

## INTERVIEW XXXI

DATE: December 10, 1987

INTERVIEWEE: LAWRENCE F. O'BRIEN

INTERVIEWER: Michael L. Gillette

PLACE: Mr. O'Brien's office, New York City

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O: Watergate has been part of our discussions throughout this oral history. At this point, it might be helpful to consider Watergate from its beginning in chronological order and to discuss all its aspects: its motivation, its impact and its end result.

The first realization I had that there was animosity toward me in the White House was a conversation with Rowland Evans of the Evans-[Robert] Novak column at lunch, perhaps in early or mid-1971. Rowlie asked me why Chuck Colson hated my guts. I responded that I didn't know who Chuck Colson was. The name was a name I wasn't familiar with. Rowlie said, "Of course you know Colson. He comes from Massachusetts. He was on the staff of Senator Leverett Saltonstall at one time. You must know him." I repeated I didn't. He identified him then as a member of Nixon's White House staff, at which point I think I had some vague idea I had heard the name. That was the extent of my knowledge of Chuck Colson at that time. I closed that conversation by suggesting to Rowlie that if he wanted an answer as to why he hated me, he'd have to ask Colson. I dismissed it from my mind and thought nothing further about it. Other than that, there were two or three occasions which, again, were meaningless to me. A reporter might call to say, "They are trying to harm you." "Who are they?" "The Nixon people. They send blind memos over the transom."

G: That had happened before in your political career?

O: I don't recall that it had. One of the blind memos was forwarded to me by a reporter who chuckled and said I might be interested in seeing it. It coincided with an appearance I was to make, I believe, at the National Press Club. The memo substance suggested questions to be posed to me. It was so ridiculous that upon receipt of it I dropped it in the wastebasket. It suggested that questions be posed to me as to whether there was any conflict or tie-in between the clients of O'Brien Associates in New York and my political activities as chairman of the Democratic National Committee.

It then proceeded to list some of the clients. The list had been made public when I launched O'Brien Associates in the fall of 1969. As part of the promotion of the launching I had listed initial clients. That list included the Dyson-Kissner Corporation where I had my offices. The Dyson-Kissner Corporation was a private investment company engaged in a variety of manufacturing. It also listed, in addition to the Dyson-Kissner Corporation,

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the head of the company, Charles H. Dyson, and gave background on him. Incidentally, Charlie Dyson was a close friend, as his son and my son had served together in Vietnam. He found himself on the major enemies list of Nixon. He was one of twenty people on that list. That was the price he paid for association with me. Also listed was the American Society of Composers and Publishers, an initial client when I opened the firm. ASCAP of course is the national organization of composers and publishers. Listed also was Hughes Enterprises, one of my initial clients, and Dukor Industries, also one of my initial clients.

Dukor Industries paid a terrible price because I was a member of its board of directors. It was a privately-held company based in northern California engaged in the production of modular housing. A long-time friend of mine, George Bissell, was the owner of Dukor Industries. He found that the Federal Housing Administration either delayed his applications or denied his applications without any grounds. At a later date it was determined that Chuck Colson in the White House had instructed the regional director of the Federal Housing Administration to do whatever he could to disrupt Dukor Industries. The net result was that Dukor Industries floundered. George Bissell suffered a tremendous financial loss in the process. That was the price that he had to pay for being a client of mine and having me on his board of directors.

Another company, Riker-Maxman, an electronics firm, was an initial client. This client list was included in the announcement of the organization of O'Brien Associates. The announcement appeared in several newspapers and I believe *Newsweek* magazine. So the author of this blind memo did not have to do any research. There was nothing hidden or secret. It was a memo detailing who these people were and what they were involved in. "Why don't you ask him what he does? Does it have any governmental involvement?" And all this sort of thing. I never heard another thing about it and I'm referring to it only in the sense of questioning whether anything should have alerted me that some unusual activity was being engaged in. The fact is the Rowlie Evans conversation and a couple of routine phone calls from friends in the press, along with receipt of this memo from a reporter, did not cause me to consider there was a massive effort to harm me.

However, as Watergate unfolded later, the Nixon files reveal that as early as August 1970, within ten months of my return as national chairman, there was a memo suggesting I had an association with an entity called Public Affairs Analysts. Bill Safire, who was on the White House staff at that time, suggested an attempt be made to find a way of claiming Public Affairs Analysts was engaged in foreign activity which would require it to register. Incidentally, this information on PAA appeared in *Newsweek*. That's where Safire picked it up. His memo said, "I saw this item in *Newsweek*." So there was a vigorous effort, and a series of memos reveal it, to pursue Public Affairs Analysts.

The background of Public Affairs Analysts was that there were four of us involved in the company, each holding shares of stock. In reality it was run by Joe Napolitan, a long-time friend and associate. He had been engaged in political campaigns with me for a couple of decades. PAA did not engage in any kind of foreign activities. It was a public

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relations company. Joe personally was engaged in a number of political campaigns. He was an extremely able fellow and extremely successful. The other three members of the firm were really old friends who were listed as directors. There was Martin Haley and Cliff White and me, along with Joe Napolitan. But the firm was Joe's in a real sense. He was based in New York but had an office in Washington which I never saw. I was not a participant in the activities of the firm. Off this weak reed, the White House launched a massive effort, which included a break-in to the office in Washington. This is revealed in very careful language in a memo from John Caulfield to John Dean.

G: What does he say, do you recall the language?

O: You have to see the humor of this. There were several White House people involved in checking this out. It involved H. R. Haldeman and Dean. I guess they felt there was an opportunity here. Caulfield surveyed the office, checked the files and found it a modest office with an answering service. The most humorous aspect as revealed in the memos is a warning signal in the White House. They found Cliff White was a partner with me and Cliff was a conservative Republican who had played a prominent role in a number of Republican presidential campaigns. He was a close friend of people on the White House staff. So to their dismay, they found that White and I were in some kind of partnership. The warning went up, "We cannot embarrass Cliff White or cause problems for him. In that context let's see what we can find out." Well, it died aborning. Notations in the memos include, "Involvement of Clifton White makes it doubtful whether any political gain can be made from focusing on O'Brien."

G: Who wrote that memo, do you know?

O: I only have initials. It's to Dean and it appears to be CJ or FCS. The memo is in the Nixon files. But what started with Safire, in which he stated, "Let's . . . keep O'Brien on the defensive," became a matter that involved the effort of several members of the White House staff.

G: What did they hope to find specifically at this--?

O: Who knows? They didn't know. I think they felt Public Affairs Analysts might conceivably include activities representing foreign interests or foreign countries. That of course would mean that you would have to register. That was their thought process; there might be something. I mention it only because it indicates that keen interest in me became apparent in the record as early as 1970, which was the year I returned to the national chairmanship. There are a number of indications--and the record spells that out--involving the Dyson Corporation, Dukor, PAA, which was not a client but which I had an affiliation with, and Hughes Enterprises. There was a keen interest in determining what activities my firm was engaged in. This would be the pattern when your objective is to get this fellow, this chairman of the Democratic Party. There was a strong interest in what the client fees were. There was a particular interest in what the fee was with Hughes Enterprises. There are several memos that focused on that.

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G: What was the motivation for this, do you think?

O: A fishing expedition.

G: But do you think it was maybe for IRS purposes rather than--?

O: We'll get to that later. A fishing expedition being conducted by a venal White House. A Committee to Re-Elect the President with nothing but money. All of this resulted in disaster for them. On the Hughes fee, there are memos that suggest Bebe Rebozo should be in a position to determine what my relationship was with Hughes in terms of fees. They became busily engaged in that area with storm signals, however, as the memos reveal. They were reluctant to push this matter too far because they didn't want to cause any problem with the Hughes people. The record reveals they had a long-standing relationship with the Hughes organization dating back to Nixon in California. Threaded through the memos is a concern they not disrupt their relationship. That went to loans that Hughes had made to Nixon, to Nixon's brother and a current donation in cash to the Nixon campaign that was supposedly a hundred thousand dollars. So again, as with PAA and Cliff White, they were trying to determine whether there was anything to mine with me with Hughes Enterprises, but with the note of caution, "Let's not cause any harm to our relationship."

G: Who authored these memos, do you recall?

O: Chuck Colson was active in this, but as this was pursued it reached Haldeman. Haldeman was encouraging the continuing effort. They were ill-informed throughout, which reflects the ineptness of their people. The memos indicate a tendency to develop theories out of whole cloth to justify their salaries, to indicate they were busily engaged. For example, as part of the Hughes effort, [John] Caulfield sent a memo to Dean in which he said that my relationship with the Hughes organization was due to my long friendship with Bob Maheu because Bob Maheu and I knew each other as classmates at Holy Cross College. Well, I had not attended Holy Cross and, as I will get to later, I had no knowledge of Bob Maheu until after Bob Kennedy's assassination.

To keep this in chronological order, those were the indications of activity that transpired in 1970, within a short period of my return as chairman. What impressed me was the time and effort being devoted to this. I've recounted information brought to my attention--Rowlie Evans and the other matters I've discussed--during this period. Other activities were brought to my attention subsequently which were engaged in during 1970.

The first indication on the record that President Nixon was keenly interested in me appeared in a memo in January of 1971. It certainly indicates that the degree of this activity that I have recounted was carried out, as inept as it might have been, as innocuous as it actually was and as ridiculous as some aspects of it were. The misinformation threaded throughout was due to the realization of the White House staff that Richard

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Nixon was anxious to get me. In January of 1971 he sent a memo to Haldeman stating, "The time has come to make O'Brien accountable." At that stage I had been attacking the record of the administration. I cannot suggest that activity was creating great waves in media, but there was a considerable sensitivity to it in the White House revealed throughout the record of Watergate and White House activities.

On June 17 I was in Miami, Florida, to review the planning of our national convention. My schedule called for me to leave Miami at 8:00 or 9:00 a.m. on the seventeenth for New York to review the convention film which was in process. The deputy chairman of the Democratic National Committee, Stan Greigg, placed a call to me that morning just prior to my departure for the airport. He advised me he had been called by the Washington police in the early hours of the morning in my absence and was asked to come to the Washington police station, and also to view the contents of a room in the Watergate Hotel. He found in the room Mace, stacks of hundred dollar bills and some electronic equipment spread out on a bed. He was then taken to the police station to view the five burglars who had been arrested to determine if he could identify them. Of course, he knew none of them. They all had given assumed names in any event. You couldn't contemplate this--five burglars, Mace, money, burglar equipment, electronic devices--a break-in carried out by apparent professional burglars. Stan and I concluded this didn't make any sense, but perhaps a pursuit of it would determine the real purpose. But neither one of us at that point considered this to be political.

I went to New York, reviewed the film and proceeded to the airport to travel to New Orleans where I was to address the National Conference of Mayors. Stan Greigg contacted me at the airport to advise me that the Washington police had determined one of the burglars was an employee of the Committee to Re-Elect the President and a present or former employee of the Republican National Committee. His name was James McCord. The other four were identified as Cubans who resided in the Miami area. That was the extent of my knowledge as I headed for New Orleans.

I must say the report of the break-in in the press was almost nonexistent. It had been reported by Bob Woodward. I arrived in New Orleans and Joe Mohbat, the press secretary of the Democratic National Committee, contacted me at the airport. He advised me James McCord had been identified. The first indication of Nixon committee involvement had been reported. John Mitchell had issued a statement from California which said,

James McCord is the proprietor of a private security agency who was employed by our committee months ago to assist with the installation of our security system. He has, as we understand it, a number of business clients and interests and we have no knowledge of those relationships. We want to emphasize that this man and the other people involved were not operating either on our behalf or with our consent. I am surprised and dismayed at these reports. There is no place in our campaign or in the electoral process for this type of activity and we will not permit it or condone it.

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Joe asked me if I cared to respond. I was on a tight schedule, but I did draft a response as follows:

Continuing disclosures in the wake of Saturday's bugging incident at the DNC raise the ugliest questions about the integrity of the political process that I have encountered in a quarter century of political activity. No mere statement of innocence by Mr. Nixon's campaign manager, John Mitchell, former attorney general, will dispel these questions, especially as the individual allegedly involved remains on the payroll of the Nixon campaign organization as filed with the Congress. Only the most searching professional investigation can determine to what extent, if any, the Committee for the Re-Election of the President is involved in this attempt to spy on Democratic headquarters. I call upon Attorney General [Richard] Kleindienst to order an immediate but thorough investigation by the FBI. This investigation must remain open until we know beyond a doubt what organization or individuals were behind this incredible act of political espionage. We shall anxiously await the Attorney General's response.

That evening I was contacted at my hotel by a camera crew from I believe the "Today Show." The interviewer asked what knowledge I had of the break-in and I proceeded to say basically what I had said in my statement.

Already things were beginning to unravel as far as the Nixon crew was concerned. As Jeb Magruder described in detail, their concern grew rapidly. It happened John Mitchell and other key members of the Nixon group were in California. Jeb Magruder had received a call from [Gordon] Liddy, as he recounts it, which was startling, in which Liddy said, "I goofed. We got caught." Magruder was thunderstruck because he had been a direct participant in the arrangements of the break-in. He then describes what transpired over the intervening hours. Immediately, efforts were made to spring McCord from jail. That was their first concern. The efforts extended to contacting Attorney General Kleindienst at a golf course in Washington to ask him to directly intervene, which he declined. So they were left with the identification of McCord; their knowledge that McCord was an integral part of the break-in because of his electronic expertise. He was the only non-Cuban arrested that night. It's clear that when Mitchell issued his statement suggesting McCord was somebody he probably never heard of, it was in the midst of consternation in California. Obviously at this point I'm not aware of that.

I made my appearance before the National Conference of Mayors. At the end of the speech I had plans for immediate departure to Washington. I'm anxious to return to Washington because I am now intrigued with all of this, although far from contemplating the extent of the activity.

G: What did you think at this point? Did you have a theory?

O: It was clear to me that, at a minimum, there was illegal activity on the part of the Nixon

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committee. There was no doubt in my mind at that point. With my political hat on and obviously with no concern regarding the fruits of the break-in, I was contemplating what steps I should take beyond my statement.

G: Did you see it as an opportunity to--?

O: Perhaps vaguely. I had a plane trip ahead of me to think about it.

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O: At that appearance there was a large number of press--the National Conference of Mayors. As I left for the airport, some press asked me to update them on the break-in. Not in any very serious manner; it was almost in passing. Again I repeated my initial comment.

(Interruption)

O: Immediately upon my return to Washington I convened members of my staff to discuss the procedure we should follow. The result was the preparation by Joe Califano, general counsel for the Democratic National Committee, along with John Stewart and Stan Greigg, of a filing of a lawsuit against the Committee to Re-Elect the President and others. This suit would demand damages of a million dollars. I was an individual plaintiff because of the violation of my civil rights and the Democratic National Committee, an unincorporated association, was the other plaintiff. The defendants we listed were James McCord, along with the Committee to Re-Elect the President, Bernard Barker, Eugenio Martinez, Frank Sturgis and Virgilio Gonzales. We added McCord Associates, Inc. and Maryland Corporation as a defendant and, of course, John Doe and other conspirators whose names are now unknown. That suit was filed on June 22, so we did not waste any time. One of the reasons in filing the suit was political in the sense of upgrading this to a full-blown story, because nothing other than routine notice had been taken of the break-in in the media. There was only routine reference to the revelation that the man who had taken an assumed name was James McCord, an employee of CREEP.

So we decided to launch the filing with a press conference. I held a press conference and referred to my concerns as expressed in my initial response to John Mitchell and decried this entire matter as vigorously as possible. The result was meaningless in terms of media attention. The initial media reaction was a yawn of major proportions. *The New York Times* had reported the break-in on an inside page in a couple of paragraphs suggesting a Cuban connection. The only interest at that early stage emanated from Woodward and Bernstein. In a civil suit of this nature, in due time, you would take depositions.

G: Was this a consideration in filing the suit to be able to subpoena documents and depose--?

O: That was one consideration, but the primary consideration was that this was the only

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vehicle we had to have attention directed to this.

G: Was there any concern that you might not win the suit, that it might result in some liability on your own part?

O: We didn't consider that. We came quickly to the point that the only vehicle available to us was the filing of a lawsuit. Our desire was to move this to public attention. On June 22, four days after the break-in, we had little or no knowledge. For example, Magruder's overriding concerns as this unfolded was his knowledge that fifty-three or fifty-six hundred dollars in hundred dollar bills had been observed by Stan Griegg in that hotel room. Magruder knew that Liddy had been financed. He didn't know the purpose of having the money in hand during the course of the break-in and he engaged in some dreaming. Hopefully, that money might be Democratic National Committee money, because if it wasn't, there was no question in his mind it could be traced to CREEP. He hoped for a miracle. He was disabused of that in short order. I'm relating this because obviously, they were pursuing a cover-up and they were deeply concerned, yet the nation, the press were oblivious to the whole thing.

It's worth noting that this was the major thrust of a plan which had been devised by Gordon Liddy, an employee of CREEP. It went back to early February, 1972 when, with the approval of the White House, Liddy, Magruder and John Dean had met with then Attorney General John Mitchell to propose a plan to him in his role as chairman of the Nixon campaign to engage in illegal activities. That included bugging my office at the national committee, bugging my rooms at the convention in Miami, creating a variety of disruptions at the national convention and, also, nude-ins and drug-related activities; anything that Liddy could imagine.

Magruder and Dean with Liddy presented this to John Mitchell, the attorney general of the United States. Mitchell's concern was that he thought the price was too high. The budget presented by Liddy was a million dollars, so he did not give it immediate approval. However, they were not to be deterred and Magruder, for one, was under considerable pressure to move rapidly on this by Charles Colson. He therefore decided that Liddy should reconstruct the plan and present it in a reduced mode, which was done. This time the only change was a focus on me in considerable detail, extending a little beyond the initial plan, along with activity affecting the leading candidate for the Democratic nomination for president, who at that time was considered to be Ed Muskie. After a series of discussions the plan was approved with a reduced budget of, as I recall, \$250,000.

In recounting this series of meetings Jeb Magruder, in his book entitled *American Life, One Man's Road to Watergate*, points out that "Larry O'Brien, the Democratic chairman, was giving us a hard time, particularly on the ITT affair and if we could implicate him in some way it would be, in substance, great to discredit him." Liddy had said he had some indication that business people involved with the Democratic National Convention were going to be forced to give kick-backs to the Democratic

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National Committee for the opportunity to participate. Of course, this was another pipe dream of Liddy's. It had no substance whatsoever. They succumbed to a Liddy plan that had elements of craziness to it.

What's important to note is this was a plan being promoted from the White House, participated in by Magruder representing CREEP and Dean representing the White House with great pressure being exerted to move the plan rapidly by Colson, with the certain knowledge of Haldeman and others. As Magruder said, Mitchell finally advised him he approved the plan but that Liddy should receive only \$250,000 to implement it. "Magruder and Mitchell further discussed the target and it was agreed that Liddy should go ahead with the wiretapping of Larry O'Brien's office at the Watergate. Then we'd see about the other targets." Magruder goes on to say that Mitchell came close to rejecting the Liddy plan and that, in his judgment, Mitchell would have rejected the plan but Liddy had presented it in a highly effective way. Magruder felt that if Liddy had simply stated, "I have a plan to burglarize and wiretap Larry O'Brien's office," it might have been rejected. But instead he came in with an elaborate call girl, kidnapping, mugging, sabotage, wiretapping scheme. What the group was doing was trying to tone it down, feeling they should leave Liddy with something. They were reluctant to send him away with nothing. But as Magruder points out, Mitchell at that point was operating under tremendous pressure. The ITT hearings were ongoing and he was later to be accused of perjuring himself in those hearings. "And no one," quoting Magruder, "was making more of the ITT affair than Larry O'Brien. The fact that O'Brien was a prime target of the Liddy plan was incentive for Mitchell to approve it." He hoped that something could be found to silence his chief Democratic tormenter.

The plan went forward, as the record shows, with first an aborted attempt to break into my office, a second undetected break-in that resulted in planting bugs and taking some of my files. This material, representing papers and memos, was taken by the burglars to Miami to be photographed by a friendly photographer and then were presented to John Mitchell. Mitchell was extremely disappointed. He commented that this was certainly a very poor result of an expensive project; it was meaningless and of no value, that they had to do better.

Meanwhile, I had been placed under extensive surveillance. As the evidence showed later, I was under surveillance in Washington and in New York. A person named [Al] Baldwin, an employee hired by Hunt and Liddy, was given a hundred dollars or so each evening to see if he could locate me in Washington restaurants, determine who I might be with, whatever he could pick up.

G: This was Alfred Baldwin?

O: I believe it was Al Baldwin. Caulfield and [Anthony T.] Ulasewicz and others were also engaged in this activity. I was totally oblivious to all of this. I learned at one time that Baldwin came to my office, knowing that I was not there, and introduced himself as a cousin of John Bailey, my predecessor as national chairman, and expressed a curiosity to

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see the office Bailey had occupied. And in the course of being given the tour by my secretary, he located the unlisted telephone number of my phone on my desk. In my hotel apartment in Washington, files had disappeared and there were indications of monitoring my phone. My wife noted strange sounds on the telephone in our apartment in New York. On occasions when my wife and I would be at dinner in New York, I was advised by the maitre d', who we were known to, that a fellow or fellows had asked who was in my company at the table. I kept my personal files in an apartment on East 68th Street in New York temporarily. There were two attempted break-ins. Neither break-in seemed to succeed but the management detected a broken lock in one instance and some gouges in the door on another occasion.

G: Tell me, do you recall Bill Haddad's warrant?

O: I'll get to that.

G: Okay.

O: It is hard to realize I could have been so naive. When I think back to 1970 with a record replete of White House efforts to harm me, why did I not become alert to some of these incidents?

But more than that, during 1971 I found myself focused upon by the Internal Revenue Service. There were audits and repeat audits. I had no concern about my tax returns, but I did wonder why this great interest in what were routine tax returns. So there again I was not alerted. As later revealed, I was being scrutinized under direct orders of the White House.

There was a development in the Watergate situation that was interesting. Throughout this period, particularly in 1970, I had crisscrossed the country in the off-year elections. And I must say I had vigorously attacked the record of the Nixon Administration throughout that campaign period. I found myself the target of Spiro Agnew, which did indicate I was having some impact on the White House. He became personal in his attacks on me, which I relished because I felt that was evidence I was having some modicum of success. During that time I was repeatedly demanding equal time on television for the Democratic Party. I had gone to the courts, the Federal Communication Commission and each step of the way as I have recounted earlier, this was strenuously opposed by the White House. I had decried, even though I didn't apply it to myself, evidence early on that the White House was scrutinizing tax returns. There had been a congressional inquiry and there were indications certain tax returns had been turned over to the White House by the Internal Revenue Service on demand. That was a sensitive area.

I had vigorously pursued what was known as the ITT Case. ITT had worked out a merger of the Hartford Insurance Company and other companies that were subject to approval by the attorney general. This was not a national story at the time but I noted the

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involvement of Dita Beard, the Jack Anderson column that spoke to this, and I also noted with great interest the revelation that the Republican National Convention was tentatively planned for San Diego, California, and that ITT had committed, through one of its hotels in San Diego, \$400,000 to the Republican Party. Without evidence to support it, it was in my judgment more than a coincidence that ITT, while awaiting the decision of the Justice Department, would be showing great interest in the Republican Party and John Mitchell, who was either by then designated as chairman of the campaign or was considered to be chairman. I decided to go after this. I felt that the only way to do this, lacking evidence, was to address the subject directly with the Attorney General.

Before I get to that, I should mention again in trying to direct public attention to Watergate, on June 18, coinciding with that press statement responding to Mitchell, I sent a telegram to Attorney General Kleindienst urging him to order an immediate and thorough investigation by the FBI. I stated,

Only the most searching professional investigations can determine to what extent if any the Committee for the Re-Election of the President is involved in this attempt to spy on Democratic headquarters.

I went on to say,

No mere statement of innocence by Mr. Nixon's campaign manager, John Mitchell, former attorney general, will dispel these questions. The investigation should continue until we know beyond a doubt what organization or individuals were behind this incredible act of political espionage.

Now, that is the day after Watergate when I sent the telegram. I received a response the following day, June 19, probably the most rapid response any bureaucrat has ever made to a letter from a citizen, but the response was not from Mr. Kleindienst. It was from the Assistant Attorney General, who was to become prominently known as Watergate unfolded, Henry E. Petersen. He said,

Your telegram of June 18 to the Attorney General concerning the arrests made on June 17 of persons who had entered rooms occupied by the headquarters of your party has been referred to this office for reply.

Then he went on:

As indicated in published reports concerning this incident, the Federal Bureau of Investigation immediately initiated a full-scale investigation thereof. I trust this will serve to assure you that all aspects of this matter will receive the fullest consideration and that based upon the completed investigation we will move vigorously to secure appropriate disposition of such federal violations as the full investigation may disclose.

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On June 24, with that kind of a response, I wrote to the President, detailed all the elements of the break-in and closed saying,

Accordingly, I respectfully request that you direct the Attorney General to appoint a special prosecutor of unimpeachable integrity and national reputation and provide him with whatever resources he requests to investigate the facts surrounding this violation of First Amendment rights and to prosecute those responsible to the full extent of the law.

There was no response, of course.

Then on July 2 I sent a telegram to the President who was then in Miami Beach, Florida, in which I pointed out,

A week ago I wrote to request that you direct the Attorney General to appoint a special prosecutor. To date you have chosen not to reply. Indeed, I am informed that you have referred the matter to the Committee for the Re-Election of the President as a political matter.

Then I stated,

I am aware, Mr. President, that in a recent news conference you deplored this break-in which was a blatant attempt at political espionage on a major political party. But I'm sure you'll recognize, as I do, the grave implications going to the First Amendment rights of all Americans, the growing number of questions that remain unanswered to me.

I went on,

I would now suggest that it is your decision whether this unparalleled case lands in the political arena or is treated in a cold, impartial manner that will ensure that the constitutional rights of all Americans are protected. I repeat, therefore, my request that you direct the appointment of a special prosecutor of an unimpeachable integrity and national reputation and provide him with whatever resources he requests to investigate the facts surrounding the affair in violation of constitutional rights.

This elicited a response the next day, July 3, when I received the following letter:

This will acknowledge receipt and thank you for your letter of June 24 to the President which has been forwarded to me for response. You may be assured that the recent incident involving the breaking and entering of the headquarters office of the Democratic National Committee is being fully and thoroughly investigated by the Federal Bureau of Investigation and that this department will prosecute violators of the federal law to the fullest extent.

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Signed, Richard G. Kleindienst, Attorney General.

But the *New York Times* reported on July 4 a statement by Ron Ziegler on July 3:

In San Clemente, California, where Mr. Nixon is taking a working vacation, Ronald Ziegler, the President's press secretary, said the President had rejected Mr. O'Brien's suggestion. He said that Mr. Nixon was confident that the FBI and other law enforcement agencies would conduct a thorough investigation. It had been further reported that Ziegler stated there would be no reaction from the President to "anything Larry O'Brien sends around."

There was other correspondence with the President that I will get to later. But back to the planning of the break-in and burglary--

- G: As you do that, I wish you would just speculate for a minute on yourself as the target of this and what they might have gotten from those files? Had you by the time of the break-in largely moved your own operation to Florida or were you still actively working out of--?
- O: No, we had not done anything. My visit that coincided with the break-in was of a preliminary nature, viewing the facilities, working out the details of the agreements we had made with the city and the chamber of commerce--all part of the planning of a convention. As far as files and records, none of that had been shipped. The files and records that you would forward to Florida would in any event be quite limited. They would apply directly to national convention planning and activities.
- G: You indicated that your business-related files, O'Brien & Associates files, remained in New York, is that correct?
- O: Yes, because for a period of time the business functioned through my son, who had returned from Vietnam. He was trying to maintain contact with the few remaining clients. Files would be material you didn't have a place to store.
- G: What would they have found in your offices at the DNC?
- O: They would have found correspondence with party people and others, schedules, organizational material, minutes of staff meetings, all routine. Beyond that, a file cabinet or file drawer of unpaid bills. So, it's worth noting that even after knowledge of the break-in and knowledge that material in my files had been removed and transported to Miami for photographing, I had no concern about discovery. They related to my activities as chairman and my relationship to the staff and they would be comparable to files you would find in any organization.
- G: The various theories that what they were after were primarily related to what you might

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know about the Nixon-Hughes connection.

O: That never was the case. There was never a discussion of it in any Mitchell meeting. The only aspect of Hughes' connection that they were interested in which I'll get to, was the financial aspects of my client relationship with Hughes, as it related to the Internal Revenue Service. There might be something with Hughes or other clients in my tax returns they could focus on.

G: But the suggestions, however valid or invalid they may be, are structured this way: that O'Brien because of his relationship with Bob Maheu might have known things about the Nixon-Hughes relationship or the relationship with Nixon's brother. What did you know about the Nixon relationship with Hughes?

O: Nothing.

G: From Maheu you hadn't--

O: Nothing. I never had a word regarding Nixon, Hughes or whomever with Maheu at any time. In fact, the nonsense of the contention that that was the reason for the break-in has been documented.

There had been a problem with media lack of attention in the initial stages, with the exception of Woodward and Bernstein and Daniel Schorr. No one seemed to have any interest in this. When you step back and look at the big picture, at the degree of surveillance, the involvement of so many people in the "get O'Brien" aspect; when you focus on the President's directive in January of 1971, "the time has come to make this guy accountable," I must have antagonized them no end. When you view the deep concern of the Attorney General regarding ITT and as it unfolded, obviously a deal had been made. When you recall I had secured "loyal opposition" time from CBS which they were able to abort so no second and third segments were in the offing; when you consider the efforts I was making at the Federal Communication Commission and elsewhere to secure time, and when you realize Spiro Agnew was detailed to take me on and the 1970 election represented a defeat for Nixon, the true facts were there. I deserve no credit whatsoever for that 1970 defeat, but I probably was the most active Democrat touring the country and berating the opposition.

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G: . . . when you go about a presentation?

O: Yes, made by Liddy and all its elements. Focus on the Mitchell concern that existed at the very time of his approval. Obviously Mitchell and his cohorts had no knowledge of how much I might know about ITT. Add it all up. Muskie hired a chauffeur who turned out to be in the CREEP operation. When Muskie dropped out as front runner and it became McGovern, an aborted attempt was made on McGovern headquarters. With all of its

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elements, it was a widespread operation. Cast out the largest net you can in every direction and see what you collect.

G: It does go far beyond the Hughes connection.

O: Their particular interest in Hughes was, "Is there something we can find on the money side?" They tried that with other clients and they made a particular effort with Hughes. As I indicated earlier, their effort had an element of sick humor. As the memos point out, "Let's find out what the deal is, but let's be careful that we don't incur the enmity of our friend Hughes and also remember that there are some things involving Hughes that we are not very keen about." But they were willing to take that gamble. Why would they pursue me with Hughes if they truly felt I knew the details involving Rebozo-Hughes-Nixon?

In any event, I cannot overlook ITT. I was going blithely along pursuing ITT.

The Liddy, Magruder, Dean, Mitchell discussions of the Liddy plan were initiated in February, 1972. I had hand-delivered to Mr. Mitchell a letter on December 13, 1971. I won't read it all; it's in my book, but the salient points are:

Continuing public reports about the methods of financing the 1972 Republican National Convention raise a serious cloud over the recent out-of-court settlement by the Department of Justice of three anti-trust cases involving International Telephone and Telegraph Corporation, ITT. The reports indicate that the Sheraton Corporation of America, a subsidiary of ITT, has pledged a \$400,000 underwriting of the city of San Diego's bid to host your party's convention next August. According to press accounts San Diego was the personal choice of the President. Eight days after the selection of San Diego was announced by the Republican National Committee, the Department of Justice and ITT announced agreement on an out-of-court settlement of three pending ITT merger cases involving Hartford Fire Insurance Company, the Grinnell Corporation and Canteen Corporation. As national chairman of the Democratic Party, I call on you today in your dual roles of chief law enforcement officer of the United States and chief political adviser to the President to make public the full record of your decisions as settled with ITT, as well as ITT's involvement in financing your party's convention next year. Specifically, before the selection of San Diego as host city, did Chairman Bob Wilson of the House Republican Campaign Committee meet privately in New York with ITT officials and if so, for what purpose?

I had evidence of that meeting.

After the selection of San Diego, did Congressman Wilson meet with Deputy Attorney General Kleindienst to discuss resolution of the government's anti-trust case against ITT or any other aspect of that case? If so, why? Are you able, through a candid exposition of all the facts, to allay my suspicion, any

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suspicion that there is a connection between ITT's sudden largesse to the Republican Party and the nearly simultaneous out-of-court settlement of one of the biggest merger cases in corporate history to ITT's benefit?

Incidentally, it was one of the biggest merger cases in history. That's December 13, 1971. On that very day, I received a letter from Richard Kleindienst that I won't read in full--it is also in my book:

Dear Mr. Chairman,

The Attorney General has asked me to respond to your letter of December 13 for the reason that since he became the attorney general he has removed himself from any matter coming before the Department of Justice which could or has involved the International Telephone and Telegraph Corporation. His former law firm has performed legal services for some of the subsidiary corporations of ITT prior to the time Mr. Mitchell assumed his responsibilities as attorney general. Therefore, I have discharged the responsibility of the attorney general from time to time as and when necessitated by any matter which would involve action of decision by the attorney general. I have of course done so as the deputy attorney general and as required by law.

And he then says,

I have no knowledge direct or indirect that the Sheraton Corporation has pledged \$400,000. I do not know whether San Diego is a personal choice of the President. I was not consulted or involved in any way directly or indirectly. The settlement between the Department of Justice and ITT was handled and negotiated exclusively by Assistant Attorney General Richard W. McLaren, who is in Europe and is not expected to return until the evening of December 20. Upon his return I will request that he communicate with you immediately with respect to the matters raised by your letter.

He goes on to say,

With respect to Congressman Bob Wilson, I have no knowledge whether he met privately in New York. I have never discussed with Wilson. I verified this with Wilson.

He closes the letter by saying, "Assistant Attorney General McLaren will be able to provide the information upon his return." At some point he stated I would certainly hear from McLaren. Then he gives me a dig. He says, "The American people may well begin to question the fairness and responsiveness of the political process when they read of alleged statements of fact alluded to by you in your letter to the Attorney General." But that initiated the entire ITT effort on my part and it was on the basis of press clippings and a sense that this was more than a coincidence.

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G: Well, plus the lead with regard to Wilson.

O: Yes.

G: Was that from the press or was that from a private source?

O: That the meeting took place?

G: Yes.

O: That was from a private source that was absolutely knowledgeable.

G: Is that right?

O: Yes.

G: It wasn't somebody in the Justice Department or the--?

O: No. But you see this was one of the most significant cases in history. What inured to ITT by the action of the Justice Department is unbelievable, for a piddling \$400,000 and who knows what else in commitments and promises. I had struck the soft underbelly of a major scandal. There were clear indications of this. The role of Harold Geneen, the head of ITT, the activities in the Justice Department through the course of this matter, the fact that Kleindienst's skirts weren't clean and I should add that McLaren, this fellow who was going to fill me in on the details when he returned from Europe in short order, appeared as a federal judge in Chicago. I need not add that McLaren never contacted me. If you're John Mitchell sitting with Gordon Liddy, you're thinking of this mess on your hands. At a Gridiron dinner in Washington--I've recounted this before but it fits--as I was waiting to move to the head table from the holding room, Barry Goldwater and I were chatting and Dick Kleindienst came by. Goldwater grabbed him by the arm and said, "Have you ever met Larry O'Brien?" We had never met. We shook hands. And Goldwater said, "I'll bet, Dick, here's one guy you'll never correspond with or put anything in writing with again."

G: Do you attach any significance to the documents that were taken to Miami and filmed?

O: Not at all. I think I became privy to the contents of those documents.

G: Did they show a pattern or a particular interest?

O: I don't think they showed any pattern. Just documents from various files. I chuckled when I learned at a much later date that John Mitchell was very disappointed with the documents and that's what resulted in the final break-in. As this unfolded, our effort was to fan the flame.

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Counsel for us in the suit was the firm of Williams, Connolly and Califano. Joe Califano was our general counsel, and Ed Williams took a keen interest. I received a call from Ed, "I want to advise you that over the weekend I am going to Connecticut. I have reason to believe the person I'm meeting with will be able to provide additional information regarding Watergate. I am not going to tell you who I am meeting with, but I will let you know the results." Following that weekend, Ed advised me the meeting had been productive. He had met with counsel for a person who had a direct involvement in Watergate whose name had not surfaced. That person was deeply concerned about what might occur to him as this continued to unfold. He had gone to this lawyer seeking advice. Ed went on, "This man was stationed in the Howard Johnson Motel. He was hired by Hunt and Liddy. His job was to monitor your telephone, to observe whatever he could. He was assigned evenings for surveillance to determine your movements around Washington. He was monitoring in position at the moment the burglars were intercepted." Hunt came charging in--he had avoided interception--snatched his briefcase which I believe contained a gun and hastened to depart the scene, ordering this fellow to dismantle the equipment as rapidly as possible and get out of sight.

The break-in that night was for two purposes: one, to correct a malfunction of the bug on my phone. They weren't getting clear and total signals at all times. James McCord would correct that. In addition, they were to install an additional or a new ceiling bug to monitor conversations in my office and take additional files of mine to supplement their prior burglary. None of this information regarding Howard Johnson's was known. When Ed advised me of this, he said, "I'm not going to give you his name or the name of the person who I've discussed this with. You're better off not knowing. I assume that you will want to publicize what I've told you and in response to queries as to your source you should be in the position to say my source is counsel. Additionally, the lawyer I met with noted that you are due in Connecticut shortly to speak at the state Democratic dinner. He would like to come to the head table and shake hands with you. He envisions that he might become a judge in Connecticut sometime and he assumes you have a close friendship with John Bailey.

G: Williams was advising you not to have any--or was he saying that all you would do was shake hands?

O: It was clear to me the fellow knew Williams was going to relay to me all he had told him and he'd like to be on a friendly basis in terms of the future, hoping that I might look kindly upon him for his service to the party. He did come to the head table, did identify himself as attorney so-and-so and we shook hands.

I had a press conference and I proceeded to present these new revelations.

G: Was the press at all skeptical, would you say or were they--?

O: Yes. Probably the skepticism emanated from one member of the press, Sam Donaldson, who asked, "What is your source for these revelations?" I should say that press

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conference was well attended. I told them my counsel was the source. That was accepted but I did announce we were amending our lawsuit. We were adding defendants and increasing the million dollars to three million dollars. In that amended suit we were including Maurice Stans, Hugh Sloan, Gordon Liddy and Howard Hunt as defendants.

G: Why did you do that?

O: Because of the new revelations and the fact that Hunt and Liddy were going to be identified by this fellow as the people who hired him. He was going to detail this for sure at some point. The fact is that within days this fellow gave his story to the *Los Angeles Times*. That was apparently a judgment made by his counsel. He had to get it out and that was the way to do it. But his counsel had given Ed this information earlier.

G: This was Baldwin.

O: This was Al Baldwin who had been hired from an ad he ran in some FBI journal. He was a former FBI agent, I believe. Then all hell broke loose.

G: Let me ask you one other follow-up to this. Did the attorney ever receive his judgeship in this--?

O: I can't recall his name. If I did, I would not identify him, even now. My guess is he succumbed to Ed Williams' blandishments. In any event, what he gave us was accurate. I could use it without fear I would get myself into a mess.

As this evolved, of course, the Committee to Re-Elect the President hired counsel. I believe his name was Kenneth Parkinson. All hell broke loose in the White House. This had taken on another dimension. The cover-up was failing at every turn. It was doomed to failure and hysteria ensued. It became clear to Haldeman, Dean and the rest that something had to be done to counteract this and to attack O'Brien one more time. So the obvious: "Let's sue O'Brien." Parkinson was asked for his legal advice and he notified the White House he found no legal grounds to sue me.

(Interruption)

O: Dean sent a memo to Haldeman, subject: counteraction of Watergate. He described the elements of a suit they would bring against me despite the advice of outside counsel that there were no legal grounds for suit. He stated the action would be filed by the Committee for the Re-Election of the President and the Finance Committee to Re-Elect the President against Lawrence O'Brien. The memo states, "The filing of this action was announced by Clark MacGregor and it will be filed after the amended complaint in the O'Brien civil case is filed." Then it talks about the basis for this malicious abuse of process.

It's based on the unfounded civil action brought against the committee by

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O'Brien. O'Brien and Edward Bennett Williams continue to be quoted in the press saying that the suit was not brought for damages but to expose for partisan political purposes and to preoccupy the Republicans during the campaign.

Then he points out, "Under the common law of the District of Columbia Committee there might be something there. A complaint for libel, this would be Stans against O'Brien." He reviews the legal merit of this. He notes that depositions are presently being taken of members of the DNC by the defense counsel in the O'Brien suit. "These are wide-ranging and will cover everything from O'Brien's sources of income while chairman of the DNC to certain sexual activities of certain employees of the DNC." Then he said, "They should cause considerable problems for some being deposed." He talks about First Amendment action, "The cause of action against O'Brien for violation of the First Amendment." He goes into what's required to bring a libel suit.

I have assigned a task force to do nothing but work on every possible action we can charge against this activity and develop a means whereby someone can get into court as soon as possible and join this blatant violation of the laws. We may have struck gold in that we may have our first chance to really hit them where they are already hurting the most, that is fund-raising.

I don't quite understand that comment. He did say he concurred with counsel that there was no merit to any of this legally. But he also concurred they should go forward because it would afford them a splendid opportunity for publicity and public relations.

Now, as to the judge handling the civil suit, Charles R. Richey. Ed Williams reported from time to time that Richey was amenable to having the civil suit go forward. He had given whatever concurrence was necessary to depositions. He envisioned trial in the fall. Now, this is what Ed was advising me and Ed was obviously pleased with these developments.

Meanwhile, at a point, Judge John Sirica came into the picture. He turned out to be a strong judge who would brook no nonsense. Following another Gridiron dinner, I was in a suite with several people, some of them I knew well. I was escorted over to a sofa by a fellow who said, "Someone wants to meet you." It was Judge Sirica and he used some strong language to indicate to me there was no way those so-and-sos were going to get away with what they had pulled. He was going to see to it. I was totally taken aback and I was noncommittal. With a smile I told him how glad I was to meet him.

G: Could you tell who he was referring to, the burglars themselves or--?

O: By that time he had several defendants before him. But back to Richey. He had a reported friendship with a man who was an officer of the Republican National Committee. I was told they were neighbors. I'm not placing any particular credence in that but a strange occurrence took place. Richey advised Joe Califano that he felt a conflict of interest existed in his firm representing the *Washington Post* in a related suit and

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representing me, and he and his firm must make a judgment on which party they were to represent. There was no conflict of interest. Joe called me to advise me he had met with Williams and Paul Connolly, the other senior partner, and they were faced with a difficult dilemma. I told him that as I wasn't much of a paying client and obviously the *Washington Post* was important to them, they should make a decision on that basis. Joe said, "In doing this I will pursue with other counsel a replacement for you."

Joe did pursue other attorneys. In each instance, with friends of ours, formerly in our administration, the answer was either "we're too busy," or "that's not our field of expertise." No one would take my case. Fear of the Nixon Administration prevailed and I had to understand. My long-time associate, Claude Desautels, was in Duke Zeibert's restaurant having lunch and he ran into Ed Morgan, a partner in a firm in Washington. Claude mentioned I was in this difficult situation. Morgan was appalled as a lawyer. He couldn't believe it. While he had no interest in the case, he told Claude that if on an interim basis I wanted to have him file on my behalf, he'd be happy to do so. Claude also mentioned I was scheduled to leave for Ireland for two weeks. Claude advised me and suggested I call Morgan at home and confirm this. I called him and thanked him. He said he would assign a lawyer in the firm named Charlie McNelis. He turned out to be outstanding and was with me throughout. Ed Morgan emphasized, "This is interim. We have no desire to pursue this. You make your own decision. But you cannot be out of the country for two weeks and left without counsel. You don't know what might happen in that courtroom. You might have a dismissal." That's what occurred and Charlie McNelis became counsel and stayed.

John Dean in his memo to Haldeman relates depositions were ongoing. McNelis was proceeding with depositions and he called in Caulfield. Caulfield had some excuse for not being able to go through with a deposition on that day. But he wanted to relay through McNelis a message to me that, despite efforts made by his superiors to have him engage in activities to cause me harm, he always resisted and that he thought highly of me. He wanted me to know he never engaged in that sort of activity. I guess Caulfield didn't envision his memos would surface someday. John Mitchell was designated for deposition. His lawyers pleaded his inability to arrive at a date. A date certain was finally established after some foot dragging.

Coinciding with that, Judge Richey took a different point of view. He advised McNelis that the civil suit would not go forward. Despite the fact he had informed Ed Williams that the criminal action would not interfere with progress of the civil suit, he now felt that because of the criminal action it would be best to delay the civil suit, which obviously would be months in the future, if ever. He also issued an order that all depositions cease immediately which effectively saved Mitchell from being deposed. But that wasn't as bothersome as it might have been. It was becoming clear that what I had hoped for was going to take place without my pursuit of the civil suit. Judge Sirica was going to move with great vigor and a record would be established of what took place in Watergate, at least the break-in aspects.

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O: Let me reflect back to those days immediately following the break-in. On the Saturday following the break-in, I was in my office at the national committee. There had been some activity on the part of the FBI. FBI agents had been in to look over the offices. I received a call from the acting director of the FBI, L. Patrick Gray, whom I did not know. He introduced himself and went on to tell me he and his people were vigorously pursuing this matter. I could have his total assurance the investigation would be carried out to its fullest. He was not going to tolerate any lack of action; he was going to fulfill his responsibilities. He went on at some length, and then made a comment toward the end that I didn't appreciate to the effect that we Irish have to stick together. I thought about it and concluded, "I guess he's just trying to ingratiate himself." The record shows he later advised the White House of this conversation with me and said he felt he had succeeded in totally reassuring me.

Also during that early period following Watergate, in my effort to move this to the public domain, I noted that Sam Ervin through his committee could appropriately conduct an investigation of the break-in. I called Sam and we discussed it. He asked, "Is the FBI carrying on an investigation?" And I said, "Yes." He responded, "I think that's where it belongs. It seems to me that's sufficient. I don't see that my committee should involve itself." I mention this because it's interesting to note in the context of the role he ultimately played.

G: What was your argument that he should do it?

O: This deserved investigation from outside the executive branch. The Congress was obvious and his committee was appropriate. He had no interest and again it was in the period when very few had any interest.

There was another possibility that we explored. Related to this was the so-called laundered money. It was money that had been moved in and out of Mexico and some of that money wound up with Barker, one of the Watergate burglars. Wright Patman picked up the idea that on the basis of laundered money that his committee--

G: Banking and Currency.

O: --Banking and Currency, could become involved. We discussed that aspect and he determined to go forward.

G: Did you approach Patman or did he approach you?

O: I know we discussed this but where the thought emanated from, I don't recall. He was aggressive and he would be apt to seize this. He felt comfortable that it was pro forma getting his committee approval to have hearings. It turned out not to be pro forma.

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As a matter of fact, there were Democrats who voted against their own chairman to block the hearings. Jerry Ford, the minority leader of the House, was aggressively involved in lobbying to block the hearings. The White House was aggressively involved and two of these Democrats, I was told later, were advised they might have IRS problems if they didn't go along with the White House. I was stunned and so was Patman to find this fallout on the Democratic side. The White House was able to effectively block the hearings.

Also, in those early stages, you had theories emerging. One of the initial theories, I believe, was reported by the *New York Times*. That was the Cuban theory, that somehow the Democratic Party was involved with Castro and these Cubans were delving into my files to determine what might exist in that area. It was a theory based on no evidence other than the presence of four Cuban-Americans. That theory went into discard. There was another wild theory that there was CIA involvement in the break-in due to the exposure of Hunt particularly and Liddy in the second stage of discovery.

You had another aspect or theory: the burglars were intercepted because I had prior knowledge of the break-in. Bill Haddad, an active Democrat, had sent a letter to me in which he indicated he had been advised through his sources that activity against the national committee was to be undertaken under the aegis of something called the November Group. He did not go beyond that. The letter did get my attention and I instructed John Stewart to follow up on this. Stewart checked this out, came back to me and reported there was nothing he could find that would indicate that this was factual.

Theories floated regularly in the early stages. The concept that plain-clothes cops who made the arrests had been alerted in advance to move in through me or the CIA in concert with me were ludicrous.

- G: One of the points that they make is that there had been several previous attempts of break-ins at the headquarters and there seems to have been no emphasis on security by the DNC at the headquarters.
- O: That point was made when I was interrogated during the course of the hearings, to my amusement. The contention was that CREEP had electronic monitoring, excellent security, surveillance on an around-the-clock basis and there wasn't any indication that the DNC had anything but a lock on the door of the headquarters with several members having keys. I quickly agreed that was the case and I pointed out the great difference between the financial aspects of CREEP and the financial problems of the DNC. We had not undertaken any particular security measures. There had been a couple of break-ins. Petty cash or perhaps a typewriter had been stolen at one point; I don't remember the details. The result was a memo to the staff to be more alert. We had little of value in our headquarters. Nothing of any real monetary value.
- G: How about having your phone conversations bugged, the eavesdropping?

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O: You mean did we check on whether or not--?

G: Well, no, was this a concern?

O: No.

G: You have a picture in your book of yourself talking from a phone booth. Was this more of a--?

O: This was after the fact.

G: This was to dramatize the--

O: I did not enter that phone booth for that purpose. It was in the lobby of our building. I left the office, and downstairs I thought of something. The photo was taken by some passing photographer and it ran around the country, but it was not posed.

G: Okay. But was this a concern, that information could be or was being obtained--?

O: No, we never had discussions about phone taps. I had no evidence that any of our phones had ever been tapped in any prior campaigns. Security went to using common sense and good judgment in telephone conversations. There was really nothing of a sensitive nature that would overly concern you on interception. If that represented failure to provide proper security in a political entity, then it was my failure and my naiveness.

G: How would you answer the charge that the burglary was so badly done that it was a deliberate attempt to embarrass the administration?

O: I don't think--

G: They taped a lot of doors that didn't need to be taped, for example.

O: The record shows that this was an authorized burglary, authorized by the White House and authorized by the Attorney General of the United States. You could talk about the ineptness of the burglars, but the White House had initiated this. It was under its aegis.

G: Did you have any hint of CIA involvement?

O: None at all. I think as a reporter your curiosity is aroused and you look at a group of Cubans. Maybe this has some Cuban-Castro element to it. So you explore that and there's no rational reason that would justify pursuing that concept. Then you note the emergence of Hunt and Liddy and there's a CIA connection. As a reporter you think perhaps there is some devious CIA activity. There again, there was no rational explanation. It made no sense. There were other theories. There were those that pursued the police department in Washington to determine if it had some tie-in with the CIA in this

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instance. I was questioned about what tie-in if any I had with the police department and I believe I was asked about the CIA.

G: In retrospect you don't attach any significance to these relationships?

O: None whatsoever. You can't because the evidence is there. When you view this entire picture, the hearings, the court proceedings, the Nixon archives, you have a very detailed story that ties in and throws into the discard these various theories.

Judge Richey had effectively closed out the civil suit, which was to languish for a long time. Judge Sirica was moving precipitately on the criminal side. My objective was being achieved. At long last this story had taken hold and surfaced. Then you have the Ervin Committee.

It was September of 1972 when I was on "Face the Nation" with Bob Dole. Watergate was discussed. I expressed my concern and disturbance. Dole, of course, as the Republican national chairman threw all of my contentions into discard. But it was one of the rare occasions when there was any media discussion of Watergate in any real sense. Beyond that, I found that wherever I might have a press conference, Watergate would never surface in a Q & A. I would always make a statement before the press conference closed on my continuing concern about Watergate. It elicited little or no interest. As I mentioned, George McGovern made an effort to put this on the front burner. Even though he dwelled on Watergate as a major issue, it didn't take off until well beyond the election.

Now to what I consider the most significant aspect of Watergate, something that extends far beyond the break-in, something that didn't come into focus until as late as 1974, when testimony before the House Judiciary Committee was made public. What the President of the United States had engaged in back to January 1971, when he put in writing to Haldeman a demand that "O'Brien be held accountable," meaning get O'Brien, was to misuse the power of the Internal Revenue Service. Throughout the Ervin hearings this did not surface in any meaningful sense. The Ervin hearings focused on the break-in and the cover-up. Somehow or other, perhaps it was the time frame, the most appalling aspect of this entire affair, the use of the Internal Revenue Service, did not come into focus. It wasn't until the House Judiciary Committee hearings this became meaningful and then it was in the context of possible impeachment and never became the prime area of focus of the House Judiciary Committee. I was attacked by the IRS, coinciding with or immediately following the Nixon directive to Haldeman to hold me accountable, to get me.

G: Was there a context, hold you accountable for what?

O: No, this was just a brief memo dictated on *Air Force One*.

G: Did it make reference to the IRS?

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O: It was in the context of the various activities I was engaged in which they considered troublesome. I was an arrogant wise guy in their view. I had caused them real concern. I had hit sensitive areas which I didn't recognize to be as sensitive as they turned out to be. So with that I was subjected to a series of audits in 1971 and in 1972 that gave me pause only because this seemed to be somewhat unusual. I believe in one audit the Internal Revenue Service disallowed a deduction of four or five hundred dollars, something like that. In another audit, there was nothing. I was not concerned about audits. They were bothersome only in diverting your attention. But I began to wonder why this was occurring and concluded I was stuck in the computer. That was the extent of my interest in the matter. However, I was to learn otherwise.

G: Did anyone ever give you any information on those audits or the IRS' interest in you?

O: Let me go through some of it.

G: Okay.

O: I had put in writing the following:

Documents of the Nixon presidency reveal that by express order of President Nixon, officials of the Internal Revenue Service repeatedly abused their power over an extensive period of time in an attempt to destroy me. As the target of Watergate, I was at various times placed under surveillance, my telephones were wiretapped, my files were ransacked. But for me the stunning manipulation of the power of the IRS can be considered the most shocking phase of the Watergate scandal. Additionally, the evidence establishes that some of my business associates and people with whom I invested were intentionally subjected to similar harassments under the guidance of Nixon Administration operatives.

Mr. Nixon's personal papers contain blunt directives from the President of the United States to senior White House staff members to directly engage the IRS to do me injury in every way possible, including the creating of exposure to criminal charges. These documents and the records of the Senate Watergate Committee and the House Judiciary Committee confirm that senior officials of the IRS were approached based upon these presidential orders and actually took a number of actions aimed directly at me through the tax system. Beginning in 1971 Mr. Nixon notified H. R. Haldeman by memo that the time has come "to get O'Brien." In August 1972 an obviously agitated Richard Nixon sent a further memorandum to H. R. Haldeman. It stated in part, "You can discuss with Ehrlichman on a totally confidential basis. I have mentioned it to Ehrlichman and Ehrlichman says that unless O'Brien responds to a voluntary IRS interrogation that he would be subpoenaed. I think that this should not be handled on that basis until a telephone call is made by the head of IRS to O'Brien. Before O'Brien then stonewalls it, a subpoena should follow."

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These are the words of the President of the United States in writing. And he went on,

"The most important factor, however, is urgency. I consider it of the highest priority to have John Ehrlichman if he has the time or you personally to ride the IRS on this matter. Be sure to emphasize to John and all concerned that we are not trying to develop a legal case that is airtight. What is most important is that the IRS audit of O'Brien begin. This means that the call must be made by the head of IRS to O'Brien so the stage can be set for his subpoena. Don't let him delay."

John Ehrlichman subsequently testified under oath that he followed through on the Nixon directive and ordered the IRS to dig into my tax returns even though the agency had already done so earlier and found nothing wrong. I quote John Ehrlichman, "I wanted them to turn up something and send O'Brien to jail. Unfortunately, it didn't materialize." That's Ehrlichman's testimony. I might add this is a Mr. Ehrlichman who has now petitioned President Reagan for a pardon. The record reveals that the earlier harassment of me by IRS was renewed with vigor as a result of the Nixon directive to Haldeman.

In July, 1974 testimony of IRS Commissioner Johnny M. Walters to the House Judiciary Committee was released. We must remember now this is July, 1974. Walters stated that, "Beginning in 1971 or early in 1972 the IRS began an intensive investigation of O'Brien. Sensitive case reports were regularly delivered to the Secretary of the Treasury." Nonetheless, Walters testified during the late summer of 1972 Secretary [George] Shultz ordered him to have my tax returns further examined.

Now let me emphasize that this memorandum, this directive from President Nixon to Haldeman, is dated in August of 1972, two months after the Watergate break-in. It is clear the break-in and what was unfolding from it was not deterring the President for one instant in his effort to get me. I continue, "Direct instructions were given"--and this is Walters' testimony; this is the testimony of the Commissioner of Internal Revenue--"Direct instructions were given to the Assistant Commissioner of IRS for compliance by the Commissioner to get on with developing a case against O'Brien." Walters later reported to Secretary Shultz that my returns had again been examined. Walters then testified that "from Secretary Shultz I learned that Mr. Ehrlichman was not satisfied. And Mr. O'Brien was to be personally examined." Walters said that "IRS then did interview Mr. O'Brien."

Believe me they did, with two characters from IRS spending an inordinate amount of time with me trying desperately to figure out what they should be asking me. Walters continues,

So again IRS then did interview Mr. O'Brien and furnished a copy to Secretary Shultz. Secretary Shultz informed me that Mr. Ehrlichman was not satisfied. At the request of Secretary Shultz I went to his office so that we could review the O'Brien matter. We then jointly telephoned Mr. Ehrlichman.

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Ehrlichman stated, "I'm goddamn tired of your foot-dragging tactics."

That's to both Shultz and Walters in a conference call. Walters went on to testify that following that encounter he proceeded to furnish additional data on me to Secretary Shultz. The facts are that this targeting of me, having been set in motion, continued unabated through subsequent years and did not cease until the administration of President Carter, when all elements of the Nixon Administration were finally purged.

At a later time, again confronted by IRS-directed activities I found it necessary to write to IRS Commissioner Donald C. Alexander stating, "No amount of harassment or pressure will influence my handling of the Watergate case." Later still, to my amazement I received a telephone call from the then district director of IRS in New York. He explained that my income tax returns were being systematically flagged and examined under direct instruction from his superiors in Washington. His orders were clear. He had no choice but to follow them but he wanted me to be aware that this was the situation. I was grateful for this small display of courtesy. And I can just add that I am not prepared at this stage of my life to have the shadow of Nixon's depravity follow me to my grave but that's what has been happening.

G: Did you ever approach members of Congress with regard to the IRS pressure?

O: No. I did not have that information at that time. As I point out, this did not come into full focus until 1974 when finally these IRS actions surfaced. Beyond that there were other attempts to use IRS with others. It never ended. It is almost beyond comprehension now to have the secretary of the Treasury and the commissioner of Internal Revenue making a conscious effort to do everything possible to make a president happy by getting me.

As Nixon pointed out in his memo, it does not have to have any legal merit, just work it out. This was in August of 1972--to utilize every means possible to get me--a most frustrated Richard Nixon in August of 1972, despite the break-in or perhaps because of it. My reactions to it and my demands for action had aroused him to the point where he had no hesitancy to renew his directive in no uncertain terms. Haldeman or Ehrlichman were to get with this immediately. There was to be no delay and they were not going to brook any foot-dragging on the part of the Department of the Treasury or the Internal Revenue Service.

Now, that's scary. The fact is that they moved heaven and earth. They have caused me over a period of years tremendous costs in terms of accountants and lawyers and the rest. They have never closed out that period. I communicated recently as with the present Commissioner of Internal Revenue. And I made him aware of this rottenness that did exist and perhaps still does in the Internal Revenue Service and I haven't had the courtesy of a response. It's too hot for him to handle.

Now back to the involvement of the Ervin Committee and all the rest.

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Tape 3 of 3, Side 1

O: My direct involvement with the committee was quite limited. I haven't gone back to committee records so I don't have specific recollection, but I do recall an interview conducted at my apartment in Washington by staff members of the Ervin Committee, the thrust of which was to explore my advance knowledge of the break-in which I have reviewed. There were other aspects of the interview as I recall. It was a matter of placing my comments on the record. Meanwhile, my lawyer, Charlie McNelis, was monitoring the activities of the committee in the interest of determining facts that we might not be aware of and, hopefully, just keeping abreast of things. I did not personally monitor it.

There was a request by the committee for me to testify. That took place in one of the office buildings. The only member of the committee present was Senator [Lowell] Weicker of Connecticut. I was there with counsel and there were others. Senator Weicker reminisced with me about our mutual friend John Bailey, the former Democratic chairman. He said that he had been designated by the committee to conduct this hearing--it was in the early evening. He didn't seem to have great interest in devoting time to this. He asked me two or three questions--I can't remember what they were--and indicated this was a lot of nonsense and I was dismissed. I believe counsel stayed and there might have been other witnesses; I don't recall. That was the extent of it. Weicker at one point in the hearings said to Charles Colson, "I deal in hard-nosed politics; you deal in crap." Clearly Weicker's attitude during that brief experience I had with him was it was nonsense to have the victim of Watergate, the target of Watergate, sitting in the hearing room. What were they supposed to question me about, was I pleased being broken into?

But back to the committee. Archie Cox was busily engaged as special prosecutor. I did meet with his staff to flesh out any other information I might have or ideas I might have that could lead in new directions. I don't think it was productive for them because I don't know as I had anything at that point to add.

But, interestingly, as I took the plane from New York to Washington to visit these people, a fellow came up to me at National Airport and introduced himself. He said, "I am the former commissioner of the Internal Revenue Service." I was startled. "I am Johnny Walters and I want you to know that a great effort was made to destroy you and a great effort was made to have me participate in this and I would have no part of it. In fact, I had threatened to resign if they forced me." I replied, "It was nice meeting you," and walked on. That was my exposure to the former commissioner.

As the Ervin Committee hearings unfolded, the hearings spoke for themselves. I had no direct contact with members of the committee or staff, other than the interview I mentioned with one exception. I will say that people who were in a position to closely monitor the committee did advise me that the only members of the committee who had any sensitivity to or understanding of my plight as the target were Senator Danny Inouye and Senator Lowell Weicker. They apparently on occasions tried to focus discussions in executive sessions to "What they did to Larry O'Brien. Shouldn't this be part of our

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consideration?" No other member of the committee, at least as I was told, had any interest in what had occurred to me as a result of all of this. However, I was contacted by a fellow by the name of Terry Lenzner of the committee Democratic staff. Sam Dash was the head of the staff.

Lenzner asked to come to New York to meet with me. He brought a younger member of the staff with him. We visited at some length in my apartment. Lenzner made a lengthy presentation of a theory that he and Sam Dash had become wedded to. The theory was that the reason for the break-in was the concern of Nixon and his associates that I had knowledge of activities involving, I believe, a hundred thousand dollars supposedly in the form of a campaign gift from Hughes to Nixon, handled by Nixon's friend, Bebe Rebozo, paid in cash in two fifty-thousand dollar increments. That was supposedly diverted to refurbishing Nixon's summer place in Florida.

I couldn't believe a person who had been living with the Watergate hearings as long as Lenzner had could have blinders on. He and Dash chose to ignore the facts, the breadth and scope of the findings. I don't believe they at that time had any real indication of the IRS aspect of the Watergate mess which, as I have said, was by far the most significant and the most appalling aspect of Watergate. While I wasn't present at the series of meetings held in Mitchell's office, he and I and the world were now aware of the activities that had taken place. Certainly what had been exposed to that point revealed an extensive operation involving a number of illegal activities. To come to a conclusion that all of this that engaged scores of people, hundreds of thousands of dollars, and some two years of activity was for the sole purpose of finding out whether O'Brien knew about Rebozo and a hundred thousand dollars was preposterous.

Beyond that, it made no sense that Larry O'Brien would, as chairman of the Democratic National Committee and knowing of this alleged incident, keep it to himself. The whole world would have known about it the moment it came to my attention. In the interest of the record and history it would be irresponsible to close this matter out on that premise. Every aspect of this indicated to me clearly that this in no way made any sense. It was apparent to me that Lenzner and Dash were trying desperately to come up with a theory to avoid being no more than an asterisk in history books. To have the sole contact made by the Democratic staff to have me agree with a ridiculous theory was something I didn't appreciate.

The record shows that Dash and Lenzner in their anxiety to lock in their theory, lacking credibility, chose to ignore the motive for the breaking into--

G: [Lewis] Fielding's office?

O: No, the office of the--

G: [Henry] Greenspun.

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O: Greenspun office in Las Vegas.

G: Was it the *Sun*?

O: *Sun*. The thrust was to learn if the rumor heard by the Nixon people that Greenspun might have material in his safe derogatory to Ed Muskie was valid. They could enlist the Hughes people in orchestrating this because supposedly Greenspun also had Hughes documents. They chose to ignore the Muskie aspect and tried to relate that break-in through the Hughes document angle to the break-in at my office. They were reaching as far as they could reach.

Credibility was totally lacking, and I think it's unfortunate that they were at a later time able to sell their theory to a writer named Anthony Lucas, who in 1976 wrote a piece for the *New York Times* Sunday magazine section. He recounted all the matters involving me we have discussed, up to and including IRS because by 1976 that was widely known. Nevertheless he joined Lenzner and Dash in supporting the Lenzner-Dash theory. I took the occasion to write to the *New York Times* spelling out my views and suggesting this was an unfortunate oversimplification of history. It failed to hit the target. The target was so broad and deep, the involvement so widespread, the IRS aspect so overriding it was unfortunate to ignore all that.

I had forgotten that episode until recently when, at a symposium at Hofstra University where Lucas was present along with Jeb Magruder, Lucas queried Magruder on the reason for the break-in. Magruder stated the reason was they thought I knew something about Rebozo, Hughes and the hundred thousand dollars. I had read [this] in Magruder's book some ten years earlier. He recounted in detail the entire Watergate episode. He did not include the Internal Revenue aspect, as that was not part of his role because he was at CREEP. The Internal Revenue Service aspect was handled directly by the White House. The CREEP activities were handled by CREEP under the guidance of the White House. I decided to reread Jeb Magruder's book. It is clear as he recounted these various meetings with Mitchell, including his full involvement that the goal was to cast out a big net, catch what we can, and Mitchell's motivation in approving the Liddy program at least in part was his disturbance with me due to ITT. In his memoirs, Magruder repeatedly states I was the most difficult fellow they had to cope with, politically. I was giving them more problems than anyone and that Mitchell and others would love to come up with something, somewhere, somehow that might cause me embarrassment or disturbance. Also, interestingly enough, I checked the index of the book and found that the name Howard Hughes does not even appear in the book. What Magruder's current recollections are or what his motivation may be, I can't answer.

Lucas called me. I had seen the reference in the *New York Times* to the Hofstra symposium, but hadn't thought anything further about it. He was the author who wrote the story of the Dash-Lenzner theory for the *New York Times* in 1976. He reminded me that I had questioned his support of this theory at that time. Frankly, I had forgotten the episode. He said that all the elements of Watergate, and he included IRS, added up to a

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mammoth effort against me and he also understood what had been done to my friends and associates. That this had involved scores of participants and hundreds of thousands of dollars and I survived it; they didn't lay a glove on me. But he insisted, despite all that, the reason for the break-in was this theory. He closed by saying that he had been asked to do an op-ed piece for the *New York Times* and he felt in fairness that he'd include a reference that I still questioned his theory.

A side bar to this: after a couple of days it dawned on me that I thought I was talking to Tony Lewis of the *New York Times*. When the op-ed piece appeared, I realized I had been talking to a free-lance writer who indicated that he was going to write further on this subject, probably try to develop a book. He referred to a professor from the University of Wisconsin who's engaged in writing a book on Watergate. He's not alone I'm sure.

During the Watergate hearings there was a deep interest on the part of Sam Dash and Terry Lenzner in my business activities. One staff member had occasion to advise me that he couldn't get over Lenzner pressing inordinately to know everything he could regarding me.

It began to hit me that somehow I was no longer the target or victim of Watergate. I'd have to defend myself to those who chose to ignore me throughout, but then tried to lock me into a ridiculous theory. It led me to question the motives of Dash and Lenzner. In reviewing all of the theories, as you indicated, the CIA theory still seems to surface. I haven't heard the Cuban theory recently. I think the theory that it was a setup orchestrated by O'Brien is probably in the discard. That would have been intriguing. Perhaps I should have allowed them to pursue that down a dead-end street, that I sat at my desk gleefully awaiting their arrival so they could be intercepted.

In summary, as far as I'm concerned, you can look back to Judge Sirica as playing an extremely key role in breaking this open. The Ervin Committee did pursue its responsibilities, but you certainly can point to the House Judiciary Committee in exposing the most appalling aspect of all of this: the direct use of the Internal Revenue Service by a president to try to destroy a citizen. It adds up to a sad, sorry spectacle and a sad, sorry time in the history of our country. I cannot emphasize too much my continuing deep concern about the Internal Revenue Service aspect of this. If that can occur in this country, and it did, it is a matter to be deeply concerned about in terms of our democratic process.

I like to think Watergate was an aberration. I have not reflected on it in a partisan sense. I was partisan in my initial efforts to expose it but certainly not partisan in that I have accused any other Republican administration or felt that any Democratic administration has acted in this manner. I am persuaded that for Nixon to go that far at that time, it was conceivable that he would have held the reins of the presidency in some way whether he was re-elected or not.

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As an assistant to two presidents I spent almost eight years in the White House; I recognize loyalty of staff, dedication of the staff to the president. I also recognize that a staff reflects the attitude of a president, that no staff member becomes involved in any activity unless he knows the president would approve if he is not aware or he is carrying out direct orders of the president.

Regardless of theories, the record stands. And one more reflection on the Internal Revenue Service: the service was used on other occasions. It is clear that early on the IRS forwarded to the Nixon White House, on demand, tax returns of citizens. I suspected that at an early stage and publicly decried it. Nobody listened, but it was occurring.

In terms of IRS there is another memo containing a recommendation by President Nixon that the entire Congress be audited. To cover that up, he suggested they could quietly audit some White House staff so when the Congress reacted they could point to the White House staff audits. Nixon was totally hung up on his dislike for the Congress generally, his hatred of me obviously--and I don't single myself out as the lone person on his hate list; there were many others. I should add that he was encouraged in his renewed effort after the break-in to get me through IRS by John Connally who, as the Nixon files show, had urged him to continue his effort on me. At that time Connally had of course taken on the role of chairing or co-chairing Democrats for Nixon and later became a Republican member of the cabinet.

G: Do you recall the wording of Connally's memo?

O: His was not a memo. It was a couple of references the President made in the memo, "Connally tells me that I should keep working on O'Brien. Connally says he feels I'll find something somewhere."

As far as other aspects of all of this, the Hughes matter took a turn in a different direction. I have remained quiescent regarding that and now I want to detail the facts.

G: Okay.

End of Tape 3 of 3 and Interview XXXI

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Legal Agreement Pertaining to the Oral History Interview of Lawrence F. O'Brien

In accordance with the provisions of Chapter 21 of Title 44, United States Code, and subject to the terms and conditions hereinafter set forth, I, Lawrence F. O'Brien of New York, New York, do hereby give, donate and convey to the United States of America all my rights, title and interest in the tape recordings and transcripts of the personal interviews conducted on September 18, October 29, October 30, December 4, December 5, 1985; February 11, February 12, April 8, April 9, June 25, July 24, July 25, September 10, September 11, November 20, November 21, December 17, December 18, 1986; April 22, April 23, June 18, June 19, July 21, July 22, August 25, August 26, September 23, September 24, November 3, November 4, December 10, December 11, 1987 at New York, New York and Cotuit, Massachusetts and prepared for deposit jointly in the Lyndon Baines Johnson Library and the John Fitzgerald Kennedy Library

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Signed by Lawrence F. O'Brien on April 5, 1990.

Accepted by Donald Wilson, Archivist of the United States, April 25, 1990.

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