

From Nixon TV and Radio address of April 29, 1974:

Throughout, I was trying to reach determinations on matters of both substance and procedure—on what the facts were, and what was the best way to move the case forward. I concluded that I wanted everyone to go before the Grand Jury and testify fully and freely.

Now I recognize that this tape of March 21 is one which different meanings could be read in by different people. But by the end of the meeting, as the tape shows, my decision was to convene a new Grand Jury and to send everyone before the Grand Jury with instructions to testify.

(over my - up)

March 21, 1973 - A

P—Suppose the worst—that Bob is indicted and Ehrlichman is indicted. And I may say, we just better then try to tough it through. You get the point.

D—That's right.

P—If they, for example, say let's cut our losses and you say we are going to go down the road to see if we can cut our losses and no more blackmail and all the rest. And then the thing blows cutting Bob and the rest to pieces. You would never recover from that, John.

D—That's right.

P—It is better to fight it out. Then you see that's the other thing. It's better to fight it out and not let people testify, and so forth. And now, on the other hand, we realize that we have these weaknesses,—that we have these weaknesses—in terms of blackmail.

March 21, 1973 - A

P- There must be a four way talk of the particular ones you can trust here. We've got to get a decision on it. It is not something—you have two ways basically. You really only have two ways to go. You either decide that the whole (expletive deleted) thing is so full of problems with potential criminal liabilities, which most concern me. I don't give a damn about the publicity. We could rock that through that if we had to let the whole damn thing hang out, and it would be a lousy story for a month. But I can take it. The point is, that I don't want any criminal liabilities. That is the thing that I am concerned about for members of the White House staff, and I would trust for members of the Committee. And that means Magruder.

D—That's right. Let's face it. I think Magruder is the major guy over there. I think he's got the most serious problem.

P—Yeah.

H—Well, the thing we talked about yesterday. You have a question where you cut off on this. There is a possibility of cutting it at Liddy, where you are now.

P—Yeah.

D—But to accomplish that requires a continued perjury by Magruder and requires—

P—And requires total commitment and control over all of the defendants which—in other words when they are let down—

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* * *

P—If, for example, you say look we are not going to continue to—let's say, frankly, on the assumption that if we continue to cut our losses, we are not going to win. But in the end, we are going to be bled to death. And in the end, it is all going to come out anyway. Then you get the worst of both worlds. We are going to lose, and people are going to—

H—And look like dopes!

P—And in effect, look like a cover-up. So that we can't do. Now the other line, however, if you take that line, that we are not going to continue to cut our losses, that means then we have to look square in the eye as to what the hell those losses are, and see which people can—so we can avoid criminal liability. Right?

D—Right.

P—And that means keeping it off you. Herb has started this Justice thing. We've got to keep it off Herb. You have to keep it, naturally, off of Bob, off Chapin, if possible, Strachan, right?

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Coner-up

March 21, 1973 A

P—John Ehrlichman, of course, has raised the point of another Grand Jury. I just don't know how you could do it. On what basis. I could call for it, but I—

D—That would be out of the question.

P—I hate to leave with differences in view of all this stripped land. I could understand this, but I think I want another Grand Jury proceeding and we will

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have the White House appear before them. Is that right John?

D—Uh huh.

P—That is the point, see. Of course! That would make the difference. I want everybody in the White House called. And that gives you a reason not to have to go before the Ervin and Baker Committee. It puts it in an executive session, in a sense.

H—Right.

D—That's right.

H—And there would be some rules of evidence, aren't there?

D—There are rules of evidence.

P—Rules of evidence and you have lawyers.

H—You are in a hell of a lot better position than you are up there.

D—No, you can't have a lawyer before the Grand Jury.

P—Oh, no. That's right.

H—But you do have rules of evidence. You can refuse to talk.

D—You can take the 5th Amendment.

P—That's right.

H—You can say you have forgotten too can't you?

D—Sure but you are chancing a very high risk for perjury situation.

P—But you can say I don't remember. You can say I can't recall. I can't give any answer to that that I can recall.

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March 21, 1973 - A

P—The Grand Jury thing has a feel. Right? It says we are cooperating well with the Grand Jury.

D—Once we start down any route that involves the criminal justice system, we've got to have full appreciation that there is really no control over that. While we did an amazing job of keeping us in on the track before while the FBI was out there, and that was the only way they found out where they were going—

P—But you've got to (unintelligible). Let's take it to a Grand Jury.

* * *

D—We have control over who gets immunized. I think they wouldn't do that without our—

P—But you see the Grand Jury proceeding achieves this thing. If we go down that road—(unintelligible) We would be cooperating. We would be cooperating

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through a Grand Jury. Everybody would be behind us. That is the proper way to do this. It should be done in the Grand Jury, not up there under the kleig lights of the Committee. Nobody questions a Grand Jury. And then we would insist on Executive Privilege before the Committee, flat out say, "No we won't do that. It is a matter before the Grand Jury, and so on, and that's that."

H—Then you go the next step. Would we then—
The Grand Jury is in executive session?

D—Yes, they are secret sessions.

H—Alright, then would we agree to release our Grand Jury transcripts?

D—We don't have the authority to do that. That is up to the Court and the Court, thus far, has not released the ones from the last Grand Jury.

P—They usually are not.

D—It would be highly unusual for a Grand Jury to come out. What usually happens is—

H—But a lot of the stuff from the Grand Jury came out.

P—Leaks.

D—It came out of the U.S. Attorney's office, more than the Grand Jury. We don't know. Some of the Grand Jurors may have blabbered, but they were—

P—Bob, it's not so bad. It's bad, but it's not the worst place.

H—I was going the other way there. I was going to say that it might be to our interests to get it out.

P—Well, we could easily do that. Leak out certain stuff. We could pretty much control that. We've got so much more control.

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level up plan - grand jury

March 26, 1973 - A

P - The Grand Jury appeals to me from the standpoint, the President makes the move. All these charges being bandied about, etc., the best thing to do is that I have asked the Grand Jury to look into any further charges. All charges have been raised. That is the place to do it, and not before a Committee of the Congress. Right?

D - Yeah.

P - Then, however, we may say, (expletive deleted), we can't risk that, or she'll break loose there. That leaves you to your third thing.

D - Hunker down and fight it.

P - Hunker down and fight it and what happens? Your view is that is not really a viable option.

D - It is a high risk. It is a very high risk.

March 27, 1973

H—On the Grand Jury strategy, do you say, "I am waiving executive privilege?"

E—I think you do.

P—Yeah.

H—I think you do.

P—Now Colson disagrees with that one, doesn't he?

H—He says you're nuts.

P—No. I can say, consistent with that—when you say executive hearings, you mean—

H—You instructed us to be as forthcoming as we can—

P—All the facts that have to do with any of this thing, this thing here, there is no—I consider no—

H—But you don't specifically say you are giving up executive privilege.

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P—No privilege will be claimed unless it is absolutely necessary, or something like that. We will work out something.

E—That will be the following question, the minute that you say that.

P—For me to say that on all matters that relate to this particular matter, "Yes, that is what I would say executive privilege is waived on." I think you've got to say that, Bob.

E—You could say this. You could say I have never had a communication with anybody on my staff about this burglary—

P—Therefore—

E—Or about Segretti, prior to—

P—Segretti, Segretti is not in this court so that is no problem.

E—Well—then all right—

P—I have never had any—

E—Since I had no communication with anybody on the White House staff about this burglary or about the circumstances leading up to it, there is no occasion for executive privilege in this matter.

P—With regard to this, I want you to get to the bottom of it. So there will be no executive privilege on that. On other matters—

H—And that takes you up to the June 17th. What do you do after June 17th?

P—Use the executive privilege on that.

E—Yeah, but there would be questions like, "Did you ever discuss with the President, Mr. Haldeman, the matter of executive clemency for any of these defendants?"

P—Both of them say no.

H—Or the payment of money. The payment of—

P—Haldeman and Colson would both say no, there's no question.

H—Since you want to waive privilege so that we can say no, rather than invoking it—

P—You can say that.

The Aftermath

March 30, 1973

P—Listen—I'd almost start this thing—I just want to lay to rest what I think is a—what is a—I'm not making any charges of how it happened. I want to lay to rest a massive misapprehension that has been created in the press, created in the country with regard to the White House position on the Watergate matter. The aftermath. That is, because of—because of our—and that is—we are attempting, the position is to withhold information and to cover up—this is totally true—you could say this is totally untrue. I think I'd start right out that—massive misapprehension and so forth and so on.

Z—Cover up and withhold information.

P—Cover up and withhold information.

Z—And then bang into it.

March 30, 1973

To
Z

P—Yeah—Yeah—now—I'd say our—now—a part of that, I must say, due to the fact—our refusal to try the case in the newspapers—to try this matter in the newspapers—and the position of maintaining the constitutional—the President's necessity of maintaining the constitutional separation of powers. But as the President, I'd say, as the President made crystal clear in his press conference on August 2, the purpose of his insistence on the separation of powers is not to cover up. There will be total and complete cooperation with the agencies of government to get at the

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facts. And the facts can be obtained and still maintain the principle of separation of powers—and all the facts can be obtained. Something like that.

E—That's in there I think pretty good.

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Covering up the court-up

April 8, 1973

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P—But he's got to let it off pretty hard with Mitchell . . . he hasn't got any choice on it, that he will not testify to anything after the fact. And that he'll not testify except . . . and then he'll be damn careful he's protective about it. Is that what he's going to say? We don't want Mitchell, you know, popping off.

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*—"he" is probably Maguire, but possibly Dean

get from Haldeman - come up

April 14, 1973 A

P—No. No. Bob, the point that I make is let's suppose they get Mitchell. They're going to say now what about Haldeman, what about Chapin, and what about Colson and the rest? I've got to have a report indicating—you've got all those Segretti projects. I want somebody to say, now look, here are the facts. Of the White House people (unintelligible). There are no other higher-up. The White House (unintelligible). Put a cap on it. And second, then face the Segretti crap.

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April 14, 1973 - A

E—I have reason to think Liddy has already talked.

H—You know (unintelligible) so they're obviously moving on the cover-up.

P—Yeah.

E—If Mitchell went in, that might knock that whole week into a cocked hat.

P—Why?

H—Well, I'm not sure then they care about the cover-up any more.

P—Well, they might.

E—If Mitchell gave them a complete statement—

P—I wish they wouldn't, but I think they would, Bob.

E—If Mitchell gave them a complete statement.

P—They shouldn't. You're right. The cover-up, he said that—well, basically it's a second crime. Isn't that right, John?

E—Yes.

P—Do you think they would keep going on the cover up even if Mitchell went in?

E—Well, I would assume so. I would certainly assume so. You see, they've got to explain to the Ervin Committee some day why they do things and they've

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got a hell of a lead. They're really not in shape to stop them at this point. They would certainly be diverted.

H—Everything relating to this and all the fringes of it and all the—well, maybe other—

E—I think they're in a position to—I just don't know.

P—Yeah, that's right. But the point is what they have that they're relating to primarily is Dean.

H—I don't know about (unintelligible).

P—Dean. I have to bite the Dean bullet today.

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April 14, 1973 A

P—Dean is not like Mitchell in the sense that Dean only tried to do what he could to pick up the pieces and everybody else around here knew it had to be done.

E—Certainly.

P—Let's face it. I'm not blaming anybody else—

E—No, I understand that. I have great trouble in (unintelligible) in the light of the known involvement that he had in the

P—Aftermath?

E—Right, but—

H—But the known involvement he had in that was for what was understood here to be the proper system

P—The question is motive. That's right.

E—That number one. Number two, there is nothing new about that. As I have developed this thing—I want you to read this—

P—Yeah.

E—There were 8 or 10 people around here who knew about this, knew it was going on. Bob knew, I knew, all kinds of people knew.

P—Well, I knew it. I knew it.

E—And it was not a question of whether—

P—I must say though, I didn't know it but I must have assumed it though but you know, fortunately—I thank you both for arranging it that way and it does show the isolation of the President, and here it's not so bad—But the first time that I knew that they had to have the money was the time when Dean told me that they needed forty thousand dollars. I had been, frankly, (unintelligible) papers on those little envelopes. I didn't know about the envelopes (unintelligible) and all that stuff.

E—The point is that if Dean's, if the wrongdoing which justifies Dean's dismissal is his knowledge that that operation was going on, then you can't stop with him. You've got to go through a whole place wholesale.

P—Fire the whole staff.

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E—That's right. It's a question of motive. It's a question of role and I don't think Dean's role in the aftermath, at least from the facts that I know now, achieves a level of wrongdoing that requires that you terminate him.

P—I think he made a very powerful point to me that of course, you can be pragmatic and say, (unintelligible) cut your losses and get rid of 'em. Give 'em an hors d'oeuvre and maybe they won't come back for the main course. Well, out, John Dean. On the other hand, it is true that others did know.

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Corrup - If Dean is guilty, so am I - Nixon

April 14, 1973 - A

P—My point is that if three of us talk here, I realize that, frankly—Mitchell's case is a killer. Dean's case is the question. And I do not consider him guilty. Now that's all there is to that. Because if he—if that's the case, then half the staff is guilty.

E—That's it. He's guilty of really no more except in degree.

P—That's right. Then others

E—Then a lot of

P—And frankly then I have been since a week ago, two weeks ago

E—Well, you see, that isn't, that kind of knowledge that we had was not action knowledge, like the kind of knowledge that I put together last night. I hadn't known really what had been bothering me this week.

P—Yeah.

E—But what's been bothering me is

P—That with knowledge, we're still not doing anything.

E—Right.

P—That's exactly right. The law and order. That's the way I am. You know it's a pain for me to do it—the Mitchell thing is damn painful.

April 14, 1973 - B

P—He^{*} will testify that he sent materials to the White House?

H—If he is asked, he will, yes.

P—He'll be asked—is that something he will say he sent to the White House. What would Strachan say?

H—Strachan has no problem with that. He will say that after the fact there are materials that I can now surmise were what he is referring to but they were not at the time identified in any way as being the result of wiretaps and I did not know they were. They were amongst tons of stuff. Jeb makes the point. He said, I am sure Gordon never sent them to Bob because they were all trash. There was nothing in them. He said the tragedy of this whole thing is that it produced nothing.

P—Who else did he send reports to—Mitchell?

H—I don't know. The thing I got before was that he sent them either to—that one went to him and one went to Strachan.

P—What our problem there is if they claim that the reports came to the White House—basically to your office—what will you say then?

H—They can. This doesn't ever have to come out.

P—I know, but they will ask it in the Grand Jury.

H—If they do ask it in the Grand Jury—the Grand Jury is secret. The only way it will come out is if they

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decide to indict Strachan and put him up for trial. He, Jeb, is totally convinced that they have no interest in Strachan at all—and they have all this stuff. And I can see how they feel—Strachan is like a secretary—he is useful as a witness.

P—(Unintelligible)

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*maguder

H/E Leable in cover-up?

April 14, 1973 - C

P- Now the only question that you have left is, I suppose, sort of the peripheral (unintelligible) Dean rumbling around here and asking you and Haldeman how about getting us some money for Watergate defendants. Damn. I can't believe it. I can't believe they'd (unintelligible) you for conspiracy if you were asked for that. Maybe they could.

H-I—technically. I'm sure they could. Practically, it just seems awfully remote, but maybe that's wishful thinking.

Devising a cover story on the cover-up

April 14, 1973 - D

H—Strachan's already out of the White House so that's no problem. If he's going to ring Ehrlichman in, you are going to have to let him go.

E—He's got sort of a hypothesis in that he is developing in our conversation that—that—referring him to Kalmbach—which is actual. As a matter of fact, I didn't refer him to Kalmbach. He came to me and said, "May I go to Kalmbach?" (Unintelligible)

P—Go to Kalmbach for the purpose of—

E—For the purpose of getting Herb to raise some money. For the purpose of paying the defendants. For the purpose of keeping them "on the reservation."

P—Right. With that they could try to tie you and Bob in a conspiracy to obstruct justice.

E—That's his theory.

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P—It's rather questionable.

E—Well, I'm not so sure that makes any difference at this point. The coloring is—the key was in their pocket.

P—Well, (unintelligible).

H—Strachan's position is totally true—without giving him any help.

P—I know. The way you have to handle that, let's face it, it is there, of course. You've got the whole business of the aftermath, as to motive. And there, if you or Bob were asked, what do you say?

E—Well, as far as I can read obstruction and I may be putting favorable (unintelligible) concern about what these fellows are going to testify to. The Grand Jury (unintelligible) so that they could go out, sell their stories to one magazine or another.

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April 14, 1973 - D

P—Put it right out. The problem here, let me say, in your case, is not Segretti. I think we should go with the Segretti stuff and then—the problem in your case is Strachan. I mean the—keeping the (unintelligible).

H—(Unintelligible)

P—Oh, yes, you will testify on that.

E—Sure, and it's secret. The question is whether Strachan is indicted or not.

P—If he is indicted?

H—I think I've got to cover myself on the Strachan thing, as you say, in such a way so that if anything does happen it's covered and you can go back and see I said this guy—should not be built up as a central figure, nor should I start to explain his every action. I can't. Some of his actions were obviously carried out unilaterally. I think that's overly objective.

P—I think some of Magruder's stuff could be pretty lively. I think it's probably basically true. How do you remember back that far? Think of that—

H—You can't be that precise—

P—You can't be that precise—You remember the things that you want to remember, pretty much.

H—Well, especially when you've lived through a whole series of varying, very heated drives—

P—Careers.

Strategy to beat cover-up rap

April 14, 1973 - D

P—The bad part of it is the fact that the Attorney general, and the obstruction of justice thing which it appears to be. And yet, they ought to go up fighting, in my view, a fighting position on that. I think they all ought to fight. That this was not an obstruction of justice, we were simply trying to help these defendants. Don't you agree on that or do you think that's my—is that—

E—I agree. I think it's all the defendants, obviously.

P—I know if they could get together on the strategy. It would be pretty good for them.

E—Well, I think, undoubtedly, that will shake down.

P—I would think that the U.S. Attorney's (unintelligible)

H—Thank you, sir.

E—Yes, sir.

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April 14, 1973 - F

P—I just don't know how it is going to come out. That is the whole point, and I just don't know. And I was serious when I said to John at the end there, damn it all, these guys that participated in raising money, etc. have got to stick to their line—that they did not raise this money to obstruct justice.

H—Well, I sure didn't think they were.

P—Huh?

H—I didn't think they were and I don't think they did.

P—Well—

H—With maybe some exceptions.

P—Right, right. Of course, I suppose there they will say, like McCord has said, that that was the purpose. That somebody told him that. That doesn't mean anything.

H—Yeah.

P—The question, of course, is Liddy and the others. But we shall see. It is the word of the felons against the word of the men that raised the money, huh?

H—That's right. Well, you just—You don't know how much will come out in what way either. I mean that—

P—No, we, at least I think now, we pretty much know what the worst is. I don't know what the hell else they could have that is any worse. You know what I mean. Unless there is something that I don't know, unless somebody's got a piece of paper that somebody signed or some damn thing, but that I doubt.

H—It doesn't appear that there is such a thing. I mean there has been no hint to that. What you hear is all stuff that has been hinted at. It goes further than what was in some areas, but it's obviously totally consistent, basically, with everything John has developed.

Strategy to cover-up the cover-up

April 14, 1973 - H

P—(Unintelligible) you expect anyone (unintelligible) I was cogitating last night, and we've got the people that can—I mean on the obstruction of justice thing, which I think is our main problem at this time—well of course it is the main problem because it involves the other people.

E—Yeah.

P—Otherwise it's just Chapin

E—Yes, Chapin

P—and Mitchell.

E—Yeap

P—Magruder

E—Yeah.

P—Possibly Dean, but a ...

E—Mardian and LaRue

P—(Unintelligible) on the (unintelligible) of the case?

E—LaRue

P—They got him on that too?

E—Yeah. Yeah.

P—You mean Magruder has?

E—Yeah.

P—That's going to be hard. This fellow's lied twice to (unintelligible)?

E—That's right. That's true.

P—The people you've got with obstruction are Hunt and Goldblatt and Bittman, right?

E—Oh, Rothblatt the lawyer.

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P—Rothblatt?

E—Yeah, right. Well, I don't think Bittman is going to testify. I would be very surprised if he did.

P—Why?

E—Well.

P—Get him involved in obstruction of justice?

E—Well I just don't think—I think, I'm just guessing here, my guess is that he's worked himself out a haven in all of this.

P—Wouldn't serve his interest to get involved in the obstruction of justice. He's basically almost a bag man, not a bag man, but a message carrier, isn't he?

E—No. No.—was an instigator—. He was concerned about his fee. And a ...

P—Oh really John?

E—Yeah. Yeah. So he was one of the active promoters of that as near as I can tell.

P—(Unintelligible) me what you and (unintelligible) say on the obstruction thing. What was involved? I mean, from our side, our guys.

E—Well you had defendants who were concerned about their families. That's understandable. You had lawyers who were concerned about their fees and that's less understandable.

P—Oh, yes. It's understandable.

E—Well, I mean in terms of the end result. You had a campaign organization that was concerned about the success of its campaign ...

P—Yes

E—and didn't want these fellows to say anything in public that would disrupt the campaign.

P—Is that legitimate to want people not to say it out in public which (unintelligible)?

E—I think so. I think so. And then you had a ...

P—No, but I mean, say something in public that would disrupt the campaign or because it would embarrass people?

E—Sure.

E—It would impeach the campaign in effect. But at the same time a lot of those same people who had that legitimate motive—Hello (unintelligible) [Voice: Hello, sir. (door opens and closes)] they had the same

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people who had that legitimate motive had an illegitimate motive because they were involved in protecting their own culpability and here we're talking about LaRue, Magruder, Mitchell possibly.

P—(Unintelligible) they wanted the defendants to shut up in court?

E—Certainly, certainly.

P—So you would say, you could say ...

E—You have.

P—in other words you have Dean we'll say, now let's take Dean

E—All right.

P—As a case in point. This says something that Dean was not—we could get him out of it—he could weasel out. I say weasel out; he says he's not involved in the prying.

E—Well see Dean's problem is that he was in touch with these committee people who could to Dean express a benign motive and at the same time had a corrupt motive. If I were Dean, I would develop a defense that I was being manipulated by people who had a corrupt motive for ostensibly a benign motive. And in point of fact ...

P—Some did have benign motives.

E—That's right. You take a fellow like Shumway over there for instance ...

P—Yeah.

E—who has to think about the PR of the campaign.

P—Making statements. Well for example it's the—it's like in the very tangential, and it's only tangentially that it touches you and Bob. You know what I mean that somebody came to you.

E—Yeah.

P—I mean you said go talk to Kalmbach. If you were talking about keeping (unintelligible) if you know the defendants were guilty, and if you didn't know who else was (unintelligible)

E—That's correct.

P—And you just thought that they (unintelligible).

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April 15, 1973-A

K—As a matter of fact, looking at it again, without trying to determine the impact of it with respect to the election, simple (unintelligible) the obstruction of justice.

P—The obstruction of justice is what's bad.

K—And the perjury—the suborning of witnesses, the perjury and perjuring yourself.

P—You don't have Ehrlichman involved in that—you don't have Haldeman involved in any of that?

K—No—no. When you get Mitchell and Magruder and Mardian and, let's say, Dean all having one approach to this problem, and Magruder over there you're going to have a hard time convicting John Mitchell, Bob Haldeman, LaRue etc. One of the faults these lawyers find is that, you know, because they, if this is true, they will be a (expletive removed) difficult thing to prove.

P—There's a chance Mitchell could beat this?

K—Oh, sure.

P—You do?

K—Oh (expletive removed) yes. It all depends on how this other comes out but, Mr. President, if all you're talking about.

April 15, 1973 - H

P—Why don't you and I talk about that tomorrow?

HP—We will.

P—And we will look over the Haldeman/Ehrlichman thing to see what the facts are and maybe you could give me a little sheet of paper on both as to what you feel their vulnerabilities are so that I—could you do that?

HP—I will try indeed. Yes, sir.

P—I mean just say, for these reasons, etc. and then I will be in a position to act on it.

HP—Very good.

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P—Because, in both cases they have a—basically in both of their cases, as I look at the thing since it is basically the obstruction of justice case for the most part, with the possibility of Haldeman of knowledge, although that is questionable to believe. But you have to hear Strachan before you decide that.

HP—Yes, sir.

P—But that's a matter which is going to involve your hearing them too, what they know, I suppose, as well as hearing the others.

HP—Oh, I think that is right and I think with respect to the obstruction of justice thing is concerned, it is easy for me to see how they fell into that, if you like.

P—Yeah. Uh, huh. Rather than being directly conspirators?

HP—That's right. That's right.

P—And there is a difference in that respect, I suppose.

HP—That's right. A difference, at least, in moral culpability.

P—Sure. Motive.

HP—In plain terms of ultimate embarrassment, I think that—

P—The embarrassment is there, but in terms—basically in terms of motive which might be the legal culpability, they might be off but in terms of embarrassment they would have to be out of the government?

HP—Yes, sir.

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April 16, 1973 - B

P—But you did tell me that in the aftermath there were serious problems.

D—That's right.

P—Right. And, I said, "Well, let's see what they are."

D—And now you are beginning to see what they are. They are potential, technical, obstruction of justice problems.

P—I talked to Petersen last night and he made exactly the same point. He said the obstruction was morally wrong. No, not morally. He said it may not have been morally wrong and it may not have been legally wrong, but he said from the standpoint of the Presidency you can't have it. So, he seems to think that the obstruction of justice thing is a (expletive omitted) hard thing to prove in court.

D—That's right.

P—Which I think should be some comfort to you.

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D—Well, my lawyer tells me, you know, that, "Legally you are in damn good shape."

P—Is that right? Because you're not—You were simply helping the defendants get their fees and their—What does he say?

D—In that position, I am merely a conduit. It is very technical, very technical. I am a conduit to other people. That is the problem.

P—What was the situation, John? The only time I ever heard any discussion of support for the defense fund was (inaudible). I guess I should have assumed somebody was helping them. I must have assumed it. But I must say people were good in a way because I was busy. Was when you mentioned to me something about hard-hitting problem. But that was handled by Mitchell. Was that true or what?

D—The last time we had a request was the week before sentencing.

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P—John, let me ask you this. Let us suppose if this thing breaks and they ask you John Dean, "Now, John, you were the President's Counsel. Did you report things to the President?"

D—I would refuse to answer any questions unless you waive the privilege.

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P—On this point, I would not waive.

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P—How was that handled? Who handled that money?
D—Well, let me tell you the rest of what Hunt said.

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He said, "You tell Dean that I need \$72,000 for my personal expenses, \$50,000 for my legal fees and if I don't get it I am going to have some things to say about the seamy things I did at the White House for John Ehrlichman." Alright I took that to John Ehrlichman. Ehrlichman said, "Have you talked to Mitchell about it?" I said, "No, I have not." He said, "Well, will you talk to Mitchell?" I said, "Yes I will." I talked to Mitchell. I just passed it along to him. And then we were meeting down here a few days later in Bob's office with Bob and Ehrlichman, and Mitchell and myself, and Ehrlichman said at that time, "Well is that problem with Hunt straightened out?" He said it to me and I said "Well, ask the man who may know: Mitchell." Mitchell said, "I think that problem is solved."

P—That's all?

D—That's all he said.

P—In other words, that was done at the Mitchell level?

D—That's right.

P—But you had knowledge; Haldeman had knowledge; Ehrlichman had knowledge and I suppose I did that night. That assumes culpability on that, doesn't it?

D—I don't think so.

P—Why not? I plan to be tough on myself so I can handle the other thing. I must say I did not even give it a thought at the time.

D—No one gave it a thought at the time.

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April 16, 1973 - B

D—Well, I want to lay one thing out. I think there is a mythical belief—Now, I have not talked to Bob or John about this—they don't have a problem Mr. President. And I am not really sure that they do, but I am telling you, they do.

P—A problem? There is no question about it. Petersen made the point. I said, "Tell me what the facts are." And he said, "The problem is that they are going to get splashed, and when they get splashed, you've got a problem, Mr. President." Now then he goes on to say that as far as the legal form of obstruction is concerned and he covers all three of you here, it is a very difficult case to prove. Do you agree with that?

D—Uh, huh. That's fine.

P—You see that is the point. I know it would work. I am speaking not in personal terms.

D—It is a technical case and it is a tough case.

P—It's a tough one to prove. What does he mean by that?

D—Apparently, my lawyer said, "Now, I have won cases on this with tougher facts than you've got I will assure you." It would not be a—

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P—So that is their real culpability, both Ehrlichman and Haldeman are in on the obstruction, is that your point?

D—It would be a very good idea if they had counsel.

P—I told them last night they ought to get lawyers so I am one step ahead of you there.

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April 16, 1973 - D

P—Yeah—we just don't know what the situation is on Ehrlichman, on what there is.

H—No. And there are more potentials there than there are on mine. Mine I think we have them all out and we know them all and Ehrlichman's—

P—Well, there may be more potentials. I think Dean, frankly, is more inclined to give Ehrlichman a screwing than anyone else. I have that feeling.

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Cover-up tough to prove

April 16, 1973 - B

D—What would be the best thing in the world is if they decide that they've got nothing but technical cases against people at the White House and they chuck them all out. That is not impossible.

P—Should I telephone him?

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D—No sir.

P—That's what they ought to do.

D—That's right.

P—It may be a tough case for them to prove John.

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April 16, 1973 - C

P— As for the legal side of this, John, he has some sharp lawyers and they think this is a damn hard case to prove.

E—For the government to prove?

H—Government thinks so, too, doesn't it?

P—As I told you today, Petersen said that the legal end is just terribly difficult.

H—It is our moral thing and the pressure. Basically it is a PR job.

P—We have to decide this and decide it in terms of many things. But I, at least, felt a little better about it than I did last night.

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April 16, 1973 - C

P—Good, good. How has the scenario worked out? May I ask you?

H—Well, it works out very good. You became aware sometime ago that this thing did not parse out the way it was supposed to and that there were some discrepancies between what you had been told by Dean in the report that there was nobody in the White House involved, which may still be true.

P—Incidentally, I don't think it will gain us anything by dumping on the Dean Report as such.

E—No.

P—What I mean is I would say I was not satisfied that the Dean Report was complete and also I thought it was my obligation to go beyond that to people other than the White House.

E—Ron has an interesting point. Remember you had John Dean go to Camp David to write it up. He came down and said, "I can't."

P—Right.

E—That is the tip off and right then you started to move.

P—That's right. He said he could not write it.

H—Then you realized that there was more to this than you had been led to believe. (unintelligible)

P—How do I get credit for getting Magruder to the stand?

E—Well it is very simple. You took Dean off of the case right then.

H—Two weeks ago, the end of March.

P—That's right.

E—The end of March. Remember that letter you signed to me?

P—Uh, huh.

E—30th of March.

P—I signed it. Yes.

E—Yes sir, and it says Dean is off of it. I want you to get into it. Find out what the facts are. Be prepared to—

P—Why did I take Dean off? Because he was involved? I did it, really, because he was involved with Gray.

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E—Well there was a lot of stuff breaking in the papers, but at the same time—

H—The scenario is that he told you he couldn't write a report so obviously you had to take him off.

P—Right, right.

E—And so then we started digging into it and we went to San Clemente. While I was out there I talked to a lot of people on the telephone, talked to several witnesses in person, kept feeding information to you and as soon as you saw the dimensions in this thing from the reports you were getting from the staff—who were getting into it—Moore, me, Garment and others.

H—You brought Len Garment in.

E—You began to move.

P—I want the dates of all those—

E—I've got those.

P—Go ahead. And then—

E—And then it culminated last week.

P—Right

E—In your decision that Mitchell should be brought down here; Magruder should be brought in; Strachan should be brought in.

P—Shall I say that we brought them all in?

E—I don't think you can. I don't think you can.

H—I wouldn't name them by name. Just say I brought a group of people in.

E—Personally come to the White House.

P—I will not tell you who because I don't want to prejudice their rights before (unintelligible)

E—But you should say, "I heard enough that I was satisfied that it was time to precipitously move. I called the Attorney General over, in turn Petersen."

P—The Attorney General. Actually you made the call to him on Saturday.

E—Yes.

P—But this was after you heard about the Magruder strategy.

E—No, before.

P—Oh.

E—We didn't hear about that until about three o'clock that afternoon.

P—Why didn't you do it before? This is very good now, how does that happen?

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E—Well—

P—Why wasn't he called in to tell him you had made a report, John?

H—That's right. John's report came out of the same place Magruder's report did—

P—No. My point is

E—I called him to tell him that I had this information.

P—Yeah but, why was that? That was because we had heard Magruder was going to talk?

E—No. Oh, I will have to check my notes again.

H—We didn't know whether Magruder was going to talk.

E—That's right.

H—Magruder was still agonizing on what he was going to do.

P—Dean—but you remember you came in and said you have to tell him about it politely. Well, anyway—

H—I will tell you the reason for the hurry up in the timing was that we learned that Hunt was going to testify on Monday afternoon.

April 16, 1973-D

H—I can see it is a weak appearing case in terms of what did I think I was giving the money back to them for. Where did the money go? Now there is no question about that, some of it. I don't think all of it did. But I knew where some of it was going to go.

P—But again you guys have to see what in the hell, again what LaRue testifies. What the money was for; to shut them up, or was it to provide help for their families.

H—You see, that is the whole point. In my viewpoint it wasn't to shut them up, but that is a hard case for anybody to believe I suppose.

P—Yeah, they will say it was to keep them quiet.

H—Well, absolutely. But that—so they can't make the legal case.

Strategy to cover-up the cover-up

April 17, 1973 - A

P - Another thing, if you could get John and yourself to sit down and do some hard thinking about what kind of strategy you are going to have with the money. You know what I mean.

H - Yeh.

(Material unrelated to President's actions deleted.)

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April 17, 1973 - B

P - In the case of Haldeman, it'll discuss—the Strachan things have—determine a lot to do with what Strachan says and what Kalmbach says—the 350 thing and that sort of thing.

H—Kalmbach has no relation to me on that.

E—That ah—

P—Have you thought when you say before it gets to (unintelligible) thing out of the way. Have you given any thought to what the line ought to be—I don't mean a lie—but a line, on raising the money for these defendants? Because both of you were aware of what was going on you see—the raising of the money—you were aware of it, right?

E—Yes, sir.

P—And you were aware—You see, you can't go in and say I didn't know what in hell he wanted the \$250 for.

H—No—I've given a great deal of thought (unintelligible)

P—Well I wonder. I'm not—look—I'm concerned about the legal thing Bob, and so forth. You say that our purpose was to keep them from talking to the press.

E—Well, that was my purpose—and before I get

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too far out on that, ah, I want to talk to an attorney and find out what the law is—which I have not yet done.

P—Right!

H—That's just what I want to do too. This is only a draft.

P—Right. Good. The only point is I, I think it is not only that but you see that involves all our people.

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