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OLC 74-1404

74. 2007

26 June 1974

## MEMORANDUM FOR THE RECORD

**SUBJECT:** Meeting with Howard Liebengood, Senate Select Committee on Presidential Campaign Activities staff, re Baker Summary and Supplement

1. Baker Summary.

a. Substance. Howard Liebengood, Senate Select Committee on Presidential Campaign Activities staff, believes the vast majority of our preliminary comments were well taken: he will redraft the report to incorporate those he agrees with and we will have an opportunity to reclamer on the revised version. I said this was important since now that we have had an opportunity to review Mullen's testimony, we see that Mullen himself disclaimed that Helms leaned on Mullen to hire Hunt.

b. Supplemental Comments. As backup for the summary Baker report, there is being prepared a more detailed supplement for at least each of the five substantive sections (Mullen, Pennington, Tapes, TSD, Martinez). These supplements will consist of sourced "proof" and a "digest" of documents upon which the report is based and would be in lieu of the publication of the transcripts and 10 volumes of material. I observed this was a reasonable and responsible approach. Liebengood then gave me a copy of the supplement on the Mullen Company which consists of about 20-25 pages, the digest of material documents, and footnotes for our review, for 1) sanitization, and 2) our preliminary comments, if any, for inclusion in a revision of the supplement. Further, supplements will be given to us as they are prepared. The Martinez supplement is now one-fourth done and he hopes to finish it tonight.

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2. CIA Transcripts and Volumes. With respect to the disposition of the transcripts of CIA witnesses and the 10 volumes of material, Liebengood believes that at least a copy of the original and a sanitized version should be placed in an appropriate repository (possibly Archives) and sealed. The Committee would not retain the material. He mentioned one important reason for this is the "Brady Rule" concerning discovery which he feels will be resorted to with respect to some of this material. (It was not until after I returned to the office that I learned from Mr. Cary that Dash had advised that the Select Committee, on the basis of Mr. Colby's letter of the 24th, had rejected Baker's motion to print his report and perhaps publish all of the CIA material. Senator Baker, however, does have the right to submit individual views which apparently is what we are working on with Liebengood.)

3. Sanitization - Baker Report. We then reviewed the Agency's suggested security deletions from the Baker summary report and identified the following issues for possible further resolution:

a. In the sentence opposite our marginal note, number 20, Liebengood maintains that it is important that Robert Maheu's name not be deleted and that some phrase like South America be inserted for the deleted

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b. In the sentence above our marginal note 34b, he would like to propose a rewrite which would at least keep in the word Mexico and a cover relation there.

c. In the paragraph opposite our marginal note 94, he felt we ought to leave in  name since it has already been publicized. I told him that our concern was that we did not want to hang the sobriquet "lock picker" on  by name and Liebengood said he had no big hangup on this, indicating the deletion suggests the existence of an additional actor beyond those identified so far. I retorted that inherent in every deletion is this problem and it is one of the reasons their publication is such a difficult proposition for us.

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e. In the paragraph below marginal note 106, and the line opposite marginal note 109, Liebengood argued that the phrase "maritime operations" is not classified since it is understood that the Agency would conduct such operations. He feels it is important to correct the impression created by Helms and others that Martinez was performing only the most mundane of tasks. I told Liebengood that I thought we were in factual disagreement since Martinez' tasks were very routine and that the principle reason for his continuing on the payroll was the rehabilitative one to give him an opportunity to learn a livelihood which would get him off the payroll. Liebengood maintains that the testimony, specifically Esterline's, contradicts this.

f. Regarding the paragraph opposite marginal note 125, Liebengood felt very strongly that [redacted] name should not be deleted. I told him I thought we would have real problems with this since inclusion of his name in the text would finger the [redacted] and cause associated problems. As an alternative I suggested that they be satisfied with revision of the paragraph confirming [redacted] but made no commitment in this respect.

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g. With respect to paragraph 7 in the "Action Required" section, he contended that we should not delete the names [redacted] [redacted] He gave me no good reason other than the fact that their names have already been publicized. He agrees that [redacted] both turned down Hunt's propositions. With respect to [redacted] he was not sure about publication, but said there had been speculation and that [redacted] role was important since during the casing of Dr. Fielding's office, Hunt got from [redacted] the

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name of an attorney in the event he might need one, Hunt stayed at [redacted] was in Mexico, [redacted] recommended Bittman as counsel for Hunt after the Watergate break-in, and that Hunt had been in touch with [redacted] as had [redacted] testimony before the Grand Jury.

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h. Regarding paragraph 11 of the "Action Required" section, Liebengood felt there was no justification on classification grounds for deleting this material since it raises the question as to whether McCord did have emotional problems and if he didn't, why did we advise the Secret Service that he did. I explained our deletion on the basis that we really had no evidence of any such problem and did not want to pillory McCord with such a statement in the record since in our opinion it contributed absolutely nothing.

4. In general, Liebengood complimented the restraint we had shown in our security deletions. However, he felt the deletion of my name was hard to swallow on classified grounds but that he had no objection to its deletion along with other names in principle. As a substitute for the deletions in the revision of the report, he is going to insert titles for the names deleted.

5. Colson Allegations. At the end of our session, Liebengood, on the basis that he would deny the statement if I attributed it to him, said it was absolutely false that Colson had seen the 1 March [redacted] memorandum in Baker's home. I said that I was glad to hear this but asked if he could make the statement that no one in the Baker group had granted Colson access to the document, and he said they had not. He then said that some of their questions to Colson may have suggested the contents of the document but I said I could not buy that because the newspaper report was too detailed even though garbled and he agreed. He maintained he was very confused and perplexed by the entire situation and over who is doing what to whom.

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6. Action. [redacted] was apprised of this development and copies of the supplement were sent to him which he will staff out with the IG, OS, within the DDO and OGC for substantive comments and suggested security deletions.

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Deputy Legislative Counsel

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*Handwritten note:* [illegible]

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