

Kleindienst: 'My Reaction Was

Following are excerpts of the testimony of former Attorney General Richard G. Kleindienst yesterday before the Senate Watergate Committee. Kleindienst is questioned by David Dorsen, assistant chief counsel of the committee:

Dorsen: Mr. Kleindienst, when for the first time did you learn that there was electronic surveillance of the Democratic National Committee Headquarters at the Watergate?

Kleindienst: I learned it for the first time after June 17 when the individuals who were arrested at the headquarters were arrested. I don't know whether I learned of the electronic surveillance on Saturday, June 17, or sometime in the early part of the next week.

Dorsen: But on June 17 you were notified of the fact that there had been a break-in?

Kleindienst: At approximately 8 o'clock in the morning, as Assistant Attorney General Henry Petersen of the Criminal Division of the Department of Justice called me at my home and indicated to me that there had been a break-in at the Democratic National Headquarters at the Watergate Hotel. All the information that he had at that time was that there was a break-in and I believe he said to me it looks like it might have been a bombing case.

The next knowledge of any kind that I had with respect to it came, oh, approximately 3½ hours after that when I met with Mr. Gordon Liddy (later convicted in the Watergate break-in) and Mr. Powell Moore in a section of lockers at the Burning Tree club, which is a golf club in Washington, D. C.

Dorsen: . . . Who is Mr. Powell Moore?

Kleindienst: Mr. Powell Moore was the Deputy Public Information Officer of the Department of Justice when I was there as the Deputy Attorney General. When Mr. (John) Mitchell resigned as Attorney General and went over to the campaign Committee for the Re-Election of the President.

Mr. Powell Moore went with him to the campaign committee. I do not know what his title was at the campaign committee but I knew Powell Moore quite well as a result of our association together at the Department of Justice.

Dorsen: I believe you indicated you recognized Gordon Liddy. What were the circumstances under which you first met or got to know Mr. Liddy?

Kleindienst: The only association I ever had with Mr. Liddy, except for this particular meeting on Saturday, June 17, was in the year 1969 when I headed, on behalf of the Executive Branch, a task force that was looking into and devising a program of action with respect to the marijuana traffic from the country of Mexico into the United States. I believe that Mr. Liddy at that time was an officer or employed by the Treasury Department and he was one of the representatives from Treasury Department in that task force. There were representatives from six or seven departments of the government. That would have been in the late spring of 1969 and the summer of 1969. To the best of my recollection I never saw Gordon Liddy after that time in the intervening years until that Saturday morning on June 17 and I have not seen him since . . .

Dorsen: Directing your attention to the locker room of the Burning Tree Country Club, what happened when you saw Mr. Moore and Mr. Liddy there?

Kleindienst: The first thing that I remember with some preciseness is the fact that Mr. Liddy, when he came into the entranceway of the dining area and saw me in a rather furtive manner made a motion to me like this, indicating come here. I got up out of my chair and went over there. He was very agitated and seemed to be quite upset. He said that I have to talk to you in private. Where I was standing was not a very private place, there must have been 60 or 70 men who were eating or standing around. Right to the left of where he was there, was a little locker room complex at the club. I looked in there and no one was in there so I said, "gentlemen, come in here, I think this would be a private place to talk." We went in there.

Mr. Liddy said that I have been asked to come out and give you a report with respect to the Watergate break-in last night or the break-in at the Democratic National Committee, I do not know which he said. He said to me that he believed that some of the persons who were arrested might be employed by either the White House or the Campaign Committee for the Re-Election of the President. My reaction to that statement was

instantaneous and rather abrupt.

I think he also said, although I do not have too precise a recollection of it, that Mr. Mitchell had asked him to come out and talk to me. That was incredible to me. The relationship I had with Mr. Mitchell was such that I do not believe that he would have sent a person like Gordon Liddy to come out and talk to me about anything, he knew where he could find me 24 hours a day.

In any event, as a result of my surprise, my incredulity and I think my instant realization of the implications of what he had just said, prompted me to pick up the telephone and locate Mr. Henry Petersen . . . Since Mr. Petersen had called me at 8 o'clock I did not have to explain much to Henry. I told him, and I have always been under the impression I said to Mr. Petersen that Mr. Gordon Liddy of the campaign committee is here. Mr. Petersen, based upon a conversation I have had with him, does not remember my mentioning Mr. Liddy's name, but in any event, I was intent upon giving him a very specific direct instruction right then that with respect to those who were arrested at the Watergate they should be given no treatment different than anybody who might have been arrested in circumstances of that kind. I was quite upset.

To the best of my recollection, the next thing I did was to turn to Mr. Liddy and tell him to leave the premises because I know immediately thereafter Mr. Moore and Mr. Liddy left.

Dorsen: Mr. Kleindienst, aside from the conversation you had with Mr. Petersen which you have just described, to whom else did you recount the incident at Burning Tree?

Kleindienst: I might have told (presidential counsel) Mr. (John) Dean, I do not recollect doing so. I have no recollection of recounting this incident to anyone else until I was interrogated by personnel from the Select Committee and also person-

nel from the special prosecutor (Archibald) Cox staff.

Dorsen: Mr. Kleindienst, did you participate in a conversation with Mr. Henry Petersen and Mr. Dean concerning the possibility of going to the President because the circumstances and events indicated that there was more to the Watergate break-in that appeared?

Instantaneous . . . and Abrupt?

Kleindienst: Well, the characterization that you put at the end I don't think was relevant to our meeting. But I believe it was either Monday or certainly no later than Tuesday that Mr. Dean, Mr. Petersen and I had a conference that took place in my office. The purpose of Mr. Petersen and Mr. — and myself — being with Mr. Dean was to indicate to Mr. Dean the apprehension and the grave seriousness with which we received the news of this fantastic event that had occurred at the Watergate Hotel, to inform him as counsel to the President that the Department of Justice and the FBI would be compelled and would immediately launch a full-scale intensive, thorough investigation into all the facts surrounding it, that this was a felony, that in addition to being a felony, if you can think of anything worse, it also went to the very heart of our political system, and that it was an act of such a heinous nature that we were going to call forth and bring about an investigation immediately.

I think Mr. Petersen interrupted or said that either myself or Mr. Dean should contact the President personally to indicate to him the gravity of the situation, the consequences of it, and I believe Mr. Petersen said in that remark that either Mr. Dean or I should urge the President to make a statement immediately setting forth his attitude in respect to this fantastic event. I believe that Mr. Dean volunteered at that point to the effect that, well, I am going out to San Clemente and I will convey your suggestion, Mr. Petersen, because I will be seeing the President myself. I believe I concurred in that . . .

Dorsen: There has been testimony, Mr. Kleindienst, that shortly after this meeting there allegedly was an effort to implicate or involve the CIA as part of the Watergate coverup and that was done by Mr. Dean (presidential aides) Mr. (John D.) Ehrlichman, and Mr. (H. R.) Haldeman. In late June or early July, 1972, were you aware of these events?

Kleindienst: I was not aware of the meetings that have been testified to here by (former Acting FBI Director) Mr. (L. Patrick) Gray, Ambassador (Richard) Helms, (former CIA director), or Gen. (Vernon) Walters (deputy CIA director). I had no knowledge of such meetings until

I heard their testimony in this matter.

I have a vague recollection of Mr. Gray mentioning to me sometime during that period of time that assertions were being made that there is a possible CIA involvement in the whole Watergate situation and the fact that I believe he expressed to me that if there is actual CIA involvement in this matter, it would certainly complicate the investigation of the FBI.

So that statement must have been made by him prior to the time that he had ascertained that there was no CIA involvement. Having so ascertained it, to my recollection he never mentioned that situation to me again.

To my recollection I never had a conversation with Mr. Dean, Mr. Ehrlichman, or anybody at the White House with respect to the so-called CIA matter.

Dorsen: Did Mr. Gray mention to you his telephone conversation with the President on July 6, 1972?

Kleindienst: Not to my recollection.

Dorsen: Mr. Kleindienst, during the summer of 1972, were you aware that Patrick Gray was making available to John Dean FBI teletypes and 302s (FBI investigation reports)?

Kleindienst: No, sir. The first time I became aware of that was in the confirmation hearing of Mr. Gray to be the permanent Director of the FBI.

Dorsen: Had Mr. Dean spoken to you about the possibility of the FBI supplying to the White House such documents?

Kleindienst: Mr. Dean raised a question with both myself and Mr. Petersen. Both of us were very quick to tell him that we did not—that we would not—give him raw investigative data from FBI files.

I told him based upon his representation to us and my belief throughout this matter that he was counsel to the President; he represented him continually. He was dealing strictly with the President, that the President had delegated him to more or less be responsible for an overview of the inves-

tigation insofar as it might relate to White House personnel. I told Mr. Dean that since I had been in the Department of Justice — I hadn't been Attorney General but a week when this fantastic situation occurred—that it had always been my policy and one that was shared by Attorney General Mitchell, that only under the most restricted circumstances should raw FBI investigative data be given to anybody.

I believe I did indicate that we wouldn't mind summarizing pertinent information that was relevant to his inquiry orally for him so that he could make a report



By Frank Johnston—The Washington Post

A relaxed Sen. Howard H. Baker Jr. (R-Tenn.), makes a phone call after the Watergate Committee recessed.

to the President. I believe I also indicated that if there was a particular file that the President of the United States personally wanted to see, that I would be willing to take that file personally up to the President, sit down with the President and let him look at it and then bring it back.

Dorsen: Mr. Kleindienst, during the summer of 1972, were you aware or made aware of a Saturday night phone call from Mr. John Ehrlichman to Henry Petersen?

Kleindienst: In the summer of 1972?

Dorsen: Summer or fall.

Kleindienst: I do not know if it was an evening call. I became aware of a call that Mr. Ehrlichman made to Mr. Petersen I believe in the middle of the day, sometime between July 7 or 8 and Aug. 8 or 9, at a time when I was at the Pocono Lake Preserve in Pennsylvania with my family on a vacation. I became aware of such a call at that time.

Dorsen: How did you become aware of it?

Kleindienst: I became aware of the call because Mr. Ehrlichman called me. He started the conversation out, I think, by saying either "Dick" or "General", depending on the nature of the conversation how he would address me.

He said, "I have just talked to Henry Petersen and I am very upset about my conversation with him because I gave him an instruction, which he refused to follow, and I think my first reaction, which was again rather abrupt and instantaneous, was "What were you doing talking to Henry Petersen in the first place and giving him instructions of any kind," and he said, "Never mind that, I asked him to have the FBI and United States Attorney's Office not harass former Commerce Secretary Maurice Stans with respect to interrogations, not to harass the Secretary."

And I said, "John, you have got to be out of your mind. What did Mr. Petersen say to you?" Well, I think he said in a polite way he told me to go to you know where, and I said,

well, Mr. Ehrlichman, I think by that time I may have been calling him Mr. Ehrlichman, I said you are awfully lucky Henry Petersen is the kind of man that he is that he does not blow off the handle. I said if he resigned today and has a press conference and repeated your conversation with him you could probably be involved in an obstruction of justice complaint, and I said Henry did exactly what I would expect him to do.

Then I remember saying to Mr. Ehrlichman I never want you again to call up anybody in my department and give them a specific instruction. I said if you have something to convey to Mr. Petersen or anybody over there you can call me.

He said well, I cannot reach you all the time, and I said well, John, we have transacted most of our business on the telephone, I had a telephone installed up here to be available to you and the President or anybody else 24 hours a day.

He said I will not agree to that, and I said all right, John, if you will not agree to that I will come down Monday, I would like to meet with you and the President, and if the President tells me that you have the authority and the power to

give specific instructions to people in the Department of Justice then I will submit my resignation.

At that point Mr. Ehrlichman then treated the matter lightly, do not get excited, I was only kidding, do not worry about it, it will never happen again, and I can say to you that it never did happen again.

Dorsen: Mr. Kleindienst, am I correct that Mr. Stans did not actually appear before the grand jury?

Kleindienst: That is my understanding.

Dorsen: And how did that come about, in view of your conversation with Mr. Ehrlichman?

Kleindienst: That came about as a result of conferences that I had with Mr. Petersen.

Mr. Petersen said that if you are dealing with persons of high position, persons of great notoriety or prestige, it is not uncommon, depending upon the circumstances, instead of having them appear before the grand jury directly, to have them interrogated by an assistant United States Attorney or the United States Attorney with a court reporter and give them questions and gets answers from them, otherwise, the same ground rules would apply, they would not have a lawyer with them, their attorney could be in the next room, if they wanted to consult with their attorney they could step out and do that.

He said that particularly he saw no objection to it in view of the fact as of that time there was no evidence of any kind in our possession that would indicate culpability or criminal conduct on behalf of Mr. Stans.

I have very little experience with the grand jury procedure. I authorized that procedure with respect to Mr. Stans and I will take personal responsibility for it.

Dorsen: Now, before I ask you your relationship with John Ehrlichman in reference to the Justice Department during this period, I would like to read a few sentences from John Dean's testimony before this Committee from page 2308.

"Throughout the Watergate investigation Haldeman and particularly Ehrlichman, had complained about Mr. Kleindienst's passive role in the investigation and prosecution. Haldeman and Ehrlichman were both aware of the strained relationship between Kleindienst and the White House. I knew that Ehrlichman was riding hard on the Justice Department in an effort to undermine Mr. Kleindienst. I also knew from conferences with Kleindienst he had little affection for Mr. Ehrlichman."

Is this a fair statement of your relationship with Mr. Ehrlichman?

Kleindienst: I think the last statement Mr. Dean made at that time would have been subjective in nature. I do not think I had a feeling one way or the other in that way about Mr. Ehrlichman. I had had, generally speaking, a satisfactory working relationship with Mr. Ehrlichman. He had a very difficult assignment and role to fulfill on behalf of the President of the United States. I often wondered how John Ehrlichman could really take on to himself the multitudinous chores and responsibilities that he did. I made it a point to the extent possible to work with and get along with everybody at the

White House and indeed, in the government, as a means by which I would discharge my responsibility in the government.

I did not know, nobody told me that I was not getting along with the White House. I have a personality and personality characteristics which people tell me can sometimes be irritating and I am sorry about that and I suppose I could have irritated people up there from time to time. So far as a passive role at the Department of Justice, the decision that I made on June 17 when I became aware of this in terms of my role as the Attorney General was essentially this: That I should not do anything more or less in

this as a major investigation than I would in any other case. In every other case that I ever was involved in at the Department of Justice of a criminal nature, I looked to Mr. Henry Petersen to be primarily responsible for the direction of the investigation.

And let me say this about Mr. Petersen. I believe that Henry Petersen is the finest career lawyer that this country has ever had. In 4½ years of association with him I found him to be intelligent, fair, courageous, honest, dedicated to the administration of our criminal justice laws and I suppose that of all of the people that I was associated there with who would be under me in the Department I respected him more, looked to him more for advice and counsel, relied upon him more, and thanked the Lord constantly there was a man like Henry Petersen. My admiration for him was such I believe Henry Petersen is the first career lawyer in the Department of Justice who was ever appointed by the President to be an Assistant Attorney General and I thought it was a great compliment to his career of service.

Consequently, on any other, as I did on any other criminal matter, I looked to Henry Petersen, I probably saw him several times a day. I did not absolve myself of the ultimate responsibility as the Attorney General in the matter but I relied upon Henry and I got information from Henry Petersen.

With the exception of one event, I never talked to Mr. (Earl) Silbert or Mr. (Seymour) Glazer or Mr. (Donald) Campbell or the United States Attorney, I never gave them any direction. If there was a policy matter Mr. Petersen would submit to me which was proper for me to discharge as the Attorney General, I made those decisions. If they were right, I will take the credit for it and if they were wrong I will take the responsibility for it. That could have been to people at the White House a passive role in the Watergate case. It is the role that I tried to

persue while I was there until Sunday, April 15, 1973.

Dorsen: Mr. Kleindienst, I would like to turn to a meeting that took place among you, Mr. Dean and Mr. Ehrlichman on July 31, 1972 . . . I will read from page 5285 of Mr. Ehrlichman's testimony before this Committee:

"There came a time when there was a feeling that, at least on my part, based upon what Mr. Dean was telling me about the unfolding of this thing, that Mr. (Jeb Stuart) Magruder may have had some involvement and that culminated in a meeting with the Attorney General at the end of July, on the 21st of July, where

Magruder was specifically discussed, but just where in there I acquired information I can't tell you."

Kleindienst: I have no recollection of any such meeting. The only recollection I have of anybody ever saying anything to me about Mr. Magruder (deputy Nixon campaign manager) was Mr. Petersen's characterization to me after he appeared before the Grand Jury as a witness, that he said, Mr. Magruder just barely, you know, got by. As a result of our conversation, I gathered he meant by that that he didn't sound like a credible witness.

However, there was no other evidence available to the U.S. Attorney to contradict what he said and that is

the only characterization of Mr. Magruder that I heard.

Incidentally, Mr. Dorsen, let me make another gratuitous statement, if I may, and that is about these three young lawyers in the United States Attorney's Office who conducted this investigation. To me those three, along with Mr. Petersen, are the unsung heroes of the Watergate case. I think a lot of people should be given a lot of credit: the Senate, the press, Judge (John H.) Sirica, but there haven't been very many people around talking about these career people in my department.

These three young men were career lawyers. I believe that they are all Democrats. They were there before we came in. They were given this assignment by the United States Attorney and they were never interfered with. Under very difficult circumstances, the obvious political notoriety of it, the problems with respect to the press, the interest of the nation with respect to this terrible, reprehensible event that had occurred, imposed upon these young men a burden that few prosecutors I think have ever had. I had complete faith in them throughout this thing. I do today. And I hope some day that they will get the recognition that they really deserve for conducting a thorough, comprehensive investigation.

And let me conclude my gratuity by this remark, that this case, it seems to me, was ultimately broken not by Magruder and Mr. Dean going to the Senate or the press or the judge, but by going to the United States Attorney's office in the District of Columbia, to Mr. Silbert, Mr. Glanzer and Mr. Campbell, and giving them the information that really had unfolded this and brought us to the point where we are today.

Excuse the interruption but I wanted to make that testimony for some very fine men that I admire very much.

Dorsen: All right, Mr. Kleindienst. I would like to move ahead to Feb. 22, 1973, and to your meeting with the President on that day and ask you if you can summarize for the Committee what occurred . . .

Kleindienst: Without something else to prod my memory, Mr. Dorsen, I haven't the slightest idea . . .

Dorsen: I believe we raised it with you at one of the preparatory sessions and Mr. Dean testified about it as the meeting in which you were trying to be brought back into the family, where the agenda was prepared and I think efforts were made to have you stay on as Attorney General past the deadline which you had set for yourself.

Kleindienst: Well, I didn't know that I wasn't a member of the family. The President of the United States, incidentally, never gave that indication to me. I never had anything but the finest relationship with im . . .

If that was the meeting, however, at which the President discussed with me my tenure in the Department of Justice, and I don't know if it was that date or not, I did have such a meeting because I recall the President asking me to come up to see him on rather short notice.

By way of preface, before the election I communicated to the President through Mr. Mitchell the fact that I would like to stay as the Attorney General until September, 1973, which would be co-terminus with the ex-

piration of my term as President of the Federal Bar Association.

My reason for doing so was one strictly of financial reasons. I will have three children in college this year. My service in the government had depleted a rather modest estate. And I just could not afford to longer stay in the Government of the United States.

After the election, when I had meetings at Camp David, I went to Europe for 10 days and had meetings with respect to drug enforcement matters in London, Paris, Madrid and Bonn. I was informed by Mr. Haldeman and Mrs. Ehrlichman that my request had been acquiesced in and then I had a subsequent meeting with the President in which he likewise said that that would be fine.

At a meeting after the inauguration and before April 15, whether it was Feb. 22 or not, Mr. Dirksen, the President called me in and he said, "Dick, I don't want you to think about leaving as the Attorney General in September." He said, "I understand your personal circumstances. It is going to be a hardship for you, but I have to have you stay until this Watergate situation is over." He said, "I just can't have a new Attorney General, confirmation and all the problems, and somebody coming in brand new right now."

As I always have tried to do, I tried to respect the wishes of the President of the United States. I said, "I hope it is not going to be long after September. I won't be thinking of that date now. I want to get out of here as soon as I can, but I will agree with you that I will not submit my resignation in September . . ."

Dorsen: May we have shown to the witness what purports to be a transcript of a conversation on March 28, 1973, between Mr. Kleindienst and Mr. Ehrlichman?

Kleindienst: Is that the one that Mr. Ehrlichman taped?

Dorsen: That is correct.

Kleindienst: Then I—I have had my memory vividly refreshed with respect to that conversation.

Dorsen: Mr. Kleindienst, did Mr. Ehrlichman before that conversation started tell you he was taping it?

Kleindienst: No, sir. And if he had, some of the words, that I used and that a person this exhibit would not have been said by me, Mr. Dorsen.

Dorsen: Well, in the interests of moving along I will not attempt to question you about the contents of that conversation but merely about Mr. Ehrlichman's not advising you.

Do you know whether Mr. Ehrlichman made a practice of recording these phone calls?

Kleindienst: I don't know. I learned of this as a result of these hearings. I don't think I have language, appropriate language in a public hearing of this kind, to describe the reaction that I had when I learned of this. I think it is reprehensible. I think it is incredible. The concept of somebody at the White House taping a telephone conversation with the Attorney General of the United States when he is talking to them about business that relates to the President of the United States is just beyond my comprehension. And like I say, I don't want to be subjective but I don't think I have at my command language that adequately expresses my feelings about this incident.