

Kleindienst-Ehrlichman Conversation

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Following is the transcript of a telephone conversation on March 28, 1973, between the then Attorney General, Richard G. Kleindienst, and John D. Ehrlichman, then the President's adviser on domestic matters, that was obtained from sources close to the Senate Watergate committee and part of which was read into the hearing record today by Senator Lowell Weicker, Republican of Connecticut:

EHRlichman—The President wanted me to cover with you. Are you on an outside line?

KLEINDienst—I'm at my parents' house.

E—Oh, fine, O.K., so it's a direct line? Numb'r one, he wanted me to ask you those two things that I did yesterday about the grand jury and about Baker. He had me call Pat Gray and have Pat contact Lowell Weicker to ask Weicker about this second story that he put out yesterday to the effect that he had information about White House involvement. And Weicker told Gray that he talking there about political sabotage and not about the Watergate.

K—About the Segretti case?

E—Yeah, and that he was quite vague with Pat as to what he had.

K—I called him also, you know, after I talked to the President on Monday.

A 'Swing' Suggested

E—Well, the President's feeling is that it wouldn't be too bad for you in your press conferences in the next couple of days to take a swing at that and just say we contacted the Senator because we continue to exercise diligence in this thing and we're determined to track down every lead and it turns out he doesn't have anything.

K—I would really at this delicate point question the advisability of provoking, you know, a confrontation with Weicker. He's essentially with us, and he and Baker get along good.

E—Is he?

K—Baker has had a long talk with him and told him to shut up and said that he would, and I talked with him on Sunday after he said he didn't have anything, but he's kind of an excitable kid and we just might not want to alienate him, and I think that if he finds himself in a direct word battle with the White House and me and

loses face about it, I think in the long run we might need that guy's vote.

E—I see. You don't think that this is evidence of alienation to the point of no return then?

K—No. You mean by Lowell?

E—Yeah.

K—No I don't. He's pretty disenchanted with the whole concept of it. Connecticut politician . . .

E—Well, use your own judgment on it, Richard.

K—On TV, I guess seven or eight times this Sunday when I finished my testimony before my appropriations committee on all three networks, I referred to the letter that I sent to Sirica and I also emphasized and repeatedly said (a) the President wants this investigated, let the chips fall where they will, but secondly, that if anybody has any information, we not only want it, we expect to get it, so we can investigate it, and if necessary, indict these people, and that anybody who withholds information like that is obstructing justice. But I did not refer to Weicker. And my judgment right now is not to do so.

E—O.K., O.K.

K—If he gets to that point, the hell with him.

Impression Given

E—Well, our uneducated and uninformed impression was that he was trying to develop an attack line here on the White House or the President.

K—If that. . . If we would conclude that, that is what he's up to, that he is completely alienated, then I say we've got to take him on.

E—Well, keep of that and you'll be talking to Baker and you get a feel of it.

K—O.K., Now, the President said for me to say this to you: That the best information he had and has is that neither Dean nor Halde-man nor Colson nor I nor anybody in the White House had any prior knowledge of this burglary. He said that he's counting on you to provide him with any information to the contrary if it ever turns up and you just contact him direct. Now as far as the committee to re-elect is concerned, he said that serious questions are being raised with regard to Mitchell, and he would likewise want you to communicate to him any evidence or inferences from evidence on that subject.

K—With respect to them, unless something develops with these seven people who were convicted, all those people testified under oath before a grand jury and

their testimony was not contradicted and until something comes along I think this fellow McCord, if he has something beside his own testimony in addition to that to refute the sworn testimony, then you'd have to do it.

E—Take him for what he is.

K—He's facing a long jail sentence and he has all kinds of motives to say all kinds of things, but I also pointed out that most of the people, well, these people who were involved were interviewed by the F.B.I. and they testified under oath before a grand jury to the contrary of what McCord is saying. But I understand the President's direction.

E—He's concerned about Mitchell.

K—So am I.

E—And he would want to have a private communication from you if you are possessed of any information that you think he ought to have with regard to John. Now he [inaudible].

K—[Inaudible] ought to think about John [inaudible]. McCord or Liddy or Hunt or any of these seven, you know, testify under oath specifically to their knowledge they have a basis for saying so that Mitchell or any of these guys knew about it. We have a very serious problem—possible perjury, possibility of going back to the grand jury, they have a grand jury to determine whether anyone should be indicted. When you talk about Mitchell and me, that really creates the highest conflict of interest. And we want to give some thought to having, in such an event, having a special prosecutor.

Procedure Discussed

E—What is the procedure for that?

K—Well, I don't know. I think that the President could appoint somebody as a special prosecutor to direct the F.B.I. to cooperate with him, giving them an opportunity to hire some attorneys you know, on his staff, and then just have complete authority to have his own investigation, and if there's evidence that comes out that there were acts of criminal behavior, have them presented to a grand jury, then proceed with it.

E—Could you have somebody brief out how that's done? Just to [sic] we know? And the question would be whether the President or Sirica or you know who actually does it?

K—Well, it wouldn't be the judge. The judge has no jurisdiction. I think it would be the President.

E—O.K.

K—But it has its own problems that by doing that you in effect say publicly well, O.K., the Department of Justice and the Attorney General, the United States Attorney, and the F.B.I. are all corrupt. I've now found out and have got to myself a new . . .

E—Of course, we've resisted that right straight through.

K—I think that we have to do it in the event that it appears that Mitchell himself is going to be involved in any further litigation because all the men who are doing this, who worked for him, have been appointed, and I think if it came down to him that that's what I would seriously start thinking about recommending.

E—Also, this business of the grant of immunity to witnesses before the grand jury, is that peculiarly in the province of the court?

K—No, that's the Department of Justice.

E—That is?

Two Distinct Situations

K—In almost every criminal case of any consequence, when we convict somebody the next thing to do is haul them back in before a grand jury to find out what they know. You have to do it in this case . . . always going to do it. Quite a limitation posed on us, John, is that . . . who couldn't cut it [inaudible]. But you have two really distinct situations here. You have the Watergate inquiry by Senator Ervin, that's the political side of it. And then you have the obligation imposed upon us to investigate criminal conduct. Two separate distinct operations. They're getting all fuzzed up.

E—What progress are they making right now, have you had a reaction on it?

K—Well, the last time I talked to Henry Monday because of Sirica's sentencing procedures it got a little boxed up. Sirica is really lousing this thing up. I don't wnok. I'm going to talk to Peter this morning and I'll call you back.

E—O.K., great, that's all I had on my list.

K—Thanks, John.

E—Now, he said that there was a possibility he'd like to see you in San Clemente Saturday morning first thing. So you might just keep that in the back of your mind. Don't rearrange any of your schedules or anything, but I'll let you know if that materializes. We'd send a chopper up to L. A. for you. Thank you.

K—O.K.