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Congressional Record S. 8424 - The Watergate Conspiracy

Mike Mansfield 1903-2001

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Maurice H. Stans, chairman, finance, Committee To Re-elect the President, 1701 Pennsylvania Avenue, Washington, D.C.

The Republican National Committee, 310 First Street, S.E., Washington, D.C.

Earl L. Silbert, Esq., Principal Assistant U.S. Attorney, U.S. District Courthouse, Third and Constitution NW., Washington, D.C. 20001.

Each of the above individuals and organizations acknowledged the receipt of the communication through the person to whom it was delivered.

The signed receipts follow:

OFFICE OF THE MAJORITY LEADER,
Washington, D.C., January 17, 1973.

HON. RICHARD HELMS,
Director of Central Intelligence,
Central Intelligence Agency,
Washington, D.C.

ROBERT J. KELSO.

COMMITTEE TO RE-ELECT THE PRESIDENT,
1701 Pennsylvania Avenue,
Washington, D.C.

MELAINIE O'GORMAN.

HON. RICHARD G. KLEINDIENST,
Attorney General of the United States,
Department of Justice,
Washington, D.C.

BERNETTA EVANS.

HON. PATRICK L. GRAY III,
Director, Federal Bureau of Investigation,
Washington, D.C.

C. CARSON.

JOHN W. DEAN III, Esquire,
Counsel to the President, Executive Office of
the President, The White House, Wash-
ington, D.C.

F. J. CARRALL.

HON. ELMER B. STAATS,
Comptroller General of the United States,
General Accounting Office,
Washington, D.C.

GLADYS M. RIGSBY.

MAURICE H. STANS, Chairman,
Finance Committee to Re-elect the President,
1701 Pennsylvania Avenue,
Washington, D.C.

ELAINE O'GORMAN.

THE REPUBLICAN NATIONAL COMMITTEE,
310 First Street, S.E.,
Washington, D.C.

JEAN M. DAVENPORT.

EARL J. SILBERT, Esquire,
Principal Assistant U.S. Attorney, United
States District Courthouse, Third and
Constitution, N.W., Washington, D.C.
PERCY N. LASSEKAS for E.J.S.

The following communication, identical in each case, was sent to the above listed individuals and organizations and reads as follows:

As you may be aware, the Senate is to conduct a full and complete investigation of the allegations of illegal or improper activities during the recently completed national elections. This investigation is to include an examination of the events surrounding the break-in at the Democratic National Committee headquarters in the Watergate, the reports of political sabotage and espionage, questions concerning the receipt and accounting of campaign funds, and the practices and procedures of the various agencies and officials in their investigation of such activities.

I am writing to request that you not destroy, remove from your possession or control, or otherwise dispose or permit the disposal of any records or documents which might have a bearing on the subjects under investigation, including but not limited to all records pertaining in any way to the financ-

ing and operations of any activity related to or affecting the nomination or election of any person during the recent Presidential campaign.

Sincerely yours,

MIKE MANSFIELD.

Late in the afternoon of Friday, May 4, 1973, the press began calling my office on the basis of a statement made by Mr. John Dean and/or his attorney at which time I instructed Mrs. Salpee Sahagian, administrative assistant to the majority leader, to read the contents of the communication in full and the names of those to whom the communication was sent. This was done. I received several inquiries from the press since and the same procedure was followed.

I also ask unanimous consent to have printed at this point in the RECORD copies of the replies I received from Attorney General Richard G. Kleindienst, Comptroller General Elmer B. Staats, Acting FBI Director Patrick L. Gray III, and Principal Assistant U.S. Attorney Earl J. Silbert.

There being no objection, the replies were ordered to be printed in the RECORD, as follows:

THE ATTORNEY GENERAL,

Washington, D.C., January 18, 1973.

HON. MIKE MANSFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: I have your letter dated January 16, 1973 pertaining to the Senate conducting a full and complete investigation of the allegations of illegal or improper activities during the recently completed national elections. You can rest assured that the request contained in your letter will be complied with.

My most sincere best personal regards and respect as always.

Sincerely,

RICHARD G. KLEINDIENST.

COMPTROLLER GENERAL
OF THE UNITED STATES.

Washington, D.C., January 22, 1973.

HON. MIKE MANSFIELD,
U.S. Senate.

DEAR SENATOR MANSFIELD: This is in reply to your letter of January 16, 1973, calling our attention to the impending Senate investigation of allegations of illegal or improper activities during the recent national election and requesting that we not dispose or permit the disposal of any records or documents which might have a bearing on the investigation.

The Federal Election Campaign Act of 1971, Public Law 92-225, contains provisions requiring the extended retention of records related to our activities under this law. Most, if not all, of the relevant records under the control of the General Accounting Office would be covered by this statute. Even were this not the case, however, we have no intention of disposing of any of the records now in our possession or which might come into our possession during the course of the audits now in process by the Office of Federal Elections which might have a bearing on the matters under investigation.

Sincerely,

ELMER B. STAATS,

Comptroller General of the United States.

U.S. SENATE,

January 23, 1973.

SENATOR: Peggy received a call from Dave Bowers of the FBI.

Mr. Bowers said that Mr. Gray received your letter of January 16 but he understood that the Attorney General had replied on Jan. 18 and this reply was for the

THE WATERGATE CONSPIRACY

Mr. MANSFIELD. Mr. President, on January 16, 1973, at the request of Senator SAM ERVIN, chairman of the Senate Select Committee on Presidential Campaign Activities, I dispatched identical letters to the following:

Hon. Richard Helms, Director of Central Intelligence, Central Intelligence Agency, Washington, D.C. 20505.

Committee To Re-elect the President, 1701 Pennsylvania Avenue, Washington, D.C.

Hon. Richard Kleindienst, Attorney General of the United States, Department of Justice, Washington, D.C.

Hon. Patrick L. Gray III, Director, Federal Bureau of Investigation, Washington, D.C.

John W. Dean III, Esq., Counsel to the President, Executive Office of the President, The White House, Washington, D.C.

Hon. Elmer B. Staats, Comptroller General of the United States, General Accounting Office, Washington, D.C.

whole Department including the FBI. Therefore, the FBI Director would not be replying. If there are any questions, contact Mr. Bowers, 175-2541.

DONNA.

Mr. MANSFIELD. Mr. President, I did not hear any further from the other individuals or organizations contacted initially.

This morning, I received in the mail a "Motion To Lodge Document with the Court" filed in the U.S. District Court for the District of Columbia and signed by Charles Norman Shaffer, 342 Hungerford Court, Rockville, Md. 20850, attorneys for John Wesley Dean III. The document filed with the court reads as follows and includes, in addition, a certificate of service that the motion to lodge document with the court was mailed to me on May 4, 1973, and to Earl J. Silbert, Esquire, Seymour Glanzer, Esquire, and Donald Campbell, Esquire, assistant U.S. attorneys, U.S. Courthouse, Washington, D.C. 20001.

Also returned with the motion was a copy of the letter which I dispatched to Mr. John Dean on January 16, as well as a copy of the envelope in which the letter was enclosed and also, under exhibit B, photostatic copies of an advertisement put out by the Alexandria National Bank of Alexandria, Va.

In order to keep the record straight, and in view of the fact that my office has been approached by the press on various occasions, I ask unanimous consent that all the communications, documents, and whatever, be printed in the Record, so that they will be there for all to see.

There being no objection, the material was ordered to be printed in the Record, as follows:

[U.S. District Court for the District of Columbia]

MOTION TO LODGE DOCUMENT WITH THE COURT

United States of America v. John Doe, et al., criminal case No. 1827-72.

Comes now John Wesley Dean, III, by his attorneys, Shaffer, McKeever & Fitzpatrick, for the relief and upon the grounds herein-after described:

1. That John Wesley Dean, III (hereinafter referred to as "Dean"), for a substantial period prior to Monday, April 30, 1973, had been a member of the President's Staff serving at the White House in the capacity of Counsel to the President of the United States.

2. That on or about Monday, April 30, 1973, at approximately 12:00 noon while in another jurisdiction some distance from the Federal City his secretary advised him by long distance telephone that the wire services were then carrying a news bulletin that the President had demanded and received from him and others their resignations from their White House Staff positions and that later during the evening of the same date the President, on nationwide television, would formalize the announcement.

3. Thereafter on the same date at approximately 2:00 p.m. Ronald Zeigler, the Presidential Press Secretary, by a long distance telephone call confirmed to him the Presidential action earlier reported by the wire services' news bulletin.

4. That during the tenure of his appointment as Counsel to the President of the United States and prior to his termination in that office on or about Monday, April 30, 1973, Dean carried a total security clearance

covering his possession and use of classified security information which lapsed immediately upon his termination.

5. That on or about January 16, 1973, during the period of his tenure and while possessing or having under his control classified material the Honorable Mike Mansfield directed a letter to Dean which he shortly thereafter received, copies of which are attached hereto marked Exhibits A and A-1, and prayed to be taken as a part hereof, reading in relevant part:

"The Senate is to conduct a full and complete investigation of the allegations of illegal or improper activities during the recently completed national elections. This investigation is to include an examination of the events surrounding the break-in at the Democratic National Committee headquarters in the Watergate, the reports of political sabotage and espionage . . . and the practices and procedures of the various agencies and officials in their investigation of such activities.

"I am writing to request that you not destroy, remove from your possession or control, or otherwise dispose or permit the disposal of any records or documents which might have a bearing on the subjects under investigation. . . ." (Emphasis added.)

6. That although Exhibit A describes itself as a "request" there are reasonable grounds to believe that the letter has directory effect to preserve autopsic evidence for the Senatorial inquiry described therein and any violation of its terms may expose Dean to subsequent charges of contempt of that body and obstruction of its investigatory endeavors.

7. On the other hand, Title 18, United States Code, Section 793, among other things, forbids anyone to communicate, furnish (excepting the lawful demand of information to any regularly constituted committee of the Senate or House of Representatives of the United States of America or joint committee thereof), transmit or otherwise make available to an unauthorized person or publish any classified information.

"(3) concerning the communication intelligence activities of the United States. . . ." under penalty of felony criminal prosecution leading to fine and/or imprisonment.

8. That for a substantial period prior to and since his termination from office above-described in Paragraphs 2 and 3, Dean has had within his possession and subject to his control a certain document containing forty-three (43) numbered pages together with eight (8) related supplementary documents plastic bound in a blue cover and carrying a security classification.

9. That Dean has reason to believe that some, if not all, of the content of the documents described in Paragraph 8, above, fall within the scope of the coverage of Exhibit A and that the said documents may have "a bearing on the subjects under investigation" by the Senate; however, a reasonable interpretation of the character of Exhibit A supports the view that the Exhibit does not meet the statutory exception of Title 18, United States Code, Section 793(c) reading:

"Nothing in this section shall prohibit the furnishing, upon lawful demand, of information to any regularly constituted committee of the Senate or House of Representatives of the United States of America, or joint committee thereof."

10. That prior to April 30, 1973, Dean, anticipating the reasonable likelihood of either (a) a covert break-in to his office before his termination by persons unknown or (b) sealing of his files after his termination by governmental agents and thereby run the risk of illegitimate destruction of the documents involved, removed the documents described to a safe and secure place under his custody and control.

11. That following Dean's return from the other jurisdiction above-described in Paragraph 2, on or about Thursday, May 3, 1973, he contracted in his name for a safe deposit box located within the Alexandria National Bank (hereinafter referred to as "the Bank") at Alexandria, Virginia, and was assigned Safety Deposit Box No. 592 and placed therein the documents above-described in Paragraph 8.

12. That the Bank delivered to Dean two (2) duplicate safety deposit box keys both of which are affixed to a paper attached hereto marked Exhibit B and prayed to be taken as a part hereof.

13. That short of breaking the locks to the said safety deposit box access can only be obtained by the use of one of the keys affixed to Exhibit B in conjunction with a separate key maintained by the Bank at its banking house in Alexandria, Virginia.

14. That if this Honorable Court should grant the within Motion, then (a) Dean will have effectively transferred the documents involved beyond his own actual or constructive possession and control, which Dean believes he, as a terminated White House Staff member should no longer exercise, and (b) the problem of a statutorily unauthorized delivery to Senator Mansfield or members of the government's prosecutorial staff, none of whom may carry the requisite security clearance will be obviated, and (c) the risk of an unauthorized destruction of relevant evidentiary material "which might have a bearing on the subjects under investigation" either by the United States Senate or the District of Columbia Grand Jury inquiring into the matters under investigation.

15. That because of the events above-described in Paragraphs 2 and 11, Dean was not previously confronted with the problem concerning the appropriate disposition of the classified material herein described and he did not sooner file the within Motion.

Wherefore, the premises considered, Dean respectfully prays this Honorable Court to pass an Order:

1. Directing the Clerk of this Honorable Court to remove the two (2) keys attached to Exhibit B and hold them in a safe place subject to the further Order of the Court; and

2. For such other and further relief as to this Honorable Court shall seem appropriate.

EXHIBIT A

U.S. SENATE,

Washington, D.C., January 16, 1973.

JOHN W. DEAN III, Esquire,
Counsel to the President, Executive Office
of the President, the White House,
Washington, D.C.

DEAR MR. DEAN: As you may be aware, the Senate is to conduct a full and complete investigation of the allegations of illegal or improper activities during the recently completed national elections. This investigation is to include an examination of the events surrounding the break-in at the Democratic National Committee headquarters in the Watergate, the reports of political sabotage and espionage, questions concerning the receipt and accounting of campaign funds, and the practices and procedures of the various agencies and officials in their investigation of such activities.

I am writing to request that you not destroy, remove from your possession or control, or otherwise dispose or permit the disposal of any records or documents which might have a bearing on the subjects under investigation, including but not limited to all records pertaining in any way to the financing and operations of any activity related to or affecting the nomination or election of any person during the recent Presidential campaign.

Sincerely yours,

MIKE MANSFIELD.