

2 Transcripts of Nixon's

Sept. 15, 1972, Talk Vary

Following are two transcripts of a Sept. 15, 1972, Oval Office conversation between President Nixon, his chief of staff, H. R. (Bob) Haldeman, and his counsel, John W. Dean III. The White House transcript, released April 30, was edited by White House officials to remove obscenities, irrelevancies, personal characterizations and matters of national security. The House Judiciary Committee's transcript was compiled by the Committee's staff from a tape recording turned over to the committee by the special Watergate prosecutor's office.

The two texts run side by side, and a blank space has been left when material in one text was excised from the other.

Committee Text

(Unintelligible words)

Haldeman: John, he is one of the quiet guys that gets a lot done. That was a good move, too, bring Dean in. But its —

President: Yeah.

Haldeman: It—. He'll never, he'll never gain any ground for us. He's just not that kind of guy. But, he's the kind that enables other people to gain ground while he's making sure that you don't fall through the holes.

President: Oh. You mean —

Haldeman: Between times, he's doing, he's moving ruthlessly on the investigation of McGovern people, Kennedy stuff, and all that too. I just don't know how much progress he's making, 'cause I —

President: The problem is that's kind of hard to find.

Haldeman: Chuck, Chuck has gone through, you know, has worked on the list, and Dean's working the, the thing through IRS and, uh, in some cases, I think, some other (unintelligible) things. He's — He turned out to be tougher than I thought he would, which is what

President: Yeah.

Haldeman: is —

President: You put anybody else you want to run in in the morning, you can. (Unintelligible) I'm going to stick around here for awhile. I don't think I can do this finance group in the morning. I think it's too quick after the Watergate. Let's do it next Monday or Tuesday. That ought to be about it.

Haldeman: Let me check and see.

President: You know who he's, uh, (unintelligible)

Haldeman: There isn't I don't think, anything pending, but I'll check.

President: You know, we ought to get something together. Shriver's put out his financial statement now, too. While you're at it, I'd deliberately raise mine other than in (unintelligible)

Haldeman: Oh yeah, we're pushing that hard. The Vice President was delighted with that.

President: Did he get the point?

Haldeman: Yeah absolutely.

President: (Unintelligible) Now we want — in that regard, I don't think

White House Text

he (unintelligible) wife, did he?

Haldeman: I don't know, but I would guess his wife probably doesn't have any and so it won't make any difference.

President: Make any dif — she must.

Haldeman: She must.

President: Make him report it.

Haldeman: But this Shriver one, we —

President: The Shriver one, the — Yeah. She'll have to report (unintelligible) to the organization (unintelligible) trust.

Haldeman: Yeah, it's all in trust. She only has about twenty thousand dollars. Kennedy put his stocks up, tried for the trust to put, you know, what it was worth.

(Dean enters room)

President: Hi, how are you?

Dean: Yes, sir.

President: Well, you had quite a day today, didn't you. You get, uh, Watergate, uh, on the way, huh?

Dean: Quite a three months.

Haldeman: How did it all end up?

Dean: Uh, I think we can say "Well," at this point. The, uh, the press is playing it just as we expect.

Haldeman: Whitewash

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

President: It's a big story.

Dean: Yeah. (unintelligible)

Haldeman: Five indicted plus they're building up the fact that one of—

Dean: Two White House aides.

Haldeman: Plus, plus the White House former guy and all that. That's good. That, that takes the edge off whitewash really—which—that was the thing Mitchell kept saying that,

President: Yeah.

Haldeman: that those in the country, Liddy, and, and, uh, Hunt are big men.

Dean: That's right.

President: Yeah. They're White House aides.

Dean: Uh huh.

Haldeman: And maybe that, yeah, maybe that's good.

President: How did MacGreger handle himself?

Dean: I think very well. He had a good statement. Uh, he said that the, uh, the Grand Jury indictment speaks for itself and that, uh, it's now time to realize that some apologies may be due.

Haldeman: Fat chance! (Laughs) (unintelligible) We couldn't do that.

President: Well, just remember all the trouble they made us on this. We'll have a chance to get back at them one day. How are you doing on your other investigations? Your—How does this (unintelligible).

Dean: I'm just about the end of the, uh—

Haldeman: What's happened on the bug?

President: Hard, hard to find— on the what?

Haldeman: The bug.

Dean: The second bug. There was another bug found in the phone of, uh, the first—

President: You don't think it was one left over from the previous job?

Dean: We're — Absolutely not. The, the Bureau has, uh, checked and re-checked. The man who checked the phone first said that his first check was thorough and it was not there in the instrument (clears throat) and that indeed it had to be planted after—

President: What the hell do you think is involved? What's your guess?

Dean: I think the DNC planted it, quite clearly.

President: You think they did it?

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 Committee).

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 there.

President: What the hell do you think is involved?

Dean: I think DNC was planted.

President: You think they did it?

Committee Text

Dean: Uh huh.

Haldeman: (Unintelligible)

President: Well, what in the name of Christ do they think anybody (unintelligible). Do they (unintelligible) really want to believe that we planted that?

Haldeman: Did they get anything on the finger prints?

Dean: No they — (unintelligible)

Haldeman: There weren't any?

Dean: —neither on the telephone or on the, uh, on the bug. The uh, well, the FBI has unleashed a full blast investigation over at the DNC starting with O'Brien right now.

Haldeman: (Laughter) Using the same crews now that they have nothing to do in Washington.

Dean: (Unintelligible) the same Washington Field Office.

President: What are they doing? Asking them what kind of questions?

Dean: Anything they can think of because what happened, O'Brien has charged the Bureau, with failing to uh, find all the, all the bugs, whenever (unintelligible)

Haldeman: Good, that'll make them mad.

Dean: So, so, Gray is pissed now and his people are kind of pissed off. So they're moving in because their reputation's on the line. That's, uh, do you think that's a good development?

President: I think that's a good development because it makes it look so God damned phoney, doesn't it? The whole—

Dean: Absolutely.

President: Or am I wrong?

Dean: No, no sir.

President: It looks silly.

Dean: If we can, if we can find that the DNC planted that, the whole story is going to — the whole — just will reverse.

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

Dean: Well, there's a way. They're trying to ascertain who made the bug.

President: Oh.

Dean: If they — it's a custom-made product —

President: Oh?

Dean: If they can get back to the man who manufactured it, then they can find out who he sold it to, and how it came down through the chain.

President: Boy, you know, you never know. When these guys get after it, they can find it. They—

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

President: Oh.

Dean: And good statistics supporting that. Kleindienst is going to have a—

Haldeman: Isn't that ridiculous though?

President: What is?

Haldeman: This silly ass damn thing.

President: Yeah.

Haldeman: That kind of resources against—

President: Yeah for Christ's sake (unintelligible)—

Haldeman: Who the hell cares?

President: Goldwater put it in context, he said "Well, for Christ's sake, everybody bugs everybody else. We know that."

Dean: That was, that was priceless.

Haldeman: Yeah, uh, (unintelligible)

President: Well, it's true. It happens to be totally true. (Unintelligible) We were bugged in '68 on the plane and bugged in '62, uh, even running for Governor. God damnest thing you ever saw.

White House Text

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 (Lawrence) 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 was a shame that, that, evidence to the fact that that happened in '68 was never preserved around. I understand that only the former Director had that information.

Haldeman: No, that's not true.

Dean: There was direct evidence of it?

President: Yeah.

Haldeman: There's others who have that information.

President: Others know it.

Dean: DeLoach?

President: DeLoach, right.

Haldeman: I've got some stuff on it, too, in the bombing halt study. 'Cause it's all, that's why, the, the stuff I've got, we don't—

President: The difficulty with using it, of course, is that it reflects on Johnson.

Dean: Right.

President: He ordered it. If it weren't for that, I'd use it. Is there any way we could use it without reflecting on Johnson? How, now could we say—Could we say that the Democratic National Committee did it? No, the FBI did the bugging, though.

Haldeman: That's the problem.

Dean: Is it going to reflect on Johnson or Humphrey.

Haldeman: Johnson. Humphrey didn't do it.

Dean: Humphrey didn't do it?

President: Oh, hell no.

Haldeman: He was bugging Humphrey, too. (Laughter)

President: Oh, God damn.

Haldeman: (Laughter)

President: Well, on the other hand, maybe, uh—I'll tell you who to call. I want you to ask Connally. Whatever he thinks, maybe we ought to just, just let that one fly. I mean, I don't think he will, I don't think he will (Unintelligible) Johnson. (Unintelligible) And also it reflects on the Bureau. (Unintelligible)

Dean: (Unintelligible)

President: They, they, they hate to admit that—

Haldeman: It's a rough one on them with, with all this stuff about they don't do Congressmen, and all that.

President: That's right.

Haldeman: sort of stuff (unintelligible)

Haldeman: —do a presidential (unintelligible)

President: It isn't worth it. It isn't worth it, damn it, it isn't worth, the hell with it. What is the situation on your, uh, on the, on the little red box. Did they find what the hell that, that is? Have they found the box yet?

Dean: Gray has never had access to the box. He is now going to pursue the

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.) DeLoach (former No. 3 man at the FBI who retired in 1970) know?

Den: DeLoach

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 reflect 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

Committee Text

box. I spoke with him just, just about, uh, oh, 30 minutes ago and Pat said, "I don't know about the box. Uh, don't know where it is now. We never had an opportunity before, when it was, first, uh, leaked in the press there was a box, to go in. But," he said, "I think we have grounds now to go in and find out what it's all about."

Haldeman: The last public story was that she handed it over to Edward Bennett Williams.

Dean: That's right.

President: Perhaps the Bureau ought to go over —

Haldeman: The Bureau ought to go into Edward Bennett Williams and let's start questioning that son-of-a-bitch. Keep him tied up for a couple of weeks.

President: Yeah, I hope they do. They—The Bureau better get over pretty quick and get that red box. We want it cleared up—(unintelligible)

Dean: That's exactly the way I, I gave it to Gray I, uh, uh,—

President: 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: (unintelligible) in the news! (Laughter)

Dean: Another interesting thing that's developed is, regarding the private litigation we've got is, uh, the Stans' libel action was assigned to Judge Richey.

President: Oh, Christ.

Dean: Well, now, that's good and bad. Uh, Judge Richey is not known to be one of the intellects on the bench. That's conceded by man that he is uh, uh—

President: (Unintelligible) in his own stupid way he's sort of, uh—

Dean: Well, he's been thoroughly candid in his dealing with people about the case. He's made several entrees uh, off the bench, to, to, oh, (1) to Kleindienst, (2) to, uh, his old friend Roemer McPhee, to keep Roemer abreast of what his thinking is. He told Roemer he thought that Maury ought to file a libel action.

President: Did he?

Haldeman: (Laughter)

President: Good.

Dean: Uh.

Haldeman: Well, can he deal with that case concurrently with the other case?

Dean: Yeah. The, the fact that the, the civil case came to a halt, that the depositions were halted and he—

Haldeman: opened his calendar for a few days.

Dean: Well, it did that, and more than that, he had been talking to Silbert, and Silbert, uh, the U.S. Attorney down there, and he said, the U.S. Attorney was saying, "We are going to have a hell of a time drawing these indictments up because of the fact these civil depositions keep coming out and the grand jury's got one eye on this civil case because they don't want to get themselves caught, uh, coming out with indictments and the civil case'll do something differently, so—

Unknown: Would you like to take Clark now, sir?

Haldeman: MacGregor's call?

President: Yeah. Go Ahead.

Dean: So, based, based on that, uh, uh, when Silbert had told Richey this and had a casual encounter, in fact, uh, it was just in the hall, Richey, the next thing he does is he stops the civil case so Silbert can get the indictment down.

(Telephone rings)

President: Huh.

Dean: So it's, uh, he's got, he's got the abuse of process suit also (unintelligible)

President: Yeah. Hello. Well you're still alive. Yeah, yeah. I was just sitting here with John Dean and he tells me that, uh, that he, that you're probably going to be sued or some damn thing, I don't know.

White House Text

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 representing the Democratic national Committee in its Civil suit against the Nixon re-election committee).

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.

Dean or Haldeman: Oh God — Now don't say that. (unintelligible)

President: Did you put that last bug in? Huh? Yeah. (Unintelligible) suit. (Unintelligible) Yeah. Yeah. That's right, that's right. (Unintelligible) Yeah. Good, Sure. Well, I'll tell you, uh, just don't let this keep you or your colleagues from concentrating on the big game. Yeah, that's right. I mean this, uh, this, this thing is just uh, you know, one of those side issues and a month later everybody looks back and wonders what the hell the shouting was about. Yeah — Yeah. Well, Okay, Well, Henry, get a good night's sleep. And don't, don't bug anybody without asking me. Okay. Yeah. (Long silence) Thank you. Always. Okay. (Long silence. President leaves the room. Long silence. President returns.

Dean: Three months ago I would have had trouble predicting where we'd be today. I think that I can say that fifty-four days from now that, uh, not a thing will come crashing down to our, our surprise.

President: Say what?

Dean: Nothing is going to, to crashing down to our surprise, either —

President: Well, the whole thing is a can of worms. As you know, a lot of this stuff went on. And, uh, and, uh, and the people who worked (unintelligible) awfully embarrassing. And uh, and, the uh, but the, but the way you, you've handled it, it seems to me, has been very skillful, because you — putting your fingers in the dike every time that leaks have sprung here and sprung there. (Unintelligible) have the people straighten the (unintelligible — the Grand Jury is dismissed now?

Dean: That is correct. They'll, they will have completed and they will let them go, so there will be continued investigation prompted by the Grand Jury's inquiry. The, uh, GAO report that was referred over to Justice is on a shelf right now, because they have hundreds of violations. They've got violations of McGovern's, they've got violations of Humphrey's, they've got Jackson violations, and several hundred Congressional violations. They don't want to start prosecuting one any more than they want the other. So that's uh —

President: They damn well not prosecute us unless they prosecute all the others.

Dean: That's right. That's right. Well, we are really talking about technical violations that were referred over also.

President: Sure. Sure. What about, uh, uh, watching that McGovern contributors and all that sort of thing?

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 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 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?

Committee Text

Dean: We've got a we've got a hawk's eye on that.

President: Yeah.

Dean: And, uh, he is, he's just not in full compliance.

President: He isn't?

Dean: No.

President: Well, now, he has his 300 committees; have they all reported yet? Have they — we reported ours?

Dean: Yes we—Well, we have a couple of delinquent state committees out, uh—

President: (Unintelligible) in the paper that the committees all reported, the 300 or so committees. (Unintelligible)—

Dean: No, they have not.

President: Can we say something about that, or have we—?

Dean: Well, one of the things that he has not done, is he has never disclosed the fact that he's got some 300 committees. This has been a Wall Street Journal piece that picked it up and carried it and, uh—

President: Did he ever say it publicly?

Dean: No, he hasn't. And it's been employed as a tax sham that he set it up for. And—It is hard to comprehend why he set up 300 committees, frankly. Uh, he doesn't need that many, he doesn't have that sort of large contributors, where they have to disburse small (unintelligible)—

Haldeman: Unless someone's giving nine hundred thousand dollars.

Dean: That's right.

President: Which could be very possible.

Haldeman: He may be getting nine hundred thousand dollars from somebody.

President: From two or three. He may have some big angels. I don't think he is getting a hell of a lot of small money, I don't think so. I don't believe this crap. I mean if he, have you had your Post Office check yet?

Haldeman: That John was going to do. I don't know. (Silence)

President: That's an interesting thing to check.

Haldeman: Yeah.

President: — You know how little old (unintelligible)

Dean: Probably is right, because as I see it, now, the only problems that, uh, that we have are, are the human problems and we'll keep a close eye on that.

President: Union?

Dean: Human.

President: Oh

Dean: (Unintelligible)

Haldeman: People—Human frailties, where people fall apart.

Dean: Human frailties—people getting annoyed and some finger-pointing and false accusations, and any internal dissension of that nature.

President: You mean on this case?

Dean: On this case. Uh, there is some bitterness between, for example, the Finance Committee and the Political Committee. They feel that they're taking all the heat, and, and, uh, all the people upstairs are bad people and they're not being recognized.

President: Ridiculous.

Dean: It is—I mean—

President: They're all in it together.

Dean: That's right.

President: They should just, uh, just behave and, and, recognize this, this is again, this is war. We're getting a few shots and it'll be over, and, we'll give them a few shots, and it'll be over. Don't worry. (Unintelligible), and I wouldn't want to be on the other side right now. Would you? I wouldn't want to be in Edward Bennett Williams', Williams' position after this election.

White House Text

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 200 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 dissension 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: No. No.

President: None of these bastards—

Dean: He, uh, he's done some rather unethical things that have come to light already, which he, again, Richey has brought to our attention.

President: Yeah?

Dean: He went down —

Haldeman: Keep a log on all that —

Dean: Oh, we are, indeed, we are.

President: Yeah.

Haldeman: Because afterwards that is a guy,

President: We're going to —

Haldeman: That is a guy we've got to ruin.

Dean: He had, he had an *ex parte* —

President: You want to remember, too, he's an attorney for The Washington Post.

Dean: I'm well aware of that.

President: I think we are going to fix the son-of-a-bitch. Believe me. We are going to. We've got to, because he's a bad man.

Dean: Absolutely.

President: He misbehaved very badly in the Hoffa matter. Our—some pretty bad conduct, there, too, but go ahead.

Dean: Well, that's uh, along the line, uh, one of the things I've tried to do, is just keep notes on a lot of the people who are emerging as —

President: That's right.

Dean: as less than our friends.

President: Great!

Dean: Because this is going to be over someday and they're—We shouldn't forget the way some of them have treated us.

President: I want the most—I want the most comprehensive notes on all those who tried to do us in. Because they didn't have to do it.

Dean: That's right.

President: They didn't have to do it. I mean, if the thing had been close—uh, they had a very close election everybody on the other side would understand this game. But now they are doing this quite deliberately and they are asking for it and they are going to get it. And this, this, we—we have not used the power in this first four years, as you know.

Dean: That's right.

President: We have never used it. We haven't used the Bureau and we haven't used the Justice Department, but things are going to change now. And they're going to change, and, and they're going to get it right.

Dean: That's an exciting prospect.

President: It's got to be done. It's the only thing to do.

Haldeman: We've got to.

President: Oh, oh, well, we've just been, we've been just God damn fools for us to come into this election cam-

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 they were playing the other side 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 cam-

Committee Text

paign and not do anything in regard to the Democratic Senators who are running, and so forth. (Characterizations deleted) That'd be ridiculous. Absolutely ridiculous. It's not going, going to be that way any more, and, uh.

Haldeman: Really, it's ironic, you know, because we've gone to such extremes to do everything,—you know, you and your damn regulations with

President: Right.

Haldeman: everybody worries about,

President: That's right.

Haldeman: about picking up a hotel bill or anything.

Dean: Well, I think, we can, I think, I think, we can be proud of the White House staff. It really has,

President: That's right.

Dean: Had no problems of that—

President: Well, that's right.

Dean: And they're looking, this GAO audit that's going on right now, uh, I think that they have got some suspicion, uh, in even a cursory investigation, which is not going to discover anything, that they're going to find something here. I learned today, incidentally, that, that, uh, I haven't confirmed this because it's—came from the GO, GAO auditor, investigator who's down here, that he is down here at the Speaker of the House's request, which surprised me.

Haldeman: Well, God damn the Speaker of the House. Maybe we better put a little heat on him.

President: I think so too.

Haldeman: Because he's got a lot worse problems than he's going to find down here.

Dean: That's right.

President: I know.

Haldeman: That's the kind of thing—

President: (Unintelligible) the police department note?

Haldeman: That's the kind of thing that, you know, you, what we really ought to do is call the Speaker and say, "I regret to see you ordering GAO down here because of what it's going to cause us to require to do to you."

President: Why don't you just let Harlow go see him and tell him that?

Haldeman: Because he wouldn't do it, 'cause he wouldn't do it.

President: Harlow wouldn't do it, you mean.

Haldeman: Harlow would say, "Mr. Speaker—"

President: Yeah.

Dean: I, I suppose the other area we are going to see some publicity on in the coming weeks because, uh, I think after the, now that the indictments are down, there, there's going to be a cresting on that, the whitewash charge of course, but, uh, I think we can handle that while the civil case is in abeyance. But Patman's hearings, uh, his Banking and Currency Committee, and we've got to—whether we will be successful or not in turning that off, I don't know. We've got a plan whereby Rothblatt and Bittman, who are counsel for the five men who were, or actually a total of seven, that were indicted today, are going to go up and visit every member and say, "If you commence hearings you are going to jeopardize the civil rights of these individuals in the worst way, and they'll never get a fair trial," and the like, and try to talk to members on, on that level. Uh,

President: Why not ask that they request to be heard by, by the committee and explain it publicly?

Dean: How could they—They've planned that what they're going to say is, "If you do commence with these hearings we plan to publicly come up and say what you're doing to the rights of individuals." Something to that effect.

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

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

Haldeman: Because he wouldn'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 whitewash—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: As a matter of fact they could even make a motion in court to get the thing dismissed.

Dean: That's another thing we're doing is to, is

President: Because these hearings —

Dean: bring an injunctive action against, uh, the appearance, say —

Haldeman: Well, going the other way, the dismissal of the, of the, of the indictment —

President: How about trying to get the criminal cases, criminal charges dismissed on the grounds that there, well, you know —

Haldeman: The civil rights type stuff.

Dean: Civil rights — Well that, we're working again, we've got somebody approaching the ACLU for these guys, and have them go up and exert some pressure because we just don't want Stans up there in front of the cameras with Patman and Patman asking all these questions. It's just going to be the whole thing, the press going over and over and over again. Uh, one suggestion was that Connally is, is close to Patman and probably if anybody could talk turkey to Patman, uh, Connally might be able to. Now I don't know if that's uh, a good idea or not. I don't think he — don't know if he can. Uh, Gerry Ford is not really taking an active interest in this matter that, that is developing, so Stans can go see Gerry Ford and try to brief him and explain to him the problem he's got. And then the other thing we are going to do is we're looking at all the campaign reports of every member of that committee because we are convinced that none of them have probably totally complied with the law either. And if they want to get into it, if they want to play rough, some day we better say, "Well, gentlemen, we think we ought to call to your attention that you haven't complied with A, B, C, D, E, and F, and we're not going to hold that a secret if you start talking campaign violations here."

President: Uh, what about Ford? Do you think so? Do you think he has an in with Patman? Connally can't be sent up there.

Haldeman: (Unintelligible) Connally.

Dean: If anybody can do it.

President: (Unintelligible)

Dean: with Patman. But if Ford can get the minority members, uh, together on that one, it's going to be a lot —

President: They've got very weak men in Widnall, unfortunately. Heckler is all right.

Haldeman: Heckler was great.

Dean: She was great—but, uh—

President: That's what I understand. but you see, Widnall, maybe somebody, Gerry could talk to him. Put it down, uh, Gerry should talk to Widnall and,

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. Margaret) Heckler (R-Mass.) 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

Committee Text

uh, just brace him, tell him I thought it was (unintelligible) start behaving. Not let him be chairman of the Committee. (Unintelligible) That's what you want?

Dean: That would be very helpful, to get our minority side at least together on the thing.

President: Jerry has really got to lead on this. He's got to really be (unintelligible)

Haldeman: Yeah, he should, damn it, this is exactly the thing he was talking about, that the reason they are staying in is so that they can

President: That's right.

Haldeman: run investigations.

President: Well, the point is that they ought to raise hell about this, uh, these hearings are jeopardizing the—I don't know what they're, that the, the, the counsel calling on the members of the committee will do much good. I was, I, it may be all right but I was thinking that they really out to blunderbuss in the public arena in order to be publicized.

Haldeman: Right.

Dean: That's right.

President: That's what this is, public relations.

Dean: That's, that's all it is, particularly if Patman pulls the strings off, uh—(silence) That's the last forum that, uh, uh, it looks like it could be a problem where you just have the least control the way it stands right now. Kennedy has suggested he may call hearings of his Administrative Practices and Procedure Subcommittee. Uh, as, as this case has been all along, you spin out horrors that uh, you can conceive of, and so we just don't do that. I stopped doing that, about, uh, two months ago.

President: Yeah.

Dean: We're just taking one at a time and you deal with it based on—

President: And you really can't just sit and worry yourself

Dean: No.

President: about it all the time, thinking, "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—

Dean: (Unintelligible)

President: And remember that basically the damn business is just one of those unfortunate things, we're trying to cut our losses.

Dean: Well, certainly that's right and certainly it has no effect on you. That's the good thing.

Haldeman: It really hasn't.

President: (Unintelligible)

Haldeman: No, it hasn't. It has been kept away from the White House almost completely and from the President totally. The only tie to the White House has been the Colson effort they keep trying to haul in.

Dean: And now, of course—

Haldeman: That's falling apart.

Dean: The two former White House people, of low level, indicted, one consultant and one member of the Domestic Council staff. That's not very much of a tie.

Haldeman: No.

President: But their names have been already mentioned.

Dean: Some of it (Unintelligible)

Haldeman: (Unintelligible)

President: (Unintelligible) already convicted in the press.

Dean: Absolutely.

Haldeman: Yep.

President: God damn it, if they'd been communists you'd have The Washington Post and the New York Times raising hell about their civil rights.

Dean: That's right.

President: Or Manson.

President: Jesus Christ. If they'd

White House Text

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—indicated—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?

been killers, wouldn't—

Dean: That's right.

President: Isn't that true?

Dean: It's absolutely true.

President: These poor bastards are—well they've been—they got no way they can ever—In fact, they ought to move the uh, move the trial away from the—

Dean: Well, there has been some extensive clipping by the counsel in this case, and I've gone through some of these clippings and it's just phenomenal the, uh,

President: Yeah.

Dean: the amount of coverage this case is getting. They may never get a fair trial, may never get a fair—I mean they'll never get a jury that can convict them or pull it together. And The Post, as you know, has got a, a, a real large team that they've assigned to do nothing but this, sh—, this case. Couldn't believe they put Maury Stan's story about his libel suit, which was just playing so heavily on the networks last night, and in the evening news, they put it way back on about page 8 of The Post.

President: Sure.

Dean: and didn't even cover it as a—in total.

President: I expect that, that's all right. We've (unintelligible)

Haldeman: The Post (unintelligible)

President: It's going to have its problems—

Haldeman: (Unintelligible)

Dean: (Unintelligible) The networks are good with Maury coming back 3 days in a row and (unintelligible)

President: That's right. The main, main thing is The Post is going to have damnable, damnable problems out of this one. They have a television station

Dean: That's right, they do.

President: and they're going to have to get it renewed.

Haldeman: They've got a radio station, too.

President: Does that come up too? The point is, when does it come up?

Dean: I don't know. But the practice of non-licensees filing on top of licensees has certainly gotten more,

President: That's right.

Dean: more active in the, this area.

President: And it's going to be God damn active here.

Dean: (Laughter) (Silence)

President: Well, the game has to be played awfully rough. I don't know, well now, you, you'll follow through with who will over there? Who—Timmons, or a Ford, or a—(unintelligible) there are a number of Republicans—

Haldeman: It is certainly true.

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

Dean: There had 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.

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Haldeman: I'll talk to Bill, I think, yeah.

Dean: Dick Cook has been working

Haldeman -or President: (Unintelligible)

Dean: on it.

Haldeman: Cook is the guy.

Dean: Dick has been working on it.

President: Maybe Mitchell should—

Haldeman: Well, maybe Mitchell ought to, would—Could Mitchell do it?

President: No.

Dean: I don't really think that would be good,

President: No.

Dean: I hate to draw him in,

President: Yeah.

Dean: I think Maury can talk to Ford if that will do any good, but it won't have the same impact, of course, 'cause he's the one directly involved, but I think Maury ought to brief Ford at some point on, on exactly what his whole side of the story is.

Haldeman: I'll talk to Cook.

President: Oh, I think Ehrlichman should talk to him. Ehrlichman understands the law, and the rest, and should say, "Now, God damn it, get the hell over with this."

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

President: I think maybe that's the thing to do (unintelligible) This is, this is big, big play. I'm getting into this thing. So that he—he's got to know that it comes from the top.

Haldeman: Yeah.

President: Absolutely, he's got to know, and if he (unintelligible) and if we're not going to, I can't talk to him myself, and that he's got to get at this and screw this thing up while he can, right?

Dean: Well, if we let that slide up here with the Patman committee it'd be just, you know, just a tragedy to let Patman have a field day up there.

President: What's the first move. When does he call his wit—witnesses?

Dean: Well, he, he has not even gotten the vote of his committee, he hasn't convened the committee yet on whether he can call hearings. That's why, come Monday morning, these attorneys are going to arrive, uh, on the doorstep of the chairman and try to tell him what he's doing if he proceeds. Uh, one of the members, Gary Brown, uh, wrote Kleindienst a letter saying, "If the chairman holds committee hearings on this, isn't this going to jeopardize

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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 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

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your criminal case?"

President: Brown's a smart fellow, He's from, he's from Michigan.

Dean: That's right.

President: and some tie into Ford. He's very, he's a very smart fellow. Good.

Dean: Good lawyer and he's being very helpful. He is anxious to help.

President: Right, just tell him that, tell, tell, tell Ehrlichman to get Brown in and Ford in and then they can all work out something. But, they ought to get off their asses and push it. No use to let Patman have a free ride here.

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

President: What are you going to ask him? (Unintelligible) questions?

Dean: No, I saw, saw Rothblatt, who has started deposing uh, he's quite a character. He's been getting into the sex life of some of the members of the DNC and—

President: Why? How can—what's his justification?

Dean: Well, he's working on an entrapment theory that, uh, uh, they were hiding something and they had secrets, information, affairs to hide and they, they could, some way, conspire to bring this thing about themselves. It's a, it's a way-out theory that, uh, no one had caught at all.

Haldeman: (Laughter)

Dean: Uh, and he, he had scheduled Patricia Harris and she didn't show up. She went to the beauty parlor instead so he went down to the Court House and she had, 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 including, you know, where O'Brien got his compensation when he was chairman. Not that he knows anything about that, but, uh, it was just an interesting question he thought he might want to ask the, the chairman under oath.

Haldeman: That's—It gives us, uh, the same hunting license it gave them.

White House Text

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?

Dean: 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.

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Dean: That's right.

Haldeman: So we can play the same game they are playing, but 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, uh, they won't want them unsealed, they'll 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's going to happen on the civil case is the judge is going to dismiss the pending complaint down there right now. They will then turn around and file a new complaint which will be (unintelligible) come back to Richey again. That, uh, that'll probably happen the 20th, 21st, 22nd. Then 20 days will run until any answers will have to be filed and these depositions will be commenced so we're, what, we're eating up an awful lot of time.

Haldeman: (Unintelligible)

President: Why will they have to dismiss the present?—

Dean: Uh, probably on, on a dual ground, uh, both on the substantive grounds that they haven't stated a good cause of action, that there is a improper class action filed and that O'Brien indeed doesn't represent any class. Uh, and he'll just dismiss it on the merits. It's not a good complaint. He's already shaved it down to almost nothing on his original order. They will then have to re-design it into a much narrower action, but the judge himself can't suggest something to counsel. But if, you've got a good res judicata argument here. If he dismisses on the merits, if, that they can't file another suit. They're out of the court totally.

President: Um, um.

Haldeman: But our suits do still hang?

Dean: Our suits are still—We have two suits, and we have the abuse of process and

Haldeman: The libel suit.

Dean: the libel suit.

Haldeman: We can take depositions on both of those.

Dean: Absolutely.

President: Hell yes.

Haldeman: (Laughter)

President: (Unintelligible) depositions.

Dean: It's a, it's a glimmer down the road anyway but, uh—

White House Text

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.

Haldeman: (Laughter)

Dean: We can blunder down the road anyway.

NOTE: (Further conversation following unrelated to Watergate.)