

Kleindienst Warned Nixon of Scandal

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The presidential conversations printed in today's Washington Post cover a three-day period, from the early evening of April 14, 1973, to the middle of April 16, the day before President Nixon proclaimed to the nation that he had been apprised of "major developments" and press secretary Ronald Ziegler said that past statements on Watergate were "inoperative."

Included are the first hour and 10 minutes of the pivotal meeting between Attorney General Richard G. Kleindienst and Mr. Nixon on Sunday, April 15—the conversation in which, according to Mr. Nixon, the tapes ran out because such extensive use of them on a weekend had not been anticipated.

As the transcripts show, Mr. Nixon was not surprised that Kleindienst wanted to see him, but the President seemed to be expecting a discussion of the possible appointment of a special prosecutor.

Instead, Kleindienst, who had been apprised of the Watergate prosecutor's startling new findings in a meeting that lasted from 1 a.m. to 5 a.m., told Mr. Nixon how close to the President the scandal had suddenly risen, and how difficult it would be to keep damaging information secret.

Kleindienst said that testimony by White House counsel John W. Dean III would implicate John D. Ehrlichman, and testimony by Gordon Strachan, an aide to White House chief of staff H. R. Haldeman, would implicate Haldeman. He said that the No. 2 re-election committee official, Jeb Stuart Magruder, is "going to plead guilty and he's going to tell everything he knows."

"Sure," said Mr. Nixon.

"That kind of information is not going to remain confidential," Kleindienst said. He told the President that indictment of Haldeman and Ehrlichman was uncertain, but that former Attorney General John N. Mitchell would definitely be indicted, along with Dean and other White House and re-election committee aides.

"What the situation really is, and that's why I wanted to communicate with you immediately, today, to keep this general story off the streets," Kleindienst said.

"Oh, hell—don't they know about it?" Mr. Nixon asked.

The transcript, in which Mr. Nixon is referred to as "P" and other speakers by the initial of their last name, continues in this fashion:

K. Tomorrow morning it's likely to be all over town. Tuesday noon.

P. Involving Haldeman and Ehrlichman, too?

K. Yeah—just generally. This Sirica, Judge (John J.) Sirica, is not enforcing the strict requirements of law with respect to secrecy in Grand Jury proceedings.

Throughout this conversation, Mr. Nixon and Kleindienst speak about survival of the President—"We've got to—we've got to just ride it through," Mr. Nixon said.

Kleindienst noted that he had discussed the question of a special prosecutor with "the chief justice"—an apparent reference to U.S. Supreme Court Chief Justice Warren Burger, and that he favored the idea and had recommended Barnabas Sears of Chicago, a past president of the American Bar Association. Mr. Nixon brought up the name of Charles Alan Wright, dean of the law school at the University of Texas, who was later to serve as the President's counsel as the matter of the tapes wound their way through the courts last summer and fall.

The President, as in earlier conversations, conjectured that imminent indictments of high officials would force the Senate Watergate committee to delay its hearings, which were scheduled to open in May.

Kleindienst seemed to concur, and said that "any litigation concerning John Mitchell will probably take 10 years—you know a couple of years before trial, four or five years appeals, motions, trial."

Mr. Nixon and his closest aides had frequently discussed dismissing Kleindienst as Attorney General, and in this conversation, the President informed Kleindienst that he would have to disqualify himself because of his close relationship with Mitchell and others involved in the investigation.

But Kleindienst expressed the hope that "I could be removed until this is cleared up."

Later in the day, in one of the conversations that Mr. Nixon says was not taped, Kleindienst returned with Assistant Attorney General Henry Petersen, who met the President for the first time and continued to lay out details of the prosecution's findings.

During this period and later in the day, the separate tape system on the President's telephones was working, and phone conversations are included among the transcripts released by Mr. Nixon last week.

Speaking to Haldeman on the telephone, the President said, "Look, if they get a hell of a big fish, that is going to take a lot of the fire out of this thing on the coverup and all that sort. If they get the President's former law partner and Attorney General, you know. Do you agree or not? Am I —"

"Yeah," said Haldeman. "What I feel is people want something to be done to explain what to them is now a phony looking thing. This will explain it."

That Sunday, John Dean met all day with his attorney, according to Dean's Senate Watergate committee testimony, and he was scheduled to see Ehrlichman in the evening.

But, in an action that might have loomed ominous to those in the White House, Dean canceled the appointment through Lawrence Higby, an aide to Haldeman, and told Higby he didn't want to talk with Haldeman either.

"He had a message he wanted to relay to the President through you," Higby said in a transcribed conversation with Haldeman. "He would not speak directly to you."

The message was: "I hope you un-

derstand my actions are motivated totally out of loyalty to you, the President."

"Wait a minute," Haldeman said to Higby.

"Totally out of loyalty to you and the President . . . and if it's not clear now . . . it will become clear."

Dean did go to the White House at about 9 p.m. that evening when summoned by Mr. Nixon. It was then, Dean as testified, that he felt the President was asking him intentionally leading questions, "which made me think that the conversation was being taped and that a record was being made to protect himself."

This statement by Dean at the Senate Watergate hearings reportedly led Senate committee staff members to

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ask witnesses whether the President taped any conversations. It apparently led to the revelation July 13, 1973, by Alexander Butterfield that indeed all Presidential conversations were taped in the Oval Office, Mr. Nixon's suite in the Executive Office Building, and in two other locations.

On April 16, despite Petersen's advice that Mr. Nixon not fire Dean, the President met with his young counsel and asked him to resign.

This conversation and the ones that Nixon, Haldeman and Ehrlichman, contain some of the most striking examples of how Mr. Nixon and his closest associates acted in a moment of deep personal crisis.

Even after the decision to sever ties with Dean was made, the President seemed unable to speak harshly with his counsel. Mr. Nixon, saying he had called in Kleindienst a day earlier, although in fact Kleindienst had called him, still appeared to treat Dean as

someone who would cooperate with him. They discussed what Dean might testify to.

"I would like for you to say—and you are free to talk—you are to say, "I told the President about this. I told the President first there was no involvement in the White House. Afterwards, I told the President that I —" And the President said, "Look, I want to get to the bottom of this thing, period. See what I am driving at—not just the White House. You continued your investigation, et cetera, and the President went out and investigated on his own. Which I have done, believe me. I put a little pressure on Magruder and a few of —"

"Uh, huh," Dean responded.

"And as a result of the President's actions this thing has been broken," Mr. Nixon went on.

"That's right," Dean said.

For a moment there was even a suggestion, for virtually the last time in the transcripts, that Watergate would go away, "What would be the best thing in the world," Dean said, "is if they decide that they've got nothing but technical cases against people at the White House and they chuck them

all out. That is not impossible."

But when Dean left Mr. Nixon's Oval Office, Haldeman and Ehrlichman entered and began discussing "a PR job" that focused on Dean as the key White House figure culpable in the Watergate coverup.

Later, in the last transcript included in today's newspaper, Mr. Nixon told

Haldeman, "Now we got a plan on how we stage this damn thing in the first states. Ron's (apparently Press Secretary Ronald Ziegler) got it all worked out."

As Haldeman spelled out how Dean would be implicated publicly, Mr.

Nixon balked. "Now, look," the President said, "I don't want to get into the position of—"

"Hanging someone else?" Haldeman interrupted. "Well, but he is going to have hung himself at that point in time."