

D-4

THE WHITE HOUSE  
WASHINGTON

August 9, 1972

MEMORANDUM FOR : H. R. HALDEMAN  
FROM THE PRESIDENT

14/2  
MORAN  
FOLDER TITLE:  
ROOM NUMBER: 522  
CONTAINER NUMBER: 23/1  
IRS I C-182 11-16-75

This memorandum is one that you can discuss with Ehrlichman, but on a totally confidential basis. I mentioned the fact that O'Brien's name had popped up in the investigation by IRS of Hughes Tool Company. Connally feels very strongly that any information we get in this matter should not be held, but should pop out just as quickly as possible. I have mentioned it to Ehrlichman and Ehrlichman says that unless O'Brien responds to the request that he submit to a voluntary IRS interrogation that he would be subpoenaed. I think that this should not be handled on that basis until at least a telephone call is made by the head of IRS to O'Brien. Before O'Brien then stonewalls it, a subpoena should follow.

The most important factor, however, is urgency. Connally strongly urged that in addition to following through on the [redacted] that was paid to O'Brien and Associates and [redacted] that was paid to Joe Napolitan we should follow up on the Napolitan returns in 1968 and O'Brien's as well. According to Connally, while there was approximately \$9 million dollars unpaid bills after Humphrey's unsuccessful campaign, all of the bills which have been submitted to Napolitan were paid. O'Brien at that time, of course, was making a great deal out of the fact that he was an unpaid National Chairman. Connally believes that following up there may bring us some pay dirt. The point here is that Connally's very strong conviction is that dropping something on O'Brien will have far more effect now than at a later time and will keep all of our Democratic opponents a little loose. The longer we let it go, the more possibility the charge will be made that it was a last minute smear. I consider it of the highest priority to have John Ehrlichman, if he has the time, or you personally, to ride IRS on this matter until we get a decision one way or another. Be sure to emphasize to John and all concerned, that we are not concerned, that we are not trying to develop a legal case that is air tight. The very fact that O'Brien and Associates received any money at all from Hughes, when it is firmly established, it should be put out. What is most important is that the IRS audit of O'Brien, begin Thursday - that means tomorrow - at the very earliest. This means that today,

Wednesday, the call must be made by the head of IRS to O'Brien so that the stage can be set for a subpoena in the event that O'Brien does not show up voluntarily. Don't let him delay.

## WITHDRAWAL NOTICE

RG: 460 - Records of the Watergate Special Prosecution Force  
FOIA Case Number: 0  
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### ACCESS RESTRICTED

The item identified below has been withdrawn from this file:

Folder Title: File 9/24: Exhibits  
Document Date: 09-01-1972  
Document Type: Report  
Special Media:  
From: Acting Ass't Commissioner (Compliance)  
To: Commissioner

Subject: D-5: Hughes Project (As it relates to Lawrence F. O'Brien, Sr.)

This document has been withdrawn for the following reason(s):  
FOIA(b)3 - 26 USC 6103, Tax Information

NND: 70883  
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D-6

5.72

A/F one

1/2

II-E

E-382 FOLDER TITLE: Ag 7 Dec 1972 - 700  
 IRS II Nietes Meeting w/ President  
 4/25/75 ROOM NUMBER: J CONTAINER NUMBER: \_\_\_\_\_

(6) Anonymous: to Hart  
 re Hughes & O'Brien  
 Warm Sea McG.

Mrs Westwood -

Get someone in Las Vegas do it -

Ask how much he gets!

E-380 FOLDER TITLE: July 7 - Dec 12, 1977 - TTE

IPSTI: Nelson - Village w/ Perimeter

4/25/75 ROOM NUMBER: S 22 CONTAINER NUMBER: 1/2

D-7

D-72 TTE  
10/4



GAO -

Larry O'Brien - worry line

Kalmbach -

O'Brien will worry -

Gossip - plans -

~~back and forth~~  
- Bobby Baker blowing whistle on  
Larry O'Brien & others -

Get it to O'B - don't publish



via Andrews -

Worry O'Brien -

- Wink Thom Dean -

○ Offer him retainer -

D-8

THE WHITE HOUSE  
WASHINGTON

August 9, 1972

MEMORANDUM FOR : H. R. HALDEMAN  
FROM THE PRESIDENT

This is a memorandum you can discuss with Ehrlichman and you should take responsibility on for following up in the event Ehrlichman becomes too bogged down with Domestic Council and other matters to do so.

Connally feels, and I totally agree, that we now have to pour on the coal in following up on any investigations of the top Democratic officials which might yield some pay dirt. He is confident that there is material in the Kimmelman files, in the event that we really press. I told him that I understood (Mitchell had told me) that there was a file in the Interior Department and one in the Justice Department on Kimmelman. I want either you or Ehrlichman to take the personal responsibility for getting these files today - within the next 24 hours - and then personal responsibility for seeing that they are raked through by top experts to see if any information concerning Kimmelman, which might be derogatory, could be put out. Here again, we do not have to have an indictment or an air tight criminal case in order to get the information out. What is important that any information on him which might indicate some shady dealings, should be gotten out at an early point. On both the O'Brien and the Kimmelman matters, I want you personally to follow up and keep me posted on what has developed. Of course, if nothing turns up, drop the whole matter, but let's be sure that we've gone the extra mile and developed material, before we drop the matter.

FOLDER TITLE: P Memos 1972

ROOM NUMBER: 522 CONTAINER NUMBER: 23/1

0-181 IRS I 4-16-75

~~TOP SECRET~~
 UNITED STATES DEPARTMENT OF JUSTICE  
 FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

E-1

FJM

September 3, 1969

Honorable Richard M. Nixon  
 The White House  
 Washington, D. C.

Dear Mr. President:

Previous communications have set out information which we obtained from extremely sensitive sources concerning certain individuals on the White House staff and their contacts. The same sensitive sources have furnished the following additional information:

Daniel Ellsberg, not further identified, was a recent house guest of Morton H. Halperin. Ellsberg, during a contact with one Harry, not further identified, but who may be his brother, discussed sitting up with Harry while Harry went on a "trip." From their conversation, it was obvious that they were discussing the use of drugs. Ellsberg recommended that Harry not take the "trip" at the same time his wife takes one. Ellsberg subsequently mentioned to another individual that he had left a satchel filled with "stuff" at his friend's house and during a contact with Pat Marks of Scarsdale, New York, she told him that the "stuff" Harry had was all right although it was disorienting.

Daniel Ira Davidson, a former member of the White House staff, recently told an unidentified individual that Rick Smith of "The New York Times," thought that Secretary of State Rogers is inept and letting down the Department of State by doing nothing. Davidson also stated that he knew that Richardson, not

~~TOP SECRET~~

Group 1

Excluded from automatic  
 downgrading and  
 declassification

DECLASSIFIED	
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By	NARS, Date
CLP	9/27/2011

TOP SECRET

Honorable Richard M. Nixon

further identified, is considering hiring Chadwin, probably identical to Mark Chadwin, an associate of Averell Harriman. Both he and the individual to whom he was speaking agreed that this was a sign that it is not hopeless to be connected with Harriman. Davidson then stated that Richardson may be the only high official willing to take someone "tainted" with Harriman. Davidson said that his source of this information was Jonathan, not further identified, who is going to become a "deputy for East Asia." He described Jonathan as a Republican who has worked in foreign affairs in the U. S. Information Agency and in the Department of State.

Sincerely yours,

*J. Edgar Hoover*

DRAFT

E-2

FJM

TRANSCRIPT OF A RECORDING OF A PORTION OF  
A MEETING BETWEEN PRESIDENT NIXON, HALDEMAN  
AND EHRLICHMAN ON JULY 6, 1971

NIXON, MITCHELL, HALDEMAN AND EHRLICHMAN - JULY 6, 1971

NIXON: Uh, I wanted to, uh, check with you before you had left. Because you won't be back for a week. And ---

MITCHELL: It'll, it'll be, be, well, its not quite two weeks. But its close to it. The 24th, I'll be back.

NIXON: But with regard to, uh, were we stand. I'll be in California through the 19th, or the 20th, I guess is that it? -- Are we still doing that thing

HALDEMAN: It says here . . .

NIXON: . . . Senator?

HALDEMAN: The 20th.

NIXON: Well, we'll come right back from there, I guess, right, then we'd come back and uh, uh, the uh, uh, have you talked to John about this Ells -- this, uh -- not Ellsberg thing.

MITCHELL: Cook.

NIXON: The, the Mathias thing. The rest of the papers.

SEVERAL UNIDENTIFIED SPEAKERS:

No, I have not, I don't know I haven't. I know -- uh, Mardian -- Mardian (unintelligible)

MITCHELL: And there's to be a meeting with Mathias the 8th -- I don't know why he postponed it so long -- with Mardian and people from DOD, I guess that's it. State's not involved -- to get into this. Mathias is playing a little cat and mouse game -- wouldn't see them before the 8th to get into the background of how they got them from Ellsberg, what they are and get them returned.

NIXON: Well, the problem that we have on those is not that, these, these are papers from the NSC, is that correct? Y'see -- that's what I'm concerned about. These are papers -- that's why State should be in on it. These are papers that involves memorandas apparently that Rogers is supposed to have written to the NSC, or to me or to somebody.

MITCHELL: They are they are the Nixon papers. As far as I know he has not described them.

HALDEMAN: How did they get --

NIXON: How did they get out of the NSC file, that's my point. And, and, and then, are we -- that's the, that's the investigation that's got to be given the highest priority immediately now.

HALDEMAN: . . . they don't necessarily.

NIXON: Now here's --

HALDEMAN: . . . could have come out of an NSC file, the NSC could have got you've gotta, got a Defense file, out of a State file -- or out of an NSC file ---

MITCHELL: Aw come on, bullshit

NIXON: Sure. Rogers sent papers to me. I'm not sure that Defense would have them.

HALDEMAN: No, but then State would.

NIXON: Fine, fine, all right. States, that's my point. State's got to get in on it. Henry's -- you gotta check Lynn and, uh, this fellow Cwok -- what's his name? Is that his name?

MITCHELL: Cook.

NIXON: Cook. He was there right? Is he one that had access to this stuff?

HALDEMAN: He had access to the Vietnam studies in the -- uh,

NIXON: Yeah.

MITCHELL: (unintelligible)

HALDEMAN: . . . since '69 when at State. Yeah.

EHRlichman: I don't think we really know what -- we don't know what they are.

(Unintelligible)

MITCHELL: No. The only information I have and it's what, apparently, he told Mel Laird and it was the fact that they were Nixon papers.

EHRlichman: And that they came from Ellsberg?

MITCHELL: Yes. Ells -- Ellsberg.

NIXON: Ellsberg.

MITCHELL: Ellsberg. That's correct.

EHRlichman: But that's all you can tell me.

MITCHELL: Well, as I say, he --

NIXON: Well, in any event, when you say Nixon papers -- Are these papers -- not apparently from me, if, uh, or, or are they?

MITCHELL: No. I understood --

NIXON: I don't see how they could be - - -

MITCHELL: -- that they were --

NIXON: . . . because I, I've scared Henry within an inch of his life from the time he's been here. He's never going to get anything from me out on anything.

EHRlichman: Well, I gather these are to or from you -- one or the other. And --

NIXON: It wouldn't be from me. They're not from me, John, because they're written from Henry. You know what I mean. The NSC -- that's the way it's done.



MITCHELL: I, I understood it as being during the Nixon Administration.

NIXON: Correct.

MITCHELL: That's as much information as I have on it.

NIXON: We'll know in a couple of days.

MITCHELL: The 8th's --

NIXON: If he makes good on it. but in any case, if Ellsberg's sources are contemporary.

MITCHELL: I, I believe that.

NIXON: And if they're -- and the main point I would to get at when I've got -- I think we've got to get at the conspiracy angle here. Uh, Ellsberg is not a lone operator. Ellsberg is a, he's a, -- I don't know who's in it. Maybe Lynn is in it. Maybe Cook is in it. Uh. I'm not speaking just to the New York Times -- I understand they're going to do something about Sheehan -- whatever his name is. That's uh, but, but he's uh, he's a party once removed. But we have got to get at the people . . .

MITCHELL: (unintelligible)

NIXON: . . . who are conspirators in it -- because that's one thing we find the public supports -- the public want, the people they want Ells, Ellsberg prosecuted probably because of his, because they, they understand, that threat. They may not want a newspaper -- they maybe want a newspaper to publish it, but they don't want, they don't want a guy to steal it. That's the, that's the general thing that I see from everything that I've been able to pick up here --

MITCHELL: We've had a crew --

NIXON: I think if we could get a, the conspiracy thing -- Now, the other thing, John. I think it's, I think we need cooperation from Hoover, uh, in terms of, uh -- This has to be tried in the, in the papers, in the newspapers, you understand what I mean? Let me say that there is, uh, the, uh, maybe, I don't mean Ellsberg, Ellsberg now has already been indicted, or has he? -- No.

MITCHELL: Yes. He's under indictment.

NIXON: -- been charged --

MITCHELL: No, he's indicted. He's -- been indicted by a grand jury.

NIXON: Yeah, yeah. I see. Indicted. Well, the point is that, that, uh, as far as the others are concerned, the way really, to get the conspiracy out is to get it out through papers, through Congressional sources, through, uh, newspapers and so forth and so on, and smoke them out that way. Uh, it's the only way we were, we were able to crack the Hiss case and the Bentley case. In other words, we could, and then, we didn't have the cooperation of the government. They were fighting us, but we God damn well (unintelligible) got it out. And in this instance, these fellows have all put themselves above the law and, uh, including apparently, including two or three of Henry's staff and by God we're going to go after 'em because there's just too much stuff in there now that I don't want another one of his boys to leak it out. That's why, -- I, John, you cannot assume that Henry's staff didn't do this. Now, I've had Haig in here right now and Haig says he couldn't believe Lynn did anything. Lynn has left. Now he's over working for Richardson. I'd get him in and I'd question him. Did you do this? And I'd polygraph him. I think we've got to do that for Lynn. I think you've got to do it to -- for Cook. Because we've got to find out whether people currently in, who, who, Jesus he's still in the government. Now, Richardson isn't going to like it, but I, I don't know how, what else we can, we can do to, to get at this thing. Uh, the uh, think, the Ellsberg prosecution -- it's a -- you've got a pretty good man on it, have you? Who's that?

MITCHELL: Well, it's under Mardian's department and -- we've got . . .

NIXON: Is that Mardian?

MITCHELL: . . . and we've got some of the better people ...

NIXON: Good, well

MITCHELL: . . . working on it. A fell by the name of Vincent. They've, We've been -- we've had a crew working over the weekend with DOD on this conspiracy concept . . .

NIXON: Have you?

MITCHELL: . . . that we put together.

NIXON: How, what kind of cooperation are you getting from them, John? Is it - -

MITCHELL: DOD?

NIXON: Yeah.

MITCHELL: Good . . .

NIXON: Now, Laird . . .

MITCHELL: . . . as, as, far as, as far as we can tell.

NIXON: is Laird?

HALDEMAN: It's Buzhardt

NIXON: y'see, ya see, ya see, Laird's gone, but Laird sat in here as you recall and said he had all this thing -- that he thought it was a conspiracy and so forth but they've got a much bigger outfit working on this than Edgar Hoover has.

MITCHELL: I know they have. But I want to tell you, Mr. President -- after Mel Laird said that that day, I asked Buzhardt over the next day and they weren't even close to it. They had Cook and Ellsberg -- those are the only two. . .

NIXON: Is that right?

MITCHELL: . . . two they had.

NIXON: they are? Just bulling?

MITCHELL: But, uh, they are, of course, these obvious leaks that go back into the Halperins, or the or Larry Lynn or the rest of them and that's what they've been working on over the weekend and I'll have a briefing on that today.

NIXON: John, would you like -- do you think it would be well to put, uh, to put uh, for you to put some -- oh, maybe that isn't the place for it. Maybe the place for it's up in a committee of Congress. Let Ichord and his bear cats go after it. Uh, what I'm getting at is, that, uh, you've got the Ellsberg case. I, I'm not so interested in getting out and indicting people and then having our mouths shut. I'm more interested in frankly getting the story out, see the point? That's even on the Ellsberg thing. I'm not so sure that I'd would. that I'd want him tried, convicted -- we had to do that because he's admitted -- but as long as we can, uh --

MITCHELL: Well, uh, we have Ellsberg back into some of our domestic Communists.

NIXON: Have you?

MITCHELL: Yes.

NIXON: You really have?

MITCHELL: Yup.

NIXON: Domestic Communists -- now, that's that's great. That's the kind of thing we need.

MITCHELL: That's right. And we're putting the story together. He's been, attended meetings out in Minnesota and, uh, for this Communist lawyer in a trial out there and we're putting all that together. We're gettin' --

NIXON: Is that, is that the result of Hoover or the Defense Department, do you think?

MITCHELL: You mean the information?

NIXON: Yeah.

MITCHELL: It, it came out of a U.S. Marshal out in Minnesota who, uh . . .

NIXON: Oh?

MITCHELL: . . . recognized the guy and recognized his background . . .

NIXON: Great

MITCHELL: . . . and had, had him under surveillance at one of those meetings.

NIXON: Mm Hmm.

HALDEMAN: Shouldn't somebody get at -- I assume they keep the files on all those taps when we were running all those people through.

NIXON: You know that's - -

MITCHELL: Halperin --

HALDEMAN: This -- In light of this, some of that stuff may be a hell of a lot more meaningful now . . .

MITCHELL: I

HALDEMAN: . . . than it was then.

MITCHELL: I, I, I've had them reviewed in the Bureau.

HALDEMAN: There were a lot of conversations with Sheehan in them, to my recollection.

NIXON: Were there?

HALDEMAN: I think there were. I may be wrong but I sure think there was. And nobody would agree --

(several talking at once)

NIXON: In light of current history who's got the time to read it. I haven't, I naturally never saw any of that stuff.

HALDEMAN: Well some of it may have been gobbledy gook at the time but it may --

MITCHELL: Well, a, Bob is right. You never know what those taps mean . . .

NIXON: No.

MITCHELL: . . . until it relates to . . .

NIXON: No.

MITCHELL: . . . something. And they're being reviewed.

EHRlichMAN: John, don't you think that, uh, we could get ourselves into a, into a dilemma if Mardian begins to develop evidence on this conspiracy and we want to go on a non-legal approach -- either leaks or through the Ichord committee. If it, if it gets too -- if, if, if the Justice . . .

NIXON: too far down the track

EHRlichMAN: . . . (Unintelligible). . . too much in the predominance so to speak in the development of this - -

MITCHELL: Well, it's my idea that we should only pick out the hard cases to try where we know we can convictions.

NIXON: John what is your feeling on -- speaking of hard cases, now -- uh. Or, are you, do you say that you're gonna, they're having a grand jury -- do you, did somebody told me that Cheean or Sheehan --

EHRlichMAN: Yeah, Mardian told me that.

MITCHELL: Well, we're running a grand jury in, in Boston which doesn't necessarily relate to anybody.

NIXON: I see.

MITCHELL: It relates to the overall case.

NIXON: Now, on Sheehan. Let's talk about that. Is that smart? Just, just being quite candid. Is it smart to go after Sheehan? My feeling, off the top of my head, is to convict that son of a bitch before a committee.

MITCHELL: Shehan?

NIXON: Make him the (unintelligible) Here's the point. Uh. Let me say that, uh let me, let me recap in my own mind the whole attitude on the whole thing on this. First, and despite all the beating and so forth you've taken, you did the right, we've done exactly the right thing up this point. You had to get that case to court. It had to go to the Supreme Court and when you read those, when you read the, the the opinions -- as even Scotty Reston agreed -- it, it gave them goddam little comfort.

MITCHELL: This is the general census in the newspapers now which I think is right. . .

NIXON: Right, that's right.

MITCHELL: . . . which I think is right and great.

NIXON: But my point is that it had to be done. On the, on the other, on the next point, however, I think that having done that and now, now, we've got to continue to protect the security of these, these things -- having in mind our own security -- but, not recognizing that there is, in my view, I think there is -- I, I won't say there, but there's very, it seems to me, pretty good evidence of a conspiracy. Do you feel there's a conspiracy?

MITCHELL: Well, yes.

NIXON: I don't just don't know.

MITCHELL: Well, I know there's a conspiracy, uh, because of the fact that, uh, our East Coast conspiracy people in Massachusetts are the ones that are, have been distributing the documents . . .

NIXON: Uh, huh.

MITCHELL: . . . which we will be able to develop. Uh. With respect to, uh Ellsberg and the papers that Mathias has, obviously, there's somebody else other than Ellsberg is taking them out of the government and uh, we may have some problems finding that guy, but hopefully we will be able to. That guy or guys. Let me put out one other factor in here. I don't know whether you noticed it, but uh, this statement that I put out with respect to the court decision, that the court decision spoke for itself...

NIXON: Yes, yes (noise) but you were going to --

MITCHELL: . . . but that it reserved all of our criminal approaches and ...

NIXON: That's exact, that's exactly right.

MITCHELL: No, what we have got going there is the Post has fallen over and laying dead. They, y' know, they're talking to McComber. They want to give him back those sensitive documents and everything else.

NIXON: You've gotta watch (unintelligible)

MITCHELL: And they want to give McComber back all the sensitive documents.

NIXON: (Unintelligible)

MITCHELL: Now, the reason for this is, and I've just let it sit there, is that if we ever convicted the, the Post or Katie Graham she'd lose all of her television and radio licenses.



NIXON: (Unintelligible)

MITCHELL: . . . and radio licenses so I've just let this thing sit there and let'em sweat . . .

NIXON: Great.

MITCHELL: . . . and, let 'em sweat. But uh, I think personally feel at this time that it would be a mistake if we start indicting newspapers. Now, what, what I have

NIXON: . . . You're right about that.

MITCHELL: . . . what I have structured . . .

NIXON: Try em in the papers

MITCHELL: . . . oh yes (unintelligible) now what I have done is, is get these grand juries going so we can get all of this information and hold it. Keep the investigation going and then make our determinations as to who we want to indict and who we don't want to indict. We don't have to bring down an indictment out of the grand jury if we, if we don't want to. Uh, so that we can put the mosaic together and then have another look at it and see where we're gonna go. And I have of course a hold on everything -- not to put out anything which won't -- out of the grand jury. There'll be no indictments, no bringing Sheehan before the grand jury or anything like that until we put the pieces together and see what we've got.

NIXON: What we would like, what I would like, John, is this I would like to have a, see, I'm keeping up, get a, and I've gotta see somebody in Rose on something, just a little peek, and I want to see Flanigan very briefly before I leave, we can walk out to the airfield, well, it's not important, and I'll let you know when it's ready.

UNIDENTIFIED: Right, right

NIXON: And the other thing is, I think right now I have a feeling you're in an excellent position to go forward letting the leaks and everything else out which would indicate that these bastards are guilty as hell and uh, I, uh, can, cannot wait for, uh, the conviction of Ellsberg and so forth (unintell)

MITCHELL: No, I, I quite agree.

NIXON: I think, we've got, I think the conspiracy side of that's why I hope, I think, I think we've got to go out. If you would tell Hoover to work people (unintelligible) Defense outfit and push Laird, is it, or or whoever it is -- Buzhardt.

MITCHELL: I believe Buzhardt (unintelligible)

NIXON: Make that son of a bitch get it done. Tell him we want it done. I'm cutting off. I've -- I find shocked amazement to find that this stupid Administration sold this classified (unintelligible) and everything else. Now, we're gonna start getting tough. Where are those names? Now I asked for those names this morning.

UNIDENTIFIED: (unintelligible)

NIXON: None of you asked what I want. I want them on my desk. Every former ten Johnson Administrator who's not in the government I want his God damned name (unintelligible) so we can removed. I was out for eight years. I've never, they refused me CIA briefings. What the hell, it would have beautiful opportunity to have offered --

MITCHELL: (Unintelligible)

NIXON: That's right. But does this sound like a good game plan? We're going to keep this one step away from me. (unintelligible) relation. I'll, I'll know what's going on and (unintelligible) Buchanan knows how to tell

MITCHELL: I hope they won't be using Victor Lasky.

NIXON: Lasky? You mean as a leaker?

MITCHELL: Yes.

HALDEMAN: He's a leaker of last resort. If nobody else'll print it, Lasky will (laughs)

EHRlichman: Who will uh, who will manage this grand jury while you're gone?

NIXON: Mardian.

EHRlichman: Mardian?

MITCHELL: Mardian and Kleindienst. But, thank God, as, as I say, this is a fact finding expedition to put together the mosaic and not to take any action at all without my approval.

EHRlichman: Good.

NIXON: Y'know --

(30 second deletion)

NIXON: It shows you the pay-off, though, uh the Washington Post and the Times both have swamped slop over, uh, beautiful stories (on Gurfiem and that, I mean son of a bitch of a Republican. There were others. There'll be no more.

HALDEMAN: Of course, I realize that undoing there'll be no (unintelligible)

MITCHELL: Probably would have, Gurfein probably would have consulted you.

NIXON: That's right. Well, enjoy your trip.

You'll follow up then with Laird, and you, and you press hard Buzhardt. In other words; play the game in a public vein. Take off Sheehan, you figure that if we knock too hard it's gonna -- What do you think? What's it (unintelligible)

MITCHELL: I think we ought to see what the whole picture is. We know what Sheehan has done, but we don't know how deeply he was involved with Ellsberg. Uh. He is --

EHRlichman: Will he -- do you have any reason to think he'd testify?

MITCHELL: Sheehan?

EHRlichman: Yeah.

MITCHELL: No. I wouldn't want him to testify because if he did, he'd ask for immunity and that would be the end of it.

EHRlichman: That's right.

MITCHELL: And we can get the testimony out, we know

EHRlichman: You can never, you can never get Sheehan except on the testimony of uh witnesses on the, uh well, uh, on the committee or on testimony of others, others, limited, and so forth and so on.

MITCHELL: Well --

HALDEMAN: All we'd have to do get maybe somebody who received the stuff.

EHRlichman: Plenty of people, people have been convicted without (unintelligible) it's a terrible lesson.

MITCHELL: Sheehan, Sheehan's wife was one of them. She's got a quite a police record including shoplifting down here in Washington.

UNIDENTIFIED: Well, I suppose, (unintelligible)

HALDEMAN: She has no expectation.

MITCHELL: No, <sup>not</sup> none of them have any immunity explicit or (unintelligible)

NIXON: We're we're . . .

EHRlichman: We're going to have to gather this information in that's available to the President.

MITCHELL: All right. Dick Moore has been working on some of this. He's got a lot of the background memoranda.

EHRlichman: He'll be (unintelligible)

MITCHELL: (unintelligible)

EHRlichman: He can't (unintelligible)

MITCHELL: Yeah.

7-10-71  
H.H.E. - R.M.W.

unstop

E-3  
FSM

FOLDER TITLE: JDE Notes of Meetings with the  
President 4-23-71 to 8-2-71 (copy)  
ROOM NUMBER: 522 CONTAINER NUMBER: 1-2

E-9

Explain to Whittier  
close to home -

Further - Univ.  
No commercial advantage to  
anyone

All to Whittier:

Nixon Institute for World Peace  
in a Quaker College where I belong

From GSA -

Totally personal for pol papers  
be kept there, not here -

Here: Museum  
Library

Split up papers -

OK to split up -

Whittier - quantity land  
parking  
not prox to H

②<sup>th</sup> conf. Resid. A conservative center

③ Make use interchangeable  
w/ Whittier -

⑨ Ellberg as Perkins go  
on Ken Gulf  
Mc Namera Papers

while consultant to JCS

⑩ Rogers - should be tapping more -

⑪ re Grand Jury -

Don't worry re Paps on discovery  
re WHS -

⑫ Goal

Do to McNam, Bundy, JFK  
~~elite~~ The same destructive  
job that was done on  
Herbert Hoover years ago

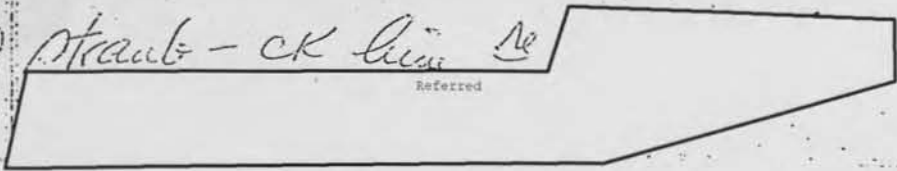
LBS angle - The Kennedy people  
be inherited -

1-12-71  
T-H-E

11/3/71

E-4  
FJM

① Strait - CK line Ne



U

③ Pendleton site for library  
Held out 300.

Host

W. M. H. S.

INDEX TITLE: ODE Notes of Westing and ZL  
 BOOK NUMBER: 522 CONTAINER NUMBER: 1/2  
Revised 4-23-71 to 8-2-71 (Copy)

2/26/75 E-10

① <sup>re</sup> Nat'l Security Taps  
esp - Special Coverage Taps

Beecher  
Alice Chan  
Hechick Smith

Overhearings would be disclosed -

Referred

RH in

② Do Dist NY  
Whitney N Seymour Jr  
Summer Interns -  
Disloyal -  
Lindsay - Types -  
incl. North Seymour

③ M: a number of documents out -  
NSC has  
H has

④ H recover docs → Haig

⑤ π - OK obtain & destroy  
all logs -



(6) Tell Hoover to destroy -

(7) Mr: ordered only to go w/ Grand Jury list of newspaper letters or newspaper indictments -

Await instr. & AG

Now at that point -

Can make decision <sup>of US</sup> Ellsberg cases now

(8) ii - Let The Committees  
Eastland  
Ichord  
list the papers -

(9) eg Cong fight CBS

Don't call newspapers before C.I.

(10) 10 year  $\Sigma$ /Lim -  
Espionage -

Are inadequate  $\Sigma$

Need to inquire re  $\Sigma$  is adequate

(11) Mr. G of Leland

Eastland more dependable -

Has best lawyer -

Kleindienst & M speak to Sen. E  
II requests him to -  
Do it soon -

(12) FBI going all out now

(13) We'll not deny Leland the  
staff - get Eastland in too

(14) Haig return docs to FBI  
then to RM for destruction

(Sullivan)  
Haig request the FBI to  
destroy all special coverage

Sullivan will contact Mardian

(15) 20% of source documents  
missing (Ellsberg)

Can't be found in Govt files

(16) Mardian - didn't deliver his docs -

(17) II pl call -

u (18) gets the prin. co-conspirator -

THE WHITE HOUSE  
WASHINGTON  
October 22, 1971

FBI  
#2-5  
FJM

MEMORANDUM FOR: BUD KROGH  
FROM: GORDON LIDDY ⚡  
SUBJECT: THE DIRECTORSHIP OF THE FBI

History

The FBI was born in another age. Six years after the doughboys came home from France at the end of World War I, America was still rural. Outside of her cities, paved roads were few. The automobile was just making its impact felt upon our society. The United States had entered World War I with something like 600 machine guns in its entire armed forces. The Germans had thousands and they terrorized the farmboy turned doughboy who returned home with tales of its awesome power.

The criminal element quickly exploited the new technology and married the machine gun to the automobile. Roving mobile bands swept into town and staged bank robberies which were the mechanized equivalent of wild west raids. The hinterlands were in terror of the Dillingers, the Barkers, the Floyds, the Nelsons, Bonnie and Clyde. There are towns in Indiana today with concrete pill boxes in their main square built in the 20's and 30's as miniature Maginot lines to defend against what was called "auto-banditry."

Since 1908, there had existed in the Department of Justice a small unit known as the Bureau of Investigation. It was incompetent and corrupt. J. Edgar Hoover, a young Justice Department lawyer, himself in his 20's, was called upon by then Attorney General Harlan F. Stone to serve as the 5th Director of the Bureau of Investigation to clean it up and turn it into the response to the criminal challenge demanded by the public.

Hoover met the challenge. He fought technology with technology, virtually inventing practical forensic criminal science and the crime

lab<sup>1</sup> and organized practical mass identification procedures built upon the new fingerprint technology.<sup>2</sup> For patronage hacks, he substituted young lawyers and accountants, depression hungry and eager to do a job. Hoover knew each man by name. There was mutual trust and respect. By the late 1930's, skill and dedication brought success and with success spread the fame of Hoover and his "G-men."

The organization was paramilitary in nature. Discipline was strict and one thing became crystal clear: the new FBI was created in the image and likeness of J. Edgar Hoover, and thou shalt not have false gods before thee. One who found this out was Melvin Purvis, the small, brilliant nemesis of John Dillinger. By the mid 1930's, Purvis' fame rivaled Hoover's. On the back of breakfast cereals, children were offered "Junior G-man" badges so that they could be just like Melvin Purvis and the FBI. Hoover crushed him. FBI history was rewritten, giving the credit to agent Samuel P. Crowley.<sup>3</sup> Years later, Purvis died a suicide.

Master of modern law enforcement, master bureaucrat and charismatic leader, Hoover had good instincts and judgment. At the height of his fame he resisted the opportunity to form a national police force because he judged it to be wrong for America. Instead he formed the FBI National Academy<sup>4</sup> to train state and local police to FBI standards.

With World War II came a new challenge -- Axis espionage.

Again, Hoover exploited the latest in technology -- primitive but effective concealed sound recording equipment and disguised motion picture cameras. The FBI had its own continuous wave back channel communication system from office to office and even Hawaii. Fingerprints were put on the then brand new IBM card sorting equipment in the D.C. National Guard Armory. The greatly expanded FBI could, at the end of World War II, claim correctly that there had been not one successful act of enemy sabotage carried out in the United States in World War II, as contrasted with the Black Tom explosions and other sabotage during World War I.

---

1. November 24, 1932

2. June, 1930

3. Who was hardly in a position to disclaim it. Crowley died under the guns of "Baby Face Nelson" four months after the death of Dillinger.

4. July 29, 1935

The cold war was made to order for Hoover and the FBI,<sup>5</sup> and it went into the 1950's lean and hard. Masterful feats of clandestine counter-espionage were accomplished, and the FBI was rightly to be feared by foreign intelligence agencies.

The Korean War brought another expansion, but an internal change was taking place. No longer were all agents recruited from skilled professionals such as lawyers, accountants, scientists and linguists. Moreover, the cult of Hoover had begun to flower, and a lot of good men were leaving. It was becoming more difficult to replace them.

Much is made in the popular press of the so-called "petty tyrannies." This is misplaced concern. Crack FBI agents accepted the 24-hour discipline and the small annoyances. They knew that the inflated auto recovery figures, the meticulous records they were forced to keep on informant contacts that were unjustified by production, the professional image, etc., all helped Hoover when he went before Congress for appropriations.<sup>6</sup> They were also aware that in the clandestine war against ruthless enemies every bit as professional as they were, lack of discipline could be deadly.

The "petty tyrannies" could be tolerated because of one great psychic reward. The FBI agent knew that he was a member of an elite corps. He considered the discipline under which he labored tougher than the U.S. Marines and its reasons for being analogous to that of the Corps. The country knew it too, and respected the agents accordingly. The burden was bearable and morale high because the FBI agents knew in their hearts "We're Number One."

#### Things Start To Go Wrong

In the early 1950's there emerged the phenomenon of the "Bureau clerk." These were young men without the education prerequisites brought in to the Identification Division for the most part as clerks and sent off to earn an accounting degree from such dubious institutions as Southeastern University in Washington, D.C. They then

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5. The FBI had been investigating the activities, *inter alia*, of the Communist Party, U.S.A., since it entered the domestic intelligence field pursuant to secret instructions from President Roosevelt issued September 1, 1936.

6. And the highest pay in law enforcement for the agents -- beginning salary today is \$14,000.

became Special Agents and earned a salary they could not hope to approach outside the FBI. Reached at an early age, they became true believers in the cult of Hoover.<sup>7</sup> Jealous of the more competent professionals, and unwilling to disagree with Hoover on anything,<sup>8</sup> as they rose administratively by currying favor through flattery, the Bureau started to decline.

Hoover's assets, however, continued to increase. The Crime Records Division of the FBI is without doubt one of the finest public relations organizations ever put together.<sup>9</sup> It has a legitimate purpose. The extraordinary reputation of the FBI and its agents, fostered by the Crime Records Division with its motion pictures, books, magazine articles, television and radio shows, speech program, press and Congressional contacts, mean that an FBI agent will be given information by a citizen that the citizen would not entrust to any other agency. When the FBI agent says the information will be kept in confidence, he is believed. The media impact is such that when a citizen is confronted with a real FBI agent, the agent is at a tremendous psychological advantage.

But here, too, things started to go wrong. More and more the Crime Records Division spent its time building up and protecting the reputation of Hoover. Hoover and the Bureau became synonymous. To attack one was to attack the other. So long as the Crime Records Division could keep Hoover away from the press, it could work wonders. But, contrary to the widely held impression, Hoover is not a reticent man.

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7. And competitive ritual sycophants, baking cakes for Hoover's birthday; soliciting ever more flowery service club testimonials, etc.

8. The most absurd manifestation of which led to a rewriting of the history of the Trojan War. For a speech on communism, a draft sent to Hoover for approval compared the U. S. Communist Party with the legendary Trojan Horse. The draft came back with the marginal notation in blue ink, "They're not horses, they're snakes! -- H." The draft was "corrected" and thus was born the Trojan Snake.

9. By Louie B. Nichols, who went on to become Vice President of Schenley Industries. After Nichols left the FBI, Hoover remarked, "I never want another man to have such power in this organization again."

In recent years he has become even more of a hip-shooter; lately even departing the carefully prepared scripts for his Congressional appearances. Thus, the Berrigan problem, the Martin Luther King incident, the Ramsey Clark quote, and so on.

The concern with image, the cultism, has finally taken its toll. Virtually any genuine innovation or imaginative approach is stifled for fear of outside criticism. That which occurs is often done by field agents on their own initiative, with great pains taken to prevent Bureau Headquarters from learning of it. The morale of the FBI agents in the field has deteriorated badly, not because of the rule on haircuts and no coffee at the desk, etc., but because in his heart the FBI agent can no longer say, "We're Number One."

#### The Present Situation

The greatest decline has been in the performance of the Domestic Intelligence Division. As previously reported, all clandestine activities have been terminated. Liaison with the intelligence community has been disrupted and key men either forced out or relegated to posts where their skills cannot be exploited. Should the Peoples Republic of China be admitted to the United Nations, the establishment of its delegation will bring a quantum increase in the presence on U.S. soil of some of the finest espionage agents in the world. Thus, the Domestic Intelligence Division, the one most badly deteriorated, will be presented with a heavy increase in its task at a time when it cannot perform competently the task at hand.

Relations between the FBI and the Department of Justice, never good but for a short period after the advent of this Administration, are again deteriorating. Hoover refers openly to Assistant Attorney General Robert Mardian as (inaccurately) "that Lebanese Jew." He has reportedly threatened the President. Recently there have been articles in The Washington Post, The New York Times, Time and Life, which indicate that officials and/or former officials at the highest level of the FBI are now divulging to the press the serious shortcomings of Hoover and the Bureau.

So long as anti-Hoover press stories concerned themselves with the so-called "petty tyrannies" there was no real problem. Such stories



are not new, and are disregarded as the mutterings of disgruntled former junior employees. It is quite another situation when clandestine techniques are discussed openly and the security of the United States against foreign espionage and sabotage is called into serious question.

Years of intense adulation have inured Hoover to self-doubt. He remains realistic, however, and on June 30, 1971, his most trusted confidante, Clyde Tolson, stated to a reliable source, "Hoover knows that no matter who wins in '72, he's through."

Hoover has had a long, honorable and remarkable career. His accomplishments are truly great. But the situation was probably best stated by Alfred Tennyson in "The Idylls of the King":

"The old order changeth, yielding place to new,  
And God fulfills himself in many ways,  
Lest one good custom should corrupt the world."

J. Edgar Hoover should be replaced as Director of the FBI. The question is when?

#### Timing

One foresees no real problem with accomplishing the change following the 1972 election. The question then resolves itself as to whether the step should be taken before that time.

There are a number of reasons arguing against removing Hoover as Director of the FBI during 1972:

1. The change should have attached to it no hint of partisan politics, virtually an impossibility in a presidential campaign year. If the removal does not become an issue, the question of succession will. It is in the category of a Supreme Court appointment and carries with it the necessity of a confirmation hearing in the Senate.

2. 1972 will see the trial of the Berrigans and Ellsberg commence. The removal of Hoover in the course of those trials would, at least, lend weight to what are sure to be defense contentions of a conspiracy to justify Hoover's accusation against the Berrigans.

The most compelling reason against taking action in 1972 is the probability that issue-starved Democrats can be counted upon to exploit the matter even to the point of irresponsibility.

The question can, therefore, be refined further: should J. Edgar Hoover be removed as Director of the FBI between now and the end of the year?

#### Arguments Against Immediate Removal

1. Hoover could resist and make good his threat against the President. I am unaware of the nature of the threat and, therefore, cannot comment on the acceptability of the risk involved.

2. Removal of Hoover will not gain the President any votes on the left. The anti-Nixon bias of the left is visceral, not rational. On the other hand, some of the right could be alienated if the successor named is not acceptable.

3. The succession could become an issue unless someone is named who would be acceptable to both the left and the right, a difficult person to identify.

4. We would be presented with the problem of finding a suitable successor in a short period of time.

5. Even were the Peoples Republic of China admitted to the United Nations tomorrow, in all probability it will be a considerable period of time before it is ready to staff its delegation.

6. Hugh Sidey is wrong,<sup>10</sup> there will be no "convulsion" in the FBI if Hoover is not replaced immediately.

#### Arguments For Immediate Removal

1. Sullivan, and possibly others, are talking to the press. The information is accurate, substantive and damaging.<sup>11</sup>

10. "The crisis in the FBI finally demanded his [the President's] action. The aging J. Edgar Hoover would have to be eased out before the end of the year or Nixon would face a major convulsion in the FBI. . . ." Life, Oct. 22, 1971, "Heady Days Of Presidential Power."

11. See: "F. B. I. Is Said to Have Cut Direct Liaison With C. I. A." NYT, Oct. 20, 1971 (Tab A); "Deterioration of the FBI" Wash. Post, Oct. 11, 1971 (Tab B); "The File on J. Edgar Hoover" Time, Oct. 25, 1971 (Tab C).

I think we must assume that there will be no let-up of truly damaging disclosures.

• Maxine Cheshire states in the Washington Post for October 21st that "a former FBI official [Sullivan] took copies of enough records with him when he left to write a book. Now he is looking for a journalist collaborator."

• I am informed reliably that Sullivan "wants to be vindicated." At 59 and out of office, there is no payoff for him in remaining quiet. Others may follow Sullivan's example.

• Evans and Novak in their column of October 11th said that there was "more to come."

• Life is believed to have another major story in the works.

• Sullivan has been "keeping book" on Hoover for some time. He is a skilled writer who authored Hoover's book on Communism.<sup>12</sup> His book could be devastating should he choose to expose such matters as the supervisor who handled Hoover's stock portfolio and tax matters; the painting of Hoover's house by the FBI Exhibit Section; the ghost writing of Hoover's books by FBI employees; the rewriting of FBI history and the "donation" by "admiring" facility owners of accommodations and services which are often in fact underwritten by employee contributions; and the dismantling of the nation's counter-espionage capability.

• In the past, when the FBI was performing its mission in an outstanding manner, aggrieved former high officials held their tongues in the belief that to go public would hurt mission performance. Now that performance has fallen off, Sullivan (obviously) and others may well believe that the way best to protect the FBI is to attack so that the problem can be remedied.

12. A Study Of Communism, Holt, Rinehart & Winston, New York, 1962.

2. There will be no upheaval in the FBI should Hoover be replaced immediately. The vast majority of agents would approve. A few old cronies, such as Clyde Tolson, could be expected to resign in a huff with, perhaps, some public comment.

3. Immediate removal would guarantee that the President would appoint the next Director of the FBI, something akin in importance to a Supreme Court appointment opportunity.

4. The Hoover incumbency would be undercut as a factor in the forthcoming Berrigan and Ellsberg trials.

5. The matter would be over and done with now and removed as a potential issue for the 1972 campaign.

6. Inaction, plus further disclosures in the press, could lead to charges that the President knew, or ought to have known, of the serious deterioration of the FBI, and failed to act out of concern for his re-election.

7. Short term, a prompt removal could enhance the President's image as an action oriented President and confound his critics.

8. Long term, the action could be compared legitimately to the resolute stand taken by President Truman in the Douglas MacArthur case which, unpopular at the time, is now viewed as a plus in his presidency.

9. The country is, in my judgment, ready for the change. The situation is somewhat analogous to that of China.

#### Methods

1. The most desirable method would be for Hoover to ask the President to find a successor as the "unfounded" personal attacks upon Hoover are, in his judgment, harmful to the national interest in general and to his beloved FBI in particular. This might be brought about through a Mitchell-Hoover conversation.

2. A second amicable method would be for the President himself to express the above sentiments to Hoover. He might well cooperate on that basis, were things handled adroitly.

3. The President could simply announce now that on January 1, 1972, he will not take the affirmative action of seeking to exempt Mr. Hoover for another year from the mandatory retirement provisions of the law, stating that he cannot in good conscience do so as neither he nor the country has the right to expect so much of one man, and that he wishes to announce whom he shall nominate as a successor now so that there should be not the slightest element of partisan politics involved in the changeover.

#### Comment

Hoover is in his 55th year with the Department of Justice.<sup>13</sup> Even his secretary dates from the first world war.<sup>14</sup> There is no dishonor, express or implied, in asking a man in such circumstances to give up the burden of office.

#### Recommendation

After weighing all of the foregoing, I believe it to be in the best interests of the Nation, the President, the FBI and Mr. Hoover, that the Director retire before the end of 1971.

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13. Since July 26, 1917.

14. Helen W. Gandy, who became Hoover's secretary on March 25, 1918.

E-6  
FJM

~~SECRET~~

TRANSCRIPT OF A RECORDING OF A  
MEETING IN THE OVAL OFFICE BETWEEN  
PRESIDENT NIXON and JOHN EHRLICHMAN  
OCTOBER 25, 1971 from 12:35 to  
2:05 p.m.

~~SECRET~~

RECLASSIFIED  
Classified info referred  
By *clp* 10/17/2011

~~SECRET~~

Noise

President

Ehrlichman. A lot of, uh - -

President. Yeah complicated matters

Ehrlichman. heavy going, right

President. That's very fine job they're doing (unintelligible)

Ehrlichman. They're, they're good guys

President. people (unintelligible)

writing sounds 12 seconds

President. (Unintelligible) judgments (unintelligible)

Ehrlichman. I, uh, I, uh, don't feel comfortable -- yet

President. (Unintelligible)

Ehrlichman. Well, uh, I'm satisfied with that, it's the basic political question going for a new tax. . .

President. Yeah

Ehrlichman. ...that bothers me.

President. (Unintelligible)

Ehrlichman. and, uh, (unintelligible with noise) necessary?

President. So?

Ehrlichman. I, I can see, I can see all kinds of negatives in it...

President. Yeah.

Ehrlichman. ...in terms of people saying, you know, here's the economy.

President. Another thing, too, that I've been thinking about. I've been very interested to note that your, uh, your, your fellows in their analysis of the polls showed the rather modest support that we're getting

Ehrlichman. That's right, that's right.

President. In other words, uh, it was less than I had predicted

~~SECRET~~

~~SECRET~~

(unintelligible). I, it might be, it might be advantageous I guess.

Ehrlichman. (Unintelligible)

President. I can see, for example, why we had to do entire (unintelligible) It was basically an issue that could have been a hell of an issue, otherwise.

Ehrlichman. Yeah, yeah.

President. Revenue sharing, I think was just something we just did ...

Ehrlichman. Defensive --

President. (Unintelligible)

Ehrlichman. Defense --

President. Just to be doing something, to be trying

Ehrlichman. Well, it's, it's our answer to the problems of the cities, the farms

President. Problems of the (unintelligible) and all that, as far as the average guy is concerned, it didn't make much, uh, it didn't make as much headway. I wonder this year if, ah, we really want to go on a new, a great new initiative, I wonder, I wonder, I --

Ehrlichman. Well --

President. I ... you see, the point that I, uh, raise and incidentally, this is related also to our problem on Hoover. I read his, I mean your memorandum. That's a very good fellow, is it Liddy?

Ehrlichman. Liddy.

President. Smart, isn't he?

Ehrlichman. Yeah, very.

President. Must be conservative as hell

Ehrlichman. Conservative?

President. Smart. How'd he get, why'd get in the Bureau?

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~~SECRET~~

3

Ehrlichman. Uh, he was Hoover's ghost writer. Uh, did a lot of Hoover's speeches. (unintelligible)

President. And Hoover fired him?

Ehrlichman. And, uh, no, no, he got disillusioned. And, uh, he, he put in for a transfer and we found him over in, uh---

President. Let me tell you what I have a feeling on it. It's a way out thing. His, his analysis of Hoover from a psychological standpoint is tremendously perceptive. We may have on our hands here a man who will pull down the temple with him, including me. I don't think he would want to, I mean he considers himself a patriot, but he now sees himself as McCarthy did, Benson did, and perhaps Agnew does...

Ehrlichman. Yep.

President. ...now...

Ehrlichman. Yep.

President. ...as, he sees himself as an issue rather than the issue which is the great...

Ehrlichman. Well --

President. ...weakness of any political man.

Ehrlichman. Ordinarily I would not,...

President. Hickel did.

Ehrlichman. ...ordinarily I would not have sent you the whole piece, ..

President. I heard the whole thing

Ehrlichman. ...but I wanted you to get that buildup that this guy gave you.

President. That piece would make a brilliant, brilliant piece for a magazine, anyway. He makes -- actually, and this is -- gets down to your other point, interestingly enough, a stronger case for not doing something on Hoover than doing something.

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4

Ehrlichman. Hummmm, mmm

President. Now, there's something in between  
[noise]

Ehrlichman There must be

President. You see, first of all, the, after, let's suppose  
we, we, we get Hoover in and I convince him we  
can't, or, you know, order, no way I'm gonna say  
I didn't (unintelligible)

Ehrlichman. Yeah.

President. Now, just let me run this by you, just occurred  
to me right now, the helicopter the devious way  
to get at a very entire difficult problem.  
We do that, then Hoover, through all of his  
operatives, will piss on anybody that we send  
up there who other name. And I don't think he  
will approve any other name. That's my guess.  
You have the feeling maybe that he might approve  
Pat Gray, is that correct?

Ehrlichman. Well, I, uh, I think Pat has a better chance than  
most.

President. Yeah, But look, so you, so I send Pat Gray's name  
up, then you come to something else. You're gonna  
come into one of the hellest, damnedest Senate  
confirmation fights you ever saw, who is Pat Gray?  
How is he qualified? He's a Finch, a stooge, a  
Nixon stooge, now I agree he isn't, you should have  
have a proper Bureau, if you have somebody from  
the Bureau, they'll say you should have somebody  
from outside. And then, uh, Ramsey Clark will be  
recommended.

Ehrlichman. [Laughs]

President. No, I'm serious.

Ehrlichman. I know, I know.

President. Now, there's a way to get around it. That we  
defuse the whole god-damned thing. Hoover made a  
very interesting point, he said, regardless of who  
wins in '72, he says, I'll probably be out. And

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5

of course he's right. Why doesn't he announce now that I am, this is my last year in the Bureau, I am submitting my resignation effective on January 1st, 1972...

Ehrlichman. Hmmm mmm

President. ...so that the new President, I mean, the President who's elected, so that I will not be an issue in the campaign. The President will select him, they elect anybody that he wants. Now, let's look at that for a moment. The weakness in it is that we've still got a, an inefficient FBI to screw around with for a year. I'm not sure we can do a hell about, a hell of a lot about the efficiency of the FBI in a year anyway. Uh, the, uh, the other weakness is that presumably Hoover's enemies would be so furious at having the issue removed they would continue on it. But it's pretty hard to take on a man when he says "Now, I've, I, I think I've had it. I've done my job and at the end of this, I, I might give the new President, whoever he is, whether it's President Nixon or it's uh, the other President, I want them to know that this, this is that I'm going to take the Bureau out of politics.

Ehrlichman. Uh huh.

President. Now from Hoover's standpoint, he just, he has to realize that he can't stay forever. He has to realize that, that the new President, that at, uh, 78 years of age -- is that what he would be then?

Unidentified. He's 77 now.

Ehrlichman. I don't know, I forget.

President. Anyway, uh, then, the, the advantage of that is that, uh, well, what I'm more concerned about than anything else that I, I don't think we talked through adequately (unintelligible) of getting Hoover out. It's going to be a problem. I should think the confirmation project would be one that would make the Supreme Court look like, uh, you know --

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6

Ehrlichman. Yeah.

President. Whatcha doin' about civil rights?

Ehrlichman. Wiretapping and

President. What do ya ask about wiretapping.

Ehrlichman. Yeah.

President. What is the, ah on Hoover -- look up Hoover's name and age.

UNKNOWN. Hoover's age?

President. Don't call the FBI to find out, just, just look it up. I think it's 76 or 7, I would want to know month of birthday. Ah, now, you, let's let's look at that in terms of, uh,

Ehrlichman. One thing that'll happen --

President. No, I don't know, I don't know, maybe it won't work, but I, I guess, I guess, I, that, I think that we could get Hoover, I think I could get Hoover to resign if I put it to him directly that without it he's going to be hurt politically which I happen to believe if you do it otherwise. But I think if he resigns, and I think, he's going to, I don't think he's going to like it, I don't think I I think that your confirmation is going to be one hell of a job. And you want to remember whoever we appoint, uh, is appointed at the will of the President anyway. (unintelligible) They can (unintelligible) if we lost the election.

Ehrlichman. Sure. You take the position that you'll pick his successor if you're elected.

President. Yes.

Ehrlichman. In other words, there'd be no, uh, campaign issue there.

President. Right, that's right. I'm not willing to suggest it now, who's it gonna be. I'll state only that it's not gonna be Ramsay Clark. (unintelligible) Tough. You know, just say that's an issue, that the FBI should not be an issue in the campaign, we'll pick the very best possible man we can get at that time. And that's it.

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Ehrlichman. Uh, huh. Uh, huh.

President. In a few.--

Ehrlichman. Then he becomes a lame duck director.

President. Correct. So? How much are you going to do with the FBI anyway in a year?

Ehrlichman. We can't

President. You can't do it. It's a hell of a job. I can see it as a --shake up. If he becomes a lame duck director. But also he might become a lame duck director. Everybody, maybe, trying to let the old guy go out without pissing on him....

Ehrlichman. Yeah

President. ... and say, look here, let's ...

Ehrlichman. Yeah.

President. ... and he tries to keep, he becomes a little wild-eyed, maybe, just trying to, you know -- What kind of a, incidentally, what kind of a man is Sullivan, incidentally? I, I don't know him.

Ehrlichman. Well, I don't know him at all, they tell me he is --

President. I thought you did know him.

Ehrlichman. No, I never, I, I don't think I've ever met him or if I have I only met him on very short acquaintance.

President. He seems to me, from the description, he's honest and capable.

Ehrlichman. --thoughtful. Uh, he's astute, uh, uh, a very sensitive guy, uh, apparently very well-spoken and has, uh, very strong, uh, loyalties, running down into the personnel of the Bureau. And, uh, uh, at one time had an enormous amount of power over there delegated by Hoover.

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President. Oh, didn't Sullivan do some of the intelligence work for Hoover --

Ehrlichman. Oh, yes.

President. And us.

Ehrlichman. Sure

UNIDENTIFIED: That's right, sir. He will be 77 next birthday, which is January 1st.

President. Fine. Now, you see, there it is.

Ehrlichman. Yeah

President. No, no man in his right mind can say at 78 the President of the United States ought to be appointing him as director of the FBI. He's too old.

Ehrlichman. Yeah. Uh, Sullivan was the man who executed all of your instructions for the secret taps.

President. So he knows all of them.

Ehrlichman. Oh, I should --

President. Will he rat on us?

Ehrlichman. Uh, it depends on how he's treated. It's dependent, it's, see, uh, uh --

President. Can we do anything for him? I think we better.

Ehrlichman. What he wants, of course, is vindication. He's he's been bounced, in effect, and what he wants is the right to honorably retire and so on. Uh, I think if you did anything for Sullivan, Hoover would be offended, right now, it would have to be a part of the arrangement, whatever it is, that Sullivan could be given an assignment somewhere else in the Government. And, uh--

President. Out of the Government. Yeah, he'd be a hell of an operator...

Ehrlichman. We could use him

President. He'd do a good job.

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Ehrlichman. We could use him.

President. Hmm, Mitch and I agree

Ehrlichman. We could, we could use him on other things.

President. Liddy's not on your committee?

Ehrlichman. He's got, he's got a fund of information and, uh, uh, could do, uh, could do all kinds of intelligence and other work.

President.

Ehrlichman.

Referred

President.

Ehrlichman.

President.

Ehrlichman.

President.

Ehrlichman. He'd be very, he'd be very qualified for that kind of a (unintelligible).

President. Hoover upsets me. "Is the sun down"? is that what he calls it? That's his favorite term.

Ehrlichman. Yeah, and, and, uh, he strictly in Mardian's orbit. You see he treated with the

President. Mardian's the "Lebanese Jew"

Ehrlichman. (Laughs). Ya see that. He's treated with the enemy so, uh, and he has. Sullivan delivered the papers to Mardian that are unbelievable what I've got up in my safe. All the inside documents.

[PAUSE]

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10

President. What do you lean to at the moment?

Ehrlichman. Well, I like your idea. I, uh, haven't had a chance to think it all through.

President. Well, don't mention it to anybody.

Ehrlichman. Well, I won't.

President. The difficulty is that I have decided after our agonies over the Court that from now on, and incidentally this is the main reason for not submitting it to the Bar in advance. We're just playing everything very close to the vest and you know, we, it's inevitable around here (unintelligible) it doesn't affect you so much as it does Kissinger, of course, uh, to a certain extent (unintelligible) Petersen and the rest, where 19 out of 25 bureaus did you see that, in Washington said that the back-grounders were, uh, quite off the beat and so forth and so on. Well, fine, let's not have them.

[7 MINUTE DELETION]

President. Well, digression, let me say that I think that the best way to do here is to--I feel it would help us to, as we get closer to election, their only interest is to, it seems to me that every-time we, it gets out the fact that some poor agent over here (unintelligible) say well that was our last scandal.

Ehrlichman. Yeah. I saw that.

President. Who could possibly have done that?

Ehrlichman. Well, you see the problem.

President. Some guy who's tired.

Ehrlichman. Some low-level guy, in the NSC...

President. Yeah.

Ehrlichman. ...could have been called---

President. Why the NSC, might have been over in, uh, McGregor's shop.

Ehrlichman. It could have been, it could have been.

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President. Oh, yeah. And there's another great problem, John, with these people, with all people, our people, we could have done, we tried our best. There's another great problem that, they've all liked to work for an officer and they all like to say things that they're (unintelligible) and also they all work hard, are tired, and most of them drink...

Ehrlichman. Yeah.

President. ...and it's then...

Ehrlichman. Yeah.

President. ...that they...

Ehrlichman. Yeah

President. ...get in trouble.

Ehrlichman. Yeah

President. I'll lay you money that three-fourths of the time, it's like drunk driving. It's three fourths of the time, idiot statements are made when somebody's had a drink, do you not agree?...

Ehrlichman. Yeah, I'm sure that's so.

President. ... and ...

Ehrlichman. And when they're off --

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President. . . . and one of the reasons, one of the reasons, that, uh, back in the campaign, I mean, uh, uh, anybody like, when I go into a campaign, with a press conference and so forth, you have to be just like a God damn Spartan and then we still make mistakes. But the point is, these people, these people that try to handle things the way they, they just, just, just their judgment floats from people . . .

Ehrlichman. Yeah.

President. . . . and even a jackass like Romney, you know, doesn't drink at all, he has his problems. If he drank he'd be crazy, you know.

Ehrlichman. [Laughs] That's right.

President. Well, in any case, they've got to (unintelligible) everything they say --

Ehrlichman. They get caught off guard . . .

President. Then they can't say anything.

Ehrlichman. . . . at these damn receptions, ya know, the press are floatin' around and the . . .

President. (Unintelligible)

Ehrlichman. . . . people can make a chance remark and, uh, and there it goes.

President. But on the Hoover think, I just want this so closely held this, it's just got to be.

Ehrlichman. Well, I won't say anything to anybody about it. Uh, I, . . .

President. I'll be

Ehrlichman. . . . I, . . .

President. I'd like for you to be . . .

Ehrlichman. . . . I would like to think about it.

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President. I'd like to think about the proposition of my saying "Edgar, I think what you should do, that you should get out now, because I don't want to be in the position of trying to pick a successor now, I think you should say this is a matter which should be handled by whoever is the next President in the next election and I do not want to be an issue and so I have submitted my resignation effective then. I -- There'll be a lot to be said for that, . . .

Ehrlichman. Yeah.

President. . . . a lot can be said.

Ehrlichman. I can see that.

President. So that I don't have, I mean, it -- then when you get his resignation, . . .

Ehrlichman. Yeah.

President. . . . I've got that, for one thing, but on the other hand, we don't have the agony of his replacement . . .

Ehrlichman. Yep

President. . . . which I think would be a very great negative.

Ehrlichman. Yeah. And, before election you can begin the buildup of the adulation and the . . .

President. That's right.

Ehrlichman. . . prerequisites and the, and the Medal of Freedom and all that sort of stuff, uh.

President. I could call him, I would tell him right now if I . . . I don't know when he should make this announcement, uh, now that's the other thing, should he do it now?

Ehrlichman. I think so. And I'll tell you why.

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President. (Unintelligible)

Ehrlichman. I think this . . .

President. Princeton study?

Ehrlichman. . . . this Princeton thing is gonna get into the folklore and it's gonna become a part of the givens. It's gonna be a part of the, of the established findings.

President. Well, when will that happen?

Ehrlichman. Well, the, the end of this month.

President. They told me that -- well, it's a very leftish group.

Ehrlichman. Oh, it is, it's stacked, just stacked

President. So --

Ehrlichman. Uh --

President. So we let a man be crucified by a stacked jury.

Ehrlichman. No, I think

President. (Unintelligible)

Ehrlichman. No, I think if his resignation were in hand you could afford to defend him. And I think you can afford to do a lot of things for him as a lame duck as you get into the campaign which will be appreciated by his friends and will be virtually uncriticizable. And, and, and I see that as a real --

President. Do some thinking about it

Ehrlichman. I will, I will

President. . . . and I'll tell you what will happen. Then you and Herb and, and Mitchell and I will talk about it.

Ehrlichman. Okay

President. There's only the three. There's only one other one that I might bring in on it is Moore. His, his P.R. judgment is not infallible but it, he has good antenna . . .

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Ehrlichman. Yeah

President. . . . he has a good feel

Ehrlichman. Yeah

President. And he doesn't leak.

Ehrlichman. Yeah. All right, well, I won't, I won't say anything to the two of them, but, uh, when you're ready, why, uh, we'll talk about it.

President. Well, what I meant is, first, you give it your judgment.

Ehrlichman. Yeah.

President. Oh, wait a minute. You could, no, I'll tell you what you could do. Don't run it by Mitchell because I need to do that or I should feel that, that this is not, I don't want him to feel that this idea is coming from somebody else, Mitchell thinks he has to go, but I would like for you to kick it around. Do you think you should kick it around with Moore or do you just want to make --

Ehrlichman. Let me do this. Let me let Moore read Liddy's article and, uh, uh, I've got a copy of it --

President. Let me get it out of my file.

Ehrlichman. Okay -- and then I'll, . . .

President. He can read my copy.

Ehrlichman. . . . I'll talk to Moore.

President. I understand. Right.

Ehrlichman. I've got the only other copy of this.

President. And, uh, then Moore?

Ehrlichman. And then, let Dick and I -- Dick and I've talked about Hoover's problem before. He's very concerned about it.

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President. But the idea just seems to me to have a lot of merit in avoiding the confirmation fight.

Ehrlichman. Yeah.

President. If we had an outstanding man whoever is sent up oh, for example, a great state attorney general that's, that would be a (unintelligible) pretty good now wouldn't it.

Ehrlichman. Yeah.

President. I could name a surrogate Pat Brown or something like that . . .

Ehrlichman. Uh huh.

President. . . . or an Earl Warren . . .

Ehrlichman. Uh huh.

President. . . . that'd be the guy to put . . .

Ehrlichman. Yeah.

President. . . . in front of the Bureau. Uh, I don't think a cop should run the Bureau.

Ehrlichman. I don't know. Maybe somebody like, uh, -- well, hard to say.

President. I don't know.

Ehrlichman. Uh, no, I don't think it should be a policeman, I think --

President. Policemen are too narrow, too, uh --

Ehrlichman. It's gotta be a guy with great Hill . . .

President. Did you know (unintelligible)

Ehrlichman. . . . and P.R. sense --

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President. You know, there aren't very many outstanding people, I guess, in a P.R. sense in this whole field operation.

Ehrlichman. I tell you, there's, there's a young attorney general in my state who's a very classy guy.

President. Tell you another one who impresses me, he's probably a Democrat, but he is the Attorney General in Arizona.

Ehrlichman. No, he's a Republican.

President. Oh, he's --

Ehrlichman. He's damn good.

President. He said at a meeting there . . .

Ehrlichman. Yeah.

President. . . . where there were workshops . . .

Ehrlichman. Yeah

President. . . . and boy, he was sharp as a . . .

Ehrlichman. That's right.

President. . . . tack

Ehrlichman. Well, he's good. Uh, the guy in Illinois is, this Scott, is pretty good. Uh, he's a little on the, a little on the liberal side.

President. Scott is?

Ehrlichman. Isn't he?

President. Well --

Ehrlichman. He's, he's all wrapped up in the environment business . . .

President. That's all right.

Ehrlichman. . . . and, uh, . . .

President. Perfectly all right.

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Ehrlichman. . . . but, uh, no this, this guy in Arizona is . . .

President. Your guy is good. Well, look at the guy in Arizona, we'll put him down as . . .

Ehrlichman. I will.

President. . . . I already mentioned this to somebody, but put him down for a promotion because that guy ought to go to the, easy, he's a future Senator, or a future, uh --

Ehrlichman. Well, we have, of course, a recruiting, a recruiting problem for Justice, in any event, if John leaves.

President. I want that man, I want that man for something. And the man in your state also.

Ehrlichman. Well, Gordon is a possibility, although he has local ambitions, I think. Uh, --

President. Interested in running for governor?

Ehrlichman. Yeah. Yeah, I don't think he can make it but he's got those ambitions.

President. Yeah. Well, on Hoover, when you come down to it, the problem of going through that confirmation by, before, I just think is going . . .

Ehrlichman. Yeah.

President. . . . to be insurmountable.

Ehrlichman. It'd be a bitch.

President. But I think what he could do, I really think alot, it makes a lot of sense, he says I'm resigning at the end of this year -- this is my last year and I've, uh, talked to the President and, submit, . . .

Ehrlichman. Yeah.

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19

President. I wanta, because of the Bureau, I will not have the Bureau become an issue in the campaign, I've noted it, and I, and I, I think what I will do is just call him in and say "Edgar, I think you ought to resign and, and, January 1st, 1973."

Ehrlichman. That gives him a three month transition with a new man between the election . . .

President. That's right.

Ehrlichman. . . . and the, and his retirement, which will be highly desirable.

President. Well, it will be longer than that, you see, the Senate won't confirm . . .

Ehrlichman. Well, that's true.

President. . . . till, uh, February, . . .

Ehrlichman. Yep.

President. . . . so he's got a long . . .

Ehrlichman. He could say I'm kind, I, a-- Effective on confirmation of my successor on or after the first of January.

President. That's right. On or after the inauguration.

Ehrlichman. Yeah.

President. Okay. I think it would be a, has a hell of a lot to recommend it. Now everybody that, eager beavers that want to clean up the Bureau or the rest of it, we'll wait for that, but you're not gonna clean up much anyway this year. You know, another thing about this Bureau, do you realize, it'll be one hell of a plum.

Ehrlichman. Yeah.

President. Do you know, not one of those people's on Civil Service.

Ehrlichman. Oh, I know it, I know it.

President. I mean, Edgar makes this point, he says it makes it look (unintelligible) for the Bureau. 'Cause everybody's, I mean this is, this is the biggest number of . . .

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20

Ehrlichman. Sure.

President. . . . these are Presidential appointments . . .

Ehrlichman. Sure.

President. . . . apparently, aren't they.

Ehrlichman. Well, they're dir--, they're appointed by the Director as a practical matter, old Ronney and, uh, the Hill have a lot to do with the appointment of these guys.

President. But just think of that . . .

Ehrlichman. Yeah.

President. . . . they won't have to clear Civil Service

Ehrlichman. That's right.

President. And incidentally, I am, I am continuing that issue.

Ehrlichman. Yeah, yep, yep. It has . . .

President. Anything come out of that? . . .

Ehrlichman. . . . it has given . . .

President. . . . or . . .

Ehrlichman. . . . that discipline that this fellow talks about, uh, that internal discipline that, that has been so important to the success of that thing. Uh, well, lemme, lemme think about it and I'll try and make a list of the negatives, if there are any and drop you a note on it.

President. There are negatives, just don't drop me a note . . .

Ehrlichman. All right.

President. . . . we'll talk about it.

Ehrlichman. All right

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President. We'll talk about this and then, we'll talk about this with you, Moore, and we'll have, uh, and Mitchell, and, uh, no more. Just those.

Ehrlichman. Yeah.

President. And then maybe we'll move the damn thing.

Ehrlichman. All righty.

President. It'd be great if he would do it. But what the hell would he do, what the hell, what can he say to that though? If he's a lame duck.

Ehrlichman. Ah, that it would impair his, impair his usefulness is the one, is the one thing that occurs to me. And it would be hard for him to maintain internal discipline if everybody knew he was leaving and so on and so forth but hell, everybody knows he's leaving now, you know, it's just a question of time. And they all, they all now are on one side or another of either contributing to or slowing down his departure. And there's a, there's an internal war going on there.

President. Getting back to the tax thing.

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E-7

275

1430 phone

Held to E re Times latest thing on FBI story  
had names of Brandon + Safire  
E told Z just strawall it -

everything held by Dean, Kildat etc  
Et I stay out of it

G-175

4-28-75

GARY

FOLDER TITLE: Alvin Lee Top Secret Jan-  
Mar 1973  
 ROOM NUMBER: 23 CONTAINER NUMBER: 23 NEW

DRAFT

E-8  
FTM

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TRANSCRIPT OF A RECORDING OF A MEETING  
BETWEEN THE PRESIDENT AND JOHN DEAN ON  
FEBRUARY 27, 1973, FROM 3:55 TO 4:20 P.M.

~~SECRET~~

DECLASSIFIED	
Classified into reference	
By <u>clp</u>	DATE <u>9/17/01</u>

TRANSCRIPT OF A RECORDING OF A MEETING  
BETWEEN THE PRESIDENT AND JOHN DEAN ON  
FEBRUARY 27, 1973, FROM 3:55 TO 4:20 P.M.

PRESIDENT: Good afternoon, John, how are you?

DEAN: Pretty good.

PRESIDENT: I, uh, discarded some (unintelligible) won't interrupt us (unintelligible) uh, uh, did you get your talk with Kleindienst yet?

DEAN: I just had a good talk with him.

PRESIDENT: Yeah, fine. Have you got him, uh, positioned properly, the uh--

DEAN: I think, I think he is.

PRESIDENT: (Unintelligible) properly--ah, has he talked yet to Baker?

DEAN: No, he hasn't, he, uh, he called Sam Ervin and offered to come visit with both he and Baker. And, uh, that was done last week.

PRESIDENT: Uh, huh.

DEAN: But he thought that timing would be bad to call Baker prior to the joint meeting. So he says after I have that joint meeting, I'll start working my relationship with Baker.

PRESIDENT: Well, Baker left with me that he was going to, going to set up a joint meeting well, anyway (unintelligible). I see. So Kleindienst has talked to, uh, uh, he has talked to Ervin and Ervin said-- (unintelligible).

DEAN: Ervin has left it dangling and said, "I'll be back in touch with you." Uh, I think what, what disturbs me a little bit about Baker was his move to put his own man in as minority counsel, so quickly, without any consultation as he had promised consultation. And I'm told this man may be a disaster himself, the minority counsel.

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PRESIDENT: He is? What do you mean to, is he--?

DEAN: Well he's a, well I can't knock age, he's 30, he's 30 years of age, he doesn't know a thing about Washington.

PRESIDENT: Yeah.

DEAN: So we'll have to--

PRESIDENT: Baker, Baker says that he puts the blame on the White House. He says, whatchamacallits his name, Korologos called him and suggested somebody else, that was a great mistake. Course I didn't know anything about that. Apparently...

DEAN: Well Baker apparently is quite open in his felicity I want to counsel with you all, and I don't want to move until I've told you what I'm going to do, and then he did just the reverse. So it was curious: one, that he wanted a meeting with you. Uh, secondly: that, uh, he suggested Kleindienst as a conduit...

PRESIDENT: That's correct.

DEAN: ...and there is hope, I think that, uh, he may try to keep an eye on this thing and not let it get into a total circus up there.

PRESIDENT: Who? Baker.

DEAN: Baker, Baker might.

PRESIDENT: Well that's what he indicated, he indicated but of course, of course with the regard to his, uh, situation, his position though, and with regard to Kleindienst's position, I, uh, I shook Kleindienst up a bit but (unintelligible) really is the, is the fellow who's going to get hurt most out of this (unintelligible) is Mitchell. Said others are gonna get hurt too, but Mitchell is, ah, the real problem is whether or not Mitchell will--uh, get him on perjury.

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DEAN: Hum.

PRESIDENT: I said now look, ah, perjury's very damn hard thing to prove too, fortunately. But, uh, if you, uh (unintelligible) keep from poppin' off. I said, well, I, I, I talked (unintelligible) did ya ever talk to Mitchell about this. Never has.

DEAN: No.

PRESIDENT: He says he has never talked to him. Did you go into the Mexican part of it with Kleindienst or did you get...

DEAN: Well, I...

PRESIDENT: ...into any substance at all?

DEAN: I've always, I've always, braced Kleindienst in the past about, you know, the potential implications of what this whole investigation the Bureau conducted, what the U.S. Attorney's Office was doing...

PRESIDENT: That's right.

DEAN: ...what the trial meant...

PRESIDENT: That's right.

DEAN: ...I think this could come to haunt...

PRESIDENT: That's right.

DEAN: If it gets out of hand, I don't want to get into a lot of specifics.

PRESIDENT: Yeah.

DEAN: I, at this last meeting, I just sat with him and said Dick, I said, "I don't think I ought to brief you on everything I know. I don't think..."

PRESIDENT: That's right.

DEAN: ...that's the way to proceed. But if I see you going down the wrong track, I'm going to have to tell you why."

~~SECRET~~



FEBRUARY 27, 1973, FROM 3:55 TO 4:20 P.M.

PRESIDENT: Um hum. Good, good. What did he say?

DEAN: He said, "I agree, that's the way it should stand."

PRESIDENT: On the Executive Privilege one, I worked with, uh, talked to John Ehrlichman a little and decided that the last paragraph, which, uh, should be modified so that it covers what I might have to say if I were asked at a press conference, he'll indicate what it, but in, in a nut shell, uh, rather than simply, flatly say that I think that what we should say is uh, that uh, that uh, that the uh, that members of the President's staff I will not appear before a formal session of the Commission, committees. However, under proper, appropriate circumstances that uh, informal discussions, or so forth, can be conducted to obtain information and so forth and so on-- appropriate, I want, I tell you what you're, what we're up against, right here's, uh, Kleindienst, Kleindienst has indicated to me, I don't know whether he did to you, that uh, he felt that the back-up position here should be an executive session of the Committee. And I said, "Well, that's a hell of a difficult thing the, for the men." I said, "I think that the position should be one of a, that our position should be one of a, a, a solution. That you can't-written interrogatories (unintelligible) which is unlikely, of the two committee--I, uh, the, the ranking committee members and the counsel, questioning any member of the White House staff, you know, under proper, you know, restrictions...

DEAN: Um hum.

PRESIDENT: ...and so forth and so on. I put that to Baker as well and, uh, (unintelligible) said Baker, Baker probably, uh, probably wants to get, for the same reason that Ervin does, because of the publicity and so forth, wants to haul down the White House staff and...

DEAN: Um.

PRESIDENT: ...put them in the glare of those lights.

DEAN: True.

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PRESIDENT: Uh, that we cannot have. That we cannot have. On the other hand, we cannot have a stonewall, uh, so that it appears that we're not letting them. And so I think we've got to be in a position to, did ya discuss this with Kleindienst, as to what the position would be on that point? That, I think, John, is the important thing that Kleindienst has gotta stand God damn firm on.

DEAN: I did, I talked to Dick about that. I said that, uh, "One, there's a statement forthcoming. I don't know the timing on it."

PRESIDENT: Yeah.

DEAN: The Department will issue. I said that, it's fortunate the context it's coming out in, because Clark Mollenhoff solicited the statement in a press inquiry that's coming out in unrelated context and not related to Watergate per se.

PRESIDENT: Right, right.

DEAN: And so that'll be out soon and that will define what the outer perimeters are. It also gives--

PRESIDENT: Have Kleindienst say that nobody from the White House staff will testify before a committee.

DEAN: That's right.

PRESIDENT: Of course, that doesn't help much at all.

DEAN: Well, under normal circumstances, if they're--

PRESIDENT: ...if they were normal.

DEAN: That's the, there's little, uh, slide in there. And then what, in a practical matter I told 'em would probably happen, would be much like the Flanigan situation where there's an exchange and the, the issues become very narrow as to the information that's sought.

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PRESIDENT: Well, you worked with, uh, if you'd talked to John Ehrlichman, you worked at revising that last paragraph.

DEAN: We've done that.

PRESIDENT: Oh, you've already worked with him on that.

DEAN: Um hum.

PRESIDENT: And, uh, well, after I see his, uh, this Cardinal Mide (phonetic) take me about, I think five, we ought to get rid of him in about, ah, fifteen or twenty minutes. You might bring it down and, uh, you've got it written already?

DEAN: Yes, sir.

PRESIDENT: Then let me take a look at it again.

DEAN: Uh huh.

PRESIDENT: And we'll approve the statement, I don't want to put it out right now because I, I, just depends (unintelligible) I decide to do on the, do on the, the press thing.

DEAN: It'd probably be easier not to have those questions in your press conference per se.

PRESIDENT: I, I, would prefer, that's what I want to do, is to have this statement come after the press conference, to say, if they ask anything about it, that "I've covered that in a statement that will be issued tomorrow on Executive Privilege. It's very complicated (unintelligible) that's what I had in mind. I'd rather not be questioned on the statement.

DEAN: Mollenhoff himself will debate you right there on the subject.

PRESIDENT: Right. So I'll say I'm covering--

DEAN: And I did talk to Mollenhoff yesterday at, uh, Rogers' request.  
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PRESIDENT: ... (unintelligible) want to look in the case.

DEAN: Tell him I want to look in the case and I had an extended discussion with him on the Executive Privilege question. Of course, he differs somewhat from where we're coming out, but he agrees that certainly the President has the legal authority to do that and he agrees also that it's, uh, it's--

PRESIDENT: Well, in his case, I mean what was he talking about?

DEAN: Well, he says, he thinks that all White House staff should be ready to run up to the Hill and testify and he asked...

PRESIDENT: (Unintelligible).

DEAN: ... as to what they're doing and it's a rare exception when the President invokes the privilege. I said, "Clark, that's got to be the other way around. The staff can't operate if they're going to be queried on every bit of communication they had with the President."

PRESIDENT: That's right.

DEAN: Mansfield, himself, Mr. President, has recognized that communications between you and your staff are protected. He said this in a policy statement before they issued this resolution up there on, uh, having confirmable individuals agree they'd testify before they are confirmed.

(Pause)

PRESIDENT: Well...

DEAN: I'm--

PRESIDENT: ... as for confirmable individuals are concerned, they're all available for testimony though.

DEAN: That's right. It's no problem there.

PRESIDENT: It's no problem there.

DEAN: There's not a giveaway by any means on that.

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PRESIDENT: They, of course, will, uh, they, they, they, I guess, we, we would not normally claim Executive Privilege for Cabinet officers would we?

DEAN: Uh, no sir. Only, only if in, say the rare instances where we have already, where they're going for information which should be protected. Investigative files, uh, classified material or say, aid programs or something, when we did it in the last--IRS files. Those are the instances in which we've done it.

PRESIDENT: Yeah.

DEAN: And they're quite, uh, traditional and, and should be expected by the Congress when they go after information like that.

PRESIDENT: I think, I think went over to Kleindienst, I said just to show you how the worm turns here, what we went through in the Miss case. There, we were, investigating, not, uh, espionage by a political, what one political organization against another, but a charge of espionage against the United States of America, which was a hell of a lot more serious. And in that case, the Department of Justice, the White House, the FBI totally stonewalled the committee. The FBI would not furnish any information and here the FBI had a chance to furnish information to this committee.

DEAN: Yes.

PRESIDENT: That's according to Gray, right?

DEAN: Right.

PRESIDENT: All right. The Department of Justice refused to give us any information at all and of course the White House used Executive Privilege and the press was all on their side. You see that was...

DEAN: That's right.

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PRESIDENT: ...that was a, that's, sure it's whose ox is being gored. Now here you got so-called espionage involving a political organization and, uh, so now (unintelligible).

DEAN: Well, you know I've been...

PRESIDENT: (Unintelligible).

DEAN: ...and in, in, uh, doing some checking.

PRESIDENT: I told Dick a (unintelligible). That's what our Democratic friends did when we were trying to get information.

DEAN: Lyndon Johnson, uh, was probably the, uh, greatest abuser of the FBI, I'm told by people, some of the old hands over there.

PRESIDENT: He used it for everything.

DEAN: He used it as his personal, uh--

PRESIDENT: But didn't he use it against the press?

DEAN: He...

PRESIDENT: That's ah--

DEAN: ...used it against the press, he used it against his own party, uh, back in '64 when the Walter Jenkins thing broke, uh, he had high officials of the FBI out trying to strong-arm a doctor to say that this man had a brain tumor, uh, Walter Jenkins, he also, then, turned his, the FBI loose on the Goldwater staff, uh, this sort of thing is starting to seep...

PRESIDENT: Uh, who knows?

DEAN: ...out now.

PRESIDENT: Is it getting out?

DEAN: Uh, I'm sorry. (Unintelligible).

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PRESIDENT: But you, of course, know the incident of his, uh, (unintelligible) the, the famous incident of the bugging of our plane . . .

DEAN: That's right.

PRESIDENT: which, uh, maybe--, they really know is true. And you know the instances that they talk about, about the, uh, about our bugging, the FBI stuff, believe me, I know exactly what those were.

Referred

DEAN:

PRESIDENT:

DEAN: Um hum. Now they're so--

PRESIDENT: And then, of course, the other things involved leaks out of the NSC, where we, they bugged Haig, Lake, or Halperin, I mean. But that was all.

DEAN: That's right.

PRESIDENT: We were as limited as hell, I mean Hoover, good God, we could have used him forever. He's, he's-- but Johnson had just apparently, just used them all the time for this sort of thing.

DEAN: That's what I'm learning. There's more and more of this --

PRESIDENT: Who's, who's, who from the FBI is trying to put out this stuff on us?

DEAN: God, I thought, I wish I knew, Mr. President, uh.

PRESIDENT: You don't believe it's a--

DEAN: I've heard there're, there're several names that are bantered around. I, I tried for example, to track the lead

PRESIDENT: You don't think it's Sullivan?

DEAN: N, no, I, I confronted Sullivan, as a matter of fact, right after this, I said, "Bill," I said, uh, I

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called him into my office, I said, "I want to tell you what Time Magazine said they have." His reaction was not that of a man who has leaked something. Uh--

PRESIDENT: Yeah.

DEAN: And then he helped.

PRESIDENT: (Unintelligible)

DEAN: He told me, he said, "If this ever comes down to the very short strokes," he said, "As far as I'm concerned this was Hoover and Sullivan. No one else. And I'm ready to stand forward and take it at that." I said, "Well, I don't think it's ever going to be that because, uh--

PRESIDENT: Well, what, why would it be Hoover and Sullivan, did Hoover order him to do it?

DEAN: Hoover ordered him to do it.

PRESIDENT: In order to ah--

DEAN: They did this -- so he could say I could cite examples chapter and verse of Hoover telling me to do things like this.

PRESIDENT: Now Sullivan knows that their, it was terribly limited -- it was limited.

DEAN: That's right.

PRESIDENT:

Referred

DEAN: That's right.

PRESIDENT: And that I must say, I think we did request though, did we say find out the leaks, and so Hoover goes and, uh, bugs people.

DEAN: Well, I, I think . . .

PRESIDENT: That's the way to do it.

DEAN: . . . the way it's postured now, uh, we can stonewall it, ah, Gray can go up there in his confirmation hearings and he's not gonna have to bother with it, because they'd accused him in the article of being, sitting on the top of the bugs . . .

PRESIDENT: Yeah.



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DEAN: ...it was there once he came in, which is not factual.

PRESIDENT: Well, there weren't any.

DEAN: There were none there when he came in.

PRESIDENT: Well, three years ago that this happened...

DEAN: That's right.

PRESIDENT: ...and there hasn't been a God damned thing since.

DEAN: That's correct.

PRESIDENT: Right.

DEAN: That's correct.

PRESIDENT: Another thing you can say, too, John, is the fact that all this had to do with the war...

DEAN: I know.

PRESIDENT: ...and now the war is over.

DEAN: Now--

PRESIDENT: Now Johnson, on the other hand, went bugging his political opponents, and every son-of-a, everything you can imagine. We've been, that's the problem, we're getting a real bum rap, aren't we?

DEAN: We cert--, we are getting a terrible rap, ah--

PRESIDENT: You stop to think of, we got rid, we got rid of the Army bugs, we got, you know that Army ah, espionage business, intelligence business, we got, you remember that?

DEAN: That's right.

PRESIDENT: Uh, we've limited the FBI things to national security bugs, to vary, very certain few, probably too few.

DEAN: We're, we're now (unintelligible).

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PRESIDENT: But somebody's gonna get a shock one day, and they'll wonder why we didn't bug 'em, huh?

DEAN: That's right. We are getting a bad rap.

PRESIDENT: Well, for example . . .

DEAN: The fact is --

PRESIDENT: . . . as you know, as you know, Hoover did bug Martin, Martin Luther King.

DEAN: That's right, I was aware of that also.

PRESIDENT: Well, Christ yes, Hoover used to tell us about what his, what a, a morally depraved sone-of-a-bitch he was -- And Johnson probably ordered him to do it, now let's face it.

DEAN: Um hum.

PRESIDENT: So, ah, I don't, well you can't blame Hoover. I'm sure he didn't do it unless, ah, Johnson asked him to, but Johnson was that kind of a man, he used the FBI as his own private patrol, but God, we've been as careful, I've, I've talked to Hoover any number of times but we've never ordered anything like that. But he'll come in with his little things.

DEAN: Referred

PRESIDENT: [Redacted]

DEAN: Johnson, ah . . .

PRESIDENT: Huh?

DEAN: . . . Johnson, used the FBI to cover the, ah, New Jersey convention before he dropped out, officially, he had all the delegates --

PRESIDENT: He did?

DEAN: That's right, which is kind of fantastic.

PRESIDENT: Sullivan knows this?

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DEAN: Um hum, Sullivan is a wealth-of-knowledge and the more I, you know, sort of generally chat with him about these problems, the more it comes out he's the man that can also document--

PRESIDENT: Why did Hoover have a fight with him? It's a hell of a mistake for Hoover to do that. Sullivan knows too much.

DEAN: That's right, ah.

PRESIDENT: Why didn't Sullivan squawk?

DEAN: I think Sullivan probably is loyal to the...

PRESIDENT: ...institution--

DEAN: ...the institution and doesn't want--

PRESIDENT: Somebody over there is not, can he help you find out who the hell is not? Isn't it a possibility...

DEAN: He advised--

PRESIDENT: ...the guy that--Time Magazine's lawyer, you don't think it's him?

DEAN: He speculates, and, the speculation is generally, is it's either Sullivan himself, Mark Felt, who is--

PRESIDENT: I know, the lawyer says that.

DEAN: That's right. Ah, and the other one is a fellow Tom Bishop who is now departed, who was in charge of their public information and where--

PRESIDENT: Does he know about these things, Hoover didn't tell people like that, about these things...

DEAN: No.

PRESIDENT: ...did he?

DEAN: For example, the '68 thing, I try-, was trying to determine who might know about that.

PRESIDENT: Yeah, ah...

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DEAN: Hoover, apparently...

PRESIDENT: Ah, I guess.

DEAN: ...Hoover apparently told Pat Coyne, Patrick Coyne, who used to be on the NSC staff.

PRESIDENT: I know, I know, I believe, is he still living?

DEAN: I don't, I don't know the man.

PRESIDENT: He told Pat Coyne?

DEAN: He told Pat Coyne; Coyne told Rockefeller; Rockefeller relayed this to Kissinger, this was one channel that might have it in a public domain. The other is when Sullivan took the records, or all the documents in connection with this, ah, out of his office, and out of the Bureau, he also instructed the Washington Field Office to destroy all their records, which they did. Ah, Hoover, incensed at this, that he couldn't reconstruct, that he didn't have the records and couldn't get them from Sullivan, tried to have the Washington Field Office reconstruct them, which they couldn't. As a result of that movement and flailing around by Hoover, a lot of people in the agency were aware of what had happened and it was on the grapevine.

PRESIDENT: Oh, that's when it happened then, the night Sullivan left, he took the records with him--

DEAN: He took the records with him...

PRESIDENT: And that's the only records there were?

DEAN: ...and that's the only records there are.

PRESIDENT: He did it out of, uh, I mean, pissed off at Hoover.

DEAN: No, ah, he was doing it to...

PRESIDENT: Protect...

DEAN: ...protect, ah--

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PRESIDENT: ...the Bureau.

DEAN: No, he was doing it to protect the White House and the people over here.

PRESIDENT: Oh, oh, but for Christ sakes, Hoover, I mean, (unintelligible).

DEAN: Hoover never got his hands on the records is what happened. Sullivan has them, Sullivan had his, ah, his pissing match with Hoover and then took them with him at that time.

PRESIDENT: I see.

DEAN: And then he turned them over to Mardian ultimately.

PRESIDENT: I see.

DEAN: And--

PRESIDENT: That's how we got them.

DEAN: And then--

PRESIDENT: Where's Sullivan now?

DEAN: Sullivan is back at Justice in the Drug Intelligence (unintelligible).

PRESIDENT: We owe him something.

DEAN: We do. He wants to go back to the Bureau and work on, ah, domestic, ah--

PRESIDENT: Why is it that Gray doesn't want him?

DEAN: I think Mark Felt has poisoned Gray on this issue and I think once Gray--

PRESIDENT: Well, who in the hell, somebody is doing Mark Felt in. You know what, do you, do you believe the Time Magazine lawyer? Is Felt (unintelligible), is he capable of this sort of thing?

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DEAN: Well, let me tell you where I, where else I heard that from, ah, was Sandy Smith, ah, I had told, not, not the lawyer but somebody else told Felt was his source...

PRESIDENT: Yeah.

DEAN: ...and this came to Henry Petersen, ah, Henry Petersen's an old hand over there, as you know, and, ah, bless his soul, he's a valuable man to us. Ah--

PRESIDENT: Yeah. What did he say?

DEAN: Ah, he said that he wouldn't put it past Felt but, ah, the other thing I was talking to Kleindienst about this when I was over there, he said if Felt is the source...

PRESIDENT: Yeah.

DEAN: ...and if we gets Felt way out of joint we are in serious trouble.

PRESIDENT: 'Cause he knows so much?

DEAN: He knows so much.

PRESIDENT: What's he know? ...

DEAN: I don't know, I didn't ask for specifics with, ah, he said, one thing, he said he could knock.

PRESIDENT: Does he know about Sullivan stuff?

DEAN: Yes, he knows about that. I called Felt, asked him what he knew about it and he was, for example, very cool when I, I said, "There's a Time Magazine story running, Mark, ah, that in '68..."

PRESIDENT: Yeah.

DEAN: or, or in '69 and '70...

PRESIDENT: Yes.

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DEAN: and so on and so forth. He said, uh, I said "True or false?" and he said, "True." I said, "How do you know that?" and I said, "I've never heard of that before." He said, "Well, if you talk to Bill Sullivan, he'll tell you all about it." When he did he, sort of a general, he painted a general picture about it. Ah, but just cool as a cucumber about it. Ah--

PRESIDENT: And what does he say about Time, again, how does he, is he gonna stand up for the denial?

DEAN: He says, "John, " he said, ah, I said "First of all, I don't, I don't believe this could happen," I was protecting us, as far as...

PRESIDENT: Yeah.

DEAN: ...doubting what he had said. He said, "Well, John, as far as I'm concerned, our, our phone call is totally off the record, we never had it," so that's a good one to watch, just right there.

PRESIDENT: In other words, you can't blow the whistle on Felt, just like you can't blow the whistle on the son-of-a-bitch out there, the yeoman, in the Jack Anderson case, right?

DEAN: That's right, but there will become, ah, there will come a day when Gray's comfortably in there, when other things come past, that ah--

PRESIDENT: Like what?

DEAN: I think that Gray can, at some point when, if this sort of thing continues, once he gets through his confirmation, I don't know why he couldn't himself say "I'm gonna take a lie detector test and I'm gonna ask everybody in my immediate shop to take one and then we're gonna go out and ask some of the other agents to take them..."

PRESIDENT: Just for leakage.

DEAN: "...as for leakage, because this, this only hurts, ah, this whole institution."

(Pause)

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PRESIDENT: Where do you, ah, where do you stand on the, how will we leave it on Kleindienst hears, with regard to the, that's what there, ah, let me put it this way. You take the responsibility for Kleindienst, I'm gonna keep Ehrlichman and Haldeman out of it--out of their--any relationship with Kleindienst. You should have it only, but you've got to watch him and brace him--, on the Executive Privilege thing, that you, that you tell him what the line is...

DEAN: I have, I have...

PRESIDENT: ...and where he's to stand.

DEAN: I have told him and I've s-, I said "It's gonna be important."

PRESIDENT: Didn't he raise the idea of their hurrying the Executive Session refusal?

DEAN: No, he did not.

PRESIDENT: All right. Be sure he knows what the back up position is, which is (unintelligible), as I understand it, if we went in there under proper ah, ah, restrictions, allow, uh, two committee members to come down. Is that what you would do?

DEAN: I think we wo-, ought, if I think we ought to draw the line at written interrogatories. I think the position should be that you were holding nothing back, information wise.

PRESIDENT: That would be sworn.

DEAN: That's right, that would be sworn, uh, you can't be in a position of protecting any, anybody around here.

PRESIDENT: That's right.

DEAN: The information has to be available. But to go up there and make a circus out of the appearance of, of people--

PRESIDENT: Right.

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DEAN: Ah --

PRESIDENT: Good, well let me say about ah, about Felt, it sounds as if he knows, it sounds as if maybe he's --

DEAN: Kind of watch it like a hawk, Mr. President

PRESIDENT: Yeah.

DEAN: . . . and I just got to watch him, ah, he's too close to Pat Gray right now . . .

PRESIDENT: Yeah.

DEAN: . . . for our interests.

PRESIDENT: Pat Gray is a little naive.

Referred

DEAN: Yeah. Well I think it's--

PRESIDENT: And he never ever has anything wrong, find out some interesting facts, but, ah, nothing we ever used. I mean we just were awful careful. Joe Kraft, of course, should have been bugged. I would think the son-of-a-bitch is, ah, practically an agent to the communists.

DEAN: Well, what you said about Bob and John, too, I think, as before the election, I tried to only bother them or consume any of their time when it was just absolutely essential.

PRESIDENT: Right.

DEAN: And I think that's the way it's been.

PRESIDENT: That's right, that's right.

DEAN: He, ah . . .

Unidentified: (Unintelligible) is here.

PRESIDENT: Fine, fine.

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HALDEMAN: Did he buzz?