

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

Part of a conversation among President Nixon, John N. Mitchell, John D. Ehrlichman, and Stephen B. Bull in the Oval Office between 10:04 am and 10:47 am on October 8, 1971

Conversation No. 587-3

Mitchell: Mr. President, two other quick things if you have another moment.

President: Sure.

Mitchell: We have those, uh, tapes, logs and so forth over in Mardian's safe on that background investigation, wiretapping we did on Kissinger's staff, the newspapermen and so forth. Hoover -- uh, those were given to Mardian by Sullivan before he left.

Ehrlichman: We have all the FBI's copies.

Mitchell: Yeah. Uh. Hoover is tearing the place up over there trying to get at 'em and, uh, of course the defense is that Mardian, Mardian has them because you directed him to have them. The question is, should we get them out of Mardian's office before Hoover blows the safe or, and bring 'em over here and put 'em in John's custody -- I think John's custody, which I think would be the appropriate thing to do because they're part of the overall investigation of uh, the Pentagon Papers and this whole mess.

Ehrlichman: My impression from talking to Mardian is that Hoover feels very insecure without having his own copy of those things because, of course that gives him leverage with Mitchell and with you...

President: Yeah.

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Ehrlichman: ...and because they're illegal. Now, he doesn't have any copies and he has agents all over this town interrogating people, trying to find out where they are -- He's got Mardian's building under surveillance --

President: He doesn't even have his own, uh --

Ehrlichman: Now, see, we've got 'em. Sullivan sneaked 'em out to Mardian.

President: Now why the hell didn't he have a copy, too?

Ehrlichman: If he does, he'll beat you over the head with it.

Mitchell: Yeah.

President: Oh.

Mitchell: I think that it's very well structured where it is, but the imp--, the...

Ehrlichman: He's got [unintelligible]

Mitchell: ...crunch, the crunch is that they shouldn't be in Mardian's hands because he would suspect what Mardian might do with them vis-a-vis Hoover.

President: Mardian's in Justice, you've gotta get them out of there. Do we have them in my hands, then?

Mitchell: Sure, sure.

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President: Why don't we just say the President wants them in his own hands and I'm getting, trying to get some from Helms in my own hands. Why don't we say it that way? And Hoover knows damn well I'm not going to do anything.

Mitchell: Well, Hoover won't come and talk to me about it. He just got his, uh, G-, Gestapo all over the place.

President: Yeah.

Mitchell: If, if he does, I'm just gonna say they're over here.

President: Who will, who will, who will do this. You've got in mind?

Ehrlichman: Sure.

President: Just say that we want them. Put them in a special safe.

Ehrlichman: I've got, I've got a place I can put 'em.

President: But not to mention, you tell Hoover.

Ehrlichman: No, I, I would say that if we don't tell Hoover anything. If Hoover comes to John which is what Mardian's been telling him to do...

President: Yeah.

Ehrlichman: ...then John can say the President has them and, Justice.

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Mitchell: That'll, that' ll turn him off.

President: **[WITHDRAWAL - "B" RESTRICTION]**

Ehrlichman:

President: **[END WITHDRAWAL]**

Mitchell: Mr. President, Mr. Hoover is tearing up that damn place over there and, uh, we have, as I know it's a difficult problem. Uh, but I want to tell you that I've got to get him straightened out which may lead to a hell of a confrontation unless we find another say...

President: Yeah.

Mitchell: ...because he has practically shut off Mardian from the Bureau...

President: I understand.

Mitchell: ...and uh, I don't know how we go about it, whether we reconsider Mr. Hoover and his exit or whether I just have to bear down on him. Lead to a confrontation or what, uh --

President: Well, as I told you, I will start off that practice. He says think it's right. He says I know whenever you -- you've gotta get re-elected [unintelligible]. If you think that my presence is going to be really harmful, he says, I will resign. That's a pretty, pretty nice way of saying I don't think I am harmful. He was talking about his support on the Hill and so forth and so on.

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Mitchell: Well, sure.

President: Uh, as of the moment that is true that he oughta resign, for a lot of reasons he oughta resign, in my view is he oughta resign while he's on top, before he becomes an issue in the current, the least of it is he's too old.

Mitchell: He's getting senile, actually.

President: He should get the hell out of there. Now it may be, which I kind of doubt, I don't know, maybe, maybe I could just call him in and talk him into resigning.

Mitchell: Shall I go ahead with this confrontation, then, on this, uh, availability of the agents and their material?

President: Sure.

Mitchell: ...and the Secret Service.

President: I think you should --

Mitchell: I think we should.

President: And then -- well, let's, let's run that by [unintelligible] then. Well, I mean, I'm willing to take it on if we have to do it. There, there, there're some problems in it I mean, the day Hoover goes, why he goes out -- you see, it's like all these people that say, well, the hell, they have got Agnew, change and, and a certain area poll shows that Agnew at the present time would be liability more than an asset at a certain period of time. We know that Agnew can't leave that ticket unless he

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does. Can't do it. And the same is true of Hoover -- if I fired Hoover, if you think we've got an uprising and a riot now [unintelligible] would be terrific Edgar Hoover has got to go. If he does go, he's got to go of his own volition -- that's what we get down to, and that's why we're in a hell of a problem. And at the present time, I don't think, John, I think he'll stay until he's 100 years old. I think he loves it.

Mitchell: I think he's just a --

President: He loves it.

Mitchell: He'll stay 'til he's buried there. Immortality. The way he's, the way he's handling that department -- uh...

President: Yeah.

Mitchell: ...this, this stuff's gonna break...

President: Yeah.

Mitchell: ...around it.

President: Well, can I, uh, can we do, uh [unintelligible]. I'm willing to fight him, but I don't. You see, I think we've got to avoid the situation where he -- he could leave with a blast that is [unintelligible]. I don't think he will. I think he's so damn patriotic and he knows very well that [unintelligible].

Mitchell: He's not, he's not gonna blast us.

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President: ...for us, but I'm, on the other hand, you can't have him go out of there mumbling. What do you want to do? I mean, if you think you want him out, I'll play the game with you, to get him in here and --

Mitchell: You feel that he, he will not take the scenario that we've talked about -- for the big hurrah on January 1,...

President: Well.

Mitchell: ...let's say, with somebody in there in the meantime.

President: I sorta, I went all 'round with him. I said it might be better to do that, trying to start at the other end. Just couldn't run the risks with the election.

Mitchell: Maybe we oughta let, maybe we oughta let some of there Indians loose over there and start tearing 'em up a little bit.

President: Well, maybe a friend of his in the press oughta write that. They've got the guts to do it. A Dick Wilson, people like that. Hoover oughta do this at the peak of his career. In other words, it's like Lou Gerhig and all the great guys you know -- Bob Feller -- the ones that you remember, are the ones, you know, who didn't play that extra year. They struck out. They got out; Ted Williams didn't [unintelligible].

Mitchell: Is there any such person that's that close to Hoover?

President: Damned if I know.

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Ehrlichman: The, uh -- our, our time frame, I think, is very tight because of Sullivan is sitting out there and with a hell of a lot of information.

Mitchell: I wonder if DeLoach could go and talk to him.

Ehrlichman: There's bad blood there, I'm told.

Mitchell: No.

Ehrlichman: Isn't there?

President: I don't know. I don't know. I don't know that there's anybody. Dick Berlin? Want to try him? He's been awfully close to Hoover through the years.

Mitchell: I didn't realize that.

President: Oh hell yes. Close friends. Dick always useful and that he, he just oughta get out of there and John, in the meantime, I don't think John oughta handle the confrontation. What do you think?

Mitchell: Yes, sir.

President: You start it, you start it, and then maybe I can step in and tell him that this [unintelligible].

Ehrlichman: I got [unintelligible].

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Mitchell: One last point that [unintelligible] no [unintelligible].

Unknown: Short, short, brief.

Mitchell: One last point. They're going to meet with Peterson and, uh...

President: Yeah.

Mitchell: ...Flanigan.

President: Right.

Mitchell: For Christ's sake, we've got to get that State Department from cuttin' you to pieces. Uh, Kennedy should go over there and settle this thing as they just don't have this back fighting.

President: Yeah, yeah. Because [unintelligible] we can't [unintelligible] I guess, well, [unintelligible]. Everybody has a [unintelligible].

Mitchell: Goodbye, Mr. President.

President: Well, Charleston Associates in the city, --

Ehrlichman: Yeah.

President: What're you going do [unintelligible] when I get all the press in here and all. Thank you very much, John. Have a good trip to [unintelligible].

Mitchell: Yes, sir. You, too.

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President: Thanks. I appreciate your comin' in.

Mitchell: Right.