

**NIXON PRESIDENTIAL MATERIALS STAFF****Tape Subject Log**
(rev. 10/08)

Part of a conversation among President Nixon, John N. Mitchell, John D. Ehrlichman, and H. R. ("Bob") Haldeman in the Oval Office between 11:50 am and 12:15 pm on July 6, 1971

Conversation No. 538-15

President: Uh, I wanted to, uh, check with you before you had left. Because you won't be back for a week. And ---

Mitchell: It'll, it'll be, be, well, it's not quite two weeks. But it's close to it. The 24th, I'll be back.

President: But with regard to, uh, where we stand. I'll be in California through the 19th, or the 20th, I guess is that it? -- Are we still doing that thing...

Haldeman: It says here...

President: ...Senator?

Haldeman: The 20th.

President: Well, we'll come right back from there, I guess, right, then we'd come back and uh, uh, the uh, uh, have you talked to John about this Ells-- this, uh -- not [Daniel] Ellsberg thing.

Mitchell: [Charles M.] Cooke[, Jr.]

President: The, the [Charles McC.] Mathias[, Jr.] thing. The rest of the papers. You know...

Haldeman: I have not, I don't know...

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Ehrlichman: I haven't. I know -- uh, [Robert C.] Mardian --

Haldeman: Mardian [unintelligible].

Mitchell: And there's to be a meeting with Mathias the 8th -- I don't know why he postponed it so long -- with Mardian and people from [Department of Defense] DOD, I guess that's it. State's not involved -- to get into this. Mathias is playing a little cat and mouse game -- wouldn't see them before the 8th to get into the background of how they got them from Ellsberg, what they are and get them returned.

President: Well, the problem that we have on those is not that, these, these are papers from the [National Security Council] NSC, is that correct? Y'see -- that's what I'm concerned about. These are papers -- that's why State should be in on it. These are papers that involves memorandas [sic] apparently that [William P.] Rogers is supposed to have written to the NSC, or to me or to somebody.

Mitchell: They are, they are the Nixon papers. As far as I know he has not described them.

Haldeman: How did they get --

President: How did they get out of the NSC file, that's my point. And, and, and then, are we -- that's the, that's the investigation that's got to be given the highest priority immediately now.

Haldeman: ...they don't necessarily...

President: Now here's --

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Haldeman: ...could have come out of an NSC file, the NSC could have got -- you've got a, got a Defense file, out of a State file or out of an NSC file --

Mitchell: Aw come on. Bullshit.

President: Sure. Rogers sent papers to me. I'm not sure that Defense would have them.

Haldeman: No, but then State would.

President: Fine, fine, alright. State's -- that's my point -- State's got to get in on it. Henry [A. Kissinger]'s -- you gotta check [Laurence E. ("Larry")] Lynn[, Jr.] and, uh, this fellow Cwok -- what's his name? Is that his name?

Mitchell: Cooke.

President: Cooke. He was there right? Is he one that had access to this stuff?

Haldeman: He had access to the Vietnam studies in the -- uh,...

President: Yeah.

Mitchell: At State.

Haldeman: ...since '69 when at State. Yeah.

Ehrlichman: I don't think we really know what -- we don't know what they are.

[Unintelligible]

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Mitchell: No. The only information I have and it's what, apparently, he told Mel[vin R.] Laird and it was the fact that they were Nixon papers.

Ehrlichman: And that they came from Ellsberg?

Mitchell: Yes. Ells--, Ellsberg.

President: Ellaberg.

Mitchell: Ellsberg. That's correct.

Ehrlichman: But that's all you can tell me.

Mitchell: Well, as I say, he --

President: Well, in any event, when you say Nixon papers -- Are these papers -- not apparently from me, if, uh, or, or are they?

Mitchell: No. I understood --

President: I don't see how they could be --

Mitchell: -- that they were --

President: ...because I, I've scared Henry within an inch of his life from the time he's been here. He's never going to get anything from me out on anything.

Ehrlichman: Well, I gather these are to or from you -- one or the other. And --

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President: It wouldn't be from me. They're not from me, John, because they're written from Henry. You know what I mean. The NSC -- that's the way it's done.

Mitchell: I, I understood it as being during the Nixon Administration.

President: Correct.

Mitchell: That's as much information as I have on it.

President: We'll know in a couple of days.

Mitchell: The 8th's --

President: If he makes good on it. But in any case, if Ellsberg's sources are contemporary.

Mitchell: I, I believe that.

President: And if they're -- and the main point I would to get at when I've got -- I think we've got to get at the conspiracy angle here. Uh, Ellsberg is not a lone operator. Ellsberg is a, he's a, -- I don't know who's in it. Maybe Lynn is in it. Maybe Cooke is in it. Uh, I'm not speaking just to the *New York Times* -- I understand they're going to do something about [Neil] Sheehan -- whatever his name is. That's uh, but, but he's uh, he's a party once removed. But we have got to get at the people...

Mitchell: [Unintelligible].

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President: ...who are conspirators in it -- because that's one thing we find the public supports -- the public want, the people they want Ells-, Ellsberg prosecuted probably because of his, because they, they understand, that threat. They may not want a newspaper -- they maybe want a newspaper to publish it, but they don't want, they don't want a guy to steal it. That's the, that's the general thing that I see from everything that I've been able to pick up here --

Mitchell: We've had a crew --

President: I think if we could get a, the conspiracy thing -- Now, the other thing, John. I think it's, I think we need cooperation from [J. Edgar] Hoover, uh, in terms of, uh -- this has to be tried in the, in the papers, in the newspapers, you understand what I mean? Let me say that there is, uh, the, uh, maybe, I don't mean Ellsberg, Ellsberg now has already been indicted, or has he? -- No.

Mitchell: Yes. He's under indictment.

President: -- been charged --

Mitchell: No, he's indicted. He's -- been indicted by a grand jury.

President: Yeah, yeah. I see. Indicted. Well, the point is that, that, uh, as far as the others are concerned, the way really, to get the conspiracy out is to get it out through papers, through Congressional sources, through, uh, newspapers and so forth and so on, and smoke them out that way. Uh, it's the only we were, we were able to crack the [Alger] Hiss case and the [Elizabeth] Bentley case. In other words, we could, and then, we didn't have the cooperation of the government. They were fighting us, but we God damn well got it out. And in this instance, these fellows

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have all put themselves above the law and, uh, including apparently, including two or three of Henry's staff and by God we're going to go after 'em because there's just too much stuff in there now that I don't want another one of his boys to leak it out. That's why -- I, John, you cannot assume that Henry's staff didn't do this. Now, I've had [General Alexander M.] Haig[, Jr.] in here right now and Haig says he couldn't believe Lynn did anything. Lynn has left. Now he's over working for [Elliot L.] Richardson. I'd get him in and I'd question him. Did you do this? And I'd polygraph him. I think we've got to do that for Lynn. I think you've got to do it to -- for Cooke. Because we've got to find out whether people currently in, who, who, Jesus he's still in the government. Now, Richardson isn't going to like it, but I, I don't know how, what else we can, we can do to, to get at this thing. Uh, the uh, think, the Ellsberg prosecution -- it's a -- you've got a pretty good man on it, have you? Who's that?

Mitchell: Well, it's under Mardian's department and -- we've got...

President: Is that Mardian?

Mitchell: ...and we've got some of the better people...

President: Good, well --

Mitchell: ...working on it. A fellow by the name of [Forename unknown] Vincent. They've, we've been -- we've had a crew working over the weekend with DOD on this conspiracy concept...

President: Have you?

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Mitchell: ...that we put together.

President: How, what kind of cooperation are you getting from them, John? Is it --

Mitchell: DOD?

President: Yeah.

Mitchell: Good...

President: Now, Laird...

Mitchell: ...as, as, far as, as far as we can tell.

President: Is Laird?

Haldeman: It's [J. Fred] Buzhardt[, Jr.].

President: Y'see, ya see, ya see, Laird's gone, but Laird sat in here as you recall and said he had all this thing -- that he thought it was a conspiracy and so forth but they've got a much bigger outfit working on this than Edgar Hoover has.

Mitchell: I know they have. But I want to tell you, Mr. President -- after Mel Laird said that that day, I asked Buzhardt over the next day and they weren't even close to it. They had Cooke and Ellsberg -- those are the only two...

President: Is that right?

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Mitchell: ...two they had.

President: They are? Just bulling?

Mitchell: But, uh, they are, of course, these obvious leaks that go back into the [Morton H.] Halperins, or the or Larry Lynn or the rest of them and that's what they've been working on over the weekend and I'll have a briefing on that today.

President: John, would you like -- do you think it would be well to put, uh, to put uh, for you to put some -- oh, maybe that isn't the place for it. Maybe the place for it's up in a committee of Congress. Let [Richard H.] Ichord and his bear cats go after it. Uh, what I'm getting at is that, uh, you've got the Ellsberg case. I, I'm not so interested in getting out and indicting people and then having our mouths shut. I'm more interested in frankly, getting the story out, see the point? That's even on the Ellsberg thing. I'm not so sure that I'd would, that I'd want him tried, convicted -- we had to do that because he's admitted -- but as long as we can, uh -
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Mitchell: Well, uh, we have Ellsberg back into some of our domestic Communists.

President: Have you?

Mitchell: Yes.

President: You really have?

Mitchell: Yup.

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President: Domestic Communists -- now, that's, that's great. That's the kind of thing we need.

Mitchell: That's right. And we're putting the story together. He's been, attended meetings out in Minnesota and, uh, testified for this Communist lawyer in a trial out there and we're putting all that together. We're gettin' --

President: Is that, is that the result of Hoover or the Defense Department, do you think?

Mitchell: You mean the information?

President: Yeah.

Mitchell: It, it came out of a US Marshal out in Minnesota who, uh...

President: Oh?

Mitchell: ...recognized the guy and recognized his background...

President: Great.

Mitchell: ...and had, had him under surveillance at one of those meetings.

President: Mm hmm.

Haldeman: Shouldn't somebody get at -- I assume they keep the files on all those taps when we were running all those people through.

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President: You know that's --

Mitchell: Halperin --

Haldeman: This -- in light of this, some of that stuff may be a hell of a lot more meaningful now...

Mitchell: I --

Haldeman: ...than it was then.

Mitchell: I, I, I've had them reviewed in the Bureau.

Haldeman: There were a lot of conversations with Sheehan in them, to my recollection.

President: Were there?

Haldeman: I think there were. I may be wrong but I sure think there was. And nobody would agree --

[Several people talk at once]

President: In light of current history who's got the time to read it? I haven't, I naturally never saw any of that stuff.

Haldeman: Well some of it may have been gobbledy gook at the time but it may --

Mitchell: Well, a, Bob is right. You never know what those taps mean...

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President: No.

Mitchell: ...until it relates to...

President: No.

Mitchell: ...something. And they're being reviewed.

Ehrlichman: John, don't you think that, uh, we could get ourselves into a, into a dilemma if Mardian begins to develop evidence on this conspiracy and we want to go on a non-legal approach -- either leaks or through the Ichord committee? If it, if it gets too -- if, if, if the Justice...

President: Too far down the track --

Ehrlichman: [Unintelligible] too much in the predominance so to speak in the development of this --

Mitchell: Well, it's my idea that we should only pick out the hard cases to try where we know we can convictions.

President: John what is your feeling on -- speaking of hard cases, now -- uh, or, are you, do you say that you're gonna, they're having a grand jury -- do you, did somebody told me that Cheean or Sheehan --

Ehrlichman: Yeah, Mardian told me that.

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Mitchell: Well, we're running a grand jury in, in Boston which doesn't necessarily relate to anybody.

President: I see.

Mitchell: It relates to the overall case.

President: Now, on Sheehan. Let's talk about that. Is that smart? Just, just being quite candid. Is it smart to go after Sheehan? My feeling, off the top of my head, is to convict that son-of-a-bitch before a committee.

Mitchell: Sheehan?

President: Make him the [unintelligible]. Here's the point. Uh, let me say that, uh, let me, let me recap in my own mind the whole attitude on the whole thing on this. First, and despite all the beating and so forth you've taken, you did the right, we've done exactly the right thing up this point. You had to get that case to court. It had to go to the Supreme Court and when you read those, when you read the, the, the opinions -- as even [James B. ("Scotty") Reston agreed -- it, it gave them goddamn little comfort.

Mitchell: This is the general census in the newspapers now which I think is right...

President: Right, that's right.

Mitchell: ...which I think is right and great.

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President: But my point is that it had to be done. On the, on the other, on the next point, however, I think that having done that and now, now, we've got to continue to protect the security of these, these things -- having in mind our own security -- but, not recognizing that there is, in my view, I think there is -- I, I won't say there, but there's very, it seems to me, pretty good evidence of a conspiracy. Do you feel there's a conspiracy?

Mitchell: Well, yes.

President: I don't, just don't know.

Mitchell: Well, I know there's a conspiracy, uh, because of the fact that, uh, our East Coast conspiracy people in Massachusetts are the ones that are, have been distributing the documents...

President: Uh, huh.

Mitchell: ...which we will be able to develop. Uh, with respect to, uh Ellsberg and the papers that Mathias has, obviously, there's somebody else other than Ellsberg is taking them out of the government and uh, we may have some problems finding that guy, but hopefully we will be able to. That guy or guys. Let me put out one other factor in here. I don't know whether you noticed it, but uh, this statement that I put out with respect to the court decision, that the court decision spoke for itself...

President: Yes, yes [noise] but you were going to --

Mitchell: ...but that it reserved all of our criminal approaches and...

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President: That's exact-, that's exactly right.

Mitchell: No, what we have got going there is the [*Washintgon*] *Post* has fallen over and laying dead. They, y'know, they're talking to [William B.] Macomber[, Jr.]. They want to give him back those sensitive documents and everything else.

President: You've gotte watch [unintelligible].

Mitchell: And they want to give Macomber back all the sensitive documents.

President: [Unintelligible].

Mitchell: Now, the reason for this is, and I've just let it sit there, is that if we ever convicted the, the [*Washington*] *Post* or Katie [Katharine L.] Graham, she'd lose all of her television and radio licenses.

President: [Unintelligible].

Mitchell: ...and radio licenses so I've just let this thing sit there and let 'em sweat...

President: Great.

Mitchell: ...and, let 'em sweat. But uh, I think, personally feel at this time that it would be a mistake if we start indicting newspapers. Now, what, what I have...

President: You're right about that.

Mitchell: ...what I have structured...

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President: Try 'em in the papers.

Mitchell: ...oh yes [unintelligible]. Now what I have done is, is get these grand juries going so we can get all of this information and hold it. Keep the investigation going and then make our determinations as to who we want to indict and who we don't want to indict. We don't have to bring down an indictment out of the grand jury if we, if we don't want to. Uh, so that we can put the mosaic together and then have another look at it and see where we're gonna go. And I have of course a hold on everything --

An unknown person entered at an unknown time after 11:50 am

Mitchell: -- not to put out anything which won't -- out of the grand jury. There'll be no indictments, no bringing Sheehan before the grand jury or anything like that until we put the pieces together and see what we've got.

President: What we would like, what I would like, John, is this: I would like to have a, see, I'm keeping up, get a, and I've gotta see somebody in Rose on something, just a little peek, and I want to see [Peter M.] Flanagan very briefly before I leave, we can walk out to the airfield, well, it's not important, and I'll let you know when it's ready.

Unknown: Right, right.

The unknown person left at an unknown time before 12:15 pm

President: And the other thing is, I think right now I have a feeling you're in an excellent position to go forward letting the leaks and everything else out which would

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indicate that these bastards are guilty as hell and uh, I, uh, can, cannot wait for, uh, the conviction of Ellsberg and so forth [unintelligible].

Mitchell: No, I, I quite agree.

President: I think, we've got, I think the conspiracy side of that's why I hope, I think, I think we've got to go out. If you would tell Hoover to work people [unintelligible] Defense outfit and push Laird, will you, or, or whoever it is -- Buzhardt.

Mitchell: I believe Buzhardt [unintelligible].

President: Make that son-of-a-bitch get it done. Tell him we want it done. I'm cutting off. I've -- I find shocked amazement to find that this stupid Administration sold this classified [unintelligible] and everything else. Now, we're gonna start getting tough. Where are those names? Now I asked for those names this morning.

Unknown: [Unintelligible].

President: None of you asked what I want. I want them on my desk. Every former [John F.] Kennedy-[Lyndon B.] Johnson Administrator who's not in the government I want his God damned name if he's got a top secret clearance. They'll removed. I was out for eight years. I've never and they refused me [Central Intelligence Agency] CIA briefings. What the hell. Well we have beautiful opportunity to come off. Don't you agree?

Mitchell: Yes sir.

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President: That's right. But does this sound like a good game plan? We're going to keep this one step away from me. [Unintelligible] relation. I'll, I'll know what's going on and [unintelligible] [Patrick J.] Buchanan knows how to play these little games.

Mitchell: But, I hope they won't be using Victor Lasky.

President: Lasky? You mean as a leaker?

Mitchell: Yes.

Haldeman: He's a leaker of last resort. If nobody else'll print it, Lasky will. [Laughs]

Ehrlichman: Who will uh, who will manage this grand jury while you're gone?

President: Mardian.

Ehrlichman: Mardian?

Mitchell: Mardian and [Richard G.] Kleindienst. But, thank God, as, as I say, this in a fact-finding expedition to put together the mosaic and not to take any action at all without my approval.

Ehrlichman: Good.

President: Y' know, an interesting thing as we [unintelligible] at that little affair, that affair at the, uh, Archives, [Robert C.] Byrd says as he sat over there [unintelligible]. He says, you know, I have never talked to [unintelligible] judges or the Supreme

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Court has taken [unintelligible] really shocking [unintelligible] miserable performance...

Mitchell: Unless he reviewed the whole thing for about an hour with me and he is terribly upset.

President: Yeah.

Mitchell: To think that the judiciary would react...

President: You know, it shows you the pay-off, though. Uh, the *Washington Post* and the [Washington] *Times* both have swamped slop over, uh, beautiful stories on [Murray I.] Gurfein and that, I mean son-of-a-bitch of a Republican. There were others. There'll be no more.

Haldeman: Of course, I realize that undoing there'll be no [unintelligible].

Mitchell: Probably would have, Gurfein probably would have consulted you.

President: That's right. Well, enjoy your trip. You'll follow up then with Laird, and you, and you press hard Buzhardt. In other words, play the game in a public vein. Take off Sheehan, you figure that if we knock too hard it's gonna -- What do you think? What's it [unintelligible].

Mitchell: I think we ought to see what the whole picture is. We know what Sheehan has done, but we don't know how deeply he was involved with Ellsberg. Uh, he is --

Ehrlichman: Will he -- do you have any reason to think he'd testify?

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Mitchell: Sheehan?

Ehrlichman: Yeah.

Mitchell: No. I wouldn't want him to testify because if he did, he'd ask for immunity and that would be the end of it.

Ehrlichman: That's right.

Mitchell: And we can get the testimony out, we know.

Ehrlichman: You can never, you can never get Sheehan except on the testimony of, uh, witnesses on the, uh, well, uh, on the committee or on testimony of others, others, limited, and so forth and so on.

Mitchell: Well --

Haldeman: All we'd have to do -- get maybe somebody who received the stuff.

Ehrlichman: Plenty of people, people have been convicted without [unintelligible]. It's a terrible lesson.

Mitchell: Sheehan's wife was one of them, you know. She has quite a police record, including shoplifting down here in Washington.

Ehrlichman: Well, I suppose [unintelligible].

Haldeman: She has no expectation.

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Mitchell: No, none of them have any immunity explicit or [unintelligible].

President: We're, we're...

Ehrlichman: We're going to have to ask Buchanan gather this information in that's available to the President.

Mitchell: All right. Dick [Richard A.] Moore has been working on some of this. He's got a lot of the background memoranda.

Ehrlichman: Well, either he'll be, he'll be right with Buchanan --

Mitchell: Yeah.

Ehrlichman: The only reason we go to Buchanan is time.

Mitchell: Yeah.