr. Mintz

JAMES WALTER MC CORD, JR.,  
AND OTHERS  
BURGLARY OF DEMOCRATIC NATIONAL  
COMMITTEE HEADQUARTERS  
JUNE 17, 1972  
INTERCEPTION OF COMMUNICATIONS

*Mc Cord*

During the course of the Watergate investigation, instances of destruction of records have come to the FBI's attention, the details of which were contained in the numerous investigative reports forwarded to you. A summary of these instances follows:

Financial records of the Committee to Reelect the President (CRP) such as ledgers and records regarding contributors were allegedly destroyed about April 6, 1972, immediately prior to the effective date of the Federal Election Campaign Act. In addition, there apparently was destruction of material concerning George Gordon Liddy's intelligence gathering operations. Several individuals were interviewed in this connection and they advised they saw Liddy destroying various records, however, the exact nature of these records is unknown. It was also reported that Robert Houston, Mr. McCord's assistant, removed some material from the offices of the CRP during the weekend of June 17-18, 1972.

As the FBI is not privy to the Federal grand jury testimony, we do not know if there is sufficient basis to conduct further investigation into the specific area of destruction of records which destruction may constitute violations of the Federal Election Campaign Act or its predecessor, the Federal Corrupt Practices Act.

In line with established policy, no investigation will be conducted by the FBI unless specifically requested by the Criminal Division of the Department.

JJC:efg  
(9)

SEE NOTE PAGE TWO...

SENT FROM D. O.
TIME 4:45 PM
DATE 5/16/73
BY [Signature]

- Mr. Tolson
- Mr. Mohr
- Mr. DeLoach
- Mr. Casper
- Mr. Callahan
- Mr. Conrad
- Mr. Felt
- Mr. Gale
- Mr. Rosen
- Mr. Sullivan
- Mr. Tavel
- Mr. Trotter
- Tele. Room
- Miss Holmes
- Miss Gandy

MAY 25 1973

TELETYPE UNIT

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DATE 6/20/80 BY SP2TAP/ur/10ms

Assistant Attorney General

NOTE: See memoranda Acting Director to Mr. Felt May 3, 1973,  
and Legal Counsel to the Acting Director May 9, 1973, attached.

UNITED STATES GOVERNMENT

# Memorandum

TO : The Acting Director

DATE: May 9, 1973

FROM : Legal Counsel *JAM*

*James Walter McCord*

SUBJECT: ~~WATERGATE;~~  
~~DESTRUCTION OF COMMITTEE TO~~  
~~REELECT THE PRESIDENT~~  
~~FINANCIAL RECORDS~~

- Mr. Felt
- Mr. Baker
- Mr. Callahan
- Mr. Cleveland
- Mr. Conrad
- Mr. DeLoach
- Mr. Jenkins
- Mr. Marshall
- Mr. Miller, E.S.
- Mr. Soyars
- Mr. Thompson
- Mr. Walters
- Tele. Room
- Mr. Baise
- Mr. Barnes
- Mr. Bowers
- Mr. Herington
- Mr. Casper
- Mr. Callahan
- Mr. Eardley
- Mrs. Hogan

*Replied*

Your memorandum to Mr. Felt dated May 3, 1973, advised that a summary of the Watergate investigation notes that a witness reported the systematic destruction of financial records of the Committee to Reelect the President in April, 1972. Your memorandum instructed that we should advise whether a Federal crime is possibly involved, and, if so, what steps have been, or should be, taken to develop a case.

The significance of the date April, 1972, is that the Federal Election Campaign Act, Public Law 92-225, enacted February 7, 1972, was to become effective 60 days after date of enactment. That would place the effective date on April 7, 1972. The Federal Election Campaign Act superseded the Federal Corrupt Practices Act which had been codified as Title 2, United States Code, Sections 251 through 256. With the enactment of the new statute, these sections were repealed. Requirements concerning disclosure of Federal campaign funds now appear in Title 2, United States Code, Sections 431 through 454.

If there occurred destruction of financial records of the Committee to Reelect the President as has been alleged, such action might have been in violation of the Federal Corrupt Practices Act, Title 2, United States Code, Sections 241 through 256. In summary, Title 2, United States Code, Sections 241 and 242, provided that political committees which accept contributions or make expenditures to influence or attempt to influence the election/candidates or presidential and vice presidential electors in two or more states, or a committee which is a branch or subsidiary of a national

- 1 - Mr. Eardley
- 1 - Mr. Gebhardt
- 1 - Mr. Mintz

*Letter to Assistant Attorney General, Civ. Div.  
5/16/73*

JAM:mfd  
(3)

REC-85

139-4089-62177  
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DATE 6/20/80 BY SP2TAP/JRM/DOJ

17 MAY 23 1973

Memorandum to the Acting Director  
Re: WATERGATE

must have a chairman and a treasurer. It was the duty of the treasurer to keep a detailed and exact account of all contributions made to or for the committee; the names and addresses of every person making such contributions and the dates thereof; all expenditures made by or on behalf of the committee; and the name and address of every person to whom any such expenditure was made and the date thereof. Further, it was the duty of the treasurer to keep a receipted bill for every expenditure by or on behalf of the political committee exceeding \$10 in amount. The treasurer was required to preserve all receipted bills and accounts required to be kept by this law for a period of at least two years from the date of the filing of the statement containing such items.

Section 244 required the treasurer to file with the Clerk of the House of Representatives a statement containing the name and address of each person who has made a contribution to or for the committee of \$100 or more together with the amount and date of such contribution; the total sum of the contributions made to the committee each calendar year and not listed by individual contributors; the total sum of all contributions made to the committee during the calendar year; and the name and address of each person to whom an expenditure of \$10 or more was made within the calendar year along with the amount, date and purpose of such expenditure.

Section 247 required that the statement filed by the treasurer be under oath and preserved by the Clerk of the House of Representatives for a period of two years from the date of filing. The statement would then constitute a part of the public records and would be open to public inspection. The penalty for violations of the Federal Corrupt Practices Act was stated in Section 252. Any person who in fact violated any of the restrictions of the law could be fined not more than \$1,000, or imprisoned not more than one year, or both. Any person who willfully violated these sections was liable to a fine of not more than \$10,000, and imprisonment for not more than two years.

The constitutionality of these sections of the Code was tested by the Supreme Court and the law was found to be constitutional in Burroughs v. U.S., 290 U.S. 534 (1934).

Therefore, it appears that assuming the Committee to Reelect the President was a committee covered by the Federal Corrupt Practices Act, destruction of financial records which were required to be retained

Memorandum to the Acting Director  
Re: WATERGATE

under that law could constitute a violation of Federal law. Willful destruction of such required records could have been a felony resulting in personal criminal liability. However, it should be carefully noted the statute imposed a duty only on the treasurer of the committee to preserve records and it is not clear that destruction of records by the chairman or other person would have constituted an offense under the statute. It is much more likely that if the chairman destroyed required records he could be charged with participation in a conspiracy (T. 18 USC § 371) to violate the statute.

The fact that the Federal Corrupt Practices Act was repealed by the enactment of the Federal Election Campaign Act of 1971 does not afford protection from current prosecution for actions taken prior to the effective date of the repeal. Title 1, United States Code, Section 109, provides that the repeal of a statute shall not have the effect of releasing or extinguishing any penalty, forfeiture or liability incurred under the statute unless the repealing act shall so expressly provide. The statute shall be treated as remaining in force for purposes of sustaining a prosecution. Hamm v. City of Rock Hill, 379 U.S. 306 (1964), explains the rationale is to avoid technical abatement where there is substitution of a new and more comprehensive statute for the former statute. Under the more recent Federal Election Campaign Act of 1971, the record keeping requirements are continued but the penalties for violations are limited to a fine of not more than \$1,000, or imprisonment of not more than one year, or both (Title 2, United States Code, Section 441).

In order to determine whether a Federal crime was committed, it would be essential to take steps to develop facts showing the following:

1. The organization and function of the Committee to Reelect the President.
2. The identity of the chairman and treasurer.
3. Whether records that were required to be preserved by the treasurer were destroyed.
4. An inventory of any and all such records destroyed and the date of destruction of each record.

Memorandum to the Acting Director  
Re: WATERGATE

5. The identity of those participating or agreeing to destruction of such records.

Two possible limitations on FBI action in this matter are:

1. An interpretation of the statute which would exclude committees organized in the District of Columbia from the provisions of the law on the technical ground the statute refers to committees active in "two or more States" and defines "State" as including "territory and possession of the United States." The District of Columbia is not mentioned. A possible answer to such a claim that the statute would not apply to the District of Columbia political committees is that the statute does not refer to the place in which the committee is organized. Instead, it declares committees covered which "accept contributions or make expenditures . . . in two or more States . . . ." If the Committee to Reelect the President accepted contributions or made expenditures in two or more states, the committee would appear to be covered by the terms of the statute. The Burroughs case involved a prosecution in the District of Columbia under this statute and is some support for the conclusion the statute would apply to political committees in the District of Columbia;

2. Department Order 41-54 dated February 9, 1954, which is still current, characterized the Corrupt Practices Act as having criminal penalties that were primarily administrative in nature. The Order required complaints of violations be referred to the Criminal Division and no investigation be undertaken by the FBI in the absence of express instructions.

RECOMMENDATIONS:

1. That no investigation of a possible violation of the Federal Corrupt Practices Act be commenced by this Bureau in regard to the Committee to Reelect the President in the absence of express instructions from the Department.

2. That the General Investigative Division review the facts known at this time concerning this matter and furnish recommendations to the Acting Director whether there is sufficient basis for a complaint to refer this matter to the Criminal Division.

GK  
WAP  
↓

Thom

WAC  
ROR  
MS

WAP

WAP  
JAM

ADDENDUM: RECOMMENDATION OF GENERAL INVESTIGATIVE DIVISION,  
5/11/73, REL:DC

---

Review of pertinent material concerning destruction of records reveals there were two situations in which Committee to Reelect the President (CRP) files apparently were destroyed. First, financial records such as ledgers and records regarding contributors were destroyed about 4/6/72, prior to the date on which the new regulations relative to disclosure of the names of contributors and the expenditure of funds went into effect on 4/7/72. Second, there apparently was destruction of material having to do with George Gordon Liddy's intelligence gathering operation. Several individuals were interviewed in this connection and they advised they saw Liddy destroying various records, exact nature unknown. It was also reported that James Walter McCord's assistant Robert Houston, removed some material from the CRP offices over the weekend of 6/17-18/72.

SA Angelo Lano, WFO Case Agent, previously advised us that the grand jury looked into the aforementioned destruction of records. The persons questioned before the grand jury were the same individuals who furnished us information relative to alleged destruction of records. The grand jury did not return any indictments regarding this matter.

The previous grand jury testimony, the U. S. District Court testimony and the most recent grand jury testimony was not made available to us; therefore, we do not know to what extent the destruction of records matter was corroborated or developed. It is noted, however, that the information contained in our reports concerning destruction of records, as well as the testimony of individuals before the grand jury and the District Court is in the possession of the Department which would direct this Bureau to conduct investigation if sufficient evidence existed.

A letter is being prepared to the Department setting forth a resume of the facts developed during our investigation, together with other pertinent data. The Department will be advised that in line with established policy no investigation will be conducted unless specifically requested by them.

*WAF*

*WAF*

*rel*

*WAF*

FEDERAL BUREAU OF INVESTIGATION  
COMMUNICATIONS SECTION

Date: 5/13/73

Transmit the following in \_\_\_\_\_

PLAINTEXT  
(Type in plaintext or code)

Via FACSIMILE \_\_\_\_\_

URGENT  
(Priority)

*[Handwritten signature and initials]*  
34

TO ACTING DIRECTOR (ATTN: JAMES FARRINGTON, ROOM 5838, PRESS SERVICES OFFICE)

WFO (139-166)

FROM CHICAGO (139-263)

JAMES WALTER MC CORD JR.; ET AL. BURGLARY, DEMOCRATIC NATIONAL COMMITTEE HEADQUARTERS, WASHINGTON, D.C., 6/17/72. IOC. OO: WFO.

REBUTELCALL TO CG FROM SUPV. FARRINGTON 5/13/73.

FOLLOWING IS FACSIMILE COPY AS REQUESTED OF ARTICLE APPEARING IN "CHICAGO SUNDAY SUNTIMES."

ATTENTION TELETYPE ROOM: SUPV. FARRINGTON HAS REQUESTED THIS FACSIMILE TO BE ON HIS DESK BY BEGINNING BUSINESS 5/14/73. PLEASE HANDLE ACCORDINGLY.

REC-102  
*[Handwritten initials]*

REC-85 139-4087-2178

2 MAY 18 1973

ENCLOSURE

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6/28/80 BY SP2 TAP/ARM/GMS

*[Handwritten signature]*  
PRESS SERVICES OFFICE

MAY 24 1973

Approved: \_\_\_\_\_  
Special Agent in Charge

Sent \_\_\_\_\_ M Per \_\_\_\_\_

(Mount Clipping in Space Below)

FBI agents tell

Watergate sham;

Vesco jury's quiz

of Dean bared

EXCLUSIVE stories on Page 2

(Indicate page, name of newspaper, city and state)

FRONT PAGE

CHICAGO SUNDAY  
SUNTIMES

CHICAGO, ILLINOIS

Date: 5/13/73  
Edition: Final  
Author: Morton Kondracki  
Editor:  
Title: FBI GUARD ON  
PAPERS CALLED  
'SHAM' OPERATIONS

Character:  
or  
Classification:  
Submitting Office: CHICAGO

Being Investigated

ENCLOSURE

PAGE ONE OF TWO

139-4089 5118

(Mount Clipping in Space Below)

# FBI guard on papers I called 'sham' operation

By Morton Kondracke  
Sun-Times Bureau

WASHINGTON — FBI agents have complained that they were "used" by the White House to create a fake "public relations liaison"

Treasury official reportedly pressured Meord to remain silent with a promise of executive clemency. Page 8.

Watergate Smokes CIA. Page 7.

Dees may create more headlines Sunday. See Kup, Page 32.

Related stories on Pages 6, 8, 43, 52.

operation" that a tight guard was placed on the files of presidential aides H. R. (Bob) Helmsman and John D. Ehrlichman after they signed amidst the Watergate scandal.

In fact, according to the agents, the "sham" operation was a "sham." No guard at all was put on the files until nearly nine months after the Helmsman-Ehrlichman resignation on April 30. That was about 24 hours after the two aides turned, in a weekend conference with Mr. Nixon at his Camp David (Md.) retreat, that the President wanted them to resign.

Once reports arrived at the White House at about 8 p.m. (Chicago time) on April 30 — that the two aides were delivering his resignation — they were told to "get the files" and "bring them to the

In guidelines issued them the following day, the agents were told that they were not allowed to examine any White House documents, or "working papers," that they were not to log the movement of papers in and out of offices and were not to ask White House employees their identities or what documents were in their possession. They said that no inventory of documents was conducted and that Helmsman and Ehrlichman had full access to their files.

One agent complained to associates and superiors that the guard force would be effective only to stop Helmsman or Ehrlichman from driving a station wagon up to the White House door to haul away a truckload of Watergate evidence.

A White House official and two aides to acting FBI director William D. Ruckelshaus confirmed the agents' accounts of the guidelines, which were drafted in a 7:30 a.m. meeting on May 1 by Ruckelshaus aide Gary Black, White House assistant counsel Douglas Park-

er and John McDonnell, special agent in charge of the FBI's Washington field office.

The guard operation itself grew out of consultations between Ruckelshaus, Atty. Gen. designate Elliot L. Richardson and new White House counsel Leonard Garment.

Black and another Ruckelshaus aide, Jack Conroy, said that the agents' main function in fact was to prevent a large batch of documents from being removed at one time — and

(Indicate page, name of newspaper, city and state.)

PAGE TWO  
APPEARING IN  
CHICAGO SUNDAY  
SUNTIMES

CHICAGO, ILLINOIS

Date: 5/13/73

Edition: Final

Author: Morton Kondracke

Editor: Article written by

Title: FBI GUARD ON PAPERS CALLED 'SHAM' OPERATION

Character:

or

Classification:

Submitting Office: CHICAGO

Being Investigated

PAGE TWO OF THREE

(Mount Clipping in Space Below)

Conroy contended that removal of small quantities of sensitive documents -- as has also occurred before -- was possible under the guidelines, but he said agents were authorized to -- and did -- examine the briefcases of Haldeman and Ehrlichman to determine what they might be carrying out of their offices.

A White House official who asked not to be identified said the two resigned aides still have access to their files, which now have been moved to two "secure rooms" in the Executive Office Building next door to the White House and have been under Secret Service guard since Monday.

The White House official said the purpose of guarding the files from the beginning has not been to deny access to them or to prevent their being copied, but to block the removal of "presidential papers."

According to the White House official, Haldeman and Ehrlichman may examine, if they wish, files left behind by fired White House counsel John W. Dean III, though they have not requested to do so.

Dean -- who is out of favor with President Nixon and has alleged a Haldeman-Ehrlichman-Nixon plot to make him a Watergate "scapegoat" -- has not asked to see his own files, the official said, so the issue of his access has not arisen.

Dean has indicated that he removed classified documents from the White House before he was fired and placed them in a safe-deposit box to prevent their legitimate destruction. Files he left behind are stored in a "secure room" and open to examination by designated White House aides.

According to the White House official, Dean would not enjoy the same easy access to Haldeman and Ehrlichman's files that they may have to his. He would "have to specify what he wanted to see and what the purpose was in doing it," the official said.

The FBI agent who complained about the guard duties referred to his impression by White House officials that the so-called "tightening procedure" was tight in theory, rather than loose, permissive and

The agent asserted that the difference between spokesmen's statements and the reality of the guard operation was in proportion to the difference between their statements and reality of their own surveillance activities. He said that the FBI

White House press secretary Ronald L. Ziegler had described the FBI agents' activities as a round-the-clock vigil "to make sure that access and removal of any files were supervised in accordance with a very strict procedure."

The impression was left that the guard was so conspicuous and intimidating that President Nixon was moved to order an agent out of a hallway and to complain to the Cabinet that the operation was "badly handled" because it suggested that Haldeman and Ehrlichman were not to be trusted.

According to reports out of the FBI, Mr. Nixon did pull an agent out of a hallway, but later returned to apologize to him.

When he was apprised of complaints by FBI agents, Conroy said they "may have been confused as to their precise role."

Conroy himself had said in an initial interview that the agents' role was to inventory documents, log their movements and watch persons handling them. When he learned that the agents had been ordered not to perform such functions, he said, "I had my wires crossed."

Defending the guidelines issued to agents, Conroy said, "They weren't there on a fishing expedition to go over each paper in the White House." Asked what the use of a guard operation was days after Ehrlichman and Haldeman knew of their ouster, Conroy said, "You're assuming these guys are guilty of something. What about the presumption of innocence? They haven't been indicted or charged with anything."

Conroy said the agents were not posted earlier because Ruckelshaus, on the job only one day after being selected to replace L. Patrick Gray III of the FBI, learned only at 11 a.m. on April 30 that Haldeman and Ehrlichman had resigned, that Dean had been fired and that Richardson was to be attorney general.

Conroy said it took some time, that day, to confer with Richardson and Garment about placing guards on the files.

Ruckelshaus' intent, said Conroy, was to "prevent a repetition of the charges that White House files could be removed. He didn't want, as a hypothetical, files to be missing and the Senate to ask, 'Where was the FBI?'"

(Indicate page, name of newspaper, city and state.)

PAGE 58

CHICAGO SUNDAY SUNTIMES

CHICAGO, ILLINOIS

Date: 5/13/73  
Edition: Final  
Author: Morton Kondracke  
Editor:  
Title: FBI GUARD ON PAPERS CALLED 'SIAM' OPERATION

Character:  
or  
Classification:  
Submitting Office:  
 Being Investigated

FEDERAL BUREAU OF INVESTIGATION  
COMMUNICATIONS SECTION

MAY 13 1973 *Kae*

WESTERN UNION

Mr. Felt	<input checked="" type="checkbox"/>
Mr. Baker	<input type="checkbox"/>
Mr. Callahan	<input type="checkbox"/>
Mr. Cleveland	<input type="checkbox"/>
Mr. Conrad	<input type="checkbox"/>
Mr. Gelhardt	<input type="checkbox"/>
Mr. Jenkins	<input type="checkbox"/>
Mr. Marshall	<input checked="" type="checkbox"/>
Mr. Miller, E.S.	<input type="checkbox"/>
Mr. Soyars	<input type="checkbox"/>
Mr. Thompson	<input type="checkbox"/>
Mr. Walters	<input type="checkbox"/>
Tele. Room	<input type="checkbox"/>
Mr. Boise	<input type="checkbox"/>
Mr. Barnes	<input type="checkbox"/>
Mr. Egan	<input type="checkbox"/>
Mr. Herington	<input type="checkbox"/>
Mr. Conroy	<input type="checkbox"/>
Mr. Eardley	<input type="checkbox"/>
Mrs. Hogan	<input type="checkbox"/>

89415 WSH

WU WSH

TLXA013 WAB097(1416)(2-180635E133)PD 05/13/73 1415

ICS IPMRNCZ CSP

4155474016 NL TDRN PIEDMONT CA 100 05-13 0215P EST

PMS WILLIAM RUCKLESHAUS ACTING DIRECTOR FBI

WASHINGTON DC

AFTER TODAY'S CHARGES BY FBI AGENTS YOU SHOULD RESIGN

ISABEL HUNGERLAND 71 DUDLEY AVENUE PIEDMONT CALIFORNIA 94611

*see serial 2180*

*Waldorf*

REC-85 139-4089-2179

2 MAY 18 1973

MAY 13 3 30 PM '73

*ack Marshall memo 5-15-73 MSR:nt*

CORRESPONDENCE

324P

67 MAY 24 1973

89415 WSH

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6/20/80 BY SP2 TAP/JRM/005

UNITED STATES GOVERNMENT

# Memorandum

TO : Mr. Marshall

DATE: 5-15-73

FROM : G. E. Malmfeldt

SUBJECT: ISABEL HUNGERLAND  
71 DUDLEY AVENUE  
PIEDMONT, CALIFORNIA  
CORRESPONDENCE MATTER

*James Walter McCord*

- Mr. Felt
- Mr. Baker
- Mr. Callahan
- Mr. Cleveland
- Mr. Conrad
- Mr. Gebhardt
- Mr. Jenkins
- Mr. Marshall
- Mr. Miller
- Mr. Soyars
- Mr. Thompson
- Mr. Walters
- Tele. Room
- Mr. Baise
- Mr. Barnes
- Mr. Bowers
- Mr. Herington
- Mr. Conmy
- Mr. Mintz
- Mr. Eardley
- Mrs. Hogan

By telegram 5-13-73 directed to Acting Director Ruckelshaus, captioned individual stated "After todays charges by FBI Agents you should resign." Mr. Ruckelshaus asked "Which charges?"

It is not possible to determine precisely what "charges" correspondent may be referring to. Some newspapers on 5-13-73 carried articles concerning FBI Agents being stationed outside the offices of resigned Presidential Aides H. R. Haldeman and John D. Ehrlichman. Attached is an article from the "Chicago Sun Times" which headlines "FBI agents tell Watergate sham."

The attached article indicates that Agents assigned to the guard duty were given guidelines preventing them from examining any White House documents and that they were told not to log the movement of papers or to ask White House employees their identities or what documents were in their possession.

The article attributes statements in some detail to White House sources and to Bureau personnel, including Mr. Conmy concerning this situation.

Bufiles reveal that Mrs. Hungerland wrote former Acting Director Gray in September, 1972, critical of the FBI in relation to the Watergate case. Her letter was briefly acknowledged 10-4-72 declining to make any comment concerning the Watergate case since it was subject of pending investigation. Mrs. Hungerland appears to be the wife of one Helmut Hungerland



In view of the presumptuous and pretentious nature of the communication received from Isabel Hungerland, it is not believed she should be contacted to determine specifically the charges to which she had reference.

Enclosure

Mr. Marshall

RECOMMENDATIONS - OVER

62 MAY 24 1973

MSR:nb (3)

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DATE 6/20/80 BY SP2TAP/IRL/oms

*1-SP2SP8-2-79 me*

**DIC**

*[Handwritten initials]*

*[Handwritten initials]*

*[Handwritten initials]*

G. E. Malmfeldt to Marshall memo  
RE: ISABEL HUNGERLAND

RECOMMENDATIONS:

(1) For information in response to the question raised by Mr. Ruckelshaus.

(2) That no acknowledgment be made to the telegram received from captioned individual.

*to gum*  
*OK*  
*led*  
*7*  
*MR*

~~CONFIDENTIAL~~

May 17, 1973

FEDERAL INVESTIGATIVE DIVISION

The attached concerns the burglary of the Democratic National Committee Headquarters, Washington, D. C. (WDC). Assistant United States Attorney (AUSA) Silbert, WDC, furnished information relative to testimony of James Walter McCord before the Federal Grand Jury, relating to purchase of surreptitious electronic devices used in this case.

[REDACTED]

As a result of a subpoena, toll call records were obtained regarding long distance calls made throughout the country by this company (telephone numbers set forth).

[REDACTED]

Leads are set out to identify and interview subscribers regarding their association and knowledge of Michael Marcus Stevens, (true name Alisto Joseph Giovannoni), owner of the above company.

CLASS. & EXT. BY SP2 TAP JRM/DMS  
REASON-FCIM II, 1-2.4.2  
DATE OF REVIEW 5/17/93

CAN:sls

RJG/lea  
CM

Walt

RCL  
WJC

WJC

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE.

~~CONFIDENTIAL~~

B3

B1

CONFIDENTIAL

FEDERAL BUREAU OF INVESTIGATION  
COMMUNICATIONS SECTION

Mr. Tolson	
Mr. Callahan	
Mr. Conrad	
Mr. DeLoach	
Mr. Mohr	
Mr. Bishop	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Mr. Holmes	
Mr. Barnes	
Mr. Beane	
Mr. Pennington	
Mr. Casper	
Mr. Mohr	
Mr. Ladd	
Mrs. Hogan	

WXA

WXA

NR014 WF CODED

MAY 16 1973

TELETYPE

650 PM IMMEDIATE 5-16-73 ALM

TO ACTING DIRECTOR (139-4089) (BY MESSENGER)

ALEXANDRIA (139-18)

BALTIMORE (139-148)

BOSTON (139-164)

CHICAGO (139-263)

CINCINNATI (139-78)

DALLAS (139-245)

LOS ANGELES (139-306)

MIAMI (139-328)

NEW ORLEANS

SAN DIEGO (139-63)

SPRINGFIELD (139-66)

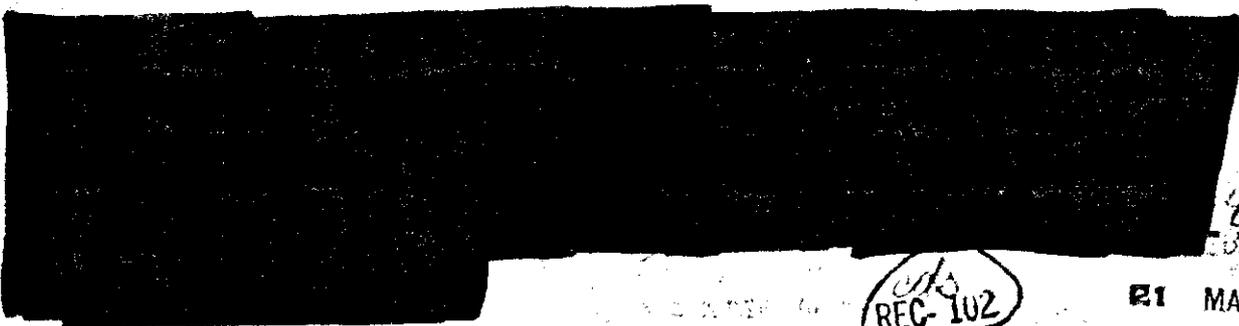
----- (ALL OFFICES VIA WASHINGTON) -----

FROM WASHINGTON FIELD (139-166) (P) 4P

JAMES WALTER MC CORD, JR., ET AL; BURGLARY, DEMOCRATIC  
NATIONAL COMMITTEE HEADQUARTERS, WASHINGTON, D. C. (WDC),  
6-17-72. IOC. (OO: WFO).

APPROPRIATE AGENCIES  
AND FIELD OFFICES  
ADVISED BY ROUTING  
SLIP(S) OF THIS  
CLASSIFICATION

FOR INFORMATION OF BUREAU AND RECEIVING OFFICES, JAMES  
WALTER MC CORD, JR., TESTIFIED BEFORE FEDERAL GRAND JURY THAT



B3

4089 2181

REC-102

23  
MAY 21 1973

END PAGE ONE

TELETYPED TO:

ALL ABOVE  
58 MAY 23 1973

6120190  
CLASS. & EXT. BY SP2 TAP/ Jem Dms  
REASON-FCIM II, 1-2.4.2  
DATE OF REVIEW 5/16/99

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HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE.

CPM

CONFIDENTIAL

PAGE TWO

B3

[REDACTED]

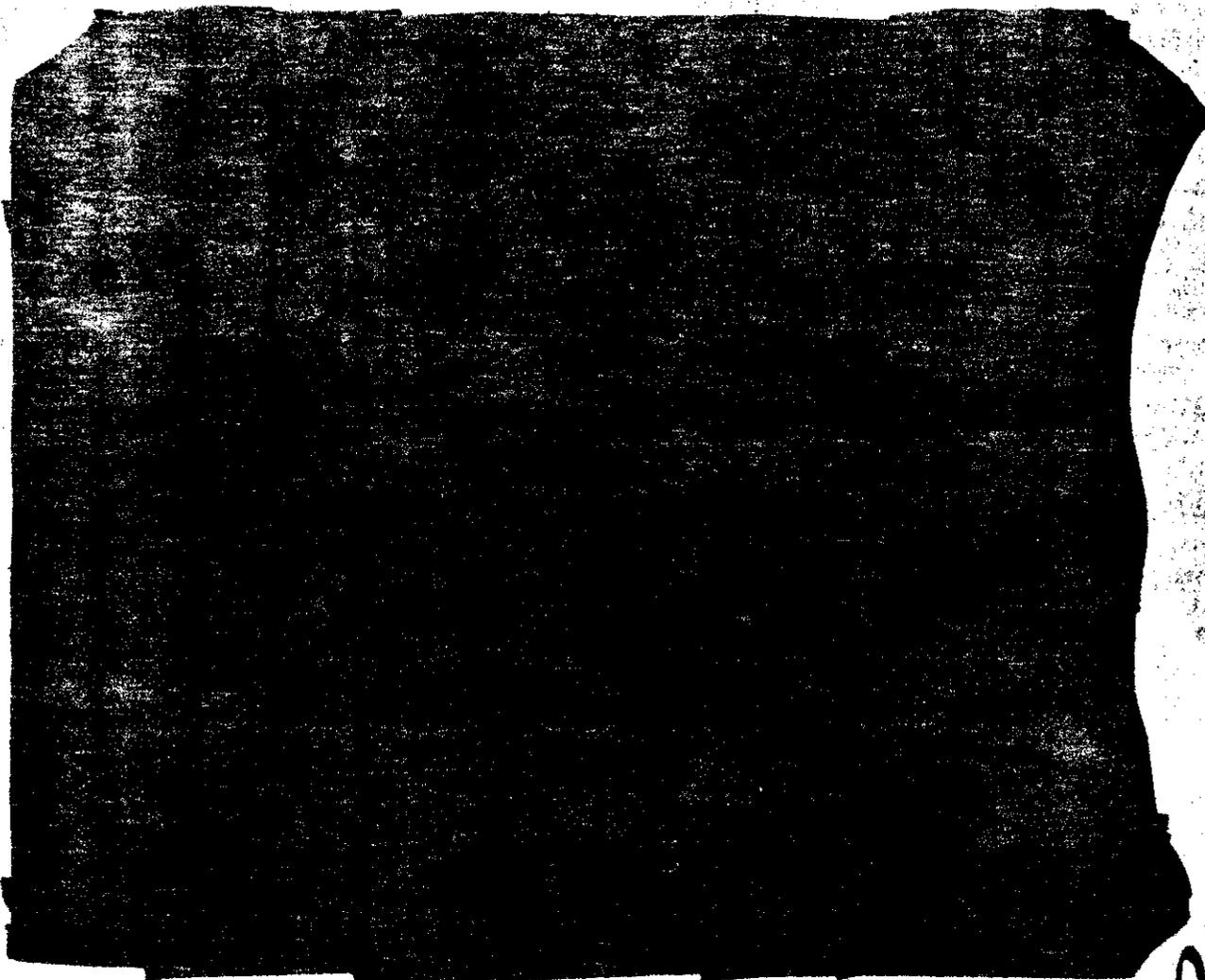
INFORMATION ALSO RECEIVED FROM MC CORD THAT SHORTLY AFTER ARREST STEVENS CALLED CRP WDC AND ATTEMPTED TO BLACKMAIL COMMITTEE SAYING HE KNEW MC CORD PURCHASED ITEMS FROM HIM. NO INFORMATION DEVELOPED TO SUBSTANTIATE THIS CLAIM BY MC CORD.

CHICAGO DETERMINED RESEARCH LAB NO LONGER IN EXISTENCE HOWEVER THEY LEARNED ONE MICHAEL MARCUS STEVENS WAS OWNER AND OPERATOR OF RESEARCH LAB AND HAD ASSISTANT NAMED BERNARD GORDON. STEVENS WHEN CONTACTED BY FEDERAL BUREAU OF INVESTIGATION (FBI) CHICAGO <sup>ILL.</sup> REFUSED TO CO-OPERATE UNLESS GRANTED IMMUNITY. ASSISTANT UNITED STATES ATTORNEY (AUSA) DESIRES TO SUBPOENA STEVENS TO WDC FOR GRAND JURY. BUT WOULD LIKE FULL BACKGROUND REGARDING STEVENS OTHER ACTIVITIES. INVESTIGATION FURTHER DETERMINED THAT STEVENS TRUE NAME IS ALISTO JOSEPH GIOVANNONNI, SECOND, WHITE MALE DATE OF BIRTH 5-30-42, AT CINCINNATI, OHIO.

END PAGE TWO

PAGE THREE

FOLLOWING TOLL RECORDS OBTAINED VIA SUBPOENA\* FROM CHICAGO:



B3/

END PAGE THREE

\* concerning toll calls of Stevens Research Laboratory

PAGE FOUR

[REDACTED]

B1

ALL OFFICES CHECK INDICES ON STEVENS AND HIS TRUE NAME. CHECK TELEPHONE NUMBERS ASSIGNED YOUR DIVISION. THEREAFTER IDENTIFY SUBSCRIBER AND INTERVIEW THOROUGHLY REGARDING ASSOCIATION AND KNOWLEDGE OF STEVENS.

[REDACTED]

B1

OTHER LISTED NUMBER WDC POSSIBLY INTERNAL REVENUE SERVICE (IRS) INTELLIGENCE DIVISION, WDC.

(CHICAGO IN ADDITION TO ABOVE LEADS, CONTACT BERNARD GORDON REGARDING STEVENS FOR ANY ASSISTANCE TOWARD STEVENS INTERVIEW. SUTEL.

END

GVS WASH DC ACK FOR RELAY  
PLS HOLD FOR TO TWO PLS

FEDERAL BUREAU OF INVESTIGATION  
COMMUNICATIONS SECTION

MAY 17 1973

TELETYPE

Mr. Tolt	_____
Mr. Laker	_____
Mr. Callahan	_____
Mr. Cleveland	_____
Mr. Conrad	_____
Mr. Galt	_____
Mr. Jenkins	_____
Mr. Marshall	_____
Mr. Quinn, E.S.	_____
Mr. Soyars	_____
Mr. Thompson	_____
Mr. Walters	_____
Mr. Zelen	_____
Mr. Barnes	_____
Mr. Gatta	_____
Mr. Johnston	_____
Mr. Conroy	_____
Mr. Fardley	_____
Mrs. Hogan	_____

NR025 CG PLAIN

10:10PM NITEL 5-17-73 RWR

TO ACTING DIRECTOR (139-4089)

WFO (139-166)

FROM CHICAGO (139-263) 4P

*NUGBY*

JAMES WALTER MC CORD, JR., ET; BURGLARY, DEMOCRATIC  
NATIONAL HEADQUARTERS, WASHINGTON DC, 6-17-72, IOC,  
OO: WFO.

RE WFO TELETYPE TO BUREAU DATED 5-16-73.

TELEPHONE NUMBER 965-2790 LISTED TO DR. JOSEPH L. GORDON,  
5519 MADISON STREET, MORTON GROVE, ILLINOIS. DR. GORDON IS  
BROTHER OF BERNARD GORDON. TELEPHONE NUMBER 447-7066 LISTED  
TO ELECTRONIC PRODUCTS, 8913 22ND STREET, NORTH RIVERSIDE,  
ILLINOIS.

BERNARD GORDON LOCATED AT 1745 WEST DEVON, WHERE HE  
OPERATES SMALL ELECTRONICS SHOP. GORDON WORKED WITH MICHAEL  
STEVENS ON 7-71 TO ABOUT 10-72. GORDON INVOLVED IN ATTEMPTS  
TO MAKE SMALL ELECTRONIC EQUIPMENT AND DEVICES ALLEGEDLY FOR A  
APCCO CORPORATION, WITH WHOM STEVENS CLAIMED TO HAVE CONTACT.

END PAGE ONE

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6/24/70 BY SP2 TAP/BJM/oms

67 MAY 23 1973

Wayne Bradley of Lab to OM  
ADV. 10:15 PM  
5/18/73. all  
4th copy sent 5/18/73

139-4089-2182

MAY 23 1973

PAGE TWO

GORDON ALSO DID SOME DE-BUGGING. AT NO TIME DID HE MAKE ANY SURVEILLANCE EQUIPMENT.

ABOUT 1-72, STEVENS TOLD GORDON HE HAD PERMISSION FROM FCC TO MAKE SURVEILLANCE EQUIPMENT FOR US GOVERNMENT AGENCIES, INCLUDING FBND, FBI, AND IRS. NO MENTION OF CIA. STEVENS HAD SMALL TRANSMITTER WHICH COULD FIT INSIDE CIGARRETTE CASE. THIS DESIGNED BY ENGINEER UNKNOWN TO GORDON. STEVENS WOULD NOT IDENTIFY HIM. WHEN GORDON SAW THIS DEVICE, IT WAS INOPERABLE. GORDON NEVER KNEW STEVENS TO MAKE ANY SURVEILLANCE EQUIPMENT FOR ANYONE AND BELIEVES STEVENS INCAPABLE OF DESIGNING AND CONSTRUCTING SOPHISTICATED SURVEILLANCE DEVICES. GORDON DOES NOT KNOW WHO STEVENS WOULD HAVE MANUFACTURE OR DESIGN SUCH EQUIPMENT FOR HIM.

END PAGE TWO

PAGE THREE

ABOUT MAY, '72, GORDON RECEIVED CALL WHILE AT 2050 W. DEVON FROM MAN WHO SAID HE WAS AT AIRPORT AND HAD APPOINTMENT WITH STEVENS. HE LATER CAME TO SHOP AND MET WITH STEVENS, BUT GORDON NOT INTRODUCED TO MAN. AFTER WATERGATE BROKE, STEVENS TOLD GORDON THAT MC CORD "WAS THE GUY WHO WAS HERE." GORDON HAS OBSERVED PHOTOS OF MC CORD IN NEWSPAPERS AND FEELS CERTAIN MC CORD WAS IN FACT THE MAN IN THE SHOP. STEVENS NEVER SAID WHY MC CORD WAS HERE OR MENTIONED ANYTHING ELSE ABOUT WATERGATE.

GORDON STATED STEVENS HAD LITTLE APPARENT INCOME. STEVENS HAD BANK ACCOUNT AT SOUTH CENTRAL BANK AND TRUST CO., 555 WEST ROOSEVELT, CG. STEVENS' MOTHER-IN-LAW ALLEGEDLY IS VICE PRESIDENT AT THIS BANK.

BERNARD GORDON IS W/M, BORN 1-25-22, AT CG, 5'10", 192 LBS. BRN HAIR, BLUE EYES, SSN 318-03-6087, ASN 36 71 89 12. HE CLAIMS HE RECEIVED HONORABLE DISCHARGE FROM ARMY IN '44. HE RESIDES AT 4827 N. SHERIDAN, APT. 706. HE HAS HOME PHONE 275-6449 AND BUSINESS PHONE 262-0556. HIS FORMER BUSINESS PHONE WAS 973-6708.

Morton Grove, Ill.

END PAGE THREE

PAGE FOUR

WFO MAY WISH TO CONSIDER SUBPOENAING BANK RECORDS  
OF STEVENS AND PHONE RECORDS OF GORDON FOR POSSIBLE INFO OF  
VALUE. WFO MAY ALSO WISH TO OBTAIN COPIES OF GORDON'S MILITARY  
RECORD.

END

PLS ACK FOR ELEVEN TELS GA

HOLD FOR THREE

MBT FBIHQ ACK FOR ELEVEN



FEDERAL BUREAU OF INVESTIGATION  
COMMUNICATIONS SECTION

MAY 18 1973  
TELETYPE

NR628 CG PLAIN

845PM NITEL 5-18-73 RWR

TO ACTING DIRECTOR (139-4889)

WFO (139-166)

FROM CHICAGO (139-263) 2P

JAMES WALTER MC CORD, JR., ET AL; BURGLARY, DEMOCRATIC  
NATIONAL COMMITTEE HEADQUARTERS, WASHINGTON DC, 6-17-72,  
IOC, OO: WFO.

RE DALLAS TELETYPE TO BUREAU DATED 5-18-73.

ON 5-18-73, ALL AVAILABLE RECORDS SEARCHED AT REGIONAL  
SALES OFFICE, TEXAS INSTRUMENTS, GLENVIEW, ILLINOIS, BUT NO  
REFERENCE TO A MICHAEL STEVENS, ALISTO, JOSEPH GIOVANNONNI,  
STEVENS RESEARCH LAB, OR AUDIOTRONICS, INC. LOCATED.

NEGATIVE ATTEMPT TO CONTACT ELECTRONICS SOUND PRODUCTS  
(ESP), 8913 22ND STREET, NORTH RIVERSIDE, ILLINOIS, MADE  
TODAY. COMPANY ALSO DOES BUSINESS AS ELECTRONICS SPECIALTY  
PRODUCTS AT SAME ADDRESS. ██████████ STATED OWNER OF  
BUSINESS IS (FNU) BARCEL (PH). BARCEL HAS INDICATED TO  
SOURCE ANY SURVEILLANCE EQUIPMENT SOLD BY ESP IS OBTAINED  
FROM MICHAEL STEVENS.

END PAGE ONE

Mr. Felt	_____
Mr. Baker	_____
Mr. Callahan	_____
Mr. Cleveland	_____
Mr. Conrad	_____
Mr. Galt	_____
Mr. Jenkins	_____
Mr. Marshall	_____
Mr. Miller, E.S.	_____
Mr. R. J. Scott	_____
Mr. Thompson	_____
Mr. Walters	_____
Tele. Room	_____
Mr. Zetser	_____
Mr. Barnes	_____
Mr. Bowler	_____
Mr. Evers	_____
Mr. Gandy	_____
Mr. Hays	_____
Mr. Randle	_____
Ms. Hogan	_____

*Leff*  
*Walt*

*Walt*

139 *BTD* / 892184

REC-85

17 MAY 23 1973

*6-ent*

67 MAY 23 1973

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6/20/80 BY SP-1/AM/MS

PAGE TWO

SOURCE FEELS BERNARD GORDON IS MORE LIKELY MANUFACTURER OF  
DEVICES THAN STEVENS.

END

PLS ACK FOR THREE

DSS FI FBI WA DC FOR THREE

COMMUNICATIONS SECTION

MAY 13 1973

EVZGUIZAO

TELETYPE

NR008 SI CODE

5:38PM URGENT 5-13-73 GWM

TO: ACTING DIRECTOR, FBI (139-4089)

WFO (139-166)

CHICAGO (139-263)

FROM SPRINGFIELD (139-66)

Mr. Felt	_____
Mr. Baker	_____
Mr. Callahan	_____
Mr. Cleveland	_____
Mr. Conrad	_____
Mr. Gebhardt	_____
Mr. Jenkins	_____
Mr. Marshall	_____
Mr. Miller	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Trotter	_____
Tele. Room	_____
Mr. Pate	_____
Mr. Egan	_____
Mr. Gandy	_____
Mr. Bowers	_____
Mr. Harrison	_____
Mr. Conway	_____
Mr. Evans	_____
Mr. Hardley	_____
Mr. Hogan	_____

*JWAP*

*rel*

JAMES WALTER MC CORD, JR., ET AL; BURGLARY, DEMOCRATIC NATIONAL COMMITTEE HEADQUARTERS, WASHINGTON, D. C., 6-17-72. IOC. OO: WFO.

*WFO*  
*abg ma*  
*B-2-23-73*

RE WFO TELETYPE DATED 5-16-73.

PEORIA EXCHANGE 691-2380 REGISTERED TO ANITA MARIE PRIMUS, 6912 CAMELOT ROAD, PEORIA, ILL. EXCHANGE 692-3569 REGISTERED TO ABI PRODUCTIONS, 6912 CAMELOT ROAD, PEORIA. ABI PRODUCTIONS OPERATED BY WILLIAM ARTHUR PHALLS. PRIMUS COMMONLAW WIFE OF PHALLS. CAMELOT RESIDENCE ONE FAMILY 2-STORY FRAME HOUSE WITH BASEMENT UTILIZED FOR AMERICAN BROADCAST INDUSTRIES PRODUCTIONS. ABI IN OPERATION 2 YEARS, ENGAGED IN AUDIO AND VISUAL COMMERCIALS FOR RADIO AND TV.

PHALLS INTERVIEWED THIS DATE, READILY ADMITS KNOWING MICHAEL MARCUS STEVENS, AS FRIEND AND SOCIAL ACQUAINTANCE.

*139-4089 2185*

END PAGE ONE

*ILL*

17 MAY 23 1973

67 MAY 23 1973

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 6/20/80 BY SP2TAP/len/oms

*6-em*

SI 139-66

PAGE TWO

ORIGINALLY MET STEVENS 1965 CHICAGO. STEVENS LA KNOWN TO BE IN ELECTRONICS BUSINESS, DEVON, CHICAGO, IN PARTNERSHIP WITH BERNIE GORDON. PRIOR TO THIS, OPERATED CONTRACT THREE CARPET BUSINESS, SHERIDAN AVENUE, CHICAGO. IN 1965 STEVENS EMPLOYED AS CHEMICAL RESEARCH EMPLOYMENT RECRUITER WITH OFFICES ON MILWAUKEE AVENUE AND ON HUBBARD AVENUE. STEVENS A GRADUATE OF LOYOLA UNIVERSITY, IS AN EXCELLENT CIRCUIT AND REPAIRMAN FOR ELECTRONIC EQUIPMENT, ESPECIALLY TAPE RECORDERS. RESIDES WITH WIFE, ADRIAN, DEVON AVENUE, CHICAGO, PHONE 465-2117.

PHALLS CHARACTERIZED BERNIE GORDON AS AN OLD ELECTRONIC TECHNICIAN WHO WAS FREQUENTLY HIRED BY VARIOUS PRIVATE INVESTIGATORS, CHICAGO, FOR CLANDESTINE ELECTRONIC EAVESDROPPING EQUIPMENT AND INSTALLATION. GORDON HIRED BY JACK MORAN, A PRIVATE INVESTIGATOR, WI OFFICES ON LA SALLE STREET, CHICAGO, AND A NUMBER OF SUCH JOBS. STEVENS INTRODUCED PHALLS TO MORAN IN 1969 AND MORAN THEREAFTER HIRED PHALLS FOR UNDERCOVER WORK, PEORIA, RE RACIAL SITUATION.

PHALLS DENIES PURCHASING ANY OF HIS ABI EQUIPMENT OR ANY ELECTRONIC EQUIPMENT FROM STEVENS. LAST CONVERSED WITH HIM 4-73 RE LOCATION OF CLIENT IN CHICAGO FOR A COMMERCIAL CONTRACT.

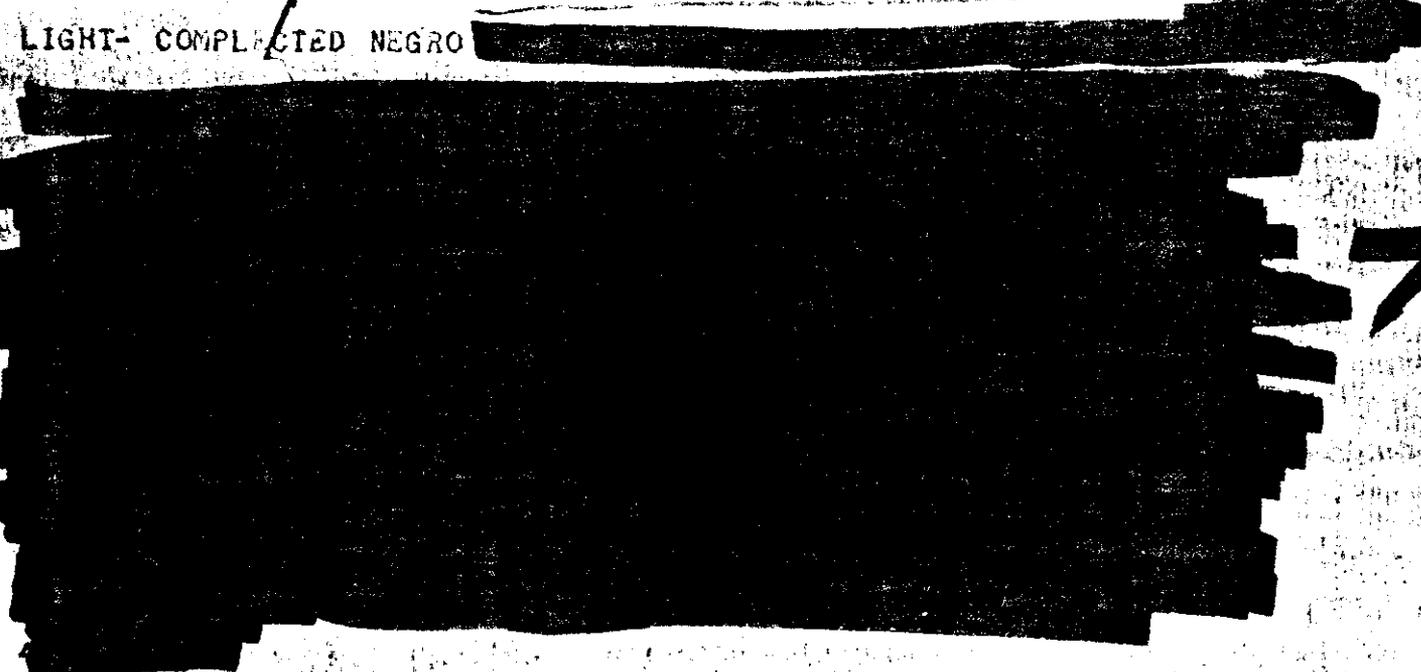
END PAGE TWO

SI 139-66

PAGE THREE

STEVENS VISITED PHALLS IN PEORIA ON TWO OCCASIONS, ONCE WITH HIS WIFE IN THE SPRING OF 1970 AND ONCE ALONE IN APPROXIMATELY DECEMBER, 1972. PHALLS CHARACTERIZED STEVENS AS AN AMBITIOUS, INTELLIGENT BUSINESSMAN, WISE TO WAYS OF BIG CITY LIFE, ALWAYS ALERT TO FINANCIAL GAIN OR PROFIT.

FOR INFORMATION BUREAU, WILLIAM ARTHUR PHALLS, TRUE NAME WILLIAM ARTHUR FALLS, BORN 12-11-41, HOPKINSVILLE, KENTUCKY, A LIGHT-COMPLECTED NEGRO



ANITA MARIE PRIMUS, AKA MA, BORN 2-20-46, WHITE FEMALE, CURRENTLY RESIDING WITH PHALLS AT 6912 CAMELOT ROAD, PEORIA.

END PAGE THREE

SI 139-56

PAGE FOUR

EMPLOYED AS CLERICAL INSTRUCTOR, MANPOWER ADULT TRAINING,  
PEORIA, ILLINOIS.

REPORT FOLLOWS. P.

END

FEDERAL BUREAU OF INVESTIGATION  
COMMUNICATIONS SECTION

MAY 18 1973  
TELETYPE

Mr. Felt	
Mr. Baker	
Mr. Callahan	
Mr. Cleveland	
Mr. Conrad	
Mr. Gerhardt	
Mr. Jenkins	
Mr. Marshall	
Mr. Miller	
Mr. Quinn	
Mr. Thompson	
Mr. Walters	
Tele. Room	
Mr. Bales	
Mr. Barnes	
Mr. Powers	
Mr. Harrington	
Mr. Conroy	
Mr. Moss	
Mr. Erdley	
Mrs. Hogan	

*MARELY*  
*WAF*  
*R-2244*

WXA  
R 03 SD CODE

12:57 PM IMMEDIATE 5-18-73 SG

TO: ACTING DIRECTOR, FBI (139-4089) (BY MESSENGER)  
WFO (139-166)  
FROM: SAN DIEGO (139-63) (P) (2P)

*WAF*

JAMES WALTER MC CORD, JR. ET AL, BURGLARY DEMOCRATIC NATIONAL  
COMMITTEE HEADQUARTERS, WASHINGTON, D. C. (WDC)  
6-17-72. IOC. (OO: WFO)

*WAF*

RE WFO TEL DATED 5-16-73.

[REDACTED]

CHECKED

*b7D*

5-17-73, REFLECT TELEPHONE NUMBER 232-3811 ON 3-2-82,  
WAS LISTED TO SAN DIEGO COUNTY SHERIFF'S OFFICE (SDSO).

CAPTAIN ROY WILLIAMS, CHIEF OF COMMUNICATIONS DIVISION, SAN DIEGO  
SHERIFFS OFFICE, ON 5-17-73, ADVISED TELEPHONE NUMBER 232-3811

REC-85 139-4089 2186

IN AUGUST, 1972, WAS PILOT NUMBER FOR SDSO AND ALL CALLS TO  
BUSINESS OFFICE, JAIL, RECORDS SECTION, ETC. WERE REACHED BY  
DIALING THIS NUMBER AND INCOMING CALLS WERE HANDLED BY SWITCHBOARD

MAY 23 1973

END PAGE ONE

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6/20/80 BY SP2ATP/jml/oms

*WAF*

67 MAY 24 1973

SD - 139-63

PAGE TWO

OPERATOR. WILLIAMS ADVISED COLLECT CALLS ARE ACCEPTED BY SWITCHBOARD OPERATOR FROM ANY LOCATION IN SAN DIEGO COUNTY AND ANY OTHER COLLECT CALL FROM OUTSIDE THE COUNTY CAN BE ACCEPTED OR REFUSED BY THE PERSON BEING CALLED. HE STATED NO LOSS OR RECORDS OF INDIVIDUALS PLACING OR ACCEPTING COLLECT CALLS ARE MAINTAINED.

ON 5-18-73, WILLIAMS ADVISED INQUIRY BY HIM OF SWITCHBOARD OPERATORS AND OTHER SDSO PERSONNEL FAILED TO DEVELOP ANY INFORMATION ON STEVENS RESEARCH LABORATORY, MICHAEL MARCUS STEVENS, ALISTO J. GIOVANNONNI, II, OR BERNARD GORDON.

WILLIAMS STATED HE WILL CONTINUE INQUIRY AMONG SDSO PERSONNEL IN AN EFFORT TO LOCATE RECIPIENT OF 8-2-72 COLLECT CALL AND WILL NOTIFY FBI IF SUCCESSFUL.

SAN DIEGO INDICES NEGATIVE RE STEVENS RESEARCH LABORATORY MICHAEL MARCUS STEVENS, ALISTO J. GIOVANNONNI II, OR BERNARD GORDON. REPORT FOLLOWS.

END

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MBT FBIHQ CLR

FEDERAL BUREAU OF INVESTIGATION  
COMMUNICATIONS SECTION

MAY 18 1973

TELETYPE

Mr. Felt	_____
Mr. Baker	_____
Mr. Callahan	_____
Mr. Cleveland	_____
Mr. Conrad	_____
Mr. Gebhardt	_____
Mr. Jenkins	_____
Mr. Marshall	_____
Mr. Miller	_____
Mr. S. S.	_____
Mr. Tamm	_____
Mr. Thompson	_____
Mr. Walters	_____
Tele. Room	_____
Mr. Boise	_____
Mr. Barnes	_____
Mr. Bowers	_____
Mr. Herrington	_____
Mr. Conny	_____
Mr. Mints	_____
Mr. Eardley	_____
Mrs. Hogan	_____

NR 002 OM PLAIN

11:31 AM URGENT 5/18/73 BJP

TO: ACTING DIRECTOR, FBI (139-4089)  
WASHINGTON  
SAC OMAHA FIELD (139-166)

FROM: SAC, OMAHA (139-58) (P) 3P

JAMES WALTER MC CORD, JR.; ET AL. BURGLARY OF DEMOCRATIC PARTY  
NATIONAL HEADQUARTERS, 6/17/72, IOC. OO: WFO.

RE OMAHA TELCALL WFO, INSTANT DATE.

DOUGLAS EUGENE KRAMER, SGT. 1ST CLASS, MILITARY INTELLIGENCE

(MI), U. S. ARMY, SSAN 168-30-4591, DOB 10/1/37, POB ROBESONIA, PA,  
PENNSYLVANIA, APARTMENT 9, 3205 MAPLEWOOD BOULEVARD, OMAHA, NEBRASKA,

WHO HAS BEEN ATTENDING UNIVERSITY OF NEBRASKA AT OMAHA, AND GRADUATES  
THIS DATE WITH BACHELOR OF GENERAL STUDIES IN POLITICAL SCIENCE,

ADVISED:

FROM JANUARY, 1971, TO JULY, 1972, HE WAS ASSIGNED AS SPECIAL  
AGENT IN DOCUMENT SECURITY, HEADQUARTERS, ARMY SECURITY AGENCY (ASA),  
ARLINGTON HALL, ARLINGTON, VIRGINIA. ALSO ASSIGNED ARLINGTON HALL  
FROM ABOUT JANUARY, 1972, TO SEPTEMBER, 1972, WAS CAPTAIN ROBERT  
HOUSTON, JR., WITH POSITION OF SENIOR SPECIAL AGENT SUPERVISOR

END PAGE ONE

VA  
CALIF  
REC-102  
REC-85

139-4089-12187 OM

67 MAY 23 1973

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6/20/80 BY SP2 TAP/ML/MS

17 MAY 23 1973

IN 100-58

PAGE TWO

OF SPECIAL OPERATIONS BRANCH (NOW CHANGED TO SECURITY CONTROL BRANCH), WHICH HANDLES SELECTION AND ASSIGNMENTS OF ARMY SPECIAL AGENTS THROUGHOUT THE WORLD FOR COVERT AND OVERT OPERATIONS.

CAPTAIN HOUSTON HAD PREVIOUSLY MENTIONED TO KRAMER, HIS FATHER (~~ROBERT HOUSTON~~, SR. IS RETIRED MASTER SERGEANT FROM ARMY MILITARY POLICE. THE DAY AFTER "WATERGATE" REPORTED ARRESTS, CAPTAIN HOUSTON <sup>MOI</sup> TOLD KRAMER HIS FATHER EMPLOYED BY "MC CORD'S PRIVATE SECURITY FIRM" AND SPENT SEVERAL HOURS LAST EVENING DESTROYING FILES. UPON HEARING THIS, KRAMER CRITICIZED HOUSTON FOR BRAGGING ABOUT THIS TYPE OF ACTIVITY AS THIS COULD INDIRECTLY REFLECT ADVERSELY ON HIMSELF AND ASA. CAPTAIN HOUSTON DISMISSED THE CRITICISM AS UNWARRANTED. KRAMER ALSO MENTIONED HOUSTON'S COMMENT TO SGT. MAJOR LEWIS TAYLOR, ALSO ASSIGNED AT THE TIME TO ARLINGTON HALL (NOW ASSIGNED TO BALTIMORE, MARYLAND MI OFFICE), WHO TOLD KRAMER HE APPEARED OVERLY CONCERNED.

CAPTAIN HOUSTON CURRENTLY ASSIGNED TO MONTEREY LANGUAGE SCHOOL, MONTEREY, CALIFORNIA, SPECIALIZING IN KOREAN. HOUSTON,

END PAGE TWO

01 139-58

PAGE THREE

SENIOR REPORTEDLY LIVES IN MARYLAND, A SHORT DISTANCE FROM WASHINGTON, D. C. REPORT FOLLOWS.

WASHINGTON FIELD OFFICE HANDLE.

AIRMAIL COPIES TO BALTIMORE AND SAN FRANCISCO FOR POSSIBLE FUTURE INVESTIGATIVE ASSISTANCE.

*See WFO Tel to Bureau 5/18/73 cr*

END

HOLD FOR ONE PLS

GXC FBI WASHDC

FEDERAL BUREAU OF INVESTIGATION  
COMMUNICATIONS SECTION

MAY 13 1973  
*OW*  
TELETYPE

NR 284 DL PLAIN

2:15 PM URGENT 5-18-73 TPR

TO ACTING DIRECTOR (139-4089)

CHICAGO (139-263)

FROM DALLAS (139-328) (RUC)

*M. P. Kelly*  
*A. J. ...*

Mr. Tolson	_____
Mr. Felt	_____
Mr. Callahan	_____
Mr. Cleveland	_____
Mr. Conrad	_____
Mr. Gelbard	_____
Mr. Jenkins	_____
Mr. Marshall	_____
Mr. Miller, E.S.	_____
Mr. Soyars	_____
Mr. Thompson	_____
Mr. Walters	_____
Tele. Room	_____
Mr. Felt	_____
Mr. Bates	_____
Mr. Fox	_____
Mr. Felt	_____
Mr. Conroy	_____
Mr. Mintz	_____
Mr. Eordley	_____
Mrs. Bogen	_____

*O*  
JAMES WALTER MC CORD, JR., ET AL; BURGLARY, DEMOCRATIC  
NATIONAL COMMITTEE HEADQUARTERS, WASHINGTON, D. C., 6/17/72.

LOC. 00: WFO.

*WFO*

RE WFO TELETYPE 5/16/73.

JAMES VENABLE, SECURITY DEPARTMENT, TEXAS  
INSTRUMENTS INC., 13500 NORTH CENTRAL EXPRESSWAY, RICHARDSON,  
TEXAS, ADVISED ON 5/18/73 THAT HE HAD CAUSED A THOROUGH SEARCH  
TO BE MADE OF THE RECORDS OF TEXAS INSTRUMENTS, INC. AND ITS  
SUBSIDIARIES AT THIS LOCATION FOR ANY RECORD OF ANY DEALING  
BY STEVENS RESEARCH LAB, 2750 WEST DEVON, CHICAGO, MICHAEL  
MARCUS STEVENS, OR JOSEPH GIOVANNONNI, WITH THIS CORPORATION.  
CUSTOMER, SALES, AND CREDIT RECORDS WERE CHECKED AS WELL AS  
THE RECOLLECTIONS OF SALES PERSONNEL, BUYERS,  
AND OTHER WHO MIGHT RECALL CONTACTS WITH STEVENS. NO RECORDS

*et*

*139-4089-2188*

OF STEVENS OR HIS COMPANY WAS LOCATED OTHER THAN A NOTATION IN  
THEIR CREDIT OFFICE LOCATED BY MILLARD JUMPER, CREDIT AND  
COLLECTION MANAGER, WHICH INDICATES THEIR CHICAGO AREA SALES OFFICE

MAY 23 1973

END PAGE ONE

67 MAY 23 1973

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6/20/80 BY SP2 TAP/len/dms

*6-01*

PAGE TWO

139-328

MADE INQUIRY OVER TWO YEARS AGO REGARDING THE CREDIT STANDING OF STEVENS RESEARCH LAB AND THE REPLY TO THAT OFFICE WAS THAT THIS COMPANY DID NOT HAVE GOOD CREDIT AND NO CREDIT SHOULD BE EXTENDED TO THEM. THERE ARE NO OTHER RECORDS OF THIS COMPANY AND NO RECORD OF ANY PERSONAL CONTACT WITH STEVENS OR OF HIS CONTACTING ANYONE AT TEXAS INSTRUMENTS AT DALLAS.

CHICAGO AT TEXAS INSTRUMENTS SALES OFFICE, SUITE 300,  
1701 EAST LAKE AVENUE, GLENVIEW, ILLINOIS, TELEPHONE  
312-729-5710, CONTACT APPROPRIATE PERSONNEL, PARTICULARLY IN  
THE SEMI-CONDUCTOR GROUP, FOR ANY RECORD OF STEVENS OR HIS  
COMPANY.

END

MBT FBIHQ CLR

FEDERAL BUREAU OF INVESTIGATION  
COMMUNICATIONS SECTION

MAY 18 1973

TELETYPE

NR 632 LA PLAIN

122 AM LITEL 5-17-73 GLD SENT 5-18-73

TO ACTING DIRECTOR (139-4089)  
WASHINGTON FIELD (139-166)  
FROM LOS ANGELES (139-306) (PGL) 4P

REC-85  
P112

Mr. Felt	_____
Mr. Baker	_____
Mr. Callahan	_____
Mr. Cleveland	_____
Mr. Conrad	_____
Mr. Gelbovin	_____
Mr. Jenkins	_____
Mr. Marshall	_____
Mr. Miller, F.S.	_____
Mr. Soyars	_____
Mr. Thompson	_____
Mr. Walters	_____
Tele. Room	_____
Mr. Brice	_____
Mr. Barnes	_____
Mr. Bowers	_____
Mr. Herdington	_____
Mr. Gandy	_____
Mr. Mintz	_____
Mr. Eardley	_____
Mrs. Hogan	_____

*[Handwritten signature]*

JAMES WALTER MC CORD, JR.; ET AL; BURGLARY, DEMOCRATIC  
NATIONAL COMMITTEE HEADQUARTERS, WASHINGTON, D.C. (WDC),  
5/17/72, IOC, OO: WASHINGTON FIELD.

RE LOS ANGELES TEL TO THE BUREAU 5/16/73,  
AND WASHINGTON FIELD OFFICE TEL TO BUREAU 5/16/73.

ON INSTANT DATE A REVIEW OF THE HAINES TELEPHONE  
DIRECTORY FOR LOS ANGELES COUNTY REVEALS THE SUBSCRIBER  
OF TELEPHONE NUMBER (213) 633-5143 IS THE UNION DEVELOPMENT  
COMPANY, 855 ARTESIA BOULEVARD, BELLEFLORE, CALIFORNIA  
E. THORNTON IBBETSON, PRESIDENT. *Calif.*

*[Handwritten initials]*

ON INSTANT DATE IBBETSON WAS INTERVIEWED BY BUREAU  
AGENT AND ADVISED THAT HE KNOWS MIKE STEVENS OF STEVENS  
RESEARCH LAB IN CHICAGO, ILLINOIS. IBBETSON RELATED

END PAGE ONE

REC-85

139-4089-2189

17 MAY 23 1973

*[Handwritten initials]*

67 MAY 23 1973

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6/20/90 BY SP2 TAP/JRM/ams

LA 139-386

PAGE TWO

THAT IN 1970 HE WAS THE SECRET PARTNER OF THE SURVEILLANCE PRODUCTS COMPANY OF BELLFLOWER, CALIFORNIA, WHICH HANDLES INTERCEPTION OF COMMUNICATIONS DEVICES. THE BUSINESS WAS GOING BANKRUPT AND IN AN EFFORT TO RE-COUP HIS LOSSES IBBETSON CONTACTED STEVENS WITH THE HOPE OF SELLING SURVEILLANCE PRODUCTS COMPANY. STEVENS AND IBBETSON COULD NOT AGREE ON A PRICE FOR THE COMPANY AND CONSEQUENTLY THE TRANSACTION WAS NEVER CONSUMATED.

IBBETSON DENIES ANY CONTACT WITH STEVENS SINCE THE SUMMER OF 1970. IBBETSON FURTHER DENIES ANY KNOWLEDGE OF THE SUBJECT MATTER, SUBJECTS, OR ANY OF THE ASSOCIATES MATTERS.

IBBETSON REVIEWED HIS PERSONAL APPOINTMENT CALENDER FOR 1972 AND ALLOWS THAT HE WAS IN SAN DIEGO, CALIFORNIA ON 10/6/72.

IBBETSON STATES THAT THE UNION DEVELOPMENT COMPANY BUSINESS IS DEVELOPING REAL ESTATE FOR SHOPPING CENTERS AND INDUSTRIAL PARKS. IBBETSON DENIES CONTRIBUTING TO THE CRP OR ANY OTHER POLITICAL PARTY.

END PAGE TWO

LA 139-306

PAGE THREE

LOS ANGELES INDICES NEGATIVE ON STEVENS RESEARCH LAB, MICHAEL MARCUS STEVENS, ALISTO JOSEPH GIOVANNONNI, E. THORTON IBSEYSON, AND THE UNION DEVELOPMENT COMPANY.

ON INSTANT DATE FORMER SA FRANK "SPADE" COOLEY WAS REINTERVIEWED PERTAINING TO HIS TELEPHONIC CONTACT WITH HANARAN (PH) OF THE WASHINGTON POST ON 5/15/73.

COOLEY ADVISED THAT APPARENTLY HANARAN (PH) GOT A COPY OF A LETTER HE HAD SENT TO LOU NOFZIGER (PH) IN SEPTEMBER 1972, WHEN COOLEY BELIEVES THAT NOFZIGER WAS IN CHARGE OF THE WEST COAST BRANCH OF CRP.

IN THIS LETTER COOLEY ALLOWED THAT HE WAS A FORMER SPECIAL AGENT WITH THIRTEEN YEARS EXPERIENCE. COOLEY STATED THE PURPOSE OF THIS LETTER TO NOFZIGER WAS TO HAVE NOFZIGER PASS COOLEY'S IDEAS ON TO PRESIDENT NIXON TO "AID PRESIDENT NIXON IN EXTRICATING HIMSELF AND THE REPUBLICAN PARTY FROM THE WATERGATE AFFAIR."

COOLEY'S ADVICE WHICH WAS IN THE LETTER WAS IF PRESIDENT NIXON HAD NO INFORMATION PERTAINING TO THE WATERGATE AFFAIR HE SHOULD FIRE EVERYBODY WHO KNEW ABOUT IT AND APPOINT A SPECIAL PROSECUTOR TO DEAL

END PAGE THREE

LA 139-326

PAGE FOUR

WITH THE SUBSEQUENT INVESTIGATION AND TRIAL. COOLEY FURTHER ELABORATED THAT IF PRESIDENT NIXON DID IN FACT KNOW ABOUT THE AFFAIR, HE SHOULD ADMIT ALL AND THE AMERICAN PEOPLE WOULD FORGIVE HIM BECAUSE HE IS DEEPLY RESPECTED. HANARAN ASKED COOLEY IN THE TELEPHONIC INTERVIEW ON 5/15/73, IF THE IDEA TO WRITE NIXON THROUGH NOFZIGER WAS COOLEY'S OWN IDEA. COOLEY REPLIED THAT IT WAS HIS OWN IDEA. HANARAN FURTHER INQUIRED IF COOLEY HAD HAD ANY REPLY FROM EITHER PRESIDENT NIXON OR NOFZIGER. COOLEY REPLIED THAT HE HAD NOT RECEIVED ANY REPLIES.

COOLEY STATED THAT HE DID NOT MENTION NOR DID HANARAN ASK ANYTHING ABOUT THE BUREAU. COOLEY ADVISED THAT HE WOULD NOT DO ANYTHING OR SAY ANYTHING TO EMBARRASS THE BUREAU.

COOLEY MENTIONED THAT HE RETAINED A COPY OF THE LETTER HE SENT TO NOFZIGER. THIS LETTER IS IN A SAFE DEPOSIT BOX.

COOLEY STATES HE WILL MAKE THIS LETTER AVAILABLE TO THE BUREAU.

COOLEY SAID THAT HE HAS HAD NO OTHER CONTACT WITH HANARAN OR ANY OTHER REPRESENTATIVE OF THE MEDIA.

THE BUREAU WILL BE KEPT ADVISED.

END

FEDERAL BUREAU OF INVESTIGATION  
COMMUNICATIONS SECTION

MAY 19 1973

TELETYPE

Mr. Tolson	
Mr. Belmont	
Mr. Callahan	
Mr. Glavin	
Mr. Ladd	
Mr. Nichols	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Mr. Nease	
Mr. Barnes	
Mr. Bowers	
Mr. Herington	
Mr. Conroy	
Mr. Mintz	
Mr. Eardley	
Mrs. Hogan	

NR215 III CODE

725PM IMMEDIATE 5-18-73 MLR

TO ACTING DIRECTOR 139-4289

WASHINGTON FIELD 139-166

HOUSTON

FROM MIAMI 139-328 P

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6/20/80 BY SP-7APJ/ent/Dms

JAMES WALTER MC CORD, JR., ET AL; BURGLARY DEMOCRATIC NATIONAL  
COMMITTEE HEADQUARTERS, WASHINGTON, D.C., 6/17/72. IOC. OO: WFO.

AT APPROXIMATELY ONE FIFTEEN PM, 5/17/73, A TELEPHONE  
CALL WAS RECEIVED BY THE MIAMI BEACH PD FROM A MALE WHO  
INDICATED HE WAS CALLING FROM HOUSTON, TEXAS, AND WANTED TO  
TALK TO THE PERSON IN CHARGE. THIS CALL WAS HANDLED BY CAPTAIN  
DON J. FLEMING, WHO ADVISED THAT DESPITE CONTINUED REQUESTS  
THE CALLER INSISTED UPON REMAINING ANONYMOUS. THE CALLER  
STATED THAT SOMETIME BACK THE MIAMI BEACH PD HAD ARRESTED  
AN INDIVIDUAL BY THE NAME OF GERALD AUSTER ON A CHARGE OF  
DEFRAUDING AN INNKEEPER. THE CALLER STATED THAT AS A RESULT  
OF THIS ARREST THE POST OFFICE IN HOUSTON, TEXAS WAS REQUESTED  
TO KEEP A "TRACE" OR "TRAP" ON THE POST OFFICE BOX OF AUSTER  
IN CONNECTION WITH AN INVESTIGATION BEING CONDUCTED BY THE  
HOUSTON PD ON AUSTER. THE CALLER STATED THAT HE HAD BEEN

139-4289-2190

REC-85

17 MAY 23 1973

END PAGE ONE

5/21/73 SUPV. SCHMIDT  
H/O, INSTRUCTED TO BE  
SURE EFFORTS ARE MADE  
TO GET THE LETTER IN QUESTION.

67 MAY 23 1973

6-ent

PAGE TWO

MI 155-323

*superiors*  
ORDERED BY HIS SUPERIORS TO KEEP HIS MOUTH SHUT ABOUT A LETTER  
THAT POSTMASTER IN HOUSTON HAD INTERCEPTED BUT THAT HE  
THOUGHT IT HIS DUTY TO REPORT IT BECAUSE OF ITS SENSITIVE  
NATURE. THE CALLER THEN STATED THAT ON 6/15/72 A LETTER WAS  
INTERCEPTED FROM C.G. ROBOZO OF 95 WEST MAC INTYRE (PHONETIC),  
KEY BISCAYNE, MIAMI, FLA. THE LETTER, ADDRESSED TO AUSTER,  
ACCORDING TO THE CALLER READ "CEASE THE OPERATION OF POLITICAL  
PROVOCATION AGAINST THE ELECTION OF DOLPH BRISCOE AND FLY  
TO WASHINGTON TO MEET WITH BERNARD L. BARKER." THE CALLER  
THEN STATED THAT BRISCOE SUBSEQUENTLY WAS ELECTED GOVERNOR  
OF THE STATE OF TEXAS. CAPTAIN FLEMING STATED THAT THE  
CALLER SPOKE VERY RAPIDLY AND APPEARED ANXIOUS TO GET OFF  
THE PHONE. FLEMING ASKED THE CALLER TO WRITE OR TYPE HIM  
A LETTER REGARDING THE ABOVE IN AS MUCH DETAIL AS HE COULD  
RECALL. FLEMING STATED THE CALLER AGREED TO WRITE SUCH A  
LETTER.

*Gerald R. Auster*  
RECORDS OF MIAMI BEACH PD REFLECT THAT GERALD ROBERT  
~~AUSTER~~, DOB 2/19/43, PATERSON, N.J., WHITE MALE, SIX FEET TWO  
INCHES, 215 LBS., RESIDING 2412 S. VOSS ST., HOUSTON, TEXAS, WAS  
ARRESTED ON 11/29/72 ON A CHARGE OF DEFRAUDING AN INNKEEPER, AND  
END PAGE TWO

*FLA*

PAGE THREE

MI 139-323

*FL*

ARRESTED AS A RUNAWAY JUVENILE FROM HOUSTON, TEXAS. AUSTER  
RELEASED ON 12/4/72 AFTER HE MADE RESTITUTION. FINGERPRINTS  
OF AUSTER SUBMITTED BY MIAMI BEACH PD RETURNED AS BEING NOT  
SUSCEPTIBLE OF ACCURATE CLASSIFICATION. FBI IDENTIFICATION  
DIVISION SUBSEQUENTLY ADVISED MIAMI BEACH PD ON 12/3/72 THAT  
ON THE BASIS OF ADDITIONAL INFORMATION CONCERNING AUSTER THERE  
WERE NO OUTSTANDING WARRANTS FOR GERALD ROBERT AUSTER.

INVESTIGATIVE NOTES IN MIAMI BEACH PD FILE INDICATED  
CONTACT BY MIAMI BEACH PD WITH L.W. ENGLISH, POSTAL INSPECTOR,  
TELEPHONE 713-226-5304, IN THIS MATTER.

HOUSTON OFFICE IS REQUESTED TO CONTACT ONE) POSTMASTER  
AT HOUSTON, TEXAS, TWO) POSTAL INSPECTOR L.W. ENGLISH,  
AND THREE) APPROPRIATE OFFICIAL AT HOUSTON PD IN AN EFFORT  
TO IDENTIFY THE ANONYMOUS CALLER ABOVE. IT IS NOTED THAT THE  
REPORTED INTERCEPTED LETTER WAS DATED 6/15/72, A PERTINENT  
PERIOD IN THE WATERGATE INVESTIGATION BUT THE CALLER HAD  
INDICATED THAT A TRACE HAD BEEN PLACED ON THE MAIL OF AUSTER  
END PAGE THREE

PAGE FOUR

MM 139-328

BECAUSE OF HIS ARREST ON 11/29/72, WHICH WAS ACTUALLY FIVE MONTHS AFTER THE REPORTED INTERCEPTION.

ALSO, ON 5/18/73 INVESTIGATIVE REPORTER GENE MILLER, "MIAMI HERALD", TELEPHONICALLY CONTACTED THE MIAMI OFFICE TO ADVISE THAT THE "MIAMI HERALD" HAD RECEIVED AN ANONYMOUS TELEPHONE CALL SIMILAR TO THAT ONE RECEIVED BY THE MIAMI BEACH PD. REPORTER GENE MILLER WAS ADVISED THAT NO COMMENT COULD BE GIVEN TO HIM IN THIS MATTER.

 7c  
E N D

FEDERAL BUREAU OF INVESTIGATION  
COMMUNICATIONS SECTION

MAY 2 1973

TELETYPE

Mr. Tolson	
Mr. Felt	
Mr. Callahan	
Mr. Cleveland	
Mr. Conrad	
Mr. Galt	
Mr. Jenkins	
Mr. Marshall	
Mr. Miller	
Mr. Soyars	
Mr. Thompson	
Mr. Walters	
Tele. Room	
Mr. Boice	
Mr. Burnes	
Mr. Edwards	
Mr. Forington	
Mr. Gandy	
Mr. Harbo	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Miss Holmes	
Miss Gandy	

NR002 MM CODE

1142AM URGENT 5-21-73 CLS

TO ACTING DIRECTOR 139-4089

WASHINGTON FIELD 139-166

FROM MIAMI 139-328 2P

JAMES WALTER MC CORD, JR., ET AL; BURGLARY, DEMOCRATIC NATIONAL COMMITTEE HEADQUARTERS, WASHINGTON, D.C. (WDC), 6/17/72, IOC, OO: WASHINGTON FIELD.

RE WASHINGTON FIELD TELETYPE 5/16/73 REGARDING TOLL RECORDS OF STEVENS RESEARCH LAB, CHICAGO, ILL.

TELEPHONE 305-584-6000 WAS LISTED DURING AUGUST, 1972 AND IS CURRENTLY LISTED TO MOTOROLA, INC., 8000 SUNRISE BLVD., FT. LAUDERDALE, FLA.

MIAMI INDICES AND FILES FAIL TO REFLECT ANY INFORMATION IDENTIFIABLE WITH STEVENS RESEARCH LABORATORY, MICHAEL MARCUS STEVENS, ALISTO JOSEPH GIOVANNONNI OR BERNARD GORDON.

MOTOROLA, INCORPORATED AT ABOVE LOCATION IS MANUFACTURING PLANT FOR MINIATURE ELECTRONIC BEEPERS AND COMPONENT PARTS.

THERE ARE APPROXIMATELY 800 TO 1000 EMPLOYEES AT THIS LOCATION 5/18/73

END PAGE ONE

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6/20/80 BY SP2APJRM/oms

67 MAY 23 1973

139-4089-2191  
REC-85  
6-om

MM 139-328

PAGE TWO

AND IN ABSENCE OF SPECIFIC REQUEST BY OO, NO FURTHER ATTEMPT  
WILL BE MADE TO IDENTIFY INDIVIDUAL CALLED AT THIS PLANT.

END

JXS FBIHQ CLR

← No.

See  
WFO Tel  
to MM  
5/21/73, +  
Motorola  
to BE  
pursued to  
see if  
there was  
an account  
of Stevens  
with  
Motorola

F B I

Date: 5/21/73

CODE

(Type in plaintext or code)

Transmit the following in

TELETYPE

URGENT

Via (Priority)

TO: ACTING DIRECTOR, FBI (139-4089) (BY SPECIAL MESSENGER) AND SAC, MIAMI (139-328)

FROM: SAC, WFO (139-166) (P)

JAMES WALTER MC CORD, JR., ET AL, BURGLARY, DEMOCRATIC NATIONAL COMMITTEE HEADQUARTERS, WASHINGTON, D.C., JUNE 17, 1972, IOC. OO:WFO.

RE MIAMI TELETYPE INSTANT DATE.

WFO RECOMMENDS MIAMI OFFICE CONTACT MOTOROLA INC., 8000 SUNRISE BOULEVARD, FORT LAUDERDALE, FLORIDA AT EITHER THE AUDIT DEPARTMENT OR COMPTROLLERS OFFICE TO DETERMINE IF THEY HAVE ANY INFORMATION IDENTIFIABLE WITH STEVENS RESEARCH LABORATORY OR MICHAEL MARCUS STEVENS.

*[Handwritten signature]*

RECEIVED  
FBI  
MAY 23 1973

REC-85

*6-011*  
139-4089-2192

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6/20/80 BY SP2 TAP/ Jem/ bds

AJL:jp

MAY 23 1973

Approved: *[Signature]*  
Special Agent in Charge

Sent \_\_\_\_\_ M Per \_\_\_\_\_

67 MAY 23 1973

FEDERAL BUREAU OF INVESTIGATION  
COMMUNICATIONS SECTION

MAY 21 1973

TELETYPE

Mr. Felt	_____
Mr. Baker	_____
Mr. Callahan	_____
Mr. Cleveland	_____
Mr. Conrad	_____
Mr. Gelhardt	_____
Mr. Jenkins	_____
Mr. Marshall	_____
Mr. Miller, E.S.	_____
Mr. Soyars	_____
Mr. Thompson	_____
Mr. Walters	_____
Tele. Room	_____
Mr. Reiss	_____
Mr. Barnes	_____
Mr. Powers	_____
Mr. Herington	_____
Mr. Cooney	_____
Mr. Mintz	_____
Mr. Erdley	_____
Mrs. Hogan	_____

REC-85

XNR001 RH PLAIN  
2:30 PM URGENT 5-21-73 EJM  
TO ACTING DIRECTOR  
WFO (139-166)  
FROM RICHMOND (139-65) 2P

*Morey*  
*WAF*  
*224*

JAMES WALTER MC CORD, JR., ET AL; BURGLARY, DEMOCRATIC NATIONAL  
COMMITTEE HEADQUARTERS, WASHINGTON, D.C. JUNE 17, 1972.  
IOC, OO: WFO.

*[Handwritten signature]*

RE WFO TELETYPE TO BUREAU, 5/21/73.

ON 5/21/73, JOYCE NINSON, SUPERVISOR, RECORDS SECTION,  
DMV, RICHMOND, VA., ADVISED DMV RECORDS CONTAIN THE FOLLOWING  
INFORMATION, 1972 VA. LICENSE CTG-873 REGISTERED TO FRANCIS  
KEELEY AND MARGARET GARRISON KEELEY, 5948 ARLINGTON BLVD.,  
ARLINGTON, VA., FOR A 1968 CHEVROLET, VIN 1646984124521.

*mev mps*

*B 4-429*

1972 VA. LICENSE W-6493 REGISTERED TO CHRYSLER  
LEASING CORPORATION, P.O. BOX 1057, DETROIT, MICHIGAN 48231,  
FOR 1972 PLYMOUTH, FOUR-DOOR HARDTOP, VIN PH43K2F191699.

END PAGE ONE

*139-4589-2193*

REC-5

17 MAY 23 1973

*[Handwritten signature]*

ALL INFORMATION CONTAINED  
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DATE 6/20/80 BY SP2 TAM/Jan/Dms

RH 139-63

PAGE TWO

ON 5/21/73, LINDA F. GREEN, OPERATOR'S LICENSE SECTION, DMV, RICHMOND, VA., ADVISED THAT DMV RECORDS REFLECT THAT FRANCIS TED KEELEY, 3945 ARLINGTON BLVD., ARLINGTON, VA., WAS ISSUED VA. OPERATOR'S LICENSE NO5172-86925-942600 ON 5/12/72. THIS LICENSE WILL EXPIRE ON 4/30/76. KEELEY WAS DESCRIBED AS WHITE MALE, 6', 200 LBS., BLUE EYES, BROWN HAIR, BORN 4/4/29, SSAN 481-26-3604. RECORDS AT DMV FAIL TO REVEAL OPERATOR'S LICENSE ISSUED TO MARGARET GARRISON KEELEY IN THE STATE OF VA. RICHMOND INDICES NEGATIVE REGARDING FRANCIS TED KEELEY AND MARGARET GARRISON KEELEY.

WFO WILL ASCERTAIN THE DATES VA. LICENSE U-6498 WAS OBSERVED UNDER SURVEILLANCE AND SET OUT APPROPRIATE LEADS TO ALEXANDRIA TO MAKE INQUIRY AT WASHINGTON INTERNATIONAL AIRPORT WHO HANDLES THE LEASING OF VEHICLES FOR CHRYSLER LEASING CORPORATION OF DETROIT, MICHIGAN. IF ADDITIONAL BACKGROUND DATA DESIRED REGARDING KEELEYS, REQUEST SAME OF ALEXANDRIA.

END

RXH FBI HQ CLR

FEDERAL BUREAU OF INVESTIGATION  
COMMUNICATIONS SECTION

MAY 21 1973

TELETYPE

Mr. Felt	_____
Mr. Baker	_____
Mr. Callahan	_____
Mr. Cleveland	_____
Mr. Conrad	_____
Mr. George	_____
Mr. Jenkins	_____
Mr. Marshall	_____
Mr. Miller	_____
Mr. Squire	_____
Mr. Thompson	_____
Mr. Walters	_____
Tele. Room	_____
Mr. Baise	_____
Mr. Barnes	_____
Mr. Bowyer	_____
Mr. Herington	_____
Mr. Conlay	_____
Mr. Minis	_____
Mr. Eardley	_____
Mrs. Hogan	_____

NR002 HQ CODE

4:50 PM IMMEDIATE 5-21-73 BAJ

TO ACTING DIRECTOR (159-4089)

MIAMI

NEW YORK

WFO

FROM HOUSTON (159-164) (P)

JAMES WALTER MC CORD, JR., ET AL; BURGLARY DEMOCRATIC  
NATIONAL COMMITTEE HEADQUARTERS, WASHINGTON, D.C., 6/17/72;  
IOC. OO: WFO.

RE MIAMI TEL TO BUREAU, WFO AND HOUSTON, 5/18/73, AND  
WFO TEL TO BUREAU AND HOUSTON, 5/18/73.

INSPECTOR L. V. ENGLISH, U.S. POSTAL SERVICE, HOUSTON,  
ADVISED HE WAS CALLED BY OFFICER MARIAN COYLE (PH), MIAMI BEACH  
PD, 12/1/72, RE SUBSCRIBER TO P.O. BOX 27227, HOUSTON. ENGLISH  
ADVISED ASSUMED THIS WAS IN CONNECTION WITH ESTABLISHING OR  
VERIFYING IDENTITY OF GERALD ROBERT AUSTER WHO HAD BEEN ARRESTED

END PAGE ONE

REC-102  
CWS

REC-85

159-4089-2194

67 MAY 23 1973

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6/20/80 BY SP2 TAP/len/len

17 MAY 23 1973

PAGE TWO

NO 139-164

Soc Sec. # 158-30-3877

GERALD AUSTER

BY THE MIAMI BEACH PD AND APPARENTLY GAVE THIS AS ADDRESS.

ENGLISH STATED AT TIME HE FURNISHED INFO TO COYLE THAT THE  
*PERN-3/19/73, PATTERSON, N.J.*

SUBSCRIBER TO ABOVE P.O. BOX WAS GERALD ROBERT AUSTER WHO

HAD SUBSCRIBED TO THIS BOX AS OF 9/7/72, GIVING ADDRESS OF 601

*TEXAS*  
WINSOME, HOUSTON, TELEPHONE 785-5275, AND WHO EXHIBITED TEXAS

DRIVERS LICENSE 2565237 AS FURTHER IDENTIFICATION. ABOVE P.O.

BOX SUBSCRIBED TO IN NAME SKI TEAM DIET, WHICH ENGLISH FELT

WAS SOME TYPE OF MAIL ORDER SERVICE, P.O. BOX 27227, HOUSTON,

CLOSED 4/26/73 FOR NON-PAYMENT. ENGLISH ADVISED ON 5/14/73,

INDIVIDUAL FROM MAIL DISPATCH SERVICE, HOUSTON, ATTEMPTED TO

PAY RENT FOR ABOVE P. O. BOX. WHEN ADVISED SERVICE TO THAT BOX

HAD ALREADY BEEN CUT OFF AND NEW APPLICATION WOULD HAVE TO BE

MADE, INDIVIDUAL FILLED OUT FORWARDING ORDER HAVING MAIL

PREVIOUSLY DESIGNATED FOR P.O. BOX 27227, HOUSTON, FORWARDED

TO P.O. BOX 968, MIAMI, FLORIDA 33181. FORWARDING ORDER

SIGNED BY WILEY WORD, OPERATIONS MANAGER, MAIL DISPATCH

SERVICE, HOUSTON.

ENGLISH ADVISED THERE HAS NEVER BEEN ANY TRACE, STOP OR

END PAGE TWO

FLA

601

PAGE THREE

#10 139-164

ANY OTHER CHECK ON MAIL RECEIVED AT P.O. BOX 27227. ENGLISH ALSO ADVISED HE HAD CALLED U.S. POSTAL INSPECTION REGIONAL HEADQUARTERS IN FORT WORTH, TEXAS, AND THEIR INDEX FILE CONTAINED NO RECORD OF GERALD AUSTER.

ENGLISH FURTHER ADVISED HE HAS NEVER RECEIVED ANY INQUIRY OR REQUEST FROM HOUSTON PD RE GERALD AUSTER OR ANY INVESTIGATION INVOLVING HIM AND NO LETTERS WERE INTERCEPTED.

ENGLISH ADVISED HE HAD RECEIVED CALL FROM REPORTER GENE MILLER, MIAMI HERALD, ON FRIDAY, 9/18/73, RE THIS MATTER AND EVEN THOUGH MILLER INSISTED POSTAL SERVICE HAD TRACE ON ABOVE P.O. BOX, ENGLISH STATED HE DENIED ANY SUCH ALLEGATION AND ADVISED MILLER HE KNEW NOTHING OF THIS MATTER. ENGLISH STATED UPON INSISTENCE OF MILLER, HE GAVE HIM THE NAME OF OFFICER TOMMY HOFFBAUER, HOUSTON PD INTELLIGENCE DIVISION, WITH WHOM HE (ENGLISH) HAS CLOSE WORKING RELATIONSHIP, AS INDIVIDUAL TO CALL TO SEE IF HOUSTON PD HAD ANY INFO RE GERALD AUSTER.

OFFICER TOMMY HOFFBAUER, HOUSTON PD INTELLIGENCE DIVISION, ADVISED THIS DATE HE HAD RECEIVED CALL FRIDAY LAST FROM GENE  
END PAGE THREE

PAGE FOUR

NO 139-164

MILLER RE GERALD AUSTER. HOFFBAUER STATED HE TOLD MILLER HE KNEW NOTHING OF AUSTER NOR HAD HE EVER HAD ANY INVESTIGATION CONCERNING HIM. HOFFBAUER, UPON REQUEST OF FBI, CHECKED ALL FILES AND RECORDS, HOUSTON PD, INCLUDING HIS INTELLIGENCE FILES, AND ADVISED THERE IS NO RECORD RE GERALD AUSTER. HOFFBAUER SAID MILLER INDICATED TO HIM THAT AUSTER MAY HAVE HAD A TAXI DRIVER'S PERMIT IN HOUSTON; HOWEVER, HOFFBAUER ADVISED CHECK OF THOSE RECORDS ALSO NEGATIVE RE AUSTER.

WILEY WORD, OPERATIONS MANAGER, MAIL DISPATCH SERVICE, 2481 NANCE ROAD, HOUSTON, ADVISED THIS DATE GERALD ROBERT AUSTER HAD SUBSCRIBED TO THEIR SERVICE OF PICKING UP MAIL FROM VARIOUS P.O. BOXES AND THEN FORWARDING IT TO DESIGNATED ADDRESS AND THAT AUSTER HAD UTILIZED P.O. BOX 27227 AS HIS MAILING ADDRESS IN HOUSTON. THIS MAIL WAS THEN FORWARDED BY MAIL DISPATCH SERVICE TO P.O. BOX 968, MIAMI, FLORIDA 33101, WHICH ADDRESS HAD BEEN FURNISHED THEM BY AUSTER. WORD ADVISED HE BELIEVES AUSTER PRESENTLY RESIDING IN MIAMI BUT VISITS HOUSTON PERIODICALLY. HE STATED HE RECEIVED TELEPHONE CALL FROM AUSTER APPROXIMATELY

END PAGE FOUR

NO 139-164

PAGE FIVE

ONE WEEK AGO WHEN AUSTER WAS IN HOUSTON AND AUSTER COMPLAINED ABOUT THE LOSS OF HIS P.O. BOX 27227 IN HOUSTON. WORD STATED HE EXPLAINED TO AUSTER THAT MAIL DISPATCH SERVICE DID NOT CONTRACT TO PAY RENT FOR AUSTER'S BOX AND IF HE WISHED TO RE-INSTITUTE SUCH SERVICE, HE WOULD HAVE TO FILL OUT NEW APPLICATION. WORD ALSO ADVISED HIM THAT HE HAD COMPLETED FORWARDING ORDER FOR P.O. BOX 27227 AND THAT MAIL WAS NOW BEING FORWARDED TO P.O. BOX 969, MIAMI. WORD ADVISED HE HAD NO LOCAL ADDRESS OR TELEPHONE NUMBER FOR AUSTER.

CREDIT CHECK RE GERALD ROBERT AUSTER INDICATED CURRENT ADDRESS ON FILE 2412 VOSS ROAD, HOUSTON; PREVIOUS ADDRESSES LISTED 6814 WINSOME, HOUSTON, AND 98 BROADWAY, PATTERSON, NEW JERSEY. EMPLOYMENT (NOT VERIFIED) LISTED AS U.S. OLYMPIC SKI TEAM, HIRED IN 1978; BORRIELLO ASSOCIATES AS AREA SUPERVISOR. ADDRESS OF BORRIELLO ASSOCIATES NOT GIVEN.

DEBBIE MAHER, OAKWOOD GARDEN APARTMENTS, 2412 VOSS ROAD, HOUSTON, ADVISED THIS DATE SHE HAS NO RECORD OF GERALD AUSTER RESIDING IN THAT APARTMENT PROJECT. SHE FURTHER ADVISED

END PAGE FIVE

NO 139-164

PAGE SIX

IF AUSTER HAS MOVED OUT RECENTLY, THERE WOULD BE NO RECORD AT THAT OFFICE, AS ALL FILES AND RECORDS ARE IMMEDIATELY SENT TO WESTSIDE MANAGEMENT COMPANY, 2222 CORNITA, LOS ANGELES, CALIFORNIA, 213-478-1021, AS SOON AS TENANT VACATES.

MARY ARNOLD, MANAGER, LA ESPADA APARTMENTS, 6014 WINSOME, HOUSTON, ADVISED GERALD AUSTER RESIDED IN APARTMENT 119 WEST IN THAT PROJECT FROM 5/13/72 TO 9/1/72 WHEN HE WAS ASKED TO VACATE BECAUSE OF EXTREME RUDENESS TO MANAGEMENT PERSONNEL. ARNOLD ADVISED AUSTER HAD GIVEN NAME OF INDIVIDUAL TO CONTACT IN CASE OF EMERGENCY AS C. BORRIELLO, 251 SEAMEN STREET, NEW YORK CITY 10034. AUSTER'S SOCIAL SECURITY NUMBER IS 156-38 3877. ARNOLD ADVISED AUSTER LEFT NO FORWARDING ADDRESS.

NEW YORK OFFICE REQUESTED TO IDENTIFY C. BORRIELLO, ALSO POSSIBLY KNOWN AS BORRIELLO ASSOCIATES, 251 SEAMEN STREET, NEW YORK CITY.

FOR INFO OF NEW YORK, GERALD ROBERT AUSTER, BORN 2/19/43, PATTERSON, NEW JERSEY, WHITE MALE, IMPLICATED IN CAPTIONED MATTER BY ANONYMOUS TELEPHONE CALL TO MIAMI PD IN WHICH CALLER  
END PAGE SIX

NO 139-164

PAGE SEVEN

ALLEGED LETTER HAD BEEN INTERCEPTED BY U.S. POSTAL SERVICE  
6/15/72 FROM C. G. ~~ROBOZO~~ OF 95 WEST MAC INTYRE, KEY BISCAYNE,  
MIAMI, FLORIDA, WHICH READ "CEASE THE OPERATION OF POLITICAL  
PROVOCATION AGAINST THE ELECTION OF DOLPH BRISCOE AND FLY TO  
WASHINGTON TO MEET WITH BERNARD L. BARKER". BRISCOE WAS THEN  
DEMOCRATIC CANDIDATE FOR GOVERNOR OF TEXAS.

MIAMI OFFICE IS REQUESTED TO INTERVIEW MARIAN COYLE (PH),  
MIAMI BEACH PD, RE HIS TELEPHONE INQUIRY TO INSPECTOR ENGLISH,  
U.S. POSTAL SERVICE, HOUSTON, 12/1/72.

MIAMI ALSO REQUESTED TO OBTAIN INFORMATION RE SUBSCRIBER  
TO P.O. BOX 968, MIAMI, FLORIDA AND IF AUSTER LOCATED INTERVIEW  
PER RE WFO TEL, RE ANY ASSOCIATION WITH ROBOZO, BARKER, OR  
OTHERS.

NO LEAD BEING SET FORTH FOR LOS ANGELES TO CHECK RECORDS OF  
WESTSIDE MANAGEMENT COMPANY AT THIS TIME.

CURRENT TELEPHONE DIRECTORY AND INFORMATION OPERATOR,  
HOUSTON, NEGATIVE RE AUSTER. HOUSTON INDICES NEGATIVE RE  
AUSTER AND JERRY VAN ANSTER, AKA., GERARD ROBERT ~~VAN ANSTER~~,  
GERARD ROBERT ~~GRAN~~ VON ANSTER, WHO MIAMI BELIEVES MAY BE  
IDENTICAL WITH AUSTER.

FLA

END  
NSI FBING CLR

FBI

Date: 5/21/73

Transmit the following in CODE  
(Type in plaintext or code)

Via TELETYPE URGENT  
(Priority)

TO: ACTING DIRECTOR, FBI (139-4089) (BY SPECIAL MESSENGER)  
AND SAC, RICHMOND (139-65)

FROM: SAC, WFO (139-166) (P)

JAMES WALTER MC CORD, JR., ET AL; BURGLARY, DEMOCRATIC  
NATIONAL COMMITTEE HEADQUARTERS, WASHINGTON, D.C., JUNE 17, 1972,  
IOC. OOLWFO.

FOR INFORMATION RICHMOND, AUSA IN REVIEWING FEDERAL GRAND  
*TESTIMONY* advised  
JURY OF JAMES WALTER MC CORD, MC CORD TESTIFIED [REDACTED]

[REDACTED]

RICHMOND AT DEPARTMENT OF MOTOR VEHICLES DETERMINE OWNERS  
OF 1972 LICENSES IN JULY AND FURNISH WHATEVER DESCRIPTIVE DATA  
AVAILABLE - SUTEL.

REC-85

139-4089-2195

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6/20/80 BY SP4TAP/Jan/oms

17 MAY 23 1973

AJL:jp

Approved: *[Signature]*  
Special Agent in Charge

Sent \_\_\_\_\_ M Per \_\_\_\_\_

MAY 23 1973

Airtel

3/21/73

TO: SAC, Washington Field (139-166)

1- Mr. Clynick

FROM: Acting Director, FBI (139-4089)

JAMES WALTER MC CORD, JR., ET AL.  
BURGLARY OF DEMOCRATIC NATIONAL  
COMMITTEE HEADQUARTERS  
WASHINGTON, D. C., 6/11/72

IOC

OO: WFO

Rebirtel to FBIHQ 5/18/73.

Gerald Auster appears to be identical with Bureau file entitled "Jerry Van Amster" inasmuch as date of birth, place of birth are identical and physical description is similar. During 1966, [redacted]

[redacted] At that time Van Amster was allegedly involved in a scheme to purchase gems in Brazil and smuggling them back into the United States.

Van Amster was interviewed by our New York Office during 1964 at which time he advised as follows:

He was born in Paterson, New Jersey, and resided with his mother Lillian Warshawsky and his grandparents Abraham and Rose Warshawsky at 98 Broadway, Paterson, New Jersey, from 1943 to 1953. His mother then relocated in New York City and she is separated from his father Jacob "Jack" Manuel Amster. A half-brother Martin Feldman then resided in Philadelphia, Pennsylvania.

The above is supplied receiving offices for information.

- 1 - Miami (139-328)
- 1 - Houston (139-164) EX-117

- Mr. Felt
- Mr. Baker
- Mr. Callahan
- Mr. Cleveland
- Mr. Conrad
- Mr. DeLoach
- Mr. Mohr
- Mr. Miller, F.S.
- Mr. Soyars
- Mr. Thompson
- Mr. Walters
- Tele. Room
- Mr. Bailey
- Mr. Berman
- Mr. Bishop
- Mr. Holloman
- Mr. Jones
- Mr. McGuire
- Mr. Mumford
- Mr. Quinn
- Mr. Nease
- Miss Gandy

JJC:efg  
(6)

*JJC*

MAILED 24  
MAY 21 1973  
FBI

REC-31 139-4089-2196

10 MAY 22 1973

MAY 29 1974  
JUN 7 1973

*DM*

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6/20/80 BY SP-1/BJL/lon

MAIL ROOM [ ] TELETYPE UNIT [ ]

*W/B  
B7C*

~~CONFIDENTIAL~~

UNITED STATES GOVERNMENT

# Memorandum

- Mr. Felt
- Mr. Baker
- Mr. Callahan
- Mr. Cleveland
- Mr. Conrad
- Mr. Goble
- Mr. Jenkins
- Mr. Marshall
- Mr. Miller, F.S.
- Mr. Soyars
- Mr. Thompson
- Mr. Walters
- Tele. Room
- Mr. Baize
- Mr. Barnes
- Mr. Bowers
- Mr. Herington
- Mr. Conmy
- Mr. Mintz
- Mr. Eardley
- Mrs. Hogan

TO :

Mr. Conmy *mc*

DATE:

5/17/73

FROM :

J. E. Herington *JH*

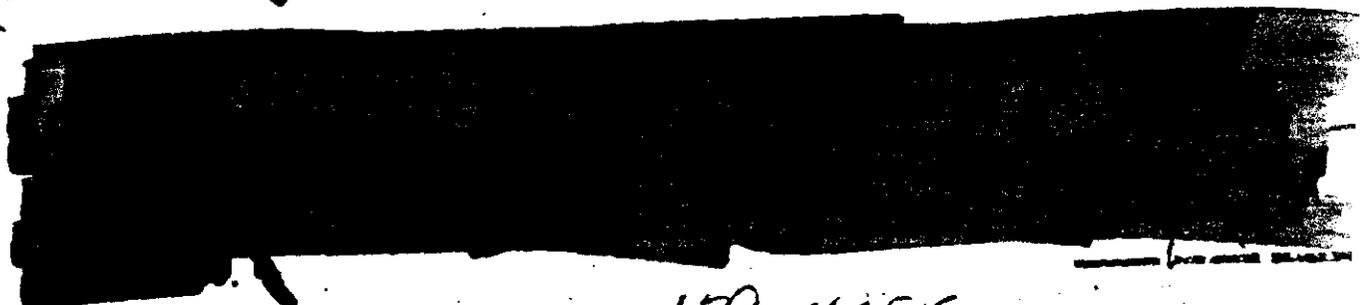
SUBJECT:

SEYMOUR HERSH  
NEW YORK TIMES

*James Walter McCole*

Hersh called me early on the afternoon of 5/17/73 and said that he had in his possession an FBI memorandum which indicated the Washington Field Office had been instructed not to interview two CIA employees in connection with the Watergate investigation. The memorandum indicated that one had been interviewed already prior to instructions and that the second had never been interviewed. He wanted to know the significance of this and if CIA had interfered with our investigation. I told him I did not know the facts and I would have to check the matter before I could even give him an intelligent no comment. I asked him for more details and he told me the memorandum was dated 3/2/73 with the subject "Confirmation" and had at the top Mr. Baker and under that R. E. Gebhardt. He said his copy was a very poor Xerox and he could not make out the initials at the bottom of the page but the gist of the memorandum was that we never had any interference except in this one instance and that this memorandum was based on a telephone survey by Mr. Gebhardt and Inspector Gallagher on an extension. He said that he had contacted Supervisor Ruhl at Washington Field who had referred him to Headquarters and had made no comment.

*11-11-73*



### Enclosure

- 1 - Mr. Baker - Enclosure
- 1 - Mr. Gebhardt - Enclosure
- 1 - Mr. Herington - Enclosure

JEH:jmb  
(4)

ENCLOSURE

*139-4089*

NOT RECORDED

46 MAY 31 1973

(CONTINUED OVER)

CLASS. & EXT. BY *SP2 rpl/jml*  
 REASON-FCIM II, 1-2.4.2  
 DATE OF REVIEW *5/17/93*

84 JUN 20 1973

ALL INFORMATION CONTAINED  
 HEREIN IS UNCLASSIFIED EXCEPT  
 WHERE SHOWN OTHERWISE.

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

J. E. Herington to Mr. Conmy Memo  
RE: SEYMOUR HERSH

Upon receipt of the facts, I called Hersh back. I had originally asked him his source of the memorandum which he refused to give me. I told him that after reading the memorandum, I could only assume that it came from Mr. Gray or one of his supporters since it tended to verify current statements in the press indicating that Mr. Gray had been contacted by CIA and requested to hold back on certain investigation. Hersh said that this was not at all accurate. The memorandum had come from someone who "wanted to put Gray down" and was furnished to rebut Gray's statements that he had demanded CIA give him a written request not to proceed with certain investigation. I told Hersh that I could make no comment on the details of this matter but the premise on which he was operating appeared to be wrong. He asked me if this meant that the two CIA employees involved were not General Walters and Director Helms. I told him that they were not and that this matter had no connection with the material that has been appearing in the press. Hersh said that was all he wanted to know, that he did not think there was much to this and he would file it in the "kill box."

Hersh still would not tell me the source of this memorandum. In my first conversation with him he did ask me what Gray was trying to do and I replied I had no idea since I did not know what he was doing. Hersh said that Gray has now admitted reading the papers that he had previously claimed he destroyed without reading. He admitted this to Senators Baker and Weicker and further briefed them in detail on the contents of the papers. Hersh remarked "this is the fourth story Gray has told about those papers."

RECOMMENDATION:

For information.

*SH*

~~CONFIDENTIAL~~

Mr. Baker

March 2, 1973

R. E. Gebhardt

CONFIRMATION

- 1 - Mr. Kinley
- 1 - Mr. Baker
- 1 - Mr. Felt
- 1 - Mr. Gebhardt
- 1 - Mr. Gallagher
- 1 - Mr. Long
- 1 - Mr. Muzum

In connection with the Watergate case, Mr. Gray was asked at the hearing if "there were any leads FBI Agents wished to follow and were not permitted to do so?" The following Agents were telephonically contacted the afternoon of 3/2/73 by the writer with Inspector Gallagher on the extension and asked this question. In all instances the answer was an unequivocal no with the exception of Supervisor Rule who referred to the two CIA Agents. It is recalled we specifically were requested by the CIA not to interview these two CIA employees and instructions were issued to WFO to this effect. One of the individuals had already been interviewed and the second was not interviewed per the request of the CIA. The Agents contacted are as follows: SA Angelo Lano, case Agent; Supervisor John Rule, case Supervisor; former Section Chief Charles Bolz, Accounting and Fraud Section; Supervisor Charles Muzum, Accounting and Fraud Section; SAC Charles Estes, former Assistant Director at the time of the case; SAC Robert Kunkel, former SAC, WFO; Supervisor Robert Wilson, Miami Office case Agent; SA Guilfoyle, Miami Office case Agent; SAC McDermott, WFO.

In addition to asking SAC Kunkel the above question, he was also asked "Did Kunkel ever make a request to interview anyone and the request denied?" Kunkel answered with an unequivocal no.

ACTION: For information.

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE.

REG:row

(7)

420190  
CLASS. & EXT. BY SP2rap/lenloms  
REASON-FCIM II, 1-2.4.2 3  
DATE OF REVIEW 5/2/93

ENCLOSURE 3

139-4089

ENCLOSURE

X

UNITED STATES GOVERNMENT

# Memorandum

- Baker
- Bates
- Bishop
- Callahan
- Cleveland
- Conrad
- Dalbey
- Jenkins
- Marshall
- Miller, E.S.
- Ponder
- Soyars
- Walters
- Tele. Room
- Mr. Kinley
- Mr. Armstrong
- Ms. Herwig
- Mrs. Neenan

TO : MR. FELT

DATE: 9-22-72

~~PLEASE RETURN~~  
~~TO FBI 5744~~

FROM : ASAC RICHARD F. BATES  
LOS ANGELES OFFICE

SUBJECT: BURGLARY OF OFFICE OF  
DR. JOHN CHARLES LUNGREN  
2898 LINDEN AVENUE, LONG BEACH, CALIFORNIA  
9/20-21/72  
PERSONAL PHYSICIAN OF PRESIDENT  
RICHARD M. NIXON

John Charles Lungren, M. D. , and Arthur H. Buell, M. D. , own and operate a one-story, multi-unit professional building at 2898 Linden Avenue, Long Beach California. Lungren and Buell share the same space. Additional space in the same building is rented out to four dentists and one other physician. Lungren and Buell share five permanent female staff members, including Miss Dale Thibeault, Office Manager.

An inspection of the burglarized premises on 9-21-72 by FBI agents, plus interviews with available witnesses, all of which investigation conducted in conjunction with the Long Beach Police Department (LBPD), revealed the following:

The burglary of the premises was discovered at about 8:30 a. m. , 9-21-72, and promptly reported to the LBPD. Entry was gained by forcing sliding glass doors leading to the private offices of Dr. Buell. Person(s) responsible for the breaking and entering apparently proceeded directly to the office of Office Manager Thibeault where a hollow-core plywood door securing a closet used as a "vault" was pried open. The closet contained miscellaneous shelved files, file cabinets, a small unlocked fire-proof safe and a small record-type cabinet. The safe did not contain any valuables. Removed from the safe and dumped on the floor near Miss Thibeault's desk were three large business-type checkbooks, one office ledger book, a book of payroll records and a manila envelope which contained a folder containing medical records of President Nixon. Neither the envelope nor the file bore the name of the President. The envelope bore only the name "Dr. Lungren" and "Personal."

ENCLOSURE  
139-4187-  
ENCLOSURE  
NOT RECORDED

The manila envelope had been opened and the file containing the medical records dumped on the floor. The medical records were not secured in the folder with any type of fastening device but these papers were still compacted and did not scatter when dumped on the floor. There was no visible indication of these medical records having been reviewed and/or tampered

RFB:crt

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6/18/80 BY SP2 TAP (JRM/qms)

(OVER....)

FILE

Memorandum to Mr. Felt

Re: Burglary of Office of Dr. John Charles Lungren

with. An examination of the checkbooks by Miss Thibeault determined no blank checks were taken. No other property in the entire office area occupied by Dr. Lungren was noted to be missing and/or disturbed. The office change and currency, totaling about \$50, were contained in a bag in an unlocked file cabinet in the closet "vault" but these monies were not taken.

Appropriate inquiries with other occupants of the building determined no evidence was found indicating attempts had been made to forcibly enter any of these other premises and no property was found to be disturbed. Dr. Lungren's office was last noted to be undisturbed at about 9:50 p. m., 9-20-72, when a maintenance employee left the premises.

Dr. Lungren examined the medical file of the President and noted this was his only record concerning his past association with the President. The majority of these records pertained to strictly routine physical examinations given many years ago. The last entries in the file were made as a result of an examination on 1-2-69. The final piece of correspondence, also dated in 1969, was a letter directed to General (then Colonel) Walter R. Tkach, the White House physician, summarizing past treatment and examinations afforded the President by Lungren.

Dr. Lungren noted some discrepancies, based on past recollection, in the date order of the material making up the file, but could offer no comment as to the significance of same. He indicated he had not reviewed the material for several years and the material might have been placed in out-of-date order at some prior time. Lungren stated that he had discussed the above with Bob Haldeman of the White House staff earlier that date, 9-21-72, and he (Lungren) inferred that he had been instructed by Haldeman to insure that the police reports made in this matter indicated the medical file of the President had apparently been tampered with. It is noted the original offense report of this burglary filed at the LBPd states, "Dr. Lungren determined that all of the records were intact but that they appeared to be out of order," and no comment is made regarding any possible tampering with the records. All information in this police report indicating Dr. Lungren's association with the President is contained on a supplemental page of the report which page contains the following notation: "ATTENTION ALL POLICE EMPLOYEES: None of this information shall be released to anyone except by order of Chief of Police William J. Mooney." Lungren was positive in his statements that none of the material in the President's file could be considered confidential or compromising and that they were of no value to anyone except the President and to himself for exactly what they were--medical records.

Dr. Lungren voluntarily turned these medical records over to the LBPd who are making necessary arrangements to have the documents photographed and then to have same processed for latent fingerprints. LBPd

Memorandum to Mr. Felt  
Re: Burglary of Office of Dr. John Charles Lungren

technicians appropriately processed the premises for latent fingerprints. Numerous latents were developed in the vicinity of the "vault" and the door thereto and elimination prints will be taken from employees.

Dr. Lungren's office contained a Bell and Howell Autoloan Electrostatic Copier. Miss Thibeault specifically recalled adjusting and loading this machine with its special reproduction paper at the close of business 9-20-72 and could find no indication that the machine had been used or disturbed the night of 9/20-21/72. All paper on hand was accounted for.

This multi-office building was similarly burglarized on 9/4-5/72. On this occasion all tenants, including Lungren and Buell, noted forced entry and ransacking of their premises. Insofar as the offices of Dr. Lungren and Dr. Buell were concerned, entry on 9/4-5/72 was also through the same sliding glass door in Buell's office. Following that forced entry the entire premises, including desks and cabinets were ransacked. The closet "vault" was also forced open. The same records, checkbooks, etc., were in the unlocked fire-proof safe on the 9/4-5/72 entry but were not removed from the safe. Taken from the safe at that time, however, was \$27 in cash which had been left in a small envelope along with a number of checks which were untouched. In the 9/4-5/72 burglary, change and currency of about \$50 which was kept in a bag in an unlocked filing cabinet in the "vault" were not touched. The offices of Dr. Lungren were also burglarized on 10/25-26/70 at which time there was also general ransacking but no losses. The 10/25-26/70 and 9/4-5/72 burglaries of Dr. Lungren's offices have not been solved by the LBPD.

OBSERVATIONS: The person(s) responsible for the 9/4-5/72 burglary obtained \$27 from an envelope in the unlocked safe maintained in the closet "vault." The person(s) responsible for the 9/20-21/72 burglary, after gaining entrance to the building, went directly to and forced entry into the closet "vault." The unlocked safe on this occasion contained no money and the distinct possibility exists that the contents of the safe were dumped on the floor in a search for money.

ACTION: The Los Angeles Office is closely following this matter with the LBPD for any indication that the burglary of Dr. Lungren's office on 9/20-21/72 was other than a routine burglary. The Bureau will be immediately advised of any pertinent developments.

UNITED STATES GOVERNMENT

# Memorandum

- Mr. Felt
- Mr. Baker \_\_\_\_\_
- Mr. Callahan \_\_\_\_\_
- Mr. Cleveland \_\_\_\_\_
- Mr. Conrad \_\_\_\_\_
- Mr. Gebhardt \_\_\_\_\_
- Mr. Jenkins \_\_\_\_\_
- Mr. Marshall \_\_\_\_\_
- Mr. Miller, E.S. \_\_\_\_\_
- Mr. Soyars \_\_\_\_\_
- Mr. Thompson \_\_\_\_\_
- Mr. Walters \_\_\_\_\_
- Tele. Room \_\_\_\_\_
- Mr. Kinley \_\_\_\_\_
- Mr. Armstrong \_\_\_\_\_
- Mr. Bowers \_\_\_\_\_
- Ms. Herwig \_\_\_\_\_
- Mr. Mintz \_\_\_\_\_
- Mrs. Neenan \_\_\_\_\_

TO : THE ACTING DIRECTOR

DATE: 5-4-73

FROM : W. M. FELT

SUBJECT: BURGLARY OF OFFICE OF  
DR. JOHN CHARLES LUNGREN  
2898 LINDEN AVENUE, LONG BEACH,  
CALIFORNIA, 9/20-21/72

*James Walker*  
*5 MIB*

PERSONAL PHYSICIAN OF PRESIDENT RICHARD M. NIXON

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6/11/80 BY SP2APL/aml/Dmj

Assistant Director Jamieson of the Los Angeles Office advised last evening that he had received an inquiry from a reporter of the Long Beach Independent Press Telegram as to whether the FBI conducted investigation of the burglary of the office of Dr. John Charles Lungren in September, 1972, to which Jamieson responded that the FBI does not comment upon local burglaries or investigations by local police of matters that are not within FBI jurisdiction.

UPI this morning carries a story that President Nixon's medical records were rifled by burglars who broke into the office of his personal physician during the height of the 1972 Presidential campaign citing a story by the Long Beach Independent Press Telegram.

By way of background, on 9-21-72, Acting Director L. Patrick Gray, III, contacted Assistant Special Agent in Charge Richard F. Bates, Los Angeles Division, and advised that the office of Dr. "Lundgren," the President's personal physician, had been burglarized during the night. Mr. Gray instructed that Agents immediately proceed to the scene and establish liaison with local police and insure that a complete crime scene search, including photographs and processing for latent prints be conducted, and that no scrap of evidence be mishandled or lost. He further instructed that all developments should be immediately called to the attention of Mr. Felt.

ORIGINAL FILED IN

NOT RECORDED

Attached is a memorandum of the Assistant Special Agent in Charge Bates of the Los Angeles Office on 9-22-72 to FBIHQ which summarizes results of information obtained through liaison with the Long Beach Police Department. Continuing liaison with that Department thereafter produced no positive information with respect to the identity of the burglars or the purpose of the burglary and the White House was kept informed of the results of our liaison with that Department on a regular basis.

79 MAY 24 1973 ACTION For information.

Enc.  
LMW:crt (2)

*FILE*  
*WAL*  
*THAW*

5/18/73

GENERAL INVESTIGATIVE DIVISION

The attached advises that Assistant U. S. Attorney Silbert does not desire any investigation by the FBI relative to the information obtained on 5/11/73, by the Acting Director from Assistant Attorney General Petersen relative to the attempted involvement by H. R. Haldeman and John D. Erlichman of the CIA in keeping the Bureau from conducting investigation relative to the \$89,000 in Mexican bank drafts. According to Mr. Silbert, the grand jury has already taken testimony from all those allegedly involved except General Cushman, former Deputy Director of CIA.

Mr. Silbert further advised the grand jury inquiry is dealing with destruction of material by L. Patrick Gray, III.

The General Investigative Division is presently assembling the material furnished by Mr. Gray to John Dean at the White House, including the identity of all individuals who handled these documents, which consisted of 83 investigative reports and two volumes of serials given to Mr. Gray by WFO during the summer of 1972. It is expected this material will be submitted to Mr. Silbert by cover letter on 5/21/73.

CAN/amm

*WC*

*CAN*

*RBL*

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED

DATE 6/26/80 BY SP2 TAP/lan/ka

*[Handwritten signature]*

*rel*

FBI

Date: 5/18/73

CODE

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)

Via TELETYPE URGENT  
(Priority)

- Mr. Felt \_\_\_\_\_
- Mr. Baker \_\_\_\_\_
- Mr. Callahan \_\_\_\_\_
- Mr. Cleveland \_\_\_\_\_
- Mr. Conrad \_\_\_\_\_
- Mr. Gebhardt \_\_\_\_\_
- Mr. Jenkins \_\_\_\_\_
- Mr. Marshall \_\_\_\_\_
- Mr. Miller, E. \_\_\_\_\_
- Mr. Soyars \_\_\_\_\_
- Mr. Thompson \_\_\_\_\_
- Mr. Walters \_\_\_\_\_
- Tele. Room \_\_\_\_\_
- Mr. Baise \_\_\_\_\_
- Mr. Barnes \_\_\_\_\_
- Mr. Bowers \_\_\_\_\_
- Mr. Herington \_\_\_\_\_
- Mr. Conny \_\_\_\_\_
- Mr. Mintz \_\_\_\_\_
- Mr. Eardley \_\_\_\_\_
- Mr. Hogan \_\_\_\_\_

TO: A ACTING DIRECTOR, FBI (139-4089) (BY SPECIAL MESSENGER)

FROM: SAC, WFO (139-166) (P)

JAMES WALTER MC CORD, JR., ET AL; BURGLARY, DEMOCRATIC NATIONAL COMMITTEE HEADQUARTERS, WASHINGTON, D.C., JUNE 17, 1972, IOC. OO:WFO.

RE BUREAU AIRTEL TO WFO, 5/16/73. DATE 6/20/80 BY SP2 RPL/AM/DM

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

AUSA EARL J. SILBERT WAS PERSONALLY MADE AWARE OF THE CONTENT OF BUREAU AIRTEL MENTIONED ABOVE. AFTER BEING APPRAISED OF SAME, AUSA SILBERT ADVISED THAT THE INFORMATION WAS INNOCUOUS AND IN NO WAY CORRESPONDS WITH THE INFORMATION FURNISHED TO THE FEDERAL GRAND JURY BY L. PATRICK GRAY, GENERAL WALTERS, MR. HELMS, MR. HALDEMAN AND MR. EHRLICHMAN. HE STATED THE ONLY PERSON REMAINING TO BE INTERVIEWED REGARDING THE EVENTS SURROUNDING WHITE HOUSE EFFORTS TO COVER UP AND INVOLVE CIA IS MR. CUSHMAN. AUSA SILBERT ADVISED THAT HE DID NOT DESIRE THE BUREAU INITIATE ANY INTERVIEWS.

REGARDING TESTIMONY OF MR. GRAY BEFORE THE GRAND JURY, MR.

SILBERT ADVISED THAT ALL AREAS OF MR. GRAY'S ACTIONS WHILE IN

AJL:jp

REC-102 139-4089-2197 ON  
REC-112

Approved: \_\_\_\_\_  
Special Agent in Charge

Sent \_\_\_\_\_ M Per \_\_\_\_\_

67 MAY 24 1973

F B I

Date:

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)Via \_\_\_\_\_  
(Priority)WFO 139-166  
PAGE TWO

CONTACT WITH WHITE HOUSE PERSONNEL DURING INVESTIGATION OF THIS CASE ARE BEING PURSUED INCLUDING DESTRUCTION OF MATERIAL FURNISHED TO HIM BY WHITE HOUSE PERSONNEL.

AS CONTACT WAS MADE THIS MORNING WITH ASSISTANT DIRECTOR GEBHARDT, AUSA EARL SILBERT DESIRES TO HAVE AND WILL MAINTAIN AS EVIDENCE, ALL MATERIAL FURNISHED BY GRAY TO JOHN DEAN DURING THIS INVESTIGATION. NAMES OF PERSONS HANDLING MATERIAL FROM RECIPIENT TO MR. GRAY AND THEN NAMES OF PERSONS ACCEPTING DOCUMENTS AFTER GRAY RESIGNED, SHOULD BE MADE PART OF THE COER LETTER TO THE U.S. ATTORNEY. THIS WILL CONFIRM PREVIOUS CONVERSATION WITH BUREAU OFFICIALS TODAY BY WFO.

ADDENDUM: RE OMAHA TELETYPE TO BUREAU INSTANT DATE. ROBERT HOUSTON, SECURITY ASSISTANT TO MC CORD AT CRP TESTIFIED BEFORE FEDERAL GRAND JURY JULY, 1972 [REDACTED]

[REDACTED]

[REDACTED]

B3

Approved: \_\_\_\_\_ Sent \_\_\_\_\_ M Per \_\_\_\_\_  
Special Agent in Charge

AIRTEL

1 - Mr. Gebhardt  
③ - Mr. Nuzum

5/16/73

PERSONAL ATTENTION

TO: SAC, WASHINGTON FIELD (139-166)

FROM: ACTING DIRECTOR, FBI (139-4089)

JAMES WALTER McCORD, JR.; AND OTHERS  
BURGLARY OF DEMOCRATIC NATIONAL  
COMMITTEE HEADQUARTERS, 6/17/72  
IOC  
OO:WFO

FORMER -

Information has come to the attention of FBIHQ that on about 6/23/72, then Deputy CIA Director Lt. General Vernon A. Walters allegedly met with then CIA Director Richard M. Helms, H. R. Maldeman and John D. Ehrlichman at the White House. Ehrlichman reportedly told Walters the Mexican money deal (\$89,000 in bank drafts drawn on a Mexico City bank) is going to be a CIA affair and that Walters was to tell then Acting Director L. Patrick Gray, III, to hold off on interviews of CIA people because of CIA interest in that operation. Walters reportedly did so during late June, 1972. Also, Helms allegedly confirmed CIA's interest in the operation to Gray.

It is alleged that Gray then discussed this matter with Assistant Attorney General (AAG) Henry E. Petersen who was to have remarked at that time "get it in line, i.e., that it was a CIA affair on the Mexican money." The significance of that statement is not known and should be resolved during interviews hereinafter set out. Gray then was to have asked Helms for written notification but Helms apparently backed off and thereafter Walters told Dean that they could not use CIA as an excuse. Subsequently Walters reportedly told Gray the FBI could go ahead with the interviews of former or present CIA employees who were involved.

[REDACTED]

JJC:DC  
(5)

**B1**

NOTE: Authorization for the above-mentioned interviews is contained in R. E. Long memorandum to Mr. Gebhardt, 5/14/73, attached, REL:CAN/aat.

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6/20/80 BY SP3 TAP/AM/DM

ENCLOSURE

139-4089-2197

00 00  
Airtel to SAC, WFO  
Re: JAMES WALTER McCORD, JR.; AND OTHERS

It is noted that an article in "The Washington Post" on 5/16/73, deals with this same subject matter.

WFO is instructed to promptly discuss this matter with AUSA Silbert. Unless he voices objection, interviews should be conducted promptly of General Walters, Mr. Helms, Mr. Ehrlichman, Mr. Haldeman, Mr. Gray and AAG Petersen to completely pin this matter down. As soon as you obtain AUSA Silbert's views, advise FBIHQ in order that AAG Petersen may be advised of the contemplated investigation.

*Low advised that  
this already covered  
by the grand jury  
CE 5/21/73*

DO-6 / OFFICE OF ACTING DIRECTOR  
FEDERAL BUREAU OF INVESTIGATION  
UNITED STATES DEPARTMENT OF JUSTICE

- MR. FELT
- MR. BAKER \_\_\_\_\_
- MR. CALLAHAN \_\_\_\_\_
- MR. CLEVELAND \_\_\_\_\_
- MR. CONRAD \_\_\_\_\_
- MR. GEBHARDT
- MR. JENKINS
- MR. MARSHALL \_\_\_\_\_
- MR. MILLER, E. S. \_\_\_\_\_
- MR. BOYARS \_\_\_\_\_
- MR. THOMPSON \_\_\_\_\_
- MR. WALTERS \_\_\_\_\_
- TELE. ROOM \_\_\_\_\_
- MR. KINLEY \_\_\_\_\_
- MR. ARMSTRONG \_\_\_\_\_
- MR. BOWERS \_\_\_\_\_
- MR. HERINGTON \_\_\_\_\_
- MS. HERMG \_\_\_\_\_
- MR. MINTZ \_\_\_\_\_
- MRS. NEENAN \_\_\_\_\_

<sup>E</sup>  
to Easley  
What has this  
testimony shown  
& what further  
should or should not  
be done?

memo long to Gebhardt  
JClamm 5/24/73 *Red*

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6/20/80 BY SP2TAP/JRM/DMS

ENCLOSURE 139-4089-5197

Mr. Felt	_____
Mr. Baker	_____
Mr. Callahan	_____
Mr. Cleveland	_____
Mr. Conrad	_____
Mr. Gelber	_____
Mr. Jenkins	_____
Mr. Marshall	_____
Mr. Miller, E.S.	_____
Mr. Soyars	_____
Mr. Thompson	_____
Mr. Walters	_____
Tele. Room	_____
Mr. Bates	_____
Mr. Barnes	_____
Mr. Bowers	_____
Mr. Herington	_____
Mr. Conny	_____
Mr. Mintz	_____
Mr. Eardley	_____
Mrs. Hogan	_____

*James Walter McCord*  
*[Handwritten signature]*

NR012 MM CODE  
 655 PM NITEL 5-21-73 AXN  
 TO ACTING DIRECTOR 176-2255  
 ATTN: INTD, REVACT SECTION  
 JACKSONVILLE 176-30  
 FROM MIAMI 176-36 3 PAGES

SCOTT CAMIL, AKA; ET AL; ARL - CONSPIRACY; EID.

DEFENDANT ALTON FOSS GUEST ON MIAMI RADIO STATION WQAM INTERVIEW PROGRAM NIGHT OF 5-20-73. INTERVIEW TAPE-RECORDED BY MIAMI OFFICE. FOSS DETAILED INVOLVEMENT WITH VVAW BEGINNING APRIL, 1972; CLAIMED HARASSMENT BY BOTH "STATE AND GOVERNMENT" OFFICIALS; TOLD OF ORANGE BOWL PARKING LOT, MIAMI, MEETING 7-7-72 WITH DADE COUNTY UNDERCOVER DETECTIVES DURING WHICH DETECTIVES ALLEGEDLY THREATENED HIM WITH ARREST ON DRUG CHARGE IF HE DID NOT COOPERATE AND MEET WITH FBI CONCERNING ALLEGED PLANS FOR VIOLENCE AT POLITICAL CONVENTIONS BY VVAW.

*139-4089*

NOT RECORDED  
 MAY 29 1973

FOSS TOLD OF DEFENSE ATTORNEYS TRYING VERY STRONGLY IN WITH WATERGATE. AS EXAMPLE, HE CITED SUBPOENAS BY DEFENSE FOR  
 END PAGE ONE

*du Goodwin*  
*5/22/73*  
*H/C*  
*R/p/wr*

*5-40*

79 MAY 30 1973

ALL INFORMATION CONTAINED  
 HEREIN IS UNCLASSIFIED  
 DATE 6/20/90 BY SP2 TAP/sem/loms

ORIGINAL FILED IN 176-2255-17

PAGE TWO

"MR. BALDWIN" AND FORMER U. S. ATTORNEY GENERAL JOHN MITCHELL AT RECENT PENSACOLA, FLORIDA PRE-TRAIL HEARING. FOSS SAID MITCHELL WAS ASKED ABOUT 80 QUESTIONS BUT THE GOVERNMENT DID NOT REALLY PERMIT HIM TO ANSWER ANY OF THE QUESTIONS. FOSS SAID, "IT WAS REALLY LIKE A KANGAROO COURT, IT WAS LIKE A CIRCUS." DEFENSE ATTORNEY MORTON STAVITS WOULD ASK MR. MITCHELL A QUESTION AND GUY GOODWIN, GOVERNMENT PROSECUTOR, FOSS SAID, WOULD STAND AND OBJECT BEFORE THE QUESTION EVEN CAME OUT. THE JUDGE WOULD REPHRASE THE QUESTIONS THE DEFENSE WOULD ASK AND ASK MR. MITCHELL HIMSELF, FOSS SAID, AND CONTINUED THAT "YOU COULD TELL THAT HE (JUDGE ARNOW) WAS UNDER SOMEWHAT OF PRESSURE."

FOSS RECITED THAT RECENT WASHINGTON POST AND WIRE SERVICE ARTICLES TOLD OF FBI AND OTHER GOVERNMENT AGENCIES INFILTRATIONS OF NON-DELEGATE GROUPS AT POLITICAL CONVENTIONS. HE ALSO MENTIONED THE VIETNAM VETERANS FOR A JUST PEACE, ORGANIZED, ACCORDING TO FOSS, BY WHITE HOUSE STAFF MEMBER COLSON.

FOSS SAID THAT MITCHELL ALSO TESTIFIED AT PENSACOLA THAT THERE WAS A SECURITY AGENCY INVOLVED WITH WATERGATE. HOWEVER, GOVERNMENT WOULD NOT ALLOW HIM TO ANSWER DIRECTLY. FOSS SAID, "IT WAS SORT OF A FARCE."

END PAGE TWO

PAGE THREE

FOSS SAID DEFENSE HAS TO DATE SPENT AROUND \$70,000.

FOSS SAID THAT INCIDENT SIMILAR TO BURGLARY OF OFFICE OF DANIEL ELLSBERG PSYCHIATRIST HAS OCCURRED IN INSTANT CASE. HE SAID THAT RECORDS WERE STOLEN FROM OFFICE OF GAINESVILLE ATTORNEY CAROL SCOTT. THE ONLY THING TAKEN WAS THE ATTORNEY'S FILES FOR SCOTT CAMIL.

FOSS SAID TRIAL INSTANT MATTER WILL BE INTERESTING BECAUSE DEFENSE WILL BRING OUT THAT "VVAW TIED IN WITH WATERGATE."

FOSS DID NOT MENTION HIS INTERVIEW BY FBI AND DADE COUNTY PUBLIC SAFETY DEPARTMENT 8-7-72.

TRANSCRIPTS OF ABOVE PROGRAM TAPE BEING MADE. [PERTINENT VERBATIM EXTRACTS FROM SAME WILL BE SUBMITTED BY LHM WITH AIRTEL COVER.]

END

UNITED STATES GOVERNMENT

# Memorandum ROUTE IN ENVELOPE

- Mr. Felt \_\_\_\_\_
- Mr. Baker \_\_\_\_\_
- Mr. Callahan \_\_\_\_\_
- Mr. Cleveland \_\_\_\_\_
- Mr. Conrad \_\_\_\_\_
- Mr. Gebhardt \_\_\_\_\_
- Mr. Jenkins \_\_\_\_\_
- Mr. Marshall \_\_\_\_\_
- Mr. Miller, E.S. \_\_\_\_\_
- Mr. Soyars \_\_\_\_\_
- Mr. Thompson \_\_\_\_\_
- Mr. Walters ✓
- Tele. Room \_\_\_\_\_
- Mr. Baize \_\_\_\_\_
- Mr. Barnes \_\_\_\_\_
- Mr. Bowers \_\_\_\_\_
- Mr. Herington \_\_\_\_\_
- Mr. Conroy ✓
- Mr. Mintz ✓
- Mr. Erdly \_\_\_\_\_
- Mrs. Hogan \_\_\_\_\_

TO : MR. WALTERS

DATE: 5-22-73

FROM : W. M. FELT

SUBJECT: WATERGATE

*James Walter in card*

Mr. Ruckelshaus has instructed that we prepare an analysis of allegations which are coming out now indicating possible involvement by former Acting Director L. Patrick Gray, III, in the cover-up or use of action to delay or impede the FBI investigation of Watergate. He instructed that this analysis be conducted by someone who was not connected in any way with the Watergate investigation.

Specifically, he desires that we list each allegation which has been publicized and then conduct whatever file reviews and interviews of personnel necessary to ascertain what the FBI answer would be to any questions which might be raised, either before a grand jury or before a Congressional investigating committee.

It is suggested that whomever you assign to this project should first confer with knowledgeable personnel in the General Investigative Division and in the Press Services Office to arrive at a list of allegations. Thereafter, General Investigative Division can indicate likely initial interviews. Your inquiry, however, should be completely independent and not necessarily restricted to interviews suggested by General Investigative Division.

The format of your report should be to set out each allegation together with the individual response or responses as the case may be.

It is perfectly acceptable, of course, to use all information that we know now in analyzing the situation; however, those persons who might be called upon to testify would have to limit their answers to the information that was available to them at the time.

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6/20/88 BY SP4/ML/STP

REC-102

REC-102 139-40 89-2198

JUL 16 1973

**SOMEONE FROM OLC  
SHOULD WORK WITH  
INSP DIV.**

I will work with Insp. Div.

ROUTE IN ENVELOPE

memo felt  
5/23/73  
Lmw/wry

XEROX  
SPP  
1 - Tickle  
4/8/74  
WJH  
1 XEROX COPY  
MADE 5/23/73

WMF:cm  
(2)

memo to Jacobson  
6/26/73  
see serial

53 JUL 16 1973 39-4082-2443

AIRTEL

1 - Mr. Frankenfield

5/23/73

PERSONAL ATTENTION

TO: SAC, WASHINGTON FIELD (139-166)

FROM: ACTING DIRECTOR, FBI (139-4089) - 2198

JAMES WALTER McCORD, JR., ET AL.

IOC

OO: WFO

ReButelcall to WFO 5/22/73.

This will confirm instructions given WFO in reButelcall to telephonically advise Accounting and Fraud Section each day by 4:30 P.M., as to whether or not any requests have been received by your office from AUSA Silbert or any of his assistants as a result of testimony before the Federal grand jury. Information is to be supplied as to requests for investigation, files, documents, service of subpoenas, etc. This is needed in sufficient time in order that it can be relayed to the office of the Acting Director by 5 P.M., each day.

WAF:DC  
(4)

NOTE: Instructions to WFO are based on memorandum Mr. Felt to Mr. Gebhardt 5/22/73, which is per instructions received from the Acting Director this date. Instructions to WFO were furnished telephonically to SAC McDermott 5/22/73, by SA Wayne A. Frankenfield, Accounting and Fraud Section.

- Mr. Felt \_\_\_\_\_
- Mr. Baker \_\_\_\_\_
- Mr. Callahan \_\_\_\_\_
- Mr. Cleveland \_\_\_\_\_
- Mr. Conrad \_\_\_\_\_
- Mr. Gebhardt \_\_\_\_\_
- Mr. Jenkins \_\_\_\_\_
- Mr. Marshall \_\_\_\_\_
- Mr. Miller, E.S. \_\_\_\_\_
- Mr. Soyars \_\_\_\_\_
- Mr. Thompson \_\_\_\_\_
- Mr. Walters \_\_\_\_\_
- Tele. Room \_\_\_\_\_
- Mr. Baise \_\_\_\_\_
- Mr. Barnes \_\_\_\_\_
- Mr. Powers \_\_\_\_\_
- Mr. Herrington \_\_\_\_\_
- Mr. Conroy \_\_\_\_\_
- Mr. [unclear] \_\_\_\_\_
- Mr. [unclear] \_\_\_\_\_
- Mr. [unclear] \_\_\_\_\_

MAILED 23  
MAY 23 1973  
FBI

RECEIVED  
MAY 23 11 03 AM '73  
FBI

REC'D OFFICE

REC'D OFFICE

REL  
WAR

RSB

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6/20/80 BY SP-AT/PLM/law

MAY 24 1973

TELETYPE UNIT

UNITED STATES GOVERNMENT

# Memorandum

- Mr. Felt \_\_\_\_\_
- Mr. Baker \_\_\_\_\_
- Mr. Callahan \_\_\_\_\_
- Mr. Cleveland \_\_\_\_\_
- Mr. Conrad \_\_\_\_\_
- Mr. Gebhardt \_\_\_\_\_
- Mr. Jenkins \_\_\_\_\_
- Mr. Marshall \_\_\_\_\_
- Mr. Miller, E.S. \_\_\_\_\_
- Mr. Soyars \_\_\_\_\_
- Mr. Thompson \_\_\_\_\_
- Mr. Walters \_\_\_\_\_
- Tele. Room \_\_\_\_\_
- Mr. Baise \_\_\_\_\_
- Mr. Barnes \_\_\_\_\_
- Mr. Bowers \_\_\_\_\_
- Mr. Herington \_\_\_\_\_
- Mr. Conny \_\_\_\_\_
- Mr. Mintz \_\_\_\_\_
- Mr. Eardley \_\_\_\_\_
- Mrs. Hogan \_\_\_\_\_

TO : R. E. Gebhardt *RE*

DATE: 5/22/73

FROM : W. M. Felt *W*

1 - Mr. Gebhardt  
1 - Mr. Nuzum

SUBJECT: WATERGATE CASE

At 4:30 p.m. this date Acting Director Ruckelshaus instructed that by 5:00 p.m. each day he should be advised through Mr. Carl Eardley of any requests received from the grand jury hearing the Watergate case of the FBI. These requests, of course, will come through AUSA Silbert or his assistants. These requests will include not only requests for investigation but files or any other material.

*LAEL WAF*

Arrangements should be made through the Accounting and Fraud Section and WFO to see that this is done on a daily basis.

*on yellow*

WMF:mpd (4)

*WAF*

*W*

*Airtel SAC, WFO  
5/23/73: WAF:DC*

*6-er*

REC-112 139-4089-2198

17 MAY 25 1973

May 23, 1973

Honorable Harold M. Titus, Jr.  
United States Attorney  
Court House Building  
Washington, D. C.

*Jamies Walter Mc Cord*

Dear Mr. Titus:

I am advised that the Washington Field Office on May 18 by teletype requested this office to list all material allegedly furnished by Mr. Gray, the former Acting Director, to Mr. John Dean during the Watergate investigation. The Field Office also asked for the names of the persons delivering the material to Mr. Gray, and the names of the persons who now have custody. This request originated with Assistant U. S. Attorney Earl Silbert.

In response thereto the records of the FBIHQ show the following deliveries of FBI reports:

June 30, 1972--12 reports delivered to Mrs. Neenan, Mr. Gray's secretary, by SA Charles A. Nuzum.

July 17, 1972--61 reports delivered by SA Clynick to Assistant Director Charles W. Bates for delivery to Mr. Gray's office at FBIHQ.

September 13, 1972--10 reports delivered to Mrs. Neenan by SA Charles A. Nuzum.

In addition, on or about August 2, 1972, the Washington Field Office delivered two folders containing copies of FBI teletypes, 302s, etc. numbering 272 items, to Mr. Gray by FBI messenger whose identity cannot be determined but upon the direction of SAC Robert G. Kunkel.

- 1 - Assistant Attorney General Criminal Division
- 1 - Washington Field Office (139-166) (For info)

CE:amc (6)

REC-112 139-4089-2199  
SEE NOTE PAGE TWO  
17 MAY 25 1973

*Hand delivered 5/23/73 JWC*

2 XEROX  
1 - SAF  
1 - Tickler  
4/8/74 WJA

*NEW WAF*  
6 - CR

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6/20/90 BY SP2 TRS/SLM/OMK

- Mr. Felt \_\_\_\_\_
- Mr. Baker \_\_\_\_\_
- Mr. Callahan \_\_\_\_\_
- Mr. Cleveland \_\_\_\_\_
- Mr. Conrad \_\_\_\_\_
- Mr. Gebhardt \_\_\_\_\_
- Mr. Jenkins \_\_\_\_\_
- Mr. Marshall \_\_\_\_\_
- Mr. Miller, E.S. \_\_\_\_\_
- Mr. Soyars \_\_\_\_\_
- Mr. Thompson \_\_\_\_\_
- Mr. Walters \_\_\_\_\_
- Tele. Room \_\_\_\_\_
- Mr. Baise \_\_\_\_\_
- Mr. Barnes \_\_\_\_\_
- Mr. Bowers \_\_\_\_\_
- Mr. Herrington \_\_\_\_\_
- Mr. Cooney \_\_\_\_\_
- Mr. Mitz \_\_\_\_\_
- Mr. Ford \_\_\_\_\_
- Mr. \_\_\_\_\_

67 MAY 24 1973

TELETYPE UNIT

On March 16, 1973 all of the above mentioned material was returned to SA Clynick so that a listing could be made of all the individuals who had been interviewed. This was done to assist Mr. Gray in his confirmation proceedings. The names were furnished to him.

On or about March 20, 1973, the specific date not recorded, the 83 items mentioned above plus the two folders were delivered by SA Clynick to Mr. David Kinley, the Executive Assistant to Mr. Gray, for the purpose of duplication. The material was duplicated and copies delivered to Mr. Kinley. The original material is being maintained in the Department of Justice Building in the custody of SAs Nuzum and Clynick.

With respect to the delivery of the material to Mr. Dean, it is the recollection of Mr. Clynick that he was told by Mr. Kinley that this material had been delivered by Mr. Gray to Mr. Dean,

With respect to the enclosed material, it should be noted that there is information disclosing the identities of informants and confidential sources and also some sensitive information which, it would be appreciated, not be disseminated outside of your office. Mr. Lane will be available to assist you in identifying the material which should not be disseminated.

A copy of this letter is being forwarded to Assistant Attorney General Henry E. Petersen, Criminal Division, for his information.

Sincerely yours,

William D. Ruckelshaus  
Acting Director

*Copy of letter*

Enclosures - 85 - Hand carried to  
USA by SA A. J. Lano, WFO  
JTC 5/23/73

AAG rec h 080  
5/23/73  
JR

NOTE: The enclosed material and chronology were requested by Mr. Silbert of case Agent Angelo J. Lano and furnished to the Bureau in WFO teletype 5/18/73. The material requested and an original and one copy of this letter are being hand carried to the U. S. Attorney's office by Washington Field Office Special Agents.

- Mr. Felt \_\_\_\_\_
- Mr. Baker \_\_\_\_\_
- Mr. Callahan \_\_\_\_\_
- Mr. Cleveland \_\_\_\_\_
- Mr. Conrad \_\_\_\_\_
- Mr. Galt \_\_\_\_\_
- Mr. Jenkins \_\_\_\_\_
- Mr. Marshall \_\_\_\_\_
- Mr. Miller, E.S. \_\_\_\_\_
- Mr. Soyars \_\_\_\_\_
- Mr. Thompson \_\_\_\_\_
- Mr. Walters \_\_\_\_\_
- Tele. Room \_\_\_\_\_
- Mr. Baise \_\_\_\_\_
- Mr. Barnes \_\_\_\_\_
- Mr. Bowers \_\_\_\_\_
- Mr. Herrington \_\_\_\_\_
- Mr. Conroy \_\_\_\_\_
- Mr. Mintz \_\_\_\_\_
- Mr. Farley \_\_\_\_\_
- Ms. Hogan \_\_\_\_\_

UNITED STATES GOVERNMENT

# Memorandum

TO : Acting Director *CR*  
Federal Bureau of Investigation

FROM : *HP* Henry E. Petersen  
Assistant Attorney General  
Criminal Division

SUBJECT: Watergate Investigation

DEPARTMENT OF JUSTICE

Mr. *RAM*  
Mr. Tolson  
Mr. Mohr

DATE: May 21, 1973  
HEP:PTW:acs

Mr. Felt	<input checked="" type="checkbox"/>
Mr. Baker	<input type="checkbox"/>
Mr. Callahan	<input type="checkbox"/>
Mr. Cleveland	<input type="checkbox"/>
Mr. Glavin	<input checked="" type="checkbox"/>
Mr. Jenkins	<input type="checkbox"/>
Mr. Marshall	<input type="checkbox"/>
Mr. Miller E.S.	<input type="checkbox"/>
Mr. Nease	<input type="checkbox"/>
Mr. Thompson	<input type="checkbox"/>
Mr. Walters	<input type="checkbox"/>
Tele. Room	<input type="checkbox"/>
Mr. Bates	<input type="checkbox"/>
Mr. Barnes	<input type="checkbox"/>
Mr. Bowers	<input type="checkbox"/>
Mr. Herndon	<input type="checkbox"/>
Mr. Conroy	<input type="checkbox"/>
Mr. ...	<input type="checkbox"/>
Mr. Eardley	<input type="checkbox"/>
Mrs. Hogan	<input type="checkbox"/>

On May 18, 1973, Dougald McMillan, attorney in charge of our Organized Crime and Racketeering Strike Force in Miami, Florida, telephonically advised my office that he had been advised by a law enforcement official that Fred Francis of Channel 4 TV News, Miami, has stated that three Cubans in Miami named Ferre(ph), Lopez and Fernandez were involved in the breaking and enterings at the Watergate in May and June 1972. They were allegedly with McCord, et al., but got away. Francis reportedly said that Dade County State's Attorney Richard Gerstein plans to interview these three individuals on Tuesday, May 22, 1973.

*James Walter*

This information is being submitted to you for appropriate investigation to determine the full identities of Ferre, Lopez and Fernandez and their possible involvement in the Watergate incident.

RECEIVED FBI  
 MAY 22 1973  
 5-25-73  
**EX-112**  
**REC.**

REC-112

139-4089-2200

17 MAY 25 1973

ASAC Fred Fox Miami  
 was advised to interview  
 Doug McMillan and submit  
 teletype. Take no further  
 action 11:25 A.M. 5/22/73

6-TH  
 letter to ATG, Criminal  
 Division  
 5/23/73  
 CAN/JJC/aat

UNITED STATES GOVERNMENT

# Memorandum

- Mr. Felt \_\_\_\_\_
- Mr. Baker \_\_\_\_\_
- Mr. Callahan \_\_\_\_\_
- Mr. Cleveland \_\_\_\_\_
- Mr. Conrad \_\_\_\_\_
- Mr. Gebhardt \_\_\_\_\_
- Mr. Jenkins \_\_\_\_\_
- Mr. Marshall \_\_\_\_\_
- Mr. Miller, E.S. \_\_\_\_\_
- Mr. Soyars \_\_\_\_\_
- Mr. Thompson \_\_\_\_\_
- Mr. Walters \_\_\_\_\_
- Tele. Room \_\_\_\_\_
- Mr. Baize \_\_\_\_\_
- Mr. Barnes \_\_\_\_\_
- Mr. Bowers \_\_\_\_\_
- Mr. Herington \_\_\_\_\_
- Mr. Conny \_\_\_\_\_
- Mr. Mintz \_\_\_\_\_
- Mr. Eardley \_\_\_\_\_
- Mrs. Hogan \_\_\_\_\_

TO : Mr. Long *REV/NAF*

DATE: 5/24/73

FROM : J. J. Clynick *JJC*  
*JJC*

1 - Mr. Clynick  
1 - Mr. W. W. Bradley  
Room 3461

SUBJECT: JAMES WALTER MC CORD, JR.,  
AND OTHERS  
BURGLARY OF DEMOCRATIC NATIONAL  
COMMITTEE HEADQUARTERS, 6/17/72  
INTERCEPTION OF COMMUNICATIONS

This memo is to record the authorization to discontinue WFO's personal monitoring of the Ervin Select Committee (Watergate) hearings which monitoring was originally requested by the Acting Director.

Today Case Agent Lano called SA Clynick to inquire if the personal monitoring could not be discontinued due to the fact that the TV coverage was available and his belief that our Laboratory was taping the broadcast.

SA John J. Clynick confirmed with W. W. Bradley, Radio Engineering Section that the committee hearings were being taped by the Laboratory. These hearings were video taped through 5/22/73, whereafter the hearings continue to be audio taped.

On the same date W. A. Frankenfield advised Mr. Eardley of WFO's request and Mr. Eardley authorized the discontinuance of the personal monitoring by WFO Agents in view of the fact that our Laboratory is taping the proceedings. SA Frankenfield advised WFO they could discontinue.

ACTION: For information.

JJC:efg *efg*  
(3)

*JJC*

*REV/NAF*

REC-112 139-4089-2201 *DM*

67 MAY 24 1973

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6/20/80 BY SP2TAP/ewl DMS

17 MAY 25 1973

Assistant Attorney General  
Criminal Division

May 23, 1973

Acting Director, FBI

REC-112 139-4089-2200

- 1 - Mr. Eardley
- 1 - Mr. Gebhardt
- 1 - Mr. Nuzum

*CST*  
*2*

**JAMES WALTER MC CORD, JR.,  
AND OTHERS  
BURGLARY OF DEMOCRATIC NATIONAL  
COMMITTEE HEADQUARTERS  
JUNE 17, 1972  
INTERCEPTION OF COMMUNICATIONS**

Reference is made to your memorandum dated May 21, 1973, captioned "Watergate Investigation," Department of Justice reference REP:PTW:acs, which advised of information received from Mr. Dougald McMillan to the effect that three individuals in the Miami, Florida, area were involved in break-ins at the Watergate in May and June, 1972. Your memorandum identified these as being "Ferre (ph), Lopez and Fernandez" and requested investigation to determine their full identities and their possible involvement in this case. McMillan was contacted on May 22, 1973, and had no additional information.

For your information, these individuals apparently are Angel Ferrer, Humberto F. Lopez Perez and Pablo Manuel Fernandez Mayan who were interviewed on June 30, 1972, at Miami, Florida. The interviews of these men, together with extensive other investigation in this case, are set forth in the report of Special Agent William F. Guilfoile dated July 5, 1972, at Miami. Each of these men denied being involved in the Watergate incident, although each did admit that he was a member of a party of ten individuals who traveled from Miami to Washington, D. C., on May 3, 1972, for the purpose of paying homage to J. Edgar Hoover while he lay in state at the Capitol Rotunda.

Investigation in Miami on June 19, 1972, determined that Bernard L. Barker purchased ten round-trip tickets from Miami to Washington, D. C., on May 2, 1972, for travel on National Airlines Flight 108. Investigation developed these

- Mr. Felt
- Mr. Baker
- Mr. Callahan
- Mr. Cleveland
- Mr. Conrad
- Mr. Gebhardt
- Mr. Jenkins
- Mr. Marshall
- Mr. Miller, P.B.
- Mr. Soyars
- Mr. Thompson
- Mr. Walters
- Tele. Room
- Mr. Baine
- Mr. Barnes
- Mr. Bowers
- Mr. Herrington
- Mr. Conroy
- Mr. Mintz
- Mr. Eardley

CAN:JJC:aa

MAILED 2

MAY 24 1973

-FBI

67 MAY 24 1973

MAIL ROOM

ELETYPE UNIT

REC'D

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6/20/86 BY SP2 TAP/Jan(AM)

Assistant Attorney General  
Criminal Division

*Ferr.*  
*etc.*  
Ten individuals were Lopez, Ferrer, Fernandez, Felipe De Diego, Bernard L. Barker, Frank Fiorini, Virgilio Gonzalez, Rolando Martinez, Reinaldo Pico and Hiram Gonzalez.

Ferrer, Fernandez and Lopez denied they had traveled to Washington, D. C., on subsequent occasions with Barker and his group, and extensive investigation in Washington, D. C., failed to develop information that they did accompany the Barker group on the subsequent trips of that group to Washington, D. C., which were on May 22, 1972, and June 16, 1972. No information was developed to indicate these men had any part in the break-ins at the Democratic National Committee Headquarters.

As a matter of interest, Fred Francis advised our Miami Office on May 17, 1973, that in March, 1972, Fiorini had introduced Ferrer to him as an individual that Fiorini wanted to be trained in the use of the motion picture camera, but that nothing further developed in connection with this request. Francis advised he was planning to do a television piece about Ferrer and at least two of his fellow Cubans who made the trip to Washington, D. C., during May, 1972. One of these Cubans allegedly punched Daniel Ellsberg during a demonstration in Washington, D. C.

Our Miami Office advised that it received information that on May 22, 1973, Richard Gerstein, Dade County State Attorney, held a press conference at which Gerstein furnished extracts from an interview of Pablo Fernandez which had been conducted by Gerstein's office. At this conference, it was stated that both Barker and Martinez offered Fernandez money to spy on demonstrations at political conventions and to break into Senator McGovern's headquarters. Fernandez allegedly stated he declined these offers as he was already working for the FBI and the Miami Police Department. Fernandez was never directed by our Miami Office in any of his activities.

Fernandez will be interviewed concerning his reported statements, and no additional investigation is being conducted relative to this matter. You will be advised of the results of the interview of Fernandez.

FBI

Date: 5/23/73

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)

Via AIRTEL \_\_\_\_\_  
(Priority)

TO: ACTING DIRECTOR, FBI

FROM: *KW* SAC, MIAMI

JAMES WALTER MC CORD, JR.; (P)  
ET AL;  
BURGLARY DEMOCRATIC NATIONAL  
COMMITTEE HEADQUARTERS,  
WASHINGTON, D.C., 6/17/72,  
IOC  
BUFILE 139-4089  
WASHINGTON FIELD FILE 139-166  
MIAMI FILE 139-328  
OO: WASHINGTON FIELD

SCOTT CAMIL, aka; (P)  
ET AL  
ARL - CONSPIRACY; EID  
BUFILE 176-2255  
JACKSONVILLE FILE 176-30  
MIAMI FILE 176-36  
OO: JACKSONVILLE

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6/26/80 BY SP2 TAP/IRM/LMS

Re Miami teletypes 5/23/73 and 5/22/73.

Enclosed for the Bureau are <sup>MIAMI, FLA.</sup> four copies, for  
Jacksonville and Washington Field, two copies each of  
the text of a 5/23/73 "Miami Herald" article captioned  
~~Sp~~ Job Offer at Convention Revealed.

ENCLOSURE  
④ Bureau (Enc. 4) (RM) DIA  
② - 139-4089  
② - 176-2255  
2 - Jacksonville (Enc. 2) (RM) *see Goodwin*  
2 - Washington Field (Enc. 2) (RM) *JD*  
2 - Miami *HIC*  
5 JUN 1973 - 176-36  
1973 - 139-328  
JUN 1973: lb  
JUN (10)

REC-10  
139-4089-2201  
MAY 25 1973  
REC-57  
6/27/73  
PLP/ryg

*unrecorded copy filed in*

Approved: \_\_\_\_\_ Sent \_\_\_\_\_ M Per \_\_\_\_\_  
Special Agent in Charge

(Mount Clipping in Space Below)

# Spy Job Offer at Convention Revealed

By **ROB ELDER**  
Herald Staff Writer

A Miami man said Tuesday that convicted Watergate burglar Eugenio R. Martinez offered him \$700 a week to infiltrate protest groups at last summer's Democratic convention and to embarrass George McGovern "for the Republican Party."

He turned it down, he said, because he was already busy spying on Vietnam Veterans Against the War for the FBI and Miami police.

Rablo Manuel Fernandez, 28, a burly equipment parts clerk who left Cuba as a teenager, said he was told by Martinez:

"You get 10 people and get inside McGovern headquarters in the hotel."

The "big money" mission "to infiltrate the demonstrators" was discussed over lunch a year ago this week, said Fernandez, who makes \$800 a month in his clerk's job.

Fernandez said he didn't think he could mix two undercover missions.

Earlier, however, he said, he did accompany the Watergate crew to Washington to break up left-wing demonstrations by starting fights at the funeral of FBI chief J. Edgar Hoover.

FERNANDEZ said he made contact with the VVAW by claiming, on instructions of the Miami Police Department, to represent a militant Cuban exile group called Abdala. VVAW Florida coordinator Scott Camil and former

teered their services. He was just one of them. Eventually, he was asked to stay away from the department.

Camil said he didn't know Fernandez was a police informer until a reporter told him Tuesday.

And it was Fernandez who brought up the subject of weapons, Camil insisted.

"He said they (the Cubans) could make grenade launchers and automatic weapons available to us but we would have to buy them."

ABDALA indeed is an organization with members in Miami, but he lied when he said he was its representative, Fernandez said. In fact, he said, he also was spying on Abdala — for the Cuban Revolutionary Party, of which he was youth director.

Fernandez told his story to this reporter after he and another Miamian, Angel Ferrer, were questioned by State Attorney Richard Gerstein's chief investigator, Martin Dardis. Dardis did not take

sworn testimony, but Gerstein told a press conference later that both men, "if given immunity... would have a lot more to say."

Ferrer said he also accompanied the Watergate team to Washington for Hoover's funeral, Gerstein said. Two other Miamians, Reinaldo Pico and Felipe Diego, previously had told The Herald they were recruited for that mission last May.

The VVAW figured in the original decision to break into the Democratic National Committee's Watergate headquarters in Washington last spring, James McCord testified Tuesday.

McCord, one of the convicted burglars and former security chief of the Committee for the Re-election of the President, told a nationally televised Senate hearing he wanted to find out whether the Democrats were influencing the VVAW to plan violent demonstrations against

(Indicate page, name of newspaper, city and state.)

1A

MIAMI HERALD

MIAMI, FLORIDA

Date: 5/23/73

Edition:  
Author:  
Editor:  
Title:

Character:  
or

Classification:  
Submitting Office:

Being Investigated

1 XEROX  
JTB  
JUN 28 1973

139-4057-2201X

ENCLOSURE

Miami coordinator Alton Foss asked him where they could buy weapons, Fernandez said. He played them along for months, wearing a hidden transmitter to one meeting and tape recording some of his phone conversations with Camil for the FBI.

The FBI, which had planned to use Fernandez as a surprise witness in the conspiracy case against Camil, Foss and six other VVAW figures, refused to comment Tuesday on his story.

Miami Police Chief Bernard Garmire confirmed that Fernandez supplied information on the VVAW to the department's Strategic Information Unit. But Fernandez wasn't paid anything and, "I don't know if he gave us anything of any great assistance or not," Garmire said.

"THERE WERE any number of people who volun-



**Angel Ferrer**  
...questioned

President Nixon.

He does not now believe that to be the case, McCord said.

In Gainesville, spokesmen for the VVAW defendants called McCord's statement a "big lie" and charged that the conspiracy case was filed against the veterans "for the purpose of giving credibility to the contrived defense in the Watergate case."

In a separate interview with The Herald, Camil claimed that if Fernandez really recorded their various meetings and conversations, "then this means the Miami Police Department has stuff that can clear us."

Fernandez said he made contact with VVAW on instructions of Ralph Aguirre, a member of the Miami police Strategic Intelligence Unit. Aguirre told him, Fernandez said, that he should go to the office of the Cuban Student Organization on the University of Miami campus.

Camil telephoned there, trying to reach Abdala, and Fernandez returned the call, claiming to represent Abdala.

Camil said Tuesday he placed the call because he heard rumors last spring that "militant Cubans were going to try to break up our demonstrations and I wanted to tell them we weren't anti-Cuban and there wasn't anything to worry about."

Fernandez and the veterans agreed to meet at a Hialeah drug store. Fernandez isn't sure of the date; Camil says it was May 31 or June 1, 1972.

**ACCORDING TO** Fernandez, Camil asked about buying carbines and Foss "talked about grenades." Fernandez said he did not ask why the veterans wanted the weapons but assumed it was to "scare people at the conventions."

He added: "They weren't peaceful."

Fernandez went to the meeting wearing a hidden microphone. According to him, it transmitted to a receiver and tape recorder manned at another location by four Miami policemen.

A week after the drug store meeting, Camil, Foss and other VVAW members were indicted by a federal grand jury for conspiracy to disrupt the Miami Beach conventions with firebombs and other weapons.

**THE INDICTMENTS** were based largely on testimony by William Lemmer, an Arkansas veteran who was working for the FBI as an informer. He was at the meeting with Fernandez, wearing an Army uniform and carrying a gas mask.

Fernandez said he did not then know that Lemmer also was an informer. Nor, he said, did he realize that two other young men who attended VVAW meetings were infiltrators for the Dade County Public Safety Department.

"I almost got in a fight with them. I had no idea they were policemen," he said.

Foss claims that the PSD agents, Gerald Rudoff and Harrison Crenshaw, later tried to set him up to attend another meeting "with Cubans from Abdala" to discuss buying weapons. Foss says he refused to go.

**FOSS ADMITS**, however,

that he himself temporarily acted as an informer while trying to "make a deal" with Frank Gibbons, an agent of the Miami FBI office.

Fernandez said Tuesday he worked for Gibbons in an unpaid capacity, telephoning Camil and recording the conversations at Gibbons' request.

He placed the calls from his own telephone, Fernandez said.

The government has denied that prosecution of the VVAW group is in any way based on electronic eavesdropping.

**FERNANDEZ**, who left Cuba at age 16 and spent two years in Spain, is divorced, has no children and lives with his parents at 7750 SW 18th Ter.

He knew Bernard Barker even before he went with the Watergate crew to the Hoover funeral, Fernandez said. "Everybody knows Macho Barker."



**Pablo Fernandez**  
... 'declined offer'

ST-108 REC-73

1- Mr. Nuzum

139-4089-2201X1

July 6, 1973

BY COURIER SERVICE

*(Handwritten initials in a circle)*

**JAMES WALTER MC CORD, JR., AND OTHERS  
BURGLARY OF DEMOCRATIC NATIONAL  
COMMITTEE HEADQUARTERS, JUNE 17, 1972  
INTERCEPTION OF COMMUNICATIONS**

On May 22, 1973, Norman Herbert Kaye appeared at the Ft. Lauderdale Resident Agency of the FBI and advised as follows:

During the Spring of 1970, Kaye went to Harvard University to meet Abram Chayes, Professor of Law at Harvard, who was then also a member of the Board of Directors of Trans-East Airlines. Kaye, upon contact with Chayes, observed an individual in Chayes' office whom he later learned was Gordon Liddy, Watergate conspirator. When Kaye met Chayes on that occasion he reminded Chayes that he had just read a Newsweek magazine article which pointed out that Chayes intended to support George McGovern's presidential candidacy. Kaye ridiculed Chayes' choice and pointed out that Senator Muskie was the "front runner." Chayes told Kaye that Muskie would not make the grade and that the man who was just in his office (Gordon Liddy, whose identity was not known to Kaye) was his "insurance" that Muskie would not make it as a candidate. Kaye is of the opinion that Liddy's contact with Chayes is significant in view of information coming to light in the various Watergate probes in that it shows Liddy's involvement as early as 1970 in affairs relating to the Muskie candidacy. Kaye speculated that the contact between Chayes and Liddy shows a possible double agent character of Liddy in conspiring to embarrass the President and if called upon, Kaye would relate the above information.

*Ray Courten*

MAILED 3  
JUL 6 - 1973  
FBI

- Mr. Felt \_\_\_\_\_
- Mr. Baker \_\_\_\_\_
- Mr. Callahan \_\_\_\_\_
- Mr. Cleveland \_\_\_\_\_
- Mr. Conrad \_\_\_\_\_
- Mr. Gebhardt \_\_\_\_\_
- Mr. Jenkins \_\_\_\_\_
- Mr. Marshall \_\_\_\_\_
- Mr. Miller, E.S. \_\_\_\_\_
- Mr. Soyars \_\_\_\_\_
- Mr. Thompson \_\_\_\_\_
- Mr. Walters \_\_\_\_\_
- Tele. Room \_\_\_\_\_
- Mr. Beise \_\_\_\_\_
- Mr. Barnes \_\_\_\_\_
- Mr. Bowers \_\_\_\_\_
- Mr. Herington \_\_\_\_\_
- Mr. Conny \_\_\_\_\_
- Mr. Mintz \_\_\_\_\_
- Mr. Erdley \_\_\_\_\_
- Mr. Holloman \_\_\_\_\_

Kaye has advised that he was the organizer and former president of the Board of Directors of Trans-East Airlines in Bangor, Maine. Kaye alleged that he was forced out of the company by individuals who were friendly to Salvatore Pisello, allegedly an organized crime affiliated individual from New York City who is reportedly exporting meat through Trans-East Airlines facilities.

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6/20/80 BY SP-2 TAP/jealoms WAF

CAN/amm

SEE NOTE PAGE TWO..

67 JUL 11 1973

TELETYPE UNIT

**JAMES WALTER MC CORD, JR., AND OTHERS**

Kaye claims he made efforts to expose political intrigue, which he speculated was operating against his interests, in alleging that the Dead River Corporation in Maine was involved with his adversaries to discredit him. According to Kaye, the Dead River Corporation has as its objective to dominate Maine politics and ultimately national politics.

As a result of Kaye's activities, he said he and his wife have been threatened at their home in Maine by two unknown individuals and have received various threatening telephone calls both in Maine and at their present home in Ft. Lauderdale, Florida.

On the weekend of May 18-20, 1973, Kaye and his wife traveled to Bangor, Maine, to supervise removal of furniture for transportation to Ft. Lauderdale, at which time they received a written threat to keep out of Bangor, or they would be killed.

The foregoing is furnished for the information of the Office of the Special Prosecutor and no further investigation is contemplated.

Investigation is being conducted separately concerning above-mentioned threats.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

NOTE: Original and one sent to Special Prosecutor Cox by O-14, same date.

FBI

Date: 5/23/73

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)

Via AIRTEL \_\_\_\_\_  
(Priority)

*REC-73*  
*PI, 2*

TO: ACTING DIRECTOR, FBI (139-4089)

FROM: SAC, MIAMI (139-328)

*2*  
JAMES WALTER MC CORD, JR.;  
ET AL;  
BURGLARY DEMOCRATIC  
NATIONAL COMMITTEE  
HEADQUARTERS,  
WASHINGTON, D. C.,  
6/17/72  
IOC

*Nu...*

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6/20/80 BY SP2 TAP/Jan/oms

*PL*

Re Miami teletype to Bureau dated 12/22/72 captioned "UNSUB; NORMAN HERBERT KAYE, dba Trans-East Airlines, Incorporated, Bangor, Maine - VICTIM; JACQUELINE ROSE KAYE - VICTIM, ITAB - EXTORTION; AR - HOBBS ACT".

On 5/22/73, NORMAN HERBERT KAYE appeared at the Ft. Lauderdale RA of the FBI and advised as follows:

During the spring of 1970 KAYE went to Harvard University to meet ABRAM CHAYES, Professor of Law at Harvard, who was then also a member of the Board of Directors of Trans-East Airlines. KAYE upon contact with CHAYES observed an individual in CHAYES' office whom he later learned was GORDON LIDDY, Watergate conspirator. When KAYE met CHAYES on that occasion he reminded CHAYES that he had just read a Newsweek magazine article which pointed out that CHAYES intended to support GEORGE MC GOVERN's presidential candidacy. KAYE ridiculed CHAYES' choice and pointed out that Senator MUSKIE was the "front runner". CHAYES told KAYE that MUSKIE would not make the grade and that the man that was just in his office

- 1 - Bureau
- 1 - Boston (166-1146)
- 1 - Washington Field
- 1 - New York (92-7194)
- 2 - Miami (1 - 139-328)

*REC-73*  
*LHM to Cox* 139-4089-2201X1  
7-6-73 ST-106  
*CANBAM*  
7-9  
MAY 26 1973

ELP/rgn  
Approved: *[Signature]*  
Special Agent in Charge

Sent \_\_\_\_\_ M Per \_\_\_\_\_

(GORDON LIDDY, whose identity was not known to KAYE) was his "insurance" that MUSKIE would not make it as a candidate. KAYE is of the opinion that LIDDY's contact with CHAYES is significant in view of information coming to light in the various Watergate probes in that it shows LIDDY's involvement as early as 1970 in affairs relating to the MUSKIE candidacy. KAYES speculated that the contact between CHAYES and LIDDY shows a possible double agent character of LIDDY in conspiring to embarrass the president and if called upon KAYE would relate the above information.

*Mr. Norman* *2. Herbert Kaye*  
The Bureau is being advised of the above since the wife of NORMAN KAYE is a friend of Mrs. R. D. ALBERTAZZLE, the wife of the pilot of President NIXON. ~~Mrs. JACQUELINE KAYE~~ *File*  
*name*  
KAYE wrote a letter to Mrs. ALBERTAZZLE in about July, 1972 in which Mrs. KAYE set forth information regarding what she considered to be political intrigue on the part of the Dead River Corporation in the State of Maine and various matters relating to KAYE's problems with the Dead River Corporation. The KAYE family received correspondence on about 5/21/73 from Mrs. ALBERTAZZLE wherein Mrs. ALBERTAZZLE stated she kept their previous letter and asked for permission to make it available to the FBI in Washington. Since it is anticipated that Mrs. ALBERTAZZLE might contact the FBI, the above is being made available for information.

For the information of the Bureau, background information concerning KAYE and information previously furnished by him is set forth in referenced Miami teletype dated 12/22/72. In summary, KAYE stated that he was the organizer and former president of the Board of Directors of ~~Trans-East Airlines in Bangor, Maine.~~ KAYE alleged that he was forced out of the company by individuals who were friendly to ~~SALVATORE PISELLO,~~ an organized crime affiliated individual from New York City who is presently exporting meat through Trans-East Airlines facilities.

KAYE made efforts to expose the political intrigue which he speculated was operating against his interests in alleging that the ~~Dead River Corporation in Maine~~ was involved with his adversaries to discredit him and according to KAYE the Dead River Corporation as its objective to dominate Maine politics and ultimately national politics.

MM 139-328

As a result of KAYE's activities, he and his wife have been threatened at their home in Maine by two unknown individuals and have received various threatening telephone calls both in Maine and at their present home in Ft. Lauderdale, Fla.

On the weekend of 5/18 - 20/73, KAYE and his wife traveled to Bangor, Maine to supervise removal of the furniture for transportation to Ft. Lauderdale, Fla. at which time they received a written threat to keep out of Bangor, Maine or they would be killed.

Miami is handling the threats to KAYE by separate communication under his individual case caption.

UNITED STATES GOVERNMENT

# Memorandum

- Mr. Felt \_\_\_\_\_
- Mr. Baker \_\_\_\_\_
- Mr. Callahan \_\_\_\_\_
- Mr. Cleveland \_\_\_\_\_
- Mr. DeLoach \_\_\_\_\_
- Mr. Mohr \_\_\_\_\_
- Mr. Parsons \_\_\_\_\_
- Mr. Rosen \_\_\_\_\_
- Mr. Sullivan \_\_\_\_\_
- Mr. Tavel \_\_\_\_\_
- Mr. Trotter \_\_\_\_\_
- Mr. Tele. Room \_\_\_\_\_
- Mr. Holmes \_\_\_\_\_
- Mr. Gandy \_\_\_\_\_
- Mr. Barnes \_\_\_\_\_
- Mr. Bowers \_\_\_\_\_
- Mr. Herington \_\_\_\_\_
- Mr. Conroy \_\_\_\_\_
- Mr. Mintz \_\_\_\_\_
- Mr. Eardley \_\_\_\_\_
- Mrs. Hogan \_\_\_\_\_

TO : Mr. Gebhardt *WAF*

DATE: 5/24/73

- 1- Mr. Felt
- 1- Mr. Gebhardt
- 1- Mr. Long
- 1- Mr. Nuzum
- 1- Mr. Eardley

FROM : R. E. Long *RE/WAF*

SUBJECT: JAMES WALTER MC CORD, JR., ET AL.

BURGLARY OF DEMOCRATIC NATIONAL  
COMMITTEE HEADQUARTERS, 6/17/72  
INTERCEPTION OF COMMUNICATIONS

*CST*

*Long*

*WAF*

This is in response to the query of the Acting Director with regard to the testimony of former Acting Director Gray before the Watergate grand jury and the alleged destruction of material furnished to Mr. Gray by White House personnel. The Acting Director asked "What has this testimony shown & what further should or should not be done?"

Today, case Agent Angelo Lano, WFO, advised that he has no knowledge of the substance of Mr. Gray's testimony and testimony of others before the grand jury in this regard as this testimony is confidential and he does not have access to same. Assistant U. S. Attorney Earl Silbert advised Lano that the grand jury's inquiry into the involvement of Mr. Gray and others in the alleged destruction of material has been completed and that all leads emanating from these proceedings have been covered.

*L*

ACTION: For information.

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6/20/80 BY SP2 JAP/lem/oms

JJC/amm (6)  
*amm*  
*JJC*

*RSC*

*WAF*

*7*

*REL  
WAF*

*WBC*

*WAF*

*see serial  
2/17/74  
WAF*

*2 XEROX  
1-SPF  
1-Tickler  
4/8/74  
WAF*

REC-112 / 39 - 4089 - 2202

*en*

67 MAY 24 1973

17 MAY 25 1973

FBI

Date: 5/22/73

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)

Via AIRTEL \_\_\_\_\_  
(Priority)

TO: ACTING DIRECTOR, FBI (139-4089)  
(ATTN: FBI LABORATORY)

*Duffy*

FROM: SAC, WFO (139-166) (P)

JAMES WALTER MC CORD, JR., ET AL;  
BURGLARY; DEMOCRATIC NATIONAL  
COMMITTEE HEADQUARTERS,  
WASHINGTON, D.C., 6/17/72  
IOC  
(OO:WFO)

730523650

Re Bureau airtels to WFO 5/15/73.

Enclosed for the Bureau is the envelope and two  
sheets of paper originally submitted by the Miami Office on  
5/9/73.

The Laboratory is requested to conduct typewriter  
examination of the envelope and thereafter submit the  
material to Latent Fingerprint for examination.

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6/20/80 BY SP2 TAP/Jam/Qms

REC-105

*Nu...*  
139-4089-2203

3-Bureau  
1-WFO

**SEARCHED**  
**SERIALIZED**  
**INDEXED**  
**FILED**

DEPT OF JUSTICE  
MAY 23 1973  
FBI

AJL:jp  
(4)

53 11 00 AM '73

MAY 23 11 00 AM '73  
RECEIVED

Approved: \_\_\_\_\_  
Special Agent in Charge

Sent \_\_\_\_\_ M Per \_\_\_\_\_

53 JUN 13 1973

*Enclosure*

COPY & SPECIMENS RETURNED IN LAB  
FOR LAB ACTION & REPORT

*H*

*[Handwritten initials]*

*[Handwritten signatures and initials]*

UNITED STATES GOVERNMENT

# Memorandum

- Mr. Felt \_\_\_\_\_
- Mr. Baker \_\_\_\_\_
- Mr. Callahan \_\_\_\_\_
- Mr. Cleveland \_\_\_\_\_
- Mr. Conrad \_\_\_\_\_
- Mr. Gebhardt \_\_\_\_\_
- Mr. Jenkins \_\_\_\_\_
- Mr. Marshall \_\_\_\_\_
- Mr. Miller, E.S. \_\_\_\_\_
- Mr. Soyars \_\_\_\_\_
- Mr. Thompson \_\_\_\_\_
- Mr. Walters \_\_\_\_\_
- Tele. Room \_\_\_\_\_
- Mr. Baise \_\_\_\_\_
- Mr. Barnes \_\_\_\_\_
- Mr. Bowers \_\_\_\_\_
- Mr. Herington \_\_\_\_\_
- Mr. Conny \_\_\_\_\_
- Mr. Mintz \_\_\_\_\_
- Mr. Fardley \_\_\_\_\_
- Mrs. Hogan \_\_\_\_\_

TO : Mr. Baise

DATE: 5/23/73

FROM : D.W. Bowers

SUBJECT: JAMES W. MC CORD, ET AL COMMITTEE  
BURGLARY OF DEMOCRATIC NATIONAL/HEADQUARTERS  
6/17/72; INTERCEPTION OF COMMUNICATIONS  
(139-4089)

*Elaine*  
Pete Butler, an assistant to Congressman Lawrence J. Hogan (R.- Md.) called SA Fulton, Congressional Services Office, and advised that the Congressman had been contacted by a constituent, a Mrs. Lady, telephone OL 6-3561, relating to the Watergate hearings. (It is noted a Mrs. Elaine Lady with that phone number resides at 4101 Bradley Lane, Chevy Chase, Maryland.) Mrs. Lady told the Congressman that a friend of hers, name not furnished, had rented a basement apartment to James McCord in early 1972. The apartment was at some unspecified address in Chevy Chase, Maryland. Mrs. Lady stated that her friend, the landlady, had "thrown McCord out" [REDACTED]

[REDACTED] McCord allegedly offered to pay more rent for the apartment if he could remain, but the landlady refused to permit this. Mrs. Lady told Hogan that her friend stated she has already been interviewed by the FBI sometime ago concerning McCord and this information was given to the interviewing Agents. Butler told Fulton that upon Hogan's instruction, this information has also been passed on to Senator Edward J. Gurney's office (R.- Fla.). Gurney, of course, is on the Senate Select Committee to Investigate the Watergate incident.

RECOMMENDATION:

For referral to the General Investigative Division for any action deemed appropriate.

- 1 - Mr. Gebhardt
- 1 - Mr. Bowers

REC 107

139-4089-2705

MAY 25 1973

*WAF*

CBF:jo

(4)

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED

DATE 6/20/80 BY SP-7 TAP/HRM/LAMF

CONGRESSIONAL SERVICES

139-4089-2204  
**CHANGED TO**  
65-74060-4375

JUN 4 - 1973

abw



FEDERAL BUREAU OF INVESTIGATION  
WASHINGTON, D. C. 20535

To: SAC, Washington Field Office  
(139-166)

Date: May 24, 1973

From: Director, FBI

Re: JAMES WALTER MC CORD, JR., ET AL;  
BURGLARY; DEMOCRATIC NATIONAL  
COMMITTEE HEADQUARTERS,  
WASHINGTON, D.C., 6/17/72;  
IOC

FBI File No. 139-4089

Lab. No. D-730523050 IK

OO: Washington Field Office  
Examination requested by: Washington Field Office

Reference: Airtel dated 5/22/73

Examination requested: Document - Fingerprint

Remarks:

Specimen Q102 and the ALSO SUBMITTED items will be treated for latent fingerprints. The result of that examination and the disposition of this material will be furnished by a separate report.

REC-83

139-4089-2200

- Mr. Felt \_\_\_\_\_
- Mr. Baker \_\_\_\_\_
- Mr. Callahan \_\_\_\_\_
- Mr. Cleveland \_\_\_\_\_
- Mr. Conrad \_\_\_\_\_
- Mr. Gelhardt \_\_\_\_\_
- Mr. Jenkins \_\_\_\_\_
- Mr. Marshall \_\_\_\_\_
- Mr. Miller, E.S. \_\_\_\_\_
- Mr. Soyars \_\_\_\_\_
- Mr. Thompson \_\_\_\_\_
- Mr. Walters \_\_\_\_\_
- Tele. Room \_\_\_\_\_
- Mr. Kinley \_\_\_\_\_
- Mr. Armstrong \_\_\_\_\_
- Mr. Bowers \_\_\_\_\_
- Mr. Harrington \_\_\_\_\_
- Ms. Herwig \_\_\_\_\_
- Mr. Minix \_\_\_\_\_
- Miss Newman \_\_\_\_\_

MAILED 22  
MAY 25 1973  
FBI

22 MAY 29 1973

Enclosures (2) (2 Lab report)

WSO:lmn (4)  
JUN 12 5 1973

ADMINISTRATIVE PAGE

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6/20/80 BY SP2 RAPI JRM

MAIL ROOM

TELETYPE UNIT

2248

REPORT  
of theFEDERAL BUREAU OF INVESTIGATION  
WASHINGTON, D. C. 20535

To: SAC, Washington Field Office  
Re: (139-166)

Date:  
FBI File No.  
Lab. No.

May 24, 1973  
139-4089-2206  
D-730523050 IX

JAMES WALTER MC CORD, JR., ET AL;  
BURGLARY; DEMOCRATIC NATIONAL  
COMMITTEE HEADQUARTERS,  
WASHINGTON, D.C., 6/17/72;  
IOC

Specimens received

5/23/73

Q102 Envelope postmarked "U.S. \_\_\_\_\_ FL 3 23 FEB  
1973" bearing typewritten address "Mr. Manuel Artime  
1270 N.E. 85th Miami, Fla."

ALSO SUBMITTED: Two sheets of white paper

## Results of the examination:

It was determined that the typewriting on specimen Q102 was prepared on a typewriter equipped with a Smith-Corona pica style of type, the letters of which are spaced 10 to the inch. In addition to Smith-Corona typewriters, this style of type has been used on typewriters manufactured by Smith-Corona, Marchant Corporation and marketed by Sears Roebuck Co., Singer, Spiegel, and J.C. Penney.

It was determined that the typewriting on specimen Q102 was not prepared on any of the typewriters employed in the preparation of specimens Q42, Q45 through Q49, Q57, and Q60.

It was further determined that the typewriting on specimen Q102 was not prepared on any of the typewriters employed in the preparation of exemplars K1, K7, and K8.

A photograph of specimen Q102 has been retained.

WSO:lmn (4)

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6/30/80 BY SP8APL/rlm/lms

5/22/73

AIRTEL

TO: ACTING DIRECTOR, FBI (139-4089)  
(ATTN: FBI LABORATORY)

FROM: SAC, WFO (139- ) (P)

730523056

JAMES WALTER MC CORD, JR., ET AL;  
BURGLARY; DEMOCRATIC NATIONAL  
COMMITTEE HEADQUARTERS,  
WASHINGTON, D.C., 6/17/72  
IOC  
(OO:WFO)

Re Bureau airtel to WFO 5/15/73.

Enclosed for the Bureau is the envelope and two sheets of paper originally submitted by the Miami Office on 5/9/73.

The Laboratory is requested to conduct typewriter examination of the envelope and thereafter submit the material to Latent Fingerprint for examination.

③-Bureau (Enc. 3)  
1-WFO

AJL:jp  
(4)

Airtel

5/23/73

TO: SAC, Washington Field (139-166)

1 - Mr. Clynick

FROM: Acting Director, FBI (139-4089) - 2205

REC 107

JAMES WALTER MC CORD, JR., ET AL.  
BURGLARY OF DEMOCRATIC NATIONAL  
COMMITTEE HEADQUARTERS, 6/17/72  
IOC  
OO: WFO

Pete Butler, an assistant to Congressman Lawrence J. Hogan, telephonically contacted FBIHQ this date and advised as follows:

Mrs. Elaine Lady residing at 4101 Bradley Lane, Chevy Chase, Maryland, telephone OL 6-3561, advised Mr. Hogan that a friend of hers, name not furnished, had rented a basement apartment to James McCord in early 1972. The address of the apartment is unknown. Mrs. Lady advised that her friend, the landlady, had thrown McCord out

McCord allegedly offered to pay more rent for the apartment if he could remain but the landlady refused. Mrs. Lady stated that her friend told her that she had already been interviewed by the FBI some time ago concerning McCord and this information was given to the interviewing Agent.

Baltimore should identify and interview the landlady if not already done.

1 - Baltimore (139-148) (For info)

JJC:efg  
(5)

NOTE: See D. W. Bowers memo to Mr. Baise 5/23/73, attached.

- Mr. Felt
- Mr. Baker
- Mr. Callahan
- Mr. Cleveland
- Mr. Conrad
- Mr. Gohardt
- Mr. Jenkins
- Mr. Marshall
- Mr. Miller, E.S.
- Mr. Soyars
- Mr. Thompson
- Mr. Walters
- Tele. Room
- Mr. Baise
- Mr. Barnes
- Mr. Bowers
- Mr. Herrington
- Mr. Conroy
- Mr. Mintz
- Mr. Hardley
- Mrs. Holloman

MAILED 22  
MAY 23 1973  
FBI

A 2 DENICE 1021ICE

MAY 25 38 1213  
REL  
WAF  
ICE 2  
65E22

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6/20/80 BY SP2 TAD/IR/ML/MS

B7C

67 MAY 30 1973 TELETYPE UNIT

May 25, 1973

GENERAL INVESTIGATIVE DIVISION

Attached relates to burglary of Democratic National Committee Headquarters, Washington, D.C., 6/17/72, wherein our Alexandria Office received information 5/24/73, that a "counter check" on a North Carolina bank was found on escalator at Dulles International Airport made payable to H. R. "Bob" Halderman or Bearer in sum of \$1,000,000, dated 4/14/72. Check apparently a practical joke bearing an illegible signature.

Original check is being held for safekeeping by an officer of an Alexandria, Virginia bank to be released only to the Ervin Committee.

Copy of check made available to our Alexandria Office. Our Alexandria Office is being instructed to forward copy of this check to the Charlotte Office to contact the Branch Banking and Trust Company, Enfield, North Carolina, to determine if check is legitimate.

RJP:pdh

*WRC*  
~~REG~~  
WGC MB REL  
WAF

FEDERAL BUREAU OF INVESTIGATION  
COMMUNICATIONS SECTION

MAY 24 1973

TELETYPE

REC-7  
P-2  
13

- Mr. Tolson
- Mr. Casper
- Mr. Callahan
- Mr. Cleveland
- Mr. Glavin
- Mr. Harbo
- Mr. Mohr
- Mr. Pennington
- Mr. Quinn
- Mr. Nease
- Mr. Soyars
- Mr. Thompson
- Mr. Walters
- Tele. Room
- Mr. Boise
- Mr. Barnes
- Mr. Bowers
- Mr. Eerintan
- Mr. Conroy
- Mr. ...
- Mr. Eardley
- Mrs. Hogan

2/2

NR001 AX PLAIN

5:10 PM URGENT 5/24/73 DRM

TO ACTING DIRECTOR (139-4089)  
WFO (139-166)  
FROM ALEXANDRIA (139-18) (P) 3 PAGES

last  
WAB

WAF

JAMES WALTER MC CORD, JR., ET AL: BURGLARY, DEMOCRATIC  
NATIONAL COMMITTEE HEADQUARTERS, WDC, 6-17-72. IOC  
OO: WFO

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6/20/80 BY SP2 TAP/lem/oms

WAF

INSTANT TELETYPE CONCERNING A "COUNTER CHECK" OF BRANCH  
BANKING AND TRUST COMPANY, ENFIELD, NORTH CAROLINA, FOUND ON  
ESCALATOR AT DULLES INTERNATIONAL AIRPORT, MADE PAYABLE TO  
H. R. "BOB" HALDERMAN OR BEARER IN SUM OF \$1,000,000. DATED  
4-14-72, BEARING HANDWRITTEN NOTATION "FOR COMMITTEE TO RE-ELECT  
PRESIDENT NIXON" AND BEARING AN ILLEGIBLE SIGNATURE IS BEING  
SUBMITTED TO BUREAU AND OO FOR INFORMATIONAL PURPOSES INASMUCH  
AS IT HAS BEEN OFFERED TO SENATOR SAM ERVIN'S COMMITTEE AND  
SOME INQUIRY MAY BE MADE TO BUREAU CONCERNING THIS MATTER.

THE CASE WAS BROUGHT TO ATTENTION OF ALEXANDRIA DIVISION

END PAGE ONE

SI-110 REC-7 139-4089-2207

airtel to AX + WFO MAY 30 1973  
5/25/73. WAF:efg. to-CM

67 MAY 30 1973

PAGE TWO

BY POSTAL INSPECTOR C. C. GARNER, JR. MERRIFIELD, VIRGINIA,  
ON 5-22-73, WHO ADVISED MR. HARVEY S. BURR, PERSONNEL OFFICER,  
POST OFFICE DEPARTMENT, HAD REPORTED TO HIM HIS BROTHER-IN-LAW,  
*DC* ~~CARLISS FLEMING~~, A DELIVERYMAN FOR WONDER BREAD COMPANY, HAD  
FOUND AFOREMENTIONED CHECK WHILE MAKING BREAD DELIVERIES AT  
DULLES. BURR POINTED OUT THAT MRS. FLEMING HAD CHECK AND HAD  
CONTACTED BANK WHICH CHECK WAS DRAWN AGAINST. FLEMING ADVISED  
BY BANK THAT THE ACCOUNT WAS VALID AND BANK REQUESTED CHECK BE  
RETURNED TO THEM.

MRS. CARLISS FLEMING CONTACTED 5-22-73, AND ADVISED  
HUSBAND POSSESSED CHECK AT TIME OF INTERVIEW. FLEMING ACKNOWLEDGED  
SHE CALLED NORTH CAROLINA BANK BUT DISCLAIMED STORY THAT CHECK  
WAS DRAWN AGAINST VALID ACCOUNT INASMUCH AS IT WAS POINTED OUT  
TO HER BY BANK THAT IT WAS A COUNTER CHECK. FLEMING ADVISED SHE  
WOULD ARRANGE FOR HUSBAND TO MAKE CHECK AVAILABLE.

MR. FLEMING ADVISED ON 5-23-73, THAT HE TURNED CHECK  
OVER TO HIS FRIEND, MR. PAUL ~~SILVEY~~, A CONSTRUCTION SUPERINTENDENT,

END PAGE TWO  
*Vac*

PAGE THREE

LIBRA ENGINEERING COMPANY, ALEXANDRIA, VIRGINIA. SILVEY ADVISED  
5-24-73, THAT HE TURNED CHECK OVER TO HIS FRIEND, MR. ROBERT L.  
HOLDER, VICE PRESIDENT, BURKE AND HERBERT BANK AND TRUST COMPANY,  
ALEXANDRIA, VIRGINIA, WITH INSTRUCTIONS THAT HE MAKE A COPY OF  
CHECK AVAILABLE TO FBI, IF REQUESTED, BUT FURNISH ORIGINAL ONLY  
TO ERVIN COMMITTEE.

MR. HOLDER INTERVIEWED 5-24-73, AND ADVISED SILVEY  
TURNED CHECK OVER TO HIM FOR SAFE KEEPING IN HIS SAFE DEPOSIT  
BOX. HOLDER CONTACTED THE ERVIN COMMITTEE AND SO ADVISED  
SILVEY WHICH RESULTED IN SILVEY'S REQUEST THAT ORIGINAL BE  
RELEASED ONLY TO ERVIN COMMITTEE. HOLDER DISPLAYED ORIGINAL  
AND FURNISHED COPY OF CHECK AS PREVIOUSLY DESCRIBED. ORIGINAL  
OF CHECK RETAINED IN HOLDER'S SAFE DEPOSIT BOX.

EXAMINATION OF CHECK DISCLOSED THIS MATTER IS  
APPARENTLY A PRACTICAL JOKE, INASMUCH AS IT IS A "COUNTER CHECK"  
BEARING CHECK NUMBER 80965, HAS NO ACCOUNT NUMBER, BEARS AN  
ILLEGIBLE SIGNATURE, MISPELLED HALDEMAN'S NAME, IS PURPORTEDLY  
OVER ONE YEAR OLD AND FOUND ON AN ESCALATOR AT DULLES.

NO FURTHER ACTION BEING TAKEN IN THIS MATTER, UACB.

END

HOLD

*Clyrick advised  
7:15 p 5-24-73  
Huntfield about  
8:30 p 5-24-73*

FEDERAL BUREAU OF INVESTIGATION  
COMMUNICATIONS SECTION

Mr. Felt	_____
Mr. Baker	_____
Mr. Callahan	_____
Mr. Cleveland	_____
Mr. Conrad	_____
Mr. Gebhardt	_____
Mr. Jenkins	_____
Mr. Marshall	_____
Mr. Miller, E.S.	_____
Mr. Soyars	_____
Mr. Thompson	_____
Mr. Walters	_____
Tele. Room	_____
Mr. Boice	_____
Mr. Barnes	_____
Mr. Bowers	_____
Mr. Herington	_____
Mr. Conroy	_____
Mr. Mintz	_____
Mr. Erdley	_____
Mrs. Hogan	_____

NR012 MM CODE  
630PM URGENT 5-24-73 AXN  
TO ACTING DIRECTOR 176-2255 139-4089  
JACKSONVILLE 176-30  
WASHINGTON FIELD 139-166  
FROM MIAMI 176-36 139-328 6 PAGES

MAY 24 1973

TELETYPE

*A.1, 2*

**REC-90**

JAMES WALTER MC CORD, JR., ET AL, BURGLARY; DEMOCRATIC  
NATIONAL COMMITTEE HEADQUARTERS, WASHINGTON, D. C., JUNE  
17, 1972, IOC; SCOTT CANIL, ET AL; ARL - CONSPIRACY; EID.

RE MIAMI TEL 5-23-73.

*Fla*

~~PABLO FERNANDEZ~~ INTERVIEWED 5-23-73 BY AGENTS OF  
MIAMI DIVISION. HE ADVISED THAT ON 5-18-73, HE RECEIVED  
A SUBPOENA FROM THE DADE COUNTY STATE ATTORNEY'S OFFICE  
WHICH READ, "STATE OF FLORIDA VS. INVESTIGATION." HE  
WAS TO APPEAR AT STATE ATTORNEY'S OFFICE IN MIAMI, FLA.  
ON 5-22-73 AND FOOTNOTE ON SUBPOENA SAID TO "SEE MR.  
DARDIS." WHEN REPORTED TO STATE ATTORNEY'S OFFICE ON  
5-22-73, RECEPTION ROOM WAS FILLED WITH REPRESENTATIVES OF

*fla*

END PAGE ONE

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6/20/80 BY SP2 TAP/jam/oms

*AAG Petersen  
not advised  
in view of  
appointment of  
Special Prosecutor CPO  
to handle waterfront  
case Humphreys, et al*

**REC-90**

*139-40896-2258*

MAY 30 1973

53 MAY 30 1973

PAGE TWO

NEWS MEDIA. HE MET DARDIS, WHO TOLD HIM THAT HE WAS THE CHIEF INVESTIGATOR FOR STATE ATTORNEY RICHARD GERSTEIN. A STENOGRAPHER WAS BROUGHT IN TO DARDIS' OFFICE, BUT IMMEDIATELY THEREAFTER WAS DISMISSED. DARDIS THEN LEFT THE ROOM AND RETURNED WITH AN INDIVIDUAL THAT HE INTRODUCED ONLY AS A MR. ELDER. ELDER HAD A STENOGRAPHER'S PAD AND AN INDEXED FILE WITH DOCUMENTS.

FERNANDEZ WAS QUESTIONED BY BOTH DARDIS AND ELDER REGARDING HIS CONNECTION WITH THE WATERGATE DEFENDANTS, THE VIETNAM VETERANS AGAINST THE WAR (VVAV), LAST SUMMER'S DEMOCRATIC CONVENTION, AND HIS TRIP TO WASHINGTON, D. C. TO BREAK UP LEFT WING DEMONSTRATIONS BY STARTING FIGHTS AT THE FUNERAL OF FBI DIRECTOR J. EDGAR HOOVER. FERNANDEZ DID NOT KNOW THAT ELDER WAS A REPORTER FOR THE MIAMI HERALD, A DAILY MIAMI, FLORIDA, NEWSPAPER, UNTIL LATER THAT EVENING WHEN HE BOUGHT THE EARLY EDITION OF THE PAPER AND READ THE ARTICLE APPEARING THEREIN BY ~~ROB ELDER~~ DURING ALLEGEDLY THE ABOVE MEETING AT THE STATE ATTORNEY'S OFFICE. ACCORDING TO FERNANDEZ, THIS ARTICLE CONTAINED MANY DISTORTIONS. IN THIS RESPECT, HE STATED THAT HE WAS NEVER OFFERED

*FLA*

END PAGE TWO

PAGE THREE

IMMUNITY, THAT HE DID NOT TELL DARDIS AND ELDER THAT HE REJECTED AN OFFER BY EUGENIO MARTINEZ TO INFILTRATE PROTEST GROUPS AT THE DEMOCRATIC NATIONAL CONVENTION AND TO EMBARRASS GEORGE MC GOVERN FOR THE REPUBLICAN PARTY BECAUSE HE WAS ALREADY SPYING ON THE VVAW FOR THE FBI AND THE MIAMI POLICE, AND THAT HE DID NOT THINK THAT HE COULD MIX TWO UNDERCOVER MISSIONS. HE DID NOT TELL THEM THAT HE MADE CONTACT WITH THE VVAW ON THE INSTRUCTIONS OF THE MIAMI POLICE DEPARTMENT, NOR THAT HE WAS ALSO SPYING ON THE CUBAN MILITANT ORGANIZATION NAMED ABDALA.

FERNANDEZ SAID THAT HE WAS NOT INTERVIEWED BY ELDER SUBSEQUENT TO INTERVIEW BY DARDIS, BUT THAT BOTH SPOKE TO HIM SIMULTANEOUSLY. HE DID NOT TELL THEM THAT HE MADE CONTACT WITH THE VVAW UPON INSTRUCTION OF THE MIAMI POLICE DEPARTMENT, NOR DID THE MIAMI POLICE INSTRUCT HIM TO GO TO THE OFFICE OF THE CUBAN STUDENT ORGANIZATION ON THE UNIVERSITY OF MIAMI CAMPUS. HE DID NOT TELL THEM THAT ALTON FOSS TALKED ABOUT GRENADES, NOR THAT THE MICROPHONE WHICH HE CARRIED TO A HIALEAH DRUG STORE

END PAGE THREE

PAGE FOUR

MEETING WITH VVAW MEMBERS TRANSMITTED TO A RECEIVER AND  
TAPER RECORDER MANNED AT ANOTHER LOCATION BY FOUR MIAMI  
POLICEMEN. THE RECEIVER AND TAPE RECORDER WERE NEVER  
REFERRED TO AT THE MEETING WITH DARDIS AND ELDER.

[REDACTED]

b7c

FERNANDEZ AFFIRMED THAT HE NEVER WORKED FOR THE FBI  
IN PAID OR UNPAID CAPACITY, THAT HE MERELY FURNISHED  
THE FBI INFORMATION ABOUT THE VVAW DRUG STORE MEETING  
AND ABOUT A TELEPHONE CONVERSATION WITH SCOTT CAMIL.  
HE STATED THAT HE ALSO HAD TOLD THE FBI OF HIS FEW  
SUBSEQUENT CONTACTS WITH THE VVAW. HE SAID THAT  
SCOTT CAMIL HAD TELEPHONED HIM ONCE, THAT HE HAD  
RECORDED THIS CALL WITH HIS OWN EQUIPMENT, AND HAD GIVEN  
THE TAPE TO THE FBI. HE WAS NOT ASKED BY DARDIS OR  
ELDER IF THE FBI HAD DIRECTED HIM TO TAKE THIS CALL, AND  
IN FACT, HE STATED THAT HE WAS NOT REQUESTED BY THE FBI  
END PAGE FOUR

PAGE FIVE

TO TELEPHONE CAMIL AND RECORD THE CONVERSATIONS AS INDICATED IN THE HERALD ARTICLE.

ACCORDING TO FERNANDEZ, ELDER AND DARDIS HAD EXTENSIVE BACKGROUND INFORMATION ON HIM, AND DARDIS INDICATED THAT AN INVESTIGATION HAD BEEN CONDUCTED IN THIS RESPECT. FERNANDEZ NOTED THAT DARDIS EVEN HAD COPIES OF RECORDS OF TELEPHONE CALLS MADE BY HIM. DURING THE COURSE OF THE QUESTIONING, DARDIS AT APPROXIMATELY FIFTEEN MINUTES INTERVALS, MADE TELEPHONE CALLS, WHICH FERNANDEZ FELT WERE DIRECTED TO STATE ATTORNEY GERSTEIN, TO APPRISE HIM OF DEVELOPMENTS. IT APPEARS THAT GERSTEIN USED THIS INFORMATION AT A PRESS CONFERENCE HELD LATER IN THE DAY, AS MENTIONED IN REFERENCED COMMUNICATION.

FERNANDEZ WAS CAUTIONED BY DARDIS NOT TO SPEAK TO THE PRESS AFTER THE INTERVIEW WAS CONCLUDED AND HE NOTED THAT IN FACT, THE CORRIDORS OUTSIDE THE STATE ATTORNEY'S OFFICE WERE FILLED WITH REPRESENTATIVES OF THE NEWS MEDIA, MANY OF WHOM HE RECOGNIZED.

END PAGE FIVE



FBI

Date: 5/24/73

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)

Via W AIRTEL \_\_\_\_\_  
(Priority)

TO: ACTING DIRECTOR, FBI (139-4089)

FROM: SAC, WFO (139-166) (P)

JAMES WALTER McCORD, JR.  
Et Al;  
BURGLARY, DEMOCRATIC NATIONAL  
COMMITTEE HEADQUARTERS, WDC 6/17/72  
IOC  
(OO:WFO)

Re Bureau airtel to WFO 5/23/73.

Information furnished in above airtel was re-  
layed to AUSA EARL J. SILBERT, U. S. District Court,  
WDC. AUSA SILBERT advised that the name ALBERT S.  
PATTERSON is not familiar to him, nor has any information  
furnished by E. HOWARD HUNT developed this as an alias  
of HUNT'S.

Since the information does not appear relevant  
to the captioned case, WFO is not requesting any inves-  
tigation of Boston in this matter.

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6/20/80 BY SP2APJ/smb/mj

① Bureau  
1- WFO

AJL:dah  
(3)

REC-90

139-4089-2209

Approved: \_\_\_\_\_  
Special Agent in Charge

Sent \_\_\_\_\_ MAY 29 1973

53 MAY 30 1973

FBI  
FEDERAL BUREAU OF INVESTIGATION  
COMMUNICATIONS SECTION

MAY 22 1973

TELETYPE

REC-90

NR008 AT PLAIN

9:23 PM NITEL 5/22/73 WDM

TO ACTING DIRECTOR (139-4089)

WASHINGTON FIELD (139-166)

FROM ATLANTA (139-154)

Mr. Felt	_____
Mr. Baker	_____
Mr. Callahan	_____
Mr. Cleveland	_____
Mr. Conrad	_____
Mr. Gebhardt	_____
Mr. Jenkins	_____
Mr. Marshall	_____
Mr. Miller, E.S.	_____
Mr. Soyars	_____
Mr. Thompson	_____
Mr. Walters	_____
Tele. Room	_____
Mr. Boise	_____
Mr. Barnes	_____
Mr. Bowers	_____
Mr. Herington	_____
Mr. Conroy	_____
Mr. Mintz	_____
Mr. Eardley	_____
Mrs. Hogan	_____

JAMES WALTER MCCORD, JR., ET AL; BURGLARY OF DEMOCRATIC NATIONAL  
COMMITTEE HEADQUARTERS, 6/17/72. IOC. OO: WFO.

RE BUAIRTEL TO ATLANTA 5/17/73.

INVESTIGATION ATLANTA DISCLOSED P. O. BOX 798, ATLANTA, GA.,  
30301 HELD BY IRENE LEVY, NUMBER 7, ELEVENTH ST., NE, ATLANTA  
SINCE 2/7/73. FURTHER INQUIRY DISCLOSED IRENE FRANCIS LEVY, UNEMPLOYED  
NOW LIVING AT APT. 408, CHURCH HOME FOR WOMEN, NUMBER 7, ELEVENTH  
ST., NE, ATLANTA AND HAD COME TO ATLANTA FROM WASHINGTON D. C. IN  
DECEMBER, 1972. <sup>GA</sup> LEVY DESCRIBED AS WHITE, FEMALE, BORN 5/29/45,  
5' 3", 105 LBS., BROWN EYES, BROWN HAIR, SOCIAL SECURITY NUMBER  
578-60-2589. IN ATTEMPT TO LOCATE LEVY, 2 PERSONS INTERVIEWED WHERE  
LEVY SOUGHT EMPLOYMENT UNSUCCESSFULLY [REDACTED]

[REDACTED] IRENE FRANCES LEVY INTERVIEWED AT RESIDENCE

END PAGE ONE

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6/20/80 BY SP2 TAP/JRM/LMS

WFO Supv Ruhl instructed  
to check w/MPD to  
determine if Levy is reported  
as "walk away".  
53 MAY 30 1973 10:30 am 5/23/73  
REC-90  
B7C

139-4089-2210  
MAY 30 1973  
6- [Signature]

PRK  
WFP  
Chiff  
See  
P. 2  
B7C

PAGE TWO

AT 139-154

THIS DATE. ADMITS SENDING TYPEWRITTEN LETTER TO CHAIRMAN GEORGE BUSH, REPUBLICAN NATIONAL COMMITTEE DATED 5/8/73. LEVY CLAIMS EMPLOYED BY REPUBLICAN NATIONAL COMMITTEE, WASHINGTON, D. C., JUNE 1972, THROUGH OLSON TEMPORARY SERVICE OF WASHINGTON, D. C. AND STATES "CC: MRS. ARMSTRONG" SET FORTH IN LETTER OF 5/8/73 REFERS TO A MRS. ARMSTRONG WHO SUPERVISED HER WORK AT REPUBLICAN NATIONAL COMMITTEE.

[REDACTED]

END PAGE TWO

B7C

PAGE THREE

AT 139-154



B7C

REPORT FOLLOWS.

LEAD WFO AT WASHINGTON, D. C. CONTACT APPROPRIATE SOURCES  
WASHINGTON D. C. AREA IN EFFORT TO DEVELOP ANY INFO THEY MAY HAVE ON  
FILE RE IRENE FRANCIS LEVY.

END

HOLD

FEDERAL BUREAU OF INVESTIGATION  
COMMUNICATIONS SECTION

MAY 23 1973

TELETYPE

NROOB MM CODE

445 PM URGENT 5/29/73 FXF

TO ACTING DIRECTOR 139-4089

CHICAGO 139-263

WASHINGTON FIELD 139-166

FROM MIAMI 139-328 2 PAGES

Mr. Felt	_____
Mr. Baker	_____
Mr. Callahan	_____
Mr. Cleveland	_____
Mr. Conrad	_____
Mr. Gehlert	_____
Mr. Jenkins	_____
Mr. Marshall	_____
Mr. Miller, E.S.	_____
Mr. Soyars	_____
Mr. Thompson	_____
Mr. Walters	_____
Tele. Room	_____
Mr. Boise	_____
Mr. Barnes	_____
Mr. Bowers	_____
Mr. Herrington	_____
Mr. Coury	_____
Mr. Mints	_____
Mr. Eardley	_____
Mrs. Hogan	_____

JAMES WALTER MC CORD, JR.; ET AL; BURGLARY DEMOCRATIC NATIONAL  
COMMITTEE HEADQUARTERS, WASHINGTON, D.C., 6/17/72, IOC.  
OO: WASHINGTON FIELD OFFICE.

RE WASHINGTON FIELD OFFICE TELETYPE TO BUREAU AND NUMEROUS  
OFFICES INCLUDING MIAMI AND CHICAGO 5/16/73 AND WASHINGTON  
FIELD OFFICE TELETYPE TO BUREAU AND MIAMI DATED 5/21/73.

FOR THE INFORMATION OF CHICAGO, WASHINGTON FIELD OFFICE  
IN LATTER COMMUNICATION REQUESTED MIAMI TO CONTACT MOTOROLA  
INC., PLANTATION, FLORIDA AT EITHER THE AUDIT DEPARTMENT OR  
COMPTROLLER DEPARTMENT TO DETERMINE IF THEY HAVE ANY INFORMATION  
IDENTIFIABLE WITH STEVENS RESEARCH LAB OR MICHAEL MARCUS STEVENS.  
SA KENNETH D. SCHEIVE CONTACTED KARL KOENEMANN, FINANCIAL SECTION,  
MOTOROLA, 5/23/73 AT WHICH TIME KOENEMANN ADVISED HE WOULD SEARCH  
END PAGE ONE

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6/20/80 BY SPa TAP/lem/Dms

REC-90

139-4089-2216  
6-ON

53 MAY 30 1973

17 MAY 30 1973

PAGE TWO

APPROPRIATE RECORDS. KOENEMANN ON 5/29/75 ADVISED RECORDS WERE LOCATED, HOWEVER, A SUMMARY OF THESE RECORDS CAN ONLY BE OBTAINED THROUGH COMPANY ATTORNEY LESTER BURACK, MOTOROLA INC. COMMUNICATIONS DIVISION HEADQUARTERS, SCHUMBERG, ILLINOIS. RECORDS IN QUESTION ARE STORED WITH THIS DIVISION.

FOR FURTHER INFORMATION OF CHICAGO, MOTOROLA DIVISION AT PLANTATION DOES MAKE UPON REQUEST "DETECTIVE" SUITCASES WHICH CONSIST OF VARIOUS RECORDING AS WELL AS ELECTRONIC EAVESDROPPING EQUIPMENT.

CHICAGO WILL CONTACT ATTORNEY BURACK WHO HAS BEEN FURNISHED WITH SA KENNETH D. SCHEIVE'S NAME BY MOTOROLA AUTHORITY AT PLANTATION.

END

DSS FBI WA DC CLR

FEDERAL BUREAU OF INVESTIGATION  
COMMUNICATIONS SECTION

MAY 25 1973

TELETYPE

Mr. Felt	_____
Mr. Baker	_____
Mr. Callahan	_____
Mr. Cleveland	_____
Mr. Conrad	_____
Mr. Gervais	_____
Mr. Jenkins	_____
Mr. Marshall	_____
Mr. Miller, E.S.	_____
Mr. Soyars	_____
Mr. Thompson	_____
Mr. Walters	_____
Tele. Room	_____
Mr. Egan	_____
Mr. Barnes	_____
Mr. Bowers	_____
Mr. Harrington	_____
Mr. Conmy	_____
Mr. Kutz	_____
Mr. Erdley	_____
Mrs. Hogan	_____

NR 006 CE PLAIN

6:22 PM URGENT 5-25-73 CER

TO: ACTING DIRECTOR (139-4089)

ALEXANDRIA (139-18)

WFO (139-166)

FROM: CHARLOTTE (139-155) 2P

JAMES WALTER MC CORD, JR., ET AL; BURGLARY OF DEMOCRATIC  
NATIONAL COMMITTEE HEADQUARTERS, WASHINGTON, D.C.,  
JUNE SEVENTEEN, NINETEEN SEVENTY TWO. IOC. OO: WFO.

*L. Allen  
WFO*  
*[Signature]*  
*[Signature]*

RE ALEXANDRIA TELETYPES TO BUREAU DATED 5-24-73 AND  
5-25-73.

FRANK C. GILL, BRANCH MANAGER, AND LINDA PITTMAN, BOOKKEEPER,  
BRANCH BANKING AND TRUST COMPANY, ENFIELD BRANCH, ENFIELD,  
NORTH CAROLINA, ADVISED TODAY SIGNATURE ON CHECK DATED  
4-14-72, IS NOT IDENTIFIABLE WITH A PRESENT OR FORMER CHECKING  
ACCOUNT CUSTOMER OF THE BANK.

GILL ADVISED COUNTER CHECKS ARE DISPLAYED ON A TABLE  
IN THE LOBBY OF THE BANK AND AVAILABLE TO THE PUBLIC. HE

END PAGE ONE  
ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6/20/80 BY SP2TAP/lenloms

REC-90

139-4089-2212 - *OK*  
*6*

17 MAY 30 1973

53 MAY 30 1973

PAGE TWO

ALSO ADVISED NO PAST OR PRESENT CUSTOMER COULD HAVE WRITTEN  
A MILLION DOLLAR CHECK WHICH AMOUNT EXCEEDS TOTAL DEPOSITS  
OF THE BANK.

GILL OBSERVED THE NAME OF HALDEMAN MISSPELLED AS  
HALDERMAN INDICATING DRAWER OF CHECK WAS UNFAMILIAR WITH SPELLING  
OF PAYEE'S NAME WHICH IS HIGHLY UNUSUAL IN A CHECK OF THIS AMOUNT.

GILL CONCLUDED HIS BANK HAD NO PRIOR KNOWLEDGE SUCH  
A CHECK WAS IN EXISTENCE, AND IN HIS OPINION THE CHECK WAS  
A HOAX.  
END.

FEDERAL BUREAU OF INVESTIGATION  
COMMUNICATIONS SECTION

MAY 23 1973

Mr. Felt	_____
Mr. Baker	_____
Mr. Callahan	_____
Mr. Cleveland	_____
Mr. Conrad	_____
Mr. Gebhardt	_____
Mr. Jenkins	_____
Mr. Marshall	_____
Mr. Miller, E.S.	_____
Mr. Soyars	_____
Mr. Thompson	_____
Mr. Walters	_____
Tele. Room	_____
Mr. Bates	_____
Mr. Barnes	_____
Mr. Bowers	_____
Mr. Herinton	_____
Mr. Conroy	_____
Mr. Mints	_____
Mr. Bradley	_____
Mrs. Hogan	_____

NR 022 BA PLAIN

TELETYPE

308 AM SENT FOR PM URGENT 5-25-73 TJH

TO ACTING DIRECTOR 139-4089

WASHINGTON FIELD 139-166

FROM BALTIMORE 139-148

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6/20/80 BY SP2TAP/JRM/DM

JAMES WALTER MC CORD, JR.; ET AL, BURGLARY OF DEMOCRATIC NATIONAL  
HEADQUARTERS, WASHINGTON, D.C., JUNE 17, 1972, IOC, OO: WFO.

*Handwritten signature*

RE BUREAU AIRTEL TO BA, 5-23-73; WFO TEL TO BA, 5-25-73, AND  
BA TELCALL TO WFO, 5-25-73.

ON 5-25-73, MRS. MIRIAM ~~M. Y.~~ FURBERSHAW, AGE 73, HAVING  
RETIRED JANUARY, 1959 AFTER SERVING 12 YEARS AS A SUPERVISORY MILITARY  
INTELLIGENCE RESEARCH SPECIALIST, DEPARTMENT OF DEFENSE AND HAVING A  
TOTAL OF 32 YEARS GOVERNMENT SERVICE WAS INTERVIEWED AT HER RESIDENCE,  
6402 RUFFIN ROAD, CHEVY CHASE, MARYLAND. MRS. FURBERSHAW ADVISED AS  
FOLLOWS:

*Handwritten: BA 1400 DC*

*Handwritten initials*

SHE OWNS HER CURRENT RESIDENCE PROPERTY AND SUBSEQUENT TO HER  
HUSBAND'S DEATH, IN 1966, BEGAN RENTING OUT THE BASEMENT APARTMENT OF  
HER HOME, UNTIL SHE TERMINATED THE RENTAL OF THIS APARTMENT IN 1971.  
SHE COULD PRODUCE NO RECORDS OF ANY OF THE TENANTS WHO RENTED THIS  
APARTMENT. TO HER BEST RECOLLECTION, SHE RENTED THIS FURNISHED APART-  
MENT TO JAMES MC CORD IN SEPTEMBER OF 1969 OR 1970 FOR APPROXIMATELY  
FOUR TO FIVE MONTHS. SHE DISPLAYED A RECENT NEWSPAPER PHOTOGRAPH OF

END PAGE ONE

53 MAY 30 1973

139-4089-2213

REC-90

17 MAY 30 1973

*Handwritten: 6-CN*

PAGE TWO

139-148

JAMES WALTER MC CORD, JR., WHOM SHE POSITIVELY IDENTIFIED AS THE INDIVIDUAL WHO RENTED HER APARTMENT IN SEPTEMBER, 1969 OR 1970. SHE WAS NOT CERTAIN SHE COULD HAVE REMEMBERED HIS NAME IF IT WERE NOT FOR THE NEWSPAPER PHOTO AND TELEVISION COVERAGE IMPLICATING MC CORD WITH THE WATERGATE AFFAIR. SHE STATED THAT MC CORD UPON INITIAL RENTAL STATED HE WAS A COLONEL IN THE U.S. AIR FORCE OR WAS ON THE VERGE OF RETIREMENT FROM THE AIR FORCE AND THAT HE HAD BEEN EMPLOYED BY THE CIA. MC CORD STATED THAT HE WAS MARRIED AND THAT HIS WIFE AND GROWN CHILDREN WERE LIVING IN BALTIMORE, MARYLAND. HE DESIRED APARTMENT AT FURBERSHAW RESIDENCE SINCE IT WAS CLOSE AND CONVENIENT TO HIS OFFICE IN THE PENTAGON. MRS. FURBERSHAW STRESSED TWO RULES, NO SMOKING IN BEDROOM AND NO WOMEN PERMITTED OVERNIGHT AT THE PREMISIS. MC CORD AGREED AND WAS PERMITTED RENTAL.

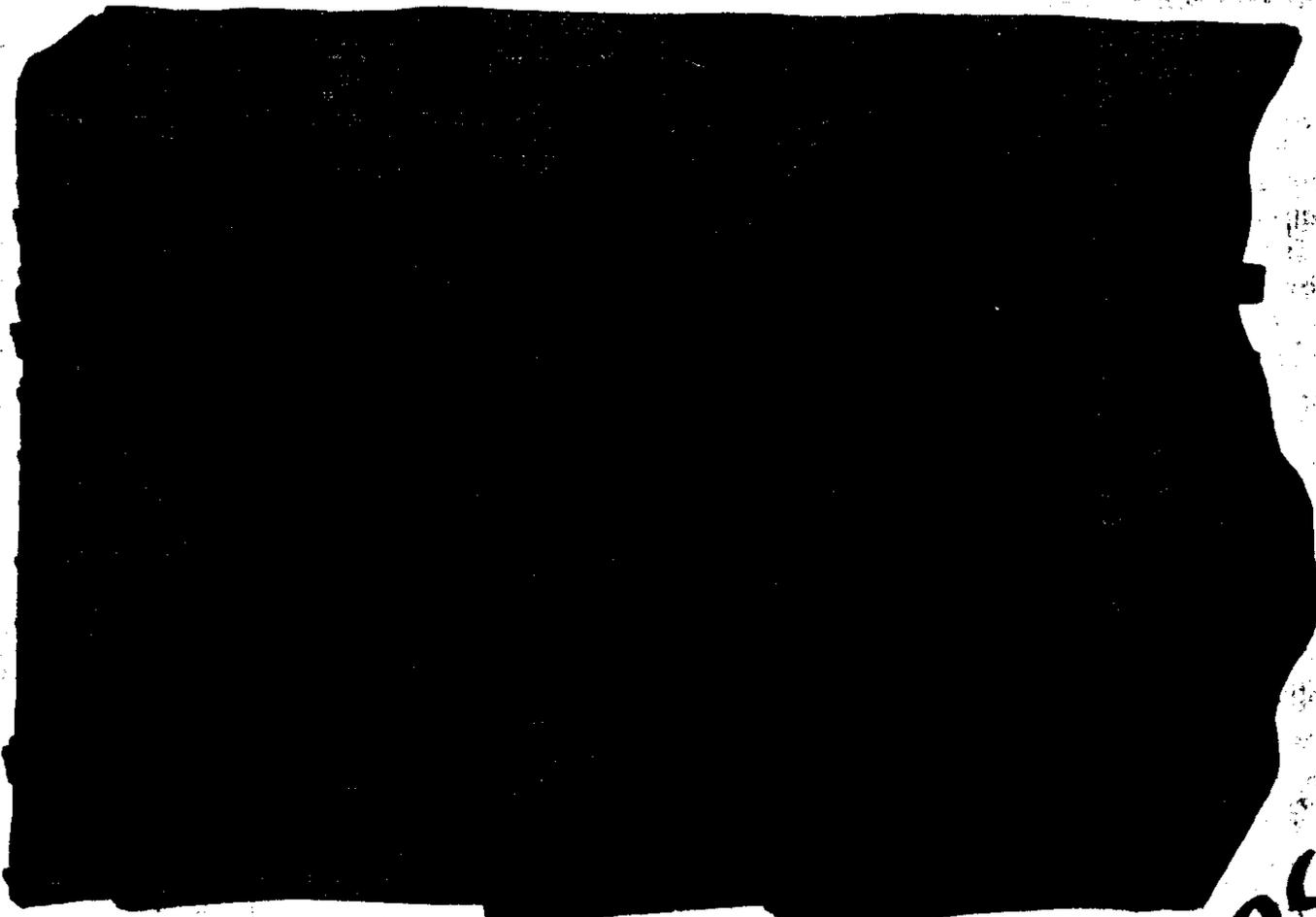
DURING INSTALLATION OF A SEPERATE TELEPHONE IN MC CORD'S BASEMENT APARTMENT THE TELEPHONE COMPANY INSTALLATION MAN COMMENTED TO MRS. FURBERSHAW THAT THERE WAS CONSIDERABLE "BUGGING EQUIPMENT INSIDE HER TENANT'S APARTMENT.". SHE HAD NO RECORD OF MC CORD'S TELEPHONE NUMBER AT THE APARTMENT. MC CORD, IN CONVERSATION WITH FURBERSHAW, STATED THAT HE WAS ENGAGED IN COUNTER-INTELLIGENCE AND OTHER PHASES OF MILITARY INTELLIGENCE. SHE GATHERED FROM HIS CONVERSATION THAT HE WAS "WORKING FOR PRESIDENT JOHNSON AND FOR JOHN F. KENNEDY."

END PAGE TWO

PAGE THREE

BA 139-148

SHE OBSERVED MC CORD ON OCCASION IN MILITARY UNIFORM GOING TO WORK MORNINGS, WHILE OTHER TIMES HE WAS DRESSED IN BUSINESS SUITS. MC CORD SPENT MOST OF THE TIME AWAY FROM THE APARTMENT AND ESTIMATED THAT HE WAS AWAY APPROXIMATELY TWO OR THREE OF THE FOUR TO FIVE MONTHS IN WHICH HE RENTED THE APARTMENT. SHE BELIEVED HE PAYED HIS RENT IN CASH WHICH TOTALLED \$100.00.

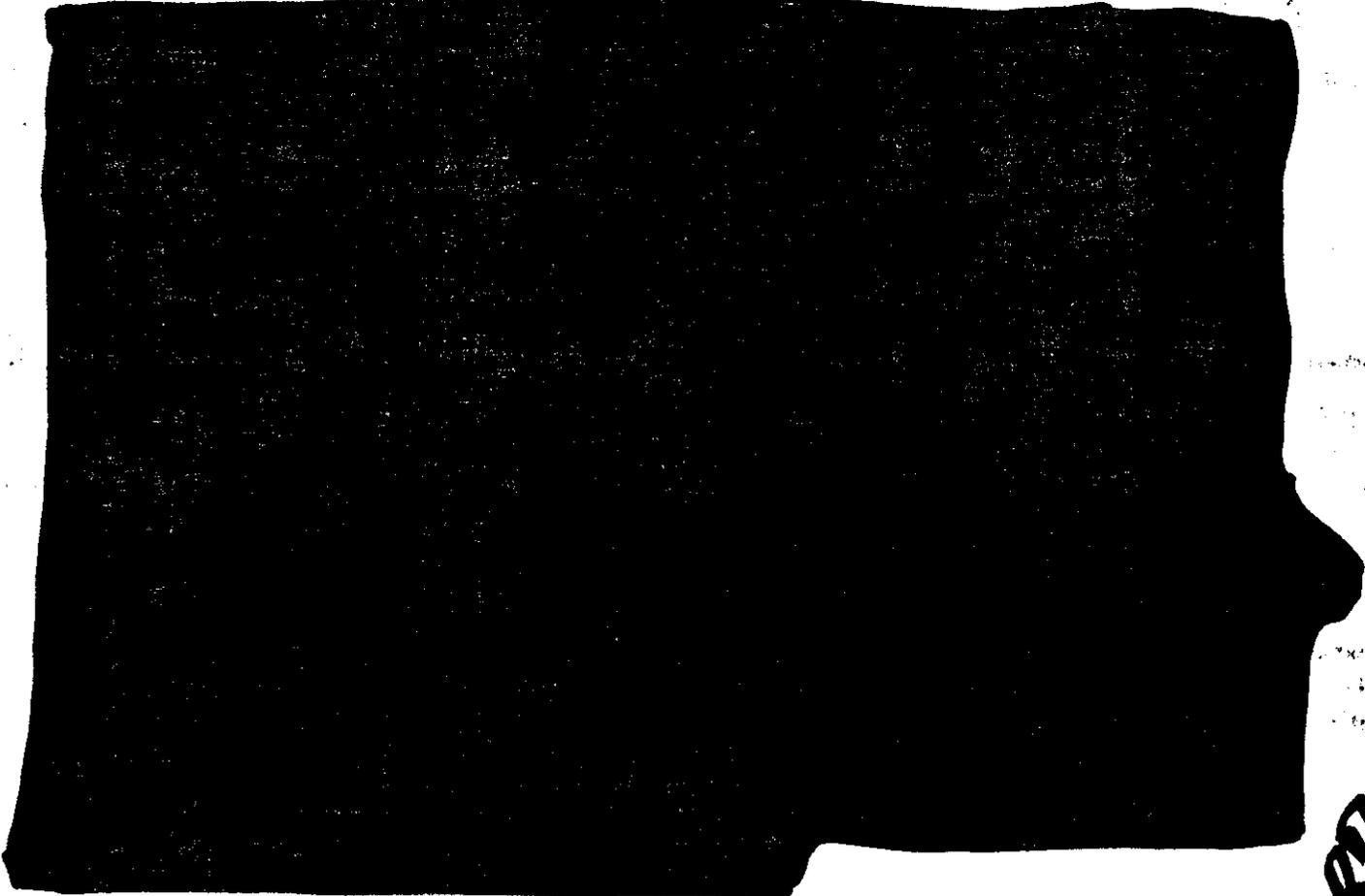


END PAGE THREE

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PAGE FOUR

BA 139-148



DURING THE WEEK OF MAY 14, 1973, SHE TELEPHONICALLY CONTACTED SENATOR WEICHER'S OFFICE ADVISING THE SENATOR'S AIDE THAT SHE HAD INFORMATION CONCERNING MR. MC CORD WHICH MIGHT BE OF IMPORTANCE TO THE COMMITTEE INVESTIGATING THE WATERGATE AFFAIR. SHE HAS HAD NO RESPONSE FROM THE SENATOR'S OFFICE SINCE 5-14-73.

END PAGE FOUR

*B7C*

PAGE FIVE

BA 139-148

SHE INDICATED THAT THE WATERGATE MATTER DID NOT INTEREST HER UNTIL THE SENATE HEARINGS ON T.V. IT WAS THROUGH THIS PUBLICITY SHE NOTICED MC CORD ON T.V. AND IN NEWS COVERAGE, AND CAME TO IDENTIFY HIM AS HER FORMER TENNANT. SHE SAID THAT WHILE SHE COULD NOT IDENTIFY MC CORD BY NAME, THE TENNANT'S NAME ONLY SOUNDING LIKE MC CORD TO HER RECOLLECTION, SHE COULD POSITIVELY IDENTIFY HIM BY PHOTOGRAPH.

BALTIMORE DIVISION ATTEMPTING TO OBTAIN TELEPHONE LISTING BY NAME FOR MC CORD DURING PERIOD IN WHICH APARTMENT RENTED IN 1969 OR 1970.

WFO REVIEW INDICES RE MRS. FURBERSHAW, AS FURBERSHAW STATED FBI, CIA OR SECRET SERVICE CONDUCTED BACKGROUND INVESTIGATION ON MC CORD SUBSEQUENT TO HIS DEPARTURE FROM THE APARTMENT IN 1969 OR 1970.

BALTIMORE INDICES REFLECT CASE ENTITLED "JERRY LEE TUCKER, MISSING PERSON (BUFILE: 79-28826) (WFOFILE: 79-257) (BAFILE: 79-95)", IN WHICH AN INTERVIEW OF MRS. MIRIAM FURBERSHAW, 6402 RUFFIN ROAD, CHEVY CHASE, MARYLAND IS CONTAINED ON PAGES 74 AND 75 OF BA REPORT OF SA G. CURTIS SCARBOROUGH, 10-11-63.

END PAGE FIVE

PAGE SIX

BA 139-148

IT IS NOTED THAT IN THIS INTERVIEW, FURBERSHAW ATTEMPTED TO IMPLICATE ANN VAN ERKHARDT IN THE POSSIBLE ABDUCTION OF THE TUCKER CHILD, BECAUSE VAN ERKHARDT, WHO HAD ANNOUNCED HER PREGNANCY, AND HER HUSBAND HAD IN THE MID-1950'S RETURNED FROM A TRIP "WITH AN INFANT CHILD, WHICH WAS REPORTEDLY A LITTLE OLDER THAN A NEWBORN BABY."

END

FEDERAL BUREAU OF INVESTIGATION  
COMMUNICATIONS SECTION

MAY 27 1973

TELETYPE

Mr. Felt	_____
Mr. Baker	_____
Mr. Callahan	_____
Mr. Cleveland	_____
Mr. Conrad	_____
Mr. Gelardi	_____
Mr. Jenkins	_____
Mr. Marshall	_____
Mr. Miller, E.S.	_____
Mr. Soyars	_____
Mr. Thompson	_____
Mr. Walters	_____
Tele. Room	_____
Mr. Bates	_____
Mr. Barnes	_____
Mr. Bowler	_____
Mr. Felt	_____
Mr. Gandy	_____
Mr. Hester	_____
Mr. Eardley	_____
Mrs. Hogan	_____

NR 001 BA PLAIN

545 PM NITEL 5/27/73 WAJ

TO ACTING DIRECTOR (139-4089)

WFO (139-166)

FROM BALTIMORE (139-148)

JAMES WALTER MC CORD, JR., ETAL; BURGLARY; DEMOCRATIC NATIONAL  
COMMITTEE HEADQUARTERS, WASHINGTON, DC., JUNE 17, 1972,

IOC. OO:WFO

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6/20/90 BY SP2TAP/sem/lms

REFERENCE WFO NITEL 5/25/73

KENNETH MICHAEL SMITH INTERVIEWED INSTANT DATE AND ADVISED  
HE WORKED AS A SHIPPING CLERK FOR THE UNITED CITIZENS FOR  
NIXON-AGNEW DURING THE 1968 PREIDENTIAL CAMPAIGN. DURING THAT  
TIME HE BECAME ACQUAINTED WITH ROY SHEPPARD, ON A PROFESSIONAL  
BASIS, AS THE MAN TO CALL FOR MOVING SHIPMENTS OF CAMPAIGN MATERIAL.  
DURING THE 1972 PRESIDENTIAL CAMPAIGN, SMITH WORKED FOR THE  
COMMITTEE TO RE-ELECT THE PRESIDENT AND CONTACTED SHEPPARD TO  
HELP IN TRANSPORTING CAMPAIGN MATERIAL. DURING THE PERIOD JUNE  
1972 TO NOVEMBER 1972, SHEPPARD HANDLED MANY OF THE COMMITTEES  
AIR-FRIEGHT SHIPMENTS, AT SMITH'S INSTRUCTIONS AND AT THE INSTRUCTIONS  
OF OTHER STAFF MEMBERS. SMITH DENIED EVER  
REQUESTING SHEPPARD TO PICK-UP FIVE OR ANY NUMBER OF CARTONS WITH  
INSTRUCTIONS THAT THEY WERE NOT TO "SURFACE", OR TO DESTROY ANY  
CARTONS OR MATERIAL PICKED UP BY SHEPPARD.

53 MAY 30 1973

17 MAY 30 1973

REC-102

139-4089-2214

*[Handwritten signature]*

*[Handwritten signature]*

*[Handwritten signature]*

PAGE TWO

SMITH DENIED EVER PAYING SHEPPARD DIRECTLY FOR ANY DELIVERIES  
AS ALL SERVICES WERE BILLED DIRECTLY TO THE COMMITTEE BY W.T.C.

AIR-FREIGHT.

FD-302 FOLLOWS

END

MBT FBIHQ CLR



XXXXXX  
XXXXXX  
XXXXXX

FEDERAL BUREAU OF INVESTIGATION  
FOIPA DELETED PAGE INFORMATION SHEET

5 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

- Deleted under exemption(s) B7C, D with no segregable material available for release to you.
- Information pertained only to a third party with no reference to you or the subject of your request.
- Information pertained only to a third party. Your name is listed in the title only.
- Document(s) originating with the following government agency(ies) \_\_\_\_\_, was/were forwarded to them for direct response to you.

\_\_\_\_\_ Page(s) referred for consultation to the following government agency(ies); \_\_\_\_\_ as the information originated with them. You will be advised of availability upon return of the material to the FBI.

\_\_\_\_\_ Page(s) withheld for the following reason(s):  
\_\_\_\_\_  
\_\_\_\_\_

For your information: \_\_\_\_\_  
\_\_\_\_\_

The following number is to be used for reference regarding these pages:  
139-4089-2215

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X DELETED PAGE(S) X  
X NO DUPLICATION FEE X  
X FOR THIS PAGE X  
XXXXXXXXXXXXXXXXXXXXX

5/21/73

GENERAL INVESTIGATIVE DIVISION

Attached sets forth interview of Robert Houston, Sr., former security assistant at the Committee to Reelect the President (CRP), concerning the receipt of information in teletype form from John L. Martin and Joel Lisker, Internal Security Division, Department of Justice, in May and June, 1972. Access to this information was made by McCord when he was Security Coordinator at CRP. Houston was under the impression that Martin and Lisker were connected with the FBI but he did not know why he had this erroneous impression.

Houston further advised that shortly after the break-in at Democratic National Committee Headquarters, he took various items of McCord's personal property from CRP Headquarters and took them to his home. (It is noted that when we interviewed Houston last year concerning this case he stated he did remove some material from CRP Headquarters which he was working on but that he returned it all to CRP Headquarters and denied he was then in possession of any material removed from CRP Headquarters after the break-in.) Some of the items he removed were turned over to McCord in January, 1973, and the remainder was furnished by him to the Senate Water-gate Committee in response to a subpoena.

CAN/amm

*Handwritten signatures and initials:*  
e 10  
wlc  
REB/amm  
WAF  
MAY

FEDERAL BUREAU OF INVESTIGATION  
COMMUNICATIONS SECTION

MAY 25 1973

TELETYPE

Mr. Tolson	_____
Mr. Mohr	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Cleveland	_____
Mr. Conrad	_____
Mr. Felt	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Trotter	_____
Tele. Room	_____
Mr. Nease	_____
Mr. Barnes	_____
Mr. Bowers	_____
Mr. Herington	_____
Mr. Conway	_____
Mr. Mints	_____
Mr. Erdley	_____
Mrs. Hogan	_____

NR 010 BA PLAIN

12:02 AM 5/25/73 FOR URGENT 5/24/73 JWH

TO ACTING DIRECTOR (139-4089)

WFO (139-166)

FROM BALTIMORE (139-148) -P- (6P)

JAMES WALTER MC CORD, JR., ETAL, BURGLARY DEMOCRATIC NATIONAL COMMITTEE HEADQUARTERS, WASHINGTON, D.C., JUNE 17, 1972; IOC.

REGARDING OMAHA TELETYPE TO BUREAU DATED 5/18/73 AND WFO TELETYPE TO BUREAU DATED 5/23/73.

ON 5/24/73, ROBERT HOUSTON, SR., FORMER ASSISTANT SECURITY COORDINATOR, COMMITTEE TO RE-ELECT THE PRESIDENT, INTERVIEWED FORT MEADE, MARYLAND. HOUSTON ADVISED HE WAS INTRODUCED TO JOHN L. MARTIN AND JOEL LISKER, DEPARTMENTAL ATTORNEYS, U.S. DEPARTMENT OF JUSTICE, INTERNAL SECURITY DIVISION, BY MC CORD DURING A VISIT TO LISKER'S OFFICE IN LATE MAY, 1972. HE SAID DURING MEETING, BOTH HE AND MC CORD WERE FURNISHED WRITTEN REPORTS IN TELETYPE FORM ON GRAY COLORED PAPER. HE SAID THE REPORTS CONTAINED SUMMARIES OF INFORMATION RELATING TO ACTIVITIES OF PROTEST GROUPS IN VARIOUS PARTS OF THE U.S.

END PAGE ONE

REC-102  
REC-87

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6/20/90 BY SP-2 TAP/jml/ans

53 MAY 30 1973

17 MAY 30 1973

139-4089-2816 CMJ

WAF  
DC  
WJ  
DC

PAGE TWO

BA 139-148

HE STATED THEY WERE NOT ALLOWED TO KEEP THE REPORTS, ONLY TO EXTRACT WHATEVER INFORMATION THEY DEEMED IMPORTANT TO THE RE-ELECTION COMMITTEE.

HOUSTON RECALLED THAT DURING THIS INITIAL MEETING, HE (HOUSTON) JOTTED DOWN NOTES FROM TELETYPE REPORTS ONTO NOTE PAPER. HE SAID, HOWEVER, THAT MC CORD WAS CHECKING THROUGH A LENGTHY REPORT AND INSTEAD OF TAKING NOTES, MC CORD DICTATED THE INFORMATION INTO A TAPE RECORDER AND KEPT THE TAPE.

HOUSTON ADVISED HE REMEMBERED VISITING LISKER'S OFFICE ON ONE OTHER OCCASION FOR THE SAME PURPOSE: TO REVIEW TELETYPE REPORTS ON ACTIVITIES OF RADICAL GROUPS AND TAKE NOTES ON ANYTHING HE FELT COULD BE OF VALUE TO THE RE-ELECTION COMMITTEE.

HOUSTON STATED AT NO TIME WAS EITHER HE OR MC CORD ALLOWED TO COPY THE MESSAGES NOR WERE THEY FURNISHED ANY WRITTEN REPORTS BY ~~EIGHTER~~ <sup>EITHER</sup> MARTIN OR LISKER. HOUSTON SAID THERE WAS NO INDICATION ON THE REPORTS AS TO THEIR ORIGIN NOR DID MARTIN OR LISKER EVER DIVULGE THE SOURCE OF THE REPORTS.

END PAGE TWO

PAGE THREE  
BA 139-148

HOUSTON SAID LISKER WAS IN POSSESSION OF MANY SIMILAR TYPE REPORTS DURING HIS VISITS BUT FURNISHED ONLY THOSE REPORTS HE (LISKER) THOUGHT WERE OF INTEREST TO THE RE-ELECTION COMMITTEE. HOUSTON SAID THAT IN LOOKING THROUGH THE REPORTS, HE WAS MAINLY INTERESTED IN ANY INFORMATION PERTAINING TO PLANNED ACTIVITIES OF RADICAL PROTEST GROUPS AND POLITICAL PERSONALITIES. HE ADVISED THE EXTRACTED INFORMATION WAS USUALLY LATER PUT INTO MEMO FORM AND DISTRIBUTED TO APPROPRIATE PERSONNEL AT THE RE-ELECTION COMMITTEE.

HOUSTON SAID THE INFORMATION IN THE TELETYPE REPORTS SEEMED TO RELATE TO A VARIETY OF ORGANIZATIONS FROM DIFFERENT PARTS OF THE COUNTRY WHICH HAD GATHERED FROM MANY GEOGRAPHIC AREAS.

HOUSTON ADVISED THAT THE DECISION AS TO WHAT WAS FURNISHED WAS MADE BY LISKER, AND THAT LISKER MADE SEVERAL TELEPHONE CALLS TO RE-ELECTION COMMITTEE HEADQUARTERS ADVISING HE HAD SOMETHING OF INTEREST. HOUSTON FURTHER STATED HE WAS TOLD BY MC CORD THAT MC CORD HAD MADE ARRANGEMENTS TO STOP AT LISKER'S OFFICE EVERY MORNING TO DETERMINE IF LISKER HAD ANY INFORMATION OF VALUE TO THE RE-ELECTION COMMITTEE.

END PAGE THREE

PAGE FOUR

BA 139-148

HOUSTON SAID HE RECALLED SPECIFICALLY THAT ON JUNE 15, OR 16, 1972, LISKER CALLED THE RE-ELECTION COMMITTEE AND TOLD HOUSTON HE HAD A LENGTHY REPORT OF INTEREST TO THE COMMITTEE. HOUSTON SET UP TAPE RECORDER ON ANOTHER PHONE, CALLED LISKER BACK AND TOLD LISKER THAT HE (HOUSTON) WOULD RECORD THE REPORT OVER THE TELEPHONE. HOUSTON SAID LISKER READ THE REPORT OVER THE TELEPHONE AND THE INFORMATION WAS RECORDED ON TAPE. HOUSTON RECALLED THAT IT DEALT WITH PLANS OF RADICAL GROUPS TO BLOCK TRAFFIC, DEMONSTRATE IN FRONT OF RE-ELECTION COMMITTEE HEADQUARTERS AND OTHER PROTEST ACTIVITIES.

HOUSTON SAID A DAY OR TWO FOLLOWING THE TAPED REPORT BY LISKER, THE WATERGATE ARRESTS WERE ANNOUNCED. ABOUT TWO WEEKS LATER, HOUSTON WAS INSTRUCTED BY STEPHEN KING, WHO REPLACED MC CORD AS SECURITY COORDINATOR FOR RE-ELECTION COMMITTEE, TO REMOVE MC CORD'S PERSONAL PROPERTY FROM COMMITTEE HEADQUARTERS. KING TOLD HOUSTON THE ORDERS CAME FROM ROBERT G. <sup>ODLE</sup> ~~SMITH~~, RE-ELECTION COMMITTEE PERSONNEL DIRECTOR. HOUSTON SAID HE IMMEDIATELY TELEPHONED JAMES CAUDILL, CLOSE PERSONAL FRIEND OF MC CORD'S AND SECURITY SUPERVISOR FOR REPUBLICAN NATIONAL HEADQUARTERS, AND RELATED KING'S INSTRUCTIONS, ASKING CAUDILL FOR ADVICE. HOUSTON SAID CAUDILL CALLED HIM BACK THE SAME DAY AND INSTRUCTED HOUSTON TO KEEP MC CORD'S

END PAGE FOUR

PAGE FIVE

BA 139-148

PERSONAL PROPERTY UNTIL FURTHER NOTICE.

HOUSTON STATED HE REMOVED ALL OF MC CORD'S PERSONAL PROPERTY FROM A FILE CABINET AT COMMITTEE HEADQUARTERS, PUT THEM IN HIS CAR, AND TOOK THEM TO HIS (HOUSTON'S) HOME. HOUSTON SAID THE ITEMS INCLUDED THE TWO PREVIOUSLY MENTIONED TAPES (ONE MADE BY MC CORD IN LISKER'S OFFICE AND THE OTHER MADE BY LISKER OVER THE PHONE), THREE TAPE RECORDERS, SEVERAL ALARMS MC CORD HAD PLANNED TO INSTALL IN COMMITTEE HEADQUARTERS, AND A BRIEF CASE CONTAINING ELECTRONIC "DE-BUGGING" DEVICES SAID BY MC CORD TO BE VALUED AT APPROXIMATELY \$12,000.

HOUSTON SAID HE KEPT THESE ITEMS AS WELL AS SOME PERSONAL PAPERS AND DOCUMENTS OF MC CORD'S, AT HIS HOME UNTIL JANUARY, 1973.

HOUSTON SAID AT THAT TIME HE MET WITH MC CORD AND MC CORD'S ATTORNEY IN THE STATLER HILTON HOTEL, WASHINGTON, D.C., TO DISCUSS THE POSSIBILITY OF HOUSTON'S TESTIFYING AS A CHARACTER WITNESS FOR MC CORD. DURING THIS MEETING, HOUSTON MENTIONED THE TWO TAPES TO MC CORD. MC CORD TOLD HOUSTON HE WANTED THE TAPES, SO HOUSTON MET WITH MC CORD A FEW DAYS LATER AND FURNISHED HIM WITH THE TAPES AND TAPE PLAYER. HOUSTON SAID HE DID NOT KNOW WHAT BECAME OF THE TAPES AFTER GIVING THEM TO MC CORD.

END PAGE FIVE

PAGE SIX

BA 139-148

HOUSTON SAID THAT IN RESPONSE TO A SUBPOENA, HE FURNISHED MC CORD'S OTHER PROPERTY IN HIS POSSESSION TO THE SENATE SELECT COMMITTEE INVESTIGATING THE WATERGATE BREAK IN.

HOUSTON STATED THAT ALTHOUGH NO ONE EVER STATED THE REPORTS FURNISHED BY LISKER WERE FBI REPORTS, HOUSTON WAS ACTING UNDER THE FALSE IMPRESSION THAT MARTIN AND LISKER WERE CONNECTED WITH THE FBI. HOUSTON PRODUCED AN ADDRESS BOOK IN WHICH HE HAD LISTED MARTIN AND LISKER UNDER FBI, INTERNAL SECURITY DIVISION. HOUSTON SAID HE DID NOT REALIZE UNTIL JUST RECENTLY THAT MARTIN AND LISKER WERE EMPLOYED BY THE DEPARTMENT OF JUSTICE, NOT THE FBI. HE SAID HE DID NOT KNOW WHY HE HAD THIS ERRONEOUS IMPRESSION, NOR WHO, IF ANYONE, TOLD HIM THAT THEY WERE WITH THE FBI.

END

JRM FBIHQ

FOR TWELVE

COMMUNICATIONS SECTION

MAY 25 1973  
TELETYPE

REC-87

Mr. Tolson	
Mr. DeLoach	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Miss Holmes	
Miss Gandy	

NR006 LV CODED

9:49 PM NITEL 5-24-73 SGT

TO ACTING DIRECTOR (139-4089)

WASHINGTON FIELD OFFICE (139-166)

FROM LAS VEGAS (139-36) (P) 4P ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED  
DATE 6/20/80 BY SP4TAM/BJM/dms

JAMES WALTER MC CORD, JR.; ET AL, BURGLARY OF DEMOCRATIC  
PARTY NATIONAL HEADQUARTERS, 6-17-72, IOC. OO: WFO.

*WJH*  
**B7C**

SA [REDACTED] U.S. SECRET SERVICE, LAS VEGAS,  
ADVISED HE RECEIVED A TELEPHONE CALL FROM MRS. MARY THOMPSON,  
LAS VEGAS, *Nevada* WHO ADVISED SHE HAD INFORMATION TO FURNISH REGARDING  
THE WATERGATE AFFAIR. SHE SAID HER DAUGHTER OVERHEARD A  
TELEPHONE CONVERSATION BETWEEN TWO MALE INDIVIDUALS AND THE  
WATERGATE CASE WAS MENTIONED AND WHEN HER DAUGHTER CUT INTO  
THE CONVERSATION SHE WAS THREATENED. SA [REDACTED] REFERRED  
HER TO THE FBI AND THEN NOTIFIED HIS SUPERIORS IN WASHINGTON,  
D.C. ABOUT THE CALL AND THE FACT HE NOTIFIED THE FBI.

*As*  
**B7C**

ON THIS DATE, KAY FRANCES THOMPSON, BORN 12-6-54,  
RESIDING 5019 ADA DRIVE, LAS VEGAS, *Nevada* FURNISHED THE FOLLOWING  
INFORMATION:

AT ABOUT 11:30 AM, MAY 13, 1973, HER TELEPHONE RANG  
TWICE. SHE PICKED UP THE PHONE AND BEFORE SHE COULD SAY  
HELLO, A MAN BEGAN TALKING. THE MAN SAID "BOB, THIS IS

END PAGE ONE

REC-87

139-4089-13217 *pm*

58 MAY 30 1973

17 MAY 30 1973

LV 139-36

PAGE TWO

GEORGE (OR JOEL, MISS THOMPSON NOT SURE WHICH NAME SHE HEARD).  
GET THE BOOK AND MEET ME IN NICARAUGUA OR NIAGARA (THOMPSON NOT  
SURE OF PLACE BUT IS INCLINED TO NICARAUGUA)". BOB ASKED "ARE  
YOU STILL INVOLVED IN THAT CASE?" GEORGE (OR JOEL) SAID "WHICH  
ONE, THE WATERGATE? HELL YES I AM INVOLVED. THAT IS WHY I AM  
GETTING OUT." GEORGE (OR JOEL) MENTIONED SOMETHING TO THE EFFECT  
"WE ARE TO MEET WITH THE BOOK AND ALCH." HE ALSO MENTIONED "DNC  
PARTY" AND OTHER INITIALS SHE COULD NOT RECALL OR UNDERSTAND.

MISS THOMPSON BROKE INTO CONVERSATION AND ASKED "WHO IS THIS?".

GEORGE (OR JOEL) SAID, "WELL, WHO IS THIS?". MISS THOMPSON

ASKED, "WHAT NUMBER ARE YOU CALLING?". GEORGE (OR JOEL) SAID "I

THINK I GOT YOUR NUMBER MIXED UP WITH SOMEBODY ELSE." MISS THOMPSON

ASKED, "WHAT NUMBER ARE YOU DIALING?". GEORGE (OR JOEL) SAID,

"451-2279". MISS THOMPSON SAID, "THAT IS MY NUMBER." GEORGE (OR

JOEL) SAID, "WELL LISTEN BABY, YOU BETTER FORGET THIS CALL AND

EVERYTHING YOU HEARD AND ENTIRELY WIPE IT OUT." MISS THOMPSON

SAID, "I'LL FORGET IT." GEORGE (OR JOEL) SAID, "IF YOU ARE

CONNECTED WITH OR HAVE ANYTHING TO DO WITH THE TAPS OR THE BUG,

KNOCK IT OFF, BABY." MISS THOMPSON SAID, "ALL RIGHT, I'LL LEAVE

EVERYTHING ALONE." GEORGE (OR JOEL) SAID, "NO PHONE CALLS TO THE

POLICE OR ANYTHING, JUST LEAVE IT ALONE." MISS THOMPSON SAID,

"OK", AND GEORGE (OR JOEL) HUNG UP.

END PAGE TWO

LV 139-36

PAGE THREE

ON 5-16-73, HER ROOM MATE, WILMA MARIE CLARK, ANSWERED THE PHONE ABOUT 8:15 PM OR 8:30 PM AND A MAN ASKED IF KAY WAS THERE. WILMA ANSWERED IN THE NEGATIVE. THE MAN ASKED, "WHO IS THIS?" SHE ANSWERED, "THIS IS WILMA," AND ASKED THE IDENTITY OF THE CALLER, WHO HUNG UP.

APPROXIMATELY 5-22-73, ABOUT 9:30 PM, THE PHONE RANG AND MISS THOMPSON ANSWERED. SHE RECOGNIZED THE VOICE OF GEORGE (OR JOEL) WHO SAID, "HAVE YOU FORGOTTEN EVERYTHING?" SHE ANSWERED, "YES SIR." GEORGE (OR JOEL) SAID, "WELL YOU BETTER HAVE" AND HUNG UP.

ON 5-23-73, ABOUT 11:30 PM, MISS THOMPSON ANSWERED THE PHONE. NOTHING WAS SAID. THE PHONE SOUNDED FUZZY "LIKE WIND BLOWING AND FAR AWAY" AND SHE HEARD A FAINT CHUCKLE AS THOUGH THE CALLER WAS CHUCKLING TO HIMSELF.

DURING THE EVENING OF 5-23-73, SHE HEARD THE NAME "ALCH" ON THE TELEVISION AND RECOGNIZED IT AS THE NAME MENTIONED ON THE INITIAL CALL. SHE HAD PREVIOUSLY THOUGHT THE NAME MIGHT BE "LURCH" OR SOMETHING SIMILAR UNTIL SHE HEARD THE NAME ALCH MENTIONED ON TV.

MISS THOMPSON SAID SHE NEVER TOLD THE CALLER HER NAME OR LOCATION. SHE SAID SHE DID NOT KNOW WHAT WAS MEANT BY DNC PARTY, BUGS OR TAPS.

END PAGE THREE

LV 139-36

PAGE FOUR

OR WATERGATE. SHE SAID THE VOICES FADED IN AND OUT. SHE DESCRIBED GEORGE'S (OR JOEL'S) VOICE AS RATHER HOARSE LIKE A MIDDLE AGED PERSON WITH A NEW YORK OR NORTHEAST ACCENT INASMUCH AS HE PRONOUNCED WATERGATE AS WATAHGATE.

KAY THOMPSON INSTRUCTED IF FURTHER CALLS RECEIVED TO BE ALERT TO THE CONVERSATION AND TO MARK THE DATE/TIME AND NOTIFY LAS VEGAS OFFICE.

IT SHOULD BE NOTED AREA CODE FOR NEVADA IS 702 AND AREA CODE FOR VIRGINIA IS 703.

BUREAU WILL BE KEPT ADVISED.

END

JRM FBIHQ

FOR TWO

CRL

MAY 26 1973  
TELETYPE

Mr. Tolson	_____
Mr. DeLoach	_____
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. Felt	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Trotter	_____
Tele. Room	_____
Mr. Holmes	_____
Mr. Gandy	_____
Mr. Egan	_____
Mr. Harbo	_____
Mr. Hendon	_____
Mr. Jones	_____
Mr. Keith	_____
Mr. Lester	_____
Mr. Quinn	_____
Mr. Nease	_____
Miss Gandy	_____

MR001 AX PLAIN  
1217 URGENT 5/25/73 VAN  
TO ACTING DIRECTOR (139-4089)

SAC, CHARLOTTE  
SAC, WFO (139-166)

FROM ALEXANDRIA (139-18) (P) 1 PAGE

*Walters*

JAMES WALTER MCCORD, JR., ET AL: BURGLARY, DEMOCRATIC NATIONAL COMMITTEE  
HEADQUARTERS, WDC, 6/17/72

IOC  
OO: WFO

RE ALEX TELETYPE TO BUREAU 5/24/73.

FACSIMILES OF REFERENCED TELETYPE AND COUNTER CHECK ARE BEING  
TRANSMITTED TO CHARLOTTE.

LEAD: CHARLOTTE AT ENFIELD, N.C. SHOULD CONTACT BRANCH BANKING &  
TRUST COMPANY AND CONDUCT APPROPRIATE INVESTIGATION TO DEVELOPE ANY  
INFO BANK MAY HAVE CONCERNING THIS CHECK.

*lfo*

END.

REC-87

*6-EM*  
*139-4089, 2218*

DKS FBI HQ CLR

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6/20/80 BY SP2AT/jeat oms

53 MAY 30 1973

17 MAY 30 1973

F B I

Date: 5/25/73

Transmit the following in \_\_\_\_\_

CODE  
(Type in plaintext or code)

Via TELETYPE \_\_\_\_\_

NITEL  
(Priority)

TO: ACTING DIRECTOR, FBI (139-4089) (BY SPECIAL MESSENGER)  
AND SAC, BALTIMORE (139-148)

FROM: SAC, WFO (139-166) (P)

JAMES WALTER MC CORD, JR., ET AL; BURGLARY; DEMOCRATIC  
NATIONAL COMMITTEE HEADQUARTERS, WASHINGTON, D.C., JUNE 17, 1972,  
ICC. OO:WFO.

FOR THE INFORMATION OF THE BALTIMORE DIVISION, ROY SHEPPARD  
IS THE INDIVIDUAL WHO ALLEGEDLY TOOK EIGHT CARTONS OF FILES  
FROM THE EXECUTIVE OFFICE BUILDING, WASHINGTON, D.C., SOMETIME  
DURING THE MONTH OF JUNE, 1972, AFTER THE BREAK-IN AT THE  
DNCHQ ON JUNE 17, 1972.

AT THE TIME SHEPPARD WAS EMPLOYED BY THE WTC DELIVERY  
COMPANY OF ALEXANDRIA, VIRGINIA, AND THROUGH THE COURSE OF HIS  
DUTIES HAD MADE OTHER DELIVERIES AND PICKUPS AT THE EXECUTIVE  
OFFICE BUILDING. SHEPPARD HAS <sup>RELATED</sup> ~~RETURNED~~ TO THE FEDERAL GRAND  
JURY, WASHINGTON, D.C. THAT

[REDACTED]

REC-87 139-1155C 2219

BCM:JP

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6/20/00 BY SP3/BJL/DM/0005

Approved: \_\_\_\_\_  
Special Agent in Charge

Sent \_\_\_\_\_ M Per \_\_\_\_\_

17 MAY 30 1973

U.S. Government Printing Office: 1972 - 455-574

6-1-73 B3

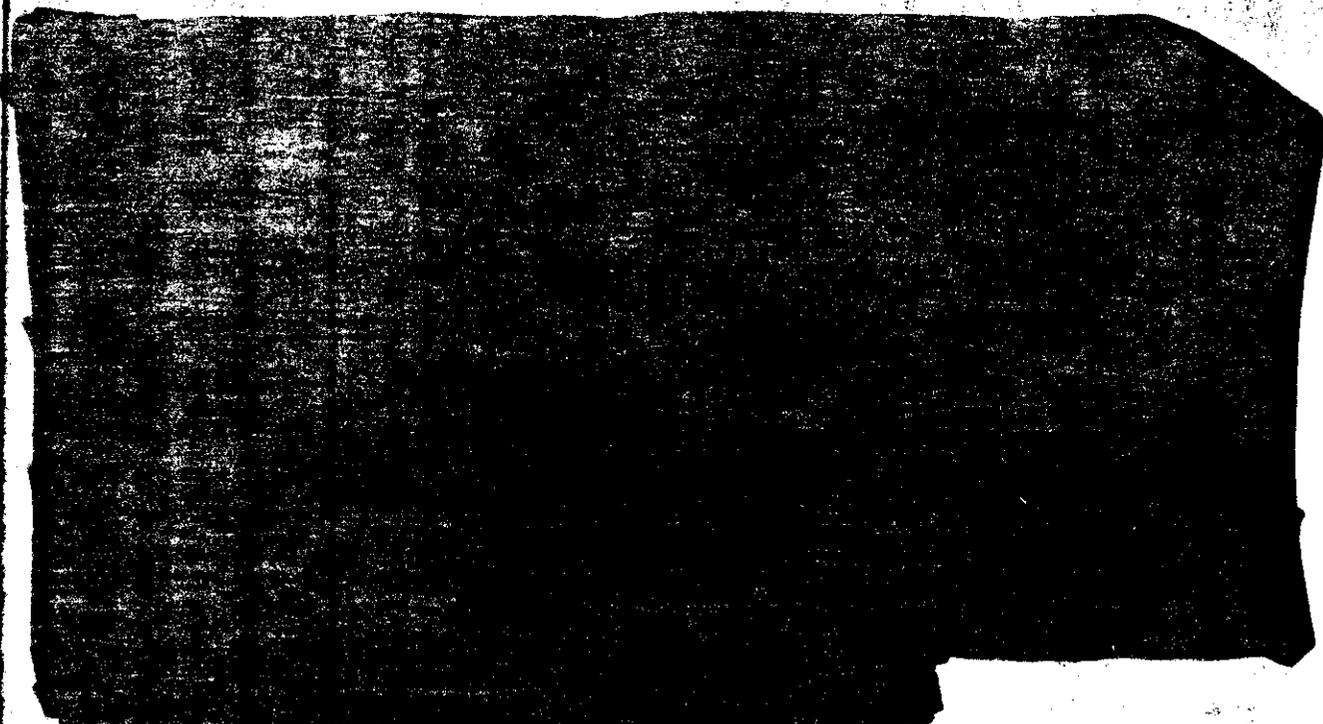
F B I

Date:

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)

Via \_\_\_\_\_  
(Priority)

PAGE TWO  
WFO 139-166



**B3**

SMITH IS IDENTIFIED AS KENNETH MICHAEL SMITH, FORMERLY OF  
THE YOUTH DIVISION OF THE COMMITTEE TO RE-ELECT THE PRESIDENT.  
SMITH PRESENTLY RESIDES AT BOX 26, HARBESON, DELAWARE, PHONE  
NUMBER 302-684-8220, IN CARE OF WILLIAM R. SMITH.

*De*

THE BALTIMORE DIVISION IS REQUESTED TO DIRECTLY INTERVIEW  
SMITH REGARDING THE CIRCUMSTANCES OF HIS INSTRUCTIONS TO SHEPPARD,  
CONTENTS OF AFOREMENTIONED CARTONS AND THE IDENTITY OF THE FEMALE  
DELIVERING THE ITEMS TO SHEPPARD.

Approved: \_\_\_\_\_  
Special Agent in Charge

Sent \_\_\_\_\_ M Per \_\_\_\_\_

5/2/73

GENERAL INVESTIGATIVE DIVISION

The attached from WFO details the events which occurred on 6/26/72, when two of our Agents obtained possession of two cartons containing Hunt's effects from Fred F. Fielding, Executive Office Building, Washington, D. C. Also attached is an article from "The Sunday Star" which, in part, states that an argument ensued between the Agents and Mr. Fielding concerning who would take custody of a pistol included in Hunt's effects, during which Fielding is reported to have said "You take everything or you don't take anything."

Our WFO Office Agents recalled there was some discussion with Fielding concerning the pertinency of some of Hunt's effects which appeared to be personal and that after calling SA Lano they took possession of the entire contents of the box. Mr. Fielding was presented with a handwritten receipt. The Agents stated that at no time did the discussion with Fielding reach the point that he said take the gun or nothing.

WAF/ama

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6/10/80 BY SP2TAP/JRM/lms

*WAF* *WFC* *REL*  
*[Signature]*

FBI

Date: 5/23/73

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)

Via AIRTEL \_\_\_\_\_  
(Priority)

- Mr. Tolson
- Mr. DeLoach
- Mr. Mohr
- Mr. Bishop
- Mr. Casper
- Mr. Callahan
- Mr. Conrad
- Mr. Felt
- Mr. Gale
- Mr. Rosen
- Mr. Sullivan
- Mr. Tavel
- Mr. Trotter
- Mr. Tele. Room
- Mr. Holmes
- Mr. Gandy
- Mr. Miller, E.S.
- Mr. Soyars
- Mr. Thompson
- Mr. Walters
- Tele. Room
- Mr. Baise
- Mr. Barnes
- Mr. Bowers
- Mr. Hightower
- Mr. Jones
- Mr. Moxley
- Mr. Pennington
- Mr. Ponder
- Mrs. Hogan

TO: ACTING DIRECTOR, FBI (139-4089)

FROM: SAC, WFO (139-166) (P)

JAMES WALTER MC CORD, JR., ET AL;  
BURGLARY; DEMOCRATIC NATIONAL  
COMMITTEE HEADQUARTERS,  
WASHINGTON, D.C., 6/17/72  
IOC  
OO:WFO

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6/20/80 BY SP2 TAE/jem/lms

Re Bureau phone call to WFO, 5/23/73.

In response to an article appearing in the May 20, 1973 edition of the "Sunday Star", entitled "Watergate Whirlpool" as told by FRED F. FIELDING the following is submitted:

On 6/26/72 SAs DANIEL C. MAHAN and MICHAEL J. KING traveled to the office of JOHN DEAN, then Legal Counsel to the President of the U.S., Executive Office Building, Washington, D.C., arriving there at approximately mid morning in order to pick up the contents of the office of former employee E. HOWARD HUNT.

Upon arriving in Mr. DEAN's Office, Mr. DEAN provided the aforementioned Agents a large brown cardboard box in the presence of FRED F. FIELDING his assistant and stated that this particular box contained part of the contents of Mr. HUNT's office and that he had to go somewhere else and get the remaining contents which would be provided the Agents at approximately 1:00 p.m. The Agents then took this box into

② Bureau  
1-WFO  
DCM:jp (3)

REC-102  
REC-87

139-4089-2728

Approved: \_\_\_\_\_  
Special Agent in Charge  
53 MAY 30 1973

Sent \_\_\_\_\_  
17 MAY 30 1973  
U.S. Government Printing Office: 1972 - 455-574

WFO 139-166

Mr. FIELDING's Office which adjoined Mr. DEAN's for a cursory review. Such an examination revealed that this box contained normal office supplies including paper clips, rubber bands, pens and pencils, blank White House stationary, etc. The only possible item of interest to the investigation in this matter was a Rolodex name file. This box also contained a small metal box containing a .25 caliber automatic pistol. At this point there was some discussion with Mr. FIELDING as to the pertinence of the aforementioned items excluding the Rolodex file, as these items appeared to be the personal property of HUNT. A phone call was placed to SA ANGELO J. LANO at the Washington Field Office and who advised that the entire box should be accepted. Mr. FIELDING was advised and the contents of the box were taken to a basement office of the Executive Office Building and inventoried.

At approximately 4:00 p.m. that same afternoon Mr. FIELDING advised the Agents the second box was available for them in Mr. DEAN's Office. Subsequently the second box was picked up and the Agents were told by FIELDING not to open it and take it from the building. The Agents provided Mr. FIELDING with a hand written inventory of the first box and left the building and returned to the WFO and inventoried all items received from the Executive Office Building.

The Bureau should note that at no time did discussions with Mr. FIELDING concerning the aforementioned <sup>pistol</sup> ~~revolver~~ reach the point that FIELDING said take the gun or nothing at all.

cc to Mr. Gandy  
Mr. [unclear]

FEDERAL BUREAU OF INVESTIGATION  
COMMUNICATIONS SECTION

~~CONFIDENTIAL~~

MAY 24 1973

TELETYPE

APPROPRIATE AGENCIES  
AND FIELD OFFICES  
ADVISED BY ROUTING  
SLIP(S) OF *Classification*  
DATE *7/1/80*

~~REC-84~~

Mr. Felt	_____
Mr. Baker	_____
Mr. Callahan	_____
Mr. Cleveland	_____
Mr. Conrad	_____
Mr. DeLoach	_____
Mr. Jenkins	_____
Mr. Marshall	_____
Mr. Miller, E.S.	_____
Mr. Soyars	_____
Mr. Thompson	_____
Mr. Walters	_____
Tele. Room	_____
Mr. Bates	_____
Mr. Barnes	_____
Mr. Bowers	_____
Mr. Hinckley	_____
Mr. Casper	_____
Mr. Mohr	_____
Mr. Fordley	_____
Mrs. Hogan	_____

NR008 MM CODE

410PM URGENT 5-24-73 RFL

TO ACTING DIRECTOR 139-4089

WASHINGTON FIELD 139-166

FROM MIAMI 139-328

*Chicago*  
CLASS. & EXT. BY *SP4PLM/oms*  
REASON FCIM II, 1-2.4.2  
DATE OF REVIEW *5/24/93*

JAMES WALTER MC CORD, JR.; ET AL, BURGLARY OF DEMOCRATIC  
NATIONAL COMMITTEE HEADQUARTERS, WASHINGTON, D.C., 6-17-72,  
IOC, OO--WFO.

ALL INFORMATION IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE



AUSA VINCENT K. ANTLE, MIAMI, TELEPHONICALLY ADVISED AN  
TODAY AS FOLLOWS:



*No*  
*NO B1*  
*Action*  
*Necessary*  
*oms*

STATED HE POSSESSES "INFORMATION THAT WILL GET  
PRESIDENT NIXON OFF THE HOOK BECAUSE WATERGATE IS AN OVERALL  
CASTRO PLOT".

*B7D*  
*B7E*

FUTHER ADVISED ANTLE HE WAS APPROACHED TO WORK  
FOR BOTH DEMOCRATIC AND REPUBLICAN CONVENTIONS, MIAMI BEACH,  
SUMMER, 1972. APPROACH MADE BY ONE GUY *HAWKS*, NOT FURTHER  
IDENTIFIED, WHO OFFERED *one* ONE THOUSAND DOLLARS WEEKLY.

*REC-100*  
*REC-87* 139-4089-2221

END PAGE ONE

53 MAY 30 1973

*B7D* *F.L.H.*

17 MAY 30 1973

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE TWO

SPECIFIC EMPLOYMENT PROPOSED FOR [REDACTED] WAS NOT EXPLAINED TO [REDACTED] ANTLE. B7D

[REDACTED] ADVISED THAT HE RECEIVED TELEPHONE CALL 5-23-73, FROM UNIDENTIFIED ADMINISTRATIVE ASSISTANT TO U.S. SENATOR EDWARD GURNEY, REP. - FLORIDA; STATING THAT FORMER AUSA ROBERT SILVERSTEIN, NOW ASSIGNED TO GURNEY'S STAFF, WOULD BE IN TOUCH WITH [REDACTED] FOR HIS INFORMATION RELATIVE TO THIS MATTER. [REDACTED] NOTED SENATOR GURNEY IS ONE MEMBER OF SENATE SELECT COMMITTEE HEADED BY SENATOR ERVIN OF NORTH CAROLINA.

FOREGOING INFORMATION FURNISHED BUREAU AND WFO IN EVENT [REDACTED] INFORMATION ATTRIBUTED TO HIM SURFACES DURING CONDUCT OF CURRENT SENATE WATERGATE HEARINGS.

END

GWS WASH DC

ACK FOR ONE

HOLDPLS FOR TWO

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

FEDERAL BUREAU OF INVESTIGATION  
COMMUNICATIONS SECTION

MAY 27 1973

TELETYPE APPROPRIATE AGENCIES  
AND FIELD OFFICES

ADVISED BY ROUTING

SLIP(S) OF

DATE 7/1/80 *classification*

- Mr. Felt
- Mr. Callahan
- Mr. Cleveland
- Mr. Conrad
- Mr. Jenkins
- Mr. Marshall
- Mr. Miller
- Mr. S. York
- Mr. Thompson
- Mr. Walters
- Mr. Rosen
- Mr. Baise
- Mr. Barnes
- Mr. Bowler
- Mr. Farnington
- Mr. Conroy
- Mr. Evans
- Mr. Eardley
- Mr. Hogan

NR004 MM CODE

1150AM URGENT 5/25/73 LJJ  
TO ACTING DIRECTOR 139-4089

WASHINGTON FIELD OFFICE 139-166

FROM MIAMI 139-328 1P

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE.

JAMES WALTER MC CORD, JR.; ET AL, BURGLARY OF DEMOCRATIC  
NATIONAL COMMITTEE HEADQUARTERS, WASHINGTON, D.C., 6/17/72, IOC,  
OO: WASHINGTON FIELD OFFICE.

CLASS. & EXT. BY *612/190* STAPL *one*  
REASON-FCIM II, 1-2.4.2 *2*  
DATE OF REVIEW *5/25/0*

RE MIAMI TELETYPE TO BUREAU AND WASHINGTON FIELD, 5/24/73.

ON 5/25/73, AUSA VINCENT K. ANTLE, MIAMI, WHO IS IN ALMOST  
DAILY CONTACT WITH [REDACTED] HOLLYWOOD, FLORIDA, **B7D**  
ADVISED MIAMI AGENT AS FOLLOWS:

[REDACTED]

END

53 MAY 30 1973

REC-87

139-4089-282 *BT*

DKS FBI HQ CLR

~~CONFIDENTIAL~~

17 MAY 30 1973

UNITED STATES GOVERNMENT

# Memorandum

TO : Mr. Baise

DATE: 5/3/73

FROM : D. W. Bowers

*James Walter McCord*

SUBJECT: JAMES FLUG, CHIEF COUNSEL  
SENATE SUBCOMMITTEE ON ADMINISTRATIVE  
PRACTICES AND PROCEDURES;  
WATERGATE

- Mr. Felt
- Mr. Baker
- Mr. Callahan
- Mr. Cleveland
- Mr. Conrad
- Mr. Gebhardt
- Mr. Jenkins
- Mr. Marshall
- Mr. Miller, E.S.
- Mr. Soyars
- Mr. Thompson
- Mr. Walters
- Tele. Room
- Mr. Kinley
- Mr. Armstrong
- Mr. Bowers
- Mr. Harrington
- Ms. Herwig
- Mr. Mintz
- Mrs. Neenan

On 5/2/73 Flug telephonically contacted me and advised captioned Subcommittee some weeks ago had attempted to subpoena records from Brady's Answering Service in Los Angeles, concerning Donald Segretti. He stated an official of the Service advised them the FBI had subpoenaed its records concerning Segretti and they had no copies of these records. He stated the Answering Service officials had contacted the FBI in Los Angeles requesting copies of the Segretti records so the Subcommittee subpoena could be answered and the FBI in Los Angeles had turned them down. Flug asked that this matter be checked in to.

Richard Long, Chief of the Accounting and Fraud Section, General Investigative Division, advised the Segretti records were obtained from Brady's Answering Service for the Federal Grand Jury in Washington, D. C. and are in custody of the U. S. District Court in Washington. Flug was so advised on 5/2/73. He expressed his appreciation for the quick response to his inquiry and stated he would contact Earl J. Silbert, Assistant United States Attorney who is conducting the Grand Jury inquiry concerning the Watergate matter.

RECOMMENDATION:

For information.

- 1 - Mr. Gebhardt
- 1 - Mr. Long
- 1 - Mr. Bowers

DWB:jo  
(4)

*9/11/73* *WGC* *Flug*

5/8/73 139-4089-*WGC*

NOT RECORDED  
48 MAY 30 1973

20 MAY 23 1973

67 MAY 30 1973

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6/20/80 BY SP2APJ/RLM/LAS

CONGRESSIONAL SERVICE

ORIGINAL FILED IN 62-97071-4A

Airtel

5/25/73

TO: SACs, Alexandria (139-18)  
Washington Field (139-166)

1 - Mr. Nuzum

FROM: Acting Director, FBI (139-4089)

JAMES WALTER MC CORD, JR., ET AL.  
ETC.  
IOC  
OO: WFO

ReAXtel 5/24/73, concerning \$1,000,000 check payable to "H. R. Bob Halderman or Bearer".

This will confirm telephonic instructions to Alexandria on 5/25/73, to expeditiously furnish the Charlotte Office with a copy of the \$1,000,000 check in order that Charlotte can conduct whatever investigation is necessary in an effort to determine if this check is legitimate and its original source.

WAF:efg  
(6) *efg*

NOTE: Instructions to Alexandria were furnished to SAC Frank Lowie on 5/25/73, by SA Wayne A. Frankenfield, Accounting and Fraud Section.

*fb*

REC-87

139-4089-2223

- Felt
- Baker
- Callahan
- Cleveland
- Conrad
- DeLoach
- Jenkins
- Marshall
- Miller, E.S.
- Soyars
- Thompson
- Walters
- Tele. Room
- Bates
- Barnes
- Casper
- Callahan
- Conroy
- Felt
- Gandy
- Rosen

MAILED 23  
MAY 25 1973  
FBI

MAY 29 1973

53 MAY 30 1973  
*WAF*

MAIL ROOM  TELETYPE UNIT

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6/20/80 BY SP2 TAP/AM/oms

Airtel

5/23/73

TO: SAC, Washington Field (139-166)

FROM: Acting Director, FBI (139-4089) - 2224 1 - Mr. Clynick

JAMES WALTER MC CORD, JR., ET AL.  
BURGLARY OF DEMOCRATIC NATIONAL COMMITTEE HEADQUARTERS  
WASHINGTON, D. C., 6/17/72  
IOC  
OO: WFO

REC-81

Enclosed for WFO are two copies of Boston airtel to the Acting Director dated 5/15/73.

It is noted that Clifton DeMotte furnished similar information during the Watergate investigation as reported in Boston teletype to the Bureau and WFO 8/14/72.

WFO should discuss this aspect with AUSA Silbert whether to determine if Patterson is in fact an alias of Hunt or if Patterson had dealings with Hunt concerning the Chappaquiddick incident. If the attachments mentioned in the enclosed airtel appear to be pertinent, they will be forwarded to WFO upon request. Advise FBIHQ the results of your discussion with Mr. Silbert.

Bureau files disclose only one previous contact with an individual who appears to be identical to Patterson mentioned in the enclosed airtel. One Albert S. Patterson directed a letter to the Bureau dated 5/2/69, requesting information concerning Martin Luther King, Jr. At this time Patterson's address was 510 West 112 New York City, New York. His letter was answered but no information was divulged.

Enclosures

JJC:efg  
(4)

SEE NOTE PAGE TWO...

- Mr. Felt
- Mr. Baker
- Mr. Callahan
- Mr. Cleveland
- Mr. Conrad
- Mr. G. Church
- Mr. Jenkins
- Mr. Marshall
- Mr. Miller, E.B.
- Mr. Soyars
- Mr. Thompson
- Mr. Walters
- Tele. Room
- Mr. Rouse
- Mr. Barnes
- Mr. Bowers
- Mr. Herington
- Mr. Conny
- Mr. Nantz
- Mr. Fardley
- Mrs. Hogan

MAILED 25  
MAY 23 1973  
FBI

*Handwritten initials: NY, ROE*

53 MAY 30 1973

MAIL ROOM  TELETYPE UNIT

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6/20/80 BY SP2 CAP/SM/ONS

Airtel to SAC, WFO  
James Walter McCord, Jr.,

The enclosures have been reviewed with particular attention to the 58-page manuscript. Most of this consists of excerpts from testimony at the inquest of the Chappaquiddick incident. The substance does not appear relevant.

NOTE: While similar information concerning Patterson was received by the FBI during 8/72, there was no reason at that time to follow-up on it as it was not related to the IOC and break-in. Patterson appears to be identical with Bureau file 100-106670-3590. In view of the more recent developments in the Watergate and related cases, it is thought that this aspect should be again brought to Mr. Silbert's attention.

FEDERAL BUREAU OF INVESTIGATION  
WASHINGTON, D. C. 20535

DATE: 5-23-73

TO: SAC, NEWARK (139-170)

Re: JAMES WALTER MC CORD JR., ET AL  
BURGLARY, DEMOCRATIC NATIONAL  
COMMITTEE HEADQUARTERS,  
WASHINGTON, D.C., 6/17/72  
10C  
(OO: WFO)

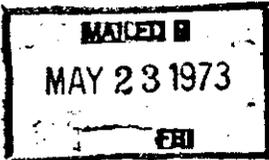
EVIDENCE

EVIDENCE  
Invoice of Contents

EVIDENCE

ONE (1) FOLDER CONTAINING FIVE INDIVIDUAL PACKAGES OF ELECTRONICS COMPONENTS  
AND FOUR BLACK PLASTIC BOXES, ONE OF WHICH IS A COMPLETED ELECTRONIC TRANSMITTER.

- Crypt.-Trans.
- Document
- P & C
- Radio Engineering
- LFPS



716508

*[Handwritten signature]*

Special Instructions:

Mail Room: Show shipment date and registry number.  
Shipping Room: Show shipment date; bill of lading number;  
initial invoice; return receipt checked in block; after  
initialing in 50 MAY 23 1973 to be placed in administrative file.

REGISTERED MAIL 215

FBI File No. 139-4089

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6/20/80 BY SP6 TAP/STW/S

FBI

Date: 5/15/73

Transmit the following in

(Type in plaintext or code)

Via AIRTEL

(Priority)

To : Acting Director, FBI

From: SAC, Boston (66-4051)

RE : SENATOR EDWARD M. KENNEDY  
INFORMATION CONCERNING

EDWARD MURPHY KENNEDY

*James Walter McCord*

Enclosed are single copies of the following:

MASS. D.C.

Letter to the Honorable JAMES A. BOYLE,  
from ALBERT S. PATTERSON, dated 9/22/70

Letter to ALBERT S. PATTERSON from SOPHIA  
B. CAMPOS, dated 10/5/70

Letter to the Honorable JOHN C. STENNIS  
from ALBERT S. PATTERSON, dated 8/20/71

Letter to ALBERT S. PATTERSON from  
BENJAMIN R. FERN, dated 8/24/71

Letter to BENJAMIN R. FERN from ALBERT  
S. PATTERSON, dated 9/3/71

Letter to ALBERT S. PATTERSON from  
BENJAMIN R. FERN, dated 9/8/71

Letter to JOHN STENNIS from ALBERT S.  
PATTERSON, dated 7/29/72

Enclosures (9)

ENCLOSURE

VER:MIW  
(3)

ENCLO. BEHIND FILE

*order to WFO  
5/22/73*

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 6/20/80 BY SP-2 TAP/JRM/LGW

Approved: *[Signature]*

Special Agent in Charge

Sent

M

Per

BS 66-4051

Transcript of testimony at an inquest captioned "KENNEDY TESTIMONY," pages numbered 6 through 9

A 58-page manuscript captioned "ALL HONORABLE MEN (and WOMEN) -- Or, Perjury at Edgartown," by ALBERT S. PATTERSON

On 5/14/73, [REDACTED]

[REDACTED] Rhode Island, residence [REDACTED] Massachusetts, was interviewed at the Providence, Rhode Island Resident Agency. [REDACTED] is known to the Boston Office inasmuch as he was previously interviewed in the case entitled, "JAMES WALTER MC CORD, aka; ET AL; BURGLARY OF THE DEMOCRATIC NATIONAL COMMITTEE HEADQUARTERS, WASHINGTON, D. C., JUNE 17, 1972; IOC (Bufile 139-409; BS 139-164). [REDACTED] had been interviewed re the MC CORD case as [REDACTED] had been contacted by E. HOWARD HUNT for the purpose of obtaining information regarding activities of members of the KENNEDY family. [REDACTED] was previously engaged in the motel business, Cape Cod, Mass. and was acquainted with some members of the KENNEDY family.

Mr. [REDACTED] furnished instant enclosures which he had found among his papers which he had currently been reviewing. He speculated possibly ALBERT S. PATTERSON may, in fact, be E. HOWARD HUNT who, according to information resulting from Watergate, had allegedly falsified documents in an effort to defame JOHN F. KENNEDY and ROBERT F. KENNEDY. [REDACTED] has no reason, other than pure speculation, to identify PATTERSON as HUNT.

The material which [REDACTED] furnished the FBI was received by [REDACTED] from [REDACTED] and [REDACTED] became friends during the Summer of 1969 when both were working for the [REDACTED] in Washington, D. C. [REDACTED] subsequently transferred to [REDACTED] s Office where he is now an Administrative

\* Bufile 139-4059-907

BS 66-4051

Assistant. [REDACTED] and [REDACTED] have remained close friends and [REDACTED] note transmitting the enclosures to [REDACTED] included the statement it was being sent "for your amusement and amazement."

[REDACTED] stated while he did not know whether the enclosed material would be of interest to the Bureau, it was being furnished to the FBI for any action deemed appropriate. 7D

Foregoing is furnished for information. No further action at Boston.

ALBERT S. PATTERSON  
507 West 111th St.  
New York, N. Y. 10025

September 22, 1970

Honorable James A. Boyle  
Edgartown, Massachusetts

Subject: KENNEDY INQUEST

Dear Judge Boyle:

I have been trying unsuccessfully to locate a copy or transcript of the inquest that was held last winter regarding Senator Kennedy's explanation of the accident and related events that resulted in the drowning of Mary Jo Kopechne, over which I understand you presided.

- (1) Can you assist me in obtaining or locating such a copy?
- (2) Can you tell me if Senator Kennedy swore under oath as to the accuracy of the explanation he made public via radio/TV a year ago last summer?

Thanking you in advance,

Very truly yours,

*Albert S. Patterson*  
Albert S. Patterson

ASP:s

*Suggest you write to  
Mrs. Sophia B. Campos,  
Clerk of Court,  
Edgartown, Mass.*

139-4089-0024



*The Commonwealth of Massachusetts*  
*Office of the Clerk of Courts*  
*Superior Court of Dukes County*

CLERK OF COURTS  
SOPHIA B. CAMPOS (MRS.)

TEL. 627-4668  
EDGARTOWN, MASS.

October 5, 1970

Mr. Albert S. Patterson  
507 West 111th Street  
New York, N.Y. 10025

Dear Mr. Patterson:

Re: Kennedy Inquest

Enclosed please find a copy of the "INQUEST" and if you are satisfied with it kindly send me the sum of \$1 or if not, return the copy to me.

Very truly yours,

Clerk

ENC

507 West 111th Street  
New York, N.Y. 10025  
August 20, 1971

Honorable John C. Stennis  
Senate Office Building  
Washington, D.C.

Dear Senator Stennis:

I am in the process of accumulating what I believe to be incontestable evidence, and a lot of it, that a very well known United States senator committed perjury on several counts rather recently, expressed in terms of years.

Moreover, the nature of these perjurious statements and the occasion on which they were made strongly suggest that this senator may have not only instigated but participated in a major crime. If this should be the case, I believe the United States Senate and the American public should know about it.

I also believe this matter should first be brought to the attention of the Select Committee on Standards and Conduct, of which I understand you are the chairman, for scrutiny and further action, if warranted. At the present time, I would estimate completing this work in several more weeks or possibly a couple of months. Rather than sending it to you through the mails, however, I would much prefer handing it to you in the course of a personal interview, perhaps together with one or more others of your committee to be selected by you, in Washington. Naturally, I would like to know, first, if this would be agreeable with you, and, second, if such a trip on my part would not be considered at the "convenience of the government". In short, are funds available to your committee to defray the limited expenses that would be involved for such a trip?

I trust that you understand my position and agree that this is a matter requiring a careful approach.

Sincerely yours,

Albert S. Patterson

ASP:s

JOHN STENNIS, MISS., CHAIRMAN  
WALLACE F. HENNETT, UTAH, VICE CHAIRMAN  
SHERMAN E. TALMADGE, GA.      JOHN SHERMAN COOPER, KY.  
WILLIAM B. SPONS, JR., VA.      LEN B. JORDAN, IDAHO  
BENJAMIN R. FERR, CHIEF COUNSEL

## United States Senate

SELECT COMMITTEE ON STANDARDS AND CONDUCT

WASHINGTON, D.C. 20510

August 24, 1971

Mr. Albert S. Patterson  
507 West 111th Street  
New York, New York 10025

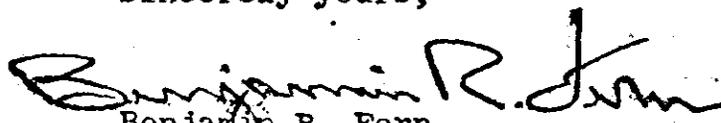
Dear Mr. Patterson:

Senator Stennis, as the Chairman of the Select Committee on Standards and Conduct of the U. S. Senate, has asked me to reply to your letter of August 20, 1971.

The Committee would be interested in seeing any evidence which you have relating to alleged misconduct by a Senator. In order for me to determine whether the matter lies within the jurisdiction of this Committee, and to make a preliminary evaluation of the evidence, I would like to have a better idea of what you have before we authorize any expenses for your travel to Washington, D. C. I would suggest that you send me a sworn statement of the allegations together with enough of the underlying evidence on which I can base such a determination. Naturally, this communication with you will be held on a privileged and confidential basis.

With appreciation for your interest in the affairs of the Senate...

Sincerely yours,

  
Benjamin R. Fern  
Chief Counsel

BRF/dbk

507 West 11<sup>th</sup> Street  
New York, N. Y. 10025  
September 3, 1971

Benjamin R. Fern, Esq.\*  
Chief Counsel  
Select Committee on Standards and Conduct\*  
United States Senate  
Washington, D.C. 20105

Dear Mr. Fern:

Thank you for your reply of August 24th to my letter of the 20th to Senator Stennis. Since your initial interest has been expressed, I can tell you that the senator referred to is Edward M. Kennedy, of Massachusetts.

I heard the Senator's radio/TV explanation of his "accident" of mid-July 1969, in which Mary Jo Kopechne lost her life from drowning, in the course of which he made one particular statement that, due to certain specific knowledge that I possess, left me with no choice but disbelief. Some time later, I obtained a published copy of the inquest that was held the following winter and I found the same incredible statement made under oath, along with a number of others that I cannot but regard as perjurious, not only on the part of Senator Kennedy but others who were members of the party.

A sworn statement of my allegations together with underlying evidence, such as you request, would constitute what I want to present to the Committee *i n p e r s o n* and discuss with them, and I hope the reason for such strong preference will become apparent in the light of the following, if it is not already.

I understand your desire for preliminary information well enough, and to provide you with such I am enclosing herewith a photocopy of the last page of the mentioned published inquest that carries the most significant portion of presiding Justice Boyle's official Opinion. If you are not already familiar with the fact, Senator Kennedy stated under oath during the inquest that he had left the cottage that evening at 11:15 with the intention of returning directly to his hotel in Edgartown, after dropping Miss Kopechne off at hers, and that he was unaware that he had made a "wrong turn" until the moment just before his car went off the bridge. I now draw your attention to the fact that Justice Boyle expressed grave doubt as to the veracity of those statements. (What is equally unbelievable to me is that Justice Boyle concerned himself with whether there was "anything criminal in (Senator Kennedy's) operation of the motor vehicle" (emphasis added), rather than the Senator's motive for deliberately turning toward the bridge instead of the ferry, as he (the Justice) obviously suspected. Incidentally, after having read only a portion of the inquest, I wrote to Justice Boyle and asked to whom the information should be given if there was reason to believe that perjury had been committed in this inquest. I received no reply.)

If your interest is now further aroused, and if you should be interested in reading the entire inquest, it is obtainable (\$1.00 per copy) from Magna-Royal Publishing Co., 1560 Broadway, New York, N.Y. 10036. It has numerous photographs that are helpful, as well as the complete testimony of all witnesses. Should you decide to avail yourself of such a version, I respectfully suggest that you do so in the most "unofficial" manner possible, such as through a private citizen or as one yourself.

The question has probably arisen in your mind as to why I should have perceived the alleged perjurious statements and why it would seem that I, alone, should have noticed a false statement in the Senator's "explanation." I cannot answer the question. Moreover, it has seemed most unusual to me as well. It is possible that a few others did notice it but considered it more discreet, if not safer for person, to remain silent. I cannot do so. And I will add in this respect that reactions to the inquest from professional observers could be summed up in the way one of them expressed it: "More questions were raised than were answered." It is possible, too, that my having perceived the false statement in the radio/TV account sensitized me to an appreciably greater degree than all the others (?) who read the inquest or were involved and therefore made me more perceptive. To conclude this question from my standpoint, I refer you once again to the parenthetical portion of the last paragraph on the preceding page.

If you still want a sworn statement from me, kindly prepare the statement based on the information given herein (in duplicate, please), send it to me and I will either sign it before a notary public or use it as a guide to make another in which such alterations as I may believe are in order and proper, and send it to you after notarization.

Please be mindful that what I wish to present to the Committee is "new light" that I am convinced will expose perjury and offer sound explanation for other incredible statements and contradictions, as well as possibly opening the way, finally, for justice to resume its proper course.

As indicated in my letter to Senator Stennis, however, I am in the process of preparing and assembling in proper and intelligible order the various statements and allegations referred to that I regard perjurious and unsupportable. There is a limited amount of time I can spare for this work, however, and it is not anticipated being finished before the end of this month. In fact, I have not been able to finish reading quite all of the testimony and I wish to do so in the interest of thoroughness.

A reply at your earliest convenience would be appreciated.

Very truly yours,

Albert S. Patterson

ASP:s

JOHN STENNIS, MISS., CHAIRMAN  
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BENJAMIN R. FERN, CHIEF COUNSEL

## United States Senate

SELECT COMMITTEE ON STANDARDS AND CONDUCT  
WASHINGTON, D.C. 20510

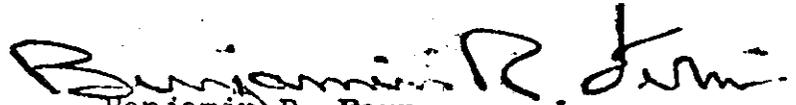
September 8, 1971

Mr. Albert S. Patterson  
507 West 111th Street  
New York, New York 10025

Dear Mr. Patterson:

I have your letter of September 3, 1971 but I regret that I cannot express any further interest in your matter until I have the bases of your allegations before me in order to evaluate them.

Sincerely yours,

  
Benjamin R. Fern  
Chief Counsel

BRF/dbk

24

507 West 111th Street  
New York, N.Y. 10025  
July 29, 1972

REC'D AUG 7 1972

PRIVATE and CONFIDENTIAL

Honorable John Stennis, Chairman  
Select Committee on Standards and Conduct  
Senate Office Building  
Washington, D.C.

Re: Kennedy-Kopechne Inquest

Dear Senator Stennis:

Included among the several enclosures herewith is a photocopy of a letter I wrote you last August 20th, the present purpose of which is to refresh your memory. Photocopies of sequelae to that letter are also enclosed so that you may have the ready benefit of full knowledge of subsequent developments.

It has taken this long, almost a year, to renew the matter with your Committee for several reasons. One is that, so numerous are the perjuries and so monstrous the hoax of the alleged "accident" and the attempted "rescue", the task begun proved far greater than then envisioned. Not just the Senator in question, but virtually every survivor of the cook-out party committed perjury, if not all. And as I went deeper and assembled and organized the evidence, I found myself facing the duty of writing a full-scale book, exposing the whole affair for what it was. This could not be accomplished in the relatively short time I anticipated in the late summer of 1971.

Another time-consuming task concerned what I then considered a most obvious and flagrant perjury (alluded to in my letter to Mr. Fern). My contention was based on what was regarded some years ago as sound, scientific fact. Nevertheless, I decided that obtaining unimpeachable confirmation from competent and recognized authority would be the best course before making such an accusation openly. I wrote many letters, but received very few replies. I also did further research and discovered that knowledge in the area involved has been extended since it was taught to me. Not that the earlier teachings have been refuted, but modified. I am still extremely skeptical of the Senator's claim, but a retreat of even less than 1% from a previously believed 100% applicability forces me to abandon accusation of perjury on this particular ground. There is no point in pursuing this specific item further--at least, at this moment--and it is not mentioned in my book. Others abound.

Also from the standpoint of time, I felt obliged to read two books on the subject that came to my attention late last fall and winter. They are mentioned in my book. Additionally, this has necessarily been a spare-time project.

So much for accounting for interim time and transpirations. As you will see, the enclosed manuscript is the first section of my book, All Honorable Men (and Women). Although excerpts from the testimonies of a number of others are included, it deals principally with the Senator's testimony. It constitutes about twenty-five percent of the total, which is about three-quarters or a little more finished as of this writing. I believe this is the portion your Committee would be most concerned with, and/or concerned with first. Certainly, it more than satisfies Mr. Fern's request for "underlying evidence" of my allegations of perjury. Where seven outright perjuries are cited and detailed in the manuscript, three additional ones were perceived as my work progressed in sections dealing primarily with the testimonies of others closely associated with him and these additional perjuries are cited therein.

I reinforce the recommendation made early in the book that Mr. Kennedy's testimony be read straight through in order to gain the best overall view and comprehension of the event as a whole, then go back and look up the perjuries and quasi-perjuries as they are referenced. Detailing of the perjuries begins on page 20, the quasi-perjuries (anomalies) on page 25. "Skim" reading would be a serious mistake.

You and/or your colleagues may find yourselves wondering about the authenticity of my source. I received my copy of The Inquest from the Clerk of Courts in Edgartown, having been referred to her (Mrs. Campos) by Judge Boyle in his handwritten reply to my inquiry to him about obtaining testimonial transcript. Photocopies of that correspondence are also enclosed.

At the time I had the title page photocopied, I had anticipated copyrighting each section as it was finished. Then I learned that a restricted and limited circulation of a manuscript prior to publication does not jeopardize copyrightability, that copyrighting a work of this sort implies that it has been made public. I did not proceed with the copyright application and none of the manuscript has (yet) been made public.

Now there are several other things you should know, Mr. Stennis, the importance of which can hardly be overemphasized. At

this stage, I can only amplify the contents of the second paragraph of my initial letter to you (Aug. 20, 1971). The information contained in All Honorable Men (and Women), especially the first section, is going to be made public. Whether it will be before or after a Senate investigation/action will depend almost exclusively on the decision made by your Committee. In this connection, it is most important that you know that I have made arrangements for its publication as automatically as possible coinciding with my untimely death or sudden and/or undue incapacitation. Especially under such regrettable circumstances, and to pre-answer the question that is certain to arise in the collective mind of a fair portion of the public--whether you were made aware of it?--my experience with you will be included in the publication. Not only will the publication be made domestically, but in several foreign countries and in more than one foreign language (another time consumer). In any event, the period of secrecy is approaching an end.

As you will note below, copies of this letter, with photocopies of the previous correspondence, are being sent concomitantly to your fellow Committeemen. Additionally, a copy of the manuscript is being sent to your Vice Chairman, Senator Bennett. I regret not being able to provide each, individually, with a copy. However, if strictly private means for photocopying are available to you, you have my permission to make extra copies for those directly concerned with this affair.

Although I provide the answers to a number of hitherto unanswered questions in my book, I daresay they stimulate still others to which answers are yet lacking. I would anticipate being able to answer some of those, but there are questions still incompletely answered in my mind, too. However, I believe the answers are obtainable and my conviction is strong that they should be found.

A few of the questions in your mind(s) probably concern me. For instance, you may wonder at my motive. That can be answered readily in one word: duty. And please accept such assurance as I can give that I do not seek to draw attention to myself. I can also tell you, and you may be interested in knowing it, that in 1962 I have been given a governmental clearance for Secret. The agency involved was the Navy; the time, circa 1958-1962. I would assume this is verifiable through the records of either or both the Navy and the FBI.

Concluding for the moment, I now anticipate your agreeing that a personal meeting and discussion of this matter between myself and your Committee would be most desirable and advisable. I can arrange to take the time to visit Washington largely at your convenience, as originally proposed, but would be amenable to any other suggestion you might like to offer. In any case, several days' notice would be preferred.

Sincerely,

*Albert S. Patterson*  
Albert S. Patterson

ASP:s

Encl.

cc: Hon. Wallace F. Bennett ✓  
Hon. John S. Cooper  
Hon. Len B. Jordan  
Hon. William B. Spong, Jr.  
Hon. Herman E. Talmadge  
Benjamin R. Fern, Esq.

P.S. Early acknowledgment of receipt of this communication by all recipients would be appreciated.

A Well, Mr. Dinis, I would say I, having lived on Cape Cod and having visited the islands, I am aware some roads are paved.

THE COURT: I am sorry, that is not quite responsive. The question is whether or not you realized the road from the ferry to the cottage was paved.

MR. DINIS: That is correct.

THE WITNESS: Yes.

THE COURT: That is, did you become aware of it during your two trips?

THE WITNESS: Well, I would just say it was not of particular notice to me whether it was paved or unpaved.

THE COURT: Were you driving the car in either one of these times?

THE WITNESS: I was not.

Q (By Mr. Dinis) Well, while you were driving down Dyke Road and after you noticed it was a dirt road and you were driving at twenty miles an hour, what happened, Mr. Kennedy?

A Well, I became --

THE COURT: I'm going to ask one question. At any time after you got on the unpaved road, the so-called Dyke Road, did you have a realization that you were on the wrong road?

THE WITNESS: No. - III

THE COURT: Do you remember the question?

THE WITNESS: After I realized it was an unpaved road, what did I become aware of?

Q (By Mr. Dinis) Well, after you realized it was an unpaved road and that you were driving at twenty miles an hour, what happened then?

A I went off Dike Bridge or I went off a bridge.

Q You went off a bridge into the water?

A That is correct.

Q Did you apply the brakes of that automobile prior to going off into the water?

A Perhaps a fraction of a second before.

Q What prompted you to do that?

A Well, I was about to go off a bridge and I applied the brakes.

Q Were there any lights in that area?

A Absolutely no lights in that area I noticed other than the lights on my vehicle.

Q Did you realize at that moment that you were not heading for the ferry?

A At the moment I went off the bridge, I certainly did.

Q Do you recall whether or not the -- strike that question -- well, what happened after that, Senator?

A Well, I remembered the vehicle itself just beginning to go off the Dike Bridge and the next thing I recall is the movement of Mary Jo next to me, the struggling, perhaps hitting or kicking me and I, at this time, opened my eyes and realized I was upside-down, that water was crashing in on me, that it was pitch black I knew that and I was able to get half a gulp of air before I became completely immersed in the water. I realized that Mary Jo and I had to get out of the car.

I can remember reaching down to try and get the door-knob of the car and lifting the door handle and pressing against the door and it not moving. I can remember reaching what I thought was down, which was really up, to where I thought the window was and feeling along the side to see if the window was open and the window was closed, and I can remember the last sensation of being completely out of air and inhaling what must have been a half a lung full of water and assuming that I was going to drown and the full realization that no one was going to be looking for us that night until the next morning and that I was going to get out of that car alive and then somehow I can remember coming up to the last energy of just pushing my way up and coming up to the surface.

Q Senator, how did you realize that you were upside down in the car?

A Because -- that was a feeling that I had as soon as I became aware that -- the water rushing in and the blackness, I knew that I was, I felt I was upside down. I really wasn't sure of anything, but I thought I was upside down.

Q Were you aware that the windows on the passenger's side were blown out of the car, were smashed?

A I have said that subsequently. I wasn't aware of it at the time.

Q Were you aware that there was any water rushing in on the passenger side?

A There was complete blackness. Water seemed to rush in from every point, from the windshield, from underneath me, above me. It almost seemed like you couldn't hold the water back even with your hands. What I was conscious of was the rushing of the water, the blackness, the fact that it was impossible to even hold it back.

Q And you say at that time you had a thought to the effect that you may not be found until morning?

A I was sure that I was going to drown.

Q Did you make any observations of the condition of Miss Kopechne at that time?

A At what time?

Q At that particular moment when you were thrashing around in the car?

A Well, at the moment I was thrashing around I was trying to find a way that we both could get out of the car, and at some time after I tried the door and the window I became convinced I was never going to get out.

Q Was the window closed at that time?

A The window was open.

Q On the driver's side?

A That's correct.

Q And did you go through the window to get out of the car?

A I have no idea in the world how I got out of that car.

Q Do you have any recollection as to how the automobile left the bridge and went over into the water?

A How it left the bridge?

Q Yes. What particular path did it take?

A No.

Q Did it turn over?

A I have no idea. - I

THE COURT: I would like to inquire, Mr. Dinis, something about the operation of the car, if you are finished. MR. DINIS: Go right ahead, your Honor.

THE COURT: You are driving along the dike sandy road and you are approaching the Dike Bridge. Now, can you describe to me what you saw, what you did, what happened from the point when first you saw the bridge?

THE WITNESS: I would estimate that time to be fractions of a second from the time that I first saw the bridge and was on the bridge.

THE COURT: Did you have on your high beams, do you remember?

THE WITNESS: I can't remember.

THE COURT: Is it your custom to use high beams when you are driving?

THE WITNESS: I rarely drive. I really couldn't tell you. I may have.

THE COURT: It is recommended.

THE WITNESS: It is recommended, but sometimes if there is a mist you see better with low beams.

THE COURT: Did you see the bridge before you actually reached it?

THE WITNESS: The split second before I was on it.

THE COURT: Did you see that it was at an angle to the road?

THE WITNESS: The bridge was at an angle to the road?

THE COURT: Yes.

THE WITNESS: Just before going on it I saw that. - (G)

THE COURT: Did you make any attempt to turn your wheels to follow that angle?

THE WITNESS: I believe I did, your Honor. I would assume that I did try to go on the bridge. It appeared to me at that time that the road went straight. - (H)

THE COURT: Were you looking ahead at the time you were driving the car, at that time?

THE WITNESS: Yes, I was.

THE COURT: Your attention was not diverted by anything else?

THE WITNESS: No, it wasn't.

THE COURT: I don't want to foreclose you, Mr. Dinis. I want to go into the question of alcoholic beverages. Perhaps you had that in mind later?

MR. DINIS: Yes, your Honor.

THE COURT: All right.

Q Going back to the cottage earlier in the day, you stated you volunteered the information that you had a rum and Coca-Cola?

A That is right.

Q Did you have more than one?

A Yes, I did.

Q How many did you have?

A I had two.

THE COURT. What time was this?

THE WITNESS. The first was about 8 o'clock.

THE COURT. I would like to go back before that. I think that you said you visited some friends at the Shiretown Inn?

THE WITNESS. That is right.

THE COURT. Did you do some drinking then?

THE WITNESS. I had about a third of beer at that time.

THE COURT. And you had nothing further until this.

THE WITNESS. No, I had nothing further.

Q And when did you have this second rum and coke?

A The second some time later on in the evening. I think before dinner, sometime about 9:15. It would be difficult for me to say.

Now, during the afternoon of the 18th did you have occasion to spend some time with your nephew, Joseph Kennedy?

A I might have greeted him in a brief greeting, but otherwise, no. I know he was concerned about where he was going to stay; that he had some reservations and that somehow they had gotten cancelled, but I would say other than a casual passing and a greeting, I would say No.

Q He was at this time on Chappaquiddick Island?

A Not to my knowledge. I never saw him at Chappaquiddick.

Q Did you see him at the Shiretown Inn?

A I might have seen him in inquiring whether he could stay at the Shiretown Inn.

Q Did he stay with you in your room?

A No, he did not.

THE COURT. I would like to ask some questions. You said you had a portion of beer late in the afternoon at the Shiretown Inn?

THE WITNESS. That is correct.

THE COURT. Then you had two rums and coke at this cottage at Chappaquiddick Island some time after you arrived at about 8:30?

THE WITNESS. That is right.

THE COURT. Who poured those drinks?

THE WITNESS. Mr. Crimmins poured the first one. I poured the second one.

THE COURT. What amount of rum did you put in?

THE WITNESS. It would be difficult, your Honor, to estimate.

THE COURT. Well, by ounces.

THE WITNESS. By ounces? I suppose two ounces.

THE COURT. I mean, some people pour heavy drinks. Some pour light drinks.

THE WITNESS. Yes.

THE COURT. When did you take the last one?

THE WITNESS. I would think about 9 o'clock. The only way I could judge that, your Honor, would be that I ate about 10:00 and it was some time before I ate.

THE COURT. You had nothing alcoholic to drink after eating?

THE WITNESS. No, I didn't.

THE COURT. How much liquor was at this cottage?

THE WITNESS. There were several bottles so that I wouldn't be able to tell specifically.

THE COURT. Not a large supply?

THE WITNESS. I wouldn't be able to tell how much. There was an adequate supply.

THE COURT. Was there a sustained amount of drinking by the group?

THE WITNESS. No, there wasn't.

THE COURT. By any particular person?

THE WITNESS. Not that I noticed. There wasn't prior to the time I left.

THE COURT. Mr. Hanify, you have advised your client of his constitutional rights?

MR. HANIFY. Yes, I have, your Honor.

THE COURT. Were you at any time that evening under the influence of alcohol?

THE WITNESS. Absolutely not.

THE COURT. Did you inhale in any narcotic drugs that evening?

THE WITNESS. Absolutely not.

THE COURT. Did anyone at the party to your knowledge?

THE WITNESS. No, absolutely not.

THE COURT. In your opinion would you be sober at the time that you operated the motor vehicle to the Dike Bridge?

THE WITNESS. Absolutely sober. — (J)

Q Senator Kennedy, what did you do immediately following your release from the automobile?

A I was swept away by the tide that was flowing at an extraordinary rate through that narrow cut there and was swept along by the tide and called Mary Jo's name until I was able to make my way to what would be the east side of that cut, waded up to about my waist and started back to the car, at this time was gasping and belching and coughing, went back just in front of the car.

Now, the headlights of that car were still on and I was able to get to what I thought was the front of the car, although it was difficult — and I was able to identify the front of the car from the rear of the car by the lights themselves. Otherwise I don't think I would be able to tell.

Q How far were you swept along by the current?

A Approximately 30-40 feet.

Q Did you pass under the bridge?

A The vehicle went over the bridge on the south side and rested on the south side, and that was the direction the current was flowing, and I was swept I would think to the south or probably east, which would be the eastern shore of that.

Q Some 30 feet?

A I would think 30 to 40 feet.

Q Now, in order to get back to the car was it necessary for you to swim?

A I couldn't swim at that time because of the current. I waded into — swam to where I could wade and then waded along the shore up to where I could go to the front of the car and start diving in an attempt to rescue Mary Jo. — (K)

Q Was the front of the car facing a westerly direction?

A I would think it was facing in a northerly direction.

Q Well, in regard to the bridge could you describe the location of the automobile with relation to the bridge?

A Well, your Honor, in the direction of north and south I will do the best I can.

THE COURT. We don't have any map, do we?

MR. TELLER. The bridge runs north and south, fairly close to north and south.

THE COURT. That is, coming towards Edgartown would be north and towards the ocean would be south?

MR. TELLER. Yes, sir.

MR. DINIS. May we use the chalk, your Honor?

THE COURT. Yes, if it is helpful.

Q Would that be helpful, Mr. Kennedy?

A It may be.

Q I believe there is a board behind you.

Assuming the bridge is north and south—

A Yes.

[Witness draws a sketch on blackboard.]

I would bet that that bridge runs more east-west than north-south. — (L)

MR. TELLER. Not directly north, but southeast-north-west.

Q Will you indicate, Mr. Kennedy, Edgartown?

A I would rather have counsel draw and respond. I will be delighted to do whatever the Court desires.

THE COURT. It is only for the purposes of illustration.

THE WITNESS. I suppose the road runs something like this.

THE COURT. You are trying to get the relation of the car to the bridge?

MR. DINIS. Yes, your Honor.

Q As you went off the bridge.

A I think it was like this.

THE COURT. All right, Mr. Dinis.

Q Mr. Kennedy, after you emerged from the automobile you say you were swept some 30 feet away from the car, is that correct?

A In this direction [indicating].

Q And how much time did it take you after you left the automobile to be swept down to about 30 feet, down the river?

A By the time I came up I was best estimate would be somewhere over here, which would be probably 8-10 feet, it is difficult for me to estimate specifically, and I think by the time I was able at least to regain my strength, I would say it is about 30 feet after which time I swam in this direction until I was able to wade, and wade back up here to this point here, and went over to the front of the car, where the front of the car was, and crawled over to here, dove here, and the tide would sweep out this way there, and then I dove repeatedly from this side until, I would say, the end, and then I will be swept away the first couple of times, again back over to this side, I would come back again and again to this point here, or try perhaps the third or fourth time to gain entrance to some area here until at the very end when I couldn't hold my breath any longer I was breathing so heavily it was down to just a matter of seconds. I would hold my breath and I could barely get underneath the water. I was just able to hold on to the metal undercarriage here, and the water itself came right out to where I was breathing and I could hold on, I knew that I just could not get under water any more.

Q And you were fully aware at that time of what was transpiring?

A Well, I was fully aware that I was trying to get the girl out of that car and I was fully aware that I was doing everything that I possibly could to get her out of the car and I was fully aware at that time that my head was throbbing and my neck was aching and I was breathless, and at that time, the last time, hopelessly exhausted.

Q You were not confused at that time?

A Well, I knew that there was a girl in that car and I had to get her out. I knew that.

Q And you took steps to get her out?

A I tried the best I thought I possibly could to get her out.

Q But there was no confusion in your mind about the fact that there was a person in the car and that you were doing the best you could to get that person out?

A I was doing the very best I could to get her out.

THE COURT: May I ask you some questions here about the depth of the water?

THE WITNESS: No, it was not possible to stand. The highest level of the car to the surface were the wheels and the undercarriage itself when I held onto the undercarriage and the tide would take me down, it was up to this point. [Indicating.]

Q [By the Court] You were not able to stand up at any point around any portion of that car?

THE WITNESS: Yes.

Q Mr. Kennedy, how many times if you recall did you make an effort to submerge and get into the car?

A I would say seven or eight times. At the last point, the seventh or eighth attempts were barely more than five or eight-second submersions below the surface. I just couldn't hold my breath any longer. I didn't have the strength even to come down even close to the window or the door.

Q And do you know how much time was used in these efforts?

A It would be difficult for me to estimate, but I would think probably 15-20 minutes.

Q And did you then remove yourself from the water?

A I did.

Q And how did you do that?

A Well, in the last five I lost contact with the vehicle again and I started to come down this way here and I let myself float and came over to this shore and I came onto this shore here, and I sort of crawled and I staggered up some place in here and was very exhausted and spent on the grass.

Q On the west bank of the river?

A Yes.

Q As indicated by that chart?

A Yes, that's correct.

Q And how long did you spend resting?

A Well, I would estimate probably 15-20 minutes trying to get my - I was coughing up the water and I was exhausted and I suppose the best estimate would be 15 or 20 minutes.

Q Now did you say earlier you spent 15 or 20 minutes trying to recover Miss Kopechne?

A That is correct.

Q And you spent another 15 or 20 minutes recovering on the west side of the river?

A That is correct.

Q Now, following your rest period, Senator, what did you do after that?

A Well, I -

Q You may remain seated.

A All right. After I was able to regain my breath I went back to the road and I started down the road and it was extremely dark and I could make out no forms or shapes or figures, and the only way that I could even see the path of the road was looking down the silhouettes of the trees on the two sides and I could watch the silhouette of the trees on the two sides and I started going down that road walking, trotting, jogging, stumbling, as fast as I possibly could.

Q Did you pass any houses with lights on?

A Not to my knowledge; never saw a cottage with a light on it. - (N)

Q And did you then return to the cottage where your friends had been gathered?

A That is correct.

Q And how long did that take you to make that walk, do you recall?

A I would say approximately fifteen minutes.

Q And when you arrived at the cottage, as you did, is that true?

A That is true.

Q Did you speak to anyone there?

A Yes, I did.

Q And with whom did you speak?

A Mr. Ray LaRosa.

Q And what did you tell him?

A I said, get me Joe Gargan.

Q And was Joe Gargan there?

A He was there.

Q He was at the party?

A Yes.

THE COURT: Excuse me a moment. Did you go inside the cottage?

THE WITNESS: No, I didn't go inside.

Q (By Mr. Dinis) What did you do? Did you sit in the automobile at that time?

A Well, I came up to the cottage, there was a car parked there, a white vehicle, and as I came up to the back of the vehicle, I saw Ray LaRosa at the door and I said, Ray, get me Joe; and he mentioned something like, right away, and as he was going in to get Joe, I got in the back of the car.

Q In this white car?

A Yes.

Q And now, did Joe come to you?

A Yes, he did.

Q And did you have conversation with him?

A Yes, I did.

Q Would you tell us what the conversation was?

A I said, you had better get Paul, too.

Q Did you tell him what happened?

A At that time I said, better get Paul, too.

Q What happened after that?

A Well, Paul came out, got in the car. I said, there has been a terrible accident, we have got to go, and we took off down the road, the Main Road there.

Q How long had you known Mr. LaRosa prior to this evening?

A Eight years, ten years, eight or ten years.

Q Were you familiar with the fact or - strike that - did you have any knowledge that Mr. LaRosa had some experience in skin diving?

A No, I never did.

Q Now, before you drove down the road, did you make any further explanations to Mr. Gargan or Mr. Markham?

A Before driving? No, sir, I said, there has been a terrible accident, let's go, and we took off -

Q And they went -

A -- driving.

Q And they drove hurriedly down?

A That is right.

Q Towards the Dice Budge area.

A. That is right.  
 Q And where did you finally stop the white automobile that you were riding in?  
 A Mr. Gargan drove the vehicle across the bridge to some location here (indicating) and turned it so that its headlights shown over the water and over the submerged vehicle. (Indicating on blackboard.)  
 Q And what happened after the three of you arrived there?  
 A Mr. Gargan and Mr. Markham took off all their clothes, dove into the water, and proceeded to dive repeatedly to try and save Mary Jo.  
 Q Now, do you recall what particular time this is now when the three of you were at the ---  
 A I think it was at 12:20, Mr. Dinis. I believe that I looked at the Valiant's clock and believe that it was 12.20.  
 Q Now, Mr. LaRosa remained at the cottage?  
 A Yes, he did.  
 Q Was Mr. LaRosa aware of the accident?  
 A No, he hadn't heard -- no, I don't believe so.  
 Q No one else at the cottage was told of the accident? No.  
 Q How many times did you go back to Dike Bridge that night?  
 A Well, that was the only ---  
 Q After the accident, that was the only occasion?  
 A The only time, the only occasion.  
 Q Now, how long did Mr. Markham and Mr. Gargan remain there, with you on that particular occasion?  
 A I would think about forty-five minutes.  
 Q And they were unsuccessful in entering the car?  
 A Well, Mr. Gargan got half-way in the car. When he came out he was scraped all the way from his elbow, underneath his arm was all bruised and bloodied, and this is the one time that he was able to gain entrance I believe into the car itself. (0)  
 Q And did he talk to you about his experience in trying to get into the car?  
 A Well, I was unable to, being exhausted, to get into the water, but I could see exactly what was happening and made some suggestions.  
 Q So that you were participating in the rescue efforts?  
 A Well, to that extent.  
 Q You were fully aware of what was transpiring at that time?  
 A Well, I was fully aware that Joe Gargan and Paul Markham were trying to get in that car and rescue that girl, I certainly would say that.  
 Q Did you know at that time or did you have any idea how long Mary Jo had been in the water?  
 A Well, I knew that some time had passed.  
 Q Well, you testified earlier that you spent some fifteen or twenty minutes of ---  
 A Well, Mr. District Attorney, I didn't add up the time that I was adding to rescue her and time on the beach, the shore, and the time to get back and the time it took back and calculate it.  
 Q Was it fair to say that she was in the water about an hour?  
 A Yes, it is.  
 Q Was there any effort made to call for assistance?  
 A No, other than the assistance of Mr. Gargan and Mr. Markham.  
 Q I know, but they failed in their efforts to recover ---  
 A That is right.  
 Q -- Miss Kopechne?  
 A That is correct.  
 (Discussion off the record.)  
 MR. DINIS. I believe, your Honor, before the witness left the courtroom the question was whether or not any assistance had been asked for.  
 THE COURT. I think the answer had been No.  
 Q [By Mr. Dinis] And now may I ask you, Mr. Kennedy, was there any reason why no additional assistance was asked for?  
 A Was there any reason?  
 Q Yes, was there any particular reason why you did not call either the police or the fire department?  
 A Well, I intended to report it to the police.  
 THE COURT. That is not quite responsive to the question.  
 Q Was there a reason why it did not happen at that time?  
 THE COURT. Call for assistance.

THE WITNESS. I intended to call for assistance and to report the accident to the police within a few short moments after going back into the car.

Q I see, and did something transpire to prevent this?

A Yes.

Q What was that?

A With the Court's indulgence, to prevent this, if the Court would permit me I would like to be able to relate to the Court the immediate period following the time that Mr. Gargan, Markham and I got back in the car.

THE COURT. I have no objection.

MR. DINIS. I have no objection.

THE WITNESS. Responding to the question of the District Attorney ---

MR. DINIS. Yes.

THE WITNESS. ---at some time, I believe it was about 45 minutes after Gargan and Markham dove they likewise became exhausted and no further diving efforts appeared to be of any avail and they so indicated to me and I agreed. So they came out of the water and came back into the car and said to me, Mr. Markham and Mr. Gargan at different times as we drove down the road towards the ferry that it was necessary to report this accident. A lot of different thoughts came into my mind at that time about how I was going to really to be able to call Mrs. Kopechne at some time in the middle of the night to tell her that her daughter was drowned, to be able to call my own mother and my own father, relate to them, my wife, and I even -- even though I knew that Mary Jo Kopechne was dead and believed firmly that she was in the back of that car I willed that she remained alive. (P)

As we drove down that road I was almost looking out the front window and windows trying to see her walking down that road. I related this to Gargan and Markham and they said they understood this feeling, but it was necessary to report it. And about this time we came to the ferry crossing and I got out of the car and we talked there just a few minutes.

I just wondered how all of this could possibly have happened. I also had sort of a thought and the wish and desire and the hope that suddenly this whole accident would disappear, and they reiterated that this has to be reported and I understood at the time that I left that ferry boat, left the slip where the ferry boat was, that it had to be reported and I had full intention of reporting it, and I mentioned to Gargan and Markham something like, "You take care of the girls, I will take care of the accident," -- that is what I said and I dove into the water.

Now, I started to swim out into that tide and the tide suddenly became, felt an extraordinary shove and almost pulling me down again, the water pulling me down and suddenly I realized at that time even as I failed to realize before I dove into the water that I was in a weakened condition, although as I had looked over that distance between the ferry slip and the other side, it seemed to me an inconsequential swim; but the water got colder, the tide began to draw me out and for the second time that evening I knew I was going to drown and the strength continued to leave me. By this time I was probably 50 yards off the shore and I remembered being swept down toward the direction of the Edgartown Light and well out into the darkness, and I continued to attempt to swim. I tried to swim at a slower pace to be able to regain whatever kind of strength that was left in me.

And some time after, I think it was about the middle of the channel, a little further than that, the tide was much calmer, gentler, and I began to get my -- make some progress, and finally was able to reach the other shore and all the nightmares and all the tragedy and all the loss of Mary Jo's death was right before me again. And when I was able to gain this shore, this Edgartown side, I pulled myself on the beach and then attempted to gain some strength.

After that I walked up one of the streets in the direction of the Shiretown Inn.

By walking up one of the streets I walked into a parking lot that was adjacent to the Inn and I can remember almost having no feather strength to continue, and leaning against a tree for a length of time, walking through the parking lot, trying to really gather some kind of idea as to

ALL HONORABLE MEN (and WOMEN)

--Or, Perjury at Edgartown

By

Albert S. Patterson

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139-4089-2224

## ( WHY'S AND WHEREFORES

"It appears to be appropriate at the outset of this inquest that the reason for its existence, the results that it is intended to accomplish, and the rules of procedure and conduct I am adopting and ordering...should be pronounced...

...  
 "'Inquests are, of course, primarily for the purpose of ascertaining whether or not any crime has been committed', says the Massachusetts Law Quarterly, 1921.

"The primary object of an inquest is to ascertain facts, to decide the question of whether or not criminal proceedings shall be instituted against the person or persons responsible for the death.", Massachusetts Law Quarterly, 1925.

...  
 "An inquest is an investigation. It is not a prosecution of anybody. It is not a trial of anyone. It is the duty of the Court to seek out and receive any and all information and testimony which is relevant, pertinent and material to the question as to whether criminal conduct caused or contributed to the death and, conversely, to reject that which is not.

"Although the Judge is not bound by the rules of evidence that apply in criminal cases, it is as much the duty of the Court to decline to receive such improper testimony to the end that persons innocent of any criminal involvement be not injured in reputation.

"For the reasons stated above and because this is not an adversary proceeding, transcript of testimony will not be furnished to the District Attorney or counsel."

Slightly abridged, but with nothing relevant omitted, the above were the words of the Honorable James A. Boyle, presiding, at the opening of the Kennedy-Kopechne inquest, Monday morning, January 5, 1970.

During the next four days, twenty-seven witnesses testified in person and several others--physicians, medical technicians, a physicist, engineers, all with a most impressive professional biography and array of qualifications in their respective fields--testified by affidavit (which, unfortunately, permitted no questioning of their statements). This took more than 750 pages of transcript, and then came Judge Boyle's 4,000-word report, from which the following is excerpted. (The Inquest, p.125.)

"...there are inconsistencies and contradictions in the testimony, which a comparison of individual testimony will show. It is not feasible to indicate each one."

Indeed, there were inconsistencies and contradictions. Some were with respect to certain incidents of common experience given by more than one witness, while others involve self-contradiction and contradiction with fact. The Judge, please note, implied disbelief of certain portions of Senator Kennedy's testimony by stating, a little further on and in view of a list of observable facts gleaned from several of the testimonies (see appendix)--

"I infer. . . that Kennedy and Kopechne did not intend to return to Edgartown at that time; that Kennedy did not intend to drive to the ferry slip and his turn onto Dike Road was intentional."

"I believe it probable that Kennedy knew of the hazard that lay ahead of him on Dike Road but that, for some reason not apparent from the testimony, he failed to exercise due care as he approached the bridge."

I agree with the Judge. There were too many inconsistencies and contradictions to indicate each one, but I think it is quite feasible to indicate and expose a significant number of them, the most egregious and particularly those that can be shown to be either self-contradictory and/or contradictory to fact and which are, therefore, perjurious. Such exposure may enable the reader (including Judge Boyle) to take any of several possible courses: (1) to remove the doubt as to whether Senator Kennedy knew of the hazard that existed; (2) to remove at least some of the obscurity regarding the reason(s) why he did not exercise due care in approaching the bridge; (3) to decide whether, in fact, the Senator drove off the bridge deliberately, or (4) the reader may go back to sleep.

In essence, then, this book is intended to assist Judge Boyle. One of the results of the exposure, however, may be the exposure of some inconsistencies and contradictions (implied, at least) on the part of the Judge (but the Judge is an honorable man--so are they all, all, honorable men (and women)). At the end of the book at least one possible course will be suggested in case the reader asks, "What can be done about it?"

The world knows that this inquest concerned an alleged automobile accident in which, just before midnight, July 18, 1969, Senator Edward M. Kennedy drove off a narrow bridge on Chappaquiddick Island just off the southeastern coast of Massachusetts into a tidal pond and that a passenger, Miss Mary Jo Kopechne, subsequently lost her life by drowning as a direct result.

Much of the world knows that the inquest was held in secret. It was so secret, in fact, that, as indicated in the Judge's opening remarks, transcripts of testimony were denied the District Attorney. Not so much of the world knows that the inquest was postponed four months, and only a little of the world knows, I suspect, that the inquest has now been made public and is available to all. Copies may be obtained (\$1.00) by writing to the publisher: Magnum-Royal Publications, Inc., 1560 Broadway, New York, N.Y. 10036. This is the principal source--The Inquest--of the information about to be given. It is in magazine form, and references to specific statements in various testimonies will be made to page numbers therein, as on the preceding page.

Two other books, to my knowledge, have previously appeared on this broad subject. The first was The Bridge at Chappaquiddick (Little, Brown & Co., Boston, in hardcover), by Jack Olsen, a senior editor of Time, who did a remarkable job of researching and then recounting it most entertainingly. No reference was made to the

inquest and it is most probable that he wrote it prior to the inquest, or in the fall of 1969.

The second was Teddy Bare (Western Islands, Belmont, Mass.), by Zad Rust, which was written not only after the inquest, but after the emasculated Grand Jury session held another four months after the inquest. Where Olsen devoted his literary talents to the pre-accident Kennedy clan, including Teddy's Harvard ouster and typical Kennedy incidents and anecdotes, the circumstances leading up to the accident and its aftermath, plus his own absolutely unique hypothesis of how the "accident" might have happened (and I wonder if he will continue to believe so, if he still does, after he reads this book, if he does), Rust concentrated on the inquest and the behind-the-scenes goings-on that may very well have occurred. It is a devastating indictment of the Massachusetts judiciary, naming individual judges above Judge Boyle, but, in my opinion, it does not strip Teddy "bare". Both books are highly recommended to Kennedy-watchers and to any and all having an interest in this tragedy or in the cause of justice. The former will probably be found in many libraries, if not bookshops, while the latter is available at most American Opinion bookstores (look in your telephone directory) in paperback at \$2.00. Otherwise, the publisher can provide. Such is the scanty bibliography herein. Both books will be referred to from time to time.

In the preceding excerpted quotations from The Inquest, as well as in all the following, all indications of emphasis have been added. Abridgement has been for the sake of coherence. Tedious and unnecessary repetition has been eliminated for ease in reading, as well as irrelevancies regarding the selected exposures and basic facts. For example, there are numerous instances where answers given were repeated in the form of another question, only to be reaffirmed. Those questioning accuracy of either content or intent may avail themselves of an essentially unexpurgated copy from the source given.

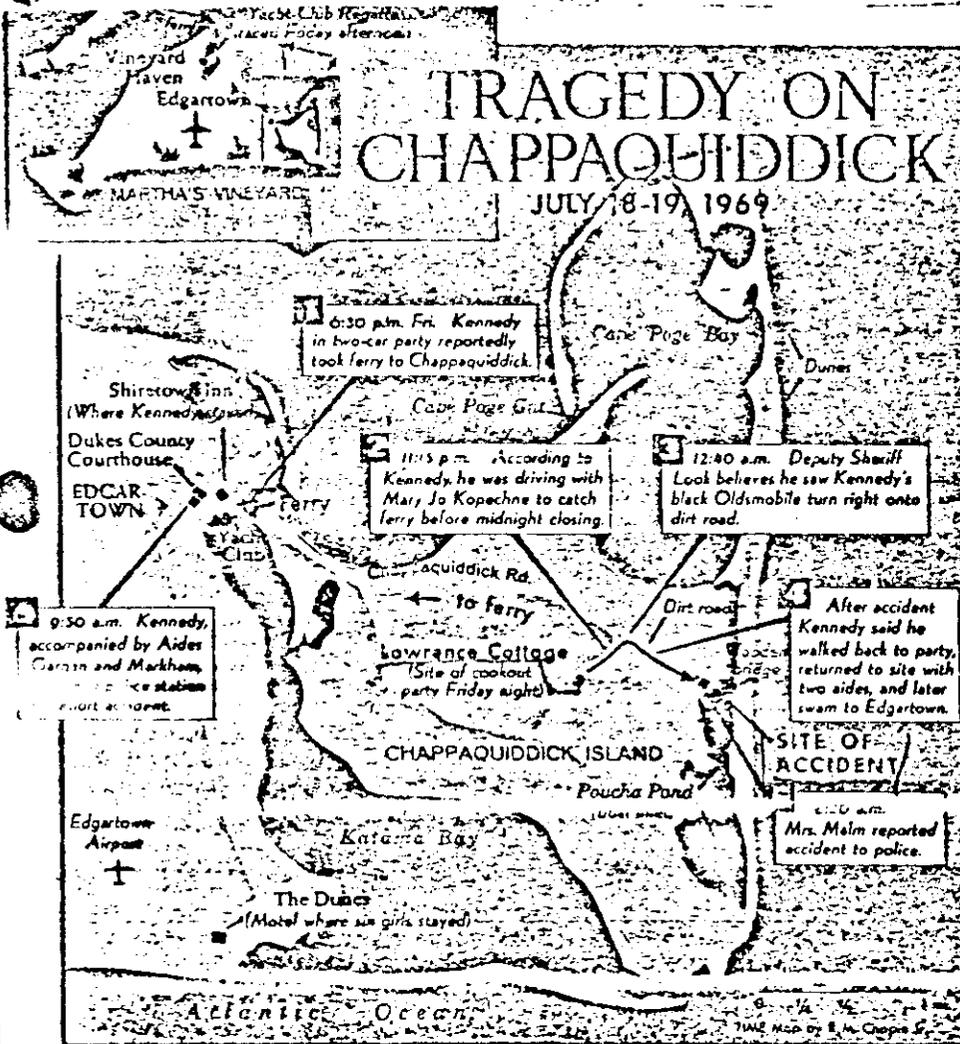
Since Senator Kennedy is the surviving principal in this drama, on whom all other testimonies are merely ancillary, and since he also testified first, his testimony will be given first here. And, let it be remembered, Senator Kennedy is an honorable man--so are they all, all, honorable men (and women).

Footnotes will be indicated in the customary manner. Perjuries will be indicated by Roman numerals in brackets and will be discussed fully, or sufficiently, in a section immediately following testimony, while other statements of an unusual nature, such as might fall short of actual perjury, yet lack credibility, or warrant special comment, will be indicated by Roman letters in brackets and discussed similarly.

District Attorney Edmund Dinis put the questions to Mr. Kennedy, indicated by "Q", while the Senator's answers are indicated by "A". From time to time throughout the inquest, Judge Boyle interposed with questions of his own, his questions being slightly indented and preceded by the words, THE COURT.

# TRAGEDY ON CHAPPAQUIDDICK

JULY 18-19, 1969



Dukes, ss.

Edgartown District Court

Edgartown, Massachusetts  
Monday, January 5, 1970

FIRST DAY

THE TESTIMONY  
OF  
EDWARD M. KENNEDY

THE COURT: Senator, would you take the witness stand?

SENATOR KENNEDY: Yes.

EDWARD M. KENNEDY, SwornEXAMINATION BY MR. DINIS:

Q: Please give your name to the Court.

A: Edward Moore Kennedy.

Q: And where is your legal residence, Mr. Kennedy?

A: 3 Charles River Square, Boston.

Q: Directing your attention to July 18, 1969, were there plans made by you to have a gathering on Martha's Vineyard Island?

A: There were plans to participate in an annual sailing regatta in Edgartown on Friday, July 18th and Saturday, July 19th, and with my cousin Joe Gargan, Mr. Markham, Mr. LaRosa and a number of other people.<sup>1/</sup>

Q: Could you tell the Court what your activities were during that afternoon from the time of your arrival?

A: Well, I arrived shortly after 1 o'clock on July 18th, was met by Mr. John B. Crimmins, driven through town, traveled by ferry to Chappaquiddick Island to a small cottage there where I changed into a bathing suit, later visited the beach on I imagine the east side of that island for a brief swim, returned to the cottage and changed into another bathing suit, returned to the ferry slip and waded out to my boat, later participated in a race which ended approximately 6 o'clock.

Q: When did you check into the Shiretown Inn that day?

A: Sometime after 6:30, before 7 o'clock.

Q: What were your activities after that?

A: I returned to my room, washed up briefly and returned to Chappaquiddick Island.

Q: Now, were you familiar with the island of Chappaquiddick?

A: Never been on Chappaquiddick Island before that day.

THE COURT: You said you took a swim on Chappaquiddick Island Friday afternoon?

<sup>1/</sup> A neat evasion, the first crack out of the box. The question was whether Mr. Kennedy had made such plans, obviously with the cook-out in mind. The Senator, however, spoke merely of "plans" involving a number of people "to participate in a sailing regatta."

THE WITNESS: Yes, I did.

THE COURT: What automobile was being used at that time?

THE WITNESS: A four-door Oldsmobile 88.

THE COURT: Who drove you to the beach?

THE WITNESS: Mr. Crimmins.

THE COURT: Was the car operated over the Dike Bridge or was it left on the side?

THE WITNESS: No, it was operated over the Dike Bridge.

Q: Was there anyone at the cottage when you arrived there at 7:30 p.m.?

A: No, I don't believe so.

Q: Were there any other automobiles at that house that afternoon?

A: One other vehicle, so there were two in total to the best of my knowledge.

Q: Did you plan to stay overnight?

A: No, I did not.

Q: What transpired after you arrived at the cottage?

A: I took a bath in the tub, which was not available at the Shiretown Inn, and soaked my back; I later was joined by Mr. Markham, who arrived some time about 8 o'clock, engaged in conversation with Mr. Markham until about 8:30, and the rest of the group arrived at 8:30 or shortly thereafter.

Q: Now, did you have dinner at the cottage?

A: Well, at 8:30 the rest of the group arrived and were made to feel relaxed and at home, were served a drink, those who wanted them, and steaks were cooked on an outdoor burner by Mr. Gargan at about quarter of 10, I would think.

Q: Did you have occasion to leave the cottage at any time during that evening?

A: That is correct. Two different occasions.

Q: Would you please tell us about the first time?

A: The first I left at approximately 11:15 and I left a second time, sometime after midnight, by my best judgment it would be approximately 12:15. I left the immediate vicinity of the cottage, which was probably fifteen or twenty feet outside the front door.

Q: Now, when you left on the first occasion, were you alone?

A: I was not alone.

Q: And who was with you?

A: Miss Mary Jo Kopechne.

Q: Anyone else?

A: No. [A]

Q: Do you know how she arrived?

A: To my best knowledge she arrived in a white Valiant that brought some of the people to that party.

Q: Do you know who owned that car?

A: I believe it was a rented car.

Q: When you left with Miss Kopechne, had you had any prior conversation with her?

A: Yes, I had. At 11:15 I was talking with Miss Kopechne. I noticed the time, desired to leave and return to the Shiretown Inn and indicated to her that I was leaving and returning to town. She indicated to me that she was desirous of leaving, if I would be

kind enough to drop her back at her hotel. [ ] said, well, I'm leaving immediately; spoke with Mr. Crimmins, requested the keys to the car and left at that time.

Q: Does Mr. Crimmins usually drive your car or drive you?

A: On practically every occasion.

Q: Was there anything in particular that changed those circumstances at this particular time?

A: Only that Mr. Crimmins, as well as some of the other fellows, were concluding their meal, enjoying the fellowship, and it didn't appear necessary to require him to bring me back to Edgartown.

Q: And when you left the house at Chappaquiddick at 11:15, you were driving?

A: That is correct.

Q: And where was Miss Kopechne seated?

A: In the front seat. [B]

Q: Was there any other person in the car at that time?

A: No.

Q: Was there any other item, thing, or object in the car at that time of any size?

A: Well, not to my knowledge at that particular time. [C]

Q: And on leaving the cottage, where did you go?

A: Well, I traveled down, I believe it is Main Street, took a right on Dike Road and drove off the bridge at Dike Bridge.

Q: Did you at any time drive into Cemetery Road?

A: At no time did I drive into Cemetery Road.

Q: Did you pass any other vehicle at that time?

A: I passed no other vehicle at that time and I saw no other person and I did not stop the car at any time between the time I left the cottage and went off the bridge.

Q: Do you recall how fast you were driving when you made the right on Dike Bridge?

A: No. I would say approximately seven or eight miles an hour.

Q: And what were the lighting conditions and weather conditions?

A: There was a reasonable amount of humidity. The night was clear, extremely dark.

Q: Were the windows opened or closed of the automobile?

A: Some of the windows were open and some were closed.

THE COURT: What about the window on your side?

THE WITNESS: I would expect it was open.

THE COURT: You don't remember that?

THE WITNESS: I don't remember that.

THE COURT: Was it a warm night?

THE WITNESS: I would think it was cool at that hour.

Q: Well, Mr. Kennedy, was the window on the driver's side open?

A: Yes, it was. [I]

Q: And you have no recollection as to the windows on the passenger's side?

A: No, I really don't.

Q: How fast were you driving on Dike Road?

A: Approximately twenty miles an hour. [II]

Q: Well, were you aware at the time that you were driving on a dirt road when you turned onto Dike Road?

A: I don't remember any specific time when I knew I was driving on an unpaved road. I was generally aware sometime that it was unpaved.

Q: When you ( t the house at 11:15, wh was your destination?

A: The Katama Shores, <sup>2/</sup> the ferry slip, Sniretown.

Q: Now, had you been over that road from the ferry slip to the cottage more than once that day?

A: Yes, I had.

Q: Did you recall at the time that you noticed you were driving on a dirt road, that the road from the ferry slip to the house had been paved?

A: Well, Mr. Dinis, having lived on Cape Cod and having visited these islands, I am aware some roads are paved.

THE COURT: The question was whether or not you realized the road from the ferry to the cottage was paved.

THE WITNESS: Yes.

THE COURT: At any time after you got on the unpaved road, the so-called Dike Road, did you have a realization that you were on the wrong road?

THE WITNESS: No. [III]

Q: What happened then?

A: I went off Dike Bridge.

Q: Did you apply the brakes prior to going off into the water?

A: Perhaps a fraction of a second before.

Q: Well, what happened after that, Senator?

A: Well, I remembered the vehicle itself just beginning to go off the Dike Bridge [D] and the next thing I recall is the movement of Mary Jo next to me, the struggling, perhaps hitting or kicking me <sup>3/</sup> and I, at this time, opened my eyes and realized I was upside down, that water was crashing in on me, that it was pitch black [IV]. I knew that and I was able to get half a gulp of air before I became completely immersed in the water. I realized that Mary Jo and I had to get out of the car.

I can remember reaching down to try and get the doorknob of the car and lifting the door handle and pressing against the door and it not moving. I can remember reaching to where I thought the window was and feeling along the side to see if the window was open, and the window was closed. And I can remember the last sensation of being completely out of air and inhaling what must have been a half a lungful of water and assuming that I was going to drown and the full realization that no one was going to be looking for us that night until the next morning [E] and then somehow I can remember coming up to the last energy of just pushing, pressing, and coming to the surface. <sup>4/</sup>

Q: Senator, how did you realize that you were upside-down?

A: Because--that was a feeling that I had as soon as I became

---

<sup>2/</sup> The motel where the young ladies stayed, also referred to as The Dunes.

<sup>3/</sup> "Perhaps"? With both of them upside down, this would have been a little difficult. The normal thing when one is upside down is to right one's self, unless it is deliberate, but there was no mention of this. His account of the actual "accident" and his miraculous "escape" is so filled with distortions and outright fabrications it may be difficult to follow and look up each of the references in turn. Reading straight through for continuity, then reviewing and looking up the references, is advised.

<sup>4/</sup> Do you believe this? Upside down, what was he pushing and/or pressing against? Rather, how was he doing it?

aware that--the (water) rushing in and the blackness. I knew that I was; I felt I was upside-down. [F] I really wasn't sure of anything, but I thought I was upside down.

Q: Were you aware that the windows on the passenger's side were smashed?

A: I wasn't aware of it at the time.

Q: Were you aware that there was any water rushing in on the passenger's side?

A: There was complete blackness. Water seemed to rush in from every point--from the windshield, from underneath me, above me. It almost seemed like you couldn't hold the water back with your hands.<sup>5/</sup> What I was conscious of was the rushing of the water, the blackness, the fact that it was impossible to even hold it back.

Q: Did you make any observations of the condition of Miss Kopechne at that time?

A: At what time?<sup>6/</sup>

Q: When you were thrashing around in the car.

A: Well, at the moment I was thrashing around I was trying to find a way that we both could get out of the car, and at some time after I tried the door and the window I became convinced I was never going to get out.

Q: Was the window closed at that time?

A: The window was open.

Q: On the driver's side?

A: That's correct.

Q: And did you go through the window to get out of the car?

A: I have no idea in the world how I got out of that car.<sup>7/</sup>

Q: Do you have any recollection as to how the automobile left the bridge and went over into the water?

A: No.

Q: Did it turn over?

A: I have no idea. [V]

THE COURT: I would like to inquire something about the operation of the car. Now, can you describe to me what you saw, what you did, what happened from the point when you first saw the bridge?

THE WITNESS: I would estimate that time to be fractions of a second from the time that I first saw the bridge and was on the bridge.

THE COURT: Did you have on your high beams?

THE WITNESS: I can't remember.

THE COURT: It is recommended.

THE WITNESS: It is recommended, but sometimes if there is a mist you see better with low beams.<sup>8/</sup>

THE COURT: Did you see that it was at an angle to the road?

THE WITNESS: The bridge was at an angle to the road?

---

<sup>5/</sup> The reader is requested to contemplate this statement, including the qualifying word, "almost".

<sup>6/</sup> The question was most complex and abstruse, of course.

<sup>7/</sup> I have. See page 56.

<sup>8/</sup> Just what was the purpose of this verbal game? Minutes before, he had said the night was clear (emphasized, page 6).

THE COURT: Yes.

THE WITNESS: Just before going on it I saw that. <sup>9/</sup> [G]

THE COURT: Did you make any attempt to turn your wheels to follow that angle?

THE WITNESS: I believe I did, your Honor. I would assume that I did try to go on the bridge. [H] It appeared to me at the time that the road went straight.

THE COURT: Were you looking ahead at the time you were driving the car?

THE WITNESS: Yes, I was.

THE COURT: Your attention wasn't diverted by anything else?

THE WITNESS: No, it wasn't. <sup>10/</sup>

Q: Going back to the cottage earlier in the day, you stated-- you volunteered the information that you had a rum and Coca-Cola?

A: That is right.

Q: How many did you have?

A: Two. The first was about 8 o'clock. The second some time later on in the evening. I think before dinner, about 9:15.

THE COURT: What amount of rum did you put in?

THE WITNESS: I suppose two ounces.

THE COURT: You had nothing alcoholic to drink after eating?

THE WITNESS: No, I didn't.

THE COURT: Were you at any time that evening under the influence of alcohol?

THE WITNESS: Absolutely not.

THE COURT: In your opinion, would you be sober at the time that you operated the motor vehicle to the Dike Bridge?

THE WITNESS: Absolutely sober. [J]

Q: Senator Kennedy, what did you do immediately following your release from the automobile?

A: I was swept away by the tide that was flowing at an extraordinary rate through that narrow cut there [VI] and was swept along by the tide and called Mary Jo's name until I was able to make my way to what would be the east side of that cut, waded up to about my waist and started back to the car, at this time gasping and belching and coughing, went back just in front of the car.

Now, the headlights of that car were still on and I was able to get to what I thought was the front of the car, although it was difficult, and I was able to identify the front of the car by the lights themselves. Otherwise, I don't think I would be able to tell.

Q: How far were you swept along by the current?

A: Approximately 30 or 40 feet.

Q: Now, in order to get back to the car, was it necessary for you to swim?

A: I couldn't swim at that time because of the current. I waded into--swam to where I could wade and then waded along the

<sup>9/</sup> then why did he ask the preceding question?

<sup>10/</sup> The reader is urged to obtain a copy of the Aug. 1, 1969, issue of Time and look at the photo of the bridge (p. 13) taken from an estimated distance of some 60 feet on a very dark night through the windshield of a similar automobile.

shore to where I could go to the front of the car and start diving in an attempt to rescue Mary Jo. [K]

Q: Was the front of the car facing a westerly direction?

A: I would think it was facing a northerly direction.

Q: Well, in regard to the bridge, could you describe the location of the automobile with relation to the bridge?

THE COURT: We don't have a map, do we?

THE CLERK: The bridge runs fairly close to north and south.

Q: I believe there is a board behind you. Assuming the bridge is north and south--

A: Yes. (Draws sketch on a blackboard.)

I would bet that that bridge runs more east-west than north-south. [L]

Q: Will you indicate Edgartown, Mr. Kennedy?

A: I suppose the road runs something like this.

Q: As you went off the bridge--

A: I think it was like this. (The relationship of the car to the bridge.)

Q: After you emerged from the automobile, you say you were swept some 30 feet away from the car...

A: In this direction. (Indicating.)

Q: And how much time did it take you after you left the automobile to be swept down to about 30 feet?

A: By the time I came up, I was--the best estimate would be somewhere over here, which would be probably eight or ten feet. It is difficult for me to estimate specifically, and I think by the time I was able at least to regain my strength, I would say it is about thirty feet, after which time I swam in this direction until I was able to wade, and wade back up here to this point here, and went over to the front of the car, where the front of the car was, and crawled over to here, dove here, and the tide would sweep out this way there, and then I dove repeatedly from this side until, I would say, the end, and then I will be swept away the first couple of times, again back over to this side, I would come back again and again to this point here, or try perhaps the third or fourth time to gain entrance to some area here until, at the very end when I couldn't hold my breath any longer, I was breathing so heavily it was down to just a matter of seconds. I would hold my breath and I could barely get underneath the water. I was just able to hold onto the metal undercarriage here, and the water itself came right out to where I was breathing and I could hold on, I knew that I just could not get under water any more. 11/

Q: And you were fully aware at that time of what was transpiring?

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11/ Read Mr. Dinis's question again, then Mr. Kennedy's reply the second time and see if you think the question was answered.

Additional notes: (a) This particular account has not been abridged. Any deviation from the Senator's actual words is the fault either of the court stenographer, the publisher of The Inquest or the present publisher.

(b) Just what he meant by "the water itself came right out to where I was breathing and I could hold on" falls short of being altogether clear. But then, they have peculiar water around Martha's Vineyard; you can't hold it back even with your hands.

A: Well, I was fully aware that I was trying to get the girl out of that car and I was fully aware that I was doing everything I possibly could to get her out of the car and I was fully aware at that time that my head was throbbing and my neck was aching and I was breathless, and at that time, the last time, hopelessly exhausted.

THE COURT: May I ask you some questions here about the depth of the water?

THE WITNESS: No, it was not possible to stand. The highest level of the car to the surface were the wheels and the undercarriage itself when I held onto the undercarriage and the tide would take me down. It was up to ~~here~~ <sup>here</sup> (indicating).  
[M] *this point*

THE COURT: You were not able to stand up at any point around any portion of that car?

THE WITNESS: Yes.

Q: Mr. Kennedy, how many times did you make an effort to submerge and get into the car?

A: I would say seven or eight times. At the last point, I didn't have the strength even to come down even close to the window or the door.

Q: And how much time was used in these efforts?

A: I would think probably 15 or 20 minutes.

Q: And did you then remove yourself from the water?

A: Well, in the last dive I lost contact with the vehicle again and I started to come down this way here and I let myself float and came over to this shore and I came onto this shore here, and I sort of crawled and staggered up some place in here and was very exhausted and spent on the grass.<sup>12/</sup>

Q: On the west bank of the river?

A: Yes.

Q: And how long did you spend resting?

A: I suppose the best estimate would be 15 or 20 minutes.

Q: Now, did you say earlier you spent 15 or 20 minutes trying to recover Miss Kopechne?

A: That is correct.

Q: And you spent another 15 or 20 minutes recovering?

A: Now, following your rest period, what did you do?

Q: I went back to the road and I started down the road and it was extremely dark and I could make out no form or shapes or figures, and the only way that I could even see the path of the road was looking down the silhouettes of the trees on the two sides, and I could watch the silhouette of the trees on the two sides and I started going down that road, walking, trotting, jogging, stumbling, as fast as I possibly could.

Q: Did you pass any houses with lights on?

A: Not to my knowledge; never saw a cottage with a light on it. [M]

Q: And did you then return to the cottage where your friends had gathered?

A: That is correct.

Q: And how long did it take you to make that walk?

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<sup>12/</sup> See Perjury No. 6.

A: I would say approximately 15 minutes

Q: And when you arrived at the cottage, did you speak to anyone there?

A: Well, I came up to the cottage. There was a car parked there, a white vehicle, and as I came up to the back of the vehicle I saw Ray LaRosa at the door and I said, "Ray, get me Joe (Gargan)." And he mentioned something like, "Right away", and as he was going in to get Joe I got in the back of the car.

Q: Did Joe come to you, and did you have conversation with him?

A: Yes. I said, "You had better get Paul (Markham), too."

Q: What happened after that?

A: Well, Paul came out, got in the car. I said, "There has been a terrible accident; we have to go." And we took off down the Main Road there.

Q: How long had you known Mr. LaRosa prior to this evening?

A: Eight or ten years.

Q: Did you have any knowledge that Mr. LaRosa had some experience in skin-diving?

A: No, I never did.

Q: Now, before you drove down the road, did you make any further explanations to Mr. Gargan or Mr. Markham?

A: Before driving? No, sir. I said, "There has been a terrible accident. Let's go!" And we took off--

Q: Towards the Dike Bridge area?

A: That is right. 13/

Q: And where did you finally stop the white automobile you were riding in?

A: Mr. Gargan drove the vehicle across the bridge to some location here (indicating) and turned it so that its headlights shown over the water and over the submerged vehicle.

Q: And what happened?

A: Mr. Gargan and Mr. Markham took off all their clothes, dove into the water repeatedly to try and save Mary Jo.

Q: Now, do you recall what particular time (it was)?

A: I believe that I looked at the Valiant's clock and believe it was 12:20.

Q: Now, Mr. LaRosa remained at the cottage?

A: Yes, he did.

Q: Was Mr. LaRosa aware of the accident?

A: No, he hadn't heard--no, I don't believe so.

Q: No one else at the cottage was told of the accident?

A: No.

Q: Now, how long did Mr. Markham and Mr. Gargan remain there with you?

A: I would think about 45 minutes.

Q: And were they unsuccessful in entering the car?

A: Well, Mr. Gargan got half-way in the car. When he came out he was scraped all the way from his elbow; underneath his arm was all bruised and bloodied [O] and this is the one time that he was

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13/ How did Mr. Gargan know just where to go? Note that Mr. Kennedy had just been asked if he had made any further explanations and he said "No."

able to gain entrance into the car itself.<sup>1</sup>

Q: And did he talk to you about his experience in trying to get into the car?

A: Well, I was unable to, being exhausted, to get into the water, but I could see exactly what was happening and made some suggestions.<sup>15/</sup>

Q: So that you were participating in the rescue efforts?

A: Well, to that extent.

Q: Did you have any idea how long Mary Jo had been in the water?

A: Well, I knew that some time had passed.

Q: Was it fair to say that she had been in the water about an hour?

A: Yes, it is.

Q: Was there any effort made to call for assistance?

A: No, other than the assistance of Mr. Gargan and Mr. Markham.

Q: Was there any reason why no additional assistance was asked for?

A: Was there any reason?<sup>16/</sup>

Q: Yes, was there any particular reason why you did not call either the police or the fire department?

A: Well, I intended to report it to the police.

THE COURT: That is not quite responsive to the question.

THE WITNESS: I intended to call for assistance and to report the accident to the police within a few short moments after going back into the car.

Q: And did something prevent this?

A: Yes.

Q: What was that?

A: With the Court's indulgence, to prevent this, if the Court would permit me I would like to be able to relate to the Court the immediate period following the time that Mr. Gargan, Markham and I got back in the car.

THE COURT: I have no objection.

THE WITNESS: Responding to the question of the District Attorney--at some time, I believe it was about 45 minutes after Gargan and Markham dove, they likewise became exhausted and no further diving efforts appeared to be of any avail and they so indicated to me and I agreed. So they came out of the water and came back into the car and said to me, Mr. Markham and Mr. Gargan at different times as we drove down the road towards the ferry that it was necessary to report this accident.<sup>17/</sup> A lot of different thoughts came into my mind at that time about how I was going to really to be able to call Mrs. Kopechne at some time in the middle of the night to tell her that her daughter was drowned, to be able to call my own mother and my own father, relate to them, my wife, and I even--even though I knew that Mary Jo Kopechne was dead and believed firmly that she was in the back of that car [P] I willed that she remain alive.

<sup>14/</sup> But was somehow unable to establish contact with Mary Jo?

<sup>15/</sup> Remember the "pitch blackness" he claimed a few minutes ago while under water himself, despite the headlights being on?

<sup>16/</sup> Another of those complex and abstruse questions from Mr. Dinis.

<sup>17/</sup> Rather than calling for professional help?

As we drove down that road I was almost looking out the front window and windows trying to see her walking down that road. I related this to Gargan and Markham and they said they understood this feeling, but it was necessary to report it. And about this time we came to the ferry crossing and I got out of the car and we talked there just a few minutes. I just wondered how all this could possibly have happened. I also had sort of a thought and the wish and desire and the hope that suddenly this whole accident would disappear, and they reiterated that this has to be reported and I understood at the time that I left that ferry boat--left the slip where the ferry boat was, that it had to be reported and I had full intention of reporting it, and I mentioned to Gargan and Markham something like, "You take care of the girls, I will take care of the accident." That is what I said and I dove into the water.

Now, I started to swim out into that tide and the tide suddenly became, felt an extraordinary shove and almost pulling me down again, the water pulling me down, and suddenly I realized at that time even as I failed to realize before I dove into the water that I was in a weakened condition, although as I had looked over that distance between the ferry slip and the other side, it seemed to me an inconsequential swim; but the water got colder, the tide began to draw me out and for the second time that evening I knew I was going to drown and the strength continued to leave me. By this time I was probably 50 yards off the shore and I remembered being swept down toward the direction of the Edgartown Light and well out into the darkness, and I continued to swim, tried to swim at a slower pace to be able to regain whatever kind of strength that was left in me.

And some time after, I think it was about the middle of the channel, a little further than that, the tide was much calmer, gentler, and I began to get my--make some progress, and finally was able to reach the other shore and all the nightmares and all the tragedy and all the loss of Mary Jo's death was right before me again. And when I was able to gain this shore, this Edgartown side, I pulled myself on the beach and then attempted to gain some strength. After that, I walked up one of the streets in the direction of the Shiretown Inn.

By walking up one of the streets, I walked into a parking lot that was adjacent to the Inn and I can remember almost having no further strength to continue, and leaning against a tree for a length of time, walking through the parking lot, trying to really gather some kind of idea as to what happened and feeling that I just had to go to my room at that time, which I did by walking through the front entrance of the Shiretown Inn up the stairs. [Q]

Q: Do you have any idea what time you arrived at the Shiretown Inn?

A: I would say some time before 2:00.

Q: Did you talk to anyone at that time?

A: I went to my room and I was shaking with chill. I took off all my clothes and collapsed on the bed. And at this time I was very conscious of a throbbing headache, of pains in my neck, of strain on my back; but what I was even more conscious of is the tragedy and loss of a very devoted friend.

Q: Now, did you change your clothing?

A: I was unable really to determine, detect the amount of time, and I could hear noise that was taking place. It seemed around me, on top of me, almost in the room, and after a period of time I wasn't sure whether it was morning or afternoon or nighttime,<sup>18/</sup> and I put on--and I wanted to find out and I put on some dry clothes that were there, a pants and a shirt, and I opened the door and I saw what I believed to be a tourist or someone standing under the light off the balcony and asked what time it was. He mentioned to me it was, I think, 2:30, and went back into the room. [R]

Q: Had you known Miss Kopechne prior to July 18th?

A: Well, I have known her--my family has known her for a number of years. She has visited my house, my wife. She has visited Mrs. Robert Kennedy's house. She worked in the Robert Kennedy Presidential campaign, and I would say that we have known her for a number of years.

Q: Now, directing your--

A: If the question is, have I ever been out with Mary Jo--

Q: No, the question was whether you just knew her socially prior to this event.

A: Well, could I give you a fuller explanation, your Honor?

THE COURT: Go ahead.

THE WITNESS: I have never in my life, as I have stated in my television, had any personal relationship whatsoever with Mary Jo Kopechne. I never in my life have been either out with Mary Jo Kopechne nor have I ever been with her prior to that occasion where we were not in a general assemblage of friends, associates, or members of our family.

Q: Directing your attention to the 19th, at around 7:30 a.m., did you meet anyone at your room?

A: Not at 7:30 a.m.

Q: Did you meet anyone at anytime that morning at your room?

A: If your Honor would permit me to give--I would like to be specifically responsive, and I can, I think. It might be misleading to the Court if I just gave a specific response to it... Whatever the Court wants.

Q: Well, what time did you get up that morning?

A: I never really went to bed that night.<sup>19/</sup>

Q: After that noise at 2:30 in the morning, when did you first meet anyone?

A: Sometime after 8:00 I met the woman that was behind the counter at the Shiretown Inn and I met Mr. Richards and Mr. Moore, very briefly Mrs. Richards, and Mr. Gargan and Mr. Markham, and I saw Mr. Tretter, but to be specifically responsive as to who I met in my room, which I believe was the earlier question, was Mr. Markham and Mr. Gargan.

Q: Now, what time did Mr. Markham and Mr. Gargan arrive?

A: About a few-- I would think about 8:30.

Q: Did you have any conversation with (them) at that time?

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<sup>18/</sup> Two or three hours earlier he had been chiefly concerned with how dark it was. Darkness at noon?

<sup>19/</sup> No; there are indications that we shall soon see that he spent a good part of it telephoning. Also, see discussion of Anomaly R.

A: Yes. They asked had I reported the accident, and why I hadn't reported the accident; and I told them about my own thoughts and feelings as I swam across that channel and how I was always willed that Mary Jo still lived; how I was hopeful even as that night went on and as I almost tossed and turned (?--Auth.), paced that room and walked around that room that night that somehow when they arrived in the morning that they were going to say that Mary Jo was still alive. I told them how I somehow believed that when the sun came up and it was a new morning that what had happened the night before would not have happened and did not happen, and how I just couldn't gain the strength within me, the moral strength, to call Mrs. Kopechne at 2:00 o'clock in the morning and tell her that her daughter was dead.<sup>20/</sup>

Q: Now, at some time you actually did call Mrs. Kopechne?

A: Yes, I did.

Q: And prior to calling Mrs. Kopechne, did you cross over on the Chappaquiddick ferry to Chappaquiddick Island?

A: Yes, I did.

Q: And was Mr. Markham and Mr. Gargan with you?

A: Yes, they were.

Q: Now, did you then return to Edgartown?

A: Yes, I did.

Q: Did anything prompt or cause you to return to Edgartown?

A: Well, what do you mean by "prompt"?

Q: Well, did anything cause you to return?

A: Other than the intention of reporting the accident, the intention of which had been made earlier that morning. [S]

Q: But you didn't go directly from your room to the police department?

A: No, I did not.

Q: Did you have a particular reason for going to Chappaquiddick first?

A: Yes, it was to make a private phone call to one of the dearest and oldest friends that I have and that was to Mr. Burke Marshall. I didn't feel that I could use the phone that was available, the public phone that was available outside of the dining room at the Shiretown Inn, and it was my thought that once that I went to the police station, that I would be involved in a myriad of details and I wanted to talk to this friend before I undertook that responsibility.<sup>21/</sup>

Q: You mean that--

THE COURT: Excuse me, Mr. Dinis, I think we will take the noon luncheon recess.<sup>22/</sup>

<sup>20/</sup> Once again, how or why was he so certain that Mary Jo was dead? People have been known to survive for several hours in submerged cars, breathing in air bubbles, and it is known that Mary Jo lived for a while thusly. And was it lack of moral strength that kept him from calling for professional help while, hopefully, there was still time?

Note: This reply of the Senator's is faithful to the text in *The Inquest*.

<sup>21/</sup> According to Jack Olsen, in *The Bridge at Chappaquiddick*, Mr. Kennedy could have had his choice of a dozen public phones within two blocks of the Inn.

<sup>22/</sup> Unfortunately, we will never know what Mr. Dinis's question was.

(Mr. Dinis resumed the questioning and Senator Kennedy said he had not been successful in his attempt to reach Burke Marshall, that he then returned to Edgartown and went to the local police department, arriving "sometime before 10 a.m." and made a statement.)

Q: Now, I have in my hand what purports to be the statement that you made to Chief Arena at that time, and in this statement you say-- well, would you read it first, Senator?

A: Yes.

That is correct. (The text of the statement follows.)

(On July 18, 1969, at approximately 11:15 p.m. on Chappaquiddick, Martha's Vineyard, Mass. I was driving my car on Main Street, Chappaquiddick, on my way to get the ferry back to Edgartown. I was unfamiliar with the road and turned right onto the Dyke Road instead of bearing hard left on Main Street.

After proceeding for approximately one-half mile on Dyke Road, I descended a hill and came upon a narrow bridge. The car went off the side of the bridge. There was one passenger with me, Miss Mary Jo Kopechne, a former secretary of my brother Robert Kennedy.

The car turned over and sank into the water and landed with the roof resting on the bottom. I attempted to open the door and window of the car but have no recollection of how I got out of the car.

I came to the surface and then repeatedly dove down to the car in an attempt to see if the passenger was still in the car. I was unsuccessful in the attempt.

I was exhausted and in a state of shock. I recall walking back to where my friends were eating. There was a car parked in front of the cottage, and I climbed into the back seat. I then asked for someone to bring me back to Edgartown.<sup>23/</sup> I remember walking around for a period of time and then going back to my hotel room.

When I fully realized what had happened this morning, I immediately notified the police.)

Q: Now, Senator, prior to the effort you made to contact Burke Marshall by phone, did you make any other phone calls?

A: I made one call after 8 o'clock in the morning from the public phone outside of the restaurant at the Shiretown Inn.

Q: One call?

A: That is all. [T]

Q: And to whom did you make this call?

A: Mr. Stephen Smith, the party that I felt would know the number.

Q: With regard to the statement that you made at the police sta-

23/ This request was elaborated on in his inquest testimony, but isn't it a pity the Chief did not ask him whom he asked, how he managed to do so under the circumstances, how he managed to get back to his hotel and whether any rescue attempt was made at that time?

tion, Senator, you wind up by saying, "When I fully realized what had happened this morning I immediately contacted the police." Now, is that in fact what you did?

THE COURT: Mr. Dinis, are you going to ask the statement be put in the record?

MR. DINIS: Yes, your Honor.

THE COURT: Mr. Kennedy already said this was a copy of the statement he made. He already testified as to all his movements. Now, won't you let the record speak for itself? [U]

MR. DINIS: All right, your Honor.

Q: I show you, Mr. Kennedy, what purports to be a copy of the televised broadcast which you made approximately a week after the accident. Would you read that statement and tell me whether or not that is an exact copy of what you said? 24/

A: (Complies) Yes.

After a quick reading of it, I would say that that is accurate.

Q: Now, Senator, in that televised broadcast, you said, "I instructed Gargan and Markham not to alarm Mary Jo's friends that night," is that correct?

A: That is correct.

Q: Can you tell the Court what prompted you to give this instruction?

A: I felt strongly that if those girls were notified that an accident had taken place and that Mary Jo had in fact drowned, which I became convinced of by the time that Markham and Gargan and I left the scene of the accident, that it would only be a matter of seconds before all of those girls, who were long and dear friends of Mary Jo's, to go to the scene of the accident and dive themselves and enter the water and with, I felt, a good chance that some serious mishap might have occurred to any one of them. [VII] 25/

MR. DINIS: I have no further questions of Mr. Kennedy.

MR. KENNEDY: Your Honor, could I talk to my counsel before being released, just on one point that I might like to address the bench on?

THE COURT: Go ahead.

(Off-the-record discussion between Mr. Kennedy and his lawyers.)

THE COURT: And I think we can put in the record this question: Why did you not seek further assistance after Mr. Markham and Mr. Gargan had exhausted their efforts in attempting to reach Mary Jo?

MR. KENNEDY: Because I was completely convinced at that time that no further help and assistance would do Mary Jo any more good. I realized that she must be drowned and still in the car at this time, and it appeared the question in my mind at that time was, what should be done about the accident. 26/

24/ See appendix.

25/ This response merits being set apart because of its thought content; hence, the lineal separation. Don't you agree?

26/ A weighty decision; nothing simple, like calling the police. Once again, "completely convinced" of her death and that she was still in the car.

But the immediately preceding was not the "one more point" Mr. Kennedy had in mind. Ever the cavalier, and reputed even to have been eager for the inquest from the beginning (and the four-month postponement as well?), the conscientious senator made the following statement, which concluded his overt participation in the inquest.

MR. KENNEDY: Since the alcoholic intake is relevant, there is one further question, your Honor, and although I haven't been asked it, I feel that in all frankness and for a complete record that it should be included as a part of the complete proceedings, and that is that during the course of the race that afternoon that there were two other members of my crew and I shared what would be two beers between us at different points in the race, and one other occasion in which there was some modest intake of alcohol would be after the race at the slip in which Ross Richards' boat was attached, moored, that I shared a beer with Mr. John Driscoll. The sum and substance of that beer would be, I think, less than a quarter of one, but I felt that for the complete record that at least the Court should at least be aware of these instances as well.

THE COURT: Anything more?

MR. KENNEDY: There is nothing further.

THE COURT: Anything further, Mr. Dinis?

MR. DINIS: No, your Honor.

THE COURT: All right, you are excused, subject to further recall.

(Discussion off the record.)

\* \* \*

But Mr. Kennedy was not recalled ("An inquest is not a trial of anyone."). He went back to his seat in the Senate, where his colleague, the gentleman from Montana, the Honorable Mike Mansfield (Senate Majority Leader), welcomed him and told him that that was where he "belonged." At any rate, that is where a whopping majority of the voting citizens of the Commonwealth of Massachusetts returned him in the general elections the following November and it is where he is now, in early 1972.

Now, for a better and more complete understanding of the foregoing testimony, it is respectfully suggested that the reader review same and then carefully peruse that which follows.

THE PERJURIES  
OF  
EDWARD M. KENNEDY

When, in the course of human events, it becomes necessary for one person to charge another with perjury, a decent respect to the opinions of mankind requires that the accuser should declare the causes for making such accusations.

Here goes.

PERJURY No. 1 (p. 6)

After hedging, the Senator yielded to the persistence of Mr. Dinis and admitted that the front window on his side had been open. Shortly thereafter, in his account of events immediately following the plunge into the pond (p. 7), he stated, "I can remember...feeling along the side to see if the window was open and the window was closed." Then, in the middle of page 8, he again said it was open. Kennedy admirers may be moved to explain these several self-contradictions as merely evidence of understandable uncertainty of memory and that he had been merely "correcting himself." Indeed, Mr. Kennedy had evidently forgotten that in the statement given to Chief Arena the morning of July 19th, purportedly giving the basic facts of the "accident" and to which he attested as to accuracy (see page 17 herein), he said, "I attempted to open the door and window of the car...", thus clearly implying that the window was closed.

Scuba diver John Farrar testified that he found the front window on the driver's side open (The Inquest, pp. 78 and 80).

PERJURY No. 2 (p. 6)

Senator Kennedy stated he had been driving approximately 20 miles per hour. (This was supported by Inspector George W. Kennedy (no relation to the Senator, he claimed), supervisor of the Registry of Motor Vehicles in Oak Bluffs, at the other end of Martha's Vineyard, in his testimony, which will be examined later.)

At 20 miles per hour, the rate is slightly more than 29 feet per second. Further in his testimony (The Inquest, p. 80), John Farrar stated that he had made some measurements "...as to the position of the car from the point of impact, the height of fall and the height of the water. ... The measurements of the position of the car with relationship to the bridge and the marks I found to be a projectory (sic -- trajectory?) or a distance from the point of impact to the car of approximately 36 feet and a drop of approximately eight feet. (The 36 feet) would be the point mea-

sured from approximately the middle between the two marks on the bridge to the perpendicular in front of the car." (Note: The "two marks on the bridge" were made on the rub rail by the wheels as the car went over--the right front wheel first, then the left. This was because of the angle of the bridge to the road.) The horizontal distance the automobile hurtled from the bridge, then, was 36 feet, which increases the estimated speed even of that of Inspector Kennedy, who was generous enough to allow for a ten per cent variance and estimated the speed, in his opinion, at "20-22 miles per hour."

But that isn't all there is to it. When it left the bridge, the car traveled through air; then it struck water, which reduced its speed and the distance it would have traveled otherwise before hitting the bottom of the pond. Had this further distance been only three feet, the speed must be adjusted to about 26-1/2 miles per hour, based on considerations taken into account thus far. We can fix this as the minimum speed thusly, that conjecture being accepted:

The vertical drop was eight feet, Mr. Farrar said, but the photograph of the bridge on page 121 of The Inquest at slack tide forces the conclusion that this was only to the water. There was another six feet to go through water, totalling 14 feet, probably less a few inches. Now then, from one of the first laws we learn in physics, the Law of Falling Bodies, we know that during the first second of fall the vertical distance traveled is 16 feet (if wind resistance is not a factor and it certainly was not here). Had this been a dry gully, the time lapse during the fall would have been seven-eighths of a second. But the cushioning effect of the water that reduced the horizontal distance also offsets this time fragment, vertical momentum considered as well, so that we may reasonably conjecture that the time between bridge and pond bottom was within a negligible fraction of one second. Mr. Farrar's measured 36 feet and the additional subjunctive three, totalling 39, gives us the estimated 26-1/2 miles per hour, which is 39 feet per second.

In its totality, the problem is complex, aggravated by unavoidable inexact measurements. Still further comments and observations will be made in a subsequent section, where presentation will be more opportune.

#### PERJURY No. 3 (p. 7)

Mr. Kennedy stated that at no time after he turned onto the unpaved Dike Road had he realized he had made a "wrong turn" (until just the moment before going off the bridge). Yet, he admitted he knew the road from the cottage (where the cook-out was held) to the ferry was paved. He also admitted having become "generally aware sometime" while on Dike Road that it was unpaved. Accordingly, therefore, he had to know that he was not on the way to the ferry, which he said was his immediate destination.

See further discussion concerning both Dike Road and the bridge in a later section.

#### PERJURY No. 4 (p. 7)

The Senator relied strongly on darkness to support his alibi. First, it was "an extremely dark night", which prepares the

unwary listener or reader to accept his claim of "pitch blackness" under water at that moment. Note his reference to it four times in the course of this portion of his narrative. The truth is that the headlights of the car remained on for a few minutes after the plunge and created quite a bit of underwater illumination, although necessarily diffused. Mr. Kennedy reveals this himself (and the Engineering Department of the Oldsmobile Division of General Motors confirms it) further on when he relates his alleged return to the car after having been swept some 30 or 40 feet downstream (see page 9 and Perjury No 6). This was how he distinguished the front of the car from the rear, he said! Further on (p. 13), he relates how the headlights of the Valiant illuminated everything sufficiently for him to "see exactly what was happening" (the diving by Mr. Gargan and Mr. Markham) and make suggestions. I do believe there would have been enough light to have permitted such visibility, as, from having swum in the waters at Martha's Vineyard, I know it is remarkably clear.

PERJURY No. 5 (p. 8)

In his earlier testimony (pp. 7-8), he insisted that he had been upside down after the car ran off the bridge. If it did not turn over, how was this explained?

In the statement given to Chief Arena (see p. 17), it was stated, "The car turned over and sank into the water and landed with the roof resting on the bottom." Although unsigned, the Senator attested to its accuracy in his testimony.

PERJURY No. 6 (p. 9)

The tide changed (low) at approximately 11:30 a.m. on Saturday, July 19th, according to Mr. Farrar's testimony (The Inquest, p. 80), and which can be confirmed by those at the scene at the time. The tide oscillation is approximately every six hours. Therefore, it was low tide at approximately 11:30 p.m., when Mr. Kennedy alleges the accident occurred. Accordingly, there was no current at all. Even if the car did not run off the bridge until a few minutes after it was (alleged to have been) sighted by Mr. Look at 12:45 a.m., the current could not have been running as fast as described. The time of the accident has been firmly established as far as testimony is concerned, however, as approximately 11:30 p.m., since\* every surviving member of the party who admits having been at the cottage when the Senator left has given from 11:15 to 11:30 as the time of his departure, and his sworn account is that he proceeded directly to the bridge from having made a "wrong turn." This could not have taken more than a few minutes. Then he spent fifteen minutes diving for Mary Jo (he said), another fifteen minutes recuperating (he said) and still another fifteen minutes returning by foot from the bridge to the cottage for assistance (he said), arriving there at approximately 12:15, which has also been corroborated by others in the party.

\* almost

Here are the questions and answers concerning the length of acquaintance with Mary Jo by the long and dear friends in their respective testimonies (The Inquest, pages as noted).

Miss Esther Newburgh (p. 96):

THE COURT: How long had you known Miss Kopechne?

THE WITNESS: Since 1967.

Miss Ann Lyons (p. 112):

Q: How long did you live with Mary Jo?

A: Three years.

Miss Rosemary Keough (p. 115):

Q: How long had you known Mary Jo Kopechne?

A: I came to Senator Robert Kennedy's office September of 1967 and I have known her since then.

Miss Susan Tannenbaum (p. 118):

Q: How long had you known Mary Jo?

A: Approximately a year.

Miss Maryellen Lyons:

This Miss Lyons was not asked the question.

Miss Keough had known Miss Kopechne less than two years, and we do not know if "since 1967" (for Miss Newburgh) means more or less than two years, but let us say the total for these two was forty-eight months.

If we consider only the three years Miss Ann Lyons shared the Washington apartment with Mary Jo and the "approximately a year" for Miss Tannenbaum (which could have been less than twelve months), the total for these two is another forty-eight months and the total for all four is ninety-six months, or an average of only twenty-four months acquaintance. Adding as much as a year to Miss Ann Lyons' acquaintance to allow for possible previous acquaintance brings the average to only twenty-seven months. By everyday standards, the length of acquaintance for any one of them is hardly a "long time".

THE ANOMALIES  
OF  
EDWARD M. KENNEDY

Choosing a title for this section wasn't as easy as one might think. Many of the referenced statements were in all probability as perjurious as those in the preceding section, but sufficient absolute proof is lacking to warrant making such an outright charge, or some kind of defense is conjecturable, as sober reflection on the various circumstances will show. For most of them, quasi-perjuries might be accurate enough, but it was the definition given in a leading modern dictionary for the word, "anomaly", that decided the matter: Deviation from the normal or common order, form, or rule; abnormality.

That definition accepted, the reader may already have decided that the inquest, itself, was rather anomalous.

ANOMALY A (p. 5)

Mr. Kennedy said no one else was in the car with him but Miss Kopechne. Note the following excerpted testimony of Police Chief Arena (The Inquest, p. 85).

(Mr. Arena was describing a telephone conversation with the Senator, who was at Police Headquarters, the Chief having telephoned from the Malm house after having left the Dike Bridge: Saturday morning after the recovery of Miss Kopechne's body.)

THE CHIEF: ...I said words to the effect that "I am sorry, I have some bad news. Your car was in an accident over here and the young lady is dead." He said, "I know."

I said, "Can you tell me was there anybody else in the car?"

He said, "Yes."

I said, "Are they in the water?"

He said, "No."

Since no one else heard both sides of the conversation, Mr. Kennedy's battalion of advisors<sup>1/</sup> could accuse Chief Arena of falsifying--one word against another--or they might even railroad him into that federal mental hospital-prison<sup>2/</sup> in Springfield, Missouri, if Mr. Arena insisted on his version. On the other hand, they could offer the explanation that what the Senator had really meant was, "Yes, I can tell you if there was anybody else in the car. No, there wasn't." If the reader wishes to believe this,

<sup>1/</sup> See Teddy Bare, pp. 43-44.

<sup>2/</sup> If the reader's interest is aroused, see Destroy the Accuser, (Freedom Press Publ. Co. P.O. Box 462, Allapattah Sta., Miami, Fla., or order from Council for Statehood, P.O. Box 1131, No. Miami, Fla.) in which former Attorney General Robert Kennedy played a prominent role.

however, read on, read on, read on and on and on ... and ponder on Anomaly C.

ANOMALY B (p. 6)

The Senator said Mary Jo had been in the front seat; yet, in his emotion-packed narrative of the events following the alleged unsuccessful rescue attempts, he declared his belief that she was in the back of the car. In fact, as Zed Rust was also observant enough to note in Teddy Bare (p.223) that is just where she was found! (See bottom of page 13, herein.)

ANOMALY C (p. 6)

This is most unusual. Note the stipulation that there was nothing (to his knowledge) on the back seat at that particular time. Why the qualification? To be sure, there must have been times when another person or object had been on the back seat. As with virtually every other survivor of the party, Mr. Kennedy's memory regarding seemingly inconsequential detail was often unreliable, but not this time! He had evidently read Deputy Sheriff Christopher Look's account of having seen an automobile strikingly similar to the Oldsmobile at the junction of Chappaquiddick Road, referred to as "Main Street" by the Senator, and Dike Road (where the Senator should have made a left turn to reach the ferry but turned right instead) an hour and a half after the Senator said he left the cottage.

The Sheriff's account was totally unacceptable to Mr. Kennedy, of course, as Mr. Look had been positive that this was the same car he had seen pulled from the pond the next morning, complete with the beginning letter and the first and last digit of the license number he managed to note mentally-- L 7 - - - 7. This is also the probable reason for Mr. Kennedy's answering pertinent questions in advance almost immediately following this statement about not stopping, backing up or driving into Cemetery Road. Salient portions of Deputy Sheriff Look's testimony ran thusly: 2a/

A: I noticed it was a dark car that passed in front of me.

Q: Where did it go when it passed in front of you?

A: It went into a little dirt road maybe ten feet off the road that is commonly known, I believe, as Cemetery Road, and it stopped and as it stopped I proceeded around the corner and looked into the mirror of my car and noticed the car started to back up.

A: When the automobile passed in front of me and also when I was walking towards it, there appeared to be a man driving and a woman in the front right-hand side and also either another person or an object of clothing, a handbag or something, sitting on the back.

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2a/ The Inquest, p. 73.

This was a fantastic feat of memory! He remembered the car "just beginning" to go off the bridge, but was uncertain about applying the brakes -- "perhaps" a fraction of a second before--

Now let us revert to Perjury No. 2 and look further into the testimony of Inspector George Kennedy. By his own estimate, the Inspector arrived at the bridge that morning at about 10:30 and noticed some "skid marks" on the bridge "starting at the edge of the bridge on the dirt." There were numerous mentionings of the skid marks, which, for some unclear reason, he seemed to imply were easier both to detect and measure on the wooden bridge than on the all-gravel approach. That there had been actual braking, however, does not appear to have been firmly and incontestably established, although Judge Boyle seemed to think so in his Report. In a contradictory vein, in The Bridge at Chappaquiddick (p. 257), Jack Olsen tells us that the "skid marks" were so light that no rubber residue was left and that accident experts who examined the area later were uncertain whether the brakes had been fully activated. Also anomalously, in the August 1, 1969 cover story, Time (p. 12, and of which the frequently quoted Mr. Olsen is a senior editor, remember) says there were no skid marks.

Now let us approach the matter of the Inspector's estimate of 20-22 miles per hour as the speed of the Oldsmobile on its take-off run. Assistant District Attorney Armand Fernandez examined Inspector Kennedy. The following excerpt has been slightly abridged to relieve the reader of irrelevancies.<sup>2b/</sup>

Q: ...drawing on your experience and based on the physical evidence, are you able to form an opinion--and I want a yes or no answer--

A: I would say yes.

THE COURT: Wait a minute. He hasn't asked you as to what.

Q: --as to what speed a car would be traveling in order to leave the skid marks which you described for the Court?

A: Yes.

Q: Could you tell us what your opinion was?

A: Approximately 20 to 22 miles per hour.

Q: And how do you base that--?

A: All right, a car operating at 20 miles per hour has a reaction time of any person operating approximately three-quarters of a second before a person removes his foot from the gas and applies the brake. Approximately at 20 miles an hour the vehicle would move approximately 22 feet in the three-quarters of a second for the reaction time. Then a vehicle, after the brakes have been applied, should stop in 25 feet. Now, there is a distance of 25, 22 -- 47 feet.

THE COURT: Well, I'm going to stop you there now...I don't know...

Neither does anyone else know, Judge.

Surprisingly enough, however, instead of His Honor asking how the Inspector had determined that the car had actually stopped with-

<sup>2b/</sup> Ibid., p. 68.

in the 47 feet from the beginning of the "reaction time" required for validity, the questions that followed concerned the weight of the car, condition of the tires and brakes (both excellent), etc. At no time was this fact established.

Inspector Kennedy also made some measurements—the "skid marks", the distances from the edge of the bridge to the points where the wheels went over. The right one was 18 feet, the left, 33 feet, two inches. But an extremely interesting thing about the locations of those points of departure from the bridge that the Inspector did not reveal is that the one made by the left wheel ended less than four feet from the "peak" of the bridge. This will be more clearly understood from a superficial description of the bridge construction in Anomaly G. Suffice it to say here that there is an elevated center section and that the ramp sections on either side have a gradient of some eleven degrees or more. What this means is that the vehicle ran 15 feet up an eleven-degree inclined plane before plunging off and that this would have had a decelerating effect, which means further that the estimated speed of 26-1/2 miles per hour when the car hit the edge of the bridge is due another upgrading. How about 28:

Here is some more. On each side of the bridge there is a low curb or rub rail nine inches wide and there was a deep gouge at the approximate midpoint between the two tire marks caused by the transmission housing as it went over. From the standpoint of horizontally directed force, as when the transmission housing gashed across it, the width is equivalent to thickness. This caused more deceleration, of course, and so more speed upgrading is necessary. To 30?

But we aren't finished yet. If the brakes were applied, as Inspector Kennedy indicated, this would mean more deceleration from the beginning of the bridge. The Inspector stated, and rightly so, that it takes a greater distance to stop on wood than on macadam and still more if the surface is lightly sandy. The mentioned 25 feet was for macadam. One of the pieces of defensive evidence submitted on Senator Kennedy's behalf was a rather sophisticated engineering study, mentioned more fully in Anomaly G, that included several one-the-scene tests made following the accident. Here is an excerpt: 2bb/

Data on a test performed in the presence of Mr. George Kennedy, of the Massachusetts Division of Motor Vehicles, in which a 1969 Chevrolet approached the bridge at 20 mph. The brakes were applied at the instant the front wheels touched the bridge. The car came to a stop with the front wheels at a distance of 33 feet from the beginning of the bridge. The test was performed on a dry bridge, but with a slightly sandy surface.

That was just two inches short of where the left front wheel of the Oldsmobile went off, wasn't it? Accordingly, if the 1967 Oldsmobile was traveling at only 20-22 miles per hour as it approached the bridge, as both Senator Kennedy and Inspector Kennedy maintained, it should have at least decelerated sufficiently that, if it did not stop completely, only the right front wheel would have gone over. But did it? You know it didn't. The flight of the Oldsmobile ended 36 feet further east on the bottom of the neck just entering into Poucha Pond. And so we are now faced with more necessary speed upgrading. 35? 40? 45? 50?

We do not know why Inspector Kennedy obviously ignored this greater distance, since he said the car had been moved from its original spot at the time of his arrival, but we do know from his testimony that the Senator knew that the Inspector knew about the plunge. From the bridge, the Inspector went directly to Police Headquarters, where the Senator was at the time and spent about forty-five minutes with him. But Inspector Kennedy is an honorable man; so are they all, all, honorable men (and women).

Now, what was that Judge Boyle said at the opening just two days before Inspector Kennedy testified?

2bb/ ibid., p. 93.

"It is the duty of the Court to see out and receive any and all information and testimony which is relevant, pertinent and material to the question as to whether criminal conduct caused or contributed to the death..."

Just what the Inspector expected to accomplish with the injection of the "reaction time" factor is also unclear or what bearing it has. Moreover, I am inclined to believe that three-quarters of a second is more than generous--in other words, a long time--for a man only 37 years of age, in good physical condition and mentally alert. When drunk? That's different, but the Senator swore he was cold sober.

And if we may revert to the upwardly adjusted estimated speed at which the Senator and Mary Jo may have been traveling, this puts the report of the two Malm ladies, mother and daughter, who were living in the "Dyke House" (estimated from only 100 to 150 yards from the bridge) in a slightly different key. Both told Chief Arena (The Inquest, p. 87) they had heard a car going past unusually fast toward the bridge some time between 11:15 and 11:45 p.m., although their accounts did not coincide exactly in every detail. What puts it a little off-key is that the time is a minimum of one hour too early to meld with Deputy Sheriff Look's report. But isn't it a pity the Malms couldn't have testified in person?

#### ANOMALY E (p. 7)

Why was he so sure no one would be looking for them until morning? Should he not have assumed that the others would have returned to Edgartown as planned? And would Miss Newburgh (Mary Jo's roommate at the motel) not have missed her when she returned? And would Mr. Gargan (who shared Mr. Kennedy's room at the Shiretown Inn) not have missed him? Would the normal reaction not have been to inform at least some of the others and, both having been discovered missing, go look for them and/or notify the police?

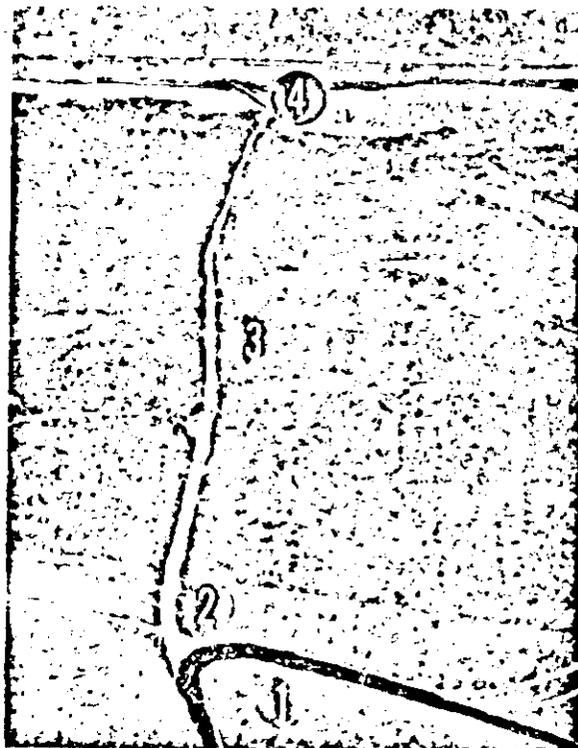
#### ANOMALY F (p. 8)

Had he really been upside down, with no seat belt holding him (none was mentioned), all his weight would necessarily have been on his head, since he was obviously using his hands to try to hold the water back, and there was no mention of this uncomfortable position. The contusion on top of his head and the minor neck injury attested to by a physician by affidavit does not necessarily confirm that he did land on his head.

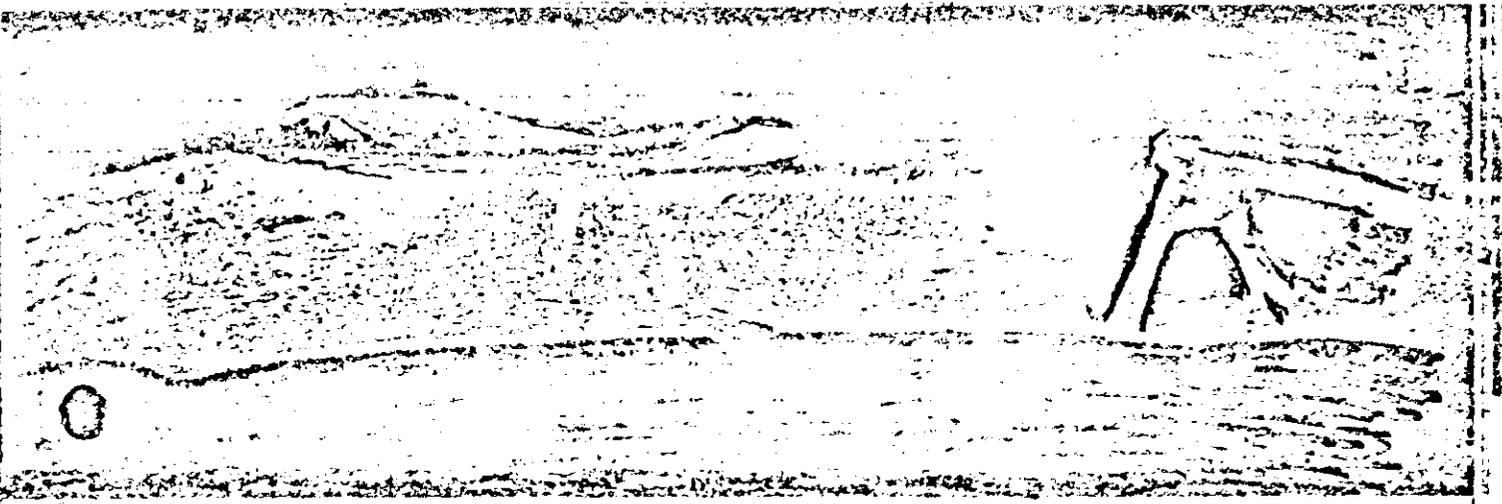
#### ANOMALY G (p. 9)

The Senator's implication is clear that he did not see the

Scene of tragedy on Chappaquiddick. (1) The blacktop road along which Senator Kennedy drove with Miss Kopechne as his passenger. (2) Where Kennedy said he intended to turn left to follow the blacktop road to the Edgartown ferry. Instead, he turned right onto (3) Dyke Road, a sandy lane that leads to (4) Dyke Bridge, from which the Kennedy car plunged into the tidal pond at the right.



Milton Silvia Photo



Aug 1, 1969.

APPROACH TO DIKE BRIDGE AS ILLUMINATED BY AUTO HEADLIGHTS

STEVE HANSEN

bridge until he gets practically on it for the simple reason that he didn't know it was there, despite having been over it twice that day. The argument here could well be that "someone else had been driving" and he just hadn't paid any attention to the local scenery, which held no novelty for him. This argument might win credence from some and prove difficult to dispute if the Dike Bridge was an ordinary one, but it isn't; it is extraordinary and the extraordinary, the anomalous, attracts attention.

Author Olsen tells us more than once in The Bridge at Chap-paquiddick (e.g., pp. 116 and 135), that it is clearly visible from the road from a distance of 200 yards or more, partly due to its angle to the road. As if the rather abrupt change in scenery wasn't enough to attract attention (the trees and brush lining the road stop before reaching the Malm house), the road becomes increasingly rough, with ruts and a couple of pot holes not far from the westerly end of the bridge that cause any normal driver to slow down, bridge or not. And it is reasonable to assume that Mr. Crimmins is a normal driver. Then there is the unusual 27-degree angle of the bridge to the road (according to Inspector George Kennedy) and then the narrowness of the bridge, itself--only ten feet, six inches wide--to command the attention. (The cited article in Time (p. 12, Aug. 1, 1969) says the local residents recommend coming to a full stop before going onto the bridge, then inching forward at a respectable 5 m.p.h. until safely on the other side.)

But these, other than the width, are only the approach factors; there is the bridge, itself. Most rural bridges are essentially level with the road and it is, indeed, possible to zip past them without notice; but not the Dike. It is "humpbacked", and this contributes mostly to its visibility from a distance. In an elaborate report in the form of an affidavit by professional engineer Eugene D. Jones, Vice President in charge of the New England Division of Frederic R. Harris, Inc., Consulting Engineers, the bridge is described as having a center span 11'-9" long. Let's say twelve feet. Then it says this span varies in clearance from three feet to five feet above the water. It does not say, however, whether this variance is due to the tide or if it refers to the levels of the center approach sections to the said center span. Looking at various photographs of the bridge, it is easy to believe the reference is to the bridge, itself. These approach sections appear to be between 15 and 20 feet long and rise, ramplike, to meet each respective end of the elevated center span. This is why it is known locally as "the hump". The center span looks as if it is easily two feet above the beginning of each approaching ramp section, which would give the ramps a gradient of no less than ten degrees, and going over it the first time in an automobile, whether driving or as a passenger, must be quite an experience. With a wheelbase of ten feet, four inches (according to the manufacturer) and a minimum clearance of just about six inches, Crimmins must have had some misgivings before reaching the other side and quite possibly some conversation with the Senator as to whether to risk it! For example, read the following excerpt (slightly abridged) from Mr. Crimmins' testimony and see if you agree. 2c

2c/ Ibid., p. 49.

THE COURT: Did you drive (the Senator) to the beach?  
THE WITNESS: Yes, your Honor.  
THE COURT: Did you drive him over the Dike Bridge?  
THE WITNESS: Yes, I did.  
THE COURT: Did you have any difficulty negotiating it?  
THE WITNESS: Just the hump.  
THE COURT: And you brought the car back over the bridge?  
THE WITNESS: Yes, sir.  
THE COURT: And is that an Oldsmobile Model 88?  
THE WITNESS: Yes, sir.

Now, why not consider a few noteworthy things about this bit of information? For instance, Mr. Crimmins' use of the colloquial term, "the hump", regarding the bridge and that His Honor did not have to ask what he meant by it. In fact, acquaintance with it was indicated by his apparent anticipation of difficulty. Also, Mr. Crimmins was not asked whether this was his first visit to Chappaquiddick Island, but Mr. Kennedy claimed it was his. Mr. Crimmins arrived on Martha's Vineyard on Wednesday, the 16th, and spent that night alone at the cottage. Messrs. Gargan, Markham and LaRosa arrived the next afternoon and evening, but spent the night at the Shiretown Inn. The next day, Friday, the 18th, Mr. Crimmins met the Senator at the local airport and, as we know from the Senator's testimony, drove him to the cottage, then to the beach. Instead of remaining at the beach, however, Mr. Crimmins then went to the Shiretown Inn and drove the Senator back to the cottage that evening after the race. The point here is that there was little opportunity for him to learn such a term for such a remote and obscure structure as the Dike Bridge. Of course, Mr. Crimmins could well have visited the island previously, but he gave his residence as South Boston, his occupation as legal aide and investigator, and part-time chauffeur (evenings and weekends) for the Senator when the latter is in the Boston area, having enjoyed this relationship for nine years. Where did he get the familiarity?

And then, there is the unmistakable and almost inimitable sound made when driving over a wooden bridge of this type, accentuated by "the hump", which is concave on the undersurface, of course, and which probably amplifies and deepens the tone.

Back to the Jones report, it even includes the results of a survey of Dike Road. To the uninitiated, technical terminology descriptive of the simplest thing can sometimes be almost overwhelming. Here, for example, is the way the licensed surveyors described it, in part: "...the roadway is on tangent for approximately 225'...then curves to the right on a radius of 900' for approximately 51'. From the end of this curve, the roadway continues on tangent for approximately 263' to Station 5+40. From this point, the alignment of the roadway is a series of three (3) closely connected curves as it approaches the bridge." Rather than being a good layout for part of an amusement park ride or a proving-ground course, a quick glance at the aerial photo of Dike Road on page 30, U.S. News & World Report, Sept. 15, 1969, will show the curves to be very gentle. In fact, except for possibly the last

Erratum

The excerpts on this page (32) were erroneously ascribed to the Jones Report. Actually, they are from still another report prepared by Donald L. Sullivan, of the Arthur D. Little Company. It is in the same section of The Inquest as the Jones Report.

150 feet, it would probably be a good place for beginners learning to drive. Here are a few more excerpts from this highly professional and technical study and report (pp. 92-95, The Inquest).

Approaching the bridge, the road is straight for at least 3/10 of a mile, except for the last 150 feet. A 1% downgrade extends from 630 feet to within 100 feet of the bridge. (Note: A 1% downgrade is practically level and this is probably the "hill" referred to in the statement given to Chief Arena, page 17.\*) Vegetation on the right at a distance of about 120 feet from the bridge forces one to turn to the left, so that high-beam headlights do not illuminate the bridge at this point. Just as one turns back to the right at between 90' and 30' from the bridge, one's lights are deflected sharply upward so that again the bridge is not illuminated. The rapid right turn, left turn, and sharp upward deflection are not only distracting but also make it difficult to see the bridge before one is on it.

Sounds gruesome, doesn't it? What this report does not reveal (in The Inquest) is the approximate point in distance from which the bridge is first illuminated when driving at night and becomes visible. Neither does it reveal that the road widens perceptibly well before reaching the Malm house and that the "closely connected curves" are actually very, very gentle S-curves, so gentle that they can be negotiated practically without turning the wheels by permitting the path of a vehicle to be almost straight and approach the left lane momentarily as it progresses, the roadway turning slightly to the right, thus keeping the bridge in view. Thus it is, too, with the "vegetation on the right" that "forces" a turn to the left. It is part of a smaller, but also gentle, S-curve. In other words, the rapid turns are necessitated only if the driver hugs the right side of this little-traveled road, and the losses of view of the bridge resulting therefrom are only momentary. Yes, to be sure, this is "driving by the book" and is technically correct, but any normal, experienced driver, especially when driving on an unpaved country road with no lane markings, and when it is obvious that no risk exists with respect to another oncoming vehicle, will permit his car to ease from one side to the other to straighten out gentle curves. But here is some more--

The motion picture (Yes!--Auth.) shows that the bridge is visible for a period of less than three seconds prior to the accident if the car approached the bridge at 20 miles per hour.

The series of still pictures shows that at distances in excess of 100 feet from the bridge that the high-beam headlights strike the ground for a long period of time well in front of and to the left of the bridge. Just as the headlights come right, toward the bridge, at a distance of between 100 feet and 50 feet, the headlights are tipped up sharply by the rising terrain.

There is even more of such description and, if one is not

\* --Auth.

swept away on a wave of sympathy for the Senator, one is forced to ask a few questions. As a starter, with such horrendous terrain (surely, the Senator must have realized there was nothing like this on the paved road between the cook-out cottage and the ferry!) what normal driver would not drastically reduce speed? Did Mr. Crimmins do so? Incidentally, that cited photo in Time clearly shows the probable "rising terrain" as a bump that extends pretty much all the way across the road, unless what was meant in everyday language as a "dip". Mr. Jones and his party evidently missed this photo (how did the Senator miss it?)--but Mr. Jones, also, is an honorable man; so are they all, all, honorable men (and women).

And then there was Mary Jo, who had been over the route to and from the ferry not just twice that day (as had the Senator), but five times. Did she notice nothing anomalous about going down Dike Road? If she did, did she mention it to the Senator? And if she did, did the Senator pay no attention? Did it not jog his own memory?

And what about the ~~matter of~~ warning sign on the roadside prior to reaching the junction with Dike Road, with an arrow and the words "To the Ferry" in reflector-type illumination? (This was not mentioned in the inquest.)

Less than three seconds' visibility, did he say? All right, two and three-quarters. So we deduct an excessively long three-quarters of a second for reaction time (according to Inspector Kennedy) and we have two seconds left, or 59.8 feet from the edge of the bridge. Shall we say 60? Now, the 25 feet the Inspector had given for stopping at 20 miles per hour was on dry macadam and, a little later in his testimony, he said "On wood, the car would travel much farther." This is believable. In fact, part of the study conducted by Mr. Jones included the testing of a 1969 Chevrolet at Dike Bridge in September 1969, when it required 33 feet to stop, the brakes having been applied the moment the front wheels touched the bridge traveling at 20 miles per hour. (He even got the Inspector and the Chief in the act, the brake testing being done in the presence of the former, with the latter clocking the speeds.) This still leaves 27 feet of bumpy Dike Road, plus the 18 feet from the edge of the bridge to the point on the right rub rail where he went over, making 45 feet of roadway and bridge between the vehicle and Poucha Pond after reaction time and expanded stopping distance, during which it is uncertain whether Mr. Kennedy (the Senator, that is) actually applied his brakes. ~~and~~

This was an expensive report, undertaken, Mr. Jones said, at the request of Ropes & Gray, Attorneys at Law. Need we ask who requested Ropes & Gray, Esqs., to request Frederic R. Harris, Inc., Consulting Engineers, to make the study? According to a statement in the introductory portion of the exhibit, the inspection of the road and bridge was made on December 29 and 30, 1969, just a week before the inquest. Why? Did the Senator think the residents of Martha's Vineyard were unaware of the condition of the road and bridge, or was he afraid it might go further and be the concern of others lacking first-hand familiarity? It did.

ANOMALY H (p. 1)

As in Anomaly D, he remembered "just beginning" to go off the bridge, but could not be positive about turning his wheels. Let's see what else Inspector Kennedy said about the "skid marks". 2d/

A: When I arrived at the scene I observed a car in the water on the right side of the bridge. I had noticed skid marks on the bridge starting at the edge of the bridge on the dirt and continuing straight to the right and over.

Paraphrasing the description of the tire marks in The Bridge at Chappaquiddick, it was as if the wheels had been "locked in position." And with an acknowledged minimum of almost three seconds visibility time? I submit that "reaction time" for turning wheels is appreciably less than that for braking. But what was that the Judge said in his report about the turn onto Dike Road?

I infer...that Kennedy did not intend to drive to the ferry slip and his turn onto Dike Road was intentional. ... I believe it probable that Kennedy knew of the hazard that lay ahead of him on Dike Road, but that, for some reason not apparent from the testimony, he failed to exercise due care as he approached the bridge.

ANOMALY J (p. 9)

One may well ask what kind of response Judge Boyle could possibly have expected to such a question. However, it is rumored that the popular opinion in and around Edgartown is that Mr. Kennedy waited as long as he did to report to the police because he was very drunk. This, of course, would have been obvious to another person. And then there would have been an incriminating "breath test" to be feared if this was true. However, there is yet another possible reason for the delay. Please be patient.

ANOMALY K (p. 10)

The Senator said he couldn't swim because of the current, so he swam to where he could wade. That was really a good trick and it indicates tremendous resourcefulness. However, Perjury No. 6 puts the tale of the attempted rescue in a different light. See also Perjury No. 4.

ANOMALY L (p. 10)

Now the Senator is absolutely right! The bridge does run almost east-west. In the course of preparing this material, I examined a rather large-scale map of Chappaquiddick Island that was prepared by the U.S. Coast & Geodetic Survey that also shows

2d/ Ibid., p. 66.

compass direction by degrees. Believe it or not, it even shows Dike Road and the bridge! I would bet that a line from the center of the road from Wrong-Turn Junction to the beginning of the bridge (the road is almost straight) would have a bearing of very nearly 120 degrees. Now then, if we subtract Inspector Kennedy's 27 degrees for the angle of the bridge to the road we get 93 degrees, which is almost due east (90 degrees). (The map is in slight error; it shows the bridge at an angle to the road on the easterly side of the cut, rather than the westerly.)

Supportive to this is the introductory phrase preceding the first quotation from civil engineer Eugene Jones's report given on page 31: "Starting at Station 0+00 and proceeding in a south-easterly direction, the roadway is on tangent...etc." This does not necessarily mean due southeast, or a bearing of precisely 135 degrees, but in that general direction, which could be 120 degrees.

But what is anomalous about this? Why, simply that the Senator said (see page 4) he had never been on Chappaquiddick before the day of the swim and later cook-out, and such accuracy as to the lay of such a road and ramshackle bridge is unusual. Incidentally, the people around those parts thought such a statement was a little anomalous. Participating in the Edgartown Regatta, which he did that Friday afternoon (the race), has long been a family tradition, and in all that time he never visited Chappaquiddick?

#### ANOMALY M (p. 11)

It is a pity we don't know where "up to ~~here~~" <sup>this point</sup> was, but it is surmisable that it was somewhere on the upper part of his body, perhaps around his neck or chin. This is based on scuba diver Farrar's estimate of a depth of from six to seven feet in the immediate vicinity of the vehicle at approximately 8:45 a.m. when he recovered the body. Mr. Kennedy is reputed to be six feet, two inches, tall, and let us be mindful that it was a slack tide he had plunged into and the water, therefore, was lower than it had been at the approximate midpoint between tides, as with Mr. Farrar.

And if he had been truly unable to stand, as he claimed, how would he have been able to say "It was up to ~~here~~" <sup>this point</sup>?

#### ANOMALY N (p. 11)

Here are some excerpts from the testimony of Chief Arena: <sup>2e/</sup>

A: This (statement) is from Sylvia R. Malm. She is the mother of the family. "On Saturday morning, July 19, 1969, two boys knocked on my door and said there is a car upside-down in the water by the bridge. ...Sometime during the evening before, I was aware of a car going faster than usual going toward the Dike. I have no idea of the time. I think I went to sleep sometime between 11:30 and 12:00 midnight, but I do not know the time. I heard nothing during the night. ... a night light was burning all night."

2e/ Ibid., p. 87.

Then I give a statement from Sylvi A. Malm, who is the daughter. "On Friday night, July 18, 1969, I read in bed underneath an open window which faces east (that is, the bridge.-- Auth.) from 11 p.m. to 12 midnight, looking at the clock just before I turned my light out."

Remembering how Senator Kennedy shouted Mary Jo's name (p. 9) and that the lights of the Valiant must have shone into Miss Malm's window when he returned with Messrs. Gargan and Markham to resume rescue operations, we must pause to regret that the Malms are such deep sleepers. But Chief Arena said, a little further on--

A: Yes, there is a house diagonally across the street on the right (occupied by a Mrs. Smith). I had a conversation with Mrs. Smith and she stated she had a night light in one of her children's rooms which she left on all night. This was on the road side of the house.

It is anomalous, too, that the Senator used the word, "cottage", whereas Mr. Dinis said "houses." The truth is, I believe, that the so-called Malm house is a cottage, which is to say, a small house, as are most houses on Chappaquiddick Island. In his report following the inquest, Judge Boyle referred to it thusly (The Inquest, p. 125): "A short distance before Dyke Bridge, there is a small house called 'Dyke House', then occupied by a Mrs. Malm and her daughter."

The significance of this is that there had been ample opportunity to observe both the Malm (or "Dyke") house and the Smith house twice the preceding day, going to and returning from the beach, especially the return, since there are no trees to obscure the vision between the bridge and the house. There was also an opportunity to observe one or more of these houses on the way to the bridge on that fatal drive, particularly if he was driving only 20 miles per hour.

Notice, also, still another attempt to clutch at the mask of night. Darkness is conceded. The crescent moon was below the horizon a full hour before the alleged time of the "accident". However, the eye adjusts to gradations of light, the pupils dilating with diminution of luminosity, and Mr. Kennedy had been exposed to this "pitch blackness" by his own reckoning a minimum of a half-hour. And bear in mind the absence of trees to obscure the starlight, faint as it is. (It was a clear night, remember? And he said he saw the "silhouettes" of the trees. Against what?)

#### ANOMALY O (p. 12)

Mr. Kennedy said that Mr. Gargan's arm was "all bruised and bloodied." Let's look at portions of the testimonies of just a few persons who saw Mr. Gargan the next morning. Richard P. Hewitt was the ferry operator who took our heroic trio to and from Chappaquiddick Island that Saturday morning and had this to say: 2f/

2f/ Ibid., p. 81.

Q: Do you call whether or not any of them (Kennedy, Gargan or Markham) appeared to be injured in any way?

A: I didn't notice anything that would make me think that they were injured.

Mr. Gargan happened to be at the Police Station at the same time as Inspector Kennedy, who said this:<sup>2g/</sup>

Q: Were you in close proximity to Mr. Gargan?

A: I was.

Q: Did you have occasion to see his arms?

A: I did.

Q: Did you observe any marks?

A: I did not.

Q: Did you make any observations as to limping or any sign of injury to anyone?

A: No limping on anybody.

And Chief Arena had this to say:<sup>2h/</sup>

Q: In your observation of Mr. Kennedy (the Senator), did you make note of any injuries or bruises?

A: No physical injuries.

Q: To Mr. Markham?

A: No, sir.

Q: To Mr. Gargan?

A: No, sir.

In describing her activities Saturday morning at the cottage, Miss Newburgh said (having slept in the same room with Mr. Gargan and several others who considered themselves marooned):<sup>2j/</sup>

A: (Mr. Gargan) was walking out the door when I got up at 8 o'clock. I didn't talk to him. I just saw him for a few minutes. I saw him for five minutes when he picked me up in the car, another ten minutes in the cottage and I saw him later that morning.

Q: ...did you observe any injuries that he had received?

A: No.

Q: Was there mention by anyone that he had received injuries anywhere in any manner at that time?

A: No.

This anomaly could be defended on grounds of the way it had "seemed at the moment" when the Senator was purportedly in a "state of shock." On the other hand, let us remember that Mr. Kennedy said Mr. Gargan had managed to get half-way into the vehicle at one time, which Mr. Gargan later corroborated in his own testimony. And let us remember, also, that the windows of the car on the passenger's side were "blown out", which means that Mr. Gargan might well have cut one of his arms on the underside, for instance, on a fragment of glass. Such a cut could have been sufficient to produce visible bleeding, but slight enough to have escaped notice if covered by his shirt sleeve. Let us remember this bloodiness.

<sup>2g/</sup> Ibid., p. 72; <sup>2h/</sup> Ibid., p. 86; <sup>2j/</sup> Ibid., p. 98.

ANOMALY P (p. 13)

This is, first, an extension of Anomaly B, preceding.

Next, if the reader wishes to avoid being swept away by a strong but artificially-generated current of sympathy, reviewing Perjuries No. 6 and 7 is recommended. Here, the Senator seems to be "borrowing" sympathy genuinely due Mrs. Kopechne and using it as a blind for his not having sought professional assistance, the explanation he gave for not doing so in his response footnoted 26, page 18, notwithstanding. In addition to several houses between the bridge and the ferry where assistance could have been summoned or obtained, there is a fire station (unmanned, but with a device for registering alarm) with a red light that burns all night) only a couple of hundred yards or so from the cook-out cottage toward the junction of the paved road with Dike Road.<sup>3/</sup> For some reason, known or unknown, this was not brought out during the inquest, but it was known to the party. Miss Ann Lyons was one of a group that went for two walks along the road after the Senator and Mary Jo left and she said this about one of them: "...we walked well past the fire station on this particular walk."<sup>4/</sup> And, most ironically, the Chief of the Volunteer Fire Company lives almost right across the road, even nearer to the cottage, and he was home that night.<sup>5/</sup> This was not mentioned in the inquest, either.

The reader will recognize the remainder of this response as part of the "sympathy current."

See also footnote 26, page 18.

ANOMALY Q (p. 14)

The sympathy current is still the theme of this portion of the yarn, the main stream being shifted back to well known human limitations, physical fatigue from "diving" and the inability to hold his breath being the Senator's principal complaints, with a reprise on his own life becoming endangered. Those who have reviewed Perjury No. 6, along with Anomaly M, are best prepared to withstand the onslaught and see the whole matter of the "diving" surrounded by a huge question mark.

As for the alleged swim, the channel at the ferry run is now sometimes referred to in and around Edgartown as "Teddy's credibility gap." It is narrow, yes, and the tidal current is reputed to be particularly ferocious, and many Martha's Vineyardites have serious doubts that he did it, good swimmer though he may be. Messrs. Gargan and Markham are not of that ilk, however, as we can see from their testimonies. Mr. Gargan first--<sup>6/</sup>

Q: Now, when you saw the Senator jump into the channel there, did you see him reach the other side?

A: I did not.

Q: Weren't you concerned about his--

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3/ Teddy Bare, p. 65.

4/ The Inquest, p. 108.

5/ Teddy Bare, p. 65.

6/ The Inquest, p. 36.

A: No.<sup>7/</sup>

Q: --ability to make it?

A: No, not at all. The Senator can swim that five or six times both ways. That may seem unusual, Mr. Dinis, except I have been with the Senator 30 years swimming and sailing and I don't know if you know the breakwater off Hyannisport, but we used to swim every day around that, the breakwater, and it is the only thing the Senator has done since his back injury, besides skiing. The real form of exercise for the Senator since the back injury is swimming.

And now, Mr. Markham--<sup>8/</sup>

Q: Were you concerned with the fact of whether or not (the Senator) would arrive safely on the other side?

A: No, I wasn't.

Let us note that this confidence was not dampened by their knowledge of Mr. Kennedy's (claimed) previous exhaustion, plus his having been clothed at least in a shirt and slacks, which would have offered some impediment, not to mention sneakers that can get quite heavy when filled with water (you can't keep it out, not even with your hands).

No doubt there are times, depending on varying factors, when that current is dangerously swift for a swimmer, even should he be Senator Kennedy. Whether it was so at approximately 1:30 a.m., which is within a few minutes of the time he alleges he made the swim, is subject to question, however. You see, they have funny water at Martha's Vineyard. It is funny in other ways than not being able to hold it back with your hands. Now, even a self-respecting Arizonian knows there are high and low tides (flood and ebb, if you want to be very nautical) at any place on the ocean. But that isn't enough at Edgartown; at times, at least, they have "double floods" and "double ebbs". This anomaly contributes to surface currents in that channel, which is considerably deeper than the one at Dike Bridge, being quite different from those, say, six or seven feet below the surface. Since the body is essentially horizontal when swimming, the surface currents are the ones the Senator had to worry about. Coincidentally, at the same place where the map of Chappaquiddick Island was inspected<sup>9/</sup> they have a book published by the U.S. Department of Commerce entitled Current Tables, 1969, Atlantic Coast of North America, and it gives all kinds of information about ocean currents, including at Edgartown. It shows that at 0036 hours (1:36 a.m. EDST), when Senator Kennedy should have been in the water, the surface current was slack. (This is despite a high water time of 3:49 a.m., EDST.) No wonder Jared Grant, owner of the ferry and who was on duty the night of July 18th 19th, and who remained at the Edgartown ferry slip until 1:20, said in his testimony: "It was a beautiful night, very calm. The water was like glass."<sup>10/</sup> The only way the subsurface current

<sup>7/</sup> Remember Inspector Kennedy's eager response? Anomaly D, p. 27.

<sup>8/</sup> The Inquest, p. 46.

<sup>9/</sup> National Ocean Survey Administration, 30 Rockefeller Plaza, New York City.

<sup>10/</sup> The Inquest, p. 83.

could have affected him would have been had he stopped swimming and treaded water so that his feet might have reached the tidal current. But treading water is just as fatiguing as swimming, and there was no mention of it, anyway. The classical maneuver tired swimmers resort to in order to rest is floating, which the Senator did mention in his response footnoted 12, page 11.

But for all the currents and tides in the affairs of Senator Kennedy, the ineluctable question arises: was the swim necessary? It was not.

Mr. Grant, the ferry owner, had more to say.<sup>11/</sup>

Q: Were you available for calls if someone wanted the ferry that night?

A: I was. Year round, we are on call 24 hours a day.

Q: And is there a public telephone that you are aware of also on Chappaquiddick?

A: Yes.

Q: When do you normally close down?

A: Usually, we close down at 12:00 (midnight).

Q: And if someone wanted you after 12, where would they call?

A: My house.

Q: If I am at Chappaquiddick and I want the ferry and you are not at the landing...If I use the telephone, where does this call get me, to your home?

A: Yes...there is a regular dial system and my number is posted.

Now then, if that trio didn't know the telephone was there, with the number plainly marked, what view should we take of the "private" phone call to the Senator's dear old friend, Burke Marshall, the next morning from Chappaquiddick? (See Anomaly S.)

"It is the duty of the Court to seek out and receive any and all information and testimony which is relevant, pertinent and material to the question as to whether criminal conduct caused or contributed to the death..."

Yes, Judge, thank you. You told us that in your opening remarks (page 1).

And so now perhaps we should revert to the skepticism about the swim and see what we can see.

Well, it is certain that the Senator did NOT cross on the ferry. And if he didn't swim...? Well, still another report that did not find its way into the inquest was that a motorboat perhaps a little more than fifteen feet in length with three persons aboard was sighted in the Edgartown harbor about a half-hour later than the alleged swim. It was approaching a moored sailboat when, just after having been spotted, its lights and motor were suddenly cut.<sup>12/</sup> This proves nothing, of course, not even with an-

<sup>11/</sup> Ibid. p. 83.

<sup>12/</sup> Teddy Fare, p. 82-83.

other verifiable report that earlier that night a boat was stolen, but this is offered by some as the reason the Senator was seen at the Shiretown Inn at 2:25 a.m. in dry clothing (See Anomaly R).

What it is that imparts a lingering quality to these irrelevancies is portions of the testimonies of the Lyons sisters, Maryellen and Ann (or Nance). When asked about conversation with Messrs. Gargan and Markham after their return to the cottage at about 2:00 a.m., Maryellen said:<sup>13/</sup>

A: We, you know, when they arrived, we asked them, you know, where they had been; what had happened. Oh, it was just, "Oh, don't even ask us, we have been looking for boats." It was confused.

Q: That they had been looking for boats, they said that?

A: That was one of the things they said,...

And Nance replied thusly:<sup>14/</sup>

Q: Did Mr. Markham or Mr. Gargan indicate why Mr. Kennedy decided to swim when boats were available? (Could he have meant the ferry? --Auth.)

A: They said that they had been looking for a boat and couldn't find one.

Q: They, meaning Mr. Kennedy, Mr. Gargan and Mr. Markham?

A: Mr. Gargan and Mr. Markham, I believe.

Q: Had been looking for a boat?

A: Yes.

Q: But not Mr. Kennedy?

A: I don't--you know, they just said, you know, "We were looking for a boat."

Q: Was the purpose of the boat to assist the people at the party to get across, did you know?

A: No, I would assume that this was among the three involved.

Unfortunately the above (especially the last response) calls for more digging. We must ask why, and seek for the answer, such a boat if found would not have been for the benefit of all? As it was, ten persons (five men and five women) slept very uncomfortably in two rather small rooms. But merely by reviewing, one answer may be found for those willing to accept it in the Senator's well known humanitarian proclivities. He was simply, but bravely, striving to prevent further possible loss of life and/or serious injury. You see, had a boat been found (other than the ferry--at 1:30-2:00 a.m.?) and the Valiant returned for the remainder of the party, making several trips if necessary, the question of Mary Jo's whereabouts would certainly have arisen, as well as why just the Valiant? The truth could not have been long suppressed and.... well, the Senator told us his fears in his response footnoted 25, page 18.<sup>15/</sup>

<sup>13/</sup> The Inquest, p. 102; see also p. 103.

<sup>14/</sup> Ibid. p. 109.

<sup>15/</sup> The Senator evidently cared naught for the safety of Messrs. Crimmins, Tretter and LaRosa. But perhaps none of these gentlemen were long and dear friends of Mary Jo's.

The "tourist" was Russell E. Peachey, innkeeper of the Shiretown, whose testimony included the following.

A: (Describing a portion of the Inn) ...The second floor has three units plus the deck ... Mr. Kennedy was on the second floor occupying space that entered off the deck area.

Q: Did you have occasion to see him sometime on the 19th?

A: I just happened to be standing in front of the office... and I heard footsteps coming across the deck. There were no lights up there, so I just thought I would wait to see who it might be, whether the person had any business being up there or not; and the individual came down the steps, and as he (the Senator) touched the ground, he turned around the steps and I asked if I could help him.

Q: Did you recognize him?

A: It wasn't until I spoke to him that I realized who it was.

Q: There are no lights on the deck?

A: There is a light up there, but it seemed to me that someone had switched it off. I can't really say whether that light was on or not. If it is, it is kind of a floodlight that is focused down to the floor of the deck right near where the steps enter up on the deck and it is purely to light the steps just slightly up there.

Q: So what did this person say?

A: I asked if I could help him. He said, "No." ... He said he had been awakened by a noise coming from a party next door. He went to look for his watch, he couldn't find it, and wondered what time it was. I turned and looked in the office.

Q: He was awakened?

A: Right.

Q: What did you do?

A: I turned and looked in the office window at the clock and I told him it was 2:25.

Q: What did this person do?

A: Thanked me, turned and went back to the quarters.

The reader is now requested to read ahead as far as footnote 20 in the testimony, page 16. What can be more obvious than that one of these two gentlemen demonstrated a disregard for the truth? At least, the complete truth? Reverting to the preceding response of the Senator's, there was no mention of anything but retaining full consciousness prior to the confrontation with Mr. Peachey. If he had not been awakened, as he claimed, what was his motive for making the false statement? (According to Mr. Peachey's account, is a furtiveness apparent here?) And if Mr. Peachey falsified, what could he possibly have expected to gain, or what could he have attempted to conceal? It may help the reader to decide which of the two accounts to accept by reviewing some of the respective testimonies.

By the way, with a throbbing headache does it seem more logical to look for an aspirin than trying to find out what time it is?

Let us avail ourselves again of the testimony of Ralph Hewitt, the ferry operator who was on duty Saturday morning, July 19, 1969. Mr. Hewitt had stated that he had taken Senator Kennedy and two other gentlemen (one of whom he recognized as Mr. Markham) to Chappaquiddick. Mr. Fernandes asked further--16/

Q: And could you tell us where they went on Chappaquiddick?

A: They didn't go very far. They stood around the point over there.

Q: Well, how long were you in their company or in their vicinity?

A: Oh, I would say approximately 20 minutes or so.

Q: And how did you measure this time to be 20 minutes?

A: Well, I figured that I made two or three trips in between the time I took them over and the time I took them back.

Q: Do you know what they were doing?

A: They appeared to be just milling around, waiting for something or someone.

THE COURT: Did you see anyone use the telephone?

THE WITNESS: No, I didn't.

Q: They were not in the telephone area?

A: They were in the telephone area...within 50 feet of the telephone.

Q: Did you have a conversation with Mr. Bettencourt?

A: Yes.

Q: What did he tell you?

A: He told me that the car that went off the Dike Bridge had been identified as Mr. Kennedy's.

Q: And then did anyone relay that to Mr. Kennedy?

A: Yes--or not to Mr. Kennedy, but to Mr. Markham.

Q: And who did that?

A: I did.

Q: What did you tell Mr. Markham?

A: I asked him if he was aware of the accident and he said, "Yes, we just heard about it."

Q: And after you relayed that information to them, what did you do?

A: I had passengers on the ferry; I went back and went to Edgartown.

Q: Did they go back with you?

A: Yes.

Q: How long after you relayed that information?

A: Within a couple of minutes.

One must suppose, I suppose, that it took the information that the car had been discovered and it was therefore generally known for Senator Kennedy to "fully realize" what had happened. THEN he immediately reported the matter to the police, as he said in his statement a little later at the Police Station (p. 17). In The Bridge at Chappaquiddick (p. 131), we are given a slightly different, but more

complicated and deftly recounted version of this excursion.

The Mr. Bettencourt referred to is presented as a well known personality in the environs of Edgartown and the recognized authority on the tides at Poucha Pond. (It was he who predicted that it would be slack that day at approximately 11:30 a.m., and thus it was.) Mr. Bettencourt had heard the news, also, and had come over in his car on the ferry. He recognized the Senator and walked over to the threesome and informed Mr. Kennedy of the fact and even offered him a lift to the bridge. It was declined, however, the reason given to Mr. Bettencourt being that he (the Senator) was returning to Edgartown.

But return immediately, he did not. Mr. Hewitt did not hear this brief exchange of words, and after the mentioned two or three trips he decided Senator Kennedy must still be ignorant of the tragedy and approached them. Mr. Kennedy, one would surmise, was not anxious to engage in conversation with Mr. Hewitt, as he managed to keep a little distance between them and he seemed to be gaining. Not easily daunted, however, Mr. Hewitt called out and asked if he had heard about the accident, but the people's White Knight had taken refuge among some cars that were parked in the area. At this point, former United States Attorney Paul Markham, in a flash of a flanking movement, leaped into the breach with his line, "Yes, we just heard about it." Mr. Hewitt was forced to retreat to the ferryboat at this and made preparations for the return trip. The Senator was quickly persuaded to come out of seclusion and they all went back to Edgartown on the very next trip. Upon arrival, Mr. Kennedy literally leaped ashore and was so determined to get to the Police Station with an absolute minimum of dribbling of the sands of time that he nearly knocked someone over who innocently, if carelessly, found himself in his path. (See photo, p. 11B, Time, Aug. 1, 1969.)

#### ANOMALY T (p. 17)

Someone connected with the inquest must have had reason to be curious about telephone calls the Senator might have made because a summons was issued to the New England Telephone and Telegraph Company, which was responded to by their general accounting supervisor, A. Robert Malloy, who followed Senator Kennedy on the witness stand. Mr. Malloy was accompanied by Charles R. Parrott, Esq., attorney in behalf of the Telephone Company.

Even Judge Boyle had a little difficulty with some of Mr. Malloy's responses that concerned the Telephone Company's billing system. After shaking out the ashes, telephone subscribers can have any number of billing account numbers they wish (if they can afford it) all over the country. Moreover, any number of credit cards can be issued, authorized by the subscriber, of course, making telephone calls chargeable by holders of these cards to that specific number. Mr. Kennedy has such a credit card and he has several billing account numbers, as well. Mr. Malloy said he had been able to investigate "three of (Mr. Kennedy's) accounts, one in Boston, one in Washington and one in Virginia." He brought with him only the original records for Boston, however, and it was understood that this number was in

the Senator's name, alone. Mr. Dinis asked:<sup>17/</sup>

Q: Now, with regard to your records, do they show any calls emanating from Chappaquiddick or Edgartown?

A: Yes, they do, sir.

Q: Will you produce the records that show those specific calls emanating from Edgartown or Chappaquiddick for those particular dates, July 18th and July 19th?

MR. PARROTT: If I may address the Court at this point, your Honor, there is some primary evidence...or basic cards that are made by the telephone operator at the time the call is placed. Mr. Malloy has just about all of these with him as to calls originating in the New England area... To assist the Court, he has made a compilation which I think would be helpful..in their chronological time sequence from July 18th to July 19th.

Q: Would you explain this sheet showing the calls that were made as to what times of the day they were made?

A: Yes, sir. Like this first one-- On the 18th, was made at 10:08 a.m. and it lasted for one minute and 20 seconds. That was a call from Edgartown...to Arlington, Virginia.

Q: That this (another call.--Auth.) was made at 12:30 p.m. that day?

A: That is right.

Q: This at 6:39 p.m.?

A: That evening, yes, sir.

On the 19th, the first one was 10:57 (a.m.).

Q: And that call lasted 23 minutes?

A: Twenty-three minutes and 54 seconds, sir.

THE COURT: I ask this question now. You do not require the person initiating the call to identify himself?

THE WITNESS: No, sir.

THE COURT: In other words, anyone can use my credit card if they know the number?

THE WITNESS: Yes, sir.

For so brief an interrogation (even without a small amount of judicious editing, in the author's opinion), the foregoing is fairly burgeoning with anomalies. First, let us note that although the records could pinpoint calls emanating from either Chappaquiddick or Edgartown, the initiating point, (Edgartown) of only the first call was mentioned, along with the distant point. And it is most noteworthy that not only do those operator's original call cards indicate the originating city or area, with the distant point, they show the precise number of the telephone instrument from which the call was made, along with the distant number called. What this means, simply, is that the pinpointing with respect to location can be very exact. It is recommended that this be remembered, as it will assume greater significance a little later on.

Next, since the Senator did not arrive in Edgartown until approximately one o'clock Friday afternoon, the 18th, we may safely infer that at least one other member of the party who arrived earlier was a credit card holder for his Boston number and that that

<sup>17/</sup> Ibid. p. 13.