

NIXON ASSURANCE THAT TAPES DO NOT CONFLICT WITH HIS PUBLIC STATEMENTS

from Nixon press conference of September 5, 1973:

QUESTION: Mr. President, to follow up on the tapes question earlier, you have told us that your reasons are based on principle -- separation of powers, Executive privilege, things of this sort. Can you assure us that the tapes do not reflect unfavorably on your Watergate position, that there is nothing in the tapes that would reflect unfavorably?

THE PRESIDENT: There is nothing whatever. As a matter of fact, the only time I listened to the tapes, to certain tapes -- and I didn't listen to all of them, of course -- was on June the 4th. There is nothing whatever in the tapes that is inconsistent with the statement that I made on May 22nd or of the statement that I made to you ladies and gentlemen in answer to several questions, rather searching questions I might say, and very polite questions two weeks ago, for the most part, and finally nothing that differs whatever from the statement that I made on the 15th of August.

From Nixon's TV and radio address of April 29, 1974:

In these transcripts, portions not relevant to my knowledge or actions with regard to Watergate are not included, but everything that is relevant is included -- the rough as well as the smooth, the strategy sessions, the exploration of alternatives, the weighing of human and political costs.

As far as what the President personally knew and did with regard to Watergate and the cover-up is concerned, these materials -- together with those already made available -- will tell it all.

To anyone who reads his way through this mass of materials I have provided, it will be totally abundantly clear that as far as the President's role with regard to Watergate is concerned, the entire story is there.

Unintelligible

March 27, 1973

Z—I could—Two options: One would be to say that (unintelligible); the other would be to say the (unintelligible).

P—(unintelligible) Well, if you say (unintelligible) permission—What do you think, John? You tell him. Well, it is easier to get out of it if you say well that is not a matter (unintelligible),

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April 14, 1973 -A

H—That's the thing we've worried about all along, that somebody will get (unintelligible) what we do but we can't live by whether we (unintelligible) the (unintelligible).

P—(Unintelligible)

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Unintelligible

April 14, 1973 - C

P—He's obviously thought this through. Isn't it worthwhile to find out—I think we owe it to ourselves to find out about John Dean, for example, what he—now understand that he thinks (unintelligible) this is true from (unintelligible).

H—Alright.

E—I think that's right. This is probably a golden opportunity in a way.

P—Right. To find out—let me put it this way. You've got to find out what the hell he is going to say. (unintelligible) which is frightening to me, (unintelligible) rather than (unintelligible)

H—Right.

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P—I wonder if you'll (unintelligible) then—(unintelligible) I think, Bob.

H—I can't reach Magruder. There's no answer (unintelligible) over something. If he arrives here they'll let us know.

P—We better get the other things out of the way. I think we're going to be—I don't want to be hammered—(unintelligible) I don't want to—I don't (unintelligible) they'll hammer the hell out of us anyway, but I don't (unintelligible) that's a—that's just a (unintelligible) all here. We'll take—we'll take a hell of a beating (unintelligible) in the next thirty days, a lot of heat, we'll take with regard to why we aren't appearing, why we aren't going to appear before the Committee. Now, how do we answer that?

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H—I still think you can. Maybe it can't be done, but there ought to be a way to turn the Grand Jury thing strongly our way, which is that this proves the rightness of the President's approach of full cooperation with the proper process of justice which is bringing people, even at the very highest level, to account.

P—You (unintelligible) cooperation.

E—Yeah. I think we should do that.

H—And cooperating on the (unintelligible). And the value of that.

P—(Unintelligible) first man out on it should not be favored. You understand the importance of that and so forth and so on. Then I've got to (unintelligible) and get (unintelligible). Trying to think of how to use you effectively in this too.

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Unintelligible

April 14, 1973 - C

P—Does (unintelligible) know Bob. Aren't we really sort of in a position where it would be better to know whose (unintelligible) in that damn Grand Jury. At least, pull the (unintelligible) on something there. I really think you do. And, they're (unintelligible) happy. It seems to me that a hell of a lot of the issue about do something involves our inability to (unintelligible) back that we're willing to cooperate. That we're willing to waive executive privilege and keeping our people silent. Now that's what I'm really trying to (unintelligible).

E—We will get—

H—I've always heard that that's the right—that's the point—that kind of argument.

P—Is that (unintelligible).

H—(Unintelligible) one day plus story.

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P—Then you—the way I would handle that, I would say, "Now let's take the Segretti matter"—no—"First, let's take Watergate." You say, "I had no knowledge—"(unintelligible). "Let's take the Segretti thing. Now, here are the facts."—Then I would point out—(unintelligible) point out (unintelligible) incrimination?

H—No.

E—Well, we don't know that.

H—Huh?

P—(Unintelligible) OK, John. (Unintelligible). with Segretti?

H—Well, he was clearly (unintelligible) which is totally (unintelligible) that Segretti—Segretti's instructions were that he was to do nothing illegal. And, well then answer the question how could you launch a guy out—

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P—I do feel that we should get this ready and really bounce it and I think that's the day to do it and I'd say (unintelligible) and I'd say—

H—It's ready. Oh, no, it isn't ready but it's close. But it's awful long.

P—Will it be alright?

H—I'm not so sure that (unintelligible).

P—Perfectly alright. Grand Jury. (Unintelligible) the damn (unintelligible) down to it. And if it says if the Committee doesn't, I cannot allow—I cannot allow—the (unintelligible). I mean the—"My effectiveness as an Assistant to the President will be seriously damaged." "Eroded by false charges and so forth and consequently I am making this statement now. I will make

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this statement under oath. (Unintelligible) I will make this statement under oath and answer questions under oath when the Ervin Committee finally gets around to hearing me." How's that sound to you, John?

E—Sounds pretty good.

P—All right. Now I think—I will say—point out—(unintelligible) it is (unintelligible)—"I do not suggest that—" I have only tried to cover in this statement questions of charges to date. That's what I have said and it has not been—and I am sure that others will be made." And (unintelligible)

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Unintelligible

April 16, 1973 - A

P—The reason that I made the call while in Dean's presence last night was that he said Liddy was saying how he knows Liddy had told (unintelligible) or something like that. I said he must (unintelligible). Well, he thought he ought to get ahold of his attorneys. Liddy said will not (unintelligible) higher authorities. (Unintelligible) not the President, (unintelligible) Mitchell. And I said, I called Petersen (unintelligible) where to go (unintelligible) Liddy's attorney. The President is not asking for any type of (unintelligible).

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Inaudible

April 16, 1973 - E

P—Yeah. Let me get to two quick questions before you give me whatever you've got. Three questions—one very fundamental that (inaudible) perhaps the first two are related. I (inaudible) Dean, first Magruder, with the information that I know, it seems to me that I've got to tell the (inaudible) something about that's been done (inaudible) where it would be worse. What's your reaction to that? We got to be sure that when people ask us later that we didn't—these people that are out (inaudible).

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P—There's this. This is something that we're going—you know—probably great difference of opinion in the Department of Justice (inaudible). More important for the Department of Justice is (inaudible). Presidency have (inaudible) as a result of some diligent efforts its own (inaudible). Now with (inaudible) I don't have to announce the (inaudible). We have a situation where the U.S. Attorney, in effect, the (inaudible) thing when the President has to go in and explain (inaudible).

HP—(Inaudible) for a purpose.

P—Yeah but—see—I don't—(inaudible) the damn sure (inaudible).

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Unintelligible

April 17, 1973

P- I want these men to be (unintelligible). I know there is. I really.

W-Quite so. We (unintelligible)

P-The second point, however, I have (unintelligible) And they know that. And if—if—uh—you conclude that the best thing to do is for Haldeman to step forward and say, "you're not guilty of a doggone thing." They have released the Grand Jury notes. I've been attacked by the press; I've been (unintelligible) all this (unintelligible) outside of this office including (unintelligible). In it, one (unintelligible) regard to the (unintelligible) as to whether it affects their (unintelligible) too in regard to the President.

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CHAPTER 1

THE COVER-UP

April 17, 1973-6

P—I'll be here, all along, Bill. The Jury indicts, moves. We're going to get on with this country. A lot of people in the country, we may find, they feel the President is doing the best he can in the damn thing. If I had wanted to cover-up—they probably think the President can cover-up. If I wanted to, I sure haven't done it very well, have I?

DENIAL OF KNOWLEDGE OF COVERUP

Nixon statement issued August 15, 1973:

It is also true, as I say on May 22nd, that I took no part in, and was not aware of, any subsequent efforts to cover up the illegal acts associated with the Watergate break-in.

CONDEMN COVER UP REPORTS

from Nixon statement of April 17, 1973:

As I have said before and I have said throughout this entire matter, all government employees and especially White House staff employees are expected fully to cooperate in this matter. I condemn any ~~efforts~~ attempts to cover up in this case, no matter who is involved.

from Nixon statement issued August 15, 1973:

My consistent position from the beginning has been to get out the facts about Watergate, not to cover them up.

from Nixon press conference, March 6, 1974:

At all times it has been my goal to have a complete disclosure of this whole situation because, as you know, I have said there can be no cloud over the White House. I want that cloud removed; that's one of the reasons we have cooperated as we have with the special prosecutor. We will also cooperate with the Rodino committee. The facts will come out.

from Nixon question-answer session in Houston, March 19, 1974:

It should not have been covered up, and I have done the very best that I can over the past year to see that it is uncovered.

for use with cover-up excerpts from 9/15/72 tape

from Nixon press conference of August 29, 1972:

And with regard to who is investigating it now, I think it would be well to notice that the FBI is conducting a full field investigation. The Department of Justice, of course, is in charge of the prosecution and presenting the matter to the grand jury. The Senate Banking and Currency Committee is conducting an investigation. The Government Accounting Office, an independent agency, is conducting an investigation of those aspects which involve the campaign spending law....these investigations...have at my direction had the total cooperation of the—not only the White House—but also of all agencies of government....

I think under these circumstances we are doing everything we can to take this incident and to investigate it and not to cover it up. What really hurts in matters of this sort is not the fact that they occur....What really hurts is if you try to cover it up....

We have cooperated completely. We have indicated that we want all the facts brought out and that as far as any people who are guilty are concerned, they should be prosecuted.

Knowledge of cover-up?

Sept 15, 1972

P—Oh well, this is a can of worms as you know a lot of this stuff that went on. And the people who worked this way are awfully embarrassed. But the way you have handled all this seems to me has been very skillful putting your fingers in the leaks that have sprung here and sprung there. The Grand Jury is dismissed now?

D—That is correct. They have completed and they have let them go so there will be no continued investigation prompted by the Grand Jury's inquiry.

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Covering-up

Sept 15, 1972

D- I learned today, incidentally, and have not confirmed it, that the GAO auditor who is down here is here at the Speaker of the House's request.

P-That surprises me.

H-Well, (expletive deleted) the Speaker of the House. Maybe we better put a little heat on him.

P-I think so too.

H-Because he has a lot worse problems than he is going to find down here.

D-That's right.

H-That is the kind of thing that, you know, we really ought to do is call the Speaker and say, "I regret to say your calling the GAO down here because of what it is going to cause us to do to you."

P-Why don't you see if Harlow will tell him that.

B-64

D—I suppose the other area we are going to see some publicity in the coming weeks because I think now that the indictments are down there will be a cresting on that—the white wash—the civil rights cases in advance. But Wright Patman's hearings—his banking and currency committee—whether we will be successful in turning that off or not I don't know. We have a plan where Rothblatt and Bittman who were counsel for the seven who were indicted today are going to go up and visit the five top members and say that if you commence hearings you are going to jeopardize the civil rights of these individuals in the worst way and they will never get a fair trial.

P—Why not ask that they request to be heard by the committee?

D—They could say, "If you do commence with these hearing we intend to come up and say what you are doing to the rights of individuals." Something to that effect.

P—They could even get a motion in court to get the thing dismissed.

H—Going the other way—

P—Getting the criminal charges dismissed on the grounds of civil rights.

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D—We have someone approaching the ACLU for these guys—having them exert some pressure because we don't just want Stans up there in front of the cameras with Patman asking all these questions. It is going to be the whole thing over and over again. I understand too, or I have been told, that John Connally is close to Patman and if anyone could talk turkey to Patman, Connally could. Jerry Ford is not really taking an active interest in this matter that is developing so Stans is going to see Jerry Ford and try to brief him and explain to him the problems he has. The other thing we are going to do—we are looking at all the campaign reports of every member of that committee because we are convinced that none of them complied exactly with the law either. If they want to play rough—some day we better say, "Gentlemen, we want to call your attention that you have not complied with A,B,C, and F and we are not going to hold that a secret if you start talking campaign violations here."

P—What about Ford? Do you think so? Connally can't because of the way he is set up. If anybody can do it, Connally could, but if Ford can get the minority members. They have some weak men and women on that committee, unfortunately. Heckler is alright.

D—Heckler was great.

P—Widnall, et cetera. Jerry should talk to Widnall. After all, if we ever win the House, Jerry will be the speaker and he could tell him if he did not get off --- he will not be Chairman ever.

D—That would be very helpful to get all of these people at least pulling together. If Jerry could get a little action on this.

H—Damn it Jerry should. That is exactly the thing he was talking about, that the reason they are staying is so that they can run investigations.

P—The point is that they ought to raise hell about these hearings. I don't know that the counsel calls the members of the committee often. I think if they have to have this blunderbuss in the public arena then this is all it is.

D—That is the last forum where we have the least problem right now. Kennedy has already said he may call hearings of the Administrative Practices sub-com-

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Comings up

Sept. 15, 1972

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mittee. As these committees spin out oracles we used to get busy on each one. I stopped doing that about two months ago. We just take one thing at a time.

P—You really can't sit and worry about it all the time. The worst may happen but it may not. So you just try to button it up as well as you can and hope for the best, and remember basically the damn business is unfortunately trying to cut our losses.

* * * *

P—Tell Ehrlichman to get Brown and Ford in together and they can work out something. They ought to get off their -- and push it. No use to let Patman have a free ride here.

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COVER UP Watman hearings turned off (to be juxtaposed after lengthy excerpts from Sept. 15 tape on doing exactly that)

Washington Post, October 4, 1972

Bugging Hearings Rejected

10/4/72

House Panel Defeats Bid By Patman

By Bob Woodward
and Carl Bernstein

Washington Post Staff Writers

The House Banking and Currency Committee, after a week of heavy Republican lobbying, voted 20 to 15 yesterday against holding public hearings on the Watergate bugging incident and alleged irregularities in President Nixon's re-election campaign financing.

All 14 Republicans in attendance, four Southern Democrats and two other Democrats voted against Committee Chairman Wright Patman's request for the hearings.

They thus apparently ended any chance of a full airing before election day of issues stemming from the now celebrated break-in and alleged attempted bugging of the Democrats' Watergate headquarters in June.

Rep. Garry Brown, (R-Mich.), the key figure in engineering the defeat, acknowledged in an interview that he worked with the Justice Department and Rep. Gerald R. Ford (R-Mich.), the House minority leader, to block the hearings.

Brown denied a charge by Patman that the White House brought "all kinds of pressure," but added: "I would have to presume that the White House wouldn't want further attention paid to this. I'm no so stupid to have to be told." told.

DEAN INVESTIGATION

from Nixon News Conference of August 29, 1972:

Within our own staff, under my direction, counsel to the President, Mr. Dean, has conducted a complete investigation of all leads which might involve any present members of the White House staff or anybody in the government. I can say categorically that his investigation indicates that no one in the White House staff, no one in this administration, presently employed, was involved in this very bizarre incident.

from Nixon TV and Radio address of August 15, 1973:

From the time when the break-in occurred, I pressed repeatedly to know the facts, and particularly whether there was any involvement of anyone in the White House.... I knew that the Justice Department and the FBI were conducting intensive investigations—as I had insisted they should. The White House Counsel, John Dean, was assigned to monitor these investigations, and particularly to check into any possible White House involvement.

Dean's Investigation

March 21, 1973 - A

D - Now what has happened post June 17? I was under pretty clear instructions not to investigate this, but this could have been disastrous on the electorate if all hell had broken loose. I worked on a theory of containment—

P—Sure.

D—To try to hold it right where it was.

P—Right.

6-141

April 17, 1973 - B

H—Didn't you at some point get a report from Dean that nobody in the White House was involved.

E—Didn't we put that out way back in August?

P—I mean, I just said "Well, that's all I know now." It was never in writing. He never came in orally and told me Dean—John Dean I never saw about this matter. You better check, but I don't think John Dean was ever seen about this matter until I saw him, when John Ehrlichman suggested that I'd better see John Dean.

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from Nixon statement of April 30, 1973: (referring to the period prior to March 21)

As the investigations went forward, I repeatedly asked those conducting the investigation whether there was any reason to believe that members of my administration were in any way involved. I received repeated assurances that there were not.

from testimony of L. Patrick Gray before Senate Watergate Committee, August 3, 1973
Book 9, p. 3462

Thirty-seven minutes later, at 11:28 a.m. on Thursday, July 6, 1972, the President called me. He expressed his congratulations to the FBI and asked that I express his congratulations to the agents in San Francisco who successfully terminated a hijacking there the previous day. I thanked the President and then said to him, and to the very best of my recollection these are the words:

Mr. President, there is something I want to speak to you about. Dick Walters and I feel that people on your staff are trying to mortally wound you by using the CIA and FBI and by confusing the question of CIA interest in, or not in, people the FBI wishes to interview. I have just talked to Clark MacGregor and asked him to speak to you about this.

There was a slight pause and the President said, "Pat, you just continue to conduct your aggressive and thorough investigation."

Gray testimony, August 6, 1973; Book 9, p. 3498:

Did you think that your conversation with the President on July 6, 1972, was sufficient to adequately put him on notice that the White House staff was engaged in obstructing justice?

Mr. GRAY. I don't know that I thought in terms of obstruction of justice but I certainly think there was, it was adequate to put him on notice that the members of the White House staff were using the FBI and the CIA.

Senator TALMADGE. Do you think an adequate, do you think a reasonable and prudent man on the basis of the warning that you gave him at that time, would have been alerted to the fact that his staff was engaged in something improper, unlawful, and illegal?

Mr. GRAY. I do, because I frankly, I expected the President to ask me some questions and for 2 weeks thereafter, I think it was on the 12th and again on the 28th, I asked General Walters if the President had called him and when I heard nothing, you know, I began to feel that General Walters and I were alarmists.

Quoted in NYTimes, 7/21/73:

"Knowledge of facts which would naturally lead an honest and prudent person to make inquiry constitutes 'notice' of everything which such inquiry pursued in good faith would disclose.

"Constructive notice is information or knowledge of a fact imputed by law to a person, (although he may not actually have it), because he could have discovered the fact by proper diligence, and his situation was such as to cast upon him the duty of inquiring into it."

Black's Law Dictionary, Fourth Edition, 1968

from Nixon statement of May 22, 1973:

With hindsight, it is apparent that I should have given more heed to the warning signals I received along the way about a Watergate cover-up and less to the reassurances.

What did Nixon want to know?

March 13, 1973

D—Well you are probably going to get more questions this week. And the tough questions. And some of them don't have easy answers. For example, did Haldeman know that there was a Don Segretti out there? That question is likely.

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P—Did he? I don't know.

D—Yes, he had knowledge that there was somebody in the field doing prankster-type activities.

P—Well, I don't know anything about that.

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What Did the President Want to Know?

April 14, 1973 - A

E—But I sit over there in Bob's office and listen to that tape of one of the co-actors saying flat out on the tape that he was guilty and that Mitchell was (unintelligible) going to force our fall, and—

P—Did he say that? Did he say that?

E—Yeah.

P—Well, we can't—

E—And I said to myself, "My God. You know, I'm a United States citizen. I'm standing here listening to this, what is my duty?"

P—Well the point is you've now told me. That's the problem.

E—That's correct. That's correct.

P—See the difference is that the problem of my position up to this time has been quite frankly, nobody ever told me a damn bit of this, that Mitchell was guilty.

E—That's right.

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* * *

P—I don't think there's anybody that can talk to Mitchell except somebody that knows this case. There's one of two people I can verse myself in it enough to know the thing, but I am not sure that I want to know.

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to juxtapose with "Keeping Coverup Away from President"

from Nixon TV and Radio address of August 15, 1973:

From the time when the break-in occurred, I pressed repeatedly to know the facts...

Keeping cover-up away from President

Feb. 24, 1973

P- ... I have stayed deliberately away from it...
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P- ... my view is to say nothing about the hearings at this point, except that I trust they will be conducted the proper way and I will not comment on the hearings while they are in process. Of course if they break through—if they get muckraking—It is best not to cultivate that thing here in the White House. If it is done at the White House again they are going to drop the (adjective deleted) thing. Now there, of course, you say but you leave it all to them. We'll see as time goes on. Maybe we will have to change our policy. But the President should not become involved in any part of this case. Do you agree with that?

D—I agree totally, sir. Absolutely. That doesn't mean that quietly we are not going to be working around the office. You can rest assured that we are not going to be sitting quietly.

B-87

D—Well I was—we have come a long road on this thing now. I had thought it was an impossible task to hold together until after the election until things started falling out, but we have made it this far and I am convinced we are going to make it the whole road and put this thing in the funny pages of the history books rather than anything serious because actually—

P—It will be somewhat serious but the main thing, of course, is also the isolation of the President.

D—Absolutely! Totally true!

P—Because that, fortunately, is totally true.

D—I know that sir!

B-91

March 21, 1973 - A

H—We should change that a little bit. John's point is exactly right. The erosion here now is going to you, and that is the thing that we have to turn off at whatever cost. We have to turn it off at the lowest cost we can, but at whatever cost it takes.

D—That's what we have to do.

P—Well, the erosion is inevitably going to come here, apart from anything and all the people saying well the Watergate isn't a major issue. It isn't. But it will be. It's bound to. (Unintelligible) has to go out. Delaying is the great danger to the White House area. We don't, I say that the White House can't do it. Right?

D—Yes, Sir.

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Protecting the President

April 16, 1973 - B

P—You didn't tell me this about Ehrlichman, for example, when you came in that day.

D—I know.

P—You simple said, "Hunt needs this money." You were using it as an example of the problems ahead.

D—I have tried all along to make sure that anything I passed to you myself didn't cause you any personal problems.

for use with cover-up excerpts from March 13, 73 tape

from Nixon TV and Radio address of August 15, 1973:

It was not until March 21 of this year—that I received new information from the White House Counsel that led me to conclude that the reports I had been getting for over 9 months were not true.

from Nixon statement issued August 15, 1973:

Not only was I unaware of any cover-up, but at that time and until March 21st I was unaware that there was anything to cover up.

* * * * *

I was told then [on March 21] for the first time that the planning of the Watergate break-in went beyond those who had been tried and convicted, and that at least one, and possibly more, persons at the Re-election Committee were involved.

Covering up

March 13, 1973

P—Who is going to be the first witness up there?

D—Sloan.

P—Unfortunate.

D—No doubt about it—

P—He's scared?

D—He's scared, he's weak. He has a compulsion to cleanse his soul by confession. We are giving him a lot of stroking.

Sloan is like a child. Kalmbach has done a lot of that. The person who will have a greater problem as a result of Sloan's testimony is Kalmbach and Stans. So they are working closely with him to make sure that he settles down.

March 13, 1973

P—Oh, yes—there would be new revelations.
D—They would be quick (inaudible) They would want to find out who knew—
P—Is there a higher up?
D—Is there a higher up?
P—Let's face it, I think they are really after Haldeman.
D—Haldeman and Mitchell.
P—Colson is not big enough name for them. He really isn't. He is, you know, he is on the government side, but Colson's name doesn't bother them so much. They are after Haldeman and after Mitchell. Don't you think so?
D—Sure. They are going to take a look and try to drag them, but they're going to be able to drag them into the election—
P—In any event, Haldeman's problem is Chapin isn't it?
D—Bob's problem is circumstantial.
P—Why is that? Let's look at the circumstantial. I don't know, Bob didn't know any of those people like the Hunts and all that bunch. Colson did, but Bob didn't. OK?
D—That's right.
P—Now where the hell, or how much Chapin knew I will be (expletive deleted) if I know.
D—Chapin didn't know anything about the Watergate.
P—Don't you think so?
D—Absolutely not.
P—Strachan?
D—Yes.
P—He knew?
D—Yes.
P—About the Watergate?
D—Yes.
P—Well, then, he probably told Bob. He may not have.
D—He was judicious in what he relayed, but Strachan is as tough as nails. He can go in and stonewall, and say, "I don't know anything about what you are talking about." He has already done it twice you know, in interviews.

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P—I guess he should, shouldn't he? I suppose we can't call that justice, can we?

D—Well, it is a personal loyalty to him. He doesn't want it any other way. He didn't have to be told. He didn't have to be asked. It just is something that he found was the way he wanted to handle the situation.

P—But he knew? He knew about Watergate? Strachan did?

D—Yes.

P—I will be damned! Well that is the problem in Bob's case. Not Chapin then, but Strachan. Strachan worked for him, didn't he?

D—Yes. They would have one hell of a time proving that Strachan had knowledge of it, though.

P—Who knew better? Magruder?

D—Magruder and Liddy.

P—Oh, I see. The other weak link for Bob is Magruder. He hired him et cetera.

D—That applies to Mitchell, too.

P—Mitchell—Magruder. Where do you see Colson coming into it? Do you think he knew quite a bit and yet, he could know quite a great deal about a lot of other things and not know a lot about this. I don't know.

D—Well I have never—

P—He sure as hell knows Hunt. That we know. Was very close to him.

D—Chuck has told me that he had no knowledge, specific knowledge, of the Watergate before it occurred. There have been tidbits that I have raised with Chuck. I have not played any games with him. I said, "Chuck, I have indications—"

P—What indications? The lawyer has to know everything.

D—That's right. I said, "Chuck, people have said that you were involved in this, involved in that, involved in all of this. He said, "that is not true, etc." I think that Chuck had knowledge that something was going on over there, but he didn't have any knowledge of the details of the specifics of the whole thing.

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D — . People here we just did not know that was going to be done. I think there are some people who saw the fruits of it, but that is another story.

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March 13, 1973

P—There must have been an indication of the fact that we had poor pickings. Because naturally anybody, either Chuck or Bob, were always reporting to me

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about what was going on. If they ever got any information they would certainly have told me that we got some information, but they never had a thing to report. What was the matter? Did they never get anything out of the damn thing?

D—I don't think they ever got anything, sir.

P—A dry hole?

D—That's right.

P—(Expletive deleted)

D—Well, they were just really getting started.

P—Yeah. Bob one time said something to me about something, this or that or something, but I think it was something about the Convention, I think it was about the convention problems they were planning something.

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COOPERATION WITH ERVIN COMMITTEE

from Nixon news conference of March 15, 1973:

A Senate committee is conducting investigations....I respect the right of the Senate to conduct these investigations. We will cooperate; we will cooperate fully with the Senate just ~~like~~ as we did with the grand jury, as we did with the FBI, and as we did with the courts when they were conducting their investigations previously in what was called the Watergate matter.

Executive Privilege

Feb 28, 1973

P—The main thing Ervin is going to be talking about is executive privilege. Has that meeting been set yet, though?

D—No, it has not. There is ample time to have Dick go up there—

P—You have a talk with him and say we had a talk about this—now your position now I know (inaudible) which they probably never accept but it will make his position be reasonable in the public mind. That is what we have in mind.

D—Right. Correct.

B-70

Thinking about Heritage Committee

P to D

Feb. 28, 1973

Baker, as I said, is going to keep at arm's length and you've got to be very firm with these guys or you may not end up with many things.

5-70

Feb. 28, 1972

P- But I think we ought to cooperate in finding an area of cooperation. Here it is. You see, the Baker theory is that he wants to have a big slambang thing for a whole week and then he thinks interest in the whole thing will fall off. And he is right about that. But his interest in having a big slambang for a week is that we bring all the big shots up right away. The big shots you could bring up. They could bring up Stans. They have to put him on, and they've got to put Mitchell on. They would like, of course, to get Haldeman, Ehrlichman and Colson.

D-I understand that you and Bob have talked about running Stans out as sort of a stalking horse on it, on another post.

P-It is not my idea. I guess Moore or somebody mentioned it.

D-I think it was my idea. I think it could be one defusing factor in the hearings. Stans would like to get his story out. He is not in any serious problem ultimately. It could be rough and tumble, but Maury is ready to take it and it would be a mini-hearing there is no doubt about it. But this further detracts from the other committee.

B-72

from Nixon statement of April 17, 1973:

On March 21st, as a result of serious charges which came to my attention, some of which were publicly reported, I began intensive new inquiries into this whole matter.

from Nixon statement of April 30, 1973:

On March 21, I personally assumed ^{the} responsibility for coordinating intensive new inquiries into the matter, and I personally ordered those conducting the investigations to get all the facts and to report them directly to me, right here in this office.

from testimony of Richard Kleindienst before Senate Watergate Committee, August 7, 1973,
Book 9, p. 3596:

In the statement of April 30, 1973, by the President, the President stated:

As a result, on March 21, I personally assumed the responsibility for coordinating intensive new inquiries into the matter, and I personally ordered those conducting the investigations to get all the facts and to report them directly to me right here in this office.

Did you receive such orders from the President of the United States on March 21?

Mr. KLEINDIENST. I have no recollection of talking to the President about that. I might have, but I do not recollect it, Senator Weicker.

from testimony of Henry Peterson before Senate Watergate Committee, August 7, 1973,
Book 9, p. 3652:

Senator WEICKER. Mr. Petersen, I would like to ask you a question that I asked other witnesses before this committee. I again refer to the President's statement of April 30, 1973, in which he states:

As a result, on March 21st I personally assumed the responsibility for coordinating intensive new inquiries into the matter and I personally ordered those conducting the investigations to get all the facts and to report them directly to me right here in this office.

And my question to you is, on March 21, or thereabouts, did you receive any such orders from the President of the United States?

Mr. PETERSEN. No, sir. Our understanding of that is that he charged Ehrlichman with conducting that inquiry at that point.

Senator WEICKER. Mr. Ehrlichman's own testimony, just so the record stays straight, is he was charged on March 30.

from Nixon TV and Radio address of August 15, 1973:

On that day [March 21], I launched an intensive effort ~~EXX~~ of my own to get the facts and to get the facts out....At first I entrusted the task of getting the facts to Mr. Dean. When, after spending a week at Camp David, he failed to produce ^{the} written report I had asked for, I turned to John Ehrlichman and the Attorney General—while also making independent inquiries of my own.

from Nixon press conference of September 5, 1973:

QUESTION: Mr. President, to follow up on that Watergate question, you have referred repeatedly to having ordered a new Watergate investigation on the 21st of March of this year. Several high officials of your Administration, Mr. Petersen, Mr. Gray and Mr. Kleindienst, have testified before the Senate committee that they didn't know anything about ~~it~~ -- this investigation that you referred to. And I wonder if you could explain how it is that they apparently didn't know anything about this new investigation?

THE PRESIDENT: Well, because I had ordered the investigation from within the White House itself. The investigation, up to that time, had been conducted by Mr. Dean, and I thought by him, working as he had been in close communication with the Justice Department.

I turned the investigation -- asked Mr. Dean to continue his investigation as I, as you remember, said last week, two weeks ago, in answer to a similar question. When he was unable to write a report, I turned to Mr. Ehrlichman.

For use with Nixon statement on picking Dean and Mohr to investigate for him

From a speech in the 1952 campaign:

You wouldn't trust a man who made the mess to clean it up—and that's Truman. And by the same token, you can't trust the man who was picked by the man that made the mess to clean it up—and that's Stevenson.

(Quoted in letter to editor in NEW YORK TIMES, 11/25/73)

THE DEAN REPORT

from Nixon statement released August 15, 1973:

On March 23rd, I sent Mr. Dean to Camp David, where he was instructed to write a complete report on all that he knew of the entire Watergate matter.

March 22, 1973

WHITE HOUSE

Mr. NIXON: [Should Mr. Dean be called] You simply say well that is out. Dean has made this report and here is everything Dean knows.

JUDICIARY COMMITTEE

Mr. NIXON: You'd simply say, "Now that's out. Dean has—he makes the report. Here's everything Dean knows. That's where, that's why, the Dean report is critical."

This is from NYTimes, 6/21/74. It could appear as a footnote after the White House excerpt, which is somewhat more inclusive in my version, from p. 213.

This is from a part of the March 22, 1973 tape not included in the White House version but transcribed by the Judiciary Committee and printed in NYTimes, June 13, 1974. It begins with a paragraph by E which is included in official version, p. 215 of Bantam ed. I cut this originally for inclusion in this section, and we should now include the omitted part:

E—You have to bottom your defense, your position on the report.

P—Yeah.

E—And the report says, "Nobody was involved."

P—Yeah.

E—And you have to stay consistent with that.

* * * * *

P—Particularly if, particularly if we have the Dean statement that may have been given out.

M—Give it to the committee for the purpose [unintelligible] to limit the number of witnesses which are called up there, instead of a buckshot operation.

E—Say, "here," and also say that "this might help you in your investigation. This is everything we know, Mr. Senator."

P—That's what I was preparing to say. "This is everything we know, I know nothing more." This is the whole purpose in that sense.

March 20, 1973

D—We are and we are coming to—the more we work on it the more questions we see—

P—That you don't want to answer, huh?

D—That brings problems by answering.

P—And so you are coming up, then with the idea of just a stonewall then? Is that—

D—That's right.

P—Is that what you come down with?

D—Stonewall, with lots of noises that we are always willing to cooperate, but no one is asking us for anything.

P—And they never will, huh? There is no way that you could make even a general statement that I could put out? You understand what I—

D—I think we could.

P—See, for example, I was even thinking if you could even talk to Cabinet, the leaders, you know, just orally and say, "I have looked into this, and this is that," so that people get sort of a feeling that—your own people have got to be reassured.

D—Uh, huh.

P—Could you do that?

D—Well, I think I can but I don't think you would want to make that decision until we have about a—

P—No, I want to know. I want to know where all the bodies are first.

D—And then, once you decide after that, we can program it anyway you want to do it.

B-129

P—What I mean is we need something to answer somebody, answer things, you know they say, "What are you basing this on," I can say, "Well, my counsel has advised me that"

B-130

P—But you could say, "I have this and this is that." Fine. See what I am getting at is that, if apart from a statement to the Committee or anything else, if you could just make a statement to me that we can use. You know, for internal purposes and to answer questions, etc.

D—As we did when you, back in August, made the statement that—

P—That's right.

D—And all the things—

P—You've got to have something where it doesn't appear that I am doing this in, you know, just in a—saying to hell with the Congress and to hell with the people, we are not going to tell you anything because of Executive Privilege. That, they don't understand. But if you say, "No, we are willing to cooperate," and you've made a complete statement, but make it very incomplete. See, that is what I mean. I don't want a, too much in chapter and verse as you did in your letter, I just want just a general—

D—An all around statement.

P—That's right. Try just something general. Like "I

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have checked into this matter; I can categorically, based on my investigation, the following: Haldeman is not involved in this, that and the other thing. Mr. Colson did not do this; Mr. so and so did not do this. Mr. Blank did not do this." Right down the line, taking the most glaring things. If there are any further questions, please let me know. See?

D—Uh, huh. I think we can do that.

March 21, 1973 - A

P - Still
consider my scheme of having you brief the Cabinet, just in very general terms and the leaders in very general terms and maybe some very general statement with regard to my investigation. Answer questions, basically on the basis of what they told you, not what you know.

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Haldeman is not involved. Ehrlichman is not involved.

D—If we go that route Sir, I can give a show we can sell them just like we were selling Wheaties on our position. There's no—

P—The problem that you have are these minefields down the road. I think the most difficult problem are the guys who are going to jail. I think you are right about that.

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March 7, 1973 - B

F- You as White House Counsel, John. I asked for a written report, which I do not have, which is very general understand. I am thinking now in far more general terms, having in mind the facts, that where specifics are concerned, make it very general, your investigation of the case. Not that "this man is guilty, this man is not guilty," but "this man did do that." You are going to have to say that, John.

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* * *

P—I agree with that. And the point is,—but you see, here is the way I would see the statement that we would put out: Everything we would intend to say in a general statement that I have already indicated with regard to the facts as we send them in, we say people are to cooperate, without executive privilege, et cetera. Statement, it is true, is temporary. But it will indicate that the President has looked into the matter, has had his Counsel report to him and this is the result of the matter. We tell the Committee "we will cooperate." The Committee will say no. And so we just stand right there.

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March 22, 1973

D—And that could go on forever with you on that tack. I could draw these things like this Staff into this report and have Kleindienst come get it and give it to Ervin in confidence—I am not talking about documents you see. I am talking about something we can spread as facts. You see you could even write a novel with the facts.

P—(Inaudible)

D—(Inaudible)

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P—(Inaudible)

E—My thought is—

P—In other words, rather than fighting it, we are not fighting the Committee, of course—we are fighting the situation thing.

E—And I am looking to the future, assuming that some corner of this thing comes unstuck, you are then in a position to say, "Look, that document I published is the document I relied on, that is, the report I relied on."

P—This is all we knew.

H—That is all the stuff we could find out—

E—And now this new development is a surprise to me—I am going to fire A,B,C and D, now.

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March 22, 1973

P—(Inaudible) What is your position on Dean having to testify?

H—He might.

P—We would have to draw a line there, wouldn't we John?

M—I would agree wholeheartedly (inaudible) To have your Counsel testify would be a mistake.

H—Even if Dean would have to, it would be a mistake (inaudible)

P—Well on the Dean thing—you simply say well that is out. Dean has made this report and here is everything Dean knows.

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* * *

E—You have to bottom your defense, your position on the report. And the report says nobody was involved, and you have to stay consistent with that.

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Dean

April 16, 1973 - G

D—I am not doing any investigative work or—

P—Well, that's right. (unintelligible)

D—Well, I turned that off three weeks ago.

P—Good. You haven't done any since three weeks ago?

D—That's right.

P—You haven't done any since March 21st?

D—Let me check back and see.

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PURPOSE OF EHRLICHMAN'S INVESTIGATION

from Nixon TV and Radio Address of April 29, 1974:

And so on March 27 I assigned John Ehrlichman to try to find out what had happened, who was at fault, and in what ways and to what degree.

EHRlichMAN INVESTIGATION

from Ehrlichman testimony before Senate Watergate Committee, July 27, 1973:

GURNEY: Let me then complete, if we can, the assignment you had from the President to now, be the sort of chief Watergate investigator in the White House.

Would you tell the committee about that, what you found and what you reported to the President?

EHRlichMAN: I have tried to disclaim the designation "investigator," Senator because I don't consider what I did to be an investigation, to a conclusive result.

(Book 7, p. 2750)

Purpose of Ehrlichman's "investigation"

April 14, 1973 - A

P—Then you're thought is to get out beforehand.

E—No, no.

P—Your thought is just to make a record of the decision?

E—When somebody comes to (unintelligible) what the hell was the White House doing all this time? Then you're in a position to say well, we began to investigate personally the external circumstances and we came to some conclusions—we acted on those conclusions.

P—John Ehrlichman conducted an investigation for the President.

E—And we made an effort. Now, it may be that what should happen here is that if they both stonewall, I ought to sit down with Silbert and just say now I don't have a lot of evidence.

P—I agree with that.

E—But I have an accumulation of hearsay—

P—And the President wants you to go forward on this.

E—And I'll turn over to you the report that I made for the President for whatever it's worth. And I want to tell you that I have had contact with two of your targets to make clear to them that nobody in the White House wanted them in any way to be reticent. Beyond that, I don't have anything to say to you.

P—Well, then, let's see what happens.

E—Well, let's see what these guys go. But I think maybe like, tomorrow, I ought to see Silbert.

P—I agree. I think the record should be made we have talked to him so that he knows that the President has moved on this.

E—And that's, that puts—

P—And we saw the U.S. Attorney and turned over our information to him. All the information we had.

April 14, 1973 - C

E - He says the better out would be to go to Kleindienst who will probably step aside and refer you to Dean. Dean would in turn say to Henry Petersen they have done this little investigation over at the White House. They have collected a bunch of hearsay. There doesn't seem to be much new but they've got it there if anybody wants it. Petersen would in turn inform Silbert who would say, "I've got more than I can handle here now. We'll wait and interview that guy later."

P—The purpose in doing this is what?

E—The purpose of doing it is—

P—The White House has conducted an investigation and has turned it over to the Grand Jury.

E—Turned it over to the Justice Department.

P—Before the indictments.

E—Right.

P—How much are you going to put out?

E—I think I would let them drag it out of me in a way. I don't know I just really haven't thought that part through.

P—Because if they say why did the White House wait for Justice Department to do all this—

E—Did the White House know is probably the way this would in turn come.

P—Yes, as a matter of fact.

E—We had been at work on this for sometime. President first ordered it.

P—Independent investigation.

E—Needed it known.

P—I had ordered an independent investigation at the time McCord had something to say. Right.

E—Alright.

P—At that time you conducted an investigation.

he - Dean

April 14, 1973 - C

P—What—what I, basically, is having an Ehrlichman report. We've got some of the Dean report. That would be simply we have an Ehrlichman report that he makes and here is the situation with regard to the White House involvement. I haven't gone into the Committee thing.

E—Now the current (unintelligible) the current (unintelligible) on White House involvement primarily are Haldeman's (unintelligible).

P—That's right.

E—Well, I didn't go into White House involvement. I assumed that—

P—No. I (unintelligible).

E—That what you needed to know from me, and this would be what I would say. "What the President needed to know was the truth or falsity of charges that were leaking out with regard to—Committee for the Re-election personnel and any connections to the White House that might exist. That was the area of inquiry rather than whether anybody in the White House was involved."

P—(Unintelligible) trying to get you out there in a way that you didn't have to go into all that stuff, you see.

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* * *

E—I didn't. I didn't try and duplicate the work of the U.S. Attorney. What I tried to do was simply determine for the President's use—and for the President's use only—whether or not there was substance to charges that we were hearing, and whether or not there was White House involvement with relation to those charges. And to determine whether or not the White House ought to be doing anything about its own personnel

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or about others that it was not doing. We were not trying to determine what the U.S. Attorney should do or the Grand Jury should do or the Justice Department should do. At the same time it would be (unintelligible) for us to withhold anything from the Justice Department in the thought that some of this information might not have been previously available to them. So I am not going to go into it, I am not going to tell you what I found.

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Ehrlichman's "Investigation"

April 14, 1973: F

P—And I want them heard in public, and I want them to tell their story in public. I am almost convinced that that is what we ought to do with the whole damn bunch and not try to stand on the Dean thing and the rest. Get a settlement that way. Well, that's my present view, Bob, and we can go on it. Another point. You do, one person you do tell and I—and he can still say that he just told him to tell the truth. You ought to tell Strachan, but tell him—

H—John is telling him.

P—John is, but not in a way that Strachan indicates that he knows what the other fellow said.

H—That's right

P—Is Strachan smart enough to do that?

H—Yes.

P—He has to be prepared that he is going to be asked this and is going to be asked that. John should put him through a little wringer there.

H—Yep.

P—John is the one who should do it. He is conducting an investigation for the President.

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April 14, 1973- G

P— Is there anyway at all—you are going to talk to Ziegler—that you can get out the fact that you have conducted a thorough investigation?

E—We will work on that. I think there is.

P—I think we have to get that out. Don't you?

E—I think so.

P—The President is calling the signals.

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P—Well you could say that the President, because of the charges that have been made, wanted an independent investigation made and he directed you to make it. You have made an independent investigation of the situation because the President wants it. If there is anybody who is guilty in this thing, he must through the judicial processes be brought to the bar. Is that what you would say?

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The Ehrlichman "Report"

April 16, 1973 - C

E—I had this report and I tried all day long to get the Attorney General who was at the golf course and got him as soon as he got home for—

P—Do we want to put this report out sometime?

E—I am not sure you do, as such.

P—I would say it was just a written report.

E—The thing that I have—

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P—The thing they will ask is what have you got here?

H—It was not a formal report. It was a set of notes.

P—Handwritten notes?

E—Yeah. There are seven pages, or eight pages. Plus all my notes of my interviews.

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COVER UP -- PURPOSE OF THE MARCH 22 MEETING

From Nixon statement issued August 15, 1973: (juxtapose with excerpts from pp. 164-65 on 'coverup')

On March 21st, I arranged to meet ~~with~~ the following day with Messrs. Haldeman, Ehrlichman, Dean and Mitchell to discuss the appropriate method to get the facts out

from Nixon Press conference of March 6, 1974:

That is why I directed that Mr. Haldeman, Mr. Ehrlichman, Mr. Dean and Mr. Mitchell, who was then in New York, meet in Washington that evening, if possible, but it turned out that they could not meet till the next day--so that we could find what would be the best way to get the whole story out.

COVER UP -- WHAT NIXON WAS DOING (also for use with purpose of March 22 meeting)

from Nixon statement issued August 15, 1973:

Even if others, from their own standpoint, may have been thinking about how to cover up an illegal act, from my standpoint I was concerned with how to uncover illegal acts. It is my responsibility under the Constitution to see that the laws are faithfully executed, and in pursuing the facts about Watergate I was doing precisely that.

from transcript of March 22, 1973 tape (omitted from White House version, but quoted by House Judiciary Committee and reported in the LOS ANGELES TIMES, 6/13/74, the NEW YORK TIMES, 6/21/74, and TIME, 6/24/74):

NIXON: [to Mitchell]— And, uh, for that reason, I [unintelligible] I don't give a shit what happens. I want you to [unintelligible] stonewall it, plead the Fifth Amendment [unintelligible] else, if it'll [unintelligible]. That's the big point....

But that's the way [unintelligible]. Even up to this point. The whole theory has been containment, as you know, John....

That's the thing I was concerned with—we're going to protect our people, if we can.

from Nixon press conference of August 22, 1973:

I met at great length with Mr. Ehrlichman, Mr. Haldeman, Mr. Dean and Mr. Mitchell of the 22nd. I discussed the whole matter with them. I kept pressing for the view that I had throughout, that we must get this story out, get the truth out, whatever and whoever it was going to hurt...

COVER UP - DECISION TO GO BEFORE GRAND JURY

(juxtapose with excerpts on Grand Jury plan in cover-up section, pp. 171, 174-75, 177, 261-62,

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.

Covering - 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.

Covering-up

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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Cover-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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cover-up plan / grand jury / leaks

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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cover-up plan - grand jury

March 21, 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.

Covering-up the cover-up

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.

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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.

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Separation of Powers or Cover-up?

March 30, 1973

to
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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

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.

Covering up the cover-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 Magruder, but possibly Dean

Report from Haldeman - cover-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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Cover-up - Everyone knew, Nixon too

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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Coverup - 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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*magruder

H/E liable in cover-up?

April 19, 1973 - C

P- Now the only question that you have left is, I suppose, sort of the peripheral (unintelligible) Dean rumberling 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.

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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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Strachan / covering - up

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 best 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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Strategy to beat cover-up rap

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.

P—Cover up, you mean?

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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.

Haldeman/Ehrlichman Vulnerabilities

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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Covering-up the Cover-up

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.

Culpability in Cover-up

April 16, 1973 - B

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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Haldeman/Ehrlichman Culpability

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.

517

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.

532

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.

521

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.

525

Strategy to cover-up cover-up

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?

527

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.

528

Cover-story on the Cover-up

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.)

615

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.

626

Dean/ Executive Privilege Cover-up

April 17, 1973- B

P—I told him not to talk to him any more. But you see Dean—let's see, what the hell—what's he got with regard to the President? He came and talked to me, as you will recall, about the need for \$120,000 for clemencies—

E—You told me that the other day, I didn't know that before.

H—But so what?

P—What?

H—So what?

P—I said, what in the world John, I mean, I said John you can't (unintelligible) on this short notice. What's it cost (unintelligible) I sort of laughed and said, "Well, I guess you could get that."

E—Now is he holding that over your head? Saying—

P—No, No, No, I don't think Dean would go so far as to get into any conversation he had with the President—even Dean I don't think.

H—Well, he can't—you have both executive privilege in conversation with him.

P—Let's just call it executive privilege, but on the other hand you've got to figure that Dean could put out something with somebody else.

Beat this rap

April 17, 1973 - G

P—Let me say, what I had in mind. I want you to go forward and if this thing comes out which I can't believe, I want you to go forward at all costs to beat the damned rap. They'll have one hell of a time proving it. Yours is a little tougher I think Bob, and it shouldn't be—the 300. That's why I hope you could raise with the Judge and your attorney—that at least gave you the law on that point.

(to H and E)

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Cut our losses

March 27, 1973

P - -my view is I
can't have this (unintelligible) I think the damn thing
is going to come out anyway, and I think you better
cut the losses now and just better get it over much
sooner and frankly sharper.

264

April 14, 1973 - D

P - Dean in Executive session is a very
nice way to cut a loss, huh?

402

BUYING TIME, DRAGGING IT OUT

from SIX CRISES:

Only the man who was not willing to tell the truth would gain by having additional time to build up his case.

Buying Time

April 14, 1973 - A

P—Oh, I see. In other words, the Ervin Committee says (unintelligible) you feel it's not time, that's too long. You could put out a statement which says, "I had nothing to do with Watergate." I think in this instance I would say—"but, second I want to say what we did.

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I had this to do with Segretti." I wouldn't worry about the fact that he'd come back and say well now what did you do about this or that at this point. I just think this making a forthcoming statement that we present to everybody. That'll buy us some time and you need to buy a little time now and then.

319

White House didn't run campaign committee

April 14, 1973 - C

P—No. The White House wasn't running the campaign committee.

H—He's got an impossible problem with that. The poor guy is pretty sad if he gets up there and says that. It is a problem for us, there is no question about it, but there is no way he can prove it.

-he is Mitchell

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Turning off the Special Prosecutor Idea

April 14, 1973 - G

P—And with him on the Special Prosecutor, say, look Dick, in view of the fact that the U.S. Attorney is now doing such a thorough job and since there is going to be definite results from it, it would be a terrible reflection on the system of justice.

E—Right.

P—And this Administration would be in effect admitting that the Justice Department was so corrupt that it couldn't prosecute.

E—Uh, huh.

P—But if they prosecute a former Attorney General John, what more can you ask?

E—Pretty loose, pretty independent.

P—I really feel that—

E—Yeah

P—and that the Special Prosecutor thing can only open other avenues potentially. I don't mean that there is anything you want to cover up, but you know. He will just go through and—

E—I think it is folly

P—Don't you think so?

E—Yes sir.

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April 15, 1973 - R

P—I have really come to that conclusion, too, Bob.

H—Oh, really?

P—For a reason. This is not to prosecute the case. A special Prosecutor, to look at the indictments to see that the indictments run to everybody they need to run to, so that it isn't just the President's men, you see.

H—In other words, he is above Silbert rather than replacing Silbert?

P—Oh no, Silbert runs the case and that's all. But he is just in there for the purpose of examining all this to see that the indictments cover everybody.

H—Uh, huh. Well that does protect you a lot, because if they don't indict some of us then you have a cover up problem. If you have that guy, then you have a basis—

P—Then he goes out and says, "I have examined all of this, and now let's stop all this. These men are not guilty and these men are not indictable and these are."

H—Yeah.

P—We are thinking about that. We haven't decided that yet. But I lean toward it now in order to just—we've got to get into the proper position there.

480

Big Fish

April 14, 1973 - D

P—I wish we could keep Dean away from that. Magruder—we don't have to get that (unintelligible). Let me say—let's sleep on what we do with the—ah—My view is though, I think that the odds are, that the interest in the Committee is less. What they are after is some of the big fish.

400

April 14, 1973 - H

P—the Grand Jury I assume (unintelligible) come through with some indictments. I mean, suppose they just indict Magruder and Mitchell (unintelligible).

E—Yeah.

P—Well, that's the fish.

E—Yeah.

P—The big fish.

E—Yeah.

P—Damn it, what more do they want?

432

April 15, 1973 - H

HP—There are negotiations underway with counsel now and obviously they are very much afraid of Sirica. They are afraid Sirica is going to clap him in jail immediately.

P—Oh.

HP—We have to see Sirica too.

P—Now, Sirica's got to see the point of this. My goodness, because the point is Sirica's got to realize he is getting bigger fish.

HP—That's right.

P—Right?

HP—That is it exactly.

497

Tragedy of Little Fish

April 14, 1973-H

E—He had information on who was going to be called as witnesses so that apparently Mardian was able to get around and coach witnesses.

P—Did Mardian coach them?

E—In some cases Mardian, I guess, was very heavy-handed about it, and—

P—Well, is there anything wrong with that?

E—Yeah, well there's something wrong with—

P—He was not their attorney is the problem?

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E—Well, no, the problem—the problem is he asked them to say things that weren't true.

P—Oh.

E—When I say coach I use the word loosely, and—

P—(Unintelligible)

E—Well no, a fellow over there named Porter—Bart Porter for one.

P—Where is he now, in jail?

E—No, he's in business somewhere, and he will probably be indicted.

P—They coached him to what, did he say?

E—Say.

P—Was he—he was one of the buggers over there?

E—No—no. Oh no, he worked for the Committee, worked for the Committee, but they asked him about higher-ups and about whether there was any (unintelligible) and so on and so forth.

P—How was he in the deal? How would he know about it?

E—He worked over there in Magruder's office, and he apparently passed money to Liddy from Sloan and was privy to quite a lot of the information.

P—L thought John (unintelligible) Liddy to take money for that (unintelligible).

E—Apparently he did. Well I don't mean after—I mean to pay for equipment and to.

P—Oh (unintelligible)

E—That's right.

P—Why the hell didn't the Grand Jury indict him?

E—Well because they didn't have the, they didn't have the evidence. There was a cover story which Mardian and others cooked up, and Porter, who corroborated the cover story, is now indictable for perjury. He is a little fish who got caught in the net.

P—Poor son of a bitch. It's wrong. It's wrong.

E—The whole thing is just monumentally tragic.

P—It is. Now don't let it get you down.

E—Well that's right, that's right, and it'll pass.

P—Dean is concerned, and concerns me.

E—Yeah.

P—I don't think he could have been that active in the pre—the post yes—the pre things.

442

Big Fish save Bigger Fish

April 15, 1973 - B

P—Bill may have a point there. I have sort of had this, and I don't think Ehrlichman and particularly Moore didn't agree with it, that—look, if they get a hell of a big fish, that is going to take a lot of the fire out of this thing on the cover up and all that sort. If they get the President's former law partner and Attorney General, you know. Do you agree or not? Am I—?

H—Yeah. What I feel is people want something to be done to explain what to them is now a phony looking thing. This will explain it.

P—Explain that they did it, and then of course the cover up comes in and they did that too.

H—And it all makes sense, it is logical, believable, because it's true.

P—Right.

H—And there it is—I can't—it seems to me that there is at least a strong possibility, if not probability or certainty, that public reaction is going to be, well, thank God that is settled; now let's get away from it. Rather than the reaction of, "Ho, ho, ho, here is something pretty bad; let's spend a lot more time looking into it."

P—That's right. Well—

H—I think people want solutions; they don't want ongoing problems.

P—You know some of that so-called people-polling,

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and polling. Don't they say that Watergate, didn't you say that Gallup or, well, that it's a concern, it worries them, etc.—considered it a caper, and they want the damn thing explained.

H—That's right. They want it explained and they want to get off of it.

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HUSH MONEY — The making of a cover story

from New York Times, May 19, 1973

FALSIFICATION OF FACTS

"Whoever in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact" is liable to punishment upon conviction with a maximum sentence of five years in prison, a \$10,000 fine or both.

Anyone who has knowledge of such an offense and fails to report it may be liable to a maximum penalty of years in prison, a \$500 fine, or both.

(perhaps best to put in front of the whole hush money section)

FRESH MONEY

from Nixon statement of May 22, 1973:

Neither, until after I began my own investigation, was I aware of any fund raising for defendants convicted of the break-in at Democratic headquarters, much less authorize any such fund raising.

from Nixon statement issued August 15, 1973: (best to juxtapose with excerpt from p. 143, as well as with later contradictory public statements)

I was told ten [on March 21] that funds had been raised for ~~XX~~ payments to the defendants, with the knowledge and approval of persons both on the White House staff and at the Re-election Committee. But I was only told that the money had been used for attorney's fees and family support, not that it had been paid to procure silence from the recipients.

from Nixon press conference of March 6, 1974:

...for the first time on March 21 he [Dean] told me that payments had been made to the defendants for the purpose of keeping them quiet, not simply for their defense.... I never at any time authorized the payment of money to any of the defendants.

Also from March 6 conference, to juxtapose with extract from 4/14/73 tape, p. 322:

I did not authorize payments, and I did not have knowledge of payments, to which you have referred [blackmail payment to Hunt on March 21].

from Nixon question-answer session in Chicago, March 15, 1974:

The President learned for the first time at that time [March 21] that payments had been made to the defendants, ~~XX~~ and let me point out that payments had been made but—correcting what may have been a misapprehension when I spoke to the press on March 6th in Washington—it was alleged that the payments that had been made to ~~XX~~ defendants were made for the purpose of keeping them still.

from Nixon question-answer session in Houston, March 19, 1974:

QUESTION: I wonder if you would explain the difference between a statement you made last August regarding payments to the Watergate defendants and what you said at your press conference this month...?

PRESIDENT: Well, as I stated in Chicago, my statement on March the 6th was incorrect insofar as it said that I learned that payments had been made prior to the time that the demand for blackmail by Mr. Hunt—alleged demand for blackmail, I should say, since it has not yet been tried—that payments had been made for the purpose of keeping defendants still.

I should have said they were alleged to have been made, because, as a matter of fact, those who were alleged to have made payments to defendants for their defense fees and for their support—Mr. Ehrlichman, Mr. Haldeman, Mr. Mitchell—all have denied that that was the case....

Under the circumstances, therefore, it would not be appropriate for me to say anything further on this point...

from Nixon's press conference of August 22, 1973:

QUESTION: Mr. President, could you tell us your recollection of what you told John Dean on March 21 on the subject of raising funds for the Watergate defendants?

THE PRESIDENT: Certainly. Mr. Haldeman has testified to that, and his statement is accurate. Basically, what Mr. Dean was concerned about on March 21 was not so much the raising of money for the defendants, but the raising of money for the defendants for the purpose of keeping them still -- in other words, so-called hush money. The one would be legal -- in other words, raising a defense fund for any group or any individual, as you know, is perfectly legal and it is done all the time. But if you raise funds for the purpose of keeping an individual from talking, that is obstruction of justice.

Mr. Dean said also on March 21 that there was an attempt, as he put it, to blackmail the White House, to blackmail the White House by one of the defendants. Incidentally, that defendant has denied it, but at least this was what Mr. Dean had claimed. And that unless

certain amounts of money were paid, I think it was \$120,000 for attorneys' fees and other support, that this particular defendant would make a statement, not with regard to Watergate, but with regard to some national security matters in which Mr. Ehrlichman had particular responsibility.

My reaction, very briefly, was this: I said, "As you look at this", I said, "Isn't it quite obvious, first, that if it is going to have any chance to succeed, that these individuals aren't going to sit there in jail for four years, they are going to have clemency; isn't that correct?"

He said, "Yes." I said, "We can't give clemency." He agreed. Then, I went to another point. I said, "The second point is that is it also quite obvious, as far as this is concerned, that while we could raise the money" -- and he indicated in answer to my question, it would probably take a million dollars over four years to take care of this defendant, and others, on this kind of basis.

The problem was, how do you get the money to them, and also, how do you get around the problem of clemency, because they are not going to stay in jail simply because their families are being taken care of. And so, that was why I concluded, as Mr. Haldeman recalls perhaps, and did testify very effectively, one, when I said, "John, it is wrong, it won't work. We can't give clemency and we have got to get this story out."

HUSH MONEY/HUNT BLACKMAIL - Nixon account of March 21 tape

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

I returned several times to the immediate problem posed by Mr. Hunt's blackmail threat, which to me was not a Watergate problem, but one which I regarded, rightly or wrongly, as a potential national security problem of very serious proportions. I considered long and hard whether it might in fact be better to let the payment go forward, at least temporarily, in the hope that this national security matter would not be exposed in the course of uncovering the Watergate cover-up.

I believed then, and I believe today, that I had a responsibility as President to consider every option -- including this one -- where production of sensitive national security matters was at issue, protection of such matters. In the ~~case~~ of considering it and of "just thinking out loud," as I put it at one point, I several times suggested that meeting Hunt's demands might be necessary.

Whatever the potential for misinterpretation there may be as a result of the different options that were discussed at different times during the meeting, my conclusion at the end of the meeting was clear. And my actions and reactions as demonstrated on the tapes that follow that date show clearly that I did not intend the further payment to Hunt or anyone else be made.

White House Transcript / House Judiciary Committee transcript

MR. NIXON: Just looking at the immediate problem, don't you think you have to handle Hunt's financial situation damn soon?

MR. DEAN: I think that is -- I talked with Mitchell about that last night and--

MR. NIXON: It seems to me we have to keep the cap on the bottle that much, or we don't have any options.

MR. DEAN: That's right.

MR. NIXON: Either that or it all blows right now?

MR. NIXON: Don't you, just looking at the immediate problem, don't you have to have -- Marble Hunt's financial situation--

MR. DEAN: I, I think that's --

MR. NIXON: Damn soon?

MR. DEAN: That is, uh--I talked to Mitchell about that last night--

MR. NIXON: Mitchell.

MR. DEAN: And, and, uh, I told--

MR. NIXON: Might as well. You have the rule you've got to keep the cap on the bottle that much--

MR. DEAN: That's right; that's right.

MR. NIXON: In order to have any options.

MR. DEAN: That's right.

MR. NIXON: Either that or let it all blow right now.

from March 21, 1973--A tape, p. 148 in Bantam. This appeared in NYTimes, 6/21/74.
might want to add as footnote to official version.

Cover-up? - We can handle the Hush Money rap

March 21, 1973 - A

D—That's the most troublesome post-thing because (1) Bob is involved in that; (2) John is involved in that; (3) I am involved in that; (4) Mitchell is involved in that. And that is an obstruction of justice.

P—In other words the bad it does. You were taking care of witnesses. How did Bob get in it?

D—Well, they ran out of money over there. Bob had \$350,000 in a safe over here that was really set aside for polling purposes. And there was no other source of money, so they came over and said you all have got to give us some money. I had to go to Bob and say, "Bob, they need some money over there." He said "What for." So I had to tell him what it was for because he wasn't just about to send money over there willy-nilly. And John was involved in those discussions. And then we decided there was no price too high to pay to let this thing blow up in front of the election.

P—I think we should be able to handle that issue pretty well. May be some lawsuits.

D—I think we can too.

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Hush-money

march 21, 1973 - A

D— But there is no denying the fact that the White House, in Ehrlichman, Haldeman and Dean are involved in some of the early money decisions.

P—How much money do you need?

D—I would say these people are going to cost a million dollars over the next two years.

P—We could get that. On the money, if you need the money you could get that. You could get a million

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*dollars. You could get it in cash. I know where it could be gotten. It is not easy, but it could be done. But the question is who the hell would handle it? Any ideas on that?

D—That's right. Well, I think that is something that Mitchell ought to be charged with.

P—I would think so too.

D—And get some pros to help him.

P—Let me say there shouldn't be a lot of people running around getting money—

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* * *
P—Your major guy to keep under control is Hunt?

D—That is right.

P—I think. Does he know a lot?

D—He knows so much. He could sink Chuck Colson. Apparently he is quite distressed with Colson. He thinks Colson has abandoned him. Colson was to meet with him when he was out there after, you know, he had left the White House. He met with him through his lawyer. Hunt raised the question he wanted money. Colson's lawyer told him Colson wasn't doing anything with money. Hunt took offense with that immediately, and felt Colson had abandoned him.

P—Just looking at the immediate problem, don't you think you have to handle Hunt's financial situation damn soon?

D—I think that is—I talked with Mitchell about that last night and—

P—It seems to me we have to keep the cap on the bottle that much, or we don't have any options.

D—That's right.

P—Either that or it blows right now?

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D - THAT'S THE QUESTION.

Hush - money

March 21, 1973 - A

P—Well, I wonder if that part of it can't be—I wonder if that doesn't—let me put it frankly: I wonder if that doesn't have to be continued? Let me put it this way: let us suppose that you get the million bucks, and you get the proper way to handle it. You could hold that side?

D—Uh, huh.

P—It would seem to me that would be worthwhile.

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* * *

D—What I am coming in today with is: I don't have a plan on how to solve it right now, but I think it is at the juncture that we should begin to think in terms of how to cut the losses; how to minimize the further growth of this thing, rather than further compound it by, you know, ultimately paying these guys forever. I think we've got to look—

P—But at the moment, don't you agree it is better to get the Hunt thing that's where that—

D—That is worth buying time on.

P—That is buying time, I agree.

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* * *

P—So forth and so on. I think that's best. Then we have to see what the line is. Whether the line is one of continuing to run a kind of stone wall, and take the heat from that, having in mind the fact that there are vulnerable points there;—the vulnerable points being, the first vulnerable points would be obvious. That would be one of the defendants, either Hunt, because he is most vulnerable in my opinion, might blow the whistle and his price is pretty high, but at least we can buy the time on that as I pointed out to John.

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* * *

P— Here we have the Hunt problem that ought to be handled now.

* * *

D—They're going to stonewall it, as it now stands. Excepting Hunt. That's why his threat.

H—It's Hunt opportunity.

P—That's why for your immediate things you have no choice but to come up with the \$120,000, or whatever it is. Right?

D—That's right.

P—Would you agree that that's the prime thing that you damn well better get that done?

D—Obviously he ought to be given some signal anyway.

P—(Expletive deleted), get it.

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Hush money comes-up

April 14, 1973 - A

H—Dean says very flatly that Kalmbach did not know the purpose of the money and has no problem.

P—Dean did know the purpose? Hunt testifies—so basically then Hunt will testify that it was so-called hush money. Right?

E—I think so. Now again, my water can't rise any higher than source.

P—I understand.

E—But that's what—

P—Where does that serve him, let me ask?

H—John—Would it serve him?

E—The only thing it serves him is to—

P—Would it reduce his sentence?

E—Have his sentence reduced.

H—He'd be served the same purpose by not saying it was hush money, by saying it gave it to these guys I had recruited for this job and I

P—I know.

E—I agree.

H— was concerned about their family—

P—That's right, that's what it ought to be and that's got to be the story that

H—(Unintelligible)

P—Will be the defense of these people, right?

E—Only defense they have, (unintelligible) and so forth.

H—That was the line they used around here.

P—What?

H—That was the line they used around here. That we've got to have money for their legal fees and family.

P—Support. Well, I heard something about that at a much later time.

H—Yeah.

P—And, frankly, not knowing much about obstruction of justice, I thought it was perfectly proper.

Hush - money

April 14, 1973 - A

P—This business, somebody in—Dean, Dean. Dean asked, told me about the problem of Hunt's lawyer. This was a few weeks ago. Needed sixty thousand or forty thousand dollars or something like that. You remember? I said I don't know where you can get it. I said, I mean, I frankly felt he might try to get it but I didn't know where. And then, he left it up with Mitchell and Mitchell said it was taken care of and after (unintelligible). Did he talk to you about that?

E—He talked to me about it. I said, John, I wouldn't have the vaguest notion where to get it.

P—Yeah.

E—I saw him later in the day. I saw Mitchell later in the day—

P—What happened?

E—And he just said, "It's taken care of."

Cover story on Hush Money

April 17, 1973-B

P—You got to remember (unintelligible) he put this a lot higher. He could say, "Well, I told the President about \$127,000, that we needed \$127,000 and the President said, 'well I don't know where we could get it, I don't know'."

"he" is Dean

644

H—That was the one that Bittman got to Dean on. He really cranked on it. He was very concerned—professed to be concerned because Bittman's threat was that Hunt said that, "If you don't get it to me I'm going to tell them all about the seamy things I did for Ehrlichman." And when Dean hit Ehrlichman on that, Ehrlichman's immediate reaction was let him go ahead—"There's nothing he can hang me on." Dean didn't like that answer and went on worrying about the money.

P—Told me about it.

H—Told you about it, told me about it. I was in here when he told you.

P—Good. What did we say? Remember he said, "How much is it going to cost to keep these, these guys (unintelligible). I just shook my head. Then we got into the question—

H—If there's blackmail here, then we're into a thing that's just ridiculous.

P—He raised the point—

H—(unintelligible) but you can't say it's a million dollars. It may be \$10 million dollars. And that we ought not to be in this—

P—That's right. That's right.

H—We left it—that—we can't do anything about it anyway. We don't have any money, and it isn't a question to be directed here. This is something relates to Mitchell's problem. Ehrlichman has no problem with this thing with Hunt. And Ehrlichman said, (expletive removed) if you're going to get into blackmail, to hell with it."

P—Good (unintelligible) Thank God you were in there when it happened. But you remember the conversation?

H—Yes sir.

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P—I didn't tell him to go get the money did I?

H—No

P—You didn't either did you?

H—Absolutely not! I said you got to talk to Mitchell. This is something you've got to work out with Mitchell—not here—there's nothing we can do about it here.

P—We've got a pretty good record on that one, John, at least.

P—But in that conversation I was—we were—I was—I said, "Well for (expletive removed), let's—"

H—You explored in that conversation the possibility of whether such kinds of money could be raised. You said, "Well, we ought to be able to raise—"

P—That's right.

H—"How much money is involved?" and he said, "Well it could be a million dollars." You said, "That's ridiculous. You can't say a million. Maybe you say a million, it may be 2 or 10, and 11"

P—But then we got into the blackmail.

H—You said, "Once you start down the path with blackmail it's constant escalation."

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P—Yep. That's my only conversation with regard to that.

H—They could jump and then say, "Yes, well that was morally wrong. What you should have said is that blackmail is wrong not that it's too costly."

P—Oh, well that point (inaudible) investigation—

H—(inaudible)

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P—Well (inaudible). I suppose then we should have cut—shut it off, 'cause later on you met in your office and Mitchell said, "That was taken care of."

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Hush Money Cover Story

April 19, 1973

W—Well, of course—Dean's—if I understand John and Bob correctly—Dean's presentation goes no further, as far we know, than money to take care of their families.

P—That's right.

W—And legal counsel.

P—That's right.

W—Well, you might say circumstantially that helping the defendants—

P—Yeah.

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W—And (unintelligible) it, but it isn't quite as wrong as—having to pay the money to the defendants for the purpose of shutting their mouths.

P—Yeah. The other thing—there was perhaps one instance—very little—very little where it said there is the matter of (unintelligible). I am confident their motive in every instance was to help their families and with their legal counsel.

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Cover story on Hush money

April 27, 1973 - A

p- the only conversations we ever had with him, was that famous March 21st conversation I told you about, where he told me about Bittman coming to him. No, the Bittman request for \$120,000 for Hunt. And I then finally began to get at them. I explored with him thoroughly. "Now what the hell is this for?" He said "It's because he's blackmailing Ehrlichman." Remember I said that's what it's about. And Hunt is going to recall the seamy side of it. And I asked him, "Well how would you get it? How would you get it to them?" so forth. But my purpose was to find out what the hell had been going on before. And believe me, nothing was approved. I mean as far as I'm concerned—as far as I'm concerned turned it off totally.

776

Cover-story on Hush Money - Nixon tries to save his own skin

April 27, 1973 - B

P—Dean. You will get Dean in there. Suppose he starts trying to impeach the President, the word of the President of the United States and says, "Well, I have information to the effect that I once discussed with the President the question of how the possibility, of the problem," of this damn Bittman stuff I spoke to you about last time. Henry, it won't stand up for five minutes because nothing was done, and fortunately I had Haldeman at that conversation and he was there and I said, "Look, I tried to give you this, this, this, this, this and this." And I said, "When you finally get it out, it won't work. Because," I said, "First, you can't get clemency to Hunt."

HP—I agree.

P—I mean, I was trying to get it out. To try to see what that—Dean had been doing! I said, "First you can't give him clemency." Somebody has thrown out something to the effect that Dean reported that

787

Hunt had an idea that he was going to get clemency around Christmas. I said, "Are you kidding? You can't get clemency for Hunt. You couldn't even think about it until, you know, '75 or something like that." Which you could, then because of the fact, that you could get to the—ah—But nevertheless, I said you couldn't give clemency. I said, "The second point to remember is 'How are you going to get the money for them?' If you could do it, I mean you are talking about a million dollars." I asked him—well, I gave him several ways. I said, "You couldn't put it through a Cuban Committee could you?" I asked him, because to me he was sounding so damned ridiculous. I said, "Well under the circumstances," I said, "There isn't a damn thing we can do." I said, "It looks to me like the problem is sue John Mitchell." Mitchell came down the next day and we talked about executive privilege. Nothing else. Now, that's the total story. And—so Dean—I just want you to be sure that if Dean ever raises the thing, you've got the whole thing. You've got that whole thing. Now kick him straight—

788

P—Let me say, there is no way they could get that to the President without going through Haldeman and Ehrlichman. But I am referring to this man here. There's no way they could get it to here except through the fact that on March 21st Dean, as I had reported to you, did report to me that Bittman had told O'Brien that they needed the money. They needed the money. It was discussed and we, I said, "It can't be done. We can't do it." He went on to see Ehrlichman, and Ehrlichman said, "No dice." Nothing could be done. Now that is the fact. As far as we're concerned. That isn't much of a thing for Dean to have.

791

Curious thing about Hush money cover story

April 27, 1973-B

HP—The strange thing about this one, Mr. President, is that they could have done it openly.

P—Why, of course!

HP—If they had just come out in the Washington Post could say, "Well these people were—"

P—They helped the Scotsboro people, they helped the Berrigans, you remember the Alger Hiss defense fund?

HP—And we're going to help these—They were doing this—Once you do it in a clandestine fashion, it takes on elements—

P—Elements of a cover-up.

789

HP—That's right, and obstruction of justice.

P—That's what it is, a question of the way it was done.

HP—Sir.

P—Curious thing. I get your point there.

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Symbolic gesture from President - Taking credit for breaking the case

March 27, 1973

E—The thing that I get over and over and over again from just ordinary folks—

P—Right.

E—"Why doesn't the President," so and so and so and so.

P—"Say something what's he done on it?"

E—Yeah. So symbolically you've got to do something.

P—That's right. Do something so that I am out front on this every—they don't think the President is involved but they don't think he is doing enough.

E—That's it. That's it.

261

April 14, 1973 - A

P—No, seriously, as I have told both of you, the boil had to be pricked. In a very different sense—that's what December 18th was about. We have to prick the boil and take the heat. Now that's what we are doing here. We're going to prick this boil and take the heat. I—am I overstating?

E—No. I think that's right. The idea is, this will prick the boil. It may not. The history of this thing has to be though that you did not tuck this under the rug yesterday or today, and hope it would go away.

P—Now. In the scenario. I sort of go out and tell people that I have done this.

338

April 14, 1973 - D

H—"A lot of people are going to say, you solved the Watergate—now, forget it." And not come to this

P—Some of our people can say, "That's tough, now what do you want to investigate?"

H—To folks out there just say, just give an answer and get it out of the way. That's all. They don't care.

400

P—It's really such a bad thing. And he'll come in, plead self-incrimination, and clear him.

E—Be lively—copy when they start bringing in all these people from around the country. What they did or who were victims. you know—

P—It'd be lively copy, John, but it's so spongy.

E—Yeah.—Lively

P—It's not good stuff.

(Unintelligible)

401

Appear Forthcoming

April 14, 1973 - G

P—He should make the deal. I think, frankly, let's get off of the damn executive privilege.

E—Get a little ride on it huh—while we can?

P—Well at least I do think it would cool a little of the Congressional stuff, you know.

E—Uh, huh.

P—I really do. As I read the Congressional stuff, they say—they can't understand this or that or the other thing. Alright now we are—basically, also, its bold. The President just says there is enough of this nonsense? We are going to fight. You see what I mean?

E—Uh, huh, I get you. OK, it suits me.

P—It puts the President in the position of being as forthcoming as we can—want the facts out,

E—Yep

P—And that's that. And I am not concerned about the word backing off, etc. So, sure, we back off and that is the story for about two days.

E—Yeah.

P—Really.

Appear Forthcoming

April 15, 1973 - B

H—He also made the point, I said—well we may be able to get a victory here without having to pay the price, in the sense that if we agree to go up and the Grand Jury comes down with indictments they will probably turn off the hearings for a time anyway. Then we would have the trials and that sort of stuff. So we would have appeared to be forthcoming but we wouldn't maybe have to go. And he said I don't agree with that because—

P—Bill said what?

H—Bill said I don't agree with that—but he said—he thinks it is inevitable that they have to stop the hearings if there are indictments at a high level.

P—He's right. I agree with that.

478

Taking Credit

April 16, 1973 - B

P—You don't think the thing is likely to break today?

D—No, I don't.

P—I wonder what Ziegler's got. He must, he seems to think something is going to break. He hasn't been in to see me and I will have to get him in later. Well, I will ask Petersen. Don't you agree with me that it is

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better than we make the first announcement and not the Justice Department.

D—Yes I do. On your own staff.

P—Oh hell, I am going to make the announcement on Magruder too. (expletive omitted) It was our campaign, I am not going to have the Justice Department—we triggered this whole thing. Don't you agree? You helped to trigger it. You know what I mean.

D—When history is written and you put the pieces back together, you will see why it happened. Because I triggered it. I put everybody's feet to the fire because it just had to stop.

P—That's right.

D—And I still continue to feel that.

P—You put Magruder's feet to the fire. Where did you see Magruder?

D—I didn't. In fact, I refused to see him. That was one of the problems.

P—Oh, and that's why—

D—I started to talk with—I met with him on one of these outer offices at a meeting.

P—What got Magruder to talk? I would like to take the credit.

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* * *

P— Is there anything else you think I should do? You don't think I should—I am not going to let the Justice Department break this case, John.

D—I understand. You've got to break it. You are breaking it. Well, (expletive omitted) that is what we have done.

D—That's right.

517

April 16, 1973 - B

P—Well, I frankly think—I would hope you can help on the PR there by saying—

D—I will be happy to help on it.

P—I would like for you to say—and you are free to talk. You are to say, “I told the President about this. I told the President first there was no involvement in the White House. Afterwards, I told the President that I—” And the President said, “Look, I want to get to the bottom of this thing, period.” See what I am driving at—not just the White House. You continued your investigation, et cetera, and the President went out and investigated on his own. Which I have done, believe me. I put a little pressure on Magruder and a few of

D—Uh, huh.

P—And as a result of the President's actions this thing has been broken.

D—That's right.

578

April 16, 1973 - E

P—They're going to believe this (inaudible) if it breaks today. I don't want—you and I don't want the Washington Post to break it.

HP—No sir.

P—And after all—we have broken this—you, the Department of Justice, damn it—you see—demonstrated that the judicial system does work—isn't that right?—sometimes it takes time.

HP—I'd say that's correct.

P—But it does work.

* * *

P—(Inaudible) something, but the need, as you see, we've got to show that the President takes the initiative. When I get backed up here as this, Henry, I can't be here (inaudible).

545

April 17, 1973 - D

P—So basically we are in a pretty good position to say—that except as I said I don't want the Washington Post to break this case.

HP—That's right. We don't either.

P—I want the Department of Justice—and, frankly, the White House—because as you can see we'll cooperate (inaudible).

692

Public Relations

April 14, 1973 - G

P- But the point is—Bob says you will have either seven minutes of John Chancellor and Weicker interpreting what was said in a secret session or do you want four minutes of that and maybe three minutes of Haldeman?

E—Well, that is a good point.

P—Is that something to be considered?

E—It sure is. At least we get a little piece of it that way.

P—You know—you see a man looking honest and earnest etc., denying it in a public forum—

E—Yeah, yeah

March 26, 1973, p. 200

K—And we want to give some thought to having in such an event having a special prosecutor.

E—What is the procedure for that?

K—Well, I don't know. I think that the President could appoint somebody as a special prosecutor to direct the FBI to cooperate with him, giving them an opportunity to hire some attorneys, you know, on his staff and then just have complete authority to have his own investigation, and if there's evidence that comes out that there were acts of criminal behavior, have them presented to a grand jury, then proceed with it.

E—Could you have somebody brief out how that's done? Just so we know? And the question would be whether the President or Sirica or you or you-know-who actually does it?

K—Well, it wouldn't be the judge. The judge has no jurisdiction. I think it would be the President.

E—OK.

K—But it has its own problems that by doing that, you in effect say publicly, well, OK, the Department of Justice and the attorney general and the U.S. Attorney and the FBI are all corrupt. I've now found that out and have got to get myself a new—

E—Of course, we've resisted that right straight through.

Nixon, on April 30, 1973:

"I have instructed him [the new Attorney General, Elliot Richardson] that if he should consider it appropriate, he ~~KNOW~~ has the authority to name a special supervising prosecutor for matters arising out of the case."

Richardson, on May 7, 1973:

"I have decided that I will, if confirmed, appoint a special prosecutor and give him all the independence, authority and staff support needed to carry out the tasks entrusted to him."

Ronald Zeigler, on October 20, 1973:

"President Nixon has tonight discharged Archibald Cox, the special prosecutor in the Watergate case....Furthermore, the office of the Watergate special prosecution has been abolished....Its function to investigate and prosecute those involved in the Watergate matter will be transferred back into the institutional framework of the Department of Justice, where it will be carried out with thoroughness and vigor."

PLEDGE TO RICHARDSON

from Nixon statement of April 30, 1973:

As the new Attorney General, I have today named Elliot Richardson....I have given him absolute authority to make all decisions bearing upon the prosecution of the Watergate case and related matters.

PLEDGE ON SPECIAL PROSECUTOR

from remarks at Republican fund-raising dinner, May 9, 1973:

All Americans can have ~~EXX~~ confidence in the fact that the new nominee for Attorney General, Elliot Richardson, and the special prosecutor that he will appoint in this case will have the total cooperation of the executive branch of this Government. They will get to the bottom of this thing. They will see to it that all of those who are guilty are prosecuted and are brought to justice. That is the pledge I make tonight, and that I think the American people are entitled to it.

But I would add that the place where that should happen is in the courts of law.

(NYTimes, 5/10/73)

From Nixon letter to Richardson, Oct. 19, 1973:

I am instructing you to direct Special Prosecutor Archibald Cox...that he is to make no further attempts by judicial process to obtain tapes, notes, or memoranda of Presidential conversations. I regret the necessity of intruding, to this very limited extent, on the independence that I promised you with regard to Watergate when I announced your appointment.

(Wash. POST, 10/24/73)

PENDING SEC. RICHARDSON'S confirmation as attorney general, I have asked him to involve himself immediately in the investigative process surrounding the Watergate matter. As attorney general, Mr. Richardson will assume full responsibility and authority for coordinating all federal agencies in uncovering the whole truth about this matter, and recommending appropriate changes in the law to prevent future campaign abuses of the sort recently uncovered. He will have total support from me in getting this job done.

—White House statement, May 1, 1973

"Though I have not wished to intrude upon the independence of the special prosecutor, I have felt it necessary to direct him, as an employe of the executive branch, to make no further attempts by judicial process to obtain tapes, notes or memoranda of Presidential conversations."

—President Nixon
Oct. 19, 1973

IN HIS PRESS CONFERENCE today, Special Prosecutor Archibald Cox made it apparent that he will not comply with the instructions I issued to him, through Attorney General Richardson, yesterday. Clearly the government of the United States cannot function if employees of the executive branch are free to ignore in this fashion the instructions of the President. Accordingly in your capacity of acting attorney general, I direct you to discharge Mr. Cox immediately and to take all steps necessary to return to the Department of Justice the functions now being performed by the Watergate Special Prosecution Force.

—Letter to Robert H. Bork, Oct. 20, 1973

NATIONAL SECURITY AND FREEDOM IN INFORMATION

Nixon speech of May 9, 1961, in response to Kennedy plea to press of April 27 for more "self-restraint" on national security issues:

No reporter worth his salt would deliberately publish information hurtful to national security. President Kennedy's remark will inevitably encourage government officials to further withhold information to which the public is entitled....

The plea of security could well become a cloak for errors, misjudgements, and other failings of government. The whole concept of a return to secrecy in peacetime demonstrates a profound misunderstanding of the role of a free press as opposed to that of a controlled press.

(Quoted by Marianne Means in
Phila. INQUIRER, 12/14/73)

ELLSBERG BREAK-IN COVER UP

Ziegler response to NYTimes story that Nixon twice tried to prevent the release to the court of details of the break-in at Ellsberg's psychiatrist's office:

Any reference or suggestion made by anyone that ^{the} President would have proceeded in any other way than to provide information to the court is completely unfounded.

from NYTimes, 5/10/73

from statement accompanying STATEMENT BY THE PRESIDENT, May 22, 1973:

It was not until the time of my own investigation that I learned of the break-in at the office of Dr. Ellsberg's psychiatrist, and I specifically authorized the furnishing of this information to Judge Byrne.

from Nixon statement issued August 15, 1973:

On May 22 I said that "it ~~was~~ was not until the time of my

own investigation that I learned of the break-in at the office of Mr. Ellsberg's psychiatrist, and I specifically authorized the furnishing of this information to Judge Byrne." After a very careful review, I have determined that this statement of mine is not precisely accurate. It was on March 17th that I first learned of the break-in at the office of Dr. Fielding, and that was four days before the beginning of my own investigation on March 21st. I was told then that nothing by way of evidence had been obtained in the break-in. On April 18th I learned that the Justice Department had interrogated or was going to interrogate Mr. Hunt about this break-in. I was gravely concerned that other activities of the Special Investigations Unit

might be disclosed, because I knew this could seriously injure the national security. Consequently, I directed Mr. Peterson to stick to the Watergate investigation and stay out of national security matters. On April 25th Attorney General Kleindienst came to me and urged that the fact of the break-in should be disclosed to the court, despite the fact that, since no evidence had been obtained, the law did not clearly require it. I concurred, and authorized him to report the break-in to Judge Byrne.

From United States Code, Title 18, Section 3:

Whoever, knowing that an offense ~~has~~ against the United States has been committed, receives, relieves, comforts, or assists ~~the~~ the offender in order to hinder or prevent his apprehension, trial or punishment, is an accessory after the fact.

From NYTimes, 5/19/73: "Under Section 15, 1C, of Title 18, USC, it is a felony to willfully obstruct, delay or prevent the communication of information relating to a violation of any criminal statute of the United States by any person to a criminal investigator....The maximum punishment is five years in prison, a fine of \$5,000, or both."

Ellsberg Break-In

March 24, 1973 - A

P—Who else do you think has—

D—Potential criminal liability?

P—Yeah.

D—I think Ehrlichman does. I think that uh—

P—Why?

D—Because of this conspiracy to burglarize the Ells-
berg doctor's office.

P—That is, provided Hunt's breaks?

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Ellsberg - break in, cover-up

March 21, 1973 - A

P- You see, John is concerned, as you know, about the Ehrlichman situation. It worries him a great deal because, and this is why the Hunt problem is so serious, because it had nothing to do with the campaign. It has to do with the Ellsberg case. I don't know what the hell the—(unintelligible)

H—But what I was going to say—

P—What is the answer on this? How you keep it out, I don't know. You can't keep it out if Hunt talks. You see the point is irrelevant. It has gotten to this point—

D—You might put it on a national security grounds basis.

H—It absolutely was.

D—And say that this was—

H—(unintelligible)—CIA—

D—Ah—

H—Seriously,

P—National Security. We had to get information for national security grounds.

D—Then the question is, why didn't the CIA do it or why didn't the FBI do it?

P—Because we had to do it on a confidential basis.

H—Because we were checking them.

P—Neither could be trusted.

H—It has basically never been proven. There was reason to question their position.

P—With the bombing thing coming out and everything coming out, the whole thing was national security.

D—I think we could get by on that.

P—On that one I think we should simply say this was a national security investigation that was conducted. And on that basis, I think the same in the drug field with Krogh. Krogh could say he feels he did not perjure himself. He could say it was a national security matter. That is why—

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D—That is the way Bud rests easy, because he is convinced that he was doing. He said there was treason about the country, and it could have threatened the way the war was handled and (expletive deleted)—

P—Bud should just say it was a question of national security; and I was not in a position to divulge it. Anyway, let's don't go beyond that.

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* * *

P—And Hunt would get off by telling them the Ellsberg thing.

D—No Hunt would go to jail for that too—he should understand that.

P—That's a point too. I don't think I would throw that out. I don't think we need to go into everything. (adjective deleted) thing Hunt has done.

D—No.

P—Some of the things in the national security area. Yes.

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Ellsberg Break-in

March 21, 1973 - B

E- Let's suppose I am called at some time. Our position on that is that I wasn't a prosecutor, that he was sent out to do an investigation on Ellsberg. And when we discovered what he was up to, we stopped him. Now I suppose that lets Ellsberg out, because there are search and seizure things here that may be sufficient at least for a mistrial, if not for—

P—Isn't that case about finished yet?

E—Oh, it will go a little while yet.

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Ellsberg break in cover-up

March 27, 1973

E- And Krogh is very frank in saying, "I authorized this operation in Los Angeles, no two ways about it." He says, "If I am asked, that's what I will say and I will resign and leave the Department of Transportation and get out of town." He said, "I thought at the time we were doing the right thing and—"

P—Should he?

E—I don't think he will have to. Number one, I don't think Hunt will strike him. If he did, I would put the national security tent over this whole operation.

P—I sure would.

E—And say there are a lot of things that went on in the national interest where they involved taps, they involved entry, they involved interrogation, they involved a lot of things and I don't propose to open that up to (unintelligible) just hard line it.

P—I think that is what you have to do there. But I wanted to get that one out.

National Security Cover

April 15, 1973 - A

P—Haldeman could tell me though—he's a—I'm sure—Bob would tell me—he's a "don't give a (expletive removed) kind of a guy" anyway and Ehrlichman would tell me too. The deep six thing troubles me. Although—what was that? Oh, I know what that could be—that could be—you see Hunt's operations before—that's what that is. Hunt worked in the White House, you know, on some national security matters and I think that's what that's involved. Not the Watergate.

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National Security covers-up

April 16, 1973 - A

P—That is why, John, I want to nail down what Dean said about other bugs on the White House and so forth, and so on. I assume that is the Plumbers operation.

E—No, no. What he is referring to is the FBI's bugs

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on the journalists in the first year he was nominated.

P—(Unintelligible)

E—Hold on. No, no. These were almost all FBI bugs. What I said all National Security—

P—But I was wondering what your advice if I should not tell him today that anything in that area is National Security (unintelligible)

E—I think you should, and I think it should cover not only that but Plumbing operation and anything else of which he has knowledge that I am (unintelligible) that with Executive Privilege right now.

P—Executive Privilege—

E—And I don't want to ever hear (unintelligible) discuss those matters.

P—Yeah.

E—(Unintelligible)

P—I don't know whether he did. He might have.

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April 16, 1973 - B

P—One other thing. On this privilege thing—nothing is privileged that involves wrongdoing.

D—That is correct.

P—On your part or wrongdoing on the part of anybody else. I am telling you that now and I want you when you testify, if you do, to say that the Presi-

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dent told you that. Would you do that? Would you agree to that?

D—Yes sir.

P—Fine. However, let me say with regard to what we call the electronic stuff they heard, and what I have now found is in the leak area of the national security area. That I consider privileged.

D—I do too.

P—And I think you should say, for example, on that. What I mean is I think in the case of the Kraft's stuff what the FBI did, they were both fine. I have checked the facts. There were some done through private sources. Most of it was done through the Bureau after we got—Hoover didn't want to do Kraft. What it involved apparently, John, was this: the leaks from the NSC. They were in Kraft and others columns and we were trying to plug the leaks and we had to get it done and finally we turned it over to Hoover. And then when the hullabaloo developed we just knocked it off altogether. But in my view, I consider that privileged.

D—I have no intention of raising that in any conversation. 513

National Security Cover-up

April 16, 1973 - C

P—Well, John, let me say this is quite the operator. We first talked about the work he did before this began. I said that I wanted him to know that it is national security work. He said I consider it so. I said, "Have you told anybody about it?" He said, "No. I don't intend to. I don't intend to say a thing more than I need to say in answering questions with regard to this matter, and I will not comment on anything else of course. I will not comment on any conversation I have had with the President." So far as he is concerned, that operation will not be discussed. Of course, the problem I suppose is as far as others are concerned or were involved. But if they do John, I would play it straight out. Damn it, of course we do this.

talking about Dean

National Security Cover-up

April 16, 1973 - E

HP—Oh, incidently, I have—there's one other item that I wouldn't put down. That in the course the negotiations, in the course of trial preparations, it became clear that Hunt had received certain documentation from CIA. He also received the loan of a camera and what have you.

P—Yeah—yeah—yeah.

HP—We anticipated that they might—the defendants might—try and defend by attacking the CIA. We asked the CIA people—we were told that they were simply responding to a routine request from another government agency to help out Hunt who was on a special assignment, and they—

P—This was (inaudible) the White House?

HP—Yes sir.

P—That was perfectly proper. He was conducting an investigation from the national security area for the White House at that point.

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National Security Cover-Up

April 17, 1973 - B

H—Yeah. But I think at some point, like you do on anything else, you gotta face up to the fact that the guy is either a friend or a foe—or a neutral. If he's a neutral you don't have to worry about him; if he's a friend you rely on him, if he's a foe you fight him, and this guy—it seems at this point—is a foe.

P—When I talked to him I said, "Now John, any conversations are (unintelligible)." I said, "Anything (unintelligible) National Security are (unintelligible) you understand?" He said, "Yes (unintelligible) testified to it (unintelligible)."

H—OK. He said it and it was no problem for him to say it. But it was no problem for him to say a lot of things to us over the last couple of weeks too.

P—The point is, if you break it off with him, then he could go out and say, "Screw the (unintelligible)."

H—No he can't. It's not his privilege. It's yours.

P—I know it's mine, but—

H—If he screws the privilege—

P—Well, I think you have to charge Henry Petersen or whoever is in charge here with protecting your privilege and then that's got to go down to Silberman and Silberman has to be cautioned that he is not to go into matters of executive privilege—he is not to go into matters of national security importance. Any matters involving a conversation with the President—or national security, anything like that, they can ask me.

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P—Yep. Anything on the (unintelligible) thing, the plumbing thing was national security, the ITT thing. No, I can't believe it was that—you know—the Hunt thing there. That will just have to handle the way it is. (Unintelligible) Colson about (unintelligible) Hunt thing?

E—I don't know. If anybody around here did, if anybody did it, was Dean.

H—I doubt if Dean knew about that. You see Dean and Colson never tracked particularly well together, I don't think.

E—Whoever operates this at the Justice Department has to be told that the inquiry must not jeopardize your privilege. Some day they're going to try and put you in a crunch spot.

P—Sure.

E—And they'll put a question to me and I'll say, "I can't take that question and then I'll be back to you and it's going to be hard."

P—No turning it off. It's national security—national security area—and that is a national security problem.

E—Or, if it is something that you and I have discussed directly.

P—(expletive removed) it.

E—I'll just (expletive removed) that—I'll just—

H—I don't think anybody is going to try to challenge that.

P—(unintelligible) conversations with the President (unintelligible).

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