The Importance of Dean

April 17, 1973 - B

P—I know it is. The point is—let me put it candidly. If I do not suspend you, he will probably give him immunity. That's the problem (unintelligible) unbearable. If you do take a leave, I think he will—it's possible—well, it's possible that he would (unintelligible) even if you do leave—that he would (unintelligible) I agree. But Dean is the guy that he's got to use for the purpose of making the case.

625

Dean Immunity

April 17, 1973 - B

P- –but believe me I've been thinking about that all day yesterday —whether Dean should be given immunity. The point is—I don't know that it can happen, but I can call Petersen in and say he cannot be given immunity, but nobody on the White House staff can be given im-

627

munity. And I—whether he'll carry that order out—that's going to be an indicator that that's Dean and (unintelligible).

623

Strachan – Is this why he can't testify?

April 17, 1973 – B

P —Well—the (unintelligible) stuff regarding Bob. Strachan has got to be worked out. I don't know how that's going to work out. Bob, did Strachan have a —the plan? What he says about whether he did have a plan—whether he did show it to you—remains to be seen.

H—He apparently said he did not.

P—All right. The other point is whether Strachan got information now that is the stuff that is clearly identifiable according to Petersen as being telephone taps. Strachan will probably say no it was not.—And so, that's that.

636

H—And they said Magruder makes charges against me? Interesting!

P—Bob, I don't know whether he does or not. Let's be damned sure (unintelligible). He's certainly going to say that Dean was involved and that Mitchell was involved.

E—And he'll say Strachan was involved.

P—He'll say Strachan was involved.

E—And, "Who's Strachan?" Well, Strachan was Mr. Haldeman's employee. But, my prediction is that if the Judge says, "Well, did Mr. Haldeman tell you to do anything or this or that," he'll say, "No sir, he was never involved in this."

H—He told me that is what he would say.

E—And he told me that is what he would say.

H—He told John that is what he would say in front of his lawyers. That's what he had said, and he flatly says that is what is the truth.

654

Immunity Policy

April 17, 1973-B

P—Alright. The second point, with regard to Petersen, ah, that the—that's the highest—I better get him in and tell him (unintelligible).

H—Yeah, and the no immunity thing.

P—And just flatly say, "Now this is the way I'm going to handle the matter. I cannot let people go simply because charges are made until they are corroborated. That's my decision," and so forth. And second, "I've thought over the immunity thing and I want nobody on the WH staff given immunity. I don't want anybody shown any consideration whatever."

E—This has been a law and order administration.

P—Right, and third, "I'm directing everybody to cooperate (inaudible) They've been told they are not to. I've already helped him on that. I haven't helped

659

him, I've tried. But I will not have a member of the White House Staff testifying in the Senate against others.

660

April 17, 1973 - C

P—But I just wanted to be sure to check the points you want with Petersen. He will be in just 10 minutes so, (1) no immunity. However, I would say that for any of the top three.

E—Uh, huh.

P—In other words, so that I can, if it sort of appears that if you want to give it to Strachan, that is OK. See? Don't you think that is a good line?

E—I think that is good.

663

E—Then privately to him, your policy with regard to immunity for top people.

P—Yeah, and leaks from the Grand Jury.

E—I wouldn't limit it to three. I would say any top person, like Dean or up.

P—Yeah.

E—It will sell.

P—Then I will say, as far as a fellow like Strachan, that is fine. You can do what you want.

664

Evidence on Ehrlichman

April 17, 1973 - D

P—Haldeman and Ehrlichman at this point had (inaudible) with Rogers—I not only let him read what you had given me but then I elaborated everything I knew about this thing. His judgment is this that on Ehrlichman it is a very thin (inaudible)

HP—Very thin indeed

P—never going to (inaudible)—he said particularly he said if they have any witnesses for the fact that he handed a packet to the Director of the FBI and Hunt

didn't leave the country (inaudible) discussions. I don't know—I am not trying to judge it—but

HP—No, I understand—I agree that it is very thin

P—They better have a damn lot more than that or they are not going to get Ehrlichman

HP—That's right.

Dean Immunity Problem

April 17, 1973 - D

P—That's what I'll tell them I will do. Now the other thing I want to tell you though that—and I say this strongly—I have thought about it a lot—I don't care what you do on immunity to Strachan or any other second people but you can't give immunity to any top people—not Dean—needless to say you don't want to to Haldeman or Ehrlichman. Dean is the counsel to the President—after the flap with Gray—I went over this with Rogers—he says—after your flap on the Gray thing and the rest—it would like that you're . . .

HP—Right—you know why I asked

P—I just want you to know that you if give immunity but I will have to talk (inaudible).

HP—OK, well, let me put it this way, I will not do that without your knowledge. If it is necessary for me to do that I will come to you first and then we can reach an agreement that yes you will have to disavow it and that was the decision of the prosecutor. I don't want to make that decision, Mr. President. I don't want to immunize John Dean; I think he is too high in the echelon but—it's a—

P—The prosecutor's got the right to make that decision?

HP—Yes, sir

P—You better, I think . . .

HP—. . . the point of it is, if it comes to a question of—

P—I think it would—look—because your close relationship with Dean—which has been very close—it would look like a straight deal—now that's just the way you've got to figure it.

675

HP—The thing that scares the hell out of me is this—suppose Dean is the only key to Haldeman and Ehrlichman and the refusal to immunize Dean means that Haldeman and Ehrlichman go free. That is the decision that we are going to ultimately come down to.

P—Well you will have to come into me with what you've got (inaudible) then there . . .

HP—I will

P—and let me handle Haldeman and Ehrlichman.

HP—I will sir.

P—Do you get my point?

HP—Yes, sir.

P—If it comes down to that—I may have to move on Haldeman and Ehrlichman—then for example you come to me and say look here's what—Look I am not going to do anything to Haldeman and Ehrlichman just because of what Dean says—I can't do that. It's got to be corroborated.

676

Dean Immunity

April 17, 1973 - D

P- My point though now is a different one—it is the question of the immunity. That worries hell out of me.

HP—Well that—

P—The immunity worries me for the reason that it just is . . I don't think it's good to give it. I don't think in view of the fact that we had this hell of a flap—you know that is the reason Gray wasn't confirmed—because of Dean.

679

HP—Well if I sound like a devil's advocate—I am.

679

I have been saying the same to the prosecutors—how in the hell can I immunize John Dean?

P—That's the point. Well, I feel it strongly—I mean—just understand I am not trying to protect anybody—I want the damn facts if you can get the facts from Dean and I don't care whether—

HP—Mr. President, if I thought you were trying to protect somebody, I would have walked out

P—If he doesn't testify in open court—or anything or that sort it doesn't make any difference—I am going to make my decision on the basis of what you tell me Dean has told you and—just a little feel of the whole thing. But I've got to do it my way.

650

P—Well, let's begin with this proposition. Let's not get in the wicket where we've got Dean in an immunity position. He'll talk. He'll talk.

652

P—Well what the hell—he can talk without any immunity can't he? Oh I guess if he is a defendant he wouldn't talk to you.

HP—That's right.

P—(inaudible) of course he wouldn't (inaudible). Is that your problem?

HP—You know if I get—yes—of course even if I come up with a lesser charge that damn Sirica is just liable to blast hell out of all of us to prevent him to plead even to a lesser charge. The ideal position would be the same as Magruder—you plead to one count felony indictment—take your chances.

654

P—Frankly, the Dean thing troubles the hell out of me—I would like in one sense I would like to see the poor bastard you know, out of it and in another sense I think the immunity thing scares me to death.

HP—Well it does me too. I agree

DEAN IMMUNITY

From tape of a conversation between Ehrlichman and Colson, April 17, 1973
(source—Senate Watergate Hearings, Book 7, p. 3011):

COLSON: There's a couple of things you and I need to do to protect each other's flank here but we'll talk about that, but no, I'm serious.

EHRLICHMAN: Fair enough.

COLSON: Let's get it clearly understood that son of a bitch [Dean] doesn't get immunity. I want to nail him.

EHRLICHMAN: Well I'm doing my best..

COLSON: No, I want to nail him. I'll take immunity first.

Dean's credibility, etc.

April 17, 1973 - G

P—Dean's credibility is totally destroyed you know.
H—Dean (inaudible)
P—Sure, Dean was in charge of the investigation. Did they ask him that? Yes. I put it up to Ron and I made this point to Ron. "You know Dean somehow has sold out the White House, the Administration, etc."
H—That's a good statement. It is a good idea. It puts you exactly in the position that you should be in now.

732

P—Dean is the only one who can sink Haldeman or Ehrlichman.

737

April 27, 1973 - B

P—I don't want to hurt John Dean. Believe me—I'd like to help him.

781

P—All right. We have got the immunity problem resolved. Do it. Dean if you need to, but boy I am telling you—there ain't going to be any blackmail.
HP—Mr. President, I—
P—Don't let Dick Kleindienst say it. Dean ain't — "Hunt is going to blackmail you." Hunt's not going to blackmail any of us. "It is his word, basically, against yours." It's his word against mine. Now for —who is going to believe John Dean?

786

P - Dean is not credible. He is not credible.

791

(UNSORTED MATTER
FOR THIS MS.?)

March 24, 1993

H—John says he is sorry he sent those burglars in there—and that helps a lot.

P—That's right.

E—You are very welcome, sir.

(Laughter)

H—Just glad the others didn't get caught.

P—Yeah, the ones he sent to Muskie and all the rest; Jackson; and Hubert, etc.

E—I get a little chill sitting over there now thinking of those people.

P—Yeah. I would hate to be those fellows at the moment.

March 24, 1973 - A

D—I am not sure that you will ever be able to deliver on the clemency. It may be just too hot.

P—You can't do it politically until after the '74 elections, that's for sure. Your point is that even then you couldn't do it.

D—That's right. It may further involve you in a way you should not be involved in this.

P—No—it is wrong that's for sure.

B-155

[illegible]

March 27, [illegible]

p.- I believe in playing politics hard, but I am above smut.

235

-can't the Attorney General call Silbert, or is that too dangerous for him?

E—Well he doesn't have to do that—Henry Petersen follows that thing on a daily basis.

P—Henry Petersen?

E—Henry can let Dick know, and that's all there is to it.

P—Alright. You just tell Dick. You see the problem is, there, that Dick thinks I am—if he says he has furnished the Grand Jury things to the White House that there is a problem.

E—It's a tender problem. I think what he has to do—

P—No you could say this. Our need—our interest here—you could say is whether there are any White House people involved here and we will move on them.

E—That's right. And the Presidat wants to know.

P—That is the purpose. Not to protect anybody, but to find out what the hell they are saying.

E—Absolutely. That is the only basis on which to go.

E—No. He tape recorded this thing. Higby handled it so well that Magruder has closed all his doors now with this tape.

P—What good will that do John?

E—Sir, it beats the socks off him if he ever gets off the reservation.

P—Can you use the tape?

E—Well no. You can use Higby.

P—Why not—

E—Well, it's illegal.

H—No, it's not. It is not.

P—Don't you have to tell somebody—

E—Put a beeper

H—There is no beeper required. Check the Washington law.

P—Yeah.

P—.... I never heard anybody beep and I know that—

H—No. It all depends on where you are. The basic law in most states is that you must disclose to the other party that you're recording the conversation.

[illegible]

April 14, 1973 - A

P: And the door of the White House we're trying to protect it

307

April 14, 1975 - D

I'm not suggesting—I'm not suggesting I'd like to resign. I would not like to.

P—Yeah.

H—I'd be willing to, without creating any sticky problems.

P—The duty of our, all our, the duty of our whole staff though is to play there role—

H—I'm free from some other things that I can cut loose, which I could do. The problem that is there on the other side is, there is some pluses to it. What about that?

401

P—With an Attorney General added in? And a White House Counsel, possibly.

H—Pretty big bag, John.

E—The biggest.

P—Policy, that's the point.

H—Yeah.

P—As far as equal protection, perspective, but it'll take some time.

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