93d CONGRESS
2d Session

SENATE

REPORT
No. 93-981

THE FINAL REPORT

OF THE

SELECT COMMITTEE ON PRESIDENTIAL CAMPAIGN ACTIVITIES UNITED STATES SENATE

PURSUANT TO

S. RES. 60, FEBRUARY 7, 1973

A RESOLUTION TO ESTABLISH A SELECT COMMITTEE OF THE SENATE TO INVESTIGATE AND STUDY ILLEGAL OR IMPROPER CAMPAIGN ACTIVITIES IN THE PRESIDENTIAL ELECTION OF 1972

JUNE 1974

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(Established by S. Res. 60, 93d Congress, 1st Session)

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LETTER OF TRANSMITTAL

JUNE 27, 1974.

Hon. JAMES O. EASTLAND,
President pro tempore,
U.S. Senate, Washington, D.C.

DEAR MR. PRESIDENT: Under the authority of Senate Resolution 60, 93d Congress, 1st session, as amended by subsequent resolutions, I am submitting on behalf of all the members of the Select Committee on Presidential Campaign Activities, the committee's final report.

As you know, the Select Committee on Presidential Campaign Activities was established on February 7, 1973, to make a "complete" investigation and study "of the extent . . . to which illegal, improper, or unethical activities" occurred in the 1972 Presidential campaign and election and to determine whether new legislation is needed "to safeguard the electoral process by which the President of the United States is chosen."

I am pleased to report that the committee has completed the vital and historic task assigned to it by the unanimous vote of the Senate. It is urgent that the Congress implement the recommendations of the Select Committee as set forth in this final report in response to the mandate of S. Res. 60.

With warm regards.

Sincerely,

SAM J. ERVIN, JR., *Chairman.*

INTRODUCTION

This report presents the findings and recommendations of the Senate Select Committee on Presidential Campaign Activities based on its investigation of the Watergate break-in and coverup, illegal and improper campaign practices and financing, and other wrongdoing during the Presidential campaign of 1972. Once termed "a cancer growing on the Presidency" by a principal committee witness,[1] Watergate is one of America's most tragic happenings. This characterization of Watergate is not merely based on the fact that the Democratic National Committee headquarters at the Watergate was burglarized in the early morning hours of June 17, 1972. Rather, it is also an appraisal of the events that led to the burglary and its sordid aftermath, an aftermath characterized by corruption, fraud, and abuse of official power.

The Select Committee is acutely conscious that, at the time it presents this report, the issue of impeachment of the President on Watergate-related evidence is pending in the Judiciary Committee of the House of Representatives. The Select Committee also recognizes that there are pending indictments against numerous defendants, most of whom were witnesses before the committee, which charge crimes that, directly or indirectly, relate to its inquiry. It thus must be stressed that the committee's hearings were not conducted, and this report not prepared, to determine the legal guilt or innocence of any person or whether the President should be impeached. In this regard, it is important to note that the committee, during its short lifespan, has not obtained all the information it sought or desired and thus certain of its findings are tentative, subject to reevaluation when the full facts emerge. Moreover, the committee, in stating the facts as it sees them, has not applied the standard of proof applicable to a criminal proceeding—proof beyond a reasonable doubt. Its conclusions, therefore, must not be interpreted as a final legal judgment that any individual has violated the criminal laws.

The committee, however, to be true to its mandate from the Senate and its constitutional responsibilities, must present its view of the facts. The committee's enabling resolution, S. Res. 60, 93d Cong., 1st Sess. (Feb. 7, 1973)[2] which was passed by a unanimous Senate, instructs the committee to make a "complete" investigation and study "of the extent . . . to which illegal, improper, or unethical activities" occurred in the 1972 Presidential campaign and election and to determine whether new legislation is needed "to safeguard the electoral process by which the President of the United States is chosen." S. Res. 60, sections 1(a) and 2. Thus the factual statements contained in this

[1] 3 *Hearings* 998.
[2] *See* the Appendix to the Hearings of Legal Documents, p. 3.

report perform two basic legislative tasks. First, they serve as a basis for the remedial legislation recommended herein which the committee believes will assist in preserving the integrity of the electoral process not only for present day citizens but also for future generations of Americans. Second, they fulfill the historic function of the Congress to oversee the administration of executive agencies of Government and to inform the public of any wrongdoing or abuses it uncovers. The critical importance of this latter function cannot be over-emphasized. As the Supreme Court said in *Watkins* v. *United States*, 354 U.S. 178, 200 (1957):

> [There is a] power of the Congress to inquire into and publicize corruption, maladministration or inefficiency in agencies of the Government. That was the only kind of activity described by Woodrow Wilson in "Congressional Government" when he wrote: "The informing function of Congress should be preferred even to its legislative function." *Id.*, at 303. From the earliest times in its history, the Congress has assiduously performed an "informing function" of this nature.

And, in *United States* v. *Rumely*, 345 U.S. 41, 43 (1953), the Supreme Court termed the informing function "indispensable" and observed:

> "It is the proper duty of a representative body to look diligently into every affair of government and to talk much about what it sees. It is meant to be the eyes and the voice, and to embody the wisdom and will of its constituents. Unless Congress have and use every means of acquainting itself with the acts and the disposition of the administrative agents of the government, the country must be helpless to learn how it is being served; and unless Congress both scrutinize these things and sift them by every form of discussion, the country must remain in embarrassing, crippling ignorance of the very affairs which it is most important that it should understand and direct. The informing function of Congress should be preferred even to its legislative function." Wilson, "Congressional Government," 303.

It is in part to fulfill the historic "informing function" that the committee reveals to the public the detailed facts contained in this report.

Before turning to a recitation of the facts as the committee sees them, certain general observations based on the evidence before the committee are appropriate. The Watergate affair reflects an alarming indifference displayed by some in the high public office or position to concepts of morality and public responsibility and trust. Indeed, the conduct of many Watergate participants seems grounded on the belief that the ends justified the means, that the laws could be flaunted to maintain the present administration in office. Unfortunately, the attitude that the law can be bent where expediency dictates was not confined to a few Government and campaign officials. The testimony respecting the campaign funding practices of some of the Nation's largest and most respectable corporations furnishes clear examples of the subjugation of legal and ethical standards to pragmatic considerations. Hopefully, after the flood of Watergate revelations the country has witnessed, the public can now expect, at least for some years to come, a higher standard of conduct from its public officials and its business and professional leaders. Also, it is hoped that the

Watergate exposures have created what former Vice President Agnew has called a "post-Watergate morality" where respect for law and morality is paramount.

In approaching its task of recommending remedial legislation, the committee is mindful that revelations of past scandals have often failed to produce meaningful reform. Too frequently there is a tendency to overreact in the wake of a particular scandal and burden the penal code with ill-considered laws directed to the specific—perhaps aberrational—conduct exposed. This proliferation of criminal laws has tended to over-complicate the penal code and, consequently, to impair the effectiveness of its administration. Moreover, legislation is, at best, a blunt weapon to combat immorality.

While this report does make certain specific recommendations for new criminal legislation or for strengthening existing criminal laws, the committee has been careful to recommend only where the need is clear. Its major legislative recommendations relate to the creation of new institutions necessary to safeguard the electoral process, to provide the requisite checks against the abuse of executive power and to insure the prompt and just enforcement of laws that already exist. Surely one of the most penetrating lessons of Watergate is that campaign practices must be effectively supervised and enforcement of the criminal laws vigorously pursued against all offenders—even those of high estate—if our free institutions are to survive.

The committee's mandate was broad and its time to meet it brief. Nonetheless, the committee believes that, through its efforts and those of others, the basic facts of the Watergate scandal have been exposed to public view and, as a result, the American people have been reawakened to the task democracy imposes upon them—steadfast vigilance of the conduct of the public officials they choose to lead them. This public awareness, in turn, has provided the atmosphere necessary to support other essential governmental responses to Watergate such as the work of the Special Prosecutor and the activities of the House Judiciary Committee on impeachment. Because the Nation is now alert, because the processes of justice are now functioning and because the time is ripe for passage of new laws to safeguard the electoral process, the committee is hopeful that, despite the excesses of Watergate, the Nation will return to its democratic ideals established almost 200 years ago.

I. THE COMMITTEE AND ITS STAFF

As noted, the U.S. Senate created the Senate Select Committee on Presidential Campaign Activities on February 7, 1973, by unanimous adoption of S. Res. 60. The seven committee members appointed by the Senate leadership to answer the mandate of S. Res. 60 were Sam J. Ervin, Jr. (D-N.C.), chairman; Howard H. Baker, Jr. (R-Tenn.), vice chairman; Herman E. Talmadge (D-Ga.); Daniel K. Inouye (D-Hawaii); Joseph M. Montoya (D-N. Mex.); Edward J. Gurney (R-Fla.); and Lowell P. Weicker, Jr. (R-Conn.).

Like the Select Committee formed to investigate the "Teapot Dome" scandals nearly a half a century ago, the Senate "Watergate" Committee, as it was quickly renamed by the news media, was born in the crisis of a serious loss of confidence by the public in its national Gov-

ernment. At the time the committee was established, the trial of the Watergate burglars had been recently completed with the conviction of the seven defendants, all but two of whom had pleaded guilty. The trial was prosecuted on the theory that G. Gordon Liddy, former FBI agent and counsel for the Finance Committee To Re-Elect the President,[3] had masterminded the break-in of the Democratic National Committee headquarters and that no higher campaign or White House officials were involved. Chief Judge John Sirica, the presiding judge, never accepted this theory. His repeated questions to witnesses and the prosecution staff indicated his disbelief that criminal involvement stopped at Liddy. Courageous investigative reporters raised similar doubts in news stories and columns. The smell of coverup was in the air. S. Res. 60, passed after the Watergate trial concluded, evinces the Senate's belief that the Department of Justice could not be trusted fully to investigate and uncover the true story of Watergate. But no substantial indication of the magnitude of the Watergate affair had yet emerged.

The Senate Select Committee was given the broadest mandate to investigate completely not only the break-in of the DNC headquarters and any subsequent coverup, but also all other illegal, improper, or unethical conduct occurring during the Presidential campaign of 1972, including political espionage and campaign financing practices. All the investigative powers at the Senate's disposal were given the committee. Thus the committee had the power of subpena, the power to grant limited or "use" immunity to witnesses to obtain their testimony [4] and the power to enforce the committee's subpenas by initiating contempt procedures.

On February 21, 1973, at its first organizational meeting, the committee, on the recommendation of Chairman Ervin, unanimously appointed Professor Samuel Dash as chief counsel and staff director for the committee. Professor Dash had formerly been district attorney in Philadelphia, an active trial lawyer and chairman of the Section of Criminal Law of the American Bar Association. At the time of his appointment, Mr. Dash was professor of law and director of the Institute of Criminal Law and Procedure of Georgetown University Law Center. Shortly afterwards, Vice Chairman Baker, acting under the provisions of S. Res. 60, appointed as minority counsel Mr. Fred Thompson, a trial lawyer and former assistant U.S. attorney in Nashville, Tenn.

During the month of March, the chief counsel selected as deputy chief counsel Mr. Rufus Edmisten (who also served as chief counsel of the Senate Subcommittee on Separation of Powers) and his assistant chief counsel for the three areas of the investigation—Watergate break-in and coverup, campaign practices, and campaign financing. David M. Dorsen was assigned supervision of the campaign financing phase, including investigation of the milk fund affairs. Mr. Dorsen was especially aided in the milk fund investigation by assistant counsel Alan S. Weitz. Mr. Terry Lenzner took charge of the campaign practices phase and also headed the investigation into the Hughes-Rebozo matter. Serving as Mr. Lenzner's principal aides in those investigations were assistant counsel Marc Lackritz and investigator Scott Armstrong. Mr. James Hamilton was assigned responsibility for the Watergate break-in and coverup phase; because of the rapid change in events, Messrs. Dorsen and Lenzner also spent considerable time on this phase. Mr. Hamilton, with the aid of assistant counsel Ronald D. Rotunda, special counsel Richard B. Stewart, and a number of expert consultants,[5] was also responsible for most of the committee's litigation efforts, including the preparation of the pleadings and briefs in its suit against the President, and, with Mr. Dorsen, supervised the investigation into the so-called Responsiveness Program. Both Mr. Dorsen and Mr. Lenzner had been assistant U.S. attorneys in the Southern District of New York, and Mr. Hamilton was a trial attorney with the Washington law firm of Covington and Burling.

Mr. Carmine Bellino, former FBI agent and a veteran of numerous important congressional investigations, was appointed chief investigator. Professor Arthur Miller of George Washington Law School was named chief consultant to the staff. Minority Counsel Fred Thompson appointed as his chief assistant and investigator Donald Sanders, a former FBI agent and chief counsel and staff director to the House Internal Security Committee.

Appointment of other lawyers, investigators, secretarial personnel, and research assistants followed over the next several months, bringing the staff to a peak strength of approximately 90 persons by August of 1973.

II. INVESTIGATIVE PROCEDURES

On March 21, 1973, while the committee staff was still in its formative stages, James McCord, one of the convicted Watergate defendants, began the unraveling of the Watergate story by transmitting a sealed letter to Judge Sirica. On the morning of March 23, which had been set by Judge Sirica for the sentencing of the Watergate defendants, Judge Sirica in open court unsealed the letter and read aloud McCord's first accusations of perjury at the January 1973 Watergate trial and coverup.

At 1 p.m. the same day, Mr. McCord, through his attorney, called the Select Committee's chief counsel and offered to give information to the committee. The chief counsel met with Mr. McCord and his counsel that afternoon and the following day, and Mr. McCord testified before an executive session of the full committee early the following week. McCord's revelations to the committee were the first indication that former Attorney General John Mitchell, Counsel to the President John W. Dean III, and deputy director of the Committee for the Re-Election of the President [6] Jeb Stuart Magruder had participated in planning and discussion with G. Gordon Liddy respecting a large-scale covert intelligence operation that ultimately resulted in the Watergate break-in.

Although McCord had been a participant in the break-in, he had obtained information about the planning meetings and the later pay-

[3] Hereinafter often referred to as FCRP.

[4] To grant "use" immunity is to insure a witness that his testimony, or the fruits of his testimony, will not be used against him directly or indirectly in any subsequent criminal procedure. *See* 18 U.S.C. 6002–6005.

[5] Professor Arthur S. Miller, Professor Jerome A. Barron, Professor Donald S. Burris, Professor Sherman Cohn, and Eugene Gressman. The committee is particularly grateful to Professor Stewart who devoted many hours of his considerable talents to the committee's litigation efforts.

[6] Hereinafter often referred to as CRP.

ments of "hush" money to purchase silence through discussions with Liddy and others. Thus, the involvement of higher officials in Watergate activities could not be fully proved through McCord's testimony, since it was largely hearsay. Although a Senate investigating committee may receive hearsay testimony, the Select Committee decided, because of its desire to limit unfounded rumor and speculation, to employ a higher standard of proof for the establishment of crucial facts. It was thus decided that McCord's testimony would not be presented in public session unless it could be corroborated by other evidence.

Accordingly, the staff began an intensive investigation. Secretaries to key officials at CRP, the White House and the Department of Justice, as well as other staff personnel, were questioned and their records subpenaed and examined. Gradually, corroboration for McCord's story emerged. A secretary's diary was uncovered which showed meetings in Mr. Mitchell's Justice Department office on January 27 and February 4, 1972, attended by Messrs. Mitchell, Dean, Magruder, and Liddy. A CRP staff member remembered Liddy's agitated search for an easel in the CRP offices on the morning of January 27. (McCord had told the committee that, according to Liddy, Liddy had that day made a show-and-tell presentation respecting his intelligence plan in the Attorney General's office using large cards on an easel.) A secretary recalled seeing Liddy with several large white cards wrapped in brown paper in the CRP offices prior to the January 27 meeting. The former FCRP treasurer, Hugh Sloan, informed the committee of Magruder's effort to suborn his perjury before the grand jury. Sloan also gave evidence as to the large amounts of cash paid to Liddy with Mr. Mitchell's approval for purposes concerning which Sloan said FCRP head Maurice Stans told him "I do not want to know and you don't want to know."[7]

As hundreds of details were collected, it became clear that the committee could corroborate with circumstantial evidence much of McCord's hearsay testimony. More importantly, in April certain of the principals involved—Mr. Magruder and Mr. Dean—signified their willingness to testify before the committee.

A. Use of Immunity Powers

It was then that the use of immunity powers granted the committee became important. Magruder and Dean were being questioned by the U.S. attorneys in preparation for their grand jury testimony. They were targets for indictment and could not be expected to cooperate with the committee without a grant of use immunity. The committee voted immunity for these witnesses and others and thus secured the direct testimony of persons who had participated in criminal acts.

The staff, most of whom had been employed in April, had uncovered by the middle of May much of the evidence it was to present during the Watergate phase of the hearings, a result obtained by around-the-clock efforts. Also, the members of the committee held frequent executive committee meetings to receive staff progress reports, legal opinions and to vote use of subpena and immunity powers to assist the

[7] 2 *Hearings* 539.

staff in obtaining the facts. In exercising its immunity power, the committee weighed carefully the determinative question whether the testimony to be gained was vital to the committee's investigation or would reveal the significant involvement of persons of greater rank. The committee did not seek an immunity order for any witness who could not meet these tests and would only provide information as to his own involvement in the Watergate affair.

In April, the committee announced that public hearings would begin May 17, 1973, on the Watergate and coverup phase of the investigation. While this provided only short lead time, the committee was deeply conscious of public concern about the true parameters of the Watergate matter. It thus believed public hearings should start as promptly as possible. The committee opened its hearings on May 17, 1973, and maintained its hearing schedule, which increased from 3 to 5 days a week, without interruption (except for two brief recesses) until August 7, 1973. Thirty-seven witnesses testified during this period, hundreds of exhibits and documents were introduced into the record, and over 3,000 pages of testimony were transcribed. The committee's hearings on the Watergate break-in and coverup phase constituted the longest uninterrupted congressional hearings in the history of the Congress.

B. "Satellite" Charts on Key Witnesses

While many techniques to gain evidence were used, one investigative strategy in particular was responsible for some of the staff's most significant results, including the discovery of the White House taping system. In regard to each major witness, the chief counsel assigned a team of lawyers and investigators to collect as much evidence as possible respecting this witness from secondary sources. To accomplish this most efficiently, each team prepared what the staff came to call a "satellite" chart for every major witness. Plotted on the chart would be the name and position of every person who had a significant contact with the witness during relevant time periods and who had been in a position to receive pertinent information and records. One principal witness alone had 60 satellites on his chart. Each satellite witness was interviewed by the staff and his or her records subpenaed and examined. The now famous ITT memorandum from Charles Colson to H. R. Haldeman was obtained from a satellite on Mr. Colson's chart.[8] And Mr. Butterfield, who revealed the White House taping system, was interviewed simply because he was a satellite on Mr. Haldeman's chart.

After John Dean informed the committee that he suspected that the President had taped a conversation between them in the Oval Office on April 15, 1973, some potentially knowledgeable witnesses were asked whether the President did, in fact, tape conversations. When Deputy Minority Counsel Donald Sanders asked Mr. Butterfield whether he knew of any facts supporting Dean's intimation that conversations in the President's office were tape recorded, Butterfield responded by informing the committee of the White House taping system. Then, in response to an earlier question by investigator Scott

[8] Exhibit 121, 8 *Hearings* 3372–76.

Armstrong, Butterfield stated that the reconstruction of the President's conversations with John Dean, which had been given the committee by Special Counsel to the President J. Fred Buzhardt, must have been prepared by use of the tapes of those meetings.

C. Computer Operations

Another important investigative tool was the computer of the Library of Congress whose capabilities were offered the committee shortly after its formation. The committee accepted this offer and developed a computer staff to utilize this facility. To the committee's knowledge, this was the first time a congressional investigating committee employed a computer for the storage of information for investigative and analytical purposes.[9]

Almost all of the committee's investigative files and records were stored on computer tapes including documentary records, witness interviews, executive sessions, public sessions, depositions in related civil cases, the transcript of the first Watergate trial, and certain newspaper clippings for the period from June 17, 1972, through the investigative phase. Computer printouts on individual witnesses permitted the staff to retrieve all available information respecting a given witness. Thus discrepancies in testimony could easily be spotted and relevant documents identified for use in examination. The computer also proved a valuable tool for preparation of the committee's final report.

On the basis of its experience, the committee recommends the use of computer technology in future congressional investigations. It also notes that the computer staff has provided the Special Prosecutor and the House Judiciary Committee with a complete duplicate of its computer tape, and that committee's impeachment inquiry thus had at its disposal the Select Committee's complete computer input.

D. Other Investigative Procedures

The committee employed a variety of procedures for obtaining facts. Witnesses were usually interviewed informally and not under oath. Hundreds of witnesses were interviewed either in the committee offices in the New Senate Office Building or at various places throughout the country. In cases where the witness was testifying under a grant of immunity or it was otherwise important to have his or her testimony under oath, the witness was examined in executive session. Oaths for executive sessions were administered by a member of the committee and verbatim transcriptions of testimony prepared.

Thousands of documents, records and other tangible evidentiary materials were subpenaed by the committee, examined by the staff and the committee, and stored in secure files. The committee's invesetigation was aided by the fact that the staffs of the White House and CRP frequently recorded their activities in documentary form. It appeared to be the practice of the officials involved to circulate duplicate copies of various memoranda throughout the White House and CRP and the files of CRP were filled with duplicate copies of memo-

[9] A report on the computer technology used appears in Chapter 10, *infra*.

randa written by top White House officials. After the 1972 election, CRP delivered its files to the National Archives. When the Select Committee learned this had occurred, a subpena for these files was issued and, over a period of months, staff investigators examined a vast collection of documents stored at the Archives. A great number of "confidential/eyes only" memoranda thus became available for the committee's inspection. A significant number of the memoranda revealed during the public hearings and/or embodied in this final report came from this source.

III. THE PUBLIC HEARINGS

The character of the committee's hearings resulted from considerable planning and a basic philosophy. The committee, aware of the gravity of the national scandal it was investigating and the fact that its activities would be highly publicized, was determined to present dignified, objective hearings. It recognized that the ultimate impact of its work depended upon obtaining and keeping public confidence.

In part for these reasons, the committee resisted calling certain so-called "big name" witnesses at the beginning of its hearings. The committee and staff wished to present a careful presentation of the evidence, establishing a foundation for the later testimony that implicated high Government and campaign officials. Early witnesses of lesser stature that enabled the public to understand the context in which the Watergate affair unfolded were essential. The chief counsel and staff recommended this "building block" approach to the committee and the committee unanimously adopted it.

The committee followed a practice not typical of certain congressional hearings. It refrained from calling a witness in public session that it knew would refuse to testify on the assertion of the fifth amendment privilege against self-incrimination. When a witness in executive session claimed this constitutional right and declined to answer the committee's queries, the matter ended and the witness was not required to assert his privilege in public session. This policy was instituted upon the recommendation of the chief counsel, with which the committee agreed, on the belief that no legislative purpose would be served by public exhibitions of witnesses who claimed their privilege.

The committee believed it was important that its public hearings be televised. Live television coverage occurred during the first phase of the committee's hearings covering the Watergate break-in and the coverup. Public Television carried, through its evening gavel-to-gavel coverage, most of the committee's public hearings.

The committee's interest in televised hearings was not to obtain publicity for publicity's sake. The facts which the committee produced dealt with the very integrity of the electoral process; they were facts, the committee believed, the public had a right to know. Most citizens are not able personally to attend the working sessions of their Government. Although thousands of people spent short periods in the Caucus Room during the hearings, these visitors represented only a small percentage of the electorate. Thus, it was desirable that every citizen be able to view the hearings, if not in the Caucus Room, then in his home or place of business. The ability to read about the hearings in the printed media was not sufficient. The full import of the hearings could

only be achieved by observing the witnesses and hearing their testimony.

It was for this reason that the committee opposed the efforts in Federal court of Special Prosecutor Cox to proscribe television and radio coverage of the testimony of Magruder and Dean. The Special Prosecutor's expressed concern was that public hearings might prejudice future criminal trials. It was the committee's position that they would not, but, even if they did, it was more important in this period of crisis and national concern that the full facts be promptly made known. The public should not have to wait a year or more until the Watergate trials were over to know the scope of the corruption in its Government.

The court supported the committee's position and refused to interfere with the committee's public hearings. The committee believes that its position has proven correct and that its public hearings awakened the public to the perils posed by the Watergate affair to the integrity of the electoral process and our democratic form of government.

Perhaps proof of the impact of the committee's hearings is found in the unprecedented public response to the firing of Special Prosecutor Cox on October 20, 1973. On that weekend alone, a half million telegrams came to the Congress. Hundreds of thousands of telegrams flowed in during the following days. The overwhelming sentiment of these telegrams was in opposition to the President's action. It is doubtful that public sentiment would have been so aroused by the President's action had the public not been sensitized to the issues involved through the committee's hearings.

The committee wishes to note, before it proceeds to present its findings, that it has received no evidence suggesting any complicity in wrongdoing on the part of the Republican National Committee or the Democratic National Committee or their principal officers during the Presidential campaign of 1972.[10]

[10] During the time covered by this investigation, the chairman of the Republican National Committee was Senator Robert Dole and the Chairman of the Democratic National Committee was Lawrence F. O'Brien.

CHAPTER 1

The Watergate Break-in and Coverup

The Watergate drama is still unfolding.[1] Because all the facts are not yet in, because all the Watergate criminal trials and the impeachment proceeding are not concluded, and because the President has refused to produce to the Select Committee many crucial tape recordings and other evidence, this report—although it is the committee's final report—is incomplete. And this report is limited in another way. Because of the massive amount of evidence now available as to Watergate developed in the committee's hearings and elsewhere, it is impossible in a document of reasonable length to deal with every fact or every version of the facts. The committee, therefore, in preparing this report, has exercised its judgment as to what facts are important and which versions of disputed facts should be included. Others may disagree with our account, but it is the committee's mandate under S. Res. 60 to present the Watergate affair to the public as it sees it.

I. THE WATERGATE BREAK-IN AND ITS PRELUDE

In the early morning hours of June 17, 1972, James McCord, Bernard L. Barker, Frank Sturgis, Eugenio Martinez and Virgilio Gonzales illegally entered the Democratic National Committee headquarters on the sixth floor of the Watergate Office Building.[2] Nearby, in a room in the Watergate Hotel, Howard Hunt and G. Gordon Liddy, the supervisors of this burglary operation, stood by keeping in walkie-talkie communication with Alfred Baldwin who served as a lookout across the street from the Watergate complex in the Howard Johnson Motor Lodge.[3] The mission was ill-fated. Within a short time after the break-in, a Washington Metropolitan Police Department plain-clothes unit in an unmarked car responded to a call to assist a guard at the Watergate Office Building.[4] The guard, Frank Wills, had become suspicious when, for the second time that night, he found masking tape on the edge of a door in the garage leading to the office building.[5] The tape had been placed to hold back the locking mechanism, permitting the door to be opened without a key.[6] Earlier that night, Wills had removed tape from the same door thinking it had been inadvertently left by a building engineer.[7]

[1] This report was prepared prior to the official public release of any statements of evidence and materials by the Judiciary Committee of the House of Representatives.
[2] 1 *Hearings* 128.
[3] 1 *Hearings* 158, 402; 9 *Hearings* 3688; Hunt executive session, Sept. 10, 1973, pp. 37–8.
[4] 1 *Hearings* 96.
[5] Wills interview, May 22, 1973, pp. 2–3.
[6] 1 *Hearings* 98.
[7] Wills interview, May 22, 1973, pp. 1–2.

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