

NIXON PRESIDENTIAL MATERIALS STAFF



Tape Subject Log

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Transcript #2: Transcript of a recording of a meeting between President Nixon, H. R. ("Bob") Haldeman and Charles W. Colson on March 30, 1972 from approximately 1:30 to 2:30 p.m. in the Oval Office.

Conversation No. 697-29

Colson: ...I don't know, maybe the, maybe the ITT thing'll be behind us.

President: (Unintelligible) hell no. All that -the main thing is that you talked to Chuck, told Chuck about your conversations with, uh...

Haldeman: I didn't.

President: Has Kleindienst talked to Eastland today about it?

Haldeman: I haven't heard. (Unintelligible) unknown.

President: You don't know what is, what Eastland has said. You want double-check, just be damn sure that he's not misleading us on this (unintelligible) again.

Haldeman: Uh, at, at the (unintelligible) he may have called.

President: One thing I want to do is to get--I was telling Bob this morning, I think I should step back on it a bit. I think deeply, you know, I mean as I should have been involved, but, uh, without telling you what is involved and I don't think you should know, uh, I have it now set up that I can do what needs to be done. You understand what I mean?

Colson: Yes sir.

President: Now, one thing you have to (cough) is that all of us quite, uh, Bob has talked to Kleindienst, has talking to him, is talking about, you understand, is that for the play to work that I have in mind -I have my delusions about what I think will happen, but I could be wrong. We could all be wrong. Uh, I don't think so. But, (unintelligible) anyhow. But for the play to work, we must all appear for the next two or three weeks to be making as much of an effort as possible to get Kleindienst confirmed.

Colson: Um hum.

President: We must appear to be doing that. If we do not appear to be doing that, we're going to have a hell of a problem not only in terms of not solving the ITT case, because Kleindienst getting out it, don't worry, Teddy will find other ways to keep the goddamn thing alive. It'll help some, really. But the other point is, the other problem is then we have the worst of both worlds. In other words, the Kleindienst problem, Chuck, cannot be solved. I've done a lot of thinking about it since all of us talked. You remember, I was the one that raised the point in this office and I said, "Why not bite the bullet now? Why not in committee?" We all intend -and I think the rest of you were right when you said, "No, you've got to have a provocation?"

Colson: Right.

President: The reason you've got to have a provocation is not incidentally, so much, in my view, that the public will say that's an admission of guilt to withdraw his name. They're gonna say that anyway. But the reason is much more problematic: Kleindienst has got friends.

Colson: Um hum.

President: You've got the Mitchell problem, you've got the Eastland problem and you got the Kleindienst problem. You've got people around the country that say "What the hell." Now, whatever anything happens here Chuck, it's got to be done in such a way that they are on board.

Colson: Oh I, I totally agree with you.

President: See what I mean? Kleindienst is gotta be on board.

Colson: Terrific.

President: Mitchell's gotta be on board. And Eastland's gotta be on board for another reason -because you're never gonna get anybody else confirmed unless he's on board.

Colson: That's correct.

President: You may not be able to get him confirmed anyway. That I, that I, uh, -and of course then you're in, there again you're in problems too. This is just too goddamned bad, isn't it. Uh, supposed that Kleindienst er, withdraws, is there any way we can handle this damned thing without sending another name to (unintelligible). I guess you've got to make an effort to get another man, don't you think?

Colson: Um hum.

Haldeman: Sure.

Colson: Uh, you'd have no choice I, I think. If, if Kleindienst goes down, you...

President: And then have another name up and, and well, then, at least, then they'll say the Senate did confirm him and then we could say that's pure politics now.

Colson: Oh, I'd love them to turn down the second name if the guy was completely clean and out of it...

President: Well, now it look like...

Haldeman: Who'd be clean?

Colson: Hum?

Haldeman: But who's completely clean?

President: No, but what I meant is, has nothing to do with this case.

Colson: That's right.

President: That's the main thing.

Colson: Had nothing to do with,...

President: There's got to be somebody.

Colson: ...had nothing to do with the Justice Department period. And

Colson: So, then if they turned that guy down, then you've got a hell of a -then the issue turns the other way. They won't be that, they wouldn't be that stupid.

President: Now, the game that we have to play between now and next -uh, I won't be talking any more about it. You take your days off and forget it. You forget about it.

Colson: We, we already...

President: What I want you to do, what I want to do is that I want you to concentrate (noise) you, your efforts and your staff's efforts on the three big issues. In other words, the one issue is the cost-of-living thing.

Colson: Food prices.

President: The second -food prices is the cost-of-living. The second issue is the issue of uh, we've already discussed uh...

Colson: Bussing.

President: ...the Meany bussing. I mean well, the Meany is related to the food price and the other stuff, but Meany I put as a separate issue. Meany, bussing and then the other thing of course is our greatest strength, we're not playing adequately and that is "Nixon, the man of peace."

Colson: Um hum.

President: That just has enormous punch. Now, those four issues are what we ought to be playing. Now, let's illustrate it runs (unintelligible) if an (unintelligible) As long as I am devoting my thought, and you are devoting your thought, and -MacGregor's a different kettle of fish, MacGregor's sole job is to get this goddamn thing through. Uh, you know, I mean, and he's gotta, he's gotta to appear to be trying. But, I think up to this point, the role that we have all played has been right. It would have been very much in our interests to discredit the whole thing.

Colson: Um.

President: And incidentally, I don't want, I don't think you should be discouraged about what you accomplished. You know when you were saying that we should have cut it off two weeks ago. Not so sure. As a matter of fact, the developments of the last two weeks -sure you've got the (unintelligible) of the \$600,000 and the White House thing and the rest, but also you got Dita Beard's uh, you know, testimony. Uh, you've got, uh, denials. You got the typewriter thing. Uh, you're not, there --in other words, I think the cloud of confusion has to a certain extent been raised about this case.

Colson: Yeah. I think the, the

President: I don't think we've been hurt the last two weeks.

Colson: We haven't been hurt this week really. Uh, I don't know about last week. This week we have not been hurt. Interestingly, as a matter of fact, I think the media the last three days has been less anti-Administration.

President: Is that right?

Colson: Clearly.

President: Well, I sense that too but (unintelligible)

Colson: Well I've watched it. It's beginning to change. Walters in the Star has been just venomous. Yesterday's piece was quite balanced. This morning's piece in the Times was a very balanced piece and went into the authenticity of the memo in depth and how Crone and Titel had found this and

President: It did?

Colson: Yes sir.

President: What did you put out on that yesterday?

Colson: Well they, they delivered the report of the, uh, McCrone...

President: (Unintelligible)

Colson: ...and Titel to the Committee. The report got progressively stronger as the week went on. And as of yesterday, both McCrone and Titel's report said it was typed in January.

President: They did?

Colson: Yes sir. And the, the, uh,

President: That's good.

Colson: The Times this morning, Graham, who's been host'le, his piece w-was relatively balanced and didn't mention any conflict of the FBI, but anybody reading it would have some doubts about the memo. The TV has changed. Hruska last night got...

Haldeman: ...(unintelligible)

Colson: ...more time than Tunney, and he was more effective, and they used the best portion of what Hruska said. That's the first time that's happened. The night before,...

President: Great. Great.

Colson: ...Tuesday night, we got Scott on one of the three networks and no anti-ITT stuff on -or anti-Administration stuff...

Haldeman: Hmm.

Colson: ...on any of the other networks. Monday night, we began to get a break when one of the networks took Scott and Hruska's press conference and --that was ABC.

President: Yeah, ABC. I remember you told me.

Colson: So, there has been an evolution, Mr. President, that, that last week they were just dumping on us, just everything was hostile. We're beginning to get a little bit of...

President: Well, when I spoke the last to you, right after the night you began to get the Dita Beard typewriter stuff out...

Colson: Yeah. About Friday.

President: (Unintelligible) last few weeks.

Colson: That's right. That's right.

President: I thought maybe this maybe was a leak.

Colson: No, but...

President: But, nevertheless, nevertheless, it was worth it. It's been worth it. I now think, I now think we're in a position where there isn't a hell of a lot more that we can really do. When I say that, that there isn't a hell of a lot more we can do, as I look at the game, first on Kleindienst, firour effort should be all out to try to get an up or down vote on a total close-off of the hearings next Thursday with no compromise. I understand there's division here. Uh, uh, uh, apparently, uh, Clark doesn't think you can get that, uh, get a majority there or doesn't, is that right, he doesn't think so, you don't think so.

Colson: Skeptical about it.

President: Skeptical about...

Colson: Skeptical about Eastland's position, skeptical about how firm our Republicans want to be.

President: Right. Well, it will be Clark's business to get those Republicans as far as he can. Eh, and it will be, it will be Kleindienst's responsibility and when Mitchell gets back I'm gonna put him on it 'cause Mitchell's ass is involved in this now too, you see, as he's well aware and uh, -on Eastland, I mean.

Colson: Um hum.

President: They've got to get Eastland first to the extent now that they -Eastland owes a lot.

Colson: Um hum.

President: He owes them one hell of a lot.

Colson: Um hum.

President: Now if he doesn't get Eastland uh, you're gonna lose him, aren't ya?

Colson: Yes sir.

President: You don't think you can do that you might lose him on it or he might compromise with, you know, with Kennedy.

Colson: I think

President: That's the worst of both worlds if you send Kleindienst to the floor and then Kennedy continues to run with an investigation subcommittee.

Colson: Or you keep Kleindienst in while they continue the investigation. Unless they could get an agreement to limit it to four or five people and get it over with within a week.

President: Oh shit. Don't do that. Don't do that.

Colson: Well...

Haldeman: (Unintelligible) to work.

Colson: Well except that, well except that they did it in Rehnquist's case and that, that's one or the other options I was coming to (unintelligible) just before we came in here.

President: What's that?

Colson: Well, if that would head off any other subcommittee investigation that would continue the ITT case regardless...

President: Who do you want, Leach on it?

Colson: No, God no. Heh. I've never wanted Leach. But uh, if you could limit it to three or four or five people.

President: You'd be for that?

Colson: Well, only if you had an absolute commitment that they would not continue it in a subcommittee investigation. Then I'd let'em go another week.

President: You would?

Colson: Well, if, if the other option was to turn it off cold here and start it up in one of Kennedy's subcommittees, yes. Because he could...

President: Well Kennedy's subcommittees though, doesn't have -doesn't a subcommittee operate under the approval of the whole committee?

Colson: Yes sir. And that's where Eastland is critically important.

President: That's right. Well he's -it's got to be cold turkey. And so that is one of the reasons why everybody's got to do a battle.

Colson: Yeah.

President: That's -the only thing that I need to support here is that we've got to call in the chips on Eastland. Now, I have a little game that you can go play with him too. I can tell you or Clark about him, but it's got to be done.

Colson: Um hum. Well, the best of all worlds would be close off the hearing and...

President: Period.

Colson: ...not spurn any others on next Thursday. That...

President: Not what...

Colson: Not, not create...

President: Not have another.

Colson: ...any new ones.

President: Oh no. I don't propose that they ought to have another one. I'd just as soon have it go on full committee. Really.

Colson: Yeah. That's what I'm saying.

President: Yeah.

Colson: If you could then and get a clear...

President: No, otherwise you got Kennedy as the Chairman, Jesus Christ, the Chairman of the subcommittee. He'd kill ya.

Colson: That's right.

President: I know. All right. Now.

Colson: Bob and I have...

President: You will determine that when?

Haldeman: Thursday.

President: You'll know Thursday, won't ya?

Colson: Yeah.

President: Well, we don't need to speculate about it. I mean it's nothing -We don't need to worry about it.

Colson: Yeah.

President: I don't think that sitting around and worrying and speculatin' about it will do us a damned bit of good. We've all been beatin' our brains about this and with good reason. I know uh, uh, uh, -I mean, I, I think that you said we came very close on several occasions, if we could completely destroy the authenticity of that memo and if the goddamned Bureau had not gotten that crazy note of theirs in there, then we would have shaken Kennedy to his eyeteeth and discouraged them in future stuff. But at the present time, Chuck, you just gotta figure that they're gonna be investigating us in all things. I mean...

Colson: Well, you know...

President: ...this business about Flanigan and all this.

Haldeman: That's it. We clean this one away, there's gonna be new one floating in,

President: What is, what has happened incidentally on the initiative, if anything, to have Flanigan give a private call on, uh, on Ervin do you know what it mean.

Haldeman: MacGregor is talking to Ervin...

President: He is?

Haldeman: ...on that, which Kleindienst agrees is the way to do it.

President: All right. Good. Gotta find out. I don't think it'll help, but let's start out.

Haldeman: He's probably done the (unintelligible)

President: But anyway, wouldn't you say you're (unintelligible)

Colson: I was gonna say, Bob and I have a agreement between us, that, uh, we will not discuss it with you because we don't want to take your time and if you...

President: It isn't my time. I think that, I think though, I don't want you two to discuss among yourselves so much.

Colson: Right.

President: I really think this, this point, at this point we've got a lot of other eggs to crack. And my point is, I just, I just think it's terrible (unintelligible) about somethin'. You, know here we alone. We all know this is important. We know it's important to win t is battle. But when we're fighting this battle, we can't fight other battles.

Colson: That's...

President: And that's what I'm concerned about, and I'd like to have you with all your bright guys and the rest.

RESTRICTED-“D”

Colson: Yes.

President: What do you -or do you disagree? What the hell, what the hell more can you do by, you know, by, by, by concentrating on this damn (stuttering)other than, other than that, all

President: out attempt on Eastland, an all out attempt
(cont.) on the part of MacGregor and his crew to hold the Senators in line. Then at the end of the week, they knock that off. Then, he goes to the Senate floor, let's suppose that it does, then you have the inevitable delay. And there will come a time then, when we will have to make a decision as to how long it can play.

Colson: Um hum.

President: Now, that I won't tell you about, but we know what we're gonna do. But my point is, you've got to make, you, you've got to be sure that the case is made, in the public mind and in the minds of the men that are so deeply involved in this, that we have made an effort...

Colson: Right.

President: And that we didn't pull the rug out. That's the point.

Colson: Nobody, nobody up until this point could argue that we haven't made a superhuman effort.

President: I agree.

Colson: And that...

President: I agree...

(President and Colson talking at once)

President: What I think, what I think is involved is not up to this point.

Colson: Right.

President: What I'm saying is, at this point, their judgment, and I'm speaking now of Mitchell's and Kleindienst's judgment, as to what will happen regarding confirmation, and in my view is probably wrong. On the other hand, you cannot say "Look, you're wrong, and get the hell out." That we cannot say. What we can do, is to demonstrate they're wrong. It won't take too long, but it'll come. And once that's demonstrated, (noise) then everybody's together.

Colson: Umm.

President: You see my point here?

Colson: Yeah, I do.

President: It's (unintelligible). I, I have no doubts. I am not, I am under no illusions about what's being done in this case. I have none at all. I uh, uh, I, uh, I know what the Democrats are gonna do. Uh, uh, and I think the people who think Kleindienst can be confirmed are probably wrong. I'm not sure, I mean I can't be sure. Uh, but I think they're probably, uh, probably wrong. I think the probabilities are very, very high. Uh, but I do know that -you see that isn't my problem.

Colson: Um hmm.

President: What we've got to b-do, we've got to convince them that they're wrong, by showing that -like, like for example, Kleindienst sits and tell us that, that old Eastland's gonna be with 'em. Even this, uh, who the hell he thought was gonna be confirmed, Byrd?

Haldeman: Byrd.

President: Byrd. He says "I've got Byrd."

Haldeman: Byrd.

President: Christ, I don't think he'll ever have Byrd.

Haldeman: Byrd.

President: Huh?

Haldeman: Byrd. He thinks that, he thinks that...

President: Well, Byrd. He, he'll get Byrd.

Haldeman: He thinks they're all with him except that...

President: Yeah.

Haldeman: He thinks, he thinks, Hart is doubtful. Kennedy and, and, uh...

President: Yeah.

Haldeman: ...Tunney are against him.

President: But he thinks he'll win 'em all.

Haldeman: Bayh would be against him if he were there, but he's gone.

President: Now, coming to th-th-th-, I -b-but on the other hand you see, the fact we face, Chuck, is not whether he's right or wrong, but that he thinks that.

Colson: Um hum.

President: Now what we have to do is to give him that one chance. In other words, when a guy

Colson: I agree.

President: ...is nominated for Attorney General, he's got to have a chance to have his run at it.

Colson: I agree.

President: And if he can't make it...

Colson: No, I don't...

President: ...we're prepared. Then we -on the other hand, our whole attitude around here now -I want you to get down through your staff. You're to tell this to MacGregor. He's got to get it through his head. The whole attitude is what I said in the press conference: "Kleindienst, I had confidence in him when I appointed him; that, uh, that he can be and should be confirmed". That needs to be the position. Now if we may change our mind at a certain time. And, uh, it's, it's a m-we know what the probabilities are. All of us, each in his own way, has a different view on that as to when, how, and so forth, as to wh--as to whether he can or -you know what I mean, I, I am perhaps, I'm more realistic about, any of the rest of you because I, perhaps would have done it much sooner. But the point is, having come this far, now we're in a position where we cannot roll/ruin(?) him and then have Mitchell, Kleindienst, Eastland, and a considerable body of their friends say, "Well, we really could have made it."

Colson: Oh, I agree. I, I understand that completely and believe really, Mr. President, that there isn't anything that we can do between now and next Thursday. We've got to run it out.

President: You know it.

Colson: It just isn't any...

President: Well, the only thing you can do would be, for Christ's sake, to (unintelligible) (noise) this memorandum and affidavit in which you say, Bob, obviously you turned in something else this morning.

Colson: On Jesus.

President: There must be oh--

Colson: The big, the biggest difficulty

Haldeman: ...to keep anything else from coming up.

Colson: ...the biggest difficulty here (unintelligible)...

President: There is a lot of stuff around here.

Colson: ...the biggest difficulty is that I have not been able...

President: ITT is a bad company, I suppose.

Colson: ...I have not been able to tell Kleindienst or Mitchell what...

President: What you know.

Colson: ...the pitfalls are and I, what I know because either one of them could be called back as a witness. I could...

President: I know,

Colson: ...merely say to you that, that I've looked at every shred of paper and...

President: You've seen it all?

Colson: I've seen it all.

President: And it isn't good.

Colson: It scares the living daylights out of me.

President: That's right. Well, that's the point...

Colson: Sorry that's it.

President: Well, that's what did -am, am, am I, am I wrong though -isn't that what shook Mitchell yesterday?

Haldeman: There was one, one...

Colson: Yeah, but Christ...

Haldeman: ...flavor of that.

Colson: Yeah, but one test --

Haldeman: He was only a little piqued which was what (unintelligible) was gonna say.

Colson: Mitchell does not know of memos that were sent to him because I've refused to tell him. I (unintelligible) on to them. I don't think he knows.

President: Memos that were sent to him from whom?

Colson: From the White from John Ehrlichman. Uh...

President: Ehrlichman wrote memos to Mitchell?

Haldeman: Yeah.

Colson: Yes sir.

President: What, on this case, specific case?

Colson: Yes sir, at the most damaging times. I mean the memos, eh, eh...

Haldeman: They have nothing to do with the Sheraton Hotel (unintelligible).

President: Oh, I understand... (President and Haldeman talking at once)

President: ...antitrust policy.

Haldeman: That's right.

President: Well, Ehrlichman was the chairman of that or the, uh, well Flanigan was I think.

Colson: The most dangerous, the most dangerous one we don't know how many copies were made of which is, which is our problem. And we have all of our copies (noise) in a safe, uh, but we don't know what happened to it in the Justice Department and we can't find all the copies at Justice. And that's a May 5, 1971 memo from Ehrlichman to the Attorney General in which he talks about the sessions between you and the Attorney General on this case and on...

President: That's right.

Colson: ...these quite agreed upon ends in the resolution of the ITT litigation. Well that memo, if that came out in that Committee would, would be pretty tough right now, uh, because that would lay it right into here. And we think we're got control of it, but the point Bob makes this morning -and I've discussed some these memos -is very valid that with or without these hearings if these goddamned things leak out now they're gonna be just as big an explosion.

Haldeman: Well, if someone's got a copy of that memo, it's gonna be used.

Colson: Whether there's hearings or not.

Haldeman: Whether there's hearings or not, whether Kleindienst stays here or goes

President: Yeah.

Haldeman: ...off to the the moon.

Colson: I'd say. But I would argue that getting the hearings--

Haldeman: I would argue, that if somebody had copies of those, we'd know it by now.

Colson: I'm not sure. Uh,...

Haldeman: I don't think they would have waited this long, but they might.

Colson: Depends. I would...

Haldeman: They would have been willing to run...

President: Well, if somebody has copies you mean and somebody in I T and --, not ITT, but somebody at Justice you mean.

Colson: Yeah.

President: In Mitchell's office, huh?

Colson: Well, somewhere in the --well hell no, those memos, his, his testimony just goes out the window. If he, if those memos are floating around. So I-I -that, that's my, that's been my biggest concern in the whole goddamned...

President: But the Ehrlichman, on the other hand, the Ehrlichman, uh, the, the Ehrlichman, uh, talks with me and, uh, and with Mitchell, that when I talked to Kleindienst on the matter, involved, as I recall, Ehrlichman and Flanigan apparently had talked about this matter. Flanigan -eh, isn't that the situation?

Colson: Um hum.

President: I think that's...

Haldeman: And the whole problem of antitrust.

President: But Flanigan , Flanigan was well (unintelligible). He began a meeting in here with Connally, Flanigan all the rest. Flanigan was supposed to (unintelligible). Flanigan got heat from first, didn't he? Flanigan passes it to Ehrlichman. Ehrlichman finally came in and he said, he says, "You got to do something about Justice. I'm having problems with Justice on this thing." And I said, "Fine, let's get the goddamned thing settled." He didn't discuss the case, I mean didn't discuss (unintelligible) or anything of that sort. And that's, that's all there was to it.

Colson: No, I agree.

President: Only the way Ehrlichman writes the memorandum was that; it says that, he says that the ends...

Colson: Well, he remarks...

President: ...and he needed to be we, did reminded of the ends. We just -I don't think Mitchell knew what the Christ the end was.

Haldeman: or Ehrlichman did.

President: What?

Haldeman: Basically.

President: Well, Ehrlichman had known.

Colson: Yeah, we, we all knew the details of this. I mean, I-I say "we all," but several people understood the problem.

President: Did either of -did you know?

Colson: Yes sir.

President: Well how the hell did you know it? Where was it discussed?

Colson: I had met with Ehrlichman on this in August of 1970 when the issue first came up.

President: I know, but, but who and where at the White House was this matter discussed. I'd like to know myself, 'cause all I know is that Ehrlichman came in the office one day and he says, "I got problems with Justice." I said, "What is the problem?" He says, "It's about these damned antitrust things. They're not following, McLaren is not following the things that you lay down and (unintelligible)."

Colson: That's right. That's exactly right.

President: Do, do you know what, thththat was the time, wasn't that when this all came about? And Ehrlichman asked me to call Kleindienst. I did it.

Colson: There were two times that it came up. One, was,...

President: I called him only once.

Colson: One was in was in the fall of '71, one was in the spring of '71.

President: Yeah.

Colson: Uh, but the reason that it kept coming up in the (unintelligible)

President: Why did it come up though? Why did Ehrlichman bring it in to me?

Colson: Oh hell, the reason it kept coming is because every time that IT&T went anywhere, they would, they saw the Vice-President, Connally, Peterson...

President: Yeah.

Colson: ...and those fellows would feed back to Arhichman.

President: What I'm getting at this this. What I'm getting at is this: then what happened is that Ehrlichman was simply reflecting what people throughout the Administration were telling him, so he came in to me.

Colson: Yeah. But...

Haldeman: You had a philosophical difference. You had an antitrust chief who was obsessed with destroying...

President: Bigness.

Haldeman: ...conglomerates for their qualities, for reasons of bigness. (noises)

Colson: Bigness.

Haldeman: And our -the policy was that bigness per se was not the reason for des--, for-

President: And that was exactly the conversation I had with Ehrlichman and consequently, Kleindienst.

Colson: That's all.

President: I said, you...

Haldeman: (Unintelligible)...

President: We didn't get into, we didn't get into anything -we just said now that, we under--we made a philosophical determination...

Haldeman: That's right.

President: ...about this thing. And what the hell is happening, is Justice carrying it out? It was really, they were not. Ehrlichman was supposed to be disciplining Justice, as I recall.

Haldeman: That's right.

President: Wasn't he? Wasn't that's when you brought him in?

Haldeman: That's right.

Colson: Um hum.

President: Or did he -I don't know.

Colson: No, that's right. That's exactly right. The only--

President: I don't ever remember Flanigan discussing it.

Colson: No.

President: With me.

Haldeman: I don't think he did.

President: I don't think he ever did.

Colson: No he-

President: It was John's (unintelligible).

Colson: John is, John ran this.

Haldeman: It was John's problem with McLaren.

President: John was working with McLaren?

Haldeman: Well, he was working with Justice. Kleindienst, and McLaren.

Colson: He was working with Kleindienst, McLaren and Mitchell.

Haldeman: And Mitchell.

Colson: But, but your involvement, Mr. President, on the merits dealt with, dealt with.

President: (Unintelligible)

Haldeman: There's no problem.

Colson: There's no problem.

Haldeman: But on the appearance, it's a hell of a problem because of what they testified to.

Colson: Yeah, they, th-th-...

President: They testified that I was not involved?

Haldeman: That's right. And you weren't in the case, but that's a fine line that's gonna be very difficult to, to--...

Colson: Well, the memo, the, the, the documentation doesn't distinguish the policies from the case.

Haldeman: That's right.

Colson: That's the problem.

President: Yeah.

Colson: The substance of the discussions here were policy. They, they're proper and they're appropriate, that they take place here. But in the transmittal...

Haldeman: That's right.

Colson: ...nobody on the surface would distinguish the policy from the case.

Haldeman: And there was no need to...

Colson: And...

Haldeman: ...in the transmittal.

Colson: And this-

Haldeman: It only now we wish you had, but then there was no point in it.

Colson: No, it was a perfectly appropriate thing. Nobody was even -in fact some of the memos weren't even classified because we didn't...

Haldeman: That time.

Colson: We, we weren't embarrassed to be concerned with problem. We ought have.

President: well, is it your point that you, that you feel this, uh, memorandum is so (unintelligible) that we ought to get it out ourselves?

Colson: Oh no, no. Jesus, no. I think no. No, I...

Haldeman: We don't know that it's out. If we knew it was out, I would, I would, I would agree we should get it out ourselves.

Colson: Yeah.

Haldeman: But, if it doesn't have to go out, it's a hell of a lot better for it not to.

Colson: Yeah, much better. I mean, that's a, that's a, that's a game for what has to be run out. I think. But...

Haldeman: In this case you can argue a basic strategy...

President: Do you think Ehrlichman sent a copy of this to ITT? That's what worries me.

Colson: Oh, no. Jesus no.

Haldeman: Going back to the beginning-

President: Are you sure?

Colson: Yes sir. I've looked--

President: Did he send a copy to Flanigan?

Colson: Yeah. Sent one.

President: Flanigan might have sent a copy to ITT.

Colson: I--

President: Now, be goddamned sure of that.

Haldeman: I don't think he would.

Colson: We, we've dug around.

President: (Unintelligible)at same time.

Haldeman: He's done a hell of a job on (unintelligible). See, that's what -remember I told you way back at the beginning...

President: Yeah

Haldeman: ...and I kept saying they're trying to get the papers in one place.

President: That's right. That's right.

Colson: I was, I, I wanted to be very careful to see every piece of paper. Now...

Haldeman: He had one guy assigned...

Haldeman& (Both talk at once)

President:

President: Absolutely right. Absolutely right.

Haldeman: ...every piece of paper into one place.

Colson: And it didn't, it took us a week to get it all together.

Haldeman: (Unintelligible)

Colson: And as it came in, it was, it was, uh, a little unnerving.

Haldeman: I could see progressively.

Colson: I came in here one night at, at two in the morning and had them open Central Files and went down and physically took files out because all of these things were in our Central File. That memo that I'm talking about was, was in the basement of the EOB in the Central Files Operation. We had 'em open it in the middle of one night, uh,...

President: What the memorandum Ehrlichman to, uh,...

Colson: ...the file cabinet.

President: ...in which he said what?

Colson: I don't have the whole text of it. 'The excerpt of it, the pertinent excerpt is that, uh, -Ehrlichman to Mitchell.

President: Well, I can remember the conversation very well. I didn't know held written that, that he'd written a memorandum.

Colson: Well...

President: Does, does John always write memoranda to people for (unintelligible). He shouldn't.

Colson: No, there were four.

Haldeman: But this, but this was...

President: He should use the goddamned phone.

Haldeman: No, but this wasn't the kind of thing that needed to be used on the phone really. There's nothing wrong with all of this except

President: (Unintelligible).

Haldeman: ...in the context of what has been said.

President: (Unintelligible) memoranda, memoranda.

Colson: Well, this-

Haldeman: Yeah.

President: That's why we use the phone, Bob.

Haldeman: Yeah.

Colson: The difficulty with this one is Griswold testified that he didn't bring the case because he was being pressured not to and -for good reasons. We, we objected to the policy.

Haldeman: The policy rea-, the policy reasons of IT&T

President: Why is Griswold playin' such a good game in here?

Colson: Well, he's got his own professional reputation involved as does McLaren.

President: Yeah.

Colson: But, uh,

President: But McLaren and Griswild are quite aware then what appears in that and certainly...

Colson: McLaren is.

President: ...their subordinates.

Colson: McLaren is. Griswold may not be.

President: All right. Go ahead.

Colson: Uh,...

President: So what do you get down to here?

Colson: All I get down here, Mr. President, is that, eh, there's nothing you can do about this. We've done, we've done everything we can. We think we've got it under control. The only files we do not have under control are the ITT files which are in th- S-- which have been subpoenaed and delivered to the SEC. Those at some point, I think we have to anticipate are gonna come out. They're damaging. They're not as damaging as our own internal files.

Haldeman: Have you seen 'em?

Colson: I've read them all. Yes sir.

President: What do they say? You don't have anything from Ehrlichman climbing into them, do you, I hope?

Colson: No. All you have...

President: Thank God.

Colson: ...are files that, uh, are letters that were written and memoranda prepared -either letters written to people in the Administration or memoranda prepared after meetings with people in the Administration.

President: All right. All right.

Colson: And they contradict testimony that we've given so far and they're very self-serving, I mean they're very...

President: Right.

Colson: They puff it up. They thank Connally for delaying the filing of the, of the, uh, a petition to the Supreme Court. Now, that's, that's...

President: Really?

Colson: Yeah.

President: Jesus Christ.

Colson: Thank Agnew for it. Uh,

President: Isn't that -it's typical though.

Colson: Sure.

Haldeman: See, Teddy knows that the SEC has those files.

Colson: He's asked for them.

Haldeman: And is after them.

President: What does the SEC say?

Colson: Well, Bill Casey says he's got it under control. Ah, yesterday in the Committee...

Haldeman: Glad we got Casey there.

President: He's tough?

Colson: No, he's good. Yesterday in the Committee they talked about subpoenaing the same records directly from IT&T which they could do and probably could get. So, I, I, that to me is one of the areas that I still expect a shoe to drop, but that isn't, I mean that isn't a big issue.

President: Well, the point is though, that, uh, that, uh, getting this fellow out of the line of fire isn't going to stop things.

Colson: Well, it's, eh, in my opinion, the whole --

President: That's the only thing that I'm thinking about. You know that's why at a moment if you could surgically cut it off. We just take the heat of saying, "Well, we were wrong."

Colson: But...

President: ...that I appointed the wrong man.

Colson: I don't think you can.

President: You don't think so.

Colson: I've got, uh, I -the answer that I--

President: That's the answer: We can do it, we can do it, you know what the hell...

Colson: No.

President: ...just call up there and say that, that -"Dick, I'm sorry. There's too much in there."

Colson: No. The only reason I even...

President: The Executive prestige won't suffer.

Colson: The only reason I even mention this, Mr. President, is that...

Haldeman: Except that they will replace the salary.

President: No but they might have the other way. When?

Colson: The only reason I mention it is, that neither Mitchell nor Kleindienst know what is in the files and I have deliberately kept it from them.

President: Sure.

Colson: Because if they have to testify, it's best that they don't know. I told Mitchell certain things not to say, uh, when he testified based on my knowledge of these files, but I didn't tell him why.

Haldeman: Mitchell and Kleindienst know that there are things in the files that they don't know what they are.

Colson: That is correct.

President: That's right.

Colson: They know that. And I told, I warned John, that I, I said, "I'm telling you not to say certain things because I know why you shouldn't say'em." He said, "I've got ya." He did say one thing he shouldn't have said, but --

President: What was that? That he hadn't talked to, uh, uh, Reinecke?

Colson: No, uh, he said that in his meeting with Geneen initially, he didn't talk to anyone else afterwards, which he did.

President: Who did he talk to?

Colson: McLaren.

President: Which he should have.

Colson: Which he should have.

President: Yeah. Just passed it on.

Colson: Damn right.

Haldeman: Nothing that is bein' done.

Colson & (Talk at once)

Haldeman:

Haldeman: ...was wrong.

Colson: Nothing. Nothing, that's the whole thing.

President: He did nothing. It's just that he had to testify to the contrary.

Haldeman: That's-

President: If everybody had just gone in and told the truth. But maybe they didn't know what the truth was.

Colson: I think that's part of it. (All talk at once)

President: And I remember, well of course if I hadn't (unintelligible), but I remember very graphically the whole thing 'cause I didn't get into these things, but, uh, Ehrlichman one day came in here.

Colson: Saw that--

President: Got apparently to the -you know he never brings things up unless he has to.

Colson: Oh another thing...

President: It's like his men with the staff. I mean, but he didn't mention you, he said Flanigan. I thought, I think that's who he said he had met with. Frankly, that's why I've been worried about the Flanigan part in this. I don't mean that he, that Flanigan shouldn't have done it.

Colson: Well, the files show, so--

President: But, what the hell was, what the hell was Flanigan main contact with IT&T for the White House?

Colson: No.

Haldeman: No.

Colson: No.

President: Then why would Ehrlichman come and say that.

Haldeman: Because Flanigan was assigned to ride herd on some of this -and he was gettin' it from other -it wasn't just IT&T.

President: I see.

Colson: Oh, no. Hell, there were a whole...

President: Talking about when Ehrlichman came in on this occasion to talk about ITT and antitrust generally.

Colson: That's right.

President: And he says, "You've got to get McLaren in line," which was a pet subject of mine, because I said "Fire the son-of-a-bitch."

Haldeman: That's right.

Colson: Um hum.

President: And I called and I said, "Either he gets in line or you fire him." That's all mention about the general policy. I didn't give damn about IT&T, didn't even know what the case w--

Colson: No.

President: (Unintelligible).

Colson: I was with you...

President: And I don't know whether Ehrlichman, uh, uh, reflects that in his file or not. H- h- h- he may have overstepped where he says that we discussed the end and result or what's he talking about?

Colson: That phrase, the precise phrase is "the, uh agreed upon ends in the ITT case."

President: The what?

Colson: "The agreed upon ends in the ITT case."

President: Jesus Christ. What the hell's he talking about?

Colson: Well, he's talking about the policy issue, but...

Haldeman: (Unintelligible) agreed upon is general.

Colson: Yeah, that's right. It's perfectly, it's it's fine except that we, we want to keep the thing out of view.

President: Except that we did not have any agreed upon ends in any -he did not discuss the IT&T case with me. He didn't say what it was...

Colson: No.

President: ...at all.

Colson: No.

President: Not one word.

Colson: I was with him one day, Mr. President, when we talked to you about this...

President: Yeah.

Colson: ...and it was strictly the policy question.

President: Yeah.

Colson: And that's all.

President: Well, he didn't say what it was about any kind of --but we're gonna want lem to peel this off, or do that.

Colson: No.

President: Or have (unintelligible). The question was whether bigness in itself should be a cause for an antitrust action and my answer was no. That was all we ever discussed. So what's he mean by the agreed upon ends? I wonder -it doesn't seem like --John's usually quite precise.

Colson: Well...

President: Maybe he had some agreed upon ends.

Haldeman: He isn't saying--.

President: Did the White House tail, try to tell Justice how to settle this case?

Colson: Well, you would...

President: That they should not have done.

Colson: ...you would gather that from IT&T's correspondence, but not from -well you --

President: I see.

Haldeman: I think they did to a degree.

Colson: Yeah, I think so too.

President: You mean we decided what the hell they should peel off and not...

Haldeman: (Unintelligible)

Colson: No. No. No. In effect we -the only thing the White House...

Haldeman: We told them to dr-, to settle rather than to carry the thing through and to settle on the basis of dropping -see another factor came into this which was the question - general economic interest.

Colson: Oh, hell big one, big one.

Haldeman: And the harm that would be done to the economy if, if, if the (unintelligible)--

President: Right.

Haldeman: (Unintelligible)...

Colson: Um hum.

Haldeman: ...this deal.

President: Oh that's right. They were afraid of, uh, what, uh, uh, a bit -of the effect on the stock market, all that crap, wasn't that it? Like Penn Central.

Colson: You gotta remember this was, this was last summer when, when people were really worried about...

President: Yeah.

Colson: ...doing anything that would rock the boat on the economy and that's why Peterson was so (unintelligible). But it -the, the -no, the only thing the White House...

President: Bob says perfectly alright.

Haldeman: What they were...

Colson: Of course.

Haldeman: ...doing exactly what they should have been doing.

President: Except that some of them have testified to the contrary.

Colson: Well, you got a little bit of that but, you, just got...

Haldeman: That's...

Colson: ...it's just that the damn...

Haldeman: Even there it isn't, isn't

Colson: No.

Haldeman: ...uh...

Colson: ...isn't fatal.

Haldeman: It's, it's, uh--

Colson: It's just that--

President: I don't that, I don't think, Chuck, that's going to be, uh, be uh, too bad, uh, and, if, it comes out, it's out. Then you just have to say that, uh, uh, then Ehrlichman's gonna say what Peter--that he, he was only reflecting what, uh, what had occurred in a Cabinet meeting with regard to the, with regard to the policy, I mean, the Committee on Economic Policy. Why I think that's what it was, the Cabinet Committee on Economic Policy...

Colson: Might well have been, yeah.

President: ...with regard to the -well that's what he says.

Colson: Well, it -in addition to which it's a very appropriate area to be concerned with. You know it -the, the previous Administration, Johnson had made the decision that, that you needed legislation to stop the conglomerate movement. McLaren came...

Haldeman: (Unintelligible) protection.

Colson: ...down and sold Ehrlichman in April of 1969 on the idea that you could do it in Court and Ehrlichman said fine. Then you got two years down the road and the thing began to become a huge issue and that case represented our policy and it was absolutely appropriate that, that we say that we wanted them...

President: That's right.

Colson: ...to settle it.

Haldeman: Well, McLaren was hell bent for going to Court to establish a --

President: He is a great trust-buster.

Haldeman: Well, no to establish a legal base on which he was gonna then move on all the other stuff.

Colson: That's right. That's right.

Haldeman: And we, we didn't want him to.

Colson: I--

President: Well I see this, but this, but what -this gets back to whole Kleindienst (unintelligible) doesn't affect the game plan at all, does it?

Colson: No, it doesn't affect the game plan...

President: No.

Colson: ...in the slightest except -and the only reason I even raise the point is -- that they're not perhaps as sensitive to what

President: What could happen if I continue in this.

Colson: Yeah.

President: Well they want -- what -- I don't -- I think in fairness to...

Haldeman: There's no-

President: ...Kleindienst you better say this. Eh, Kleindienst and Mitchell...

Colson: Oh, Kleindienst--

President: ...now want to knock this damn thing off Thursday.

Colson: Yeah.

President: Ah--

Haldeman: There's no question, I don't know about Mitchell, but there's no question in Kleindienst's mind, but that it's stuck directly to him, that this has to be knocked off clean with no compromise on Thursday.

President: That's right.

Colson: Well as long as -that's, that's the only reason I ever mention that to -there isn't anything else we can do other than--

President: Oh God, there's no question to that. Isn't that what I told him?

Haldeman: And I reiterated it today and that was absolutely clear in his mind...

President: Sure.

Haldeman: ...and it was confirmed as the...

President: Thursday is it and that means knock it off period. And don't even think you ought to have four more witnesses, Chuck. I'm afraid that...

Colson: Oh I...

President: ...kinda--

Colson: I'd like not to. I'd like to knock it off totally. Ah...

President: Yeah.

Colson: ...that's the reason I (unintelligible)

President: I think that even the -whatever they want to do uh, uh, -do you think that if they knock it off then Kennedy might come in and say, "Look, this is what they tried to cover up."

Colson: Right. No. I think, I think if I were given my choice, Mr. President...

President: Yeah.

Colson: ...of a two month Kennedy subcommittee investigation or four or five more days before the full Committee...

President: Oh, that's a different matter.

Colson: That's all I'm saying is if you, if you brought outta there with a, with a definite termination of a hearings and a limit to what else they were gonna do, that that would be better than a free running subcommittee for any length of time that might go thereafter.

Haldeman: Sure.

Colson: So that's a variation on the altogether cutoff.

Haldeman: And that's a variation to go to...

(Colson and Haldeman talk at once)

Haldeman: ...anybody.

Colson: No, hell you only go to that if, if you're stuck with a Hobson's choice and that that choice is

President: Incidentally, Connally...

Colson: ...(unintelligible)

President: was very, very strong, as you may recall, er, and sent in his -very, very strong to, uh, against this whole, uh, antitrust policy.

Colson: Oh, hell everybody -yeah, the whole Administration was.

President: Except for, except for, except for Justice.

Colson: Except for McLaren.

President: Mitchell, McLaren. Remember, we had that, it was a knock-down-drag-out meeting. I remember it. John Mitchell came in and said

President: conglomerates are terrible in gen--
(cont.) Mitchell was on the other side, uh...

Colson: Hmm.

Haldeman: (Unintelligible).

President: To his credit, he, he defended McLaren.

Colson: Sure did.

President: Uh, but then finally went along.

Colson: Well, I-I just don't think there's anything else between now and next Thursday we can do other than Clark McGregor and Dick with Eastland, making a massive effort to turn this thing off. And if that fails, then I think you have to reassess the options at that point, but if that, if that succeeds...

President: Well if that fails, we know what we'll do.

Colson: If that, if that succeeds, then, then we're...

Haldeman: (Unintelligible)...

Colson: Couldn't be better.

Haldeman: (unintelligible).

President: Let me say, that I would rather either have it cutoff, it's either got to be cutoff or (unintelligible), but if you leave it in any kind of a never-never land, that's the worst thing.

Colson: Yeah.

President: I think that you either -I'd rather lose the hope to cut off...

Haldeman: That's right.

President: ...up or down than to have it -well, we can, we cut it off, but we're going to continue for an indefinite period of time with some -and then have another vote to cut off in three or four weeks. Th- th-th-

-

Colson: Um hum.

President: That's the worst of both worlds 'cause you see, if you lose the hope to cutoff...

Haldeman: Then you can act on that.

President: Then you can act on Kleindienst.

Colson: Um hum.

President: And must. If you lose the vote to cutoff.

Colson: Oh, yeah that...

President: If on the other hand, you win the vote to cutoff, uh, that's...

Haldeman: Then you move to Committee.

President: Then you move to Senate floor and if they give a reasonable time in which, uh...

Colson: Mmm.

President: ...to see whether the Senate's gonna act, then you'll know.

Colson: I agree. You'll quite...

President: You'll know.

Colson: ...quite rapidly when Mansfield gets the first request from the Policy Committee for a hold, that's when -and, and how long he puts the hold on. You'll know within a matter of a few weeks. Course you have the other delay of, of the Committee reports, but that

President: The odds are.

Colson: Yeah. That doesn't matter. Matter of fact, th- th- those reports I wanna see.

President: Sure. To see what they say?

Colson: Well, no because w- the majority report...

Haldeman: (Unintelligible).

Colson: ...should close it off. It may be a vindication which would be fine. Then the issues got...

President: It's good to have a Committee report.

Colson: Yeah, that's what mean, I, I, wanna--say I wanna see it. I wanna take one.

President: I had hoped when they cut it off that there would a Committee report. Let's get the majority of the Senate Judiciary Committee to sign a report, if they will, saying that they think this whole goddamned thing is flimsy and that he's a honorable man. If you can do that.

Colson: Well, that's, that's what we're aiming for. Yes sir. The interesting thing, Mr. President, I th-and I think the most significant is that my checks with people who count, Kleindienst's, uh, uh, MacGregor's gotten some feelings from some of the congressmen that it's beginning to have an impact.

President: Yeah.

Colson: But I talked, for example, to Bradshaw, Dave Bradshaw of the --

President: Yeah. Your Chicago correspondent.

Colson: And he said this, and he said, "There's no effect." He said, "Forget it." He said, "It's unimportant." Lou Harris, uh, said "Don't under any circumstances back down or withdraw Kleindienst --

President: Not now.

Colson: It's not hurting you and he made, Made a very interesting point which I haven't gone down to check. He said that after Carswell and Haynesworth, we did not decline in the polls at all and I haven't gone down to look and see if that was true. He said, "Those kind of defeats don't hurt you, people sort of take...

President: That's politics.

Colson: ...Washington politics in stride."

Haldeman: Well, we talked about...

Colson: Bryce Harlow said...

Haldeman: Jenkins, Jenkins and, and Bobby Baker and (unintelligible)...

President: Jenkins and Bobby Baker (unintelligible).

Colson: That's right.

President: And Eisenhower wasn't hurt a damn bit I, uh, in, in the Sherman Adams thing. Didn't affect him one wit.

Colson: No. Uh, Bryce Harlow said, "Don't worry about it." He said, "I've just come back from Ohio and this, this ain't very big in the provinces." He said, "It's a big story around here, but you haven't been hurt yet in the provinces." So, thus far --

Haldeman: On the other hand --

President: On the other hand, the one thing that you can't have, you can't have a situation where (background noises) Kennedy and those Democratic (unintelligible) speakers can get up and say what I said in Miami in '68.

Colson: Yeah.

President: "We need an Attorney General." Do you get the point? This is where the, this is where and this can't go beyond this room, but this is where the Mitchell theory and the Eastland theory completely falls apart. Well, we'll just leave Kleindienst in as Acting until the election. That will not work. Don't you agree?

Colson: That's, that's the big negative to that one of course.

President: Well, the negative, (tape skips) the negative is what the hell are they gonna do? They're gonna just knock the (unintelligible)

Colson: Um hum.

President: Unless we can say, "Well, it's all politics."

Haldeman: Nope.

Colson: That's not a good -uh, having an Acting Attorney General is not....

President: (Unintelligible).

Colson: ...is a very undesirable option. It, it may not be the worst option, but it's --

President: So then it's -gotta get ready for Mr. (unintelligible)

Colson: Ah, yes.