(9)/1

RICHARD M. NIXON TESTIMONY - S E A L E D

MOTIONS, and STIPULATION (not sealed)

JUNE 1975.

U.S. D.C.
MISC #75-104

IN RE JANUARY 7, 1974 GRAND JURY -- MISC NO. 75-104

(TRANSCRIPTS LABELED - U. S. v. JOHN DOE)

| | | File Date |
|---|---|---|
| 1. | (SEALED) Motion of the Special Prosecutor (authorizing Foreman and a member of the Grand Jury to attend a deposition of Richard M. Nixon under oath. | |
| 2. | (SEALED) ORDER that foreman and a member of Jan. 7, 1974 Grand Jury be designated to attend deposition of Richard M. Nixon. | June 5, 1975 |
| 3. | STIPULATION that Richard M. Nixon voluntarily submitted to an examination under oath on June 23 and 24, 1975. | June 27, 1975 |
| 4. | (SEALED) Motion of the Special Prosecutor for an order authorizing Special Prosecutor to segregate portions of transcript...and disclose segregated portions to Deputy Asst. to the President for National Security Affairs... | June 27, 1975 |
| 5. | (SEALED) ORDER approving above Motion. | June 27, 1975 |
| 6. | (SEALED) MOTION OF THE SPECIAL PROSECUTOR for an order authorizing him to lodge under seal portions of transcript of examination under oath of Richard M. Nixon on June 23 and 24, 1975. | June 30, 1975 |
| 7. | (SEALED) ORDER authorizing Special Prosecutor to lodge under seal portions of transcript of examination under oath of Richard M. Nixon on June 23 and 24, 1975. | June 30, 1975 |

CROSS REFERENCE:

| | | |
|---|---|---|
| 8. | MEMORANDUM of the United States in response to motion by defendant Mitchell for in camera inspection by the Court of Richard M. Nixon's testimony. | July 16, 1975 |

Copy of WSPF file room record showing receipt of Motion for In Camera Examination by the Court of Richard M. Nixon's Testimony...rec'd 7/8/75.

Copy of WSPF file room record showing receipt of Motion for the Release of a Sealed Transcript. ...rec'd 7/8/75.

NOTE: Perhaps we should get copy of motions from Court of Appeals or District Court to complete our files;

also - what was the outcome ??? Nothing in files on this.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

| | | |
|---|---|---|
| UNITED STATES OF AMERICA | : | |
| v. | : | Crim. No. 74-110 |
| JOHN N. MITCHELL, et al., | : | |
| Defendants. | : | |

MEMORANDUM OF THE UNITED STATES
IN RESPONSE TO MOTION BY DEFENDANT MITCHELL
FOR IN CAMERA INSPECTION BY THE COURT OF
RICHARD M. NIXON'S TESTIMONY

The United States submits this memorandum in response to the motion by defendant John N. Mitchell for (a) an in camera inspection by the Court of the transcript of the recent testimony of Richard M. Nixon and (b) the disclosure to defendant's counsel of "all of such testimony which relates in any way to any of the issues litigated in the trial of United States v. Mitchell, et al." Since defendant has not presented any theory or authority to support his request, and since the government is not aware of any, the United States opposes disclosure of any of Mr. Nixon's testimony to defendant or his counsel. The government has no objection, however, to submitting the testimony to the Court, in camera, if the Court believes that inspection by the Court is warranted.

Defendant Mitchell's motion is unusual in several respects. As noted above, it does not state the basis for the relief which it seeks, nor does it cite any authority in support of such relief. In addition, although the caption of defendant's motion indicates that it is made in

connection with the "Watergate cover-up" trial, United States v. Mitchell, D.D.C. Crim. No. 74-110, that case presently is on appeal to the United States Court of Appeals for the District of Columbia Circuit, see United States v. Haldeman, et al., Nos. 75-1381-1384. Thus, it is exceedingly doubtful whether the district court has jurisdiction to entertain defendant's request. See, e.g., Berman v. United States, 302 U.S. 211, 214 (1937); United States v. Mack, 466 F.2d 333, 340 (D.C. Cir.), cert. denied, 409 U.S. 952 (1972); 9 Moore's Federal Practice ¶ 203.11 (2d ed. 1973).

More important, defendant's motion is substantively defective. The deposition given by Richard M. Nixon on June 23 and 24, 1975, was a proceeding ancillary to the grand jury[1/] and, as such, is protected from unauthorized disclosure by Rule 6(e) of the Federal Rules of Criminal Procedure. While Rule 6(e) allows disclosure "when so directed by the court preliminary to or in connection with a judicial proceeding," there must be a showing of a "compelling necessity" for the disclosure, which showing must be made "with particularity." United States v. Proctor & Gamble Co., 356 U.S. 677, 681 (1958). See also Pittsburgh Plate Glass Co. v. United States, 360 U.S. 395, 399 (1959); Allen v. United States, 390 F.2d 476 (D.C. Cir. 1968).

In view of the termination of the "Watergate cover-up" trial and the pendency of the appeal, it is far from clear for what judicial proceeding disclosure of Mr. Nixon's testimony is sought. It is settled that a defendant does not have

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1/ See In re January 7, 1974 Grand Jury, D.D.C. Misc. No. 75-104 (Order dated June 27, 1975, attached as Exhibit A); United States v. Krogh, 366 F. Supp. 1255, 1256 (D.D.C. 1973).

any post-trial discovery rights. The language of Rule 16, F.R.Cr.P, clearly indicates that the criminal discovery process is to operate in the pre-trial stage, "to help a defendant prepare for trial," Hawkes v. Internal Revenue Service, 467 F.2d 787, 793 (6th Cir. 1972), and is thus unavailable to a defendant, such as Mr. Mitchell, who has been convicted.[2/] Moreover, nothing in the Nixon deposition could be relevant to the appeal, since the legal issue in that proceeding will be whether the trial judge, on the basis of facts then before him, properly exercised his discretion in denying a continuance at the request of defendants Mitchell, H. R. Haldeman, and John D. Ehrlichman for the purpose of obtaining Mr. Nixon as a trial witness.[3/]

Since defendant has presented no theory by which the testimony of Mr. Nixon could afford him a basis for relief from his conviction, he has failed to show a "compelling necessity" or "particularized need" for disclosure as required by Rule 6(e). Indeed, an examination of the transcript would show beyond peradventure that there is nothing in Mr. Nixon's testimony, which focused primarily on pending grand jury investigations, that "might have led the jury to entertain a reasonable doubt about [defendant's] guilt" in the Watergate cover-up case, see Levin v. Katzenbach, 363

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2/ See Hawkes v. Internal Revenue Service, supra; Farnell v. Solicitor General, 429 F.2d 1318 (5th Cir. 1970); United States v. Kessler, 253 F.2d 290, 292 (2d Cir. 1958).

3/ Although defendants made conclusory allegations at trial that Mr. Nixon's testimony would be exculpatory, the Court noted that "[t]here has been no showing by way of a statement, affidavit, or otherwise from Mr. Nixon that he would, in fact, testify along the lines the defendants have predicted." Memorandum Opinion and Order, United States v. Mitchell, D.D.C. Crim. No. 74-110 (December 5, 1974).

F.2d 287, 291 (D.C. Cir. 1966); United States v. Bowles, 488 F.2d 1307, 1313 (D.C. Cir. 1973), cert. denied, 415 U.S. 991 (1974), and, thus, that there is no theory under which defendant would be entitled to production of the transcript.

CONCLUSION

In sum, although the government has no objection to producing the transcript of Mr. Nixon's examination to the Court if the Court believes that an in camera review would be productive, we contend that on the basis of the complete lack of any showing of need by the defendant, Rule 6(e) is an absolute bar to the release of any part of these grand jury materials to defendant or his counsel.

Respectfully submitted,

/S/
HENRY S. RUTH, JR.
Special Prosecutor

/S/
PETER M. KREINDLER
Counsel to the Special Prosecutor

/S/
KENNETH S. GELLER
Assistant Special Prosecutor

/S/
PETER F. RIENT
Assistant Special Prosecutor

Attorneys for the United States

Watergate Special Prosecution Force
1425 K Street, N. W.
Washington, D. C. 20005

Dated: July 16, 1975.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED
JUN 27 1975
JAMES F. DAVEY, Clerk

IN RE JANUARY 7, 1974 GRAND JURY : Misc. No. 75-184

STIPULATION

WHEREAS on June 23 and 24, 1975, Richard M. Nixon voluntarily submitted to an examination under oath at the San Mateo Loran Station, United States Coast Guard, San Diego County, California, said examination conducted by the Watergate Special Prosecution Force on matters subject to pending Grand Jury investigations, said examination ancillary to and with the consent (based on the health of Richard M. Nixon and other legal considerations) of the January 7, 1974 Grand Jury of the United States District Court for the District of Columbia, and said examination attended by two Grand Jurors with the approval of the Chief Judge of this Court; and

WHEREAS said examination was taken for presentation to and to be made a part of the minutes of the aforesaid Grand Jury; and

WHEREAS Richard M. Nixon, because inquiries have been made concerning this matter, desires that the fact of this proceeding be made public, but only with the consent of the Court; and

WHEREAS the Special Prosecutor has no objection thereto;

NOW, THEREFORE, counsel for Richard M. Nixon and the Special Prosecutor on this 26th day of June, 1975, hereby stipulate that this statement shall be filed with the Court.

EXHIBIT A

HENRY S. RUTH, JR.
Special Prosecutor

HERBERT J. MILLER, JR.
Counsel for Richard M. Nixon

So ordered:

CHIEF JUDGE

Dated: 6/26/75
6:45 p.m.

EXHIBIT A

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of July, 1975, a copy of the foregoing Memorandum of the United States in Response to Motion by Defendant Mitchell for In Camera Inspection by the Court of Richard M. Nixon's Testimony was mailed, postage prepaid, to the following:

William A. Hundley, Esq.
Hundley, Cacheris & Sharp
1709 New York Avenue, N. W.
Washington, D. C. 20006

Wm. Snow Frates, Esq.
Frates Floyd Pearson Stewart
Proenza & Richman
Twelfth Floor Concord Building
Miami, Florida 33130

John J. Wilson, Esq.
Whiteford, Hart, Carmody & Wilson
815 Fifteenth Street, N. W.
Washington, D. C. 20005

David S. Ginsburg, Esq.
Ginsburg, Feldman & Bress
1700 Pennsylvania Avenue, N. W.
Washington, D. C. 20006

/s/
PETER M. KREINDLER

Per Peter Kreindler
this was filed
in District Court.
F. Campbell

US v. Mitchell | Misc. | 7/75

Ruth | 7/8/75

William G. Hundley;Hundley,Cacheris & Sharp;Washington,D.C.
Re:U.S. v. John Mitchell,et al Crim. No.74-110

Received, a copy of the Motion For In Camera Examination By The Court Of Richard M. Nixon's Testimony, filed in the above case on behalf of movant John Mitchell joined by Ehrlichman .

US v. Mitchell | Misc. | 7-7-75

Ruth | 7-8-75

Whiteford,Hart,Carmody & Wilson;Washington, D.C.
Re:U.S. v. Mitchell,et al Crim.No.74-110

Received, a copy of the Motion For The Release Of A Sealed Transcript, filed in the above case on behalf of defendant Haldeman.

9/23/76: NOTE: Copies of Motions referred to above could not be located in WSPF Office. The above notations are from file maintained by Mail & File Room WSPF.

Copies of motions can be obtained from records of U. S. District Court eventually; at present the file in U.S. v. Mitchell, et al Cr. No. 74-110 is with the U.S. Court of Appeals which prevents our obtaining copy for WSPF files.

F. L. Campbell

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

6/30/75
Sealed

FILED

JUN 30 1975

JAMES F. DAVEY, Clerk

| | | |
|---|---|---|
| IN RE JANUARY 7, 1974 GRAND JURY | : | Misc. No. 75-104 |

O R D E R

Upon consideration of the motion of the Special Prosecutor dated June 30, 1975, for an order authorizing the Special Prosecutor to lodge under seal with the National Security Council portions of the transcript and the corresponding stenographer's notes of the examination under oath of Richard M. Nixon on June 23 and 24, 1975, ancillary to the January 7, 1974 Grand Jury of the United States District Court for the District of Columbia, which portions have been classified TOP SECRET by the Deputy Assistant to the President for National Security Affairs, and having read the aforementioned portions and determined that they contain matters relating to the foreign affairs and national security of the United States, the disclosure of which might seriously jeopardize the national security of the United States, and it appearing that they are not relevant to any indictment that may be considered by the Special Prosecutor now, therefore, it is by the Court on this 30th day of June, 1975 hereby

ORDERED that the Special Prosecutor is authorized to lodge under seal with the National Security Council the following portions of the transcript and the corresponding stenographer's notes of the examination under oath of Richard M. Nixon:

| | | |
|---|---|---|
| Page 62 | -- | line 25 |
| Page 63 | -- | lines 1-12 |
| Page 223 | -- | lines 16-17 |
| Page 225 | -- | lines 17-21 |
| Page 250 | -- | lines 1-8 |
| Pages 270-276 | -- | all |

AND IT IS FURTHER ORDERED, pursuant to Rule 6(e) of the Federal Rules of Criminal Procedures, that the materials lodged with the National Security Council under seal shall not be examined by any person without further order of this Court.

CHIEF JUDGE

Dated: 6/30/75

SEALED

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

| | | |
|---|---|---|
| IN RE JANUARY 7, 1974 GRAND JURY | : | Misc. No. 75-104 |

MOTION OF THE SPECIAL PROSECUTOR

The Special Prosecutor hereby moves for an order authorizing him to lodge under seal with the National Security Council the following portions of the transcript and the corresponding stenographer's notes of the examination under oath of Richard M. Nixon on June 23 and 24, 1975, ancillary to the January 7, 1974 Grand Jury of the United States District Court for the District of Columbia:

| | | |
|---|---|---|
| Page 62 | -- | line 25 |
| Page 63 | -- | lines 1-12 |
| Page 223 | -- | lines 16-17 |
| Page 225 | -- | lines 17-21 |
| Page 250 | -- | lines 1-8 |
| Pages 270-276 | -- | all |

In support of the motion the Special Prosecutor represents as follows:

1. Pursuant to the order of this Court dated June 27, 1975, the Special Prosecutor disclosed to the Deputy Assistant to the President for National Security Affairs the aforementioned portions of the transcript, which portions the Special Prosecutor believed contained matters relating to the foreign affairs and the national security of the United States, the disclosure of which might seriously jeopardize the national security of the United States.

2. On June 27 the Deputy Assistant to the President for National Security Affairs classified the aforementioned portions TOP SECRET.

3. It is the belief of the Special Prosecutor that none of the aforementioned portions are relevant to the consideration of any indictment that may be presented by the Special Prosecutor to the grand jury.

4. Peter M. Kreindler, Counsel to the Special Prosecutor, informed the grand jury on June 30, 1975, that the aforementioned portions had been classified and would not be presented to the grand jury unless the grand jury indicated a desire to hear them and they were thereafter declassified. The grand jury raised no objection.

Wherefore the Special Prosecutor respectfully submits that this motion should be granted.

/s/

HENRY S. RUTH, JR.
Special Prosecutor

Dated: June 30, 1975.

SEALED

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

| | | |
|---|---|---|
| IN RE JANUARY 7, 1974 GRAND JURY | : | Misc. No. 75-104 |

MOTION OF THE SPECIAL PROSECUTOR

The Special Prosecutor hereby moves for an order authorizing him to lodge under seal with the National Security Council the following portions of the transcript and the corresponding stenographer's notes of the examination under oath of Richard M. Nixon on June 23 and 24, 1975, ancillary to the January 7, 1974 Grand Jury of the United States District Court for the District of Columbia:

| | | |
|---|---|---|
| Page 62 | -- | line 25 |
| Page 63 | -- | lines 1-12 |
| Page 223 | -- | lines 16-17 |
| Page 225 | -- | lines 17-21 |
| Page 250 | -- | lines 1-8 |
| Pages 270-276 | -- | all |

In support of the motion the Special Prosecutor represents as follows:

1. Pursuant to the order of this Court dated June 27, 1975, the Special Prosecutor disclosed to the Deputy Assistant to the President for National Security Affairs the aforementioned portions of the transcript, which portions the Special Prosecutor believed contained matters relating to the foreign affairs and the national security of the United States, the disclosure of which might seriously jeopardize the national security of the United States.

2. On June 27 the Deputy Assistant to the President for National Security Affairs classified the aforementioned portions TOP SECRET.

3. It is the belief of the Special Prosecutor that none of the aforementioned portions are relevant to the consideration of any indictment that may be presented by the Special Prosecutor to the grand jury.

4. Peter M. Kreindler, Counsel to the Special Prosecutor, informed the grand jury on June 30, 1975, that the aforementioned portions had been classified and would not be presented to the grand jury unless the grand jury indicated a desire to hear them and they were thereafter declassified. The grand jury raised no objection.

Wherefore the Special Prosecutor respectfully submits that this motion should be granted.

/s/
HENRY S. RUTH, JR.
Special Prosecutor

Dated: June 30, 1975.

SEALED

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

| | | |
|---|---|---|
| IN RE JANUARY 7, 1974 GRAND JURY | : | Misc. No. 75-104 |

MOTION OF THE SPECIAL PROSECUTOR

The Special Prosecutor hereby moves for an order authorizing him to lodge under seal with the National Security Council the following portions of the transcript and the corresponding stenographer's notes of the examination under oath of Richard M. Nixon on June 23 and 24, 1975, ancillary to the January 7, 1974 Grand Jury of the United States District Court for the District of Columbia:

| | | |
|---|---|---|
| Page 62 | -- | line 25 |
| Page 63 | -- | lines 1-12 |
| Page 223 | -- | lines 16-17 |
| Page 225 | -- | lines 17-21 |
| Page 250 | -- | lines 1-8 |
| Pages 270-276 | -- | all |

In support of the motion the Special Prosecutor represents as follows:

1. Pursuant to the order of this Court dated June 27, 1975, the Special Prosecutor disclosed to the Deputy Assistant to the President for National Security Affairs the aforementioned portions of the transcript, which portions the Special Prosecutor believed contained matters relating to the foreign affairs and the national security of the United States, the disclosure of which might seriously jeopardize the national security of the United States.

2. On June 27 the Deputy Assistant to the President for National Security Affairs classified the aforementioned portions TOP SECRET.

3. It is the belief of the Special Prosecutor that none of the aforementioned portions are relevant to the consideration of any indictment that may be presented by the Special Prosecutor to the grand jury.

4. Peter M. Kreindler, Counsel to the Special Prosecutor, informed the grand jury on June 30, 1975, that the aforementioned portions had been classified and would not be presented to the grand jury unless the grand jury indicated a desire to hear them and they were thereafter declassified. The grand jury raised no objection.

Wherefore the Special Prosecutor respectfully submits that this motion should be granted.

/s/
HENRY S. RUTH, JR.
Special Prosecutor

Dated: June 30, 1975.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

| | | |
|---|---|---|
| IN RE JANUARY 7, 1974 GRAND JURY | : | Misc. No. |

O R D E R

WHEREAS on June 23 and 24, 1975, Richard M. Nixon voluntarily submitted to an examination under oath at the San Mateo Loran Station, United States Coast Guard, San Diego County, California, said examination conducted by the Watergate Special Prosecution Force on matters subject to pending Grand Jury investigations, said examination ancillary to and with the consent (based on the health of Richard M. Nixon and other legal considerations) of the January 7, 1974 Grand Jury of the United States District Court for the District of Columbia, and said examination attended by two Grand Jurors with the approval of the Chief Judge of this Court; and

WHEREAS the Special Prosecutor believes that certain portions of the transcript of said examination contain matters relating to the foreign affairs and the national security of the United States, the disclosure of which might seriously jeopardize the national security of the United States;

NOW, THEREFORE, it is by the Court on this 25th day of June, 1975, hereby ORDERED:

1. That the Special Prosecutor may segregate those portions of the transcript of the examination that he believes may appropriately be subject to classification;

2. That the Special Prosecutor may disclose the segregated portions of the transcript to the Deputy Assistant to the President for National Security Affairs for the purpose of determining which portions should be classified; and

3. That the Special Prosecutor shall report to the Court on any action taken by the Deputy Assistant to the President for National Security Affairs.

/s/
CHIEF JUDGE
6-27-75

~~SEALED~~
6/27

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

| | | |
|---|---|---|
| IN RE JANUARY 7, 1974 GRAND JURY | : | Misc. No. |

MOTION OF THE SPECIAL PROSECUTOR

The Special Prosecutor moves this Court for an order: (1) authorizing the Special Prosecutor to segregate those portions of the transcript of an examination under oath of Richard M. Nixon that the Special Prosecutor believes may appropriately be subject to classification because they contain matters relating to the foreign affairs and national security of the United States, the disclosure of which might seriously jeopardize the national security of the United States; and (2) authorizing the Special Prosecutor to disclose the segregated portions of the transcript to the Deputy Assistant to the President for National Security Affairs for the purpose of determining which portions should be classified. The aforesaid examination was ancillary to the proceedings of the January 7, 1974 Grand Jury of this Court and was conducted by the Watergate Special Prosecution Force on June 23 and 24, 1975, in the presence of two Grand Jurors.

The Special Prosecutor will report to the Court on any action taken by the Deputy Assistant to the President

Sealed

for National Security Affairs with respect to the segregated portions of the transcript.

Respectfully submitted,

HENRY S. RUTH, JR.
Special Prosecutor

Dated: June 27, 1975.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED
JUN 27 1975
JAMES F. DAVEY, Clerk

IN RE JANUARY 7, 1974 GRAND JURY : Misc. No. 75-184

STIPULATION

WHEREAS on June 23 and 24, 1975, Richard M. Nixon voluntarily submitted to an examination under oath at the San Mateo Loran Station, United States Coast Guard, San Diego County, California, said examination conducted by the Watergate Special Prosecution Force on matters subject to pending Grand Jury investigations, said examination ancillary to and with the consent (based on the health of Richard M. Nixon and other legal considerations) of the January 7, 1974 Grand Jury of the United States District Court for the District of Columbia, and said examination attended by two Grand Jurors with the approval of the Chief Judge of this Court; and

WHEREAS said examination was taken for presentation to and to be made a part of the minutes of the aforesaid Grand Jury; and

WHEREAS Richard M. Nixon, because inquiries have been made concerning this matter, desires that the fact of this proceeding be made public, but only with the consent of the Court; and

WHEREAS the Special Prosecutor has no objection thereto;

NOW, THEREFORE, counsel for Richard M. Nixon and the Special Prosecutor on this 26th day of June, 1975, hereby stipulate that this statement shall be filed with the Court.

JUL 2 4 29 PM '75

JUL 2 4 29 PM '75

HENRY S. RUTH, JR.
Special Prosecutor

HERBERT J. MILLER, JR.
Counsel for Richard M. Nixon

So ordered:

CHIEF JUDGE

Dated: 6/26/75
4:45 p.m.

CLERK'S OFFICE
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA
U. S. COURT HOUSE, WASHINGTON, D. C. 20001

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UNITED STATES COURTS

U.S.MAIL

Henry S. Ruth, Esq.
Special Prosecutor
1425 K. St N.W.
Washington, D.C.

Filed
Jun 27 1975
James F. Davey, Clerk

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

| | | |
|---|---|---|
| IN RE JANUARY 7, 1974 GRAND JURY | : | Misc. No. 75-104 |

STIPULATION

WHEREAS on June 23 and 24, 1975, Richard M. Nixon voluntarily submitted to an examination under oath at the San Mateo Loran Station, United States Coast Guard, San Diego County, California, said examination conducted by the Watergate Special Prosecution Force on matters subject to pending Grand Jury investigations, said examination ancillary to and with the consent (based on the health of Richard M. Nixon and other legal considerations) of the January 7, 1974 Grand Jury of the United States District Court for the District of Columbia, and said examination attended by two Grand Jurors with the approval of the Chief Judge of this Court; and

WHEREAS said examination was taken for presentation to and to be made a part of the minutes of the aforesaid Grand Jury; and

WHEREAS Richard M. Nixon, because inquiries have been made concerning this matter, desires that the fact of this proceeding be made public, but only with the consent of the Court; and

WHEREAS the Special Prosecutor has no objection thereto;

NOW, THEREFORE, counsel for Richard M. Nixon and the Special Prosecutor on this 26th day of June, 1975, hereby stipulate that this statement shall be filed with the Court.

HENRY S. RUTH, JR.
Special Prosecutor

HERBERT J. MILLER, JR.
Counsel for Richard M. Nixon

So ordered:

CHIEF JUDGE

Dated: 6-26-75
4:45 pm

SEALED

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

| | | |
|---|---|---|
| IN RE JANUARY 7, 1974 GRAND JURY | : | Misc. No. |

O R D E R

WHEREAS the January 7, 1974 Grand Jury, through its counsel, the Special Prosecutor, advised counsel for Richard M. Nixon that it desired to obtain Mr. Nixon's testimony in designated areas of ongoing inquiry;

WHEREAS Mr. Nixon responded that he was willing to submit to questioning under oath, but that his doctor had advised him that travel to Washington, D. C. to testify before the grand jury might present a risk to his health; and

WHEREAS the Grand Jury has determined to accept Mr. Nixon's offer that he give a deposition under oath in the State of California, said deposition to be ancillary to the proceedings of the January 7, 1974 Grand Jury of the United States District Court for the District of Columbia, but on the condition that two grand jurors attend said deposition; now, therefore, it is by the Court on this _____ day of June 1975 hereby

ORDERED that the Foreman of the January 7, 1974 Grand Jury and a member of the Grand Jury to be designated by the Grand Jury are authorized to attend a deposition of Richard M. Nixon under oath, to be conducted by the Watergate Special Prosecution Force in a government facility in the State of California on June 23 and 24, 1975; and it is further

ORDERED that said grand jurors shall receive appropriate compensation for and reimbursement of expenses incurred in attending said deposition.

/s/

CHIEF JUDGE

6/5/75

SEALED

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

| | | |
|---|---|---|
| IN RE JANUARY 7, 1974 GRAND JURY | : | Misc. No. |

MOTION OF THE SPECIAL PROSECUTOR

The Special Prosecutor hereby moves this Court for an order: (1) authorizing the Foreman of the January 7, 1974 Grand Jury and a member of the Grand Jury to be designated by the Grand Jury to attend a deposition of Richard M. Nixon under oath, to be conducted by the Watergate Special Prosecution Force in a government facility in the State of California on June 23 and 24, 1975; and (2) directing that the said grand jurors receive appropriate compensation for and reimbursement of expenses incurred in attending said deposition.

In support of this motion the Special Prosecutor represents as follows:

1. The January 7, 1974 Grand Jury, through its counsel, the Special Prosecutor, advised counsel for Richard M. Nixon that it desired to obtain Mr. Nixon's testimony in designated areas of ongoing inquiry.

2. Mr. Nixon responded that he was willing to submit to questioning under oath, but that his doctor had advised him that travel to Washington, D. C. to testify before the Grand Jury might present a risk to his health.

3. The Grand Jury determined to accept Mr. Nixon's offer that he give a deposition under oath in the State of California, said deposition to be ancillary to the proceedings

Sealed

of the January 7, 1974 Grand Jury of the United States District Court for the District of Columbia, but on the condition that two grand jurors attend said deposition.

Wherefore the Special Prosecutor respectfully submits that this motion should be granted.

Respectfully submitted,

/s/

HENRY S. RUTH, JR.
Special Prosecutor

Watergate Special Prosecution
Force
1425 K Street, N. W.
Washington, D. C. 20005