

TRANSCRIPT OF A RECORDING OF A MEETING IN THE OVAL OFFICE
BETWEEN PRESIDENT NIXON AND RICHARD KLEINDIENST, FEBRUARY
23, 1973 FROM 10:08 A.M. TO 10:52 A.M.

MEETING BETWEEN PRESIDENT NIXON AND RICHARD KLEINDIENST,
FEBRUARY 23, 1973, FROM 10:08 A.M. TO 10:52 A.M.

(Unintelligible)

PRESIDENT: Hello Dick. How are you?

KLEINDIENST: How are you feeling?

PRESIDENT: Good to see you.

KLEINDIENST: Nice seeing you.

PRESIDENT: Fine, how are you.

KLEINDIENST: I feel fine. Ah-ah-ah-ah.

PRESIDENT: Well, if I may -I'm not gonna let 'em I don't want to let 'em -No, I, I was looking at you just to be sure you're in good health. Thought it'd be a shame to have, to have you do something that

KLEINDIENST: Wouldn't (laughing)

PRESIDENT: Ah,...

KLEINDIENST: I'm ashamed to have to have you comment on the

PRESIDENT: Let's see if I have to sign this appointment. (Pause) I always, I have these things to sign. There you go. I had a talk with Connally yesterday morning. Personal thing out of the way. I want you to know there was (writing noises, unintelligible) He told me about his talks with you and was also talking about Diggs (?) or; or -I don't know what other -but in terms of the law relationship we're to go that route. (Unintelligible with background noise) Three routes.

KLEINDIENST: Where's that?

PRESIDENT: First, you should not go with Mitchell. You must not do that.

2.

KLEINDIENST: I've told Kevin that.

PRESIDENT: **RESTRICTED-"D"**

Third, Connally's a decent man and, and, uh, I,, -I've had , ' business with his firm. Since held make you one of the managers of the firm, -it's a big firm, -you'd have your voice in things. And since he would not be pushing you to get in business, you see, you wouldn't have to sell your soul. Uh, very few do (?) get business, by all means. You'd be tremendously valuable to them. Uh, you, you might not be, you might choose (unintelligible), running that firm. Uh, you'd make a hell of a lot of money, uh, you'd live in Washington and, uh, if you want to go the law way, that's infinitely better than New York firms. New York firms are selfish, horrible bastards. Texas'd be selfish, too, but they're at least decent about it and, uh Connally would be good. Connally also is gonna be in on a lot of good international stuff and you could have a lot of fun with that you wouldn't mind, uh, you know, you'd enjoy moving around the world and so forth. You'd be a very good asset to him, which I told him, and you could ad, ad -I think you could, you have something to bring to him that you can't bring to Mitchell, uh, and, you don't want to bring to Smathers. The other possibility you have in law is to go in for yourself. The difficulty with that is that, then everybody's going to be coming to you, frankly, for influence peddlin'. See the Connally firm is big, established. They've got (? Sneeze) clients already and they wouldn't say well, they came because of, uh, that - . . . the main thing I found when I went into a firm in New York, they were very nice about it, but, but they did kind of -I felt an obligation to get out and try to hustle some

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PRESIDENT: business for them and, of course, people
(Continued) did come to us. Sometimes in the long
range, it was embarrassing. You should
never be out feeling that you've got a rod
in your back to get out and, you know, uh,
to hustle business. You'll do that. You'll
do it anyway, but, uh, you must always be in
a position, Dick, to be able to turn down
something that doesn't smell good. There it
is.

KLEINDIENST: (Unintelligible) How does it sound?

PRESIDENT: Now, you just think about it.
(Unintelligible) about the same.

KLEINDIENST: My goodness.

PRESIDENT: Connally is so decent about it and
(unintelligible)

KLEINDIENST: (Unintelligible)

PRESIDENT: I had a good talk with him and I think it
may helped to start your (unintelligible)
because he already compiled
-(unintelligible) ideal. Your age is right.
See you're under fifty and you see, most
senior partners, you'd have to be sixty or
old-five or sixty-five. Most of them are
senile. So you are at the tight age. You
must (unintelligible; background noise) You
might want to consider even -you might even
go to Houston, at some point, you know, you
might go to, uh -you'd, uh, it's a, it's a,
it's a, it's a hell of a firm. It's one of
the big firms.

KLEINDIENST: It's actually bigger than any firm in New
York, now, it's 200 lawyers.

PRESIDENT: 200 lawyers. Christ, it's bigger than
Mitchell's. Mitchell's 130 or forty, I
think.

KLEINDIENST: (Unintelligible)...

PRESIDENT: But the bigness it not...

4.

KLEINDIENST: ...(Unintelligible) of the law that dictates that I can't negotiate about something like that.

PRESIDENT: Yeah.

KLEINDIENST: ... while I'm in the Department, I think.

PRESIDENT: Right. You shouldn't.

KLEINDIENST: I'm not having any further conversations...

PRESIDENT: Yeah.

KLEINDIENST: ...about the job.

PRESIDENT: Right.

KLEINDIENST: I think you and I

PRESIDENT: Right, right.

KLEINDIENST: ...had a general attitude about...

PRESIDENT: I think what you should do is to tell lem you can't negotiate. You shouldn't, matter of fact, you should never get out that you're talking to 'em. But my own view is, that if you were to -of course some other thing you could do would be to take over as the head of a corporation but...

KLEINDIENST: I don't want to that.

PRESIDENT: ...pain in the ass. My view is

KLEINDIENST: (Unintelligible)

PRESIDENT: ...it would be better to have -you're a lawyer. You like to be, uh -you like the law, and, uh, and, uh, if I were you, if I were to advise you I'd sort of gee tell John about people now. I told John that if you were to go (unintelligible) here, which he, of course, appreciates. He's gotta (unintelligible) too. But, uh, he doesn't have to (unintelligible/**REMOVED**) Now the other thing I wanted

PRESIDENT: to get in to, obviously, is Watergate
 (Continued) and, uh, want to talk to you candidly about it and this, and this affects your plans. You were talking about staying on through uh, July or August or something like that. Uh, I had thought . . .

KLEINDIENST: I'll stay on as long, long as you want.

PRESIDENT: ...as, as, as, as, -I would like for you to stay, I'd like to ask you to stay and I want you to tell Connally this, uh -thru until their reports, I never assumed that you should be here. I think it's another reason for that. From your own standpoint, if you could really come to think about it, I mean, uh, uh, -'cause you know, I, I felt you should stay at least through the session, but my, my view is that if you'd should stay through the year -if you leave earlier, you have a new Attorney General in there who's gotta go through all this. You've really got to be the guy who's in there, leading the Department. I think also, either the Department, -you've gotta say you have no plans to leave, you, uh, -at this point and you can say, you want to stay through the year. And I think that's, that's what you should do and I think -and I know this is, it's is gonna cost you half a year. You will lose a hundred thousand dollars. Let's face it. But if you would stay through the year, I would appreciate it.

KLEINDIENST: I wanna stay there as long as you want me, Mr. President.

PRESIDENT: Yeah. Now understand, when I say through the year, I mean, their damned report's supposed to come out in February and, I mean, you oughta be there so you can control it. And then I'd get out, if I were you. Before we get into the election year, so as -another thing I told Connally, I mean you should -this is just, (unintelligible) I don't know what his political plans are. We're trying, of course, to have him not leave. (Unintelligible)

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KLEINDIENST: He's never tell you about politics even (unintelligible) switch.

PRESIDENT: But.-I said, I said, you know I, John, as far as your options are concerned, if you should decide to move on their side I said you couldn't have a better moment than (unintelligible). Incidentally, incidentally there (unintelligible) delegate (unintelligible) and, uh, which I, and I think you're, but -I think you oughta stay here. I think too if you were to move out earlier, at this point. Uh, I didn't realize Watergate wouldn't be over, you know, in six months but they're gonna, Christ, they're gonna take years to run the God damned thing and I think that -you had nothing to do-with Watergate, as you know, not a God damned thing. Mitchell did, and so consequently if you were to go to talk to (unintelligible).

KLEINDIENST: Another reason, why I was thinking about it earlier when I, when I went up to Camp David, in my initial conversation with Haldeman and Ehrlichman, they both indicated to me that they knew that I was (unintelligible) .

PRESIDENT: Yeah.

KLEINDIENST: Yeah.

PRESIDENT: Well, they were, they were thinking at that time, that that would be over, you see, at that time, that that would be over. But now, it isn't. And if you'd stay through the year, a year's a good time anyway. Suppose the problem (unintelligible) -well, you're gonna stay anyway.

KLEINDIENST: Of course I am.

PRESIDENT: Great.

KLEINDIENST: (Unintelligible)

PRESIDENT: All right.

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KLEINDIENST: Yes sir.

PRESIDENT: Now let me come to the point. Uh --

KLEINDIENST: Well, Mt. President,.

PRESIDENT: I won't argue . . .

KLEINDIENST: Now listen, stay there, this isn't your (unintelligible), it's my life, you know. This . . .

PRESIDENT: How's Sneed doing, my old friend?

KLEINDIENST: He's doing all right. Uh, he's coming into an entirely different, you know.

PRESIDENT: It's hard for him to learn. He's fine man.

KLEINDIENST: Sure, he's a very fine man.

PRESIDENT: Loyal,...

KLEINDIENST: Sure. He's got...

PRESIDENT: ...(unintelligible)

KLEINDIENST: He's a fine man. He's just got a little training course to go through, and, uh, he and I get along great.

PRESIDENT: Finally, there's the other thing, is a type, the uh, this is, uh, this is very closely held because (unintelligible) deny any -Howard Baker dropped down. I had a reception for a couple of Senators, Congressmen, and so forth (unintelligible). So Howard dropped down a little bit earlier and chatted with me. So, uh, uh, just, uh, greatest confidence about this thing, 'cause I naturally haven't talked to anybody about this thing. I wanted frankly, I didn't want to know about any of our people. I didn't want to know about, uh, whether they're interested in Mitchell, the critical question...

KLEINDIENST: (Unintelligible)

PRESIDENT: Yeah. Now, I have through Dean, I've gotten the, I mean, what I think is . . .

KLEINDIENST: Through who?

PRESIDENT: Dean.

KLEINDIENST: Dean.

PRESIDENT: John Dean.

KLEINDIENST: Oh, John Dean.

PRESIDENT: John Dean who's in charge of the hearings. He's said, "on there isn't . . .

KLEINDIENST: Very bright young fellow.

PRESIDENT: Yeah. You have confidence in him, now, don't you? What I would like on that, if you would, I would like for you to use him exclusively on Watergate. Now, I don't want you to talk to anybody else. I don't want you to talk to Ehrlichman, I don't want you to talk to Haldeman, I don't want you to talk to Colson, or anybody else, just Dean. Fair enough?

KLEINDIENST: Sure. That's what I would --

PRESIDENT: Yeah.

KLEINDIENST: I'd do it anyway.

PRESIDENT: Now, Howard came down for the purpose of telling me what are his plans for the hearings, briefly speaking. (Unintelligible) What he's planning to do, what he, what he's going to do is to, uh, that to, to try to, uh, make the hearings, make it appear the Republicans are cooperating, the hearings are honest and the Administration's cooperating. So I assure you we're (unintelligible) small ones.

KLEINDIENST: That was the strategy we had, I think.

PRESIDENT: Huh?

KLEINDIENST: I think that's what are the strategies

PRESIDENT: If, I said, provided, I said, provided this didn't become, uh, uh, uh, a circus... (unintelligible) But, secondly I said his treatment -he would like he said to meet Ervin, and I said I strongly would like to use -to have you -they want to talk to you. And I said fine. Uh, he said Ervin likes you and that you have his confidence and that, uh, and of course Baker, of course wants you. I said fine. I said, as far as I'm concerned, uh, every thing's through Kleindienst. I suggested that Dean could be, uh, available for things too. He's concerned about that. He didn't say so, but I could sense it. So my view is...

KLEINDIENST: Howard shouldn't have ever talked to John Dean.

PRESIDENT: Yeah, yeah. My, my feeling is that I want you to be the man, but in being the man I want you to be basically our man on it all the way, that you would naturally be.

KLEINDIENST: That's what I'm there for.

PRESIDENT: I want to tell you, before I think of all, -another thing is that we get into other tactics. Howard said, well, uh, he felt that the, that the, he sort of had the impression that no one really (unintelligible) except Stans. It's a bad trip. Stans. You know Maury. He is so, straightlaced and all that sort of thing, well, unsophisticated and naive, that if he ever helped such a caper, he'd resign that day. He had no knowledge whatever, uh, of a (unintelligible). And, uh, I know this is true. He's totally outraged about it now. Now -however, it is getting to the point whether that will come out. There was this, there were funds which were raised (unintelligible) raised a couple hundred thousand dollars cash, and that sort of thing and so forth, uh, which were used by the security group for their earliest activities.

KLEINDIENST: Yeah.

PRESIDENT: Therefore, Maury, as the Finance Chairman, is ostensibly, uh, uh, responsible for that because he started it. Now that brings us, however, to the fellow that I really think the greatest possibility and that's, uh, is Mitchell. Now on Mitchell, Mitchell has laid the line, you know, uh, anyway something about -I forget. I've forgotten, so let me tell you what I understand. I remember in the Hiss-case, uh, perjury, the hardest rap to prove. We convicted Hiss -(unintelligible) -line through the confrontation of (unintelligible). However, it took two years to convict him in the courts, and then we had go to (unintelligible) comprehend. Look. Now, John, I don't know this, but I can't, I can't help but believe, assume that John must have known about these activities.

KLEINDIENST: I think he must have found out about them.

PRESIDENT: Yeah. And he must have had, had someone other than...

KLEINDIENST: I think, if I recall,

PRESIDENT: The point is, the point is that John has denied it categorically and so what I'm concerned about is the perjury. But now, with that in mind, I told -and I've, and, and, (unintelligible) -then I, then I told Baker why. I said now, John, the way I felt, if I didn't let him know that I thought John knew it, I said I, I (unintelligible). But I said John, you have a horrible domestic problem. I said Martha, you know, is very sick. And John wasn't paying any attention and these kids ran away with it. Now that's the line I've taken and that's the one I want you to take. John Mitchell is a pure, bright guy who would never do such a thing, that the kids ran away with it. And if John did lie,, it was simply because held forgotten. Now whether that will wash or not I don't know, but if that's, that -I just want you to know that I consider the Mitchell problem the main (cough) don't want John -I don't think John'll care if there's (unintelligible)

PRESIDENT: He'll sort of grin and say that's okay, and
 (Continued) he'll survive. But I don't want John, I
 can't, I can't have John run the possibility
 of a charge of perjury. You know (unin-
 telligible). Period.

KLEINDIENST: I couldn't have said it any better. That
 should get him out of it.

PRESIDENT: Yeah.

KLEINDIENST: Because it's the same viewpoint...

PRESIDENT: Yeah. All right. Now, to come to the White
 House staff, I think you should know about
 it. Dean is conducting an investigation I,
 I figure -and, and Gray is conducting an
 investigation and so forth. Uh, and I think
 putting Gray's name up, -one of the reasons
 I didn't was, uh, (unintelligible) on that.
 We had a hell of an investigation here, too.
 They ask him about Watergate, he can say
 that (unintelligible) he conducted a hell of
 an investigation. The guys are guilty.

KLEINDIENST: That's the positive side of the coin.

PRESIDENT: That's what he's doing. Now

KLEINDIENST: And he'll do it quite good.

PRESIDENT: Now the other thing is, uh, you come to
 White House staff. Ehrlichman didn't know a
 God damned thing, that's for sure. He had
 -you know what I mean, he was working in
 other fields, however that -see Hunt worked
 with him on drugs, on, on, the, uh

KLEINDIENST:... the Pentagon Papers. I think that was with
 respect to (unintelligible).

PRESIDENT: What?

KLEINDIENST: I said there could . . .

PRESIDENT: (Unintelligible). No, no question. He'll
 have to be called. Now, uh, Colson is the

PRESIDENT: other possibility. Colson's close friend
(Continued) ship. See they served in the Marine Corps together. With Hunt the fact that Colson has worked with Hunt on the ITT, which he did, uh, would lead certainly strong innuendo that Colson was in this. Colson totally denies it. He may give a line. He can take their position.

KLEINDIENST: Yeah.

PRESIDENT: But I don't know. Now, the other is Haldeman. The problem with Haldeman's case frankly is Magruder. Magruder did work for Haldeman. Magruder was over there. Magruder -Dick?

KLEINDIENST: Magruder's has the same problem Mitchell has to (unintelligible)...

PRESIDENT: I got, uh, -don't you think.

KLEINDIENST: Huh?

PRESIDENT: Yeah.

KLEINDIENST: I don't know.

PRESIDENT: Well, I...

KLEINDIENST: It's possible that he and Mitchell both might have known.

PRESIDENT: I think we -well, that's what people assume. Now with Magruder, you've got the problem that if you go to him, he's not a very strong personality, and Magruder, -I don't know.

KLEINDIENST: I think he --

PRESIDENT: Magruder will probeprobably be turning on Mitchell rather than Haldeman, that's my guess. He's Haldeman's hand.

KLEINDIENST: I don't think he'll turn on anybody.

PRESIDENT: You don't?

KLEINDIENST: No, I think he's got (unintelligible).

PRESIDENT: (Unintelligible) -huh?

KLEINDIENST: I really do.

PRESIDENT: Now we come down to this.

KLEINDIENST: (Unintelligible) jeopardize, if he does.

PRESIDENT: I don't know. I hope so. I mean look, let's face it. You take a guy like Jeb and Chapin. All these guys for Christ sakes, I mean you and I know that this is a very silly operation, and so forth and so on. See? But it's a campaign and that and also -you are aware of the fact that, you are aware of the fact that, uh, you know the, that, uh, Hoover told Mitchell separately and me separately that the FBI bugged our plane in 1968 for the last three weeks.

KLEINDIENST: (Unintelligible)

PRESIDENT: We were investigating -it was a fact, you know what I mean and, uh, that fellow who works for Coca Cola -Pepsi Cola now, sorta backs off a little. He says we only bugged telephones.

KLEINDIENST: Pretty bad too, wasn't it ? (Unintelligible) alone.

PRESIDENT: Huh? Was my wife? But the FBI (unintelligible) bugging the, the candidates is (unintelligible), but not that Committee and the FBI and the Government doing it. What the Christ do you think of that? Ervin said no they're certain (unintelligible). He won't -of course. That's that the reason that they fought not to have it extended to other campaigns. But now -let's come back,
. . .

KLEINDIENST: Well, Mr. President, let me comment on that rightlhere. I don't know tact

PRESIDENT: I don't want to smear Johnson.

KLEINDIENST: I don't know tactically right now, in my own mind, whether (unintelligible; background noises) is to have that now. It might be the thing,the thing that'll save us.

PRESIDENT: I don't want to hurt Johnson. I don't want to get into smearing a dead man.

KLEINDIENST: Well...

PRESIDENT: And it looks like, you see, say, they.-re (unintelligible) did that to me, and that's why we did it, because they bugged US. What do you...

KLEINDIENST: No, uh, I and I've thought a great deal about this before I had (unintelligible with background noise), uh, it all depends on the course that this investigation takes. If it turns itself into a wild charge,

PRESIDENT: Charge. Right.

KLEINDIENST: ...then maybe you want to consider that, that Ervin could be made aware of this fact. It might be a, a restraining -it'd be influence, you know, because, uh, if, if they could be made aware of the fact that (unintelligible)...

PRESIDENT: Yeah.

KLEINDIENST: ...campaign, you know.

PRESIDENT: Yeah.

KLEINDIENST: ...beginning of the next campaign.

PRESIDENT: That's right.

KLEINDIENST: Then we're gonna really turn it into something. You know, they may, might not want to do that because of what Johnson did, what the FBI did, goes so far beyond this implication (unintelligible) the Watergate thing. Just don't compare. In fact, that really is what we...

PRESIDENT: But we got -this didn't accomplish anything for us. Our (unintelligible)...

KLEINDIENST: The thing is that everything is so stupid. Ludicrous. Segretti, Watergate and everything.

PRESIDENT: What the Christ worked?

KLEINDIENST: Yeah.

PRESIDENT: Theirs worked. Shit, they busted up the windows of the headquarters in Phoenix and burned the God damned thing. They, uh, they destroyed -did \$25,000 worth of property in San Francisco.

KLEINDIENST: Right.

PRESIDENT: Uh, they ran a riot in Los Angeles right out of McGovern headquarters.

KLEINDIENST: Right.

PRESIDENT: Now, when Ervin, when Ervin and (unintelligible) all come down and see you, the key point is executive privilege. Now here, I've got to ask you to, to take a very hard line. Now here's what I -here's Baker's point. Baker's point and Ervin's line -see Ervin is hung up on executive privilege. He isn't hung up just for this. He wants to (unintelligible with background noise) totally. He wants Kissinger everybody else, because -he's wrong, he's wrong about this. He's uh, he's wrong about this. You know, executive privilege can be broken down to it's (unintelligible). Now, so I, what his point is, uh, what -he's got a good one in one sense, his view is, that after their, when they start the hear (unintelligible), bring out all the big guys right away. Get it over with.

KLEINDIENST: (Unintelligible)

PRESIDENT: (Unintelligible) as long as they're on and people'll be tired of it. I think that's rather smart. In other words, rather than having them build up. Drip, drip, drip*., drip.

KLEINDIENST: (Cough)

PRESIDENT: Call Haldeman, call Mitchell, call the rest. Good strategy, don't you think?

PRESIDENT: You talk about strategy, that's Hiss.

KLEINDIENST: Howard and I are good friends and Vll have no difficulty (unintelligible).

PRESIDENT: Now, but the strategy is his problem and yours. The second point, however, is that Ervin and he will want to talk to you about your, your cooperation. Now, one is FBI files. Now I, uh, -and I want you to tell Ervin this, uh, that, uh, you, you examined the record of this and you found that the only other hearing that was really like this was the Hiss case. Just like this. That at that time, the then Congressmen Nixon (unintelligible). I had a couple friends here -that Truman categorically refused to allow the FBI to cooperate with the Committee. They gave us absolutely not a God damn thing. In fact, they thought that (unintelligible). Okay.

KLEINDIENST: In 1948?

PRESIDENT: Sure.

KLEINDIENST: Is that a fact?

PRESIDENT: (Unintelligible) because, uh, there they were trying to protect themselves politically. Just bugging -the point is the FBI did not cooperate with the Committee. Now what Ervin or Baker are going to ask for this is, they're going to ask for the raw data, to, to, to be given to him and the two counsel and so forth. Uh, you've got to deter mine that. My own view is that it probably goes too far. But, uh, I don't know whether you give them FBI and allow them to investigate.

KLEINDIENST: Well, here's what I had suggested. Uh, we had conversations about it, you know, with the strategy, uh, that we'd do. Number one, I could, not on the grounds of any executive privilege, but just policy, say I'm not going to turn over, you know, FBI files to anybody. It's our policy. We don't do that. But anyway, that, I think will probably get to the bottom of it, but I think it might do more harm than good because of the political situation.

PRESIDENT: So what would you do?

KLEINDIENST: My recommendation would be this, several people have been thinking about this with me and I think are inclined to agree, that we will give them a summary of the information of witnesses in the FBI files and we'll summarize.

PRESIDENT: I wonder, Dick, on that, let's, why don't you, you, so that I (unintelligible) and that sort of thing. Why don't you talk to, uh, to, you tell Dean, the purpose.

KLEINDIENST: I've discussed this with him and he agrees with me.

PRESIDENT: (Unintelligible) all right.

KLEINDIENST: Let me add a footnote on that...

PRESIDENT: Yeah.

KLEINDIENST: ...Mr. President. Uh, I would say to them, "Okay, we're, we're not gonna let you see these raw files, just to protect innocent people, etc. We'll summarize them for you. In the event, the full Committee feels that our summaries have been inaccurate, we will devise a procedure that an officer of the FBI present where the minority and majority counsel can come down and look at 'em, at action...

PRESIDENT: Yeah.

KLEINDIENST: ...investigative report just to satisfy themselves that we were...

PRESIDENT: Argue that, that the more important point -the FBI files and concerning raw data as so forth and cause you (unintelligible) ever read an FBI file (unintelligible). Now, the other point though is more firm. Now, the executive privilege -what I want to avoid, Dick, is not their testifying, (unintelligible), but what I want to avoid is hauling the Haldemans and the Ehrlichmans, for example, up there, television lights and so forth and being grilled by a Senate Committee, the

PRESIDENT: President's two top assistants. That
 (Continued) I don't want. Now, how do you, how do you get around it. Baker's position is, is he and Ervin will develop a very narrow line of inquiry and limit it to that. That isn't the problem. It isn't the narrow line of inquiry. It isn't the questions, how they would answer. It's putting it on television, putting it on their circus which is what they want. The damage is done by that, the damage is not done by what they say. I'm not concerned about what they will testify to; and I'm not concerned about the question, and I'm not concerned about it being under oath. I am concerned about them being called up there, because then it'll mean they'll haul Kissinger up and say what now did the President really do when he decided to mine, bomb Hanoi. Now God damn it, we're just not going to have that. That's my point. Now, the other thing which I've already approached, would be to have written interrogatories. Written interrogatories they won't buy. Now, there's a middle ground -oh, that's what should be your starting position. (unintelligible) people. The other ground, which I think could be a very good compromise, satisfactory to me, would be that (cough) for any body in, an, to an executive pri-privilege sign, that rather than appearing before the Committee, that they will agree to, and then the, uh, the senior member, Ervin on the Democratic side, Baker on the Republican side, and the two counsel can interrogate them under oath, like a deposition and cover all questions, but that it be on that basis.

KLEINDIENST: In a non-public, uh,
 PRESIDENT: A non-public forum.
 KLEINDIENST: ...executive --
 PRESIDENT: That's right.
 KLEINDIENST: How 'bout, another...
 PRESIDENT: And it would be down here.

KLEINDIENST: How 'bout another fallback position. I think that would be a good proposal, but how 'bout as a final fallback position in that you produce Haldeman and Ehrlichman in the Senate. It would be in an executive session, a closed session of the full Committee.

PRESIDENT: That's bullshit.

KLEINDIENST: It would, I think, produce the same results, and the same information.

PRESIDENT: Except they hall 'em up there. You see, I suppose, going up to the Capitol and coming out, Committee members coming out and saying, and so forth. Well, it's better, it's, it's, it's, it's...

KLEINDIENST: It'd be better to take, it's be better if we can buy them.

PRESIDENT: Huh?

KLEINDIENST: If you could get by that.

PRESIDENT: But, let me say, I think to start with the inter-thing, with written interrogatories, you know, in which they will -and then, my view, Dick, very strongly is that I think, is that the best thing to do is, is from our standpoint, thinking of Kissinger in the future in particular -he's the one I'm really most concerned about here -the best thing, really, would be the business of the minority and the majority counsel -now what the hell, that really covers it. What the hell is, is the content -well, other member of the Committee won't get to harangue them.
(Pause)

KLEINDIENST: well, it also provides for them the basic information they're seeking.

PRESIDENT: But they want information, then the question is do they want information or publicity?

KLEINDIENST: Yeah.

PRESIDENT: That's the point. If they want information, they'll take -they can do it.

KLEINDIENST: I think they want both of them.

PRESIDENT: Yeah. Oh sure.

KLEINDIENST: Well, you know Sam Ervin's got quite a posture

PRESIDENT: Yeah.

KLEINDIENST: ...traditionally in the Government as being very...jealous

PRESIDENT: ...(unintelligible)

KLEINDIENST: ...individual rights, you know.

PRESIDENT: Oh yes, yeah.

KLEINDIENST: Actually, we couldn't get a better fellow. He's very righteously

PRESIDENT: Yeah.

KLEINDIENST: indignant man, but he's also a very good man.

PRESIDENT: Yeah. Yeah.

KLEINDIENST: He's not a bad man.

PRESIDENT: Yeah. We could say this that we, the President said this has never been done, but I wanted you to point out that the Hiss case thing, the President went through this, and they refused, and I broke the God damn case by, and, doing it with my own investigators. The FBI did not cooperate, the Justice Department tried to drop the case, and this and that even, and, and I and therefore, I want cooperation. You could point this out. You can say this, that that that, -uh, that I've often talked to you about this in another vein. You could say, when planning the thing came up, you could say I had a talk about this (unintelligible) and when you say when we talked about the planning at that time and that's the President's view. We want to cooperate as best we can, but, I do not want, I cannot, I cannot break down executive privilege to

PRESIDENT: that point. I'm not, let me make this,
 (Continued) I'm not gonna make this kind of a thing. I want you, I want you to be very hard lined on that.

KLEINDIENST: Who, uh, who can you think of now that has your recollection and knowledge of what happened in the Hiss case, so that I could talk to him, just so I don't have to trouble you about it? Who was was involved in it with you?

PRESIDENT: (Unintelligible). All the Committee members aren't's, uh, -

KLEINDIENST: To the extent that it's convenient for you, I want you to think about that, maybe you can think of some person who might still be alive.

PRESIDENT: Well, (unintelligible) to say (unintelligible) but, uh, I hit Howard Baker on it. I said the reason, I said the Un-American Activities Committee was, uh, basically a cataclysmic failure, had a bad reputation except on that case which I personally handled, and the reason that case even got grudging respect from those who were totally on Hiss' side was its conduct and, and I went after this, I said I conducted it like a court, I said there was no hearsay, there was no, uh, innuendo, uh, there was no guilt by association, and I said there was no hearsay present. But the point is I want you to hammer that hard to Ervin, the impress--, this, this, this, there should be no hearsay except this damn Judge has allowed hearsay and everything else down here in this other case. Hearsay, innuendo, etcetera, etcetera, don't you think so?

KLEINDIENST: Yes, I do. Can't keep it, uh, profession (unintelligible). Ninety days I spent around last year when I was in the hospital.

PRESIDENT: Right.

KLEINDIENST: Those --

PRESIDENT: Read The Six, read the first chapter of Six Crises. That tells the story of the Hiss case.

KLEINDIENST: Does it?

PRESIDENT: Yeah. Do you have the book?

KLEINDIENST: Yes, sir, I do and I haven't read it for a long time, but . . .

PRESIDENT: Read the first chapter of Six Crises. It tells the story of what we're trying to do. And, and that'll give you a good feeling. It doesn't say that the FBI, well, pretty well implied, -the FBI utterly refused. Hoover was on my side, but he utterly refused to get it. I'll tell you what I did do. I'm sure you know, Dick, that somewhere in the FBI, there was a priest, by the name of Father Cullen around then who knew one of Catholic FBI agents and he really stuck up for the FBI, too. That's all (unintelligible) about it. Nothing else.

KLEINDIENST: Why do you think Hoover permitted himself to be used by Johnson in the '68 campaign?

PRESIDENT: Deke DeLoach did it. He was ordered to.

KLEINDIENST: Hoover didn't know about it?

PRESIDENT or KLEINDIENST: (Unintelligible)

KLEINDIENST: Somehow, I thought he knew about it.

PRESIDENT: Supposed to. No he didn't know. Well, Deke, Deke DeLoach put it on, uh, Johnson put it on the basis that they were invest they were negotiating the Vietnam peace. South Vietnamese Ambassador was very emphatic that the Dragon Lady was very close to, to President Nixon, or somebody or Agnew or somebody, uh, under the circumstances that he had to find what she was saying to them. You know, he was a para-paranoid, he thought everyone.

KLEINDIENST: I know.

PRESIDENT: And Bobby Kennedy bugged him.

KLEINDIENST: I know.

PRESIDENT: So what the hell. I, I take a little of this on, you know, ought to; I think this one side that, that supposed to have (unintelligible). I want you to be sure, when you go back to your office today, Jimmy Hoffa announced he was going to run for the, uh, Detroit Local. I want you to call Hoffa's lawyer, or somebody to call his lawyer and tell him that if he does that that I will, that you're gonna revoke his parole, and also I want you to make a public statement to that effect, (unintelligible).

KLEINDIENST: I want to, when I (unintelligible) talking about that, you know, just (unintelligible) policy was...

PRESIDENT: Ah, his parole is to be revoked. It was on the basis he did not engage in any activities and I'd like for you to get a strong public statement.

KLEINDIENST: (Unintelligible)

PRESIDENT: Do you think -Will you do that?

KLEINDIENST: Yeah. Just take him to the -(Unintelligible) to the Attorney General without any reference to you.

PRESIDENT: That's right.

KLEINDIENST: If he does it,

PRESIDENT: That's right.

KLEINDIENST: ...(unintelligible)

PRESIDENT: You should let, you should let him know that he must revoke that and not, then his parole will be revoked. And he's going to go back to jail. God damn it and I'm not going to allow that.

KLEINDIENST: it would be a good line.

PRESIDENT: If you, if you would get that out today, I'd appreciate it. tall Ziegler and (unintelligible) question.

KLEINDIENST: I think that, uh, let me ask you this. Suppose I talk to Hoffa's lawyer and tell him what I'm going to do and then he calls me back and says, okay, Hoffa isn't going to do it. I don't know whether I ought to make it public.

PRESIDENT: Oh no. You say all right, he's to say that publicly or his lawyer has got to publicly get off of this.

KLEINDIENST: And if he does then Hoffa will publicly state that -

PRESIDENT: Get off of this, yeah, ah, that's all. We're not going to revoke his parole if he doesn't move in it.

KLEINDIENST: Right, but...

PRESIDENT: Hoffa must publicly get out of this damn thing.

KLEINDIENST: But suppose

PRESIDENT and KLEINDIENST talking at same time.

KLEINDIENST: Hoffa then says I'm not going to run, I don't think then it would help anything if we just say if he does, I'm going to put him back in jail.

PRESIDENT: No, not at all. Not at all. But he must publicly say it or you make a public statement.

KLEINDIENST: Yeah.

PRESIDENT: If he tells you that, then you make a statement to the effect that you have called the lawyer, and you have been assured that he is not going to run.

KLEINDIENST: Right.

PRESIDENT: Then you go on to say that, of course, that would be a violation of parole. Period. But I want to take a very hard line on it. (Unintelligible) with, with the politics in that union, and also that we are not going to get the impression around that we're soft on Hoffa, because we're not. (Unintelligible) sonof-a-bitch, uh, (unintelligible).

KLEINDIENST: (Unintelligible)

PRESIDENT: Coming back to this thing. Uh, written interrogatories (unintelligible). They're going up there under any circumstances. I really think so. I really think the position should be one they examine them and that and then Ervin made a, made a major breakthrough on this. We'll allow this communication in the future, that sort of thing. Under ground rules that are laid down, but we will not, but that I will not (unintelligible) in public hearings. Public hearings, with, uh, with all the, uh, that sort of (unintelligible) -we will cooperate with the Congress, but under circumstances of, uh, there has to be (unintelligible). Both sides, we we state, in an intrasigent position, we're going to have a constitutional scream-out. On the other hand, as far as the public hearings are concerned, that's something that can't go on. (Unintelligible)

KLEINDIENST: I don't know. (Unintelligible) possibly be in (unintelligible). I don't whether we got an awfully hardleaded line here.

PRESIDENT: Don't go to the executive, don't go to the executive session. You know, at this point, under any circumstances. Don't even suggest that. There's back-up position's, the back-up position is the you know, th-th-th...

KLEINDIENST: No, I, I don't care any more about that. I wouldn't want us to get that back-up position. That would be the last bargaining position we have (unintelligible with background noise) final blow, face

KLEINDIENST: saving, bargaining position (unintelligible)
(Continued) executive.

PRESIDENT: But that is the final. I'm not going to allow any televised hearing. Do you agree with that?

KLEINDIENST: (Pause) I think I do. Yeah, I do.

PRESIDENT and KLEINDIENST talking at same time.

PRESIDENT: That's my view. Just go just so far and we'll fight the Congress on it, go to hell with it. There are other, there are worse things than that. We say we've offered this. We, we've made statements and when we put that record out it's gonna look a bit, then he's going to be looking awfully damned unreasonable, too.

KLEINDIENST: That's why...

PRESIDENT: They never did that. You should point out that they didn't do that in the Hiss case.

KLEINDIENST: You know...

PRESIDENT: You study the records in the Hiss case in the Department of Justice, why don't you just give that a look? I think and I know exactly what I'm talking about. I, I did. They didn't. They refused, refused to let anybody come up.

KLEINDIENST: But you covered this. I, I don't recollect, of course, I read that book several years ago, at least sections of it. But you covered it pretty carefully in that book.

PRESIDENT: (Unintelligible)

KLEINDIENST: I think the public posture that we oughta have right now itil we wait and see what happens, you know, (a) we have nothing to hide, (b) we're going to cooperate with them and (c) let's get the damn thing done so that we can go back and do something else.

PRESIDENT: That's right. That's right. That's right.

KLEINDIENST: Uh...

PRESIDENT: Don't make this a political circus and harassment and partisan and the rest. But on the other hand, I want you to hit Baker a little harder on this. Say, "Now, Howard, don't be so damned, uh, timid with regard to what they have done. They've done a hell of a lot of things. If for example, they expand this hearing into this crappy Segretti business, -I'll let you know when I'm ready.

UNIDENTIFIED: Fine, sir.

PRESIDENT: Uh, if they have the, the, uh, the Segretti business, all right, fine, then we're gonna do all their activities of that sort. I think that's gotta be made very clear. I think this hearing should be, frankly, on Water gate. That's very much more -the rest is just shit. It's not, you know what I mean. But if they do go, Howard has gotta open the other side up, don't you agree?

KLEINDIENST: Yeah, I think also, uh, a final judgment has to be made soon with respect to this 1968 stuff by Johnson.

PRESIDENT: Yeah.

KLEINDIENST: Knowing that Deke DeLoach was involved in it. He's working for Pepsico, Don Kendall's a very

PRESIDENT: Yeah.

KLEINDIENST: ...close friend

PRESIDENT: Yeah.

KLEINDIENST: ...of yours and supporter, etcetera, etcetera, etcetera.

PRESIDENT: Yeah.

KLEINDIENST: 'Cause once we get into that, what you're really getting into is criminal conduct, you know. That could lend himself to a criminal prosecution.

PRESIDENT: What DeLoach? Yeah.

KLEINDIENST: God damn (unintelligible) have done that.

PRESIDENT: That's why DeLoach has gone back on it.

KLEINDIENST: Yeah.

PRESIDENT: I told Gray, I directed him, he was here, I said, now you're to call him-irmediately for a (unintelligible), give him a lie detector test on this. Not because of what I said. The Star had the story, see? The Washington Star and they, they went to Johnson and Johnson was, it was, uh, about two, three months ago, just went up his wall and so forth and so on.

KLEINDIENST: The Star had this?

PRESIDENT: And we killed it. A reporter at the Star. We killed the story from here.

KLEINDIENST: Is that right?

PRESIDENT: Sure. I don't know how it leaked. Somebody got it. We didn't know about then.

KLEINDIENST and PRESIDENT: (Unintelligible)

PRESIDENT: No, it had never been printed. Johnson was just beside himself about that. (Unintelligible) let it out. (Unintelligible) I called Haldeman.

KLEINDIENST: (Unintelligible)

PRESIDENT: Listen, more than meets the eye here. (Unintell.) Bobby and all the rest.

KLEINDIENST: But it's also I think, a different situation now that Johnson is dead.

PRESIDENT: Yeah.

KLEINDIENST: (Unintelligible)

PRESIDENT: Oh, Christ. You mean(unintelligible)?

KLEINDIENST: Yeah. Seems to me that we, in consideration of.the Office of the Presidency...

PRESIDENT: Yeah.

KLEINDIENST: ...is a little bit different in terms of this, this...

PRESIDENT: You mean, you should do, do more for these dead men? Maybe. Well, I'm a dead man. OK.

KLEINDIENST: Now, as far as (unintelligible),

PRESIDENT: Yeah.

KLEINDIENST: ...(Unintelligible) and some of those people (unintelligible) there's a possibility they might not want to, so wrapped up in all of this.

PRESIDENT: Yeah. Let me ask you to do, uh, ask you then to be (unintelligible)-you'll, you'll stay on as long as we want you to... .

KLEINDIENST: Yes, sir.

PRESIDENT: ...here. Second, you'll, uh, you'll do the Hoffa thing for us. Right away, today. That call needs to be made as soon as you get back to the office.

KLEINDIENST: (Unintelligible)

PRESIDENT: Third, you'll talk to Baker as to (unintelligible) and he will talk to Dean. And I'll tell Dean that he's to talk to you. He's your contact. Nobody else. I don't want you to talk to anybody else over here but Dean. Nobody. Fourth, I think sometime you've got to talk to Mitchell.

KLEINDIENST: I've got to talk to Mitchell? You mean, about the Watergate business?

PRESIDENT: Well either than or you talk to Baker, and Baker's gotta talk to him but,

KLEINDIENST: Yeah.

PRESIDENT: ...but--

KLEINDIENST: I don't think I'd want to talk to him.

PRESIDENT: All right.

KLEINDIENST: (Unintelligible)

PRESIDENT: All right, fine. (Unintelligible)...

KLEINDIENST: I don't want to be on the...

PRESIDENT: ...Baker. God damn it, remember, your major problem is Baker and your other major problem is to protect, in my view, is to protect the, which is, is not we're not gonna protect any wrongdoing. Anybody wrong here and I'm gonna kick their ass outta here. As far as the White House staff, I am not concerned, unless they're all double-faced liars, about any of them being involved. On the other hand, I am concerned about the circus. Three of the President's chief assistants up there like criminals. That's what I'm not going to allow and that's just, that's final. OK?

KLEINDIENST: (Unintelligible)

PRESIDENT: Call -you will -I agree. Call my friend, uh, call, call Ziegler. Give him some, you say something on this so that he's posted for the (unintelligible) thing. Fine.

KLEINDIENST: I'll call back over here.

PRESIDENT: Yeah, their stuff. I mean just so that he may not be asked about it, but you know there's a press conferences in the afternoon. But I want you to be the guy --

KLEINDIENST: Do you believe Hoffa intends to make a statement like that?

PRESIDENT: He's already made a statement.

KLEINDIENST: Oh, he has?

PRESIDENT: Already has. He indicated, already issued a statement that he's going to, uh, somebody has issued a statement in his behalf, that he's going to run for the President of the Detroit Local. That is a violation of that parole. He should be called. We've heard about it and want to know what the score is. He's either gonna have to give an assurance he's not going to run, which you then publicly will say or...

KLEINDIENST: He might want to be testing the constitutionality of that limitation in court.

PRESIDENT: All right, fine, fine.

KLEINDIENST: (Unintelligible)

PRESIDENT: All right fine. Then we'll withdraw going into the thing. Fair enough?

KLEINDIENST: Yes, sir. Fine.

PRESIDENT: Good, good. Well, you know one thing, Dick, we sure got our, our peacenik friends a little calmed down.

KLEINDIENST: Yeah.

PRESIDENT: And haven't those POW's been great.

KLEINDIENST: Yes, they have.

PRESIDENT: It's shakin' the country.

KLEINDIENST: It's shakin' the country.

PRESIDENT: Yeah.

KLEINDIENST: It really is.

PRESIDENT: People're proud again.

KLEINDIENST: Yeah.

PRESIDENT: Yeah, they're proud, they're carrin' their heads high.

KLEINDIENST: You just can't

PRESIDENT: Yeah.

KLEINDIENST: ...,know that people told me (unintelligible) when those fellas came back.

PRESIDENT: Yeah. Good luck. Thank you.

KLEINDIENST: Thank you, sir.

PRESIDENT: You're welcome.

PRESIDENT: You're not a significant drawback, (unintelligible).

KLEINDIENST: (Laughs)