

NIXON TAPES, MONDAY, 14 JUNE 1971  
TELEPHONE CONVERSATION WITH JOHN MITCHELL, 7:19 P.M.  
SOURCE: NIXON PRESIDENTIAL MATERIALS PROJECT, WHT-5-70  
TRANSCRIBED BY EDDIE MEADOWS, NATIONAL SECURITY ARCHIVE, THE GEORGE WASHINGTON UNIVERSITY

NIXON: Hello

MITCHELL: Mr. President

NIXON: What is your advice on that - uh, Times thing John?  
Uh - you w - you would like to do it?

MITCHELL: Uh - I would believe so Mr. President, otherwise we will look a little foolish in not following through on our - uh, legal obligations, and - uh

NIXON: Has this ever been done before?

MITCHELL: Uh - publication like this, or

NIXON: No [stammering] has the government ever done this to a paper before?

MITCHELL: Oh yes - advising them of their - yes, we've done this before

NIXON: Have we - alright

MITCHELL: Yes sir  
Uh, I would think that

NIXON: How - how do you go about it - you do it sort of low key?

MITCHELL: Low key - you call them, and then - uh, send a telegram to confirm it

NIXON: Uh-huh, uh-huh - say that we're just - uh, we're examining the situation, and we just simply are putting you on notice

MITCHELL: [Unclear] we're putting them on notice that they're violating a statute, because we have a communication from Mel Laird as to the nature of the documents, and they fall within a statute  
Now, I don't know whether you've - you've been - noticed it, but this thing was - uh, Mel is working

NIXON: Henry - Henry's on the other - I just - he just walked in - I'll put him on the other line - go ahead

MITCHELL: Uh, Mel - uh, had a pretty good go up there before the committee today on it, and it's all over town, and all over everything, and I think we'd look a little silly if we just didn't take this low-key action of advising them about the publication

NIXON: Did Mel - did Mel take a fairly - uh, hard line on it?

MITCHELL: Uh, yes, he - hahaha - gave a legal opinion, and it was a violation of the law, which - uh, of course puts us at where we have to get to

NIXON: Well look - look - as far as the Times is concerned, hell they're our enemies - I think we just oughta do it - and anyway, Henry tell him what you just heard from Rostow

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KISSINGER: Well, Rostow called on behalf of Johnson, and he said that it is Johnson's strong view that this is an attack on the whole integrity of government - that if you - that if whole ca - if whole file cabinets can be stolen and then made available to the press - uh, you can't have orderly government anymore  
And he said if the president defends the integrity, any action we take he will back publicly

MITCHELL: Well - uh, I - I think that we should take this [unclear], do some - uh, undercover investigation, and then open it up after your McGovern-Hatfield

NIXON: Yeah

MITCHELL: Uh, we've got some information we've developed as to where these copies are, and who they're likely to - uh, have leaked them, and the prime suspect, according to your friend Rostow, you're quoting, is a gentleman by the name of Ellsberg, who is a left-winger that's now with the Rand Corporation, who also have a set of these documents

NIXON: Yeah

MITCHELL: So - uh,

NIXON: Subpoena them - Christ, get them

MITCHELL: Uh, so I would - I would think that we should advise the Times we will start our covert check - uh, and after McGovern-Hatfield just open it up

NIXON: Right, go ahead

MITCHELL: That - that agree with you?

NIXON: Yep

MITCHELL: Alright sir, will do

NIXON: Yeah, [unclear]

[TAPE RECORDED FROM NPMP COPY, 30 MAY 2001, TRANSCRIBED 11 JUNE 2001]