

August 10, 1971

MEMORANDUM FOR THE FILE

ODESSA

FROM: G. GORDON LIDDY

SUBJECT: CONVERSATION AT THE OFFICE OF ASSISTANT  
ATTORNEY GENERAL ROBERT MARDIAN TODAY

Participants

Robert Mardian  
James McGrath  
Guy Goodwin  
John Martin  
Gordon Liddy

The following is a summary of the matters addressed at the meeting.

FBI Clearance

I mentioned the problem raised with me by Fred Buzhardt of FBI agents having access to DOD documents in the course of the Ellsberg and other leak investigations. Buzhardt pointed out that the agents lacked clearance in certain code-word areas and certainly could not be granted access to such sensitive files as that of Dr. Kissinger.

I suggested that Messrs. Martin and McGrath of Mardian's staff be cleared for BYEMAN, T/K, and SI and that arrangements be made for them to examine any files which Buzhardt would not want to open to the FBI, so that they could extract from the documents lead material for the FBI. (Both McGrath and Martin are former FBI agents qualified for such an assignment.)

Mardian asked what the basis was for Buzhardt's position. I replied that he believed the FBI report handling and filing system was such that sensitive material would be disseminated widely through the FBI where it could be read by a large number of clerical personnel.

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At this point Mardian telephoned Buzhardt and they agreed as follows:

1. FBI agents would be permitted to interview any DOD personnel.
2. FBI agents would be given access to any material other than substantive SALT material.
3. Martin and McGrath would be permitted to examine any material denied to the FBI. Martin and McGrath would screen any substantive material before giving leads to the FBI.

1962 Attorney General Policy Memorandum

Mardian furnished a copy of a memorandum, dated August 4, 1971, from Hoover to the Attorney General, entitled "Unauthorized Disclosures of Classified Information". (Tab A) The key paragraph thereof is as follows:

"You have stated in your letter of July 28, 1971, that you do not intend to suggest a departure from established Bureau procedures in handling the foregoing matters. Accordingly, our investigations will be directed toward establishing violations of the espionage statutes in keeping with the policy outlined in the Attorney General's memorandum of May 9, 1962, captioned "Unauthorized Disclosure of Classified Information to the Press." We will keep the Internal Security Division of the Department apprised of development in our investigations and at such time as a determination is made that no statutory violation under this Bureau's jurisdiction is involved, it is requested that I be informed.

The policy set in 1962 for dealing with leaks calls for initial determination of whether the substantive document will be declassified by the originating agency for purposes of prosecution, and establishing whether or not the information contained therein had ever before been published. In the event the originating agency indicates that it will not declassify, or the information is found to have been published previously in some form, the FBI shall discontinue investigation.

[NLN 98-08/18:4]

Alleged non-cooperation by the Metropolitan Police Department

Guy Goodwin advised that the Metropolitan Police Department has received a voluminous amount of information from the CAPBOMB informant, but "is not coming through with most of it." It was suggested that I do what I can to eliminate this difficulty.

Route of Liddy memo of August 2, 1971

In the course of the general meeting when Wannall's name came up, Mardian looked directly at me and said, "you know, the Torpedo". I got the message; Mardian had read my memo dated August 2, 1971. This was confirmed privately after the meeting when Mardian stated that the Attorney General had seen the memo and Mardian related the contents thereof to me. He advised that the Attorney General was displeased with Messrs. Sullivan and Brennan of the FBI telling them that "this problem is well known to and receiving the attention of the President of the United States. You don't need to program Liddy about it." Mardian continued that the Attorney General was not aggy with me nor in fact did Mardian exhibit any displeasure. If anything, he was rather gleeful about his immediate access to what was obviously intended to be an in house memorandum.

State Department Problem

Charles Brennan, the Assistant Director of the Intelligence Division of the FBI, stated that they were getting nothing from the Department of State on the SALT leak and that Secretary Rogers had ordered that nothing go out of State without his personal okay. Mardian said that he would seek to have Rogers "back down" on that policy.

Alleged veiled threat against the President by Hoover

At the conclusion of the general meeting, in private conversation with me, Mardian discussed the serious problem of the deterioration of the FBI under the recent leadership of Hoover. According to Mardian sometime ago a special study of the FBI was conducted by the Directors of the CIA, DIA, NSA, and the Secret Service. Many, not all, of the problems and deficiencies of the FBI which have risen in the past five years were set forth in the memorandum along with suggested solutions.

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It was through this memorandum that the President and subsequently Mardian himself first learned of the serious deterioration of the FBI capability and performance. According to Mardian, Hoover had even "threatened the President of the United States." He said that he was present in the office of the Deputy Attorney General after Hale Boggs had made his blast at the FBI and Hoover and that Kleindienst had stated that a Congressional investigation of the FBI would be welcomed. Hoover called Kleindienst and Kleindienst held the phone in such a way that Mardian could overhear the conversation. Hoover was angry. He said that it was all very well for Kleindienst to "welcome the investigation", but that "you understand that if I am called upon to testify before the Congress, I will have to tell all that I know about this matter." Mardian stated that he knows what Hoover was referring to and recognized the implied threat to the President in the remark. According to Mardian, however, Kleindienst obviously did not perceive the threat and this was apparent to Hoover. Hoover, said Mardian, therefore telephoned the President and repeated the same remark quoting himself to Kleindienst. The President, according to Mardian, recognized the ~~threat~~ threat. Support for the broad Congressional investigation of the FBI thereafter was withdrawn.

[NLN 98-08/18:6]