

CHAPTER 5

NIXON AND HIS ENEMIES

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

No political campaign ever justifies obstructing justice or harrassing individuals, or compromising those great agencies of Government that should and must be above politics. To the extent that those things were done in the 1972 campaign, they were serious abuses and I deplore them.

Practices of that kind do not represent what I believe ~~KLON~~ Government should be, or what I believe politics should be. In a free society, the institutions of Government belong to the people. They must never be used against the people.

From the Sept. 15, 1972 tape (omitted from the White House version but transcribed by the House Judiciary Committee and printed in the Washington Post on May 17, 1974)

I wouldn't want to be in Edward Bennett Williams' position after this election.
Dean: No. No.
President: None of these bastards—
Dean: He, uh, he's done some rather unethical things that have come to light already, which he, again, Richey has brought to our attention.
President: Yeah?
Dean: He went down —
Haldeman: Keep a log on all that —
Dean: Oh, we are, indeed, we are.
President: Yeah.
Haldeman: Because afterwards that is a guy.
President: We're going to —
Haldeman: That is a guy we've got to ruin.
Dean: He had, he had an *ex parte* —
President: You want to remember, too, he's an attorney for The Washington Post.
Dean: I'm well aware of that.
President: I think we are going to fix the son-of-a-bitch. Believe me. We are going to. We've got to, because he's a bad man.
Dean: Absolutely.

President: I expect that, that's all right. We've (unintelligible)
Haldeman: The Post (unintelligible)
—
President: It's going to have its problems—
Haldeman: (Unintelligible)
Dean: (Unintelligible) The networks are good with Maury coming back 3 days in a row and (unintelligible)
President: That's right. The main, main thing is The Post is going to have damnable, damnable problems out of this one. They have a television station
Dean: That's right, they do.
President: and they're going to have to get it renewed.
Haldeman: They've got a radio station, too.
President: Does that come up too? The point is, when does it come up?
Dean: I don't know. But the practice of non-licensors filing on top of licensees has certainly gotten more,
President: That's right.
Dean: more active in the, this area.
President: And it's going to be God damn active here.
Dean: (Laughter) (Silence)
President: Well, the game has to be played awfully rough.

getting our business

Sept 15, 1972

D— one of the things I've tried to do, I have begun to keep notes on a lot of people who are emerging as less than our friends because this will be over some day and we shouldn't forget the way some of them have treated us.

P—I want the most comprehensive notes on all those who tried to do us in. They didn't have to do it. If we had had a very close election and they were playing the other side I would understand this. No—they were doing this quite deliberately and they are asking for it and they are going to get it. We have not used the power in this first four years as you know. We have never used it. We have not used the Bureau and we have not used the Justice Department but things are going to change now. And they are either going to do it right or go.

D—What an exciting prospect.

P—Thanks. It has to be done. We have been (adjective deleted) fools for us to come into this election campaign and not do anything with regard to the Democratic Senators who are running, et cetera. And who the hell are they after? They are after us. It is absolutely ridiculous. It is not going to be that way any more.

B-63

March 13, 1973

P- Nobody is a friend of ours. Let's face it!

B-108

March 13, 1973

D—There is an outside chance that this man, this Judge, has gone so far in his zeal to be a special prosecutor—

P—Well some of those statements from the Bench—

D—Incredible statements!

P—To me, incredible!

D—Commenting on witnesses testimony before the Jury, was just incredible. Incredible! So there may be a mistrial. Or maybe reversible error:

B-114

March 27, 1973

P—What I was thinking, you see, as an alternative—the Judge has now come out as a white knight here. The Judge is—and incidentally, we can say in a sense that the Judge has given a sentence of 55 years to somebody who had no former offense and so forth and so on—but the reason Sirica doing this is much deeper, is because he thinks there is a cover.

H—Sure.

P—I don't think you can hold that against the Judge. You know, I mean—I do in a way, but you know—

E—He is the proprietor of the Court Room and he tries to conduct trial, to get publicity. That's what it is.

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I LIKE HANGING JUDGES

FROM "MEMORANDUM OF SUBSTANCE OF DEAN'S CALLS AND MEETINGS WITH THE PRESIDENT", prepared by Fred Thompson based on detailed information provided to him by J. Fred Buzhardt:

March 13, 1973 Deen said Sirica was a hanging judge, the President said he liked hanging judges.

- (Senate Watergate Committee Hearings, Book 4, p. 1797)

From the March 13, 1973 White House transcript, p. 143 of GPO version:

D—Sirica is a strange man. He is known as a hanging judge.

P—(unintelligible)

D—That's right. He's tough. He is tough.

NOTIVES OF THE OPPOSITION

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

If you want the mandate you gave this Administration to be carried out--then I ask for your help to ensure that those who would exploit Watergate in order to keep us from doing what we were elected to do will not succeed.

from Nixon press conference of August 22, 1973:

Frankly, if I had always followed what the press predicted or the polls predicted, I would have never been elected President. But what I am saying is this, people who did not accept the mandate of '72, who do not want the strong America that I want to build, who do not want the foreign policy leadership that I want to give, who do not want to cut down the size of this government bureaucracy that burdens us so greatly and to give more of our government back to the people, people who do not want these things, naturally, would exploit any issue, if it weren't Watergate, anything else, in order to keep the President from doing his job.

And so I say I impute no improper motives to them. I think they would prefer that I fail. On the other hand, I am not going to fail. I am here to do a job and I am going to do the best I can

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

And then I was quite frankly concerned about the political implications. This represented potentially a devastating blow to the Administration and to its programs, one which I knew would be exploited for all it was worth by hostile elements in the Congress as well as in the media. I wanted to do what was right, but I wanted to do it in a way that would cause the least unnecessary damage in a highly charged political atmosphere to the Administration.

Motives of the Opposition

March 13, 1973

P—Shows you what a master Dick Tuck is. Segretti's hasn't been a bit similar.

D—They are quite humorous as a matter of fact.

P—As a matter of fact, it is just a bunch of (characterization deleted). We don't object to such damn things anyway. On, and on and on. No, I tell you this it is the last gasp of our hardest opponents. They've just got to have something to squeal about it.

D—It is the only thing they have to squeal—

P—(Unintelligible) They are going to lie around and squeal. They are having a hard time now. They got the hell kicked out of them in the election. There is not a Watergate around in this town, not so much our opponents, even the media, but the basic thing is the establishment. The establishment is dying, and so they've got to show that despite the successes we have had in foreign policy and in the election, they've got to show that it is just wrong just because of this. They are trying to use this as the whole thing.

B-120

March 27, 1973

P— Let's face it.

They'll have special prosecutors who will want to make a name for themselves. Everybody wants to make a name for themselves in this (unintelligible). They'll drag it on and on and on.

264

From the Sept. 15, 1972 tape (omitted from the White House version, but transcribed by the House Judiciary Committee and printed in the Washington Post, May 17, 1974)

P--But their names have already been mentioned.

D--Some of it [unint.]

H--[Unint.]

P--[Unint.] already convicted in the press.

D--Absolutely.

H--Yep.

P--Goddamn it, if they had been communists you'd have the Washington Post and the New York Times raising hell about their civil rights.

D--That's right.

P--Or Manson.

Feb. 28, 1973

P— So Hoover told Coyne, who told Rockefeller, that newsmen were being bugged.

D—That tickles you. That is right.

P—Why do you suppose they did that?

D—I haven't the foggiest idea. It is a Sullivan Story as to where the leak might have come from about the current Time Magazine story, which we are stonewalling totally here.

P—Oh, absolutely.

B-84

The Press

Feb. 28, 1973

P—Well, one hell of a lot of people don't give one damn about this issue of the suppression of the press, etc. We know that we aren't trying to do it. They all squeal about it. It is amusing to me when they say—I watched the networks and I thought they were restrained. What (expletive omitted) do they want them to do—go through the 1968 syndrome when they were 8 to 1 against us. They are only three to one this time. It is really sickening though to see these guys. These guys have always figured we have the press on our side. You know we receive a modest amount of support—no more. Colson sure making them move it around, saying we don't like this or that and (inaudible)

D—Well, you know Colson's threat of a law suit which was printed in Evans and Novak had a very sobering effect on several of the national magazines. They are now checking before printing a lot of this Watergate junk they print. They check the press office trying to get a confirmation or denial, or call the individuals involved. And they have said they are doing it because they are afraid of a libel suit on them. So it did have a sobering effect. We will keep them honest if we can remind them that they can't print anything and get away with it.

B-75

From briefings

3/27/73

Z—I talked to Dean and to Moore this morning in terms of whether or not we say anything (unintelligible) the Grand Jury

P—Right.

Z—And Dean's feeling is that we should not today.

P—That is my feeling.

Z—And Moore's feeling is that we should not today, and I concur in that.

P—Yeah. My view is today, unless you've got something more to say, I would simply say I have nothing to add to what (unintelligible) I think that would be better, just get out there and act like your usual cocky, confident self.

223

Media Heroes

March 27, 1973

H—If Magruder goes public on this, then you know—

P—Incidentally, if Magruder does that, let's see what it does to Magruder.

E—It depends on how he does it. If he does it under immunity, it doesn't do anything to him.

P—All right—except ruin him.

H—Well, yeah. It ruins him in a way he becomes a folk hero to the guys—

P—He becomes an immediate hero with the media. You know, in terms of—I know how these things work.

E—Mike Wallace will get him and he will go on "Sixty Minutes," and he will come across as the All American Boy who was doing, who was just doing—who was serving his President, his Attorney General and they misled him.

P—Yeah.

E—And he can do it.

243

The PRESS - hatred of

from Nixon News Conference of October 26, 1973:

I have never heard or seen such outrageous, vicious, distorted reporting in 27 years of public life.

= I'm not blaming anybody for that....But when people are pounded night after night with that kind of frantic, hysterical reporting, it naturally shakes their confidence.

* * * * *

QUESTION: Mr. President, you have lambasted the television networks pretty well. Could I ask you, at the risk of reopening an obvious wound, you say after you have put on a lot of heat that you don't blame anyone. I find that a little puzzling. What is it about the television coverage of you in these past weeks and months that has so aroused your anger?

PRESIDENT: Don't get the impression that you arouse my anger.

QUESTION: I have that impression.

PRESIDENT: You see, one can only be angry with those he respects.

* * * * *

Let me say, too, I didn't want to leave an impression with my good friend from CBS over there that I don't respect the reporters. ~~EXAGGERATE~~ What I was simply saying was this: that when a commentator takes a bit of news and then, with knowledge of what the facts are, distorts it viciously, I have no respect for that individual.

Libel Suits

April 17, 1973 - G

P—Another thing. I would like the libel suits. I think both of you, and Bob particularly, you ought to get yourself a libel lawyer, Bob, and check the or have Wilson check and use the most vicious libel lawyer there is. I'd sue every (expletive deleted) (unintelligible). There have been stories over this period of time. That will make—that also helps with public opinion. Sue right down the line. It doesn't make any difference now about the taking depositions and the rest, does it? The important thing is the story's big and I think you ought to go out and sue people for libel.

737

P—John, this libel thing. You may as well get at the libel thing and have yourself a little fun.

738

Demonstrators

March 21, 1973 - A

D—No, the felony in this instance would be a potential use of one of the civil rights statutes, where anybody who interferes with the campaign of a candidate for national office.

P—Why isn't it under civil rights statutes for these clowns demonstrating against us?

D—I have argued for that very purpose.

P—Really?

D—Yes, I have.

P—We were closer—nuts interfering with the campaign.

D—That is exactly right.

P—I have been sick about that because it is so bad the way it has been put out on the PR side. It has ended up on the PR side very confused.

B-151

Informant

Feb. 28, 1973

P- These guys
you know—the informers. Look what it did to Cham-
bers. Chambers informed because he didn't give (ex-
pletive deleted). But then one of the most brilliant
writers according to Jim Shepley we have ever seen in
this country—and I am not referring to the Communist
issue—greatest writer of his time,—about 30 years ago,
probably TIME's best writer of the century—they
finished him. Either way, the informer is not one in our
society. Either way, that is the one thing people can't
survive. They say no civilized (characterization deleted)
informs.

B-83

The Kennedys

Feb. 28, 1973

P—Yes, I guess the Kennedy crowd is just laying in the bushes waiting to make their move. I had forgotten, by the way, we talk about Johnson using the FBI. Did your friends tell you what Bobby did?

D—I haven't heard but I wouldn't be—

P—Johnson believed that Bobby bugged him.

D—That wouldn't surprise me.

P—Bobby was a ruthless (characterization omitted.)

6-82

March 13, 1973

D—Saying here is another and it happens to be Democrats. You know, I know I just—

P—If he would get Kennedy into it, too, I would be a little bit more pleased.

B-121

Sam Ervin

Feb. 28, 1973

P. Ervin always talks about his being a great Constitutional lawyer. (expletive deleted) He's got Baker totally toppled over to him. Ervin works harder than most of our Southern gentlemen. They are great politicians. They are just more clever than the minority. Just more clever!

B-51

Congress

Feb. 25, 1973

P—I noticed where several of our Congressmen and Republican Senators called upon us to reinstate Rule. Congress is, of course, on its (inaudible). And yet they are so enormously frustrated that they are exhausted. Isn't that the point?

D—I think there is a lot of that.

P—It is too bad. We can take very little comfort from it because we have to work with them. But they become irrelevant because they are so damned irresponsible, as much as we would like to say otherwise.

B-80

D—Well they have huge staffs, true, as opposed to what they had years ago. But they are still inadequate to deal effectively—

P—(Expletive deleted) Don't try to help them out!

B-81

DEAN

From the Sept. 15, 1972 tape (omitted from the White House version but transcribed by the House Judiciary Committee and printed in the Washington Post, May 17, 1974)

H—John is one of the quiet guys that gets a lot done. That was a good move, too, bring Dean in. But its—

P—Yeah.

H—It—. He'll never, he'll never gain any ground for us. He's just not that kind of a guy. But, he's the kind that enables other people to gain ground while he's making sure that you don't fall through the holes.

DEAN - NIXON'S MISREPRESENTATION OF

Nixon Television Statement, April 29, 1974

John Dean charged in sworn Senate testimony that I was "fully aware of the cover-up" at the time of our first meeting on September 15, 1972.

Dean testimony before Senate Watergate Committee, Book 4, p. 1475:

BAKER: No, let's talk about the pleasure. He [Nixon] expressed pleasure the indictments had stopped at Mr. Iddy.

Can you ...tell me the language that he used?

DEAN: Senator, let me make it very clear the pleasure that it had stopped there is an inference of mine based on...the impression I had as a result of the, of his complimenting me.

p. 1482:

BAKER: But in an effort to summarize it..., in effect, you drew inferences from the totality of this conversation and the circumstances and relationships as you knew it, you drew inferences that led you to believe that on September 15 the President knew something about at least the efforts to counter the Watergate and possibly, in fact, about Watergate itself.

DEAN: That is correct.

DEAN - CRIMINAL INVOLVEMENT

(to juxtapose with Dean excerpts from pp. 153-54, 214)

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

His revelations to me on March 21st were a sharp surprise, even though the report he gave to me was far from complete, especially since he did not reveal at that time the extent of his own criminal involvement.

John Dean

Feb. 28, 1973

P— There is no question what they are after. What the Committee is after is somebody at the White House. They would like to get Haldeman or Colson, Ehrlichman.

D—Or possibly Dean.—You know, I am a small fish.

P—Anybody at the White House they would—but in your case I think they realize you are the lawyer and they know you didn't have a (adjective deleted) thing to do with the campaign.

D—That's right.

P—That's what I think. Well, we'll see you.

D—Alright, sir—Good-bye.

B-92

March 21, 1973

D—Liddy—I did have dealings with him afterwards and we never talked about it. Now that would be hard to believe for some people, but we never did. That is the fact of the matter.

P—Well, you were talking with him about other things.

D—We had so many other things.

P—He had some legal problems too. But you were his advisor, and I understand you had conversations about the campaign laws, etc. Haldeman told me that you were handling all of that for us.

B-136

March 27, 1973

H—Dean says—he says—I did see Liddy roughly five or six times during that period of January 5 to June, and it was always on campaign legal matters. You know.

P—Well, I know. Dean—remember you always told me Dean made all these studies of it and—

B-235

March 21, 1973 - A

D—Yeah. To come forward. But some people are going to have to go to jail. That is the long and short of it, also.

P—Who? Let's talk about—

D—Alright. I think I could. For one.

P—You go to jail?

D—That's right.

P—Oh, hell no! I can't see how you can.

D—Well, because—

P—I can't see how. Let me say I can't see how a legal case could be made against you, John.

D—It would be tough but, you know, I can see people pointing fingers. You know, to get it out of their own, put me in an impossible position. Just really give me a (unintelligible)

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P—Oh, no! Let me say I got the impression here— But just looking at it from a cold legal standpoint: you are a lawyer, you were a counsel—doing what you did as counsel. You were not—What would you go to jail for?

D—The obstruction of justice.

P—The obstruction of justice?

D—That is the only one that bothers me.

P—Well, I don't know. I think that one. I feel it could be cut off at the pass, maybe, the obstruction of justice.

154

March 22, 1973

D—One issue that may come up as the hearings go along is the fact that the focus on this book is that Dean knew—as you all know I was all over this thing like a wet blanket. I was everywhere—everywhere they look they are going to find Dean.

P—Sure.

H—Well, I don't think that is bad.

E—I don't either. You were supposed to be.

P—You were our investigator. You were directed by the President to get me all the facts. Second, as White House Counsel you were on it to assist people in the Executive Branch who were being questioned. Say you were there for the purpose of getting information. That was your job.

D—That's right.

P—But the main point certainly is that Dean had absolutely no operational activity. The wonderful thing about your position is that as far as they are concerned—your position has never never been as operative.

* * *

P—At the President's direction you have never done anything operational, you have always acted as Counsel. We've got to keep our eye on the Dean thing—just give them some of it—not all of it. I don't suppose they say John—no—we won't take it. (inaudible)

214

The Dean Problem

April 14, 1973 - P

H- but, ah, when it comes to this cover up business—

P—Expanding on, ah?

H—Yes, he has a feeling—the three fifty. I am not uncomfortable with that, but Dean, Dean is.

P—What do you do about Dean?

Dean's Liability

April 14, 1973 - D

H—Does Magruder guess that Mr. Dean's going to be indicted?

E—Magruder does not link Dean with the break-in and the bugging.

P—No, but he says he was there—

E—He's in the inception.

P—Yeah.

E—But they have that on him.

H—But he's in a wholly (unintelligible) all he had to do—reject this plan—

E—Sir? And he is not a participant in the Liddy, Magruder quarter-million—take it to Florida—plan. He is no link at all to the plan that was carried out.

P—All right then—so they get him for what? They get him for the aftermath, the aftermath, and the obstruction. He has half a chance. Not much. They'll say that he believed that he has a constructive immunity on that.

E—But he doesn't have it any more.

Pressuring Dean

April 14, 1973-G

P—One point, you are going to talk to Dean?

E—I am.

P—What are you going to say to him?

427

E—I am going to try to get him around a bit. It is going to be delicate.

P—Get him around in what way?

E—Well to get off this passing the buck business.

P—John, that's—

E—It is a little touchy and I don't know how far I can go.

P—John, that is not going to help you. Look he has to look down the road to one point that there is only one man who could restore him to the ability to practice law in case things go wrong. He's got to have that in the back of his mind.

E—Uh, huh.

P—He's got to know that will happen. You don't tell him, but you know and I know that with him and Mitchell there isn't going to be any damn question, because they got a bad rap.

428

P—Right. Well, with Dean I think you can talk to him in confidence about a thing like that, don't you? He isn't going to—

E—I am not sure—I just don't know how much to lean on that reed at the moment.

P—I see.

E—But I will sound it out.

P—Well you start with the proposition, Dean, the President thinks you have carried a tremendous load, and his affection and loyalty to you is just undiminished.

E—Alright.

P—And now, let's see where the hell we go.

E—Uh, huh.

P—We can't get the President involved in this. His people, that is one thing. We don't want to cover up, but there are ways. And then he's got to say, for example? You start with him certainly on the business of obstruction of justice.

E—That's right.

P—Look, John—we need a plan here. And so that LaRue, Mardian and the others—I mean,

E—Well, I am not sure I can go that far with him.

P—No. He can make the plan up.

E—I will sound it out.

P—Right. Get a good night's sleep.

E—Thank you, Sir.

430

Dean

April 15, 1973 - A

K—Last summer the conduct of everybody over here Mr. President—really created great suspicions in the minds of Silbert and Petersen, you know.

P—Right.

K—Instead of being open and frank with you, trying to create an impression of trying to help out, getting things going

P—This was basically the Dean problem. He was running it.

456

Dean

April 15, 1973 - A

P—If Dean does not testify about deep sixing documents and getting Hunt out of the country they have nobody else that can say that.

K—What they want initially.

P—Yeah—will they work out.

468.

Dean

April 15, 1973 - E

HP—That's right—they concluded the meeting with Dean. His counsel says he will not permit him to plead; that a—

P—Permit him to plead? What do you mean by that?

HP—To plead guilty. In other words, he will go to trial.

P—He is going to plead not guilty, huh?

HP—That's right, unless we come to some agreement with him. His counsel's position is that it would be a travesty to try Dean and not try Ehrlichman and Halde-
man.

P—Uh, huh.

HP—That is the basic information to the extent that it developed in these preliminary negotiations isn't much more than I gave you.

P—Well, let me ask you this. Based on this, though, you mean that inhibits you from using the information then, or do you use it, or how do you do it, or do you use it for leads, but you can't use it unless he pleads? right?

HP—We cannot use it for any purpose unless he pleads.

P—For no purpose?

HP—That's right. That's incorrect, unless we strike some agreement with him.

P—Hmp.

458

Drawback to Framing Dean

April 16, 1973 - D

H— And I acted at all times at the instigation of and through John Dean. In other words I didn't do any of this. John Dean came to me and said we need this and I knew I wanted to get rid of the money and said this is the way to do it, etc. And I must say that John Dean, the President's Counsel, through whom I was working and who was my only contact in this matter, at no time advised me that I was involved in doing anything that was illegal or improper and I would assume and have to act on the assumption that Dean got away with it.

P—Now, look. I don't want to get into the position of—

H—Hanging someone else? Well, but he is going to have hung himself at that point in time.

P—But the whole point is whether he then gets off and gets on other things. See what I mean? I don't want him—he is in possession of knowledge about things that happened before this. I told him that was all National Security.

531

April 17, 1973 - B

P—But you see if I say, "Dean, you leave today," he'd go out and say, "Well the President's covering up for Ehrlichman and Haldeman" alright. There you are. Because he knows what I know. That's what he would say. I tried to put—I mean—I'm trying to look and see—John—what to hell we are really up against. First it was Liddy (unintelligible) scapegoat, now John Dean is.

H—Well, the answer to that is that if he said it publicly, the President is not covering up for anybody, and will not tolerate—

P—The way he's put it to me, Bob, very cute, as I have said, "Son of a gun (unintelligible) in view of what you have told me, if Haldeman and Ehrlichman are willing to resign, and so forth, I too, will resign." In other words, he basically put the shoe on the other—which of course is what led me to the conclusion that that's exactly what his attorney told him to do.

April 17, 1973 - G

R—I would think that the one fellow that had to know about this and should just take a leave of absence is Dean.

P—(unintelligible) what about this—who the hell wants to (unintelligible)? It looks like this might (unintelligible) of course, set him off.

R—We don't.

P—Worse than he is.

R—Well I think your point is true enough. He appears beyond the thing, although he—

720

628

P—He was the one.

R—Pretty hard. Pretty hard to say, "The lawyers—"

P—Well he was—he was not. Not in this matter, I can assure you. He handled the whole thing.

721

Drawback to Framing Dean

April 17, 1973 - G

P- I am thinking whether to see Dean again unless its useful—I don't think you can control him, he's fanatic. If you feel it would be useful, let me know.
E- I will tell you what is lurking in the back of my mind is that, based on the chain of circumstances, Dean may be provoked to make a public statement which is slanderous and hostile.

737

Dean as Counsel

April 16, 1973 - B

P—I am going to expect you—after all, you are still the Counsel around here—

D—Laughter.

P—No, I am serious. You've got to advise me the same with Haldeman and Ehrlichman as long as you are around here, we've got to—

516

April 16, 1973 - F

E—Dick Howard just got a subpoena from the Grand Jury.

P—Yeah.

E—The FBI agent who called said, "I'm coming over to serve you with a subpoena from the Grand Jury, Mr. Howard. You may want to go and talk to Mr. Dean while I'm on my way over there in case you want to get any advice."

P—Did he talk to Dean?

E—No, fortunately, he talked to Colson. Colson—I had told him that Dean was over the hill, cautioned him, and then he told me and said, "Boy, you got an outpost over there. Well, U.S. Attorney's having the FBI agents send everybody a subpoena—go talk to Dean."

P—Because he was (unintelligible) the practice.

E—Well, I hope that's what they thought, but more probably they'd like Dean to sit there and listen to

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every guy's story and then call over and let them know what's going on.

P—(Unintelligible) Dean (unintelligible) talk to (unintelligible) apparently he's—

E—I must caution you about that because it's certainly improper for him to be counselling any of our people.

P—I've got to talk to him. He's got to quit counselling anybody right now.

589

The Dean Immunity Problem

April 17, 1973 - A

P—That's right. The other point is the other element. The question now that is coming as far as Dean is concerned. He basically is the one who surprises me and disappoints you to an extent because he is trying to save his neck and doing so easily. He is not, to hear him tell it, when I have talked to him, he is not telling things that will, you know—

H—That is not really true though. He is.

P—I know, I know, I know. He tells me one thing and the other guy something else. That is when I get mad. Dean is trying to tell enough to get immunity and that is frankly what it is Bob.

H—That is the real problem we've got.

619

April 17, 1973 - B

E—That knowledge imputed to us is knowledge imputed to you and if Dean is (unintelligible) and testified that he imputed great quantities of knowledge to us, and is allowed to get away with that, that, that will seriously impair the Presidency ultimately. 'Cause it will be very easy to argue—that all you have to do is read Dean's testimony—look at the previous relation-

620

ships—and there she goes! So, he says the key to this is that Dean should not get immunity. That's what he wants to tell you.

P—Well, he told me that, and I couldn't agree more.

E—Now he says you have total and complete control over whether Dean gets immunity through Petersen.

621

P— But I think you got to figure what to hell does Dean know. What kind of blackmail does he have? I don't know what all he does—

624

The Importance of Dean

April 13, 1973 - B

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

625

Dean Immunity

April 17, 1973 - B

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

627

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

628

Strachan - Is this why he can have immunity?

April 17, 1973 - B

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

H—He apparently said he did not.

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

636

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

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

E—And he'll say Strachan was involved.

P—He'll say Strachan was involved.

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

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

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

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

654

Immunity Policy

April 17, 1973 - B

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

H—Yeah, and the no immunity thing.

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

E—This has been a law and order administration.

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

659

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

660

April 17, 1973 - C

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

E—Uh, huh.

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

E—I think that is good.

663

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

P—Yeah, and leaks from the Grand Jury.

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

P—Yeah.

E—It will sell.

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

664

Evidence on Ehrlichman

April 17, 1973 - D

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

HP—Very thin indeed

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

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

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

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

HP—That's right.

671

Dean Immunity Problem

April 17, 1973 - D

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

HP—Right—you know why I asked

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

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

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

HP—Yes, sir

P—You better, I think...

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

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

675

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

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

HP—I will

P—and let me handle Haldeman and Ehrlichman.

HP—I will sir.

P—Do you get my point?

HP—Yes, sir.

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

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Dean Immunity

April 17, 1973 - D

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

HP—Well that—

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

679

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

679

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

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

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

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

680

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

682

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

HP—That's right.

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

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

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

HP—Well it does me too. I agree.

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DEAN IMMUNITY

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

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

EHRlichMAN: Fair enough.

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

EHRlichMAN: Well I'm doing my best.

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

Dean's credibility, etc.

April 17, 1973 - G

P—Dean's credibility is totally destroyed you know.

H—Dean (inaudible)

P—Sure, Dean was in charge of the investigation. Did they ask him that? Yes. I put it up to Ron and I made this point to Ron. "You know Dean somehow has sold out the White House, the Administration, etc."

H—That's a good statement. It is a good idea. It puts you exactly in the position that you should be in now.

732

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

737

April 27, 1973 - B

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

781

P—All right. We have got the immunity problem resolved. Do it. Dean if you need to, but boy I am telling you—there ain't going to be any blackmail.

HP—Mr. President, I—

P—Don't let Dick Kleindienst say it. Dean ain't — "Hunt is going to blackmail you." Hunt's not going to blackmail any of us. "It is his word, basically, against yours." It's his word against mine. Now for — who is going to believe John Dean?

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P—Dean is not credible. He is not credible.

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