

WHITE HOUSE TAPES
5TH CHRONOLOGICAL RELEASE
TAPES 33, 388, AND 813
NOVEMBER 3-19, 1972



Nixon Presidential Materials Staff

National Archives and Records Administration

Diana Borowik
Jerome Bozeman
Sahr Conway-Lanz
William J. Cowell
A. J. Lutz
Cary McStay
John Powers
Samuel W. Rushay

July 2007

NIXON WHITE HOUSE TAPES

FIFTH CHRONOLOGICAL SEGMENT

TAPES 33, 388, AND 813

NOVEMBER 3-19, 1972

This group of three Nixon White House tapes, released on July 11, 2007, consists of the conversations which took place in the Oval Office, in the President's Old Executive Office Building (EOB) office, and on certain telephones in the Oval Office, the President's EOB office, and in the Lincoln Sitting Room in the residence of the White House. These tapes are: White House Telephone Tape 33, recorded between November 3, 1972 and November 19, 1972; White House EOB Tape 388, recorded on November 8, 1972; and White House Oval Office Tape 813, recorded on November 8, 1972. In all, there are 165 conversations totaling approximately eleven and 1/2 hours of listening time.

According to the terms of the 1996 Tapes Settlement Agreement between the National Archives, President Nixon's Estate, and Public Citizen, the Nixon Presidential Materials Staff has previously processed and released to the public six installments of Nixon White House Tapes. The installments were:

1. Abuse of governmental power (AOGP) conversations. These tapes consisted of excerpted portions of conversations that documented evidence of abuses of governmental power. These excerpted portions were recorded between February 1971 and July 1973. This first installment was released to the public in October 1996 and totaled 201 hours of listening time.
2. Cabinet Room conversations. These conversations were recorded in the Cabinet Room in the White House between February 1971 and July 1973. This second installment was released to the public in November 1997 and totaled 154 hours of listening time.
3. First chronological segment. These conversations were recorded between February and July 1971. They were released to the public in October 1999 and totaled 445 hours of listening time.
4. Second chronological segment. These conversations were recorded between August and December 1971. They were released to the public in October 2000 and totaled 420 hours of listening time.
5. Third chronological segment. These conversations were recorded between January and June 1972. They were released to the public in February 2002 and totaled 425 hours of listening time.
6. Fourth chronological segment. These conversations were recorded between July and October 1972. They were released to the public in December 2003 and totaled 238 hours of listening time.

The National Archives intends to release the remaining tapes of the fifth chronological release (from November 1972 to July 1973) as soon as possible.

All of these tapes are in the custody of the National Archives and Records Administration (NARA) and are part of the Nixon presidential historical materials under the provisions of the Presidential Recordings and Materials Preservation Act of 1974 (PRMPA) (44 USC 2111 note). In July 2007 with the establishment of the Nixon Presidential Library, the Richard Nixon Library and Birthplace Foundation signed a deed of gift donating large portions of previously withdrawn conversations from the White House tapes. These donated conversations concern personal and political matters that were initially identified and reviewed by the archivists as “returnable” to the Nixon Foundation as the content of those conversations had no bearing on the constitutional and statutory duties of the Presidency, as stipulated in the PRMPA and its implementing public access regulations. Conversations determined to fall within the scope of the Nixon Foundation’s deed of gift, were reviewed according to the terms of the deed. Accordingly, access to the Nixon materials, including the tapes, is now governed by the PRMPA, its implementing public access regulations, the 1996 Tapes Settlement Agreement, and the 2007 deed of gift.

A Brief History of the White House Taping System

In February 1971, the United States Secret Service (USSS), at the request of the President, installed listening devices in the White House. They placed seven microphones in the Oval Office: five in the President’s desk and one on each side of the fireplace. They placed two microphones in the Cabinet Room under the table near the President’s chair. The Secret Service technicians wired all devices to central mixers which were then connected to recorders in an old locker room in the White House basement.

In April 1971, the Secret Service technicians installed four microphones in the President’s office in the EOB. These microphones were located in the President’s desk and wires led to a mixer and recorders in an adjoining room. The Secret Service also tapped the telephones in the Oval Office, in the President’s EOB office, and in the Lincoln Sitting Room. These telephone conversations were recorded by tapping the telephone lines from the White House switchboard and relaying the conversations to recorders in a closet in the basement of the residence.

Finally, in May 1972, the Secret Service set up a taping system in the President’s study in Aspen Lodge at Camp David. There were three separate recording systems put in place. A single microphone recorded conversations taking place in the study. The President’s telephone on the President’s desk was tapped as was the telephone on the study table.

This was a secret taping system maintained by the Secret Service. Only President Nixon, H.R. Haldeman, and a few of the President’s close personal assistants knew the system existed. One of its key features was that the recording equipment in the Oval Office, the EOB office, at Camp David, and on the telephones was sound activated, operating without a conscious decision by the President to record a specific conversation. Most participants were unaware that their conversations were being recorded. The system was tied to the Presidential Locator System and

would only activate if the president were present in the room. It was designed to continue recording for fifteen to thirty seconds after the President left the room.

The Cabinet Room recording system operated somewhat differently. It was a manual rather than a sound activated system. It was activated by Alexander Butterfield, a Special Assistant to the President who managed the President's activities in the West Wing of the White House. Butterfield activated the system from a switch on his desk (although the Secret Service also placed on/off switches on either side of the President's chair at the Cabinet Room table). When Butterfield inadvertently left the system "on," the tape recorders captured non-historical conversations as well as hours of room noise.

Tapes Processing

The archivists have archivally processed the sound recordings for public access under PRMPA, its implementing public access regulations, the 1996 Tapes Settlement Agreement, and starting with this release, the 2007 deed of gift.

Archival processing included duplicating the recordings to preserve the original tapes, enhancing the sound quality of the tape copies, describing the contents of the tapes by creating tape subject logs and other finding aids, and reviewing the tapes for restrictions.

The PRMPA regulations define eight restriction categories. In accordance with PRMPA and its implementing public access regulations, NARA restricts the content if release of the information would:

- Violate a Federal statute or agency policy (restriction category "A");
- Reveal national security information (restriction category "B");
- Violate an individual's rights (pending) (restriction category "C");
- Constitute a clearly unwarranted invasion of personal privacy (restriction category "D");
- Disclose trade secrets or confidential commercial or financial information (category "E");
- Disclose investigatory/law enforcement information (restriction category "F");
- Disclose purely private and personal information, as defined by the PRMPA (restriction category "G");
- Disclose non-historical material (restriction category "H").

In some cases, the archivists withheld certain portions which were so unintelligible that the staff could not adequately review them for release at this time. These portions are noted on the tape subject log as "Unintelligible." For all of the withdrawals (except those removed because they were unintelligible), the tape subject log will note the relevant restriction category and the duration of the withdrawal. For national security withdrawals, the tape subject log will also indicate the main topic or topics of the withdrawal.

Portions of conversations determined to fall within the "G" restriction category originally were to be returned to the Nixon Estate in accordance with PRMPA and its implementing public access regulations. However, the July 2007 deed of gift from the Nixon Foundation donated a large portion of this "G" material to NARA. The deed of gift allows NARA to retain and review all of the "G" material that does not concern the medical history or personal finances of Richard

M. Nixon and does not concern the private, non-public activities of the immediate First Family (Thelma “Pat” Nixon, Tricia Nixon Cox, Edward Cox, Julie Nixon Eisenhower, and David Eisenhower). The archivists review these deeded portions to determine if they can be released to the public. In conducting this review, the archivists only restrict information that constitutes a clearly unwarranted invasion of personal privacy. These privacy withdrawals are indicated on the tapes subject logs as “Deed of gift-privacy” along with the duration of the withdrawal. Material previously returned to the Nixon Foundation that falls outside of the scope of the deed of gift as well as material returned to the Nixon Foundation under the 2007 deed of gift are indicated on the tapes subject logs as “Personal returnable” along with the duration of the withdrawal.

In past tapes processing, room noise captured on the tapes had been withdrawn. If President Nixon was alone in the room during these room noise recordings, the room noise was withdrawn as “G” personal returnable. If President Nixon was not in the room, the room noise was withdrawn as “H” non-historical. Under the 2007 deed of gift agreement, the Nixon Foundation allowed NARA to retain and release room noise captured on the tapes that had been designated as “G” material under PRMPA. In this release, for the sake of consistency and because of its potential, albeit limited, historical value, the Director of the Nixon Presidential Library decided to release both types of room noise as well as any incidental background conversation inadvertently captured on the tapes (e.g. faint conversations in the outside hallway). Room noise is segregated from identifiable conversations and labeled as such. Withdrawals from the room noise segments have been made for unintelligible segments that might be conversation. Room noise is not indicated on the tape subject logs.

All withdrawals under PRMPA or the 2007 deed of gift, including unintelligible withdrawals, are identified on the tapes by a ten second tone.

In this installment, the National Archives is releasing three White House tapes recorded between November 3 and November 19, 1972 totaling approximately 11 and 1/2 hours of listening time. Approximately 63 minutes are room noise. In the course of processing the tapes, the Nixon Presidential Materials Staff restricted a total of approximately twenty-two minutes worth of conversations. According to PRMPA and the 2007 deed of gift, the archivists determined that approximately six minutes remained under the restriction category “G” and would be returned to the Nixon Estate. Under the deed of gift, the archivists withheld only three minutes for privacy. In the course of processing these recordings, the archivists determined that approximately thirteen minutes required restriction because the conversations or room noise were too unintelligible to review. The archivists withheld only twelve seconds for restriction category “A” (release would violate a federal statute or agency policy). Lastly, the archivists only restricted five seconds worth of conversation for reasons of national security (restriction category “B”).

Description of the November 3-19, 1972 Conversations

Conversations in this release involve a variety of participants including White House staff members H. R. Haldeman, Charles W. Colson, Henry A. Kissinger, Ronald L. Ziegler, John D. Ehrlichman, Leonard Garment, Harry S. Dent, Stephen B. Bull, and Alexander P. Butterfield.

They also include Members of Congress, members of the Cabinet, candidates for public office, and political supporters. While conversations address a variety of issues and document the daily routine of the President and his staff, they especially detail discussions of the 1972 Presidential and Congressional elections and plans for the reorganization of the President's second term administration.

Many conversations concern the 1972 Presidential election and the Congressional elections. These conversations are available for the first time due to the agreement between the National Archives and the Nixon Foundation to allow these political conversations to be released through a deed of gift. As election day approached, President Nixon made a series of telephone calls to Republican candidates for office and to Republican Members of Congress seeking re-election. These telephone calls included Senators Margaret Chase Smith, Howard H. Baker, Jr., J. Caleb Boggs, Gordon Allott, Jack R. Miller, James A. McClure, and Robert J. Dole. The President also spoke with Senate candidates Fletcher Thompson, Wesley Powell, John MacIver, Henry Hibbard, and Robert Hirsch, and Gubernatorial candidate Thomas Meskill. In these calls, the President expressed his support and discussed the candidates' local political races. The President also discussed his own campaign strategy in the final days of the Presidential campaign, including responding to Democratic Presidential candidate George S. McGovern's charges on Nixon's Vietnam policies and peace efforts.

After voting in California, President Nixon returned to the White House on the evening of November 7 and monitored the returns from the Lincoln Sitting Room in the residence. He learned of his "landslide victory" in a telephone call from his Special Counsel Charles Colson. That night and the next day, he received several congratulatory telephone calls including calls from Philadelphia Mayor Frank Rizzo, New York Governor Nelson Rockefeller, National Security Advisor Henry Kissinger, 1968 Democratic Presidential candidate Hubert Humphrey, and British Prime Minister Edward R.G. Heath.

Later that evening and into the following morning, he watched the election returns in his Old Executive Office Building office with Colson and his Chief of Staff H.R. Haldeman. In this conversation and others that followed, there are discussions of the President's margin of victory, voter turnout, comparisons to Lyndon B. Johnson's 1964 "landslide victory," Nixon's attitude towards George McGovern, and various Senate races. There are several discussions about Republican losses in Congress, the notion of "vote-splitting" (voting for the President and for Democrats for Congressional races), the impact of American Independence Party and their Presidential candidate, John Schmitz, and the press reaction to Nixon's victory.

There are conversations between the President and his staff about the future of the Republican Party and the formation of a new conservative majority coalition. These include a discussion with Harry Dent in which the President suggested building a new political party. In another discussion with Charles Colson, the President described the difference between the Republican Congressional candidates who lost their 1972 elections and those who won, and he called the latter the wave of the future. A number of conversations also address the increased support for the President from labor union members ("hard hats"), ethnic groups, and Catholics. In one conversation, President Nixon met with Counselor to the President (and fellow Californian) Robert H. Finch to discuss the results of the election, the California Republican party, its leaders

and California politics, Finch's future political career, and possible candidates for the 1976 Presidential nomination.

Immediately following his re-election, President Nixon began planning for his second term of office and reorganizing his administration. There are several conversations between the President and his Chief of Staff H.R. Haldeman in which they discussed his plan to ask for resignation letters from his entire administration, including the White House staff and all political appointees in the Departments and Agencies. He and his staff also discussed numerous future appointments and personnel decisions including more detailed conversations concerning Anne L. Armstrong, Peter J. Brennan, William P. Rogers, Peter G. Peterson, Melvin R. Laird, Robert H. Finch, and Charles W. Colson.

Several conversations address the war in Vietnam and the peace negotiations to end it. In the final days leading up to the election, most of these conversations discussed Vietnam as a campaign issue, including one telephone call between the President and Secretary of State William P. Rogers. In another telephone conversation early in the morning after the election, the President told Hubert Humphrey he had secured a peace deal with the North Vietnamese negotiators at the Paris Peace Talks three days before the election but did not want to politicize it. In later telephone calls between the President, Henry Kissinger, H.R. Haldeman, and others, there are several discussions concerning South Vietnam President Nguyen Van Thieu's reluctance to agree to the settlement. In response to Thieu's reluctance, Nixon and others discuss the possibility of the United States signing a peace treaty "bi-laterally" without the support of the South Vietnamese. They discuss sending Gen. Alexander M. Haig to Vietnam to speak with Thieu in an effort to gain his support and to reiterate the firmness of the U.S. negotiating position.

Other conversations with notable individuals include the President's telephone call to British Prime Minister Edward R. G. Heath in which they discussed the American elections, wages and prices, Queen Elizabeth II, and Vietnam. The President also talked with professional football coach George Allen about the Washington Redskins recent football game and the 1972 elections.

Tape Logs

In the course of processing the tapes, the archivists prepared tape subject logs as researcher aids to follow conversations. Each log contains the tape number, the conversation, the tape location, the date and time of the conversation, and the names of the participants involved. The logs include activity statements which document when someone entered or left a room. These activity statements are based on research done by archivists. In instances when there is a telephone conversation in one of the offices, the logs contain cross references to the corresponding telephone recording, noting the tape and conversation number. The logs also indicate which portions of the tape were reviewed under the 2007 deed of gift. Room noise is not indicated on the tape subject logs. No transcripts have been created for any of these tapes.

Variations in sound quality can produce wide variations in what is heard. Even though transcripts may be prepared with great care and substantial effort, many points of ambiguity are

inevitable, and erroneous or different interpretations from transcripts are always possible. As a general policy, the National Archives does not create transcripts of conversations, and considers these existing transcripts to be an interpretation of the record rather than the record itself. NARA considers the actual tapes to be the record, and strongly urges users to listen to the tapes in forming their own interpretation.

Conversation Numbers

During the processing of the White House tapes, the archivists identified and assigned a unique number to each recorded conversation. The conversation number consists of an initial number which identifies the reel of the original White House tape. Each conversation on each reel is further identified by a unique number, with the first conversation on a particular reel labeled “1,” the second conversation labeled “2,” the third conversation labeled “3,” and so on sequentially until the tape goes blank.

When listening to an Oval Office or an EOB office tape recording, there may be instances where the President or someone else in the room places or receives a telephone call while a meeting is in progress. The tape subject log identifies each instance by an activity statement, alerting the listener as to what is occurring, and lists a cross reference, if there is one, indicating the tape and conversation number for that telephone conversation on the White House telephone tapes. Likewise, the tape subject logs for the White House tapes indicate the cross reference, if there is one, with the corresponding conversation from an Oval Office or an EOB office conversation.

Audio Quality

The audio quality of the recordings varies greatly. In general, conversations recorded in the Oval Office are of good audio quality; those recorded in the President’s EOB office are of poorer sound quality. Conversations recorded on the telephone are generally very audible; however, in some instances, the recording equipment malfunctioned, and those conversations are barely audible. In some instances, background noises, such as footsteps or the clinking of coffee cups and glasses, make parts of the tape segments more difficult to understand.

The National Archives duplicated the original tapes using both analog and digital technology for preservation purposes and to produce copies with improved sound quality and audibility for the review of the conversations. Digital Audio Cassettes (DATs) were used for review purposes. Digital audio files, available on compact discs and on the Nixon Library website, were then produced from these DATs for researcher use.

Executive Order 12958 and Declassification

In processing these recordings for public access, the National Archives implemented Executive Order 12958, which mandates declassification of materials more than twenty-five years old. Using agency guidelines, on-site visits from agency declassification specialists, detailed reference information, and textual records from the Nixon Presidential materials, the archivists were able to review substantial amounts of material. The National Archives determined that

only five seconds required restriction out of eleven and 1/2 hours in this segment. These two withdrawals are indicated on the various tape subject logs. For national security withdrawals, the tape subject log indicates the main subject or subjects that have been withdrawn.

Other Finding Aids

In addition to the tapes subject logs, the archivists also created the following lists to assist researchers in their work:

Conversation Lists: Two complete lists of each conversation found on the tapes, providing, the conversation number, the date and time of the conversation, the abbreviations of names of participants (by individual or described by group), the length of the released portion of the conversation, and the reference compact disk or cassette where the conversation can be located. One list is arranged by conversation number and the other by conversation date.

Abbreviations List: A list of the name abbreviations used on the conversation lists.

Index: A search engine searchable by key words such as names, geographic places, and subjects.