

Nixon, 2 Aides Meet After First

The following is a transcript of a 50-minute meeting on Sept. 15, 1972, between President Nixon, his chief of staff, H. R. (Bob) Haldeman, and his counsel, John W. Dean III. The conversation was recorded by then-secret microphones in the President's Oval Office.

The conversation took place on the day that a federal grand jury indicted seven persons in the original Watergate investigation.

The transcript has been edited by White House officials to delete obscenities and personal characterizations.

President: Hi, how are you? You had quite a day today didn't you. You got Watergate on the way didn't you?

Dean: We tried.

Haldeman: How did it all end up?

Dean: Ah, I think we can say well at this point. The press is playing it just as we expect.

Haldeman: Whitewash?

Dean: No, not yet—the story right now —

President: It is a big story.

Haldeman: Five indicted plus the WH former guy and all that.

Dean: Plus two White House fellows.

Haldeman: That is good that takes the edge off whitewash really that was the thing (former attorney general John) Mitchell kept saying that to people in the country (Watergate conspirators G. Gordon) Liddy and (E. Howard) Hunt were big men. Maybe that is good.

President: How did (Nixon campaign director Clark) MacGregor handle himself?

Dean: I think very well he had a good statement which said that the grand jury had met and that it was now time to realize that some apologies may be due.

Haldeman: Fat chance.

Dean: Get the damn (inaudible).

Haldeman: We can't do that.

President: Just remember, all the trouble we're taking, we'll have a chance to get back one day. How are you doing on your other investigations?

Haldeman: What has happened on the bug?

President: What bug?

Dean: The second bug there was a bug found in the telephone of one of the men at the DNC (Democratic National Convention).

President: You don't think it was left over from the other time?

Dean: Absolutely not, the Bureau (the FBI) has checked and re-checked the whole place after that night. The man had specifically checked and re-checked the telephone and it was not

Watergate Indictments

there.

President: What the hell do you think was involved?

Dean: I think DNC was planted.

President: You think they did it?

Dean: Uh huh.

President: (Expletive deleted)—do they really want to believe that we planted that?

Haldeman: Did they get anything on the finger prints?

Dean: No, nothing at all—either on the telephone or on the bug. The FBI has unleashed a full investigation over at the DNC starting with Democratic National chairman Larry) O'Brien right now.

Haldeman: (Laughter.) Using the same crew—

Dean: The same crew—the Washington Field Office.

President: What kind of questions are they asking him?

Dean: Anything they can think of because O'Brien is charging them with failing to find all the bugs.

Haldeman: Good, that will make them mad.

Dean: So (acting FBI director L. Patrick) Gray is pissed and his people are pissed off. So maybe they will move in because their reputation is on the line. I think that is a good development.

President: I think that is a good development because it makes it look so (adjective deleted) funny. Am I wrong?

Dean: No, no sir. It looks silly. If we can find that the DNC planted that, the whole story will reverse.

President: But how could they possibly find it, though?

Dean: Well, they are trying to ascertain who made the bug. It is a custom made product. If they can get back to the man who manufactured it and who he sold it to and how it came down through the chain.

President: Boy, you never know when those guys get after it—they can really find it.

Dean: The resources that have been put against this whole investigation to date are really incredible. It is truly a larger investigation than was conducted against the after inquiry of the JFK assassination.

President: Oh.

Dean: Good statistics supporting the finding.

Haldeman: Isn't that ridiculous—this silly thing.

President: Yes (Expletive deleted).

(Sen. Barry) Goldwater put it in context when he said "(expletive deleted) everybody bugs everybody else. You know that."

Dean: That was priceless.

President: It happens to be totally true. We were bugged in '68 on the plane and in '62 even running for governor—(expletive deleted) thing you ever saw.

Dean: It is a shame that evidence to the fact that that happened in '68 was never around. I understand that only the former director (of the FBI) had that information.

Haldeman: No, that is not true.

Dean: There was evidence of it?

Haldeman: There are others who have information.

President: How do you know? Does (C. D.) DeLoache (former No. 3 man at the FBI who retired in 1970) know?

Dean: DeLoache?

Haldeman: I have some stuff too—on the bombing incident and too in the bombing halt stay.

President: The difficulty with using it, of course, is it reflects on (President) Johnson. If it weren't for that, I would use it. Is there any way we could use it without using his name—saying that the DNC did it? No—the FBI did the bugging?

Dean: That is the problem—would it reflect on Johnson or (Hubert)

Humphrey?

Haldeman: Johnson. Humphrey didn't do it.

President: Oh, hell no.

Haldeman: He was bugging Humphrey, too.

President: (Expletive deleted) Well, on the other hand. I want you to ask (John) Connally. What crazy things we do. That this might help with the bombing. I don't think he will talk to Johnson—and also it would reflect on the Bureau. They hate to admit that.

Haldeman: It is a rough one on them with all this stuff that they don't do congressmen, etc.

President: It isn't worth it—the hell with it. What is the situation on the little red box? Have they found the box yet?

Dean: Gray has never had access to the box. He is now going to pursue the box. I spoke to him just about thirty minutes ago. Pat said "I don't know about the box. Don't know where it is now. We never had an opportunity before when it was first released in the press that there was a box to go in but we have decided now we have grounds to go in and find it."

Haldeman: The latest public story was that she handed it over to Edward Bennett Williams (attorney for the Democrats).

Dean: That is right.

Haldeman: The Bureau ought to go into Edward Bennett Williams and start questioning him and have him tied up for a couple of days.

President: Yeah, I hope they do. The Bureau better get over pretty quick and get that little red box. We want it cleared up. We want to get to the bottom of it. If anybody is guilty over here we want to know.

Haldeman: It will probably be in the news!

Dean: You might be interested in some of the allocations we got. The (Maurice) Stans' libel action was assigned to (U.S. District) Judge (Charles) Richey.

President: (Expletive deleted.)

Dean: Well now that is good and bad. Judge Richey is not known to be one of the (inaudible) on the bench, that is considered by me. He is fairly candid in dealing with people about the question. He has made several entrees off the bench—one to (Attorney General Richard) Kleindienst and one to Roemer McPhee (a GOP attorney) to keep Roemer abreast of what his thinking is. He told Roemer he thought Maury ought to file a libel action.

President: Did he?

Haldeman: Can he deal with this concurrently with the court case?

Dean: Yeah. The fact that the civil case drew to a halt—that the depositions were halted he is freed.

Haldeman: It was just put off for a few days, wasn't it?

Dean: It did more than that—he had been talking to (Earl) Silbert one of the Assistant U.S. Attorneys down here. Silbert said, "We are going to

have a hell of a time drawing these indictments because these civil depositions will be coming out and the grand jury has one out—on this civil case but it is nothing typical."

(Someone asked the President if he wanted Mitchell's call—he said, "Yeah.")

Dean: Based on that when Silbert had told Richey this and with a casual encounter—in fact it was just in the hall, so Richey stopped the civil case so Silbert can get the indictment down.

(Telephone call from John Mitchell. President comments only from here on until end of call.)

"Hello.

Well, are you still alive?

I was just sitting here with John Dean and he tells me you were going to be sued or something.

Good, good.

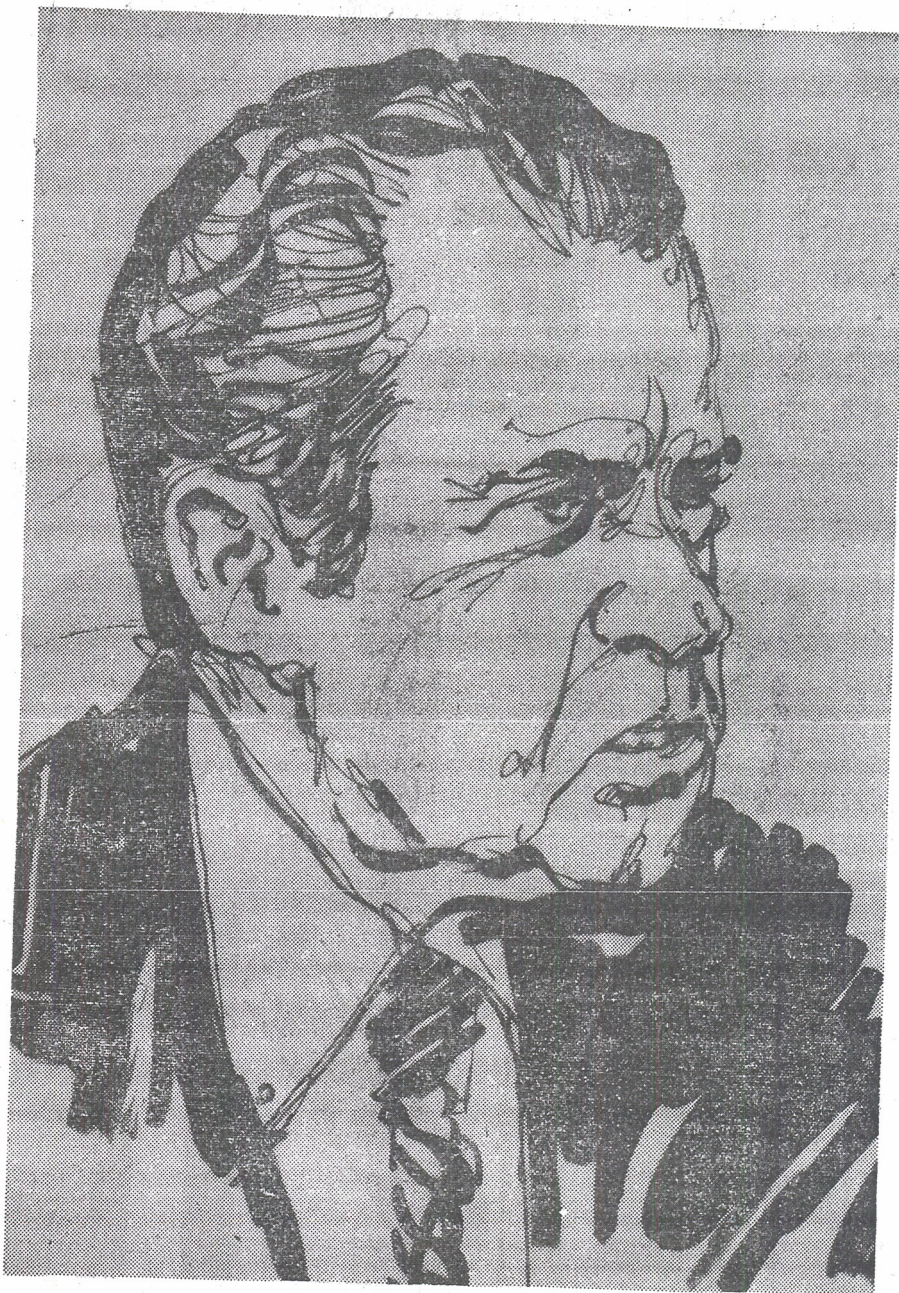
Yeah.

Good.

Sure.

Well I tell you, just don't let this keep you or your colleagues from concentrating on the big game. This thing is just one of those side issues and a month later everybody looks back and wonders what all the shooting was about. OK, John. Good night. Get a good night's sleep. And don't bug anybody without asking me? OK? Yeah. Thank you."

Dean: Three months ago I would



By Bill Oakes for The Washington Post

PRESIDENT RICHARD M. NIXON

have had trouble predicting there would be a day when this would be forgotten, but I think I can say that 54 days from now nothing is going to come crashing down to our surprise.

President: That what?

Dean: Nothing is going to come crashing down to our surprise.

President: Oh well, this is a can of worms as you know a lot of this stuff

President: Well, one hell of a damn about this issue of the suppression of the press, etc. We know that we aren't trying to do it. They all squeal about it.

that went on. And the people who worked this way are awfully embarrassed. But the way you have handled all this seems to me has been very skillful putting your fingers in the leaks that have sprung here and sprung there. The grand jury is dismissed now?

Dean: That is correct. They have completed and they have let them go so there will be no continued investigation prompted by the grand jury's inquiry. The GAO report referred over to Justice is on a shelf right now because they have hundreds of violations — they have violations of (Sen. George) McGovern, of Humphrey, violations of (Sen. Henry) Jackson, and several hundred congressional violations. They don't want to start prosecuting one any more than they prosecute the other.

President: They definitely will not prosecute us unless they prosecute the others.

Dean: Well, we are talking about technical violations referred over also.

President: What about watching the McGovern contributors and all that sort of thing?

Dean: We have (inaudible) eye out on that. His I understand is not in full compliance.

President: He asked?

Dean: No.

President: Well, not yet. His 300 committees—have they all reported yet?

Dean: We have a couple delinquent state committees.

President: It said in the paper that McGovern had 300 committees reported.

Dean: No, they have not. There are a lot of things he has never done—as he has never disclosed the fact that he has some 300 committees. The Wall

Street Journal piece that picked it up and carried that story brought out his committees.

President: Can we say anything publicly about it?

Dean: Purpose there hasn't been a tax sham—it is hard to comprehend why he set up that many committees. He doesn't have that many large contributors, but they may have to disburse through a great number of smaller committees.

Haldeman: Unless someone is stealing \$900,000.

Dean: That's right.

President: It could be. That could be possible.

Haldeman: He may be getting \$900,000 from somebody. He may have two or three angels.

President: I don't think he is getting a hell of a lot of small money. I don't believe (expletive deleted) Have you had the P.O. checked yet?

Haldeman: That is John's area. I don't know.

President: Well, let's have it checked.

Dean: Well as I see it, the only problems we may have are the human problems and I will keep a close watch on that.

President: Union?

Dean: Human.

Haldeman: Human frailties.

Dean: People get annoyed — some finger pointing — false accusations — any internal dissention of any nature.

President: You mean on this case?

Dean: On this case. There is some bitterness between the Finance Committee and the Political Committee—they feel they are taking all the heat and all the people upstairs are bad people—not being recognized.

President: We are all in it together. This is a war. We take a few shots and it will be over. We will give them a few shots and it will be over. Don't worry. I wouldn't want to be on the other side right now. Would you?

Dean: Along that line, one of the things I've tried to do, I have begun to keep notes on a lot of people who are emerging as less than our friends because this will be over some day and we shouldn't forget the way some of them have treated us.

President: I want the most comprehensive notes on all those who tried to do us in. They didn't have to do it. If we had had a very close election and they were playing the other side I would understand this. No — they were doing this quite deliberately and they are asking for it and they are going to get it. We have not used the power in this first four years as you know. We have never used it. We have not used the Bureau and we have not used the Justice Department but things are going to change now. And

they are either going to do it right or go.

Dean: What an exciting prospect.

President: Thanks. It has to be done. We have been (adjective deleted) fools for us to come into this election campaign and not do anything with regard to the Democratic senators who are running, et cetera. And who the hell are they after? They are after us. It is absolutely ridiculous. It is not going to be that way any more.

Haldeman: Really, it is ironic that we have gone to extremes. You and your damn regulations. Everybody worries about not picking up a hotel bill.

Dean: I think you can be proud of the White House staff. It really has had no problems of that sort. And I love this GAO audit that is going on now. I think they have some suspicion that even a cursory investigation is going to discover something here. I don't think they can find a thing. I learned today, incidentally, and have not confirmed it, that the GAO auditor who is down here is here at the Speaker of the House's request.

President: That surprises me.

Haldeman: Well, (expletive deleted) the Speaker of the House (Carl Albert). Maybe we better put a little heat on him.

President: I think so too.

Haldeman: Because he has a lot worse problems than he is going to find down here.

Dean: That's right.

Haldeman: That is the kind of thing that, you know, we really ought to do is call the Speaker and say, "I regret to say your calling the GAO down

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here because of what it is going to cause us to do to you."

President: Why don't you see if (White House Aide Bryce) Harlow will tell him that.

Haldeman: Because he won't do

it—he would just be pleasant and call him Mr. Speaker.

Dean: I suppose the other area we are going to see some publicity on in the coming weeks because I think now that the indictments are down there will be a cresting on that—the white wash—the civil rights cases in advance. But (Rep.) Wright Patman's hearings—his Banking and Currency Committee—whether we will be successful in turning that off or not I don't know. We have a plan where (Attorney Henry) Rothblatt, and (William) Bittman who were counsel for the seven who were indicted today are going to go up and visit the five top members and say that if you commence hearings you are going to jeopardize the civil rights of these individuals in the worst way and they will never get a fair trial.

President: Why not ask that they request to be heard by the committee?

Dean: They could say, "If you do commence with these hearings we intend to come up and say what you are doing to the rights of individuals." Something to that effect.

President: They could even get a motion in court to get the thing dismissed.

Haldeman: Going the other way —

President: Getting the criminal charges dismissed on the grounds of civil rights.

Dean: We have someone approaching the ACLU for these guys—having them exert some pressure because we don't just want Stans up there in front of the cameras with Patman asking all these questions. It is going to be the whole thing over and over again. I understand too, or I have been told, that John Connally is close to Patman and if anyone could talk turkey to Patman, Connally could. Jerry Ford (then House GOP leader) is not really taking an active interest in this matter that is developing so Stans is going to see Jerry Ford and try to brief him and explain to him the problems he has. The other thing we are going to do—we are looking at all the campaign reports of every member of that committee because we are convinced that none of them complied exactly with the law either. If they want to play rough—some day we better say, "Gentlemen, we want to call your attention that you have not complied with A, B, C, and F and we are not going to hold that a secret if you start talking campaign violations here."

President: What about Ford? Do you think so? Connally can't because of the way he is set up. If anybody can do it, Connally could, but if Ford can get the minority members. They have some weak men and women on that committee, unfortunately. (Rep. Ken) Heckler (D-W.Va.) is alright.

Dean: Heckler was great.

President: (Rep. William) Widnall (R-N.J.) et cetera. Jerry should talk to Widnall. After all, if we ever win the House, Jerry will be the Speaker and he could tell him if he did not get off—he will not be chairman ever.

Dean: That would be very helpful to get all of these people at least pulling together. If Jerry could get a little action on this.

Haldeman: Damn it Jerry should. That is exactly the thing he was talking about, that the reason they are staying is so that they can run investigations.

President: The point is that they ought to raise hell about these hearings. I don't know that the counsel calls the members of the committee often. I think if they have to have this blunderbuss in the public arena then this is all it is.

Dean: That is the last forum where we have the least problem right now. Kennedy has already said he may call hearings of the Administrative Practices sub-committee. As these committees spin out oracles we used to get busy on each one. I stopped doing that about two months ago. We just take one thing at a time.

President: You really can't sit and worry about it all the time. The worst may happen but it may not. So you just try to button it up as well as you can and hope for the best, and remember basically the damn business is unfortunately trying to cut our losses.

Dean: Certainly that is right and certainly it has had no effect on you. That's the good thing.

Haldeman: No, it has been kept away from the White House and of course completely from the President. The only tie to the White House is the (presidential counsel Charles) Colson effort they keep trying to pull in.

Dean: And, of course, the two White House people of lower level—indicted—one consultant and one member of the domestic staff. That is not very much of a tie.

Haldeman: That's right.

President: Or Manson. (expletive deleted). If they had been killers. Isn't that true?

Haldeman: It is certainly true.

President: These (characterization deleted) they have had no way. They ought to move the trial away from—

Dean: There has been extensive clipping on the part of the counsel in this case. They may never get a fair trial. They may never get a jury that will convict them. The Post, you know, that they have a real large team assigned to cover this case. Believe me, the Maury Stans story about his libel suit that had so much coverage in the Evening News they put way back on page 8 of the Post and did not even cover it in total.

Haldeman: Yes, I will talk to Bill.

Dean: I think (presidential aide)

Dick Cook has been working on it.

President: Maybe (ex-Nixon campaign chief John) Mitchell should do.

Haldeman: Could Mitchell do it?

President: No.

Dean: I don't think it would be good to draw him into it. I think Maury could talk to Ford if that would do any good. I think Maury ought to brief

See TEXT, A15, Col. 1

TEXT. From A14

Ford on exactly what his whole side of the story is. Maury understands the law.

Haldeman: I will talk to Cook.

President: Maybe (presidential aide John) Ehrlichman should talk to him. Ehrlichman understands the law.

Haldeman: Is that a good idea? Maybe it is.

President: I think maybe that is the thing. This is a big play. He has to know that it comes from the top. While I can't talk for myself he has to get at this and—the thing up.

Dean: Well, if we got that slide up there—it is a tragedy to let them have a field day up there.

President: What is the first move? When does he call his witnesses?

Dean: Well, he has not even gotten the vote of his committee—he hasn't even convened his committee as to whether he can call hearings. That is why he won't come Monday morning. His attorney is going to arrive on the doorstep of the chairman and to tell him what to do and he proceeds. One of the members of the committee, (Rep.) Garry Brown (R-Mich.), wrote Kleindienst a letter saying, "if the chairman holds committee hearings on this, isn't this going to jeopardize your criminal case?"

President: That is smart politics for Michigan and some tie into Ford. He is a very smart fellow.

Dean: Good lawyer and being helpful. He is anxious to help.

President: Tell Ehrlichman to get Brown and Ford in together and they can work out something. They ought to get off their — and push it. No use to let Patman have a free ride here.

Dean: Well we can keep them well briefed on moves if they will move when we provide them with the strategy. And we will have a raft of depositions going the other way soon. We will be hauling the O'Briens in and the like on our due process soon.

President: What did they ask — any questions?

Dena: No. I saw (Henry) Rothblatt (attorney for some of the Watergate conspirators) laughing at the start of the symposium. He is quite a character. He has been getting into the sex

life of some of the members of the DNC.

President: Why? What is the justification?

Dean: Well, he is working on the entrapment theory that they were hiding something and they had secret information of theirs to hide and if they could somehow conspire to bring this thing about themselves. It is a way-out theory that no one had caught.

Haldeman: (Laughter)

Dean: He had scheduled (Democratic official) Patricia Harris and she did not show up. She went to the beauty parlor instead so he went down to the Court House and she had been directed to show up and then the next day the judge cut all the depositions off. But he had a host of wild questions about where O'Brien got his compensation when he was chairman. Not that he would know anything about that, but it was just an interesting question he might want to ask the chairman under oath.

Haldeman: That's what Gibbons said—the same hunting license that gave them.

Dean: No—that is right.

Haldeman: So we can play the same game they are playing. We ought to be able to do better at it.

President: Well.

Haldeman: Are those depositions sealed?

Dean: That's right.

Haldeman: They are?

Dean: But that argues that they will want them unsealed less than we will, and we may be arguing at some point to get them unsealed.

President: Yeah.

Dean: I think what is going to happen on the civil case is that the Judge is going to dismiss the complaint that is down there right now. They will then file a new complaint which will come back to Richey again. That will probably happen the 20th, 21st, 22nd. Then 20 days will run before any answers have to be filed and the depositions will be commenced so we are eating up an awful lot of time.

President: Why will the judge dismiss the complaint?

Dean: Probably on the middle ground — both on the substantive ground that they haven't stated a good cause of action—that there is improper class actions filed. O'Brien doesn't indeed represent any class. And he will just dismiss it on the merits. It is not a good complaint. He has already shaved it down to almost nothing on his original order. They will then have to re-design it in a much narrower action but the judge himself can't suggest something to counsel. He has to do a cute argument here. If he dismisses on the merits, that they can't file another suit. They are out of the court totally.

Haldeman: But our two suits go hang?

Dean: We have two suits—we have

the abuse of process and the libel suit.

Haldeman: We can take depositions on both of those?

Dean: Absolutely.

President: Hell yes.

(Inaudible)

Haldeman: (Laughter)

Dean: We can blunder down the road anyway.

NOTE: (Further conversation following unrelated to Watergate.)

The following is a transcript of a 1 hour, 11 minute conversation between President Nixon and his counsel, John W. Dean III, on Feb. 28, 1973.

The meeting came a few weeks after creation of the Senate select Watergate committee and at a time when the President was under pressure to waive executive privilege and allow his aides to testify freely on the Watergate affair.

The conversation was recorded in the Oval Office and has been edited by White House officials to delete irrelevant, personal characterizations and expletives.

Dean: Good morning, Sir.

President: Oh, hi.

Dean: How are you?

President: I wanted to talk with you about what kind of a line to take. I now want (Attorney General Richard) Kleindienst on the—it isn't a matter of trust. You have it clearly understood that you will call him and give him directions and he will call you, et cetera, and so on. I just don't want Dick to go off—you see, for example, on executive privilege—I don't want him to go off and get the damn thing—get us—

Dean: Make any deals on it—

President: Make a deal—that is the point. (Sen. Howard) Baker, as I said, is going to keep at arm's length and you've got to be very firm with these guys or you may not end up with many things. Now as I said the only back-up position I can possibly see is one of a (inaudible) if Kleindienst wants to back (inaudible) for (inaudible)—didn't want to but suggested we ought to back them heavily, send them up there in executive session. Well, now you all know that under executive session we still have the problem, and it ain't good. Well, I am thinking particularly of Baker because it will go to him without any question and that is going to be far more significant. This bothers us at the moment, but that's (inaudible) to me. And they will haul him up there and bull-rag him around the damn place and it will raise holy hell with Rogers and all our—the other people.

Dean: Yeah.

President: I sent some notes out—a couple of yellow pages—something on the teachers' thing that I am not doing today. Just send it back to me, please.

Secretary: Alright, Sir.

President: So you see, I think you better have a good, hard face to face

talk with him and say, look, we have thought this thing over. And you raise the point with him that this cannot be in executive session because he is likely to float it out there and they will grab it.

Dean: That's right, and as I mentioned yesterday, he is meeting with (Sens.) Sam Ervin and Baker (of the Watergate committee) in this joint session and that is probably one of the first things they will discuss.

President: The main thing Ervin is going to be talking about is executive privilege. Has that meeting been set yet, though?

Dean: No, it has not. There is ample time to have Dick go up there—

President: You have a talk with him and say we had a talk about this—now your position now I know (inaudible) which they probably never accept but it will make his position be reasonable in the public mind. That is what we have in mind.

Dean: Right. Correct.

President: Another possibility is the one that Ehrlichman has suggested. If you could have an agreement that the chairman and the ranking member could question basically the same under very restricted—a little bit early (inaudible).

Dean: Them coming down here, say?

President: Basically, that is the suggestion.

Dean: I think that is sort of "if" we get the written interrogatories. That is still a serious precedent to deal with if they come down here and start questioning people I think the issues would have to be so narrowed for even that situation. And that sort of thing would evolve with the narrowing of the issues where what information a Haldeman or Ehrlichman might have. The committee needs to be complete in its report of its investigation.

President: Yeah. We will say that you can have written interrogatories under oath, then answer questions.

Dean: Publicly you are not withholding any information and you are not using the shield of the Presidency.

President: When you talk to Kleindienst—because I have raised this (inaudible) thing with him on the Hiss Case—he has forgotten, I suppose. Go back and read the first chapter of "Six Crises." But I know, as I said, that was espionage against the nation, not against the party. FBI, Hoover, himself, who's a friend of mine said "I am sorry I have been ordered not to cooperate with you" and they didn't give us one (adjective omitted) thing. I conducted that investigation with two (characterization omitted) committee investigators—that stupid—they were tenacious. We got it done.

Then we worked that thing. We then got the evidence, we got the typewriter, we got the Pumpkin Papers. We got all of that ourselves. The FBI did not cooperate. The Justice Department did not cooperate. The Administration would not answer questions except, of course, for Cabinet officers,

I mean like Burling came down and some of the others. Funny, when the shoe is on the other foot how they look at things, isn't it?

President: Well, as I said, the New York Times, the Washington Post and all the rest. They put it in terms of executive privilege because they were against the investigation. So the real question now is say that I having been through that—we have talked it over and that I have always felt very miffed about that because I thought that was very wrong and now this is another matter. But I think we ought to cooperate in finding an area of cooperation. Here it is. You see, the Baker theory is that he wants to have a big slambang thing for a whole week and then he thinks interest in the whole thing will fall off. And he is right about that. But his interest in having a big slambang for a week is that we bring all the big shots up right away. The big shots you could bring up. They could bring up Stans. They have to put him on, and they've got to put Mitchell on. They would like, of course, to get Haldeman, Ehrlichman and Colson.

Dean: I understand that you and Bob have talked about running Stans out as sort of a stalking horse on it, on another post.

President: It is not my idea. I guess (presidential aide Richard) Moore or somebody mentioned it.

Dean: I think it was my idea. I think it could be one defusing factor in the hearings. Stans would like to get his story out. He is not in any serious problem ultimately. It could be rough

and tumble, but Maury is ready to take it and it would be a mini-hearing there is no doubt about it. But this further detracts from the other committee.

President: It would be a mini-hearing, it is true. Except knowing the press and knowing — like they have taken — they sold several of these stories about Colson and Haldeman about four times.

Dean: Well, I know that.

President: Well, I just wonder if that doesn't do that?

Dean: At present I hesitate to send Stans. They would give him a hot seat.

President: Somebody is after him about (financier Robert) Vesco. I first read the story briefly in The Post. I read, naturally, the first page and I turned to the Times to read it. The Times had in the second paragraph that the money had been returned, but the Post didn't have it.

Dean: That is correct.

President: The Post didn't have it until after you continued to the back section. It is the (adjective omitted) thing I ever saw.

Dean: Typical.

President: My guess is the Star pointed out (inaudible) that they—(inaudible). Actually they got the money



By Bill Oakes for The Washington Post

JOHN W. DEAN III

after the 10th, but I don't think they pointed out that Sears got it before.

Dean: For all purposes, the donor—Vesco—

President: Stans would never do a thing like that! Never. Never. Never.

Dean: I think we have a good strong case that the donor had relinquished control of the money, and constructive possession of the money was in the hands of the finance committee, Sears and the like. So that there is not—ah—

President: How did they get my brother in it? Eddie?

Dean: That was sheer sandbagging of your brother. Here is what they did: They called him down here in Washington . . .

President: Why did?

Dean: It was Vesco and Sears and said that, "we want to talk to you about the nature of this transaction because we have had earlier conversations with Stans." He really wasn't privy to it, and didn't know much about it, but what the long and short of it was that they were after him to find out from Stans whether they wanted cash or checks. Stans just responded to your brother and said, "I don't really care—whatever they want to do," and that is what he relayed back. He didn't even understand why he was there. He is just as clean as a whistle. There is nothing there at all.

President: I know that. I know that myself. So you sort of lean to having Stans starting out there?

Dean: I think it would take a lot of

the teeth out of the—you know—the stardom of the people are trying to build up to. If Stans has already gone to a hearing in another committee, obviously they will use everything they have at that time and it won't be a hell of a lot. It confuses the public. The public is bored with this thing already.

President: Yeah.

Dean: One of the things I think we did succeed in before the election—

President: Stans is very clean. Unless I make a mistake on this thing, they way I analyze it, and I have stayed deliberately away from it, but I think I can sense what it is. The way I analyze the thing, Stans would have been horrified at any such thing. And, what happened was he honestly is outraged. He thinks—what happened was he thinks he eventually found a line on somebody's hard earned cash and got into this silly business with it.

Dean: He does and he is a victim of circumstances, of innuendo, of false charges. He has a darn good chance of winning that libel suit he has against Larry O'Brien.

President: Has he?

Dean: That's right.

President: Good. That's why Larry filed a counter-suit.

Dean: That's right.

President: I see. (White House press secretary Ron) Ziegler was disturbed at the news that they subpoenaed newsmen. Did that disturb you?

Dean: No, it didn't disturb me at all.

No Sir. I talked with Ron at some length about it the other night. I said, "Ron, first of all you can rest assured that the White House was not involved in that decision." Exceptional case.

President: It should involve prosecution.

Dean: No, it is a civil deposition and it is not because we haven't reached the newsman's privilege issue yet, and that is way down the road yet, if for some reason they refuse to testify on some given evidence. What they are trying to establish is the fact that Edward Bennett Williams' law firm (attorneys for the Democrats) passed out an amended complaint that libeled Stans before it was into the Court

process, so it was not privileged. And the newsmen are the people who can answer that question. Also they are trying to find out how Larry O'Brien and Edward Bennett Williams made statements to the effect that this law suit — the first law suit they had filed against the Committee — was not really to establish any invasion of privacy threat, rather they were harrassing the Committee.

President: The Committee to Re-Elect?

Dean: They made this off the record to several newsmen and we know they did this. That this was a drummed up law suit.

President: So therefore that proves also malice, doesn't it?

Dean: It makes the abuse of process case that we have against them on a counter suit. And the lawyers made a very conscious and good decision to proceed with the suit and if they did, they were going to have to have this information and it doesn't bother me if they subpoenaed nine or ten —

President: Well, one hell of a lot of people don't give on damn about this issue of the suppression of the press, etc. We know that we aren't trying to do it. They all squeal about it. It is amusing to me when they say — I watched the networks and I thought they were restrained. What (expletive omitted) do they want them to do — go through the 1968 syndrome when they were 8-to-1, against us. They are only three to one this time. It is really sickening though to see these guys. These guys have always figured we have the press on our side. You know we receive a modest amount of support — no more. Colson sure making them move it around, saying we don't like this or that and (inaudible).

Dean: Well you know Colson's threat of a law suit which was printed in Evans and Novak had a very sobering effect on several of the national magazines. They are now checking before printing a lot of this Watergate junk they print. They check the press office trying to get a confirmation or denial, or call the individuals involved. And they have said they are doing it be

cause they are afraid of a libel suit on them. So it did have a sobering effect. We will keep them honest if we can remind them that they can't print anything and get away with it.

President: Well, as you of course know, at the time of the Hills case (inaudible).

Dean: Yes, I have noticed. We have to establish, one, malice for reckless disregard (inaudible).

President: Yeah. Malice is impossible for (inaudible). It has to get, it's got to get up in through me. (inaudible) Reckless disregard maybe.

Dean: Tough. That is a bad decision, Mr. President. It really is a bad decision.

President: What is the name of the case — horrible.

Dean: (inaudible) and Sullivan and it came out of the South on a civil rights . . .

President: It was about some guy who was a police chief or something. Anyway, I remember reading it at the time when I thought we were suing LIFE for Hills. When LIFE was guilty as hell.

Dean: Did you win it?

President: Supreme Court — four to three. There were a couple missing or it would have probably been five to three and one-half.

President: Well, let's go back so it is clearly understood. We must go forward on that. I think you had better go over and get in touch with Dick. And say Dick you keep it at your level.

President: My guess is that he is



By Bill Oakes for The Washington Post

CHARLES W. COLSON

going to be in the end, and I would say, "this is the position, Dick, you should take on this." Tell him I took that position with Baker. Baker is a smoothy — impressive — The President didn't say this or that — they recommended it and the President has approved it. Right? Is that what you would say?

Dean: Yes sir, I think that is absolutely on all fours. And now about our dealings with Baker? Under normal Congressional relations, viz-a-viz (presidential assistant William) Timmons and Baker, should we have Timmons dealing?

President: Well, he objected to (inaudible) something that is a curious thing on that (inaudible) made a very big gaff calling him and urging and trying to influence who would be on his staff. (expletive omitted) I don't know why he did that, if he did. But if he did, I don't know why Baker would resent it. But nevertheless, I don't know how to deal with him, frankly.

Dean: Why don't you ask (inaudible) to see him.

President: I gathered the impression that Baker didn't want to talk with anyone but Kleindienst.

Dean: Well, OK, I think that is one we will just have to monitor and that is one we will have to know an awful lot about along the road.

President: Well let Timmons tell Baker that if he wants to talk with anybody at the White House, if he says he doesn't want to talk to Haldeman, doesn't want to talk to Ehrlichman, that you, Dean, are available. But nobody else. How does that sound to you?

Dean: I think that sounds good.

President: You tell Timmons that he sees him privately, and tells him that's it. — We are not pressing him. We don't care, because Baker . . .

Dean: It would suspect if we are going to get any insight to what that Committee is going to do, it is going to be through Sen. Ed Gurney (R-Fla.). I don't know about (Sen. Lowell) Weicker (R-Conn.), where he is going to fall out on this thing.

President: Weicker, I think the line to Weicker is through Gray. Gray has to shape up here and handle himself well too. Do you think he will?

Dean: I do. I think Pat has had it tough. He goes up this morning as you know. He is ready. He is very comfortable in all of the decisions he has made, and I think he will be good.

President: But he is close to Weicker — that is what I meant.

Dean: Yes, he is.

President: And so, Gray . . .

Dean: Has a lead in there — yes.

President: One amusing thing about the Gray thing, and I knew this would come. They say Gray is a political crony and a personal crony of the President's. Did you know that I have never seen him socially?

Dean: Is that correct? No, I didn't.

President: I think he has been to a couple White House events, but I have never seen him separately.

Dean: The Press has got him meeting you at a social function. And, back in 1947, (inaudible) is something I have read.

President: Maybe at a Radford party or something like that. That's all. I don't know. But Gray is somebody that I know only—He was Radford's Assistant, used to attend NSC meetings. He has never been a social friend. Edgar Hoover, on the other hand, I have been socially at least a hundred times. He and I were very close friends.

Dean: This is curious the way the press —

President: (expletive deleted) — Hoover was my crony. He was closer to me than Johnson, actually although Johnson used him more. But as for Pat Gray, (expletive deleted) I never saw him.

Dean: While it might have been a lot of blue chips to the late Director, I think we would have a lot better off during this whole Watergate thing if he had been alive. Because he knew how to handle that Bureau—knew how to keep them in bounds.

President: Well, Hoover performed. He would have fought. That was the point. He would have defied a few people. He would have scared them to death. He has a file on everybody.

President: But now at the present time, the Bureau is leaking like a sieve to Baker, (inaudible). It isn't coming from (assistant attorney general) Henry Petersen is it?

Dean: No. I would just not believe that.

President: It isn't coming from that (unintelligible).

Dean: No. Well, they are getting the raw data. They are getting what they call the 302 forms. Actually, the summaries of the interviews.

President: If you could handle it that way, I think that is the best thing to do. Do you ever wonder really if Colson (characterization deleted) should bring a suit. For example, I notice that Colson has a lot of vulnerabilities. You know, in terms of people that he knew, et cetera, et cetera. But I mean on a narrow issue —

Dean: Well, Chuck and I talked about this. He could possibly win a suit, but lose the war, for this reason: A counter-discovery in a libel action has no bounds.

President: I get it. OK.

Dean: That's the problem there.

President: That the District Court (inaudible).

Dean: Federal Court. They could just come in and depose him on everything he has done at this point in time.

President: Keep him out of it. Keep him out of it.

Dean: That's right.

President: What—Why doesn't Stans

be the sue-er:

Dean: He's got a good one, and he may well prevail. It may well be the decisive settlement of all these other suits we've got out there. You know, we have 14 million dollar suits against us, and we have 7 or 10 against them. (expletive deleted) They ought to all get together and drop them.

Dean: That is what we are trying to get accomplished.

President: Hell, yes!

Dean: It is just causing everybody problems.

President: That is right — they've got problems, and we've got problems.

President: You see this Vesco thing coming up burns my tail. I raised hell with Haldeman on this and he didn't do anything about. I guess he couldn't. What (expletive omitted) became of our investigation of their financial activities? (Expletive omitted) They cancelled debts, they borrowed money. What the hell is that?

Dean: It is still going on, Mr. President. (Sen. George) McGovern's stuff is in such bad shape. That is another unfortunate thing. The GAO comes into audit us. They find all the documents, so they are able to make —

President: Just like two year old state tax.

Dean: They have now, but it gets about that much coverage in the paper. They can't even figure out what McGovern's done, the books are such a mess, but you haven't seen them say anything yet. And that is one of the things that hopefully we will bring out in hearings, as to what a mess this was, et cetera.

President: How are you going to bring it out? You can't bring it out in these hearings.

Dean: Well I think I would rather do it independently, so that the media types will bring it out. Chuck is going to be of aid when he is out there not connected with the White House, coming through with bits of tidbits. Chuck will still have his channels to flip things out.

President: Sure! Sure! In my view—of course it is hard to believe since he loves the action and the rest — but apart from the financial — for the country's aid, etc. — I don't care what you think: Colson can be more valuable out than in, because, basically in, he has reached the point that he was too visible.

Dean: A lightning rod.

President: And outside he can start this and say that I am a private citizen and I can say what I (expletive omitted) please.

Dean: Right. I think Chuck can be of great aid in this thing, and I think he will do it.

President: Now, as to the other thing. Just to recap. You will talk to Timmons about Baker, and get that tied down if you can. I doubt if much can

be done there. Then when you talk to Kleindienst, he should know that it has been decided, and that's it. Well, he will say they won't take me. Then say "why not?" We shall see. Going on to the interrogatory thing—we shall see—your view would not to give any further ground on that?

Dean: I would say hope not. You initially hold the line as far as you can go. If it becomes necessary for informational purposes, the President is not going to hide any information. He has just given a sworn statement through an interrogatory—send your questions down—they will be answered. We won't hide the information—we won't diminish the ability of the President to operate internally and the like because we have a political circus going.

President: OK. I understand that (former presidential aide and now reporter Clark) Mollenhoff still thinks everybody should go up and testify.

Dean: Yeah.

President: At least you had a talk with him. I do want you to look at the case, though.

Dean: Yes Sir.

President: If the guy's got a bad rap, this man, (expletive omitted) we will get him out of it!

Dean: I am doing that. I talked with Clark yesterday. I talked with him last night again. He is on this as hot and heavy as can be and —

President: Does he think he's got a bad rap?

Dean: He does—he thinks he's got a bad rap. I know Rule hasn't a bad rap. When a bureaucrat takes it upon himself to go out, and go way beyond the pale in terms of attacking an Administration that can't be tolerated. Suppose a Congressman or a Senator or one of his Administrative Assistants went out and attacked one of his contributors. What would he do? Fire him! That's right.

President: I noticed where several of our Congressmen and Republican Senators called upon us to reinstate Rule. Congress is, of course, on its (inaudible). And yet they are so enormously frustrated that they are exhausted. Isn't that the point?

Dean: I think there is a lot of that.

President: It is too bad. We can take very little comfort from it because we have to work with them. But they become irrelevant because they are so damned irresponsible, as much as we would like to say otherwise.

Dean: Yes, sir. I spent some years on the Hill myself and one of the things I always noticed was the inability of the Congress to deal effectively with the Executive Branch because they have never provided themselves with adequate staffs, had adequate information available —

President: Well now they have huge staffs compared to what we had.

Dean: Well they have huge staffs, true, as opposed to what they had years ago. But they are still inadequate

to deal effectively —

President: (Expletive deleted) Don't try to help them out!

Dean: I am not suggesting any reserve money for them. I ought to keep my observations to myself. I think this is going to be very different. It will be hot, I think they are going to be tough. I think they are going to be gory in some regards, but I am also absolutely convinced that if everyone pulls their own oar in this thing, in all those we've got with various concerns, we can make it through these things and minimal people will be hurt. And they may even paint themselves as being such partisans and off base, that they are really damaging to the institutions of the government themselves.

President: I frankly say that I would rather they would be partisan—rather than for them to have a facade of fairness and all the rest. Ervin always talks about his being a great Constitutional lawyer. (expletive deleted) He's got Baker totally toppled over to him. Ervin works harder than most of our Southern gentlemen. They are

See TEXT, A16, Col. 1

TEXT, From A15

great politicians. They are just more clever than the minority. Just more clever!

Dean: I am convinced that he has shown that he is merely a puppet for (Sen. Edward) Kennedy in this whole thing. The fine hand of the Kennedys' is behind this whole hearing. There is no doubt about it. When they considered the resolution on the Floor of the Senate I got the record out to read it. Who asked special permission to have their Staff man on the floor? Kennedy brings this man Flug out on the floor when they are debating a resolution. He is the only one who did this. It has been Kennedy's push quietly, his constant investigation. His committee did the (unintelligible) subpoenas to get at (Nixon attorney Herbert) Kalmbach and all these people.

President: Uh, huh.

Dean: He has kept this quiet and constant pressure on this thing. I think this fellow Sam Dash, who has been selected Counsel (of the Watergate Committee), is a Kennedy choice. I think this is also something we will be able to quietly and slowly document. Leak this to the press, and the parts and cast become much more apparent.

President: Yes, I guess the Kennedy crowd is just laying in the bushes waiting to make their move. I had forgotten, by the way, we talk about Johnson using the FBI. Did your friends tell you what Bobby (Kennedy) did?

Dean: I haven't heard but I wouldn't be —

President: Johnson believed that Bobby bugged him.

Dean: That wouldn't surprise me.

President: Bobby was a ruthless (characterization omitted.) But the FBI does blatantly tell you that—or Sullivan told you about the New Jersey thing. He did use a bug up there for intelligence work. (inaudible)

Dean: (inaudible) Intelligence workers had agents all over the property.

President: The doctors say that the poor old gent had a tumor. The FBI said he had one.

Dean: He had Abe Fortas and Deke DeLoache backed up by some other people in the Bureau and try to talk this doctor into examining this guy to say the man had a brain tumor. He was very (unintelligible) ill, slightly erratic, but eager. This doctor wouldn't buy it.

President: The doctor had never examined him before or anything.

Dean: No.

President: They were trying to set it up though, huh? What other kind of activities?

Dean: Well, as I say, I haven't probed Sullivan to the depths on this thing because I want to treat him at arm's length until he is safe, because he has a world of information that may be available.

President: But he says that what happened on the bugging thing. Who told what to whom again?

Dean: On the '68 thing—I was trying to track down the leaks. He said that the only place he could figure it coming from would be one of a couple of sources he was aware of that has been somewhat discovered publicly. He said that Hoover had told Patrick Coyne about the fact that this was done. Coyne had told Rockefeller—now Rockefeller had told Kissinger. I have never run it any step beyond what Mr. Sullivan said there. The other thing is that when the records were unavailable for Mr. Hoover all these logs, etc. Hoover tried to reconstruct them by going to the Washington Field Office and he made a pretty good stir about what he was doing when he was trying to get the record and reconstruct it. He said that at that time we probably hit the grapevine in the Bureau that this had occurred. But there is no evidence of it. The records show at the Department of Justice and the FBI that no such surveillance was ever conducted.

President: Shocking to me!

Dean: What the White House had from reporters in LIFE. The other person who knows and is aware of it is (then assistant FBI director) Mark Felt, and we have talked about Mark Felt before.

President: Let's face it. Suppose Felt comes out now and unwraps. What does it do to him?

Dean: He can't do it.

President: How about (unintelligible)? Who is going to hire him? Let's fact it—the guy who goes out—he couldn't do it unless he had a guarantee from somebody like TIME Magazine who would say look we will give you a job for life. Then what do they

do? He would go to a job at LIFE, and everyone would treat him like a pariah. He is in a very dangerous situation. These guys you know—the informers. Look what it did to Chambers. Chambers informed because he didn't give (expletive deleted). But then one of the most brilliant writers according to Jim Shepley we have ever seen in this country—and I am not referring to the Communist issue—greatest writer of his time, about 30 years ago, probably TIME's best writer of the century—they finished him. Either way the informer is not one in our society. Either way, that is the one thing people can't survive. They say no civilized (characterization deleted) informs. Hoover to Coyne to Nelson Rockefeller to Kissinger. Right?

Dean: That's right.

President: Why did Coyne tell it to Nelson Rockefeller? I have known Coyne for years. I haven't known him well, but he was a great friend of one of my Administrative Assistants, Bob King, who used to be a Bureau head.

Dean: Now this is Sullivan's story. I have no reason to know whether it is true, but I don't have any reason to doubt that it is true.

President: Hoover told me, and he also told Mitchell personally that this had happened.

Dean: I was talking the '68 incident that occurred. I wasn't referring to that now. When this Coyne, etc., this was the fact that newsmen—excuse me I thought you were making reference to the fact that three years ago the White House had allegedly—

President: Oh, sure, sure. That is not the same one.

Dean: On the '68 incident all I have

been able to find out is what you told me that Hoover had told you, what he had told Mitchell.

President: Yeah. Mitchell corroborates that, doesn't he?

Dean: (Columnist) Kevin Phillips called (Nixon aide) Pat Buchanan the other day with a tidbit that Dick Whelan on the NSC staff had seen memoranda between the NSC and the FBI that the FBI had been instructed to put surveillance on Anna Chennault, the South Vietnamese Embassy and the Agnew plane. This note also said that Deke DeLoach was the operative FBI officer on this.

President: The Agnew plane? I think DeLoach's memory now is very, very hazy. He doesn't remember anything.

Dean: I talked to Mitchell about this and he has talked to DeLoach. DeLoach has in his possession, and he has let Mitchell review them, some of the files on this.

President: But not —

Dean: But they don't go very far; this is DeLoach protecting his own hide.

President: It is just as well because we can't do anything with it. So Hoover

told Coyne, who told Rockefeller, that newsmen were being bugged.

Dean: That tickles you. That is right.

President: Why do you suppose they did that?

Dean: I haven't the foggiest idea. It is a Sullivan story as to where the leak might have come from about the current Time Magazine story, which we are stonewalling totally here.

President: Oh, absolutely.

(Material not related to Presidential action deleted)

President: Well, I think the threat of the '68 story when Scott and others were arguing that the Committee up on the Hill broadened its mandate to include other elections. They were hinting around at something in 1968 and 1964 that should be looked at.

President: Yeah, (Sen. Barry) Goldwater claims he was bugged.

Dean: That's right. Now I think that threats—

President: Didn't you say that Johnson did bug Goldwater?

Dean: Well, I don't know if he bugged him.

President: He did intelligence work?

Dean: He did intelligence up one side and down the other—

President: From the FBI?

Dean: Just up one side and down the other on Goldwater. I haven't had a chance to talk to the senator, and I have known the senator for twenty years. He is the first man in public life I ever met, Barry Jr. and I were roommates in school together, so I can talk to the man. So I am really going to sit down with him one day and see what really happened.

President: Does he have any hard evidence?

Dean: Then we can go from there and . . .

President: Right.

Dean: Get some stuff written, etc. I do think you have to remember, as I am sure you realize, this is mainly a public relations thing anyway.

President: What is the situation anyway with regard to the situation of the sentencing of the seven? When in the hell is that going to occur?

Dean: That is likely to occur, I would say, as early as late this week, but more likely sometime next week.

President: Why has it been delayed so long?

Dean: Well, they have been in the process of preparing a pre-sentence report. The Judge sends out probation officers to find out everybody who knew these people, and then he will . . .

President: He is trying to work on them to see who will break them down?

Dean: Well, there is some of that. They are using the probation officer for more than the normal probation report. They are trying to do a mini-investigation by the judge himself which is his only investigative tool here so they are virtually completed now. The U.S. Attorneys handles these, the Assistant U.S. Attorneys.

President: You know when they talk

about a 35 year sentence, here is something to think about. There were no weapons! Right? There were no injuries! Right? There was no success! Why does that sort of thing happen? It is just ridiculous! (Characterization deleted.) Are they in jail?

Dean: Well, all but one. Hunt made the bond—everybody else is in jail. They have a \$100,000 surety bond which means that they have to put actual collateral, and none of these people have a \$100,000. The Court of Appeals has been sitting for two weeks or better now on a review of the bond issue and letting people out for charity cases.

(Material unrelated to Presidential action deleted)

President: You still think Sullivan is basically reliable?

Dean: I have nothing to judge that on except that I have watched him for a number of years. I watched him when he was working with (former White aide) Tom Huston on domestic intelligence, and his desire to do the right thing. I tried to stay in touch with Bill, and find out what his moods are. Bill was forced on the outside for a long time. He didn't become bitter. He sat back and waited until he could come back in. He didn't try to force or blackmail his way around with knowledge he had. So I have no signs of anything but a reliable man who thinks a great deal of this Administration and of you.

(Material unrelated to Presidential action deleted.)

Dean: I have got to say one thing. There has never been a leak out of my office. There never will be a leak out of my office. I wouldn't begin to know how to leak and I don't want to learn how you leak.

President: Well, it was a shocking thing. I was reading a book last night. A fascinating book, although fun book, by Malcolm Smith Jr. on Kennedy's Thirteen Mistakes, the great mistakes. And one of them was on the Bay of Pigs. And what had happened, there was Chester Bowles had learned about it, and he deliberately leaked it. Deliberately, because he wanted the operation to fail! And he admitted it! Admitted it!

Dean: Interesting. Interesting.

President: This happens all the time.

Well, you can follow these characters to their Gethsemane. I feel for those poor guys in jail, particularly for Hunt with his wife dead.

Dean: Well there is every indication they are hanging in tough right now.

President: What the hell do they expect though? Do they expect clemency in a reasonable time? What would you advise on that?

Dean: I think it is one of those things we will have to watch very closely. For example,—

President: You couldn't do it, say, in

six months.

Dean: No, you couldn't. This thing may become so political as a result of these hearings that it is a vendetta. This judge may go off the deep end in sentencing, and make it so absurd that its clearly injustice that they have been heavily—

President: Is there any kind of appeal left?

Dean: Right (Watergate Conspirators Gordon) Liddy and (James) McCord, who sat through the trial, will both be on appeal and there is no telling how long that will last. It is one of these things we will just have to watch.

President: My view though is to say nothing about them on the ground that the matter is still in the courts and on appeal. Second, my view is to say nothing about the hearings at this point, except that I trust they will be conducted the proper way and I will not comment on the hearings while they are in process. Of course if they break through—if they get muckraking—it is best not to cultivate that thing here at the White House. If it is done at the White House again they are going to drop the (adjective deleted) thing. Now there, of course, you say but you leave it all to them. We'll see as time goes on. Maybe we will have to change our policy. But the President should not become involved in any part of this case. Do you agree with that?

Dean: I agree totally, sir! Absolutely. That doesn't mean that quietly we are not going to be working around the office. You can rest assured that we are not going to be sitting quietly.

President: I don't know what we can do. The people who are most disturbed about this (unintelligible) are the (adjective deleted) Republicans. A lot of these Congressmen, financial contributors, et cetera, are highly

moral. The Democrats are just sort of saying. "(expletive deleted) fun and games!"

Dean: Well, hopefully we can give them political saboteur Donald Segretti.

President: (Expletive deleted) He was such a dumb figure, I don't see how our boys could have gone for him. But, nevertheless, what the hell did. It was really juvenile! But, nevertheless, what the hell did he do? What in the (characterization deleted) did he do? Shouldn't we be trying to get intelligence? Weren't they trying to get intelligence from us?

President: Don't you try to disrupt their meetings? Didn't they try to disrupt ours? (expletive deleted) They threw rocks, ran demonstrations, shouted, cut the sound system, and let the tear gas in at night. What the hell is that all about? Did we do that?

Dean: McGovern had Dick Tuck on his payroll, and Dick Tuck was down in Texas when you were down at the Connally ranch and set up to do a

prank down there. But it never came off.

President: What did Segretti do that came off?

Dean: He did some humorous things. For example, there would be a fund-raising dinner, and he hired Wayne the Wizard to fly in from the Virgin Islands to perform a magic show. He sent invitations to all the black diplomats and sent limousines out to have them picked up, and they all showed up and they hadn't been invited. He had 400 pizzas sent to another—

President: Sure! What the hell! Pranks! Tuck did all those things in 1960, and all the rest.

Dean: I think we can keep the Segretti stuff in perspective because it is not that bad. Chapin's involvement is not that deep. He was the catalyst, and that is about the extent of it.

President: Sure, he knew him and recommended him.

Dean: That's right.

President: But he didn't run him. He was too busy with us.

Dean: The one I think they are going to go after with a vengeance—and I plan to spend a great deal of time with next week, as a matter of fact a couple of days getting this all in order—is Herb Kalmbach.

President: Yes.

Dean: Herb—they have subpoenaed

his records, and he has records that run all over hell's acres on things. You know Herb has been a man who has been moving things around for Maury and keeping things in tow and taking care of—

President: What is holding up his records?

Dean: They already have gotten to the banks that had them, and what I think we will do is that there will be a logical, natural explanation for every single transaction. It is just a lot of minutia we've got to go through but he is coming in next week and I told him we would sit down and he is preparing everything—all that is available, and we are going to sit down with Frank DeMarco and see if we can't get this whole thing—

President: They can't get his records with regard to his private transactions?

Dean: No, none of the private transactions. Absolutely, that is privileged material. Anything to do with San Clemente and the like—that is just so far out of bounds that—

President: Did they ask for them?

Dean: No. No indication.

President: Kalmbach is a decent fellow. He will make a good witness.

Dean: I think he will.

President: He is smart.

Dean: He has been tough thus far. He can take it. His skin is thick now. Sure it bothered him when all this press was being played up. LA Times were running stories on him all the time and the like. Local stations have been making him more of a personality and his partners have been nipping at

him, but Herb is tough now. He is ready and he is going to go through. He is hunkered down and he is ready to handle it, so I am not worried about Herb at all.

President: Oh well, it will be hard for him. I suppose the big thing is the financing transaction that they will go after him for. How does the money get to the Bank of Mexico, etc.

Dean: Oh, well, all that can be explained.

President: It can?

Dean: Yes, indeed! Yes, sir. They are going to be disappointed with a lot of the answers they get. When they actually get the facts—because the Times and the Post had such innuendo—when they get the facts, they are going to be disappointed.

President: The one point that you

ought to get to Baker. I tried to get it through his thick skull. His skull is not thick but tell Kleindienst in talking to Baker—and Herb should emphasize that the way to have a successful hearing and a fair one is to run it like a court: no hearsay, no innuendo! Now you know—

Dean: That's a hell of a good point.

President: (expletive deleted). Well, they are not going to but tell them that is the way Nixon ran the Hiss Case. As a matter of fact some innuendo came out, but there was (adjective deleted) little hearsay. We really just got the facts, and tore them to pieces. Say "no hearsay" and "no innuendo." Ervin should sit like a court there: that is hearsay, and the counsel for our people should get up and say, "I object to that, Mr. Chairman," on the basis that it is hearsay.

Dean: That is a heck of an idea, Mr.

President. Some of these early articles said—will Sam Ervin, Constitutional man, be a judge? Will he admit hearsay? We can try to get some think pieces out to try to get a little pressure on him to perform that way, to make it look like partisan when he doesn't.

President: The point that Kleindienst gets out: no hearsay, no innuendo! There will be no hearsay, no innuendo. This will be a model of a Congressional hearing. That will disappoint the (adjective deleted) press. No hearsay! No innuendo! No leaks!

Dean: Well, there are a lot of precedents. I have been involved in two Congressional investigations. One was the Adam Clayton Powell investigation when I was working over there as the Minority Counsel of the House Judiciary. We didn't take hearsay. We stuck to the facts on that. We did an investigation of the Oklahoma judges. Again, the same sort of thing. We went into executive session when necessary. I bet if we look around, respectable investigations that have been held up there that could be held up, and some of it should be coming forth to set the stage for these hearings. I am planning a number of brain sessions with some

of the media people to—

President: I know. It is very important, but it seems like a terrible waste of your time. But it is important in the sense that all this business is a battle and they are going to wage the battle. A lot of them have enormous frustrations about those elections, state of their party, etc. And their party has its problems. We think we have had problems, look at some of theirs. Strauss has had people and all the actors, and they haven't done that well you know.

Dean: Well I was—we have come a long road on this thing now. I had thought it was an impossible task to

President: Well, Hoover performed. He would have fought. That was the point. He would have defied a few people. He would have scared them to death. He has a file on everybody.

hold together until after the election until things started falling out, but we have made it this far and I am convinced we are going to make it the whole road and put this thing in the funny pages of the history books rather than anything serious because actually—

President: It will be somewhat serious but the main thing, of course, is also the isolation of the President.

Dean: Absolutely! Totally true!

President: Because that, fortunately, is totally true.

Dean: I know that sir!

President: (expletive deleted) Of course, I am not dumb and I will never forget when I heard about this (adjective deleted) forced entry and bugging. I thought, what in the hell is this? What is the matter with these people? Are they crazy? I thought they were nuts! A prank! But it wasn't! It wasn't very funny. I think that our Democratic friends know that, too. They know what the hell it was. They don't think we'd be involved in such.

Dean: I think they do too.

President: Maybe they don't. They don't think I would be involved in such stuff. They think I have people capable of it. And they are correct, in that Colson would do anything. Well, ok.—Have a little fun. And now I will not talk to you again until you have something to report to me.

Dean: Alright, sir.

President: But I think it is very important that you have these talks with our good friend Kleindienst.

Dean: That will be done.

President: Tell him we have to get these things worked out. We have to work together on this thing. I would build him up. He is the man who can make the difference. Also point out to

him what we have. (expletive deleted) Colson's got (characterization deleted), but I really, really,—this stuff here—let's forget this. But let's remember this was not done by the White House. This was done by the Committee to Re-Elect, and Mitchell was the Chairman, correct?

Dean: That's correct!

President: And Kleindienst owes Mitchell everything. Mitchell wanted him for Attorney General. Wanted him for Deputy, and here he is. Now, (expletive deleted). Baker's got to realize this, and that if he allows this thing to get out of hand he is going to potentially ruin John Mitchell. He won't. Mitchell won't allow himself to be ruined. He will put on his big stone face. But I hope he does and he will. There is no question what they are after. What the Committee is after is somebody at the White House. They would like to get Haldeman or Colson, Ehrlichman.

Dean: Or possible Dean. —You know, I am a small fish.

President: Anybody at the White House they would—but in your case I think they realize you are the lawyer and they know you didn't have a (adjective deleted) thing to do with the campaign.

Dean: That's right.

President: That's what I think. Well, we'll see you.

Dean: Alright, sir.—Good bye.