

WFO 5/7/74

President: 'There Will Be Complete Cooperation'

Fourth in a Series

Meeting: The President, Haldeman, Ehrlichman and Press Secretary Ronald L. Ziegler, EOB Office, March 27, 1973. The meeting lasted from 11:10 a.m. to 1:30 p.m.

P. I don't believe that I should go out on national television tonight or tomorrow and go out on the Watergate commission and then come on the next day on national television on Vietnam. I don't like the feel of that. I don't think you — can it be ready by that time? My view is to get the Vietnam thing out of the way, and then get this right as you could. In other words, that gives you time.

E. The picture of the Congress having an inquiry going on and the grand jury in session, the Judicial Branch—

P. Right.

E. It seems to me it gives you a good opening for you to step in and say there doesn't seem to be anybody except me in position with all this. I have talked with the chief justice of the United States; I have talked Sen. Ervin, Sen. Baker and I, after that consultation, have posed this three-branch—

P. For an inquiry to start with the proposition of Ervin and Baker, where you don't come a cropper right there at the beginning on whether you can get the three branches. What's your view of the three-branch, John?

E. Well, I am not sure you could get it either.

P. What, — well, that it. Suppose you couldn't. Then I still think that it is good possibly that I — but we've got to have somebody other than me that could broker it. The problem you've got to recognize is that Haldeman can't, you can't, and Dean can't. Mainly because you possibly could, but its also the (unintelligible) about the whole White House. What we might have to do — I hate to assign this to anybody, but I might have to use Rogers on this to be the broker.

E. Yep.

P. Rogers can be a good broker at times. I don't know whether you could get a—

(Knocking on door—)

P. Oh, hi. How are you?

Z. Thought we would just check in.

P. Sure, sure. Right, right. In position, right—

Z. We have the patient rehabilitation veto today and the (unintelligible) to Thieu in South Vietnam, preparations—

P. Right.

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.

Z. Then if I am asked a question about whether or not Dean would appear before the grand jury, if I am asked that question—

P. Yeah.

Z. How should I handle that?

P. That's tough.

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).

Z. I am inclined to think that today my best position is just to say that this was discussed yesterday. We are willing to cooperate.

P. Why don't you say, "We have indicated cooperation and when we see the form of the request, or whatever it is—"

Z. "These matters must proceed in an orderly manner and I am not going to get up here and comment on the possibility of—"

P. "Of future action" (unintelligible)

E. The other thing you might do is — this would put our friend John Dean III in a tough spot — say, "while there have been some accusations against him, he's really in the poorest position to defend himself of anybody in the government."

(Material unrelated to presidential actions deleted)

E. I don't know whether it would add anything, really, from our standpoint to say this, but the point is here that the poor guy is under disability to step out and defend himself because of his position. Because he is counsel to the President, and that in a way—

P. That helps—

E. Inhibits him. Well,—

P. But (unintelligible) for Ron to get into that?

E. Well, but it is in the saying, would he appear before a grand jury?

P. Why don't we just say, "well, this is a matter that is not before us." Point out that he is counsel to the President, counsel to the White House — use the White House. Say, "He is the White House counsel and, therefore, his appearance before any judicial group therefore, is on a

different basis from anybody else," which is basically what I, you know when I flatly said Dean would not appear but others would. You know, I did say that, and of course—

E. It was on a different basis. And at the same time, a man in any position ought to be given a chance to defend himself from these groundless charges.

P. "Mr. Dean certainly wants the opportunity to defend himself against these charges. He would welcome the opportunity and what we have to do it to work out a procedure which will allow him to do so consistent with his unique position of being a top member of the President's staff but also the counsel. There is a lawyer, counsel — not lawyer, counsel — but the responsibility of the counsel for confidentiality."

Z. Could you apply that to the grand jury?

E. Absolutely. The grand jury is one of those occasions where a man in his situation can defend himself.

P. Yes. The grand jury. Actually if called, we are not going to refuse for anybody called before the grand jury to go, are we John?

E. I can't imagine (unintelligible)

P. Well, if called, he will be cooperative, consistent with his responsibilities as counsel. How do we say that?

E. He will cooperate.

P. He will fully cooperate.

E. Better check that with Dean. I know he's got certain misgivings on this.

Z. He did this morning.

P. Yeah. Well, then, don't say that.

E. Well, I think you can pose the dilemma without saying flatly what you are going to do.

P. Yeah. We — But maybe you just don't want to. You better not try to break into it, Ron.

Z. You get into posing the dilemma—

P. Then they are going to break into questions. I would simply stall them off today. Say that is not before us at this time, but let me emphasize, as the President has indicated, there will be complete cooperation consistent with the responsibilities that everybody has on the separation of powers. Fair enough? And, of course, consistent with Mr. Dean's other responsibilities as a counsel. See? How about just saying it that way? Well, John do you have doubts?

E. No. But if Ziegler opens, Ziegler has to answer something. About the only thing that occurred to me when I read this thing yesterday was somehow or another, he should be introducing the fact that Dean is going to get a chance to clear his name.

P. Yeah.

E. Eventually there is going to be an opportunity for that in some forum, at



Sketches on the text pages by Bill Oakes for The Washington Post

Press Secretary Ronald Ziegler

some time, in some way. But maybe you get into—

P. I don't think this is the day to do it.

Z. I think that is right. Give them more than a day to see how we approach the whole matter (unintelligible). RZ exit.

(Material unrelated to President actions deleted)

E. On the FBI, we will start moving some names to you. I hope you will look into that guy that (unintelligible) mentioned — we are trying to get a resume and some background.

P. A judge with a prosecuting background might be a hell of a good thing. I have decided when we move on it, it must be simultaneous. Gray comes in and says, "I am sorry, I can't get confirmed. I don't want to be confirmed in a way in which there is any division. There must be unanimous support for whoever is, and support for and trust in, the director of the FBI. As a result of the hearings to date, it is obvious that I am not going to get that kind of support in the Senate, even though I believe that I may be confirmed under the circumstances, I respectfully request that you withdraw my name." We withdraw his name and send somebody else down. That is a very sound basis. I am thinking of doing that. I would hope next week right after (unintelligible).

E. Ah, what would you think of doing that simultaneously with the appointment of a commission. We could make it in the same announcement. Could say, "here is a fine man who has been unfortunately splattered by this thing. It is a case study in how bystanders can get splashed by this sort of thing. It's not a fight where he came in."

P. You think, also, John, or at least you probably gave somebody the idea, that we should get Kleindienst out, too, at this point?

E. Yeah, yeah.

P. How do we do that?

E. Well, I am going to see him today, and Bob's going to talk to him, and we will hit him from two directions.

P. Get Kleindienst to resign?

E. Oh, no, no. Get him out front.

P. Oh, I thought you said get him out of the office.

E. Oh, no. I hadn't talked about that. That's Bill Rogers.

P. Oh, I am sorry, John.

E. No. We talked this morning about getting him out front.

P. I am afraid its (unintelligible) of canning him right away. Let's see. Let's see about that. Maybe we can. Well, what have you got to report. John and I have just started on (unintelligible).

H. All I have is Dean's report. I did not talk to Mitchell, because this thing changed what you might want from Mitchell. He had a long conversation again today with Paul O'Brien. Everybody has been talking (unintelligible) this, that, and all that. Of course, O'Brien is very distressed with Mitchell. The more he thinks about it, the more O'Brien comes down to Mitchell could cut this whole thing off, if he would just step forward and cut it off. He said the fact of the matter is as far as Gray could determine, Mitchell did sign off on it. And if that's

what it is, the empire will crack.

E. You said, "Gray."

P. What's that? I am sorry.

H. O'Brien, not Gray. As far as O'Brien can determine Mitchell did sign off and Dean believes that to be the case also. Dean doesn't think he can prove it, and apparently O'Brien can't either, but they both think that.

P. That's my—

H. And the more O'Brien thinks about it, the more it bothers him with all he knows, to see all the people getting whacked around in order to keep the thing from focusing on John Mitchell, when inevitably it is going to end up doing that anyway and all these other people are going to be so badly hurt they are not going to be able to get out from under. And that's one view. Now? to go back on the Magruder situation as O'Brien reports it, having spent several hours with Magruder, yesterday afternoon, O'Brien is inclined to think he really does believe, that the whole Liddy plan, the whole super-security operation, super-intelligence operation was put together by the White House, by Haldeman, Dean and others. Liddy, Dean cooked the whole thing up at Haldeman's instructions. The whole idea was the need for a super-intelligence operation. Now there is some semblance of, some validity to the point, that I did talk, not with Dean, but with Mitchell, about the need for intelligence activity and—

P. And Dean recommended Liddy?

H. Yes. But not for intelligence. Dean recommended Liddy as the general counsel.

P. Yeah, but this is where Magruder might come — well, go ahead.

H. That Mitchell bought the idea that was cooked up at the White House for a super-intelligence operation, and that this was all set and an accomplished fact in December of 1971, before Liddy was hired by the committee. But then Liddy was hired by the committee to carry it out and that that's why Dean sent Liddy over to the committee. Then there was a hiatus. There were these meetings in Mitchell's office where Liddy unveiled his plan. And the first plan he unveiled, nobody bought. They all laughed at it. It was so bizarre. So he went back to the drawing board and came back with a second plan and the second plan didn't get bought either — that was at the second meeting — and everything just kind of lingered around then. It was sort of hanging fire. Liddy was pushing to get something done. He wanted to get moving on his plans. And at that point he went to Colson and said, "Nobody will approve any of this, and, you know, we should be getting going on it." And Colson then got into the act in pushing to get moving with the Colson phone call to Magruder saying, "Well, at least listen to these guys." Then the final step was — all of this was rattling around in January — the final step was when Gordon Strachan called Magruder and said Haldeman told him to get this going, "The President wants it done and there is to be no more arguing about it." This meaning the intelligence activity, the Liddy program. Magruder told Mitchell this, that Strachan had told him to get it going on Haldeman's order on the President's orders and Mitchell signed off on it. He said, "OK, if they say

to do it, go ahead."

P. Was that this bugging?

H. The whole thing, including the bugging. The bugging was implicit in the second plan. He doesn't seem to be sure whether it was implicit or explicit.

P. Well, anyway—

H. He doesn't think that particular bug implicit, but that the process of bugging was implicit and, as I didn't realize it, nor did (unintelligible), but it was also in the Sandwedge going way back — the early plan. That incidentally, is a potential source of fascinating problems in that it involved Mike Acree, who is now the customs commissioner or something, Joe Woods, a few other people.

P. Nothing happened?

H. It wasn't done, activated, but these

— At some point, according to Magruder, after this was then signed off and put under way Mitchell called Liddy into his office and read him the riot act on the poor quality of (unintelligible). That's basically the scenario or summary of what Magruder told the lawyer. Dean's theory is that Mitchell and Magruder both realize that they now have their ass in this thing, and that they are trying to untangle it. Not necessarily working together again, but they are. In the process of that they are mixing apples and oranges for their own protection. And that they are remembering various things in connection with others, like Liddy and Hunt.

(Material not related to Presidential actions deleted)

H. He says for example, Magruder doesn't realize how little Dean told Liddy. He thinks that Dean sent Liddy in (unintelligible) Liddy (unintelligible) frankly to satisfy Dean. His screaming to Liddy was that he was general counsel over there and also take as a side activity the political intelligence because we do need information on demonstrators and stuff like that. That they are not doing anything about, but he never got into any setting up an elaborate intelligence apparatus.

P. Okay.

H. Dean says that as matter of fact, in contrast to Magruder's opinion, at the first meeting where a Liddy plan was presented, everybody at the meeting laughed at the plan on the basis that it was just so bizarre that it was absurd and completely funny.

P. Yeah.

H. The second meeting, Dean came into the meeting late. He was not there during most of the presentation, but when he came in he could see that they were still on the same plan of orbit and he says in effect, I got Mitchell off the hook because I took the initiative in saying, "You know it is an impossible proposal and we can't, we shouldn't even be discussing this in the attorney general's office," and all that Mitchell agreed, and then that is when Dean came over and told me that he had just seen this wrap-up on it, and that it was impossible; that they shouldn't be doing it; and we shouldn't be involved in it and we ought to drop the whole thing.

Then as Dean said, "N saw a problem there and I thought they had turned it off

and in any event I wanted to stay 10 miles away from it, and did." He said the problem from then on, starting somewhere in early January probably, was that Liddy was never really given any guidance after that. Mitchell was in the midst of the ITT and all that stuff, and didn't focus on it, and Magruder was running around with other things and didn't pay much attention, and Liddy was kind of bouncing around loose there.

E. Well, now, how do you square that with the allocation of money to it?

H. Well that presumably was the subject in focus by somebody. Who signed off on that?

E. Magruder, possibly Mitchell, possibly Stans, certainly —

P. I don't know that they can say that the allocation of money for this super-intelligence operation, I don't think I ever — that's what Magruder said —

E. Someone was paid to focus on —

H. Yeah, someone focused and agreed that there had to be some intelligence and that it would take some money and that Liddy should get it.

E. And against the background of the two plans being presented and rejected, the logical question that would arise is, well, what are you going to do with the money? You don't have an approved plan?

H. Yeah.

E. So that doesn't put anything together.

P. Well, it doesn't hang together, but it could in the sense of the campaign —

H. Well, what he thinks, he thinks that Mitchell did sign off on it.

P. My guess is Mitchell could just say, "Look," he says, "this, that and the other thing," and he says, "all right go ahead but there was no plan of this."

H. Except if you support Dean's opinion (unintelligible)

P. So —

H. Now O'Brien says that Magruder's objective in holding at the moment is a meeting with Mitchell and me. And that what he has told the lawyers, that will be a shot across the bow and tear down the meeting place. O'Brien doesn't really believe Jeb, but he's not sure. O'Brien is shook a little bit himself as he hears all this. But he does see very definitely and holds also to the theory of mixing of apples and oranges. He's convinced that Jeb is linking together things that don't necessarily fit together in order to help with (unintelligible). And, again, he's very disappointed in Mitchell. He feels that Mitchell is the guy that is letting people down. O'Brien made the suggestion that if we wanted to force some of this to a head, there is one thing you might consider is that O'Brien and Parkinson, who are getting a little shaken now themselves, are retained by the committee. That is by Frank Dale. He is the chairman of the committee.

P. Does that still exist?

H. Yes. They are —

P. They aren't involved in the damn thing are they? O'Brien and Parkinson?

H. Yes.

P. They ran this all from the beginning?

H. Oh, no.

P. Well, that is what I thought.

H. But they are involved in the post-discovery, post — June 17th.

P. (Expletive removed) (unintelligible)

H. O'Brien says, "Everything with the

committee — what you might want to consider is the possibility is to waive our retainer, waive our privileges and instruct us to report to the President all of the facts as they are known to us as to what really went on at the Committee to Re-Elect the President."

P. For me to sit down and talk to them and go through —

H. I don't know. He doesn't mean necessarily personally talk to you, but he means talk to Dean or whoever you designate as your man to be working on this. Now, other facts. Hunt is at the grand jury today. We don't know how far he is going to go. The danger area for him is on the money, that he was given money. He is reported by O'Brien, who has been talking to his lawyer, Bittman, not to be as desperate today as he was yesterday but to still be on the brink, or at least shaky. What's made him shaky is that he's seen McCord bouncing out there and probably walking out scot free.

P. Scot free and a hero.

H. And he doesn't like that. He figures here's my turn. And that he may go —

P. That's the way I would think all of them would feel.

H. And that he may decide to go with as much as is necessary to get himself into that same position, but probably would only go with as much as is necessary. There isn't a feeling on his part of a desire to get people, but a desire to take care of himself. And that he might be willing to do what he had to do to take care of himself, but he would probably do it on a gradual basis and he may in fact be doing it right now at the grand jury. He feels, in summary, that on both Hunt and Magruder questions we're not really in the crunch that we were last

night. He is not as concerned as he was when he talked with you last night. We are now going with Silbert —

P. Who's that?

H. The U.S. attorney is going to Sirica seeking immunity for Liddy so Liddy can be a witness. Liddy's lawyers will argue against immunity, for he does not want it. Dean's judgment is that (unintelligible) will probably fail. Sirica will grant it. Sirica's clear disposition —

P. If he doesn't talk, then he gets contempt. Is that it?

H. Liddy, if he gets immunity, his intention, as of now at least, is to refuse to talk. And then he would be in contempt. The contempt is civil contempt and it only runs for the duration of the grand jury which is limited. And as long as he is in jail anyway, it doesn't make a hell of a lot of difference to him.

P. I will almost bet that is what Liddy will do.

H. Well that's what Dean will also bet. Dean has asked through O'Brien — Maurolis for Liddy to provide a private statement saying that Dean knew nothing in advance on the Watergate, which Liddy knows to be the case. To his knowledge, Dean knew nothing about it. Dean would like to have that statement in his pocket and has asked Liddy for such a statement. Dean feels that he would want to give it. O'Brien raised the question whether Dean actually had no knowledge of what was going on in the intelligence area between the time of the meetings in Mitchell's office, when he said don't do anything, and the time of the Watergate discovery. And I put that very question to Dean, and he said, "Abso-

lutely nothing."

P. I would — the reason I would totally agree — that I would believe Dean there (unintelligible) he would be lying to us about that. But I would believe for another reason — that he thought it was a stupid damn idea.

E. There just isn't a scintilla of hint that Dean knew about this. Dean was pretty good all through that period of time in sharing things, and he was tracking with a number of us on —

P. Well you know the thing the reason that (unintelligible) thought — and this incidentally covers Colson — and I don't know whether — I know that most everybody except Bob, and perhaps you, think Colson knew all about it. But I was talking to Colson, remember exclusively about — and maybe that was the point — exclusively about issues. You know, how are we going to do this and that and the other things. (unintelligible) mainly, the labor bill, how do we get this, how do we get aid to the Catholic schools.

H. Getting that aid to Catholic schools, you know was a — Colson's fight was with (unintelligible).

P. Right. That was what it is. But in all those talks he had plenty of opportunity. He was always coming to me with ideas, but Colson in that entire period, John, didn't mention it. I think he would have said, "Look we've gotten some information," but he never said they were. Haldeman, in this whole period, Haldeman I am sure — Bob and you, he talked to both of you about the campaign. Never a word. I mean maybe all of you knew but didn't tell me, but I can't believe that Colson — well —

See TEXT, A17, Col. 1

TEXT, From A16

H. Maybe Colson is capable of — if he knew anything out of that, but not telling you what we were at least —

P. Well, at least, nothing of that sort because as a matter of fact I didn't even know — I didn't know frankly that the Ellsberg thing, etc. — electronically thing — you know what I mean?

E. (unintelligible)

P. And I guess there you deliberately didn't want me —

E. Well, sir, I didn't know. I didn't know what this crowd were up to until afterwards.

P. Right.

E. And I told you, afterwards we stopped it from happening again.

P. Right.

E. In that setting —

P. That was in the national security?

E. That was in the national security leak thing. But the interesting thing about Colson, corroborative of what you say, is that when I got a phone call from Secret Service saying there had been this burglary — the first guy I called was Colson.

P. Yeah.

E. And his response, as I recall it, was one of total surprise, and he could have said then, "Oh, those jerks, they shouldn't have; Or "I knew about it earlier"; Or referred to it by saying, "It would have been a meaningful leak" but he didn't. He was totally nonplussed, the same as the rest of us.

P. Well, the thing is too, that I know they talk about this business of Magru-

der's saying that Haldeman had ordered, the President had ordered, etc., of all people who was surprised on the 17th of June — I was in Florida — was me. Were you there?

E. No, I was here.

P. Who was there?

E. I called Colson, Haldeman, and Ziegler and alerted them to this.

P. And I read the paper. What in the name of (expletive removed) is this? I just couldn't believe it. So you know what I mean — I believe in playing politics hard, but I am also smart. What I can't understand is how Mitchell would ever approve.

H. That's the thing I can't understand here.

P. Well, Magruder I can understand doing things. He is not a very bright fellow. I mean he's bright, but not — he doesn't think through to the end. But Mitchell knows enough not to do something like that.

H. Yeah but I will tell you what could have happened very easy there. Mitchell was attorney general. He was using, legally, and sometimes officially he was using his great capacity to pull irons out of (unintelligible) every day and you get into a mine center and you get used to that.

P. Could be. Could be.

H. You don't regard it with the same kind of feeling that —

P. Yeah. Could be. Could be. Well, anyway.

H. Dean says — he says — I did see Liddy roughly five or six times during that period of June 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 —

H. I believe that. He said at one of those meetings I went to, I said to Liddy something about how is it going? He said he started to say I am having a hell of a time getting Magruder going on this operation and Jean said, "I told you, Gordon, that is something I know nothing about and don't want to know anything about, as a matter of fact."

P. That's right.

E. That was prior to June of 1972. Right?

H. Right. Yeah. Here's another factor, now that we know he is following up that point. He said as a matter of fact, the reason I called him on June 19 — I said, "Now wait a minute. You called Liddy on June 19?" He said, "Yes. The reason I did, because Kleindienst told me that Liddy had come to see him on the 18th at Burning Tree." That was the day after the discovery on Sunday, we, ah — the purpose of that was to tell Kleindienst he had to get his men out of jail and all that. Kleindienst said I wish that damn Liddy would quit talking to me about this stuff. At that time, Liddy told Kleindienst that Mitchell had ordered it.

P. Oh.

H. That's true. You know though, Liddy was using that as his means for trying to get to the (unintelligible).

P. You know Mitchell could be telling the truth and Liddy could be too. Liddy just assumed he had abstract approval. Mitchell could say, "I know I never approved this damn plan." You've got to figure the lines of defenses that everybody's going to take here. That's Mitchell's. Right? What's Haldeman's line of defense? Haldeman's line of defense, "I never approved anything of the sort. I

just" — you know that — What's Ehrlichman's? There is no doubt he knows nothing about it. The earlier things — yes. We did have an operation for leaks, etc. What would you say if they said, "Did you ever do any wiretapping?" That is a question they will ask. Were you aware of any wiretapping?

E. Yes.

P. You would say, "Yes." Then "Why did you do it?" You would say it was ordered on a national security basis.

E. National security. We had a series of very serious national security leaks.

P. As you were saying on the —

E. Let me go back and pick up this business about taps. I think — I have done some checking and I want you to get the feel for what I would say if this Hunt thing slopped over on me.

P. Incidentally, my view is — I don't know Hunt — I don't think Hunt will do that.

E. I don't think he will either, because

P. You don't think he is going to have to take a fall for (unintelligible) any burglary? If he does —

E. The, the line of response would be this as I see it. Starting back in the days when I was counsel to the President, we were very concerned with our national security leaks and we undertook at that time a whole series of steps to try and determine the source of the leaks. Some of this involved national security taps duly and properly authorized and conducted. We had three very serious breeches. After I left the office of counsel, I continued to follow this.

P. Yeah. At your request.

E. We had three very serious breeches. One was the whole Szulc group; one was the Pentagon Papers and the other was the Pakistan-India situation; but there were leaks all through there and so we had an active and on-going White House job using the resources of the bureau, the agency and the various departmental security arms with White House supervision. In this particular instance, Hunt became involved because at the time of the Pentagon Papers break we had dual concerns.

We had concern about the relationship of this particular leak to other security leaks that we had across the government — Rand, etc. — and so we moved very vigorously on the whole cast of characters in the Pentagon Papers thing. Some of our findings have never come out. It was an effort to relate that incident to the other national security breeches we had, and also to find out as much as we could about this. We put a number of people into this that we had at work on other things. One was Hunt and he in turn used Liddy. I didn't know — and this is fact — I checked this two or three ways.

I didn't know what they were doing about this operation in Los Angeles until after it occurred and they came to me and told me that it had been done and that it was unsuccessful and that they were intending to make a re-entry to secure papers that they were after. I said no, and stopped it at that time. Young and Krogh operated that, the whole operation. From the beginning as a matter of fact with the Szulc leaks and so on and they laid it out perfectly. 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 —"

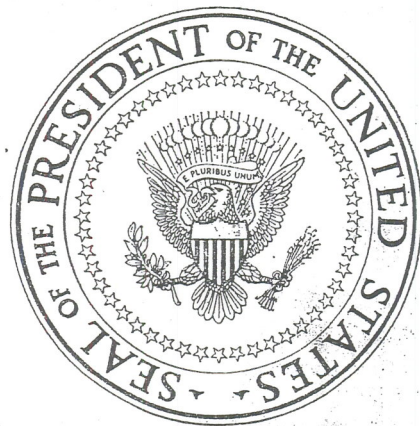
P. Should he?

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. OK. Go ahead.



H. All right, now. One information idea in talking with Dean that he proposed last night — he says he still thinks it is possible and has a good possible approach — he has been trying to take it apart. He says the approach, as he sees it, is that the President says here's what's been charged about the White House and about the Committee to Re-Elect the President. He puts it all in perspective in terms of political, you know, this kind of stuff goes on, this is all (unintelligible) about.

P. Yeah.

H. But we are now at a point where fact and fiction are becoming badly confused. We are involved in an intense political situation with the press, with the Senate committee, you know, and others are prejudging his case — (unintelligible) then Weicker and others who are.

P. Various people will — defendants that are guilty, know to be guilty, are making charges.

H. Right.

P. Which should, of course, be —

E. The FBI is being falsely charged with inadequate investigation activity and duplicity and so forth.

P. (unintelligible) Justice.

E. The Department and the U.S. attorney's office are being —

P. They're (unintelligible) questionable.

H. Now, no man is above the law and that is a basic principle we must operate on, but under these circumstance there's no possibility of a fair hearing and every

man is entitled to the protection of the law and the public is entitled to the facts in this matter. But the people who are in charge and are involved are entitled to fair treatment. People who are involved, well wasn't any (unintelligible) in being involved. So, I've created a super panel which will have the cooperation of all investigative agencies. All the people who have been charged in this matter have volunteered to submit their entire — their facts — to this panel.

P. Be questioned by it.

H. And be questioned by it. They've agreed to waive their right to trial by jury.

P. What (unintelligible)

H. And the panel is empowered to act to remove anybody that it sees fit because of involvement, to level fines and to impose criminal sanctions. The defendants in the Watergate trial, the men who have already been — can also submit any information that they want.

P. Right.

H. Anyone who does not submit to the proceedings of this committee under these conditions—

P. Resign.

H. Will be faced with the fact that all information developed by the committee and all other sources will be turned over to the Justice Department for criminal prosecution. There will be no judgment until all the facts are received by the commission and then the commission will make public all of its findings and the reasons for all actions taken. They will proceed in secret and their decisions will be final and not subject to appeal. And the people appearing before them will voluntarily submit to that. What (unintelligible) is appeal.

P. How's that (unintelligible)

H. I don't know.

E. That's — that sounds like a little bit simpler than that — than what I originally thought he had in mind. He says—

P. Wonder if the President has the power to set up such a thing. Can he do that sort of thing? You know, that's the whole point. I don't think so.

E. Executive process.

H. By voluntary—

E. You get the (unintelligible) away. Yeah but it isn't — it isn't that guy. It's the fellow who doesn't submit who in effect is being denied due process.

P. You're right.

H. The information on him will be turned over to the criminal — might be he'd be subpoenaed.

P. No then you see you sort of condemned him by—

E. Negative inference.

P. Negative inference.

H. We're all condemned by negative inference right now.

E. I appreciate that, but that's—

P. You're not condemned in a court.

E. It's a little different. Well, I — that isn't, that isn't a salient point at all in this thing.

H. He feels that there are a lot of advantages on this and two major internal ones. It will take the panel a long time to get set up, get its processes worked out, get its hearings done and make its findings and then you'll probably be past the '74 elections which'll be desirable. Secondly, the President maintains the ultimate stroke on it, because he always has the option on January 19 to pardon any-

body who (unintelligible) a pardon. So the potential ultimate penalty anybody would get hit in this process could be about two years. His view could be to put — you need to get someone on the panel who knows politics.

E. Former governor, or something like that.

H. But if you would want Earl Warren, he'll do it but it's not (unintelligible). What could that matter to the people. I said what do you do about Ervin. Well, you call Ervin down. You tell him the plans and explain why you're doing it, that justice is not being carried out now, there's finger pointing and a lot of problems. And you ask him to hold his hearings in abeyance until the panel serves its purpose.

P. And what if Ervin would say, well I'll hold my hearings in abeyance on Watergate, but not on other things. I'm guessing here.

P. That's their problem.

H. Then you ask—

P. Oh, that's not theirs.

H. Then, I said, what if I asked Ervin to serve on the panel. He said he thought that was a pretty good idea. He said he probably wouldn't do it, but it'd still give him an awkward stand on a sticky position. The only other idea he comes up with is he said, "One thing you might want to consider is the President calling Mitchell in for a one-on-one talk. The President now has all the facts on this — (unintelligible) tell us. But I, Dean, don't know the facts on Mitchell." He said, "I think that Mitchell would not pull any punches with the President and if the President — that would be a way to find out what Mitchell's true perception of what did happen."

P. And that's probably the only way.

H. Supposing—

P. Suppose now, the fact that (unintelligible) took my time. Suppose you call Mitchell and say to him, will you — what do you learn — for what. And Mitchell says, "Yes, I did it." Then what do we say?

H. Its greater knowledge than we possess right now — if he would only confess.

E. I was just going to say, maybe if Rogers said it to him—

P. Mitchell?

H. Bill thinks—

P. Mitchell? Mitchell despises him.

H. Yeah, I know he does. That's all it is — I didn't call Mitchell because I need (unintelligible) but we should go ahead with Magruder, I think.

E. Right now?

P. Oh, I agree.

H. (unintelligible)

P. (unintelligible)

E. I say any idea of a meeting between you and Mitchell ought to wait until the Magruder, Haldeeman, Mitchell meeting.

P. Oh, really?

E. And see what transpires there. Maybe the idea that Magruder says he (unintelligible)

P. What about the other way around. How about me getting Mitchell in and say, look (unintelligible) you've got to tell us what the score is, John. You have to face up to where we are. What do we say? How do we handle (unintelligible)

H. My guess is Mitchell would turn on you. I think Mitchell would say, "Mr. President, if it will serve any useful purpose for you I would come—"

P. Isn't it just as well for me to call and ask him to meet with Magruder? Or what do you think, John? I have not really had from Mitchell but I have had from Haldeeman, I have had from Ehrlichman, I have had from Colson cold, flat denials. I have asked each of you to tell me, and also Dean. Now the President, therefore, has not lied on this thing. I don't think that yet has been charged. Liability has been charged, but they haven't charged the President with any offense. They are (unintelligible) in trying to protect his people who are lying. But I don't — doesn't anybody suggest that I (unintelligible) this whole damn thing?

H. As of now it is all saying that you are being ill-served by (unintelligible).

P. By my people. But I don't know about Mitchell. I never asked him.

H. (unintelligible). It can't hurt anything. (unintelligible).

P. I should get Mitchell down rather than ask him, don't you think?

H. Yeah.

P. What I've got to do is think in terms of my own plans. I will spend my day today on this, but I will have to clear the deck for tomorrow (unintelligible)

E. You could say, considering legislative legal insurance, they tell me that according to the information they have, they need some assurances where you are concerned.

P. Here is what Magruder is saying.

E. Magruder is saying?

P. I think I will tell him here is what Magruder is saying. I don't know really know what he is saying about the White House, but I understand he is saying that you signed off on it. Is that what Magruder is saying?

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.

P. So—

H. And look at the alternative that he now sees. It is either that or he goes to jail on perjury.

P. How are they going to prove it?

E. With other witnesses, not through his own mouth.

P. What other witnesses?

H. Beats me. I don't know how they can prove perjury.

P. Hunt?

H. He has to be a great big gamble because he knows — let's assume — he knows he did perjure himself and if you know, that you are guilty, you have to be pretty concerned about someone's ability to prove it.

P. That's right.

E. And Liddy and McCord, and Sloan

and that little thing in McCord's letter about Sloan has to worry him.

H. If its about Sloan. That's another thought. It may be about Barker.

E. Is he (unintelligible)

H. And it is more likely because Barker worked for him.

E. I see. Well—

H. Barker said he couldn't remember who he delivered the tap reports to.

(Material unrelated to Presidential actions deleted)

P. Well, what is Mitchell's opinion though? You mean to say—let's see what he could do. Does Mitchell come in and say, "My memory was faulty. I lied?"

E. No. He can't say that. He says—ah, ah—

P. "That without intending to, I may have been responsible for this, and I regret it very much but I did not realize what they were up to. They were—we were—talking about apples and oranges." That's what I think he would say. Don't you agree?

H. I think so. He authorized apples and they bought oranges. Yeah.

P. Mitchell, you see, is never never going to go in and admit perjury. I mean he may say he forgot about Hunt-Liddy and all the rest, but he is never going to do that.

H. They won't give him that convenience, I wouldn't think, unless they figure they are going to get you. He is as high up as they've got.

E. He's the Big Enchilada.

H. And he's the one the magazines zeroed in on this weekend.

P. They did? What grounds?

H. Yeah. (unintelligible) has a quote that they maybe have a big fish on the hook.

P. I think Mitchell should come down.

E. To see you, me, Magruder.

P. Yeah. We'll have him come down at 5:30. (unintelligible) I would like to talk with him. You, Magruder and he and Dean—no, no.

H. Well, Magruder said he would be happy to have Dean sit in. Its my view, I don't think we want Dean to sit in.

P. (unintelligible).

H. I don't think so.

P. Magruder has got to know—I just don't—my own feeling is, Bob,—the reason I raise the question of Magruder is what stroke have you got with Magruder? I guess we've got none.

E. I think the stroke Bob has with him is in the confrontation to say, "Jeb, you know that just plain isn't so," and just stare him down on some of his stuff and it is a golden opportunity to do that. And I think you will only have this one opportunity to do it.

P. (unintelligible) said it isn't so before.

E. That's all the better, and in his present frame of mind I am sure he will rationalize himself into a fable that hangs together. But if he knows that you are going to righteously and indignantly deny it, ah—

P. Say that he is trying to lie to save his own skin.

E. It'll bend—it'll bend him.

H. Well, but I can make a personal point of view in the other direction, and say, "Jeb, for God's sake don't get yourself screwed up by—solving one lie with a second. You've got a problem. You ain't

going to make it better by making it worse."

P. Hero for the moment, but in the minds of—

H. Well, then you've got Magruder facing all—

P. Let me tell you something—let me tell you something. I have been wanting to tell you this for some time. (unintelligible) always dealing with foreigners. Good causes are destroyed. Chambers is a case in point. Chambers told the truth, but he was an informer, obviously because he informed against Hiss. First of all, it wouldn't have made any difference whether the informer (unintelligible). First of all he was an (unintelligible) Hiss was destroyed because he lied—perjury. Chambers was destroyed because he was an informer, but Chambers knew he was going to be destroyed. Now, they've got to know that this whole business of McCord going down this road and so forth. I don't know the (unintelligible)

E. McCord is a strange bird.

P. Trying to get out. I have never met him. Ever meet him?

E. Nope, But Dean—

P. Tell me about him.

H. Let's go another one. So you persuade Magruder that his present approach is (a) not true; I think you can probably persuade him of that; and (b) not desirable to take. So he then says, in despair, "Heck, what do I do? Here's McCord out here accusing me. McCord has flatly accused me of perjury—He's flatly accused Dean of complicity." Dean is going to go, and Magruder knows of the fact that Dean wasn't involved, so he knows that when Dean goes down, Dean can testify as an honest man.

P. Is Dean going to finger Magruder?

H. No, sir.

P. There's the other point.

H. Dean will not finger Magruder but Dean can't either—likewise he can't defend Magruder.

P. Well—

H. Dean won't consider (unintelligible) Magruder. But Magruder then says, "Look, if Dean goes down to the grand jury and clears himself, with no evidence against him except McCord's statement, which won't hold up, and it isn't true. Now I go down to the grand jury, because obviously they are going to call me back, and I go to defend myself against McCord's statement which I know is true. Now I have a little tougher problem that Dean has. You're saying to me, 'Don't make up a new lie to cover the old lie. What would you recommend that I do? Stay with the old lie and hope I would come out, or clean myself up and go to jail?'"

P. What would you advise him to do?

H. I would advise him to go down and clean it up.

P. And say I lied?

H. I would advise him to seek immunity and do it.

P. Do you think he can get immunity?

H. Absolutely.

P. Then what would he say?

E. He would say, "I thought I was helping. It is obvious that here is no profit in this route. I did it on my own motive. Nobody asked me to do it. I just did it because I thought it was the best thing to do. Everybody stands on it. I was wrong to do it." That's basically it.

H. Magruder's viewpoint that to be

ruined that way which isn't really being ruined is infinitely preferable to going to jail. Going to jail for Jeb will be a very, very, very difficult job.

E. (unintelligible) he says he is a very unusual person. The question now is whether the U.S. attorney will grant immunity under the circumstances.

H. Well he would if he thought he was going to get Mitchell.

E. Yeah, that's right.

H. The interesting thing would be to watch Mitchell's face at the time I recommend to Magruder that he go in and ask for immunity and confess.

P. John, what about this commission?

E. The first step on that it seems to me is to sell Bill Rogers on the idea, if it's a good idea.

P. But the other thing first is to talk with Bill Rogers and see whether he comes up with a decent committee.

E. Well I would say first we've got to be convinced that it is a good idea. If the President's satisfied that it is a good idea, then we get Bill Rogers to—

P. Well you see to make it is—problem that we've got here as everybody there felt at the time (unintelligible)—

E. There's glory in this for Bill. This is his idea.

H. You see you are saying Bill would publicly be the father of this.

E. Bill would be the father of this. He would go to Ervin and say I am terribly concerned about this whole business.

P. He would be the broker?

H. He came to the President and said this is what you must do.

P. Go Warren?

E. He would go to Ervin and say I see this impasse developing between the grand jury and (unintelligible).

P. Might go to Judge Sirica?

E. I don't think he would. He's not really smart.

H. I know that, but why not see him? That's fine.

E. Either that or go to Burger, (unintelligible) somebody in the Judicial Branch and have them designate two senior judges from around the country who have retired—trial judge types. And just designate them at random. It takes it out of your hands. Ah, they represent the Judicial and—

P. And not have Warren?

E. And not have Warren. No.

P. Warren is so old, you see.

E. He scares me to death.

H. Then you'd have to ask the speaker

H. And the majority leader—

P. No, I don't think the Congress.

E. No. they've already done that. I think you are off the hook on that.

H. You mean invite Ervin and Baker?

E. You invite Ervin and Baker if they decline. Then that is the whole story of the Congress.

P. Then just have the two senior judges.

E. The senior judges and—

P. Why don't we have a panel of senior judges rather than try to get—you talk about the former attorney general and so forth—

H. I would take your senior judges.

P. You see, if we had the chief justice and a panel of three senior judges, or four—maybe Clark.

E. Maybe Clark as the chairman.

H. Yeah.

P. Clark is a Democrat and a former

attorney general. He'd be the chairman. A panel of three I think would make a lot of sense. Now they have to have a staff. How do we finance that? The Justice Department?

E. Of course (unintelligible). He's got an office over here in the Federal Building.

P. They would hire legal counsel—

E. What that does is tend to rob Ervin and the grand jury with yet a third investigatory group. It seems to me though, if it is just senior judges, you miss the genius of the fact that its got to be executive, legislative and judicial.

P. Speaking of— why do that?

H. Executive is what's on top.

E. Executive in a sense that you have citizen members. You know, the public is represented. The government, the whole question of integrity—

P. By this (unintelligible) you forget Congress if you get just judges. I think a panel of judges isn't all that bad either. A good standing panel of three judges.

E. I don't think it sells, though. That's the trouble. Then you look like you are dragging a red herring across the trail. You have to have some kind of rationale

H. Bill, last night, had some ideas on too—

P. Prominent Americans?

H. But then it has a reason for being and a reason for pre-empting.

P. What about making Clark chairman?

H. He could be called both an executive and judicial type, and then have two senior judges plus Ervin and Baker. There's a panel.

P. Well, anyway, let's (unintelligible)

E. I think in principle, though, getting a line around this whole subject is terribly important at this point rather than just bleeding this every day for hours at a time.



H. Sending down people to the grand

jury—

P. Oh, I understand. I understand that. My point is, John, I don't think— people say, you have to get it out tonight for example. It isn't going to be done tonight or tomorrow night. We can't get it done that fast.

H. I don't think you want to anyway. I think you want to end the war and freeze food prices first and then do this.

P. I wish it were Friday.

H. Friday is the time to do it.

P. Good, that means we better get going today. Alright. Who talks to— should John Ehrlichman and you talk to Bill Rogers, or is that a waste of time?

H. As of now John should not, as Bill is very concerned about not talking to people about it. I already have, and I think I should.

P. Alright. Fine. You get Bill to come over. Say you want to talk to him first and that I want to talk to him. Fair enough? But you will say he comes over to see me. The second point is to call Mitchell. Maybe you better make these calls on this phone so I will know what the hell my schedule is this afternoon.

E. I am going to meet with Kleindienst

E. On these other subjects.

P. Alright. What do we want Kleindienst to do?

E. We want to raise this thought with him in a hypothetical way.

P. (Characterization deleted). The only thing I would say on Kleindienst at the moment is tell him we are going to have to break with Gray who is killing us. We need to know what Gray's going to do. Can we handle it that way?

E. How are we run the bureau—

P. Who runs it, etc. etc. I don't know what Kleindienst knows or believes about this damn business. I once said to John or to Kleindienst, you know the man they are really after is John Mitchell. He said, "Oh, no, they are not after John Mitchell." I said, "Did you ever talk to him about it?" He said, "Oh, no." He has never discussed the damn thing with Mitchell. I wonder—

H. Well, damn it, he talked to Weicker. Now Weicker is out today with another statement.

P. What did he say today?

H. He has absolute proof that it goes to the White House staff and he is not going to name names until he gets his evidence in hand but something will turn up eventually.

P. Well, what— Kleindienst— well, raise that with him again.

E. Well Weicker (unintelligible)

H. He ought to say, "Well, I talked with the senator and he told me he didn't have any. Now he is back out in the press again. I don't understand that."

P. Well, who is Weicker. Who does he think he is talking about?

H. I have no idea. I don't know. I don't know who it can be.

P. Maybe it's this— ah— has Magruder talked to Weicker?

H. I don't think so.

P. Where is Weicker getting this?

H. Porter talked to everybody he can, including Mary McGrory.

P. McCord at the present time only fingers— his present finger is pointed only at two people, Dean and Magruder, so far.

E. And of all people McCord would be in a position, I think, to involve Mitchell.

He spent all that time with Mitchell and Martha.

P. But the question is whether McCord has got anything on the White House staff.

E. No, no. Hell, nothing.

P. Have you talked to McCord? I do think Kleindienst has got to take up the leading oar on this business of Weicker right away.

E. Right, again.

P. Again— he got him in today—

E. Did Weicker have much to do with Gray?

H. Yes. He's a friend of Gray.

E. Might have come from Gray. I don't know.

H. Weicker has very much to do with Gray. Weicker is Gray's sponsor. Weicker was against the White House before they sunk Gray and Weicker has issued a very vicious statement about us. This doesn't reach to the President but it sure gets to those sons-of-bitches around him, and I think he almost uses the words sons-of-bitches. Its as close to it as he could get. Those terrible people around him, evil men.

P. Have you thought about Colson?

H. That's what Dean thinks.

P. Dean thinks Weicker is talking about Colson?

H. Yeah, I think he does. He thinks it is Chuck.

P. Do you think Gray would talk to Weicker? John, has Gray ever talked with Colson?

E. Not to my knowledge—

H. I don't think he has.

P. John, you would have no problems to talk to Pat Gray and ask him what the hell Weicker is up to. Do you mind?

E. Not at all.

P. I think you should. "We can't understand what you are doing here on this. If there is anybody, the President wants to know."

H. Why the hell does he tell the newspapers instead of (unintelligible)?

P. And ask him, as the director of the FBI, to ask Weicker what it is. He, as the director of the FBI, is supposed to get all the information he can now. If there is anybody, the President wants the information. Let's try to get to Weicker through Gray. Do you mind trying that? I would like you to try that very soon, like one o'clock.

E. Right away.

P. You go find about Weicker. What time do you get to see Kleindienst?

E. I don't know. They were setting it up when I came over here.

P. All right. We're going to set up a meeting with Magruder— not right now. Mitchell first. Get him first.

H. Mitchell? All right.

P. You know John, let me add, there is one other thing here that Kleindienst might look into. I was pointing out that (unintelligible)— Of course, you have to change Gray. You know that. Kleindienst, I think you have to ride with that a while. I don't think you can just kick the attorney general out like that, you know. He was going to go anyway at a certain time, so he can go. Beyond that that point is to say that members of the White House staff who are indicted, etc., they would have to take a leave of absence— suspended— leave of absence. Say that you and Bob would have to in the event you were named. I think they have to mention cutting off at the pass some



G. Gordon Liddy

with Mitchell, we cleared it with Magruder and with Dean's lawyer.

And Dean thinks it was Magruder that leaked it.

P. Members of the White House staff. Well, (pause) I don't know whether you can say "would welcome the opportunity." Why don't you say, members of the White House staff will, will appear before the Grand Jury in person at any time the jury feels it's relevant and furnish any information regarding that individual's alleged knowledge. You see what I mean? I don't think you say would welcome. Will appear — will appear before the grand jury if the jury feels it is relevant. Furnish any information of an individual's alleged knowledge. (pause) Have you got it in hand?

Z. Well, except for that it is only for

me, as a talking piece.

P. Yeah. Have you had it? If the grand jury feels it's relevant, members of the White House staff, by direction of the President, will — will appear before the grand jury. I think that's a little better than the idea that members of the White House staff would welcome. Don't you think so John?

Z. By direction of the President.

E. Right.

P. By direction of the President will appear before the grand jury and furnish any information regarding that individual's alleged. I like that a little better.

E. Okay.

(Pause)

P. I would say it is not the objective of the White House however to draw a curtain down over this matter, to cover up

this matter, cover up this matter, and to withhold any information.

(Long pause)

P. Why don't we say that we admit there area, of course, other informal ways that could be used. We are ready — we are ready to — say — we are ready to discuss those procedures with the committee. No, and we are ready to cooperate with the committee to work out the procedure — to work out a proper procedure — be proper to work out a proper procedure. How's that, John? Is that all right?

E. That's all right. You want to say, we continue to be ready?

P. No. — just say, we are ready — let's — that's a little.

E. All right.

P. We are ready — we are ready to

place here and I believe — put it this way, (unintelligible) the spectacle of their just taking the whole damn White House staff up. There is someplace where you've got to cut them off.

H. Once you establish it, that you are following that route, if they were smart they would just start naming everybody just so you'd have no choice.

P. There is no way except that, Bob.

E. What I am getting at here and, maybe that isn't the way to do it, I don't know, is to insulate you, number one.

H. Well, that doesn't bother these people.

E. To make you appear to be ahead of the power curve and also to have some symbolic act of absolution after the thing is over, by being able to take them all back on. And say, "Alright, we have been through the whole thing. They fired the worst they had, but didn't make the case. I am taking this fellow back and reinstating him with full status." So obviously that is the reason. I can see the practical problem you would be faced with: you've got an awful lot of guys around here who like to—

H. Hold each other off, you know.

P. That isn't the problem. The problem is not the fact that we can't run the shop. We can run the shop, maybe not as well, but we can run it. But on the other hand, you say — like — let's — suit yourself — let's use Haldeman, because Haldeman could really beat these charges. Say Haldeman wanted to leave then—

H. (Telephone rings) (Haldeman answers telephone) Hi, John: Any chance of

See TEXT, A18, Col. 1

TEXT, From A17

your coming down? That's ok. Ah, could you come down first thing in the morning? Tonight? Which would you rather come? Yeah, Yeah. Oh, Well, this is to see me and also the other fellow. Good. Check out a couple things again. YOU MEAN THAT COMMISSION THING. Yeah, what's your feeling on that?

H. She goes a little far on this thing about your baiting Marquis Childs and all that sort of thing. And not necessary. Just set up the commission and let them report out their findings with the idea that criminal law and prosecution will evolve. It is a blue ribbon, four star grand jury. That's really what it is. Ah, one other thing that — delay in your coming down would be bad. Did he tell you that Jeb wants to meet with you? Oh, he is. Ok. That's the — I thought, well — the last I heard he wanted to get together with the two of us and now it is the next thing we are going to take a stab at down here. If he is there, you will have covered that ground with him. Ervin? Full committee. No, no. That's weak reed. Nothing. Yes, Well, we'd be glad to do it. There has been specific follow up on specific items, but he does. If you call and say, "Call somebody and say this," he calls somebody and says exactly that and calls back says, "Well, I didn't get any answer and that is the end of that." There is no initiative and there's no stuff beyond the vegetable. But Dean says we aren't

getting that either. I'll — do you think I should talk to Kleindienst? You do? Ok, ok. Only any of the Committee and indeed the Grand Jury. Ah, what will you do, have the office call what time you will be here? Ok. Right. Thanks. Yes, sir. Sure, Sure. Ok.

H. Magruder is with him right now.

P. What did he say about a meeting?

H. He is coming down the first thing in the morning.

P. Don't wait. What I meant is, I would like to get a report on his conversation with Magruder. Would you call him back on that?

H. Sure.

P. Do it this afternoon.

H. (unintelligible). It's worth a try, though.

P. Keep trying. It is now one o'clock, so probably—

H. Secretary of state, please. Yes, please.

(Telephone rings)

P. Will he do it — what did he say?

E. The only thing he knew was that Kleindienst had reported to him briefly that he had had a very amicable meeting with Weicker, but he didn't go into any of the details of the meeting. I suggested to him that he talk with Kleindienst before he, Gray, contacted him.

P. I don't want to—

E. Then I suggested to him—

(Telephone rings)

H. Bill — could you come over this afternoon to meet with the President? What's your time? We ought to get together for a few minutes ahead of — give you some background on what we have done. What's the earliest convenient time for you? Two o'clock? Is that alright? Is it? OK. Make it that you have an appointment with the President.

H. Wait a second.

P. Bob, I've got Mrs. Boggs at 3:00, so make it 1:30 so that I see him at 2:30.

H. How about 1:30? Good. With me, because the President is tied up for a few minutes at three and we could go over at 3:15. I think I would stay with the President. Yeah, and just drop in my office on the way. I think your record ought to be a meeting with the President. OK.

E. So Gray is going to do this. He is going to check with Weicker and then I left it with him that he either report through me if it were appropriate, or if not, to you direct, so that—

P. Is he going to call Weicker in?

H. He is going to Weicker?

E. He is going to see Weicker.

P. That's good.

H. Yep.

E. Today. I don't know where Weicker lives but mostly he (unintelligible) here

P. What the hell makes Weicker tick?

E. Nobody's been able to figure that out.

H. He sure must be mad at one of us. I don't know who or why.

P. I am anxious to get his report. You know what I mean. I don't know.

E. I don't know of any specific spies of his down here at all. I have heard that he is just establishing his independence at this point against the upcoming committee hearings.

H. Undoubtedly he's meeting with Jeb Magruder.

E. Oh, really?

H. He could have done it.

E. How about that?

H. That isn't why he's been at Weicker's office too. He says he could come down later.

P. He says at the market house?

H. I think he said market house. I don't know, I think—

E. I know what he means!

P. I really think I should not try to do that speech Thursday night. There are more important things.

H. No, sir!

E. That's the most important thing, that you keep the momentum of the business going—

P. I know, I know. I just meant though — I am just thinking — having this long seance with Mitchell tomorrow is going to be very difficult. Well, I will get it done. I will try to do — At least let's not have this difficult a schedule on Thursday. Keep one day of personal preparation. Although I feel pretty well.

P. Anybody else that you can think of to mull over this plan? Rogers is coming in at three. Well—

E. I will see Kleindienst. That's settled—

P. You'll see Kleindienst? When?

E. This afternoon at three o'clock.

P. Three o'clock, and then I think, when — huh?

H. Should I also see Kleindienst? Should I, or should John be the only one?

P. John, you do it.

That's what Mitchell was asking. Mitchell is very distressed that Kleindienst isn't stepping up to his job as the contact with the Committee, getting Baker programmed and all that (A), and (B) that he isn't getting — see Dean got turned off by the grand jury. Dean is not getting the information from Silbert on those things said at the grand jury. And Mitchell finds that absolutely incompetent and says it is Kleindienst's responsibility. He is supposed to be sending us—

P. Ask Kleindienst, John, put it on the basis that you're not asking nor in effect is the White House asking; that John Mitchell says you've got to have this information from the grand jury at this time and you owe it to him. Put it right on that basis, now, so that everybody can't then say the White House raised hell about this, because we are not raising hell. Kleindienst shouldn't — where are you going to see him there or here?

E. In my office.

P. Have a session with him about how much you want to tell him about everything.

E. Ah—

P. I think you've got to say, "Look, Dick, let me tell you, Dean was not involved — had no prior knowledge — Haldeman had no prior knowledge; you, Ehrlichman, had none; and Colson had none. Now unless — all the papers writing about the President's men and if you have any information to the contrary you want to know. You've got to know it but you've got to say too that there is serious question here being raised about Mitchell. Right? That's about it isn't it?"

E. See Magruder is playing — the game is interesting here. McCord is throwing off on Magruder and Dean. Why he picked Dean, I don't know.

P. Why did he pick Dean to separate?

Dean was in the news I guess.

E. Now wait a minute. Alright, not as much as Magruder. Magruder, too. What is shocking to me is his blowing off against the one fair guy you wouldn't think he would cut up, against Haldeman.

H. Yeah. Yeah, because he had thought—

P. He didn't pick Strachan. Nobody would care about Strachan—

E. But they care a hell of a lot about Haldeman.

P. And then Magruder was made by Haldeman.

E. Yeah.

P. And he also knows it's not true.

E. Oh,—

P. I can't figure it out.

E. Well, I wouldn't be surprised if McCord has been led by committee counsel. You see all the stuff about—

P. Dash.

E. Yeah. All the stuff about Dean comes in the LA Times story. It doesn't come in the McCord letter.

P. Yeah.

E. And Dean is the logical target of the committee.

P. Bob, how do you analyze Magruder tossing it off to you rather than to Mitchell? That started you, didn't it?

H. Well, he hits Mitchell too. He is just trying to wrap me because he wants to get you in. I think my view is that what Magruder was doing here was firing a threat to the President and intends to say it — I don't think he intends to use that so much as he intended — he is trying to get people shook up.

P. He isn't asking to see me is he?

E. Oh, no. He is trying to get a line around you for his own protection.

H. In other words, if all Magruder is going to do is take the dive himself, then we are not going to hear about it. If he makes us worry that he is going to get Mitchell and you and me—

P. John, do you see any way though, any way, that Magruder can stick to his story? No.

E. Yes, because he's an ingenious—

P. Stick to his story?

E. He's an ingenious witness. I think, I am told, if he is really as good as they say he is as a witness, it is possible that he could get away with it. Ah, it's arguable.

P. It's his word against McCord.

E. And he is flowing with the stream, you see. He is saying the things they want him to say.

P. No, no, no. I don't mean if he says—

E. Oh if he sticks to his old story — I see, I see. Thought you meant the story he is laying out here.

P. Oh, no, no. This story. They would take that in a minute.

E. I tell you I am to the point now where I don't think this thing is going to hold together, and my hunch is that anybody who tries to stick with a story that is not susceptible to corroboration is going to be in serious difficulty.

P. So, what do you feel then?

E. Well, that is why I said I thought he ought to move to a real and immune confession of perjury if he can do it. There's too many cross-currents in this thing now.

P. Yeah. This is my view. If Magruder is going to lie about it, you know, I am sure he checked it out. If Magruder is go-

ing to say then — then what the hell is in it for him.

H-E. Immunity.

P. Well, if he gets immunity — do we have — can't the U.S. — Who grants immunity? The judges?

E. Sirica grants immunity in the grand jury proceedings; Ervin grants it in congressional proceedings, the attorney general can grant it in anything.

P. Could the attorney general grant it in the congressional?

E. No, but what he does there is informally work out with the Congress the dependency of Justice Department action.

(Material unrelated to presidential actions deleted)

P. This is a bad rap here. We are not going to allow it. Our real problem is Mitchell. Now what about this? What are you going to do about it? He knows damn well Mitchell is right. Of course, we ought to know — can't the attorney general call Silbert, or is that too dangerous for him?

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

P. Henry Petersen?

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

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

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

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

E. That's right. And the President wants to know.

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

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

P. What have you today? Get every day so that we can move one step ahead here. We want to move. We are not going to wait until a grand jury drags them up there.

E. OK, I will let you know as soon as that is done.

P. I wonder if we aren't in a position to talk with Rogers and so forth, and get all the evidence in.

E. Judge Sirica. That's, in effect, what you would do if you sent everybody down to the grand jury. I think the judge does not have—

P. You don't think sending them to the grand jury is a viable option?

E. This idea doesn't appeal to me.

P. I am just thinking. I know picking out these commissions are so difficult, so (unintelligible) as the good doctors says.

E. Well, think about it in these terms. If you came up Friday and said, "OK, I will get this thing cleared up, so I am going to send every man jack of the White House down to the grand jury to hang. Sure. Sure. You lay it out, directly or indirectly. I have talked to the judge and he assures me it will be done very expeditiously and, ah,—

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.

P. Yeah. Another alternative that I thought of, rather than try to set up another procedure, call the judge in and say, "Judge, we will carry out this investigation by sending them all down here and you can question them. I want everybody here and I want you to get to the bottom of this thing. You will have my total backing." Now that is another way to do it.

E. That's OK, as long as you then get out front.

P. Well, I—

E. You say to the country, "I have now had this conversation with the judge—"

P. Yeah. Well, that's what I mean. That's what I would say.

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

P. Right.

E. "Why doesn't the Prssident," so and so and so.

P. "Say something what's he 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.

P. No matter how often we say we will cooperate — as you know we have done — and on and on and on—

E. They don't believe that at all — it is not getting through. Ziegler is not sufficiently credible on this.

P. That's right.

E. In a sense, because—

P. What about the judge business? Let's look at it that way, rather than the commission.

E. Well, then what you have done is you have said, "I will send John Dean; I will send Haldeman; I will send everybody to the grand jury. No immunity, just send them down there to testify. Let it all come out."

P. What's that mean to the grand jury?

E. (unintelligible)

P. No, I mean I'm not going to—

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.

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 alright —

P. I have never had any —

E. Since I had a 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 17?

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.

H. I think you've got to say that because basically their situation —

H. I think you've got to say that because basically their situation — Well, Colson will be very disturbed by that and he must have a reason why he would.

P. Well, why don't you get (unintelligible) in so that I can hear it clearly and I will know. What is it, Bob, as you recall at the moment, and then I will let you go. Colson says don't give anything away that you don't have to, but you don't have to, but you don't know what the hell is going to happen to you if you go in and lie.

H. His thing is don't do any line to break your privilege, because if you get into (unintelligible) you may want it.

P. But don't use my privilege. Why don't we just say, "With regard to this (unintelligible)?"

H. And then get a John Dean problem. What about all your lawyer-client privilege?

P. Lawyer-client with me —

H. Yeah.

P. Well, that's fine. I said that is a matter that has to be decided upon.

H. No lawyer-client with other members of the staff. Only pertains to his role as your (unintelligible) our role as your agents.

P. Well, I think we can work something out. John, consider for a moment

the play — Not for the big thing — incidentally I should put this down — or I would just say "The place that this should be —"

E. You see the argument that could be made.

P. I know the judge is tough and all that sort of thing. The argument could be made. There is an honest judge. He will get the facts. The argument could also be made by (unintelligible). When criminal charges are involved, the proper place for those to be considered is not in a kangaroo court of this Congress that drags on and on and on, but before a grand

jury. And indictments, indictments would be heard before a criminal court. Under the circumstances (unintelligible).

E. Ervin's answer to that will be the President is trying to fight this battle on his battleground and it is obvious he wants his FBI, his Justice Department, his prosecutor —

P. But not his judge. You see the one strong point is — Rogers had raised, not in this connection but with Bob — is that the judge out of this is the big white knight now. He is as clean as a hound's tooth. He is as clean as anybody you can find.

H. You ask the judge or direct the judge or request the judge — You can't direct a judge.

P. No.

H. Request the judge and highly recommend to the judge that he appoint a special prosecutor.

P. That's right.

H. The President's Justice Department, therefore, the President's FBI, the President's special prosecutor —

P. Let me say the same thing is going to happen before a commission in the long run. 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. The idea that a commission might go through the '74 election, etc. — 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. Let's just say, "Well judge, let's go."

H. How come all the rush now? You're not committed to this route. You are not necessarily forced to come out now Magruder can stay with his own position if he wants to.

P. Of (unintelligible)

E. Anybody would say —

P. What I meant is, John, if you called the judge in and say "Look Judge, you recognize that — while we've never met — that I would strongly recommend a special prosecutor," if he doesn't have confidence in the present prosecutor, "but you can pick anybody you want. Now have at it. That I will —"

E. I think that is something to talk to Kleindienst about. I'll talk to him.

P. You talk to him and Bob I think you should talk to Rogers about this.

E. Special prosecutors, as Rogers points out, is a slam at the Justice Department, which is already in trouble.

P. It needs to be slammed. The judge,

in other words the idea of killing —

H. It's the popular route —

P. The idea, the President gets the judge and says "Now you are an honest judge. You are doing your job. Those special prosecutors have nothing to hide here. All right, let's go."

E. I don't think the judge appoints him. I think the attorney general appoints him, as a matter of fact.

P. Well we can say, "if you want a special prosecutor, the attorney general will appoint one. Kleindienst says he is a good friend of Sirica's or whatever, so —

E. Yeah. He could work it out.

P. "He will appoint a special prosecutor if you request one."

H. Well, would it be acceptable to you even though he told you he wanted one? So that you get it out of the —

P. I am inclined to think that — I feel that that kind of a move — of course if he names (unintelligible) we could do that right tomorrow.

E. Uh, huh. Well, would you want to go on television tomorrow?

P. No, but the way I would do the television — I am not planning to do this before at 9:00 o'clock on prime time. I would do this in the Oval Room; no make up at all. In other words, that's enough right there. What the hell, I could say I have done this, I have — I want to get to the bottom of this and what have you (unintelligible) OK John? Alright.

E. Surely nothing troubles me.

(Materials unrelated to presidential actions deleted)

P. Well you have plenty to do at this point. Inform me as soon as you get something from Gray on Weicker? Inform me as soon as you've got something on Kleindienst. Alright?

E. Yep.

P. I would have a real workshd with him. Just say, "Mitchell is just damn disappointed," and he will listen and he will jump up and down and shout. But what the hell, I am always kind. But you just say I want to level with you.

★★★

Telephone conversations: Ehrlichman and Kleindienst March 28, 1973.

E. The President wanted me to cover with you. Are you on an outside line?

K. I'm at my parents' house.

E. Oh, fine. OK, it's a direct line? Number one, he wanted me to ask you those two things that I did yesterday about the grand jury and about Baker. He had me call Pat Gray and have Pat contact Lowell Weicker to ask Weicker about this second story that he put out yesterday to the effect that he had information about White House involvement. And Weicker told Gray that he was talking there about political sabotage and not about the Watergate.

K. About the Segretti case?

E. Yeah, and that he was quite vague with Pat as to what he had.

K. I called him also, you know, after I talked to the President on Monday.

E. Well, the President's feeling is that it wouldn't be too bad for you in your press conferences in the next couple days to take a swing at that and just say we contacted the senator because we continue to exercise diligence in this thing and we're determined to track down every lead and it turns out he

doesn't have anything.

K. I would really at this delicate point question the advisability of provoking, you know, a confrontation with Weicker. He's essentially with us, he and Baker get along good.

E. I see. You don't think that this is evidence of alienation to the point of no return then?

K. No. You mean by Lowell?

E. Yeah.

K. I don't. He's pretty disenchanting with the whole concept of it. Connecticut politician—

E. Well, use your own judgment on it, Richard.

K. On TV I guess seven or eight times this Sunday when I finished my testimony before my appropriations committee all three networks I referred to the letter that I sent to Sirica and I also emphasized and repeatedly said (a) the President wants this investigated, let the chips fall where they will but secondly that if anybody has any information we not only want it, we expect to get it so we can investigate it and if necessary indict other people and that anybody who withholds information like that is obstructing justice. But I did not refer to Weicker. And my judgment right now is not to do so.

E. OK. OK.

K. If he gets to that point, the hell with him.

E. Well, our uneducated and uninformed impression was that he was trying to develop an attack line here on the White House or the President.

K. If that . . . if we would conclude that that is what he's up to that he is completely alienated then I say we've got to take him on.

E. Well, keep track of that and you'll be talking to Baker and you get a feel of it. OK, now, the President said for me to say this to you. That the best information he had and has is that neither Dean nor Haldeman nor Colson nor I nor anybody in the White House had any prior knowledge of this burglary. He said that he's counting on you to provide him with any information to the contrary if it ever turns up and you just contact him direct. Now as far as the committee to re-elect is concerned he said that serious questions are being raised with regard to Mitchell and he would likewise want you to communicate to him any evidence or inferences from evidence on that subject.

K. With respect to them, unless something develops with these seven people who were convicted all those people testified under oath before a grand jury and their testimony was not contradictory and until something comes along I think this fellow McCord if he has something besides his own testimony in addition to that to refute the sworn testimony, then you'd have to do it. The comment that I made yesterday about McCord was that it takes—

E. Take him for what he is.

K. He's facing a long jail sentence and he has all kinds of motives to say all kinds of things but I also pointed out that most of the people, well, these people who were involved were interviewed by the FBI and they testified under oath before a grand jury to the contrary of what McCord is saying. But I understand the President's direction.

E. He's concerned about Mitchell.

K. So am I.

E. And he would want to have a private communication from you if you are possessed of any information that you think he ought to have with regard to John.

K. Now he ought to think about John — McCord or Liddy or Hunt or any of these seven, you know, testify under oath specifically to their knowledge they have a basis for saying so the Mitchell or any of these guys knew about it; we have a very serious problem. Possible perjury, possibility of going back to the grand jury, they have a grand jury determine when anyone should be indicted. When you talk about Mitchell and me that really creates the highest conflict of interest. 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. Okay.

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, the U.S. attorney and the FBI will 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.

K. I think that we have to do it in the event that it appears that Mitchell himself is going to be involved in any further litigation because all the men who are doing this who have worked for him been appointed and I think if it came down to him that that's what I would seriously start thinking about, recommending.

E. Also this business of the grant of immunity to witnesses before the grand jury, is that peculiarly in the province of the court?

K. No, that's the Department of Justice.

E. That is

K. In almost every criminal case of any consequence when we convict somebody the next thing to do is haul them back in before a grand jury to find out what they know. You have to do it in this case — always going to do it. Quite a limitation posed on us John is that — who couldn't cut it (inaudible). But you have two really distinct situations here. You have the Watergate inquiry by Sen. Ervin, that's the political side of it. And then you have the obligation imposed upon us to investigate criminal conduct. Two separate distinct operations. They're getting all fuzzed up.

E. What progress are they making right now, have you had a reading on it?

K. Well, the last time I talked to Henry Monday because of Sirica's sentencing

procedures it got a little boxed up. Sirica is really lousing this thing up. I don't know. I'm going to talk to Petersen this morning and I'll call you back.

E. OK, great, that's all I had on my list.

K. Thanks, John.

E. Now, he said that there was a possibility he'd like to see you in San Clemente Saturday morning first thing. So you might just keep that in the back of your mind. Don't rearrange any of your schedules or anything but I'll let you know if that materializes. We'd send a chopper up to LA for you. Thank you.

K. Okay

★★★

Meeting: The President, Ehrlichman and Ziegler, Oval Office, March 30, 1973. The meeting lasted from 12:02 p.m. to 12:18 p.m.

Someone left the room after having a picture taken.

E. We have, I think, a useful statement that has been cleared by Dean and Mitchell and is directed with the cover-up charge.

See TEXT, A19, Col. 1

TEXT, From A18

P. Do you want me to read it?

Z. I think you probably better.

P. I can read it (unintelligible) discuss and so forth. Or do you want to read it?

Z. No, well it's not a statement, Mr. President, it's some talking points for me.

P. Yeah — O.K.

E. The brackets at the top go to the end.

P. Could we say — could we add one thing here? Say this for the last. Every — I've called for an investigation on the White House staff — is that? And — every — every. This is a statement of the President?

No — No — I would make it.

P. Yeah — yeah — the President called for — fine. Every member of the White House staff who has been mentioned (unintelligible) mentioned as a — has submitted a sworn affidavit to me denying any knowledge of.

E. Any prior knowledge.

P. Any knowledge of or participation in. Could we say this?

E. No — I wouldn't.

P. Why? Not true? Too defensive?

E. Well, No. 1 one — it's defensive — it's self-serving. No. 2 — then that establishes the existence of a piece of paper that becomes a focal point for a subpoena and all that kind of thing.

P. (unintelligible) something. (Long Pause)

P. Members of the White House staff would welcome an opportunity — Are we going too far and urging the grand jury to do it?

E. Well — that's — we were farther over and we've come back to welcome. I don't know. Maybe that's still too strong.

Z. We should tell the President about the framework which will be giving this. There's a leak out of the committee —

P. Oh.

Z. For the Re-Election of the President and the suggestion that you have waived the — the restriction that you have Dean being.

E. The Dean thing. See, we cleared it

work out — to work out — that's right. Let them see that we are backing down a bit.

E. All right.

P. Ready to work.

Z. And then who should we get to say this?

P. We get.

Z. Well, John?

E. Well, now, you've given Kleindienst the franchise.

P. Yep.

E. You — we've got to get word to him which we were going to do Saturday. That we were going to shift courses.

Z. Let's say.

P. We are ready — we are ready — we'll say the — let's leave it with the Timmons' office.

E. Well why say it?

P. Yeah — just say it — well with members — the appropriate members of the staff.

E. Why not say this? This is going to be done without publicity.

P. Yeah.

E. And.

P. No — it's going to be done informally without publicity — by whatever.

E. Period.

P. This will be done informally.

Z. We can do it but we just have one problem to dwell on. If you give the name, like, if you say.

P. Yeah.

Z. Well Timmons' office would be.

P. That's right. Then they go after him.

Z. Prepared to do that. Then — no — then you do solidify your point, you see.

E. Yeah, but the problem is that there's ways — there's already a lot of complaint on the committee, and particularly with Baker, that there's too many peopple running this show.

P. That's right.

E. And if we introduce Timmons or we introduce somebody else.

P. Yeah. don't give them a name. The — the, why don't you just say the President will name a — no.

E. You could go this far.

P. Yeah.

E. You could say we've been in touch with the committee.

P. Yeah. Yes

Z. Have you?

E. And — yeah — I've talked to Baker.

P. We have been — we have been in communication with members of the — no — well, then you see — you've only been in touch with one member.

Z. When we're dealing with.

E. Well, why don't you say communications have been opened and will proceed.

P. Communications have been opened with members of the committee. What members? That's — I'm not going to discuss that. I can't go into that. Communi-

cations have been opened with the committee — why don't you say with the committee — committee — communications are handled with the committee to — for the purpose of working out a proper, informal procedure.

Z. And that has taken place?

E. Yeah — I talked to Baker yesterday.

P. That's right. We., we've had lots of talks with him. He talked to Baker at length, Ervin's gone. Is that all right, John?

Z. If I could say, John is — has.

E. You see, we got an attorney general problem.

P. We got — we got Kleindienst.

E. Let's not force this.

Z. All right.

E. If you want to, you can say, well I may have something more to say about this later.

P. That's fine. Damn well. Just say, I'm not going to discuss it because these are informal negotiations at this point — informal discussions are taking place at this point.

Z. Right.

P. As soon as something it formalized we will let you know.

E. Good.

P. That's really true and say if something is worked out we will let you know. The, some informal discussions have already taken place. That's right — some informal discussions. I'm not going to go into the.

Z. All right — I've got it.

P. How's that?

P. Oh, it'll be a little long

(Pause)

P. Within the framework of our judicial system. You might say of our system. Don't you think so?

E. Read the phrase.

P. Yeah. It is our position today and in the past that if these charges are to be tested it should be done within the legitimate framework of our judicial system. Don't you think so?

E. That takes it out of the Congress, then.

Z. But the legislative.

P. Yeah — well then — just say system. And you don't — and then you're not using the last — the bracketed thing at all?

E. The bracket at the top goes at the end where he says,

Z. Not going to apply it specifically. But he's referring to the bracket at the end.

E. No — no — we're not going to use that.

P. You're not going to use that?

E. No — it's got a lot of problems associated with it.

P. Yeah — because you're taking the committee on.

E. Yeah — well we worked iwth a lot of different variations of that and just decided really it was better to leave it out.

Z. Give the committee — And give the committee back into the start there by saying.

P. I question. (pause) I don't know. Well, anyway, it's all right. Do you think it helps some?

E. I think it does. And I think. Ron's going to get some questions — Ron's going to get up there — well Ron, you're not going to apply this to specific instances. What are you trying to say to us? And he again could come back and say, what I am saying to you is that the mistake that people are making — there's a mistaken impression that the White House is trying to cover up in this matter — is just a mistake.

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 withhold information.

Z. And then bang into it.

E. Mm huh.

Z. Part of the case is built on the fact that fellows love this room, and your press of course — p4is no place to work this out.

P. Yeah — yeah. That's it exactly.

E. And our refusal to — our refusal to try this case in the newspapers.

P. Yeah

E. Has led to.

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 Aug. 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.

(Dishes or walking around)

P. You don't want to make a sworn statement, huh?

E. I would just as soon not — I think we are better off not, oh, doing up a stream. Look at the —

P. The only position that I am concerned about is this. I wonder if you could take whatever Ron says and —

E. We're going to hypo it — we're going to get it around.

P. Get it to the Congress.

E. Right.

P. Get it to George Bush.

E. Right. I'm going to see the guys that are going to do that and I'll do it now.

P. All right, fine. If you could work on that between now and three o'clock I think it would be very helpful.

E. I shall.

P. Fine — you work on it and I'll take off.

Press Briefing: Ziegler, March 30, 1973

(Except from Ziegler's Press Briefing)

With regard to the grand jury, the President reiterates his instructions that any member of the White House staff who is called by the grand jury will appear before the grand jury to answer questions regarding that individual's alleged knowledge or possible involvement in the Watergate matter.

This is a re-statement of a policy which has been in effect. If the grand jury calls any member of the White House staff, that person, by direction of the President, will appear to testify regarding that individual's alleged knowledge of possible involvement in the Watergate matter.

Telephone conversations: The President and Ehrlichman, April 8, 1973. The conversation lasted from 7:33 a.m. to 7:37 a.m.

P. Oh, John. Hi.

E. I just wanted to post you on the Dean meeting. It went fine. He is going to wait until after he'd had a chance to talk with Mitchell and to pass the word to Magruder through his lawyers that he is going to appear at the grand jury. His feeling is that Liddy has pulled the plug on Magruder, and that (unintelligible) he thinks he knows it now. And he says that there's no love lost there, and that that was Liddy's motive in communicating informally.

P. Uh, huh.

E. At the same time, he said there isn't anything that he, Dean, knows or could say that would in any way harm John Mitchell.

P. But, it would harm Magruder.

E. Right, and his feeling is that Sirica would not listed to a plea of immunity at a (unintelligible) I should say. And that (unintelligible) from him. He would be much better off to go in there and have an informal talk and that's what he wants to do.

P. Right.

E. So obviously we didn't tell him not to, but we did say that it is important that the other people knew what he was doing.

P. Well, Mitchell, of course, was going to be put to the prod on this one.

E. That's right.

P. Mitchell has got to decide whether he's going to tell John Dean, "Look here, I don't think you ought to say a word or you've got to go down and lie." Well, John is not going to lie.

E. He says John Mitchell is sort of living in a dream world right now. He thinks this is all going to go away.

P. He thinks that?

E. Yeah.

P. John Dean thinks that John Mitchell is living in a dream world?

E. Yeah. He thinks that that's Mitchell's frame of mind on all of this. For instance, he hasn't bothered to obtain counsel. He hasn't really done much about preparing himself or anything of this kind. So —

P. But what does Dean think about it?

E. Well, Dean says it isn't going to go away. It's right on top of us and that the smartest thing that he, Dean, could do is go down there and appear cooperative.

P. Right.

E. So, he'll be around all day tomorrow and we'll see how this unfolds during the day.

P. What does he — Do you have any feeling about the Magruder thing as to what he ought to do?

E. Yes. And he said, "Well, the thing that I didn't understand was that Magruder was the target of the long Liddy discussion" . . . and there wasn't anything that he, Dean, could add.

P. No, no no no. But what about the theory of your idea that Magruder ought to come in and say, look, my recollection has been refreshed and so forth.

E. Well, yeah, but he said that he's satisfied that they are not really after Magruder on perjury. They are after him —

P. On Watergate.

P. Mitchell has got to decide whether he's going to tell John Dean, "Look here, I don't think you ought to say a word or you've got to go down and lie." Well, John is not going to lie.

E. He says John Mitchell is sort of living in a dream world right now. He thinks this is all going to go away.

P. He thinks that?

E. Yeah.

P. John Dean thinks that John Mitchell is living in a dream world?

E. Yeah. He thinks that that's Mitchell's frame of mind on all of this. For instance, he hasn't bothered to obtain counsel. He hasn't really done much about preparing himself or anything of this kind. So —

P. But what does Dean think about it?

E. Well, Dean says it isn't going to go away. It's right on top of us and that the smartest thing that he, Dean, could do is go down there and appear cooperative.

P. Right.

E. So, he'll be around all day tomorrow and we'll see how this unfolds during the day.

P. What does he — Do you have any feeling about the Magruder thing as to what he ought to do?

E. Yes. And he said, "Well, the thing that I didn't understand was that Magruder was the target of the long Liddy discussion" . . . and there wasn't anything that he, Dean, could add.

P. No, no no no. But what about the theory of your idea that Magruder ought to come in and say, look, my recollection has been refreshed and so forth.

E. Well, yeah, but he said that he's satisfied that they are not really after Magruder on perjury. They are after him —

P. On Watergate.

E. They are after somebody as the instigator of the plot.

P. I see.

E. And that, cleaning up the —

P. What does he think Magruder will do? Whether Magruder will —

E. Well, nobody knows.

P. Magruder could be the loose (unintelligible) of the whole plan.

E. He's entirely vulnerable and nobody knows.

P. Uh, huh.

E. But Dean's very strong feeling is that this is a time when you just have to let it flow. And that's his . . .

P. I tend to agree with him, you know. Do you?

E. Yes, I do. I do.

P. Basically, Mitchell must say — go in and ahrd-line it, John, etc. We cannot, we can't claim privilege for Dean on this kind of a matter, can we?

E. I don't believe on acts prior to the investigation, no.

P. That's right, and that's what they're asking for and Dean says, look, I'll be very careful, etc., but . . . So, where do we go from there then? Then, he pulls the plug on Magruder, but then the point that John Mitchell has got to be concerned about is that Magruder pulled the plug on him.

E. Well, that's right. That's right. That's correct.

P. But the next question, John, they are going to ask Magruder is, "Who told you? Did you clear this with anybody? Who gave the final approval?"

E. Yeah. Uh, huh. Obviously.

P. I don't think, strangely enough . . .

If he's going to pull the plug, he's going to pull it on Mitchell rather than on Haldeman.

E. Well, that's right . . . and . . . and that's the reason that we felt that not only out of fairness, but also in order to make sure that nobody felt that the White House is buying them . . . that John ought to talk to these fellows and let them know what it is that he's intending to do.

P. When does he have to decide this?

E. Well, he has to get in touch with them tonight.

P. Uh, huh.

E. And he thought that he would probably see them tomorrow night.

P. Uh, huh.

E. You see, they prepare their case at night and work the jury during the day.

P. So — he'll tell them that tomorrow night I'll talk to you and . . . tonight, he said — what's he going to say tonight?

E. Well, he just says, give me an appointment tomorrow night.

P. So . . . he'll go over and see them.

E. Yeah.

P. Right.

E. I think he has to do that.

P. That's right.

E. All right, sir?

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.

E. Well, he's going to just say to John that he certainly is not going to look for . . . But then, he, Dean, doesn't really know anything that jeopardizes John. Which is true.

P. Now, who is going to talk to Magruder?

E. Ah, Dean's lawyer is going to talk to Magruder's lawyer and . . .

P. What the hell is he going to tell him, though?

E. He'll tell him that John has been invited to come down for an informal conference and that he is going to have to go.

P. That's right. So what does that do to Magruder?

E. Well, that undoubtedly unplugs

him . . . but it also alerts him in the most orderly kind of way.

P. Right.

E. And . . .

P. But John Dean says Magruder can't get off by going in and confessing to the perjury.

E. No, no, he says that's not really what they're after.

P. They want to convict him for Watergate.

E. Right.

P. Well, if he confesses perjury, he's

going to be convicted for Watergate, right?

E. Both.

P. They'll get him for both?

E. Yeah.

P. Under the (unintelligible) version of the law.

E. Well, I'm afraid that if he comes down and testifies, I would guess what he will try to do is plead some sort of a constitutional protection, Fifth Amendment, or something.



Gordon Strachan



John N. Mitchell

P. Yeah. That's what I would think. He had better plead the Fifth Amendment. I don't think he's got any other choice.

E. It doesn't sound like it to me.

P. Right. Okay, you'll let me know tomorrow... after Ervin.

E. I'll let you know after Shultz.

P. Yeah. Yeah. Ok.

E. Bye.

See TEXT, A20, Col. 1

TEXT, From A19

Meeting between President Nixon, H. R. Haldeman and John Ehrlichman, EOB office on April 14, 1973, from 8:55 A.M. to 11:31 A.M.

(Material unrelated to presidential actions deleted.)

P. Did you reach any conclusions as to where we are?

E. No conclusions. Dick Wilson, I think, has an interesting column this morning (unintelligible) it's all a money problem. (unintelligible) well, yes—

P. Wilson's in The Star.

E. (Unintelligible.)

P. So what—?

H. (Unintelligible) is really the essence of this whole thing is too much money. Too much was spent. And so I—

P. Yeah. My point, everybody—

H. No not everybody. Let's say, one group, pieces that (unintelligible) has on that side and more like (unintelligible) says that his, you know, solving Watergate doesn't take care of it.

P. Lots of people, I think want the President to speak out on whole general issue of money and campaign and all that.

E. Generally, but he gets specific on this. He says also (unintelligible).

P. Is that what you think, go out and make a speech?

E. I'll tell you what I think. I think that the President's personal involvement in this is important. And I know—

P. I don't think it's a speech. Well, that's a point. I think there are other ways you can get at it. Now I was thinking of the—before we get into that though let's get back. I'd like to go in, if I could, to what your conversation with Colson was and in essence, what did he and the lawyer tell you about?

E. That visit was to tell me that Hunt was going to testify on Monday afternoon.

P. How does he know that? How does he get such information?

E. Undoubtedly through Bittman.

P. Right.

E. Or Bittman to Shapiro?

P. Now why is Hunt testifying? Did the say?

E. He said, I'll tell you what he said and then I'll tell you what I think the fact is. He said Hunt was testifying because there was no longer any point

in being silent. That so many other people were testifying, that there was no—he wasn't really keeping any (unintelligible).

P. Yeah.

E. It wouldn't add much. My feeling is that Bittman got very antsy.

P. Why?

E. This grand jury started focusing on the aftermath and he might be involved.

H. Exactly.

P. What did he say?

E. He went to the U.S. attorney and he said, "Maybe I can persuade my client to talk."

P. What do Colson et al, Colson and Shapiro, think we ought to do under these circumstances? Get busy and nail Mitchell in a hurry?

E. Yes.

P. How is that going to help?

E. Well, they feel that after he testifies that the whole thing is going to fall in in short order.

P. Right.

E. Mitchell and Magruder will involuntarily be indicted. Both will say you have lost any possibility of initiative for participation in the process.

P. What does Colson want us to do?

E. He wants you to do several things. He wants you to persuade Liddy to talk.

P. Me?

E. Yes, sir. That's his—I didn't bring my notes, but, basically

P. Oh. Last night you didn't mention that.

E. I thought I had.

P. Maybe you did, maybe you did. I would need to let—bring Liddy in and tell him to talk?

E. You can't bring him in. He's in jail.

P. Oh.

E. You would send, you send word to him, of course through a spokesman or in some way you would be activist on this score.

H. There's no, that doesn't involve any real problem. As Dean points out, he is not talking 'cause he thinks he supposed not to talk. If he is supposed to talk, he will. All he needs is a signal, if you want to turn Liddy on.

P. Yeah. But the point—that Colson wants to call the signals. Is that right?

E. He wants you to be able to say afterward that you cracked the case.

P. Go ahead. What else?

E. Well, I forget what else. You remember, Bob, when I was busy (unintelligible). He feels that the next forty-eight hours are the last chance for the White House to get out in front of this and that once Hunt goes on, that's the ball game.

P. But you've got to be out in front earlier?

E. Well—

P. But, I mean to go public—

E. Either publicly, or with provable, identifiable steps which can be referred to later as having been the proximate cause.

P. He's not talking because he thinks

the President doesn't want him to talk? Is that the point?

E. He's—according to them, Mitchell's given him a promise of a pardon. P. Bittman?

E. According to Colson and Shapiro.

P. I don't know where they get that. Mitchell has promised Liddy a pardon?

E. Yes, Sir.

P. Another point that Colson may not have mentioned, I have an uneasy feeling that that Magruder story may have been planted.

H. No.

P. Is it true?

H. There is a third Magruder phone call which I have heard that says—

P. That he did talk to the reporter?

H. Says he did talk to a reporter on Monday, and did not say any of the things he is reported to have said; that what he, that it wasn't an important conversation. He said he gave the reporter the same line.

P. Yeah.

H. That you know. In listening to Magruder's thing, I was convinced he wasn't completely telling the truth (unintelligible) what he was saying.

As you get into it, I'm convinced that it's (unintelligible) that part was pretty much (unintelligible.) However—

P. Yeah. But you come—all these people you put together now. But if you come to Magruder, where in the hell does Colson get such a thing? Or is Colson a liar or—

E. Shapiro says he has a very good press contact who has proved very reliable to him. He says his practice in this down depends on his knowing what is going on. And he's told his press contact, this is one of the—

P. Has says he's talked to Magruder. Magruder said—

E. And they've now told us—we'll never get the chance—unintelligible

P. Does Magruder know about—

E. Magruder may have talked to some of the press and that that was (unintelligible)

P. But in a great detail, Colson (unintelligible) that he nailed Bob Haldeman. The way Colson said, he said he had Colson and two, but not any way that's particularly bad. Right?

E. Well I think, I think like on so many things this got, this got planted as a little seed by Shapiro with Colson and that it grew and apparently

P. Uh, uh.

H. I would guess what's happened is he's got this report from, Colson does, from Danny Hofgren that at the bar in the Bahamas with (unintelligible), someone (unintelligible) one night said to Hofgren everybody was involved in this. He didn't—

E. Everybody knew about it?

H. Mitchell, Haldeman, Colson, Dean, the President

P. Magruder—

E. He said, he specifically said the President.

P. Magruder does believe that, does

he?

H. No. I've got it—

P. I just wonder if he believes (unintelligible). Does he believe it, John?

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

P. What good will that do John?

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

P. Can you use the tape?

E. Well no. You can use Higby.

P. Why not—

E. Well, it's illegal.

H. No, it's not. It is not.

P. Don't you have to tell somebody—

E. Put a beeper

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

P. Yeah.

H. District of Columbia is under federal law and the federal law does not require disclosure to the other party of the recording of phone conversations. The phone call was made to Magruder's lawyer's office which is also in the District of Columbia so both ends of the conversation were in the District of Columbia and there is no law requiring disclosure.

E. (unintelligible)

P. Well, anyway—

H. It cannot be admissible, but it's legal.

P. That's interesting. That's a new one (unintelligible) now and then, any way I never heard anybody beep and I know that—

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

P. Yeah. What is the situation—I'll get past this in a hurry. What is the situation, John, in your opinion on what was Colson's and/or Shapiro's motive in building up the Magruder story? Maybe they believe it?

E. Their innuendo is that Mitchell has put Magruder up to this.

P. I guess not. OK. There is the motive. Now, let me come to something else.

H. I don't believe that Magruder's—

P. I don't either. Not at all.

H. I believe Mitchell has tried to.

P. Hugh?

H. I believe Mitchell tried to. To keep Magruder's faith because he refers to Mitchell and says now that I have decided to talk I am going to have to tell Mr. Mitchell and he's going to be very unhappy with me because he's told me not to.

E. (Unintelligible) Magruder's an emotional fellow ready to crack. I have no doubt that he's ready to talk.

P. What is it? He hasn't been subpoenaed, has he?

E. Well, he won't be. But he's already been there.

P. But they won't give him a chance to.

E. He doesn't think they'll give him

a chance to go back unless he comes running at them and strokes them.

H. Let's say they don't call the suspects and (b) they don't recall perjured witnesses.

P. What would you do if you were his lawyer? Wouldn't you advise him to go in and try and purge himself? At least gets rid of one charge, doesn't he?

E. I'm not sure he's rid of it, but it certainly reduces it when he comes in voluntarily.

P. The way I understand it under the law, John, if he were to under the—

E. Well, you don't—you see there's contrary evidence already here—

P. I see.

E. In other words,—

P. Strachan—Strachan got in before there was contrary evidence.

E. Exactly. Exactly.

P. John,—

H. I want to talk to Magruder.

E. And you take the circumstances, now

P. They better have—

E. If it's known, if it's known, for instance, that Hunt is going to come in and testify then Magruder comes rushing in and says I want to tell all, it's, you know,

P. Magruder's got no hope now?

E. Yeah, but I think he could improve it. I think he really could help and purge himself.

P. Turn Bob on him. I come to the other things that you talked to Colson about. I was going to talk—what is Hunt going to say? Do you have any idea?

E. Yes—

P. He says, for example, will he say that Colson promised him clemency?

E. No. Apparently not.

P. You see the only possible involvement of the President in this is that, now apparently John, either you or Bob or Dean, somebody told me they said, told Colson not to discuss it with me.

E. I did.

P. You did? How did it get to you then John? How did you know that the matter had to be discussed with Bittman or something like that?

E. Well, I—

P. When did this happen? As I remember a conversation this day was about five thirty or six o'clock with Colson only dropped it in sort of parenthetically, and I had a little problem today, talking about Hunt, and said I sought to reassure him, you know, and so forth. And I said, well. Told me about Hunt's wife. I said it was a terrible thing and I said obviously he will do just, we will take that into consideration. That was the total of the conversation.

E. Well, I had, we had had a couple of conversations in my office—

P. With Colson?

E. I had with Colson. Yeah.

P. Well how was, who was getting, was Bittman getting to Colson? Was

that the point? Who—

E. Hunt had written to Colson.

P. Oh?

E. Hunt wrote Colson a very, I think a I've been abandoned kind of letter.

P. When was this, John?

E. I am sorry—

P. After the election?

E. Oh yes, yeah.

P. Oh. And Colson, you knew about this letter?

E. Colson came in to tell me about it. And he said, "What shall I do?" and I said, "Well, better talk to him." I thought somebody had better talk to him, the guy is obviously very distraught.

P. Right.

E. And has a feeling abandoned.

P. Right.

E. And he said, "What can I tell him about clemency or pardon?" And I said, "You can't tell him anything about clemency or pardon." And I said, "Under no circumstances should this ever be raised with the President."

P. (unintelligible). Well, he raised it, I must say, in a tangential way. Now he denies that, as I understand it, that he said they'd be out by Christmas. He says—

E. I've never talked to Chuck about that, have you?

P. What did he say he said? Well, I'll tell you what I, what Dean, or somebody, tells me he said he said. He said that he didn't. He just talked or saw Bittman casually—were off on (unintelligible) or something of that sort.

E. Bittman?

P. That was it.

E. Oh.

P. And he said to Bittman, he said, "I—

E. Well, now, that—

P. He said, "I, I had given," he said, "I know about Hunt's concern about clemency. I, Chuck Colson feel terrible about it, 'cause I knew his wife." And he said, "I will go to bat for him and I have reason to believe that my views would be listened to." Well it's the last part that might in any way remain, although—

E. He says he talked with Bittman, that he was very skillful in avoiding any commitment. He says that Bittman was pitching him, but that he wasn't catching 'em. And he might have a tape of that meeting or a tape of the conversation or some such thing.

H. That's where he lost his thread, then. He said you and Dean told him to promise clemency, but that he was smarter than you and didn't.

P. He doesn't say you and Dean promised?

H. That Ehrlichman and Dean told him to promise Bittman.

P. Well, anyway. I better change my (unintelligible). Let me ask the question.

H. This is a little strange.

P. Well, just so you—let's see, does he indicate that Hunt's going to talk

to that subject, for example? The promise of clemency?

E. He didn't say that. He didn't say that. I didn't ask him.

H. Well we've got to go on the basis, John—as I recall, they don't have anything to indicate — we don't know how they know what Hunt's going to testify. We assume that Bittman told them.

E. Right.

H. We don't, they don't have any indication based on their knowledge that Hunt's going to testify, of what Hunt is going to testify to, except on the basis of Shapiro's meeting with Hunt —

E. The other day.

H. The other day. And that is assuming what Hunt told Shapiro is what he will tell the Grand Jury, but I don't know why they'd have any reason to assume that.

E. Shapiro's general comment was that Hunt would corroborate a lot of McCord's hearsay.

P. Yeah.

E. But that it also would be hearsay.

P. All right. Hunt, however, and this is where Colson comes in right? Hard. Hunt could testify on Colson's (unintelligible).

H. Yeah — but what they said he said.

P. Has it —

H. On the coverup, what he said.

P. Now wait a minute. I'm talking about something else. We're talking about when he and Liddy are in the office with Colson. Colson picked up the phone and calls Magruder. All right?

H. Sure.

P. Now, Colson say that they didn't discuss the (unintelligible) then. But Hunt could say, I went in and I showed this whole thing to Colson and Colson told me — picked up the phone and talked to Magruder. Does Colson realize his vulnerability there?

E. Well, Colson claims he has no vulnerability, because when Hunt and Liddy came in to talk to him they talked in very general terms.

P. I understand that.

E. So, he doesn't acknowledge that there's any possibility.

P. I understand that, but I am just simply saying.

E. I think you're right.

P. That Hunt and Liddy could assert, could charge that — that's the point. If they talk, I would assume they would get into that point with them, any cross-examiner.

E. I've asked Colson specifically about that conversation and he maintains that they were talking in general terms about intelligence and when they said intelligence he meant one thing and apparently they meant another.

P. Question, for example, is Hunt prepared to talk on other activities that he engaged in?

E. Well, I think, I couldn't derive

that.

P. You mean is he going to blow the White House on the—

E. I couldn't get that at all.

P. The U.S. attorney, I would assume, would not be pressing on that.

E. Ordinarily not. McCord volunteered this Hank Greenspun thing, gratuitously apparently, not—

P. Can you tell me is that a serious thing? Did they really try to get into Hank Greenspun?

E. I guess they actually got in.

P. What in the name of (expletive deleted) though, has Hank Greenspun got with anything to do with Mitchell or anybody else?

E. Nothing. Well, now, Mitchell. Here's—Hughes. And these two fel-

lows, Colson and Shapiro, Colson threw that out.

P. Hughes on whom?

E. Well, you know the Hughes thing is cut into two factions—

E. I don't even know—but they're fighting.

P. Yeah.

E. Bennett, Senator Bennett's son, for whom Hunt worked.

P. Oh?

E. Represents one of those factions.

P. So he ordered the bugging?

E. I don't know. I know the (unintelligible) say it's a bag job.

H. They busted his safe to get something out of it. Wasn't that it?

E. No. They flew out, broke his safe, got something out (unintelligible). Now as they say there in my office—

P. Other delicate things, too. You've got apart from my, from my poor brother, which unfortunately or fortunately was a long time ago but, more recently, you've got Hubert Humphrey's son works for him and, of course, they're tied in with O'Brien I suppose. But maybe they were trying to get it for that reason.

E. I don't know why. The two of them put on a little charade for me in the office.

P. Shapiro and Colson?

E. Yes, we talked about this and it may have been genuine and it may not.

P. But they didn't know anything about it?

E. No. They said, one said to the other, "Say, that may have something to do with the New York Grand Jury," meaning the Vesco Grand Jury which is a runaway and which is into—

P. You think Colson knew about that?

E. I don't know. I don't say he knew about it. I said, he says he doesn't know even who Hank Greenspun is.

P. (unintelligible).

E. I'll take him at face value on that one.

P. You didn't know that either?

E. I know very well who he is.

P. All right. Let me just take a min-

ute further and run out the Hunt thing, and then the Grand Jury, I want to get all the pieces in my mind if I can.

E. Sure.

P. Hunt's testimony on pay-off, of course, would be very important.

E. Right.

P. Is he prepared to testify on that?

E. Apparently so, that's what they say, that he will, and that he will implicate O'Brien and Parkinson. And then, of course,—

P. O'Brien and Parkinson?

E. The lawyers.

E. Well, he says they were and that they handed him the money. He in turn handed it to his wife and she was the go-between for the Cubans.

P. Yeah. For what purpose?

E. Well, I think he'll hang 'em up on obstruction of justice.

P. Can Hunt do that?

H. How can he do that? Why would he simply—why doesn't he accomplish his purpose simply by saying they gave them money to handle their legal fees?

E. Well, (unintelligible) out there apparently.

P. Now this is—I don't think you—this is what Colson tells you guys?

H. Right.

E. I don't have any other information on this.

P. Hunt then is going to go. Now that raises the problem on Hunt with regard to Kalmbach. He has possible vulnerability as to whether he was aware, in other words, the motive, the motive—

E. This doesn't add anything to do with Kalmbach's problem at all.

P. What happened on that? Dean called Kalmbach? And what did Dean call Kalmbach about?

E. He said we have to raise some money in connection with the aftermath, and I don't know how he described it. Herb said how much do you need, and...

P. It was never discussed then?

E. Presumably Dean told him, and Herb went to a couple of donors and got some money and sent it back.

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



U.S. District Court Judge John J. Sirica

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.

E. Well, it's like —

P. Would it be perfectly proper?

E. The defense of the —

P. Berrigans?

E. The Chicago Seven.

P. The Chicago Seven?

H. They have a defense fund for everybody.

P. Not only a defense fund — they take care of the living expenses, too... despite all this about legal fees, they take of themselves. They raise — you remember the Scottsboro case? The Communist Front raised a million dollars for the Scottsboro people. Nine hundred thousand went into the pockets of the Communists. So it's common practice.

E. Yeah.

P. Nevertheless, that Hunt then saying there was a pay-off. All right, Hunt, on other activities — Hunt then according to Colson was not — I don't know what Colson meant about the door of the Oval Office.

E. I'll have to get back on that, Shapiro was there and I didn't want to get into it.

P. Right.

H. (Unintelligible.)

P. No, not. It was an earlier conversation about the Magruder conversation when Colson — I think the Magruder conversation from what I have seen related...

H. Magruder doesn't go to the door of the oval office. He doesn't even come to visit me in the White House.

P. I know. But he — it is Colson's view that Magruder's talking would have the effect of bringing it there because of the — I think what he is really referring to, John, is that by reason of Colson, by reason of Mag-

TEXT, From A20

Magruder naming Haldeman and Colson, that that's the door of the oval office. I don't know what else because there's nobody else around, nobody physically around.

H. Magruder isn't going to nail Haldeman and Colson.

P. Well, let's see. I don't think so either but.

H. (unintelligible).

P. Well that, that tape is invaluable, is it, not?

E. Then I would suggest, Bob, that you keep it.

H. And I'd disregard (unintelligible).

P. Let me just say a couple of things that we have to get there.

H. When we come to that, he'd say.

P. With regard to your, regard to your views, and so forth, John, now I was told the other day, last night, John, you and Bob or somebody — I guess you and I were talking about somebody going to see Mitchell. You suggested Rogers. Got any other better names?

E. Well, I've been up and down the list.

P. Why did you suggest Rogers?

E. Well, I suggested Rogers because —

P. First let me tell you — the purpose of the mission and tell me what it is.

E. The purpose of the mission is to go up and bring him to a focus on this: the jig is up. And the President strongly feels that the only way that this thing can end up being even a little net plus for the administration and for the presidency and preserve some thread is for you to go in and voluntarily make a statement.

P. A Statement (unintelligible).

E. A statement that basically says —

H. He's got to go beyond that.

E. "I am both morally and legally responsible."

P. Yeah.

E. Now the reason for Rogers is that he is clean, number one. He has been both attorney general and has this other investigatory and senatorial background. And there isn't anybody that Mitchell trusts, except Haldeman.

P. He hates Rogers.

E. I understand.

H. He doesn't trust Rogers but he would know if Rogers came that it was you.

E. Now, the only other alternative, going up and down the list.

H. From a public viewpoint Rogers is the dean of the cabinet and is the logical man as an attorney, and former attorney general.

P. From a public viewpoint, that may be but also

E. Take the reasons not to do this —

P. You thought of those?

E. Oh, yeah. Yeah. There have consistently been — you go back to the history of this —

P. I know, now is the time to do something. I agree with you.

E. Now is the only time, probably, and I am persuaded by that argument.

P. Oh, I am too. I am not arguing about not doing it. I am just saying, what about the names?

E. OK. I'm going down the list, John Alexander is the only other one that I have come to that in any way could bridge it. Garment can't do it.

P. Let me give you another name.

P. Ken Rush. He is a fine lawyer, utterly clean. A long-time friend of Mitchell. Not a close friend, but he's known him, you know, in New York and that group, up there you know, they sort of ran together. Rush would understand it all. Mitchell does not hate him.

E. I just don't know how able Rush is. You've got — I just don't know. Another name, there are two other names that have occurred to me that I'll throw out. One's Elliot Richardson and the other is Kleindienst. There is another possibility and that's Henry Petersen. That, of course, well,

H. But he's in the prosecutorial end.

P. That's right. And so is Kleindienst.

E. Yeah.

P. Kleindienst revealing to Mitchell that he had contact with the grand jury and all of that is wrong.

E. I must say I am impressed with the argument that the President should be personally involved in it at this stage.

P. Right. I agree.

E. Old John Dean had an interesting — got a phone call from him about 12:30,

P. And you were here —

E. Oh, no. I was working on something I'll tell you about here.

P. What did you do?

E. Well, not much last night.

P. You mean another subject?

E. Oh, no.

H. There is no other subject!

E. No. I'll tell you. Last night I got home I decided that I would sit down and try to put on paper a report to you what I have been doing since you asked me to get into this.

P. Right.

E. I am concerned about the overall aspect of this and I want to talk about that before — I don't know what your timing is like.

P. No problem.

E. We'll probably get back to it.

P. Got plenty of time.

E. But Dean called and he said, "All right, here's a scenario which we've all been trying to figure out to make this go." He says, "The President calls Mitchell into his office on Saturday. He says, 'John, you've got to do this. And here are the facts: Bing, bing, bing, bing.' And you pull this paper out here. 'And you've got to go do this.' And Mitchell stonewalls you. So then, John says, 'I don't know why you're asking me down here. You can't ask a man to do a thing like that. I need a lawyer. I don't know what I am facing — you just really can't expect me

to do this." So the President says, "Well, John, I have no alternative." And with that the President calls the U.S. attorney and says, "I, the President of the United States of America and leader of the free world, want to go before the grand jury on Monday."

P. I won't even comment on that.

H. That's a silly—

P. Typical of the thinking of—

E. We're running out every line. So that was 12:30 this morning. I, but I—

P. I go before the grand jury. That's like putting Bob on national television—

P. What?

H. With Dan Rather.

P. Well by putting it on national television, period. (unintelligible)

E. Let's take it just as far as you call Mitchell to the Oval Office as, a

P. No.

E. I'm essentially convinced that Mitchell will understand this thing.

P. Right.

E. And that if he goes in it rebounds to the administration's advantage. If he doesn't then we're—

P. How does it redound to our advantage?

E. That you have a report from me based on three weeks' work; that when you got it, you immediately acted to call Mitchell in as the provable wrong-

doer, and you say, "My God, I've got a report here. And it's clear from this report that you are guilty as hell. Now, John, for (expletive deleted) sake go on in there and do what you should. And let's get this thing cleared up and get it off the country's back and move on." And—

H. Plus the other side of this is that that's the only way to beat it now.

P. Well,—

H. From John Mitchell's personal viewpoint that's the only salvation for John Mitchell. I see no other way. And, obviously, once you've had it, you've got to admit—

P. How can he make it, anyway.

H. Another factor, in that, to consider, for what it's worth, is the point Connally made to me in that conversation we had.

P. I ought to talk to Mitchell?

H. I don't know whether he said that to you or not. He made the point that you had to get this laid out and that the only way it could hurt you is if it ultimately went to Mitchell. And that that would be the one man you couldn't afford to let get hung on this.

P. Even worse than (unintelligible) thought.

H. He thought so.

P. That's true. Yeah.

H. It seemed to me, because he's the

epitome of your hard-line.

P. I think he's wrong about that. I think this is the worst one, well, due to the closeness to the President at the time of crime. Would you agree, John?

E. (Unintelligible) the

H. But, what Connally also said was unless it's the President himself who nails him. Then the President is (unintelligible).

E. Can I put in a larger picture on this? We kind of live day to day for these things, and forget

P. Yeah.

E. The perspective then will be put on this period

H. Yeah.

E. Three months later.

P. The point is whether or not, I think I've got the larger picture, all right, and I mean, in this regard, the point is this that we need some action before, in other words, is like my feeling about having the grand jury do it and the court system do it rather than Ervin committee. Now we want the President to do it rather than the grand jury.

E. No.

P. And I agree with that.

E. Well, you're doing it in aid of the grand jury.

P. No. I didn't mean rather than the grand jury but I mean to worm the truth, now look, the grand jury doesn't



Senate Watergate Committee Chairman Sam J. Ervin

drag him in, he goes in as a result of the President's asking him to go in.

H. Okay—but while you're on that point could I argue a contrary view for a minute? Because I don't agree with that.

P. Yeah.

H. I strongly feel, thinking it through, with all the stuff we talked about last night, that we don't want the President in it, and that the solution here, if we can find it—maybe it's possible—

P. Is for (unintelligible) to come voluntarily?

H. Well, or for Magruder to come voluntarily and nail it. But if the solution is—I agree with some—

P. Where does Magruder come to? To me?

H. No. The U.S. attorney.

P. Why does, what if I urged Magruder to—I mean, let me look at this. The urging of Liddy to testify, the urging of Magruder to testify and Mitchell. John ran those by. I didn't mean to stop your analysis but I think I know what you're—isn't that really the essence of it?

E. I'm trying to write the news magazine story for next Monday.

P. Right.

E. "Monday week. And if it is that "Grand Jury Indicts Mitchell."

P. Right.

E. "The White House may have its cover up finally collapse last week when the grand jury indicted John Mitchell and Jeb Magruder."

P. Right.

E. "Cracking the case was the testimony of a number of peripheral witnesses who, each of whom contributed to developing a cross triangulation and permitted the grand jury to analyze it" and so on and so forth. "The final straw that broke the camel's back was the investigator's discovery of this and that and the other thing." That's one set of facts. And then the tag on that, is "White House Press Secretary Ron Ziegler said that the White House would have no comment."

P. I know. I know. It can't be done.

E. The other one goes: "Events moved swiftly last week, after the President was presented with a report indicating for the first time that suspicion of John Mitchell and Jeb Magruder as ringleaders in the Watergate break-in were facts substantiated by considerable evidence. The President then dispatched so and so to do this and that and maybe to see Mitchell or something of that kind and

these efforts resulted in Mitchell going to the U.S. attorney's office on Monday morning at 9 o'clock asking to testify before the grand jury. Charges of cover-up by the White House were materially dispelled by the diligent efforts of the President and his aides in moving on evidence which came to their hands in the closing days of the previous week."

P. I'd buy that.

E. Okay.

P. You won't, so get down to the tactics?

E. Now, I've been concerned because since the end of March, I have turned up a fair amount of hearsay evidence that points at this (unintelligible). Now, just take

P. So did Dean.

E. So did John.

P. So did Dean.

E. Now taking this

P. Yet he tried, very honestly, he tried to look it at the best way he could. Maybe he could and maybe he really didn't know.

E. Well, its hearsay. And so, you don't hang a guy, you don't hang a guy—

P. And, also, we are going to remember Mitchell has denied it.

E. But I sit over there in Bob's office



Senate Watergate Committee Vice Chairman Howard Baker

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.

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.

H. Well we still don't know. I will still argue that I think the scenario that was spun out, that Dean spun out on Mitchell is basically the right one. I don't think Mitchell did order the Watergate bugging and I don't think he was specifically aware of the Watergate bugging at the time it was instituted. I honestly don't.

E. That may be.

(Material unrelated to Presidential actions deleted)

P. What did he say? What did he tell Moore?

E. Well, remember I asked Moore to find out what Mitchell had testified to.

P. Yeah Moore heard the testimony and said well you're not—

E. He was never asked the right questions. Now, as far as he

H. He probably didn't to the Grand Jury, either

E. That's right. As far as the quality of the evidence is concerned—

(Material unrelated to Presidential actions deleted)

E. Well, to go back to the

P. All right. I only mentioned (unintelligible) because, let me, —go ahead with your—

E. Well, all I was going to say is that—

P. All right. I now have evidence that—

E. You don't have evidence if I

P. I'm not convinced he's guilty but I am convinced that he ought to go before a Grand Jury.

E. What I did last night and this morning was to write out what would in effect be a report to you.

P. Right.

E. Of this (unintelligible) deliver it to you.

P. John

(Material unrelated to Presidential actions deleted)

P. I know. All right. Let's come around again, though. You know the case. You conducted the investigation

for me. You have reported to me, and I have asked you to go up and lay it on the ground to Mitchell and to tell Mitchell, look, there is only one thing that can save him. I think John's got to hear that kind of talk and I think he's got to hear it from somebody that doesn't have—I was thinking of bringing Rogers in and telling him all of this stuff, but Mitchell will wind him around his finger. Well, there's our problem.

E. If you want me to go I'll go.

P. (unintelligible) But the message to Garcia has got to be carried.

F. Bob has a pretty good feel of Mitchell's attitude toward me that I don't have.

P. Well, Mitchell's attitude toward you is not going to be hurt—it isn't going to be any better for Rogers. It would be toward Rush, but how can you—Rush is smart and he is tough. He's a good man and he's a man, incidentally, that we can consider—

E. He can't argue the facts of this case.

P. The point is, Rush, is a man that if you need a special man in the White House. I was thinking last night that he is the best man I can think of to bring over to advise the President on this thing and examine all the White House things, to look at all the FBI files, to look at the Jury report, Dean report, FBI files and give me a report. He is articulate, he's (unintelligible), he's respected. He's one of the towering figures in the Ambassadorial world and in the bar. He's no slouch.

P. And an outsider, it's going to take so long. Rush, I trust, Rush is a friend. He is a total White House man, yet he is not tied in to this.

E. He's exactly the kind of guy we need. Now, I don't know how he—he hasn't practiced law for a long time and that's not an immediate drawback, but—

P. He has the lawyer's mind.

E. You got to get him somebody to help him live

H. Haven't events overtaken that project?

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 (unintelli-

gible). Put a cap on it. And second, then face the Segretu crap.

E. In forcing this out, Dean remains a problem and here's — let me just read you what I've come to on that. "John Dean has not involved himself in this matter as your counsel for several months and properly so. I should not continue to fill in for him," meaning me, "for several reasons, including the impermissible demands on my

time that were involved. You need a full time special counsel to follow these related problems who can advise you on the legal niceties from his experience in constitutional, criminal and (unintelligible) law practice. I'll be happy to continue to consult with him, etc. I do not recommend that Dean take a leave. That is neither in nor out. He has involved himself to the extent described above. Either that requires dismissal, or it does not. And that choice should be made at once. If he is discharged, the U.S. attorney and the grand jury should be (unintelligible)." But I think you've got to bite the bullet on Dean, one way or the other, pretty quick.

H. All right, but recognize that that kills him. Dean's reaction, basically he says that that kills him.

(Material unrelated to presidential actions deleted)

P. Well, let's see what does Dean say when you tell him that?

E. He doesn't agree with that.

P. I know he doesn't agree, but what does he do?

E. He wants to stay and just disconnect himself from this case. And he says, yes, that's right. Make your decision now, but make your decision that I should stay. He needn't decide that right this minute. I would encourage him not to. But in talking about Rush, that relates to this general subject. I think I would pass it for the moment.

P. But the only thing that I was—I agree.

E. And get back to the Mitchell thing which really is—

P. Like today. I know.

E. Like this morning.

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. I want to say Mitchell, look, I think that the attorneys for the committee, O'Brien, and I found this out, and I found out that, and I found out that, and the grand jury has told me this that—I just don't know, you know what I mean. They talk about my going out—I am not trying to duck it. I just, John—and, I'll take this one on. The thing, John, is that there's nobody really that can do it except you. And I know how Mitchell feels. But you conducted this investigation. I would, the way I would do it—Bob, you critique this—I'd go up, and I'd say the President has asked me to see you. That you have come today with this report, that these are the total facts indicating, of course, that the grand jury is moving swiftly, Magruder will be indicted, you think. Under the circumstances, I am suggesting—can't be in a position—that you (unintelligible) the grand jury and say I am responsible. I did not know, but I assume the responsibility. Nobody in the White House is involved, etc., an so on. We

ney, than on an indictment by a grand jury of 15 blacks and 3 whites after this kind of investigation.

P. Right. And the door of the White House. We're trying to protect it.

E. If the grand jury goes this way you've been dragged in by the heels. If you go down first thing Monday morning or yet this afternoon, and talk to the U.S. attorney, and say OK, "I want to make a statement." Then, two things happen, one, you get credit for coming forward. Two, you serve the President's interest. And I am here in behalf of the President—

H. Well, and, three, you have the dignified opportunity to discuss this in the office of Earl Silbert instead of in the (unintelligible) watching (unintelligible).

E. And I'm here at the President's request to ask you to do that.

P. Yeah.

E. He has reviewed the facts now.

P. That's right.

E. He has no alternative, John, but to send me here and ask you to do this.

P. Right. If you want to hear it personally—

E. Pick up the phone.

P. No. Come down and see him.

H. I have a couple of modifications

to that. One, a minor change not to what you say but in setting it up. It would be helpful in doing that if I call Mitchell and said that the President wanted you to talk to him. Then there's no question on his mind that you're operating unilaterally.

P. Right. Right.

H. And, secondly, that if at all possible, he should come down here. My reason for it is—A—you get him here under your circumstances. B—if you make your case which you may be able to do—in his mind he may be on the same track, maybe at the same point.

P. Yeah.

H. If he is you might be able to swing a let's get Silbert right now and go on over. See, he may say, "I've got to talk to the President before I do this."

P. Yeah.

H. And then (unintelligible) to do it.

P. Let me say this. I've run through my mind the thoughts. Believe me the idea of Rogers, as you, John—as Bob will tell you, is not one that I don't think is potentially good. I had hoped to get him in. But I know Rogers like the back of my hand and Rogers does not like real, mean tough problems and will not do it.

H. The trouble with Rogers is that Mitchell will over-run him. Mitchell will say, "Here, Rogers, we've got this problem. You know what I think? Those kids over at the White House are really on the (unintelligible).

P. What if you knew when I know. What about then?

E. Well, he'd roll his eyes and Rogers wouldn't know one way or the other.

P. You see, John, somebody has to talk to him who knows the facts. That's

the point.

H. (unintelligible) one part of your scenario really worries me. You say I listened to Magruder.

E. Well, I can't say it quite that way.

H. You can say what Magruder is going to do.

E. I can say—

P. We have learned that Magruder is going to testify.

E. I can say—well I can start out by saying, "Look, I can't vouch for any of this first hand. A tremendous amount of what I know is second-hand, like my conversation with Paul O'Brien, but I have every reason to think that Magruder is in a frame of mind right now to go down there and tell everything he knows."

P. "That Hunt's going to go Monday."

E. "Hunt's going to go Monday."

P. And Liddy—Well, you can't say Liddy. Maybe Mitchell has a feel—

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 the 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.

TEXT, From A21

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 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.

E. I didn't say that. I didn't say that. But I think it is a dependent question, and if you are in a situation where Mitchell stonewalls you, and walks

out and says, "To hell with you guys, I've got to live my own life."

P. Let's say—we could—when I look at my watch, it's not because of an appointment.

H. You've got a dentist appointment.

P. I've been here since 8 o'clock this morning.

E. That's why?

P. (Unintelligible.) Don't worry about that. No, that's no problem. (Unintelligible) John out to the grand jury.

E. Let me get around that by suggesting what I think his response would be.

P. Yeah.

E. His response will be, "Look, Ehrlichman, you're supposed to be a lawyer. You know better. Somebody who is a target in an inquiry of this kind and tries pressure into giving up his rights is sort of antithesis of what rights I would have if I were a defendant. You're in the Executive Branch, a government official. You're supposed to tell me that I have a right to counsel and read me the supreme court thing and so forth. Instead of that you just suggested that I divest myself of all my rights and you asked me down here for a highly improper conversation. You haven't even suggested that I bring my attorney. And I think that what you are doing, you're acting as the prosecutor in this case."

H. How do you come off doing that?

P. He won't do that, in my opinion. He is more likely to say, "Oh, damn it. Look John, you know that there are people in the White House who are deeply involved in this and you know that Colson and Haldeman"—he may say this—"pressured this poor boy over here." I think Mitchell will take the offensive. Don't you agree, Bob?

H. You see, I am not at all sure but what Mitchell may think I am involved. I am sure he probably thinks Colson's involved, because Magruder has used that. I would guess that's the line Magruder has used with Mitchell, and you might have to play Magruder's tape recording for him.

E. Well if John thinks—I don't think that will happen. I just don't.

P. Is Magruder planning to go see Mitchell?

H. Yes, sir, if he decides to go, if he decides to talk.

P. If he decides to talk—

H. And he is about on the verge. I just assume from that conversation that what he has decided, he is either going to talk or he's going to take the fifth. He's not going to lie.

P. You're not (unintelligible). They may not call him back.

H. That's correct. (Unintelligible.)

E. He says, I know I'm going to be arrested. I know I'm on my way to jail. If Mitchell comes back with a line like that, "You're not serving the President, well, that if you made any kind of investigation surely you know people in the White House are in-

volved."

P. What do you say?

E. I say, "Look, John, we're past the point where we can be concerned about whether people in the White House are involved. We're not protecting the President by hoping this thing is going to go away."

P. The people in the White House are going to testify.

E. "The thing is not going to go away, John, and by your sitting up there in New York pretending that it is, is just making it worse. And it's been getting steadily worse, by your sitting up there for the last couple of months. We're at the point now where we had no choice but to ask you to do this."

H. And you could say, "We have a whole series of people who have remained mum in order not to create problems for you, who, it's now clear, can no longer remain mum. They don't intend to create problems for you but, I mean—

P. Who do you mean? Liddy?

H. No. I mean his calls to Dean.

E. I could say that, "When I got into this I discovered that there were all kinds of people sitting around here who had bits of information. They were hanging on to them, because they didn't know where they led."

P. Well—

E. "And because they were afraid they would hurt John Mitchell. And I've had to put this whole thing together. And, now, having put it together, you guys know there's no escaping from it.

H. There's no escape. It's got to be proved whether—

P. Confident as a lawyer—

H. There's nobody that can do it that would be able to persuade anyone else.

P. There's nobody else than can do it. Also. Let me digress a moment before we get to the (unintelligible). Another indication of the problem we've got here is, which is related to what we talked about last night on getting out a statement (unintelligible). I just think we are in an impossible position, frankly, with regard to White House people on the Segretti thing. Now you've gone over that with Ziegler and he still thinks we should stone-wall it?

H. Yes, sir.

E. I have not talked with him at length for a day.

P. Now here you've got the—I was just looking in the paper this morning. Saxbe, Mathias, Johnny Rhodes, John Anderson, other persons. Two or three of those names are not new, but they're all there. They are trying to build up as a chorus of Republicans and more to come.

E. It'll be five a day until next month.

H. But they don't.

H. But it's interesting. It is not a universal chorus he must appear be-

for the committee.

P. Well—

H. If you've got some saying they've got to set up a way to take secret testimony—(unintelligible) and John Williams says

E. Or, else, even Baker.

P. Yeah.

E. But Baker does not say (unintelligible) him. He's protecting us on that.

H. (Unintelligible) and look into it.

P. Everybody's for himself. Then of course our own people are out saying we are having a hell of a time (unintelligible) May 9th dinner. I think that's—

E. I think a lot of that is bull, frankly, on the money thing.

P. We heard that at the time, you know, when we did Cambodia. They said, you remember (unintelligible).

H. But that's not true. We've had no problem. Even the papers are saying it's not true.

P. What in the name of—Bob, let me ask you quickly a rather curious question. I thought our relations with MacGregor were not strained. I thought he felt pretty good.

H. He does.

P. Why does he go out and say that it cost a million and a half votes? And what did you want to win by? Want to win by 20 million—

H. No, that's—they say, well—

P. But, you realize that that plays? The question that I have there, John, and let's come back to the congressional committee, what is Ziegler's—what does Ziegler suggest as an alternative? Stonewall the committee?

E. Well, when you get to that with him, he recognizes that there's a problem.

P. You see the point is, the point is, I believe that cooperation with the committee might at least indicate no cover up. That's what I'm trying to do.

E. Well, and that story will come out. We're going to go through a period now where we take some gas. For instance, Kilpatrick was on my radio this morning just taking Kleindienst apart something terrible on executive privilege.

P. Yeah.

E. Now that was a tactic. Kleindienst took a hard line up there.

P. Yeah.

E. Because if he had softened at all, that would have really hurt our negotiations. And so we are going to take some temporary gas on this. But I think in the long haul, it'll come out OK. Now I may be wrong on that, but I think it will.

P. What do you think Bob? You think we should continue to negotiate?

H. Yep,,,

P. What is your view, John as to how the committee and how do you want it to come out during the negotiation I'm going to be a little busy tomorrow.

E. I know that. I am going to see a draft Monday. And then, I have

already reserved Blair House and I'm —

P. What do you want?

E. Going to call a meeting.

P. What are you going to (unintelligible)

E. Well, I am going to go to our executive session and

P. And set this up for a historic way that we can do it for all these

E. Right.

P. Cover Kissinger—

E. And take the poison out of the relationship and so on. They're going to say to me, "Well it's been nice meeting with you and we appreciate your courtesy, and the hors d'oeuvres have been great. We're now going to go up and write our own set of rules. You understand we can't be bound by your point of view."

P. Right.

E. "And then you guys at the White House are just going to have to decide whether you can live with our rules or not. Take it or leave it."

P. Then you'll say—

E. "Well, let's then talk about procedures for a law suit. Cause I think that's where we're headed." Let's "—I'm going to gig them about Mr. Lipschitz and soften him up a little bit if I can, but then I am going to say," let's not—

P. What will you say about Mr. Lipschitz?

E. Well, I think we'll have a quite a lot of fun with that in terms of double standard.

P. Yeah. And misdemeanor.

E. But I'm going to—

P. And, incidentally, Dash knew it.

E. Yeah. I am going to try to work out a process where Dash to garment if they want a test case, we'll frame a test case. They will serve a subpoena, we'll either move to quash it or they can go through the contempt process. But I think the motion to quash is the best way to go.

P. Right.

E. And figure out how we can go stipulated record.

P. And do it fast.

E. And do it before the federal district court. Now I think they'll agree with that. We certainly have not given them any reason to be antagonistic. That may be the one—

P. What—

E. Way to agree on process.

P. I know, but do we want to—

E. Well, now, here's the—

P. We don't want a court case—

E. Well, now, here's what I'm getting at. The court case will delay any appearance by any White House people. We'll agree that we'll abide the outcome of the case. Then if Mitchell does get indicted, Mitchell's lawyers are going to somehow move to stop the Ervin hearing.

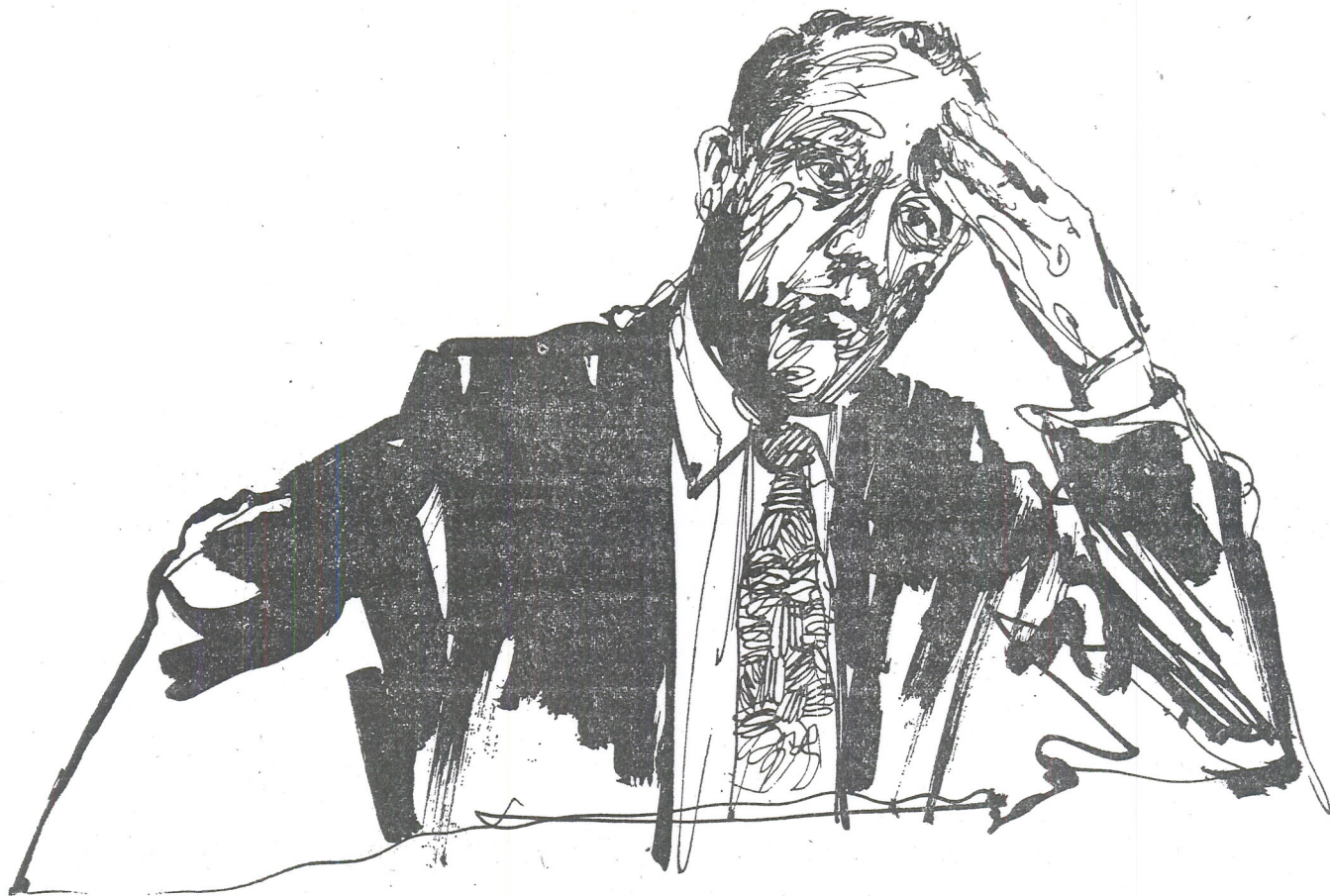
P. Who is — That's your analysis isn't it or is that Colson and Shapiro?

E. That's Shapiro's analysis, also, and I have respect for his ability.

P. Do you quash the — on what ground?

E. On the point that they can't get a fair trial.

P. Yeah. What if they say, "Well,



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how about Mr. Segretti? What about him?"

H. Why can't they limit their—why can't they—

P. Say nothing about Watergate.

H. Leave out Watergate, but let them go with everything else but—

E. How could you do that?

P. Well, the problem you've got here is that they've got Mitchell and the other people.

H. Sure (unintelligible) all that they've got is the press says "inextricably linked," of course.

E. And all they have to do is take a look at their big, long resolution. "Let's go." And the judge would take a look at that and say, "I can't let this go on while (unintelligible) investigates your charge."

P. John, is that better than just caving?

E. Well, we've got the option of caving at any time.

P. You don't want to cave now? Let me put it this way—

E. Yes, I do.

P. Let me put it this way. I can't watch (unintelligible). Mitchell—this is going to break him up.

H. As to Watergate

P. Oh, I know, I know and I don't think so. My idea is—it would be better, frankly, after Mitchell is indicted and then if we care—I don't think that is very good. I think it is

a lot better for us to be forthcoming before he is indicted, not after. That problem for you to consider.

E. You asked me, "Do I want to cave now?" My feeling about this whole thing is that we ought to be looking at every nook and cranny for every device that there is to be forthcoming.

P. Right.

E. And this is a place where we could do it. My sense of this whole case is that our best defense is that the President always wanted this to happen, and that we weren't being cute about this at all.

P. All right—let's come to this. Ah, regarding the other side—he said, "Well, see our heads up there on the dock, and act like convicted criminals and it'd be bad for the White House. You're going to have that continuing thing—"Cover-up, Cover-up, Cover-up."

H. Rape is inevitable.

P. That's the problem.

H. Well, I'm not so sure you are going to have a continuing thing to cover-up when you bust—the Ervin thing goes on. They got a procedure and all that. But, you are down to a different level of staff if you busted the Watergate case. You're down to a level of "Who hired Segretti?" and I think I've got to get out in front on that before it goes up there.

P. Well, I think Chapin gets out in front on that.

H. No sir because I think—

P. Do you think you can make a statement? How does that come along with Henry's thing? What do you think? Can I digress a moment to Segretti? I would like to get that out of the way, but what would you do? What's you're—

H. I think, just turn it out. If the Mitchell thing breaks, like on Monday, and if (unintelligible) and that starts breaking and you get into a big bottling up of Watergate. It seems to me that's the best possible time, place and atmosphere for my statements to come out debunking Dean. "Obviously, I couldn't go out publicly and say that I've been sitting here wanting to tell my story waiting for the Senate committee to get off its ass and nothing's happening here. And I couldn't go out unilaterally and do this while the process was running at the grand jury. But now they've come to their conclusions and the people in Watergate are done. Now, let's get the rest of this story covered too, because that doesn't—the rest of it, doesn't involve criminal stuff to my knowledge."

P. Except you've got—

E. There's a problem.

P. That's it.

H. You've got a kid that's taken the 5th on that.

E. Here's what you might do. Let's assume that Tuesday the Ervin committee comes up with its rules. They

will also set their date for hearing on Tuesday—the first of May, 5th of May, whatever it is.

P. Do you think they will do that?

E. This is their last regular meeting until after recess.

P. Fine

E. You could come out then in response to that—and say, “Well, now that they have announced they are not going to have their meeting until May, I have been sitting here waiting. I can’t wait any longer. Here’s my statement.” Send it all to the grand jury.

P. I wouldn’t (unintelligible) the grand jury thing and so forth.

E. That makes it look like it was dragged out of you.

P. Also it gets it all into—the one

says, “And also today Bob Haldeman admitted that he was behind the Segretti thing.” I’d rather have the story separate, Bob. That’s my problem with the other one. Don’t you agree?

E. Yeah, I don’t feel comfortable with his relating it to the grand jury at all. It sounds like, “Well, this is all coming out anyway so now I’m going to make my statement.”

P. What’s your reason—in other words, you’d relate it to the committee and the committee is not going to hear us until.

E. I want an early hearing—I want it.

P. Why can’t Ehrlichman get out and say, “Haldeman et al has urged early hearings?”

E. As soon as we get (unintelligible) or why don’t they kiss me off and publish their rules.

H. Ehrlichman doesn’t have to get up. I can get up, quote my statement and say that, that I had urged early hearings, that there had been, that these — (unintelligible)

P. I’d like to get that story out right now, frankly, that Ehrlichman is urging early hearings.

E. Well, but you see —

P. We don’t want early hearings, huh?

E. No. Number one, I don’t want ’em. Number two, I have a commitment to Ervin and Baker.

P. That you won’t discuss that?

E. And I won’t discuss these negotiations until they’re over. And it’ll unless I want to blow ’em sky high, I shouldn’t do that.

P. All right. Well we just take the gas on that. And coming back to, I think John’s scenario, Bob, is better. I’d like to separate the two cases and I’d get the Segretti thing out.

H. Wednesday may be the day next week, because they meet Tuesday.

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. 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.

H. If you do it under the umbrella of the Mitchell indictment —

P. His will come later. Indictment will come, I don’t mean indictment—

H. But I’ll tell you it could go quite fast. If Mitchell, today, agrees to do this and he and O’Brien and his lawyers went over to see Silbert this afternoon and made a statement, we’d put it out. He could get this thing get this cleared up.

H. Silbert could file an information as early as Monday or Tuesday, you wouldn’t have to get an indictment from the grand jury.

P. We don’t even know yet what Magruder is going to do.

E. Does it really matter? If once you’re possessed of this information.

P. Yeah, I see. But, my gosh. I’m not a mind reader. I’m thinking of those, whether Mitchell gets — you’re bargaining with Mitchell. Mitchell’s going to say, “Well, I don’t know whether Jeb, how do you know Jeb’s going to do that?”

E. I don’t. I don’t. But it doesn’t matter.

P. Yeah. They’ve got other information?

E. That’s it.

P. How do you know that John?

E. Well, we’ve got some sources inside the U.S. attorney process.

P. That’s right.

E. I don’t know how good they are, John.

H. You can say, “John, I am sure you do too.”

E. You undoubtedly do, too. But everything that I can —

P. You think John’s had sources? For that problem; they are trying to give him a little bit of (unintelligible). We don’t know what our sources are. Our sources are Shapiro, right?

E. Oh, no. Dean and his lawyers have sources in the U.S. attorney’s office.

P. Silbert, right.

H. Well, then, you’ve got the other two grand juries. How about those?

P. Tell me. Can I spend a minute? That’s the thing that I wanted to know. I knew about the New York grand jury. What in essence is that? Vesco—

E. It’s a it’s a runaway grand jury.

P. Yeah.

E. It started out as an SEC action against Vesco for violations of the Securities Act. They then bumped into this two hundred and some thousand dollar donation to the campaign.

P. Right.

E. They have been on that.

P. Right.

E. Since. And they’ve had Stans up and they’ve had Mitchell in and they’re working on the question of whether or not Vesco procured an appointment with the attorney general of the United States in consideration of a two hundred thousand dollar campaign contribution.

P. Oh, my God. And Harry Sears charges that?

E. Violation of section 201. Now they have a witness, who was sitting in the room with Vesco and Stans.

P. Yeah.

E. Vesco came in and said, “Mr. Stans, how does a guy get to be a big contributor around here.” And Stans said, “Well, the word big means two hundred thousand dollars.” And Vesco said, “Cash or check?” and Maury says, “Either one.” And he —

P. This was after my poor brother was up there?

E. I’m not sure. I don’t know, before or after. I just don’t know. But in any event, he said, “Well, how does one work out a quid pro quo? And Maury said, “Well, what’s your problem?” And he said, “Well, I’m afraid the Justice Department is after me on an SEC violation.” And Maury said, in effect, “I don’t know what I can do about that. Let’s see.” Vesco then got a phone call, allegedly, from John Mitchell. Now, that’s enough to indict.

P. It is?

E. They tell me it is. Because Vesco, as a result of the phone call, got an appointment.

P. (Unintelligible.) My god that’s dumb. You know what I mean. I can imagine all those (unintelligible) in here trying to get—

E. Now that may not be enough to convict, but it’s enough to indict.

(Material unrelated to presidential actions deleted.)

P. We’ve come full circle on the Mitchell thing. The Mitchell thing must come first. That is something today. We’ve got to make this move today. If it fails, just to get back our position I think you ought to talk to Magruder.

H. I agree.

P. And you tell Magruder, now Jeb, this evidence is coming in you ought to go to the grand jury. Purge yourself if you’re prejudiced and tell this whole story.

H. I think we have to.

P. Then, well, Bob, you don’t agree with that?

H. No. I do.

P. Because I think we do have to. Third, we’ve got the problem.

H. You should talk to (unintelligible) first though.

E. What really matters, Bob, is that either way—

P. Yeah.

E. Who is ever (unintelligible.)

P. You see the point is—

H. But don’t use Jeb as a basis for the conversation.

P. Yeah. Say that the evidence is not Jeb. I’d just simply say that these

other people are involved in this. With Jeb, although he may blow—

E. I can say that I have come to the conclusion that it is both John and Jeb who are liable.

P. Yeah. But no, I meant. Yeah, go ahead. I was simply going to say that we are not talking to John because Jeb is going to crack or that Dean is going to the grand jury. It's past that point. They've got the case made.

H. That's right.

P. He'll say, "Well, I think they're bluffing here." What'll you say?

E. It isn't a question of bluffing. Nobody's made any representations to us at all. Nobody's tried to bluff us. It's just a question of putting together all the facts and any time someone, if the U.S. attorney's office goes through the process that I've gone through, he'll have all the facts. And there it'll be. And you don't get it all from any one person. It's some from this one, some from that one.

H. It's a typical, it's a typical case.

P. How was Dean's — incidentally, what is the—is the liability of Hunt—I am thinking of the payoff thing.

E. Yeah.

P. This business, somebody in—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."

H. Mitchell raised this problem to Dean and said, "What have you done about that other problem?" And Dean said, he kind of looked at us, and then said, "Well, you know, I don't know." And Mitchell said, "Oh, I guess that's been taken care of." Apparently through Larue.

P. Apparently who?

H. Larue. Dean told us, Larue. Dean talked with Larue and Larue said this whole thing is ridiculous now. He said, yeah—he said, "If I were in charge of this now what I would do I'd get a large bus, and I'd put the President at the wheel and I'd tell everybody we've got around here in it and I'd drive up to the Senate and I'd have the President open the door and, say, 'You all get out and tell them everything you know and I'll be back to pick you up when you're through.'" He said, "It's all out now and there's nothing we can do about it." He said Larue also said, "You know I

can't figure out how I got into this, to begin with, but it seems to me all of us have been drawn in here in trying to cover up for John."

P. For Mitchell?

H. Yeah, which is exactly what's happened.

P. Larue said this?

H. Yes.

P. He's right.

H. And if Larue is called, Larue intends to tell the truth about it.

P. Is he?

H. Yeah.

P. Well

H. I don't know.

P. What instructions?

H. I don't know. I don't know any of that. He doesn't have—

P. No, but his instruction will be, Larue, that I was helping to get—

E. The way Dean talks Larue wasn't even thinking about the message.

H. I don't think Larue cares. I think Larue figures that the jig is up.

E. I had a bit of incidental intelligence that McCord dropped yesterday with regard to Mardian. Just a small—

P. (Unintelligible) back in Phoenix.

E. I heard a cover story which he fed to the New York Times which would lay it all back at the White House. The trouble with that is, sir, (unintelligible) at the White House.

E. That's all. I must don't know any other fact and—

P. But he could lay it to the White House?

E. But bear in mind Shapiro was giving me this in a whole litany of things that were persuasive (unintelligible) what he said to me (unintelligible).

P. The point on Mardian, well, let me say I don't think that Mardian or Larue or Mitchell or Magruder or anybody want to hurt the President.

H. No, Sir.

E. I feel that way. Colson? How about Colson?

H. He—of course, I just think he will do everything he can not to hurt the President.

P. Yeah. That has got to be true of everybody because it isn't the man, it's the office.

H. Sure.

P. But also it happens to be true. I wish I knew about the (expletive deleted).

H. They all have asked that doesn't apply and they could, I think rationalize to themselves that hurting or getting anybody else could be—

P. That's right.

H. Good for the President rather than bad.

P. In other words,

H. And that includes Ehrlichman, Haldeman, Dean.

P. Yeah.

H. Certainly Colson. Colson will be at the top of that—Colson first, then Haldeman, then Dean, then Ehrlichman.

P. You see I think a Mardian story to the Times will be frankly that Colson put the heat on. Maybe

H. But he said at the White House. That could where he—

P. Maybe Haldeman?

H. Mardian. No, Mardian, I don't think has any personal desire to get me. I think, I know he hates Colson.

P. Does he?

H. They all do. And anything that Mitchell does is—

P. You see you can make a hell of a circumstantial case on Colson. He's the guy that you know he's Dean's buddy, and Liddy he knew well—apparently knew well—

H. Wasn't Dean's buddy

P. I'm sorry. I meant Hunt's buddy.

- H. Yeah. Right.
P. Of course. Right. You know, but Colson is closer to this crew of the robbers than anybody else. That's the problem with Colson. Colson's got a very—

H. He has no tie to Liddy.

P. Oh, no? No. OK

H. That is the (unintelligible), but he has no string on this. His string is to Hunt.

P. Well then Hunt—

H. Some others—the central background figure—

P. Is it Hunt? Hunt takes this money? He took it for what? To cover up?

H. Immunity. Bet Bittman's given immunity.

P. They're going to give Hunt immunity?

E. I don't know, I suppose—

H. Bittman says their dealings were standard.

P. How do you give him immunity for additional crimes.

E. He's convicted now, you see, so there would be for additional. (Unintelligible.)

P. So they could give him immunity for, ah—they could cut his sentence and give him immunity for the cover up, the hush money, clemency. How do you handle the problem of clemency, John?

E. (Unintelligible.)

H. Well, you don't handle it at all. That's Colson's, cause that's where it comes from.

E. That was the line of communication—

P. Colson to Bittman. I guess that's the only thing we have on that—except Mitchell, apparently had said something about clemency to people.

H. To Liddy.

P. And Mitchell has never, ever—has he ever discussed clemency with you?

E. No.

See TEXT, A23, Col. 1

TEXT, From A22

P. Has he ever discussed it with you?

H. No.

P. (unintelligible) we were all here the room.

H. Well, may have said, "Look we've

got to take care of this."

P. But he's never said, "Look you're going to get a pardon from these people when this is over." Never used any such language around here, has he, John?

E. Not to me.

H. I don't think so.

P. With Dean has he?

E. Well I don't know. That's a question I can't answer.

P. Well, but Dean's never raised it. In fact, Dean told me when he talked about Hunt. I said, John, "Where does it all lead?" I said, "What's it going to cost. You can't just continue this way. He said, "About a million dollars." (unintelligible) I said, John, that's the point. (unintelligible) unless I could get them up and say look fellows, it's too bad and I give you executive clemency like tomorrow, what the hell do you think, Dean. I mean, you think, the point is, Hunt and the Cubans are going to sit in jail for four years and they are not being taken care of?

H. That's the point. No where are you going to get the money for that?

P. That's the reason this whole thing falls apart. It's that—it's that that astonishes me about Mitchell and the rest.

E. Big problem.

(Material unrelated to presidential actions deleted.)

P. The word never came up, but I said, "I appreciate what you're doing." I knew it was for the purpose of helping the poor bastards through the trial, but you can't offer that John. You can't—or could you? I guess you could. Attorney's fees? Could you go a support program for these people for four years.

E. I haven't any idea. I have no idea.

P. Well, they have supported other people in jail for years.

E. Sure, the Berrigan brothers.

P. Huh?

E. I say, I don't know how the Berrigan brothers and some of those—

P. They all have funds.

E. Operate. I think they use them.

P. Yes there are funds if you are (unintelligible). I guess that's true.

E. So that they—

P. But not to hush up.

E. That's right.

P. That's the point. All right, one final thing. Dean. You don't think we have to bite it today?

E. Well, I'm not so sure. I'd be inclined. When you say bite it isn't simply a matter of making a decision, in my opinion—

P. I have made a decision. He's to go.

E. Well, I'm not sure that's the right decision. By forcing the issue, I don't

mean to imply that—

P. Oh, I see. (unintelligible.)

E. Uh, (unintelligible).

P. When you said you don't think you agreed with the decision, I thought that was one of the recommendations you made.

E. No, my recommendation is that you recognize that there's a go no go decision that has to be made because—

P. Oh, I see.

E. Here's your situation. Look again at the big picture. You now are possessed of a body of fact.

P. That's right.

E. And you've got to—you can't just sit here.

P. That's right.

E. You've got to act on it. You've got to make some decisions and the Dean thing is one of the decisions that you have to make. You may decide—

P. Bull, please. Steve Bull. All right, fine, fine. Then you're not—

E. Then you've got to dispose of it one way or the other.

P. Put that thing with Haig, what time you got now? Quarter after? I'll be there at EOB.

E. I'll tell you, I am still heavily persuaded that we affect the grand jury and U.S. attorney treatment of Dean favorably by keeping him on.

P. OK.

E. And that that's important. Now—

P. Why is that?—Because they like him?

E. No, no. No, no. Because they can treat him differently as the President's counsel than as a dismissed person.

E. Exactly.

P. Yeah.

E. It's a very heavy psychological factor.

P. Well, this will be done because there is another reason too. It isn't like, Dean is not like Mitchell, now, let's face it.

H. That's right.

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.

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.

E. But more than that. We've made Dean a focal point in the Gray process.

P. Right.

E. And he will become a focal point in the Ervin process.

P. We'll have to—Yes, except, yes, if he goes down.

H. And if you dismiss him he'll still be a focal point.

E. He'll be a focal point. He'll be a defrocked (unintelligible)—

H. With less protection, that's right.

E. And with less incentive.

P. Well the point that I think, I think—

H. What Dean did, he did with all conscience in terms that the higher good.

P. Dean, you've got to have a talk with Dean. I feel that I should not talk to him.

E. I have talked to him.

P. I mean about motive.

E. I have talked to him.

P. What's he say about motive. He says, it was high-up?

E. No. He says he knew, he had to know that people were trying to bring that result about.

P. Right.

E. And he says, you know, the way I got into this was I was I would go to meetings in campaign headquarters and we'd get through the meeting and Mitchell and Larue would say to—

Mardian and Larue would say to Mitchell, "you've got to do something about this." And Mitchell's stock answer was, to turn to John Dean and say, "what are you going to do?" And so John said, "I got to be kind of a water carrier. I'd come back from those meetings and I'd come a turn to John Dean and say, "what are you going to do?" And so John said, "I got to be kind then he'd say, "they'd say to me, "well I don't know what I'll do about it"

P. When he came in to see Bob and you what would he say was the problem?

E. He'd say, "these guys, Hunt's getting jittery, and says that he's got to have umpty-ump thousand dollars, and Mitchell's terribly worried about it," and it was never expressed, but it was certainly understood—P. On the question of motive then, though, I guess in those conversations with you with respect to motive was never discussed.

E. Never discussed with me in those terms.

P. Right. The motive was to help defendants who were, by golly, who had worked for the campaign committee.

E. It never really got that far because we, at least my conversation with John always was, "well, you know that's interesting, but I just don't know what to do for you."

P. Yeah. He may have gone further with you, Bob. Did he?

H. No. We referred him to Kalmbach. You aimed it at Kalmbach, I aimed it at Mitchell. I said, "John, you can't come here and ask for help, we don't have it, it was in the sense that the 350,

P. That we had.

H. Which was not our money, we did move back over there.

P. For this purpose?

H. (Unintelligible). Yeah, yeah.

P. Who asked for it?

H. Nobody.

P. I mean how, who asked for the move on the 350?

H. Hunt did.

P. How did you know? Somebody came to you?

H. Gordon Strachan came to me after the election and said you have three hundred and fifty thousand dollars in cash. What do you want to do with it.

P. This was not requested by Larue?

H. No.

P. Of Gordon?

H. No. The problem was getting them to take it back. They wouldn't take it, cause they didn't know how.

P. Well, that money—

H. Larue wanted it but Mitchell wouldn't let him take it.

E. They just didn't know how to account for it.

P. Well, then, frankly, he wouldn't have to account for it, in my opinion.

H. Well but he didn't—he was

P. Nineteen seventy money.

H. He will have to account for it now because Fred Larue is in personal

receipt under grand jury knowledge of three hundred and twenty-eight thousand dollars in cash delivered to him at night at this apartment by Gordon Strachan. The witnesses to that transaction were Strachan and Larue.

P. Larue testified—H. But Strachan just testified that that's what happened. Well, Larue's got a problem. What did he do with it? At that point, it's income to him. He's got an IRS problem if he can't get that accounted for.

P. He'll use it—What does he say? He says, I used it for hush money?

H. I don't know what he'll say. He'll probably say I packaged it up—P. That help? But that certainly doesn't help us.

H. Doesn't help anybody but, you know

P. The other thing he says, well, I just—I have retained it in a fund for future campaigns.

H. I'm sure he doesn't have it.

E. I am not sure, either, but I assume it went right out to pay these people. That's my assumption.

P. You know he used it—H. Not all of it.

E. Now Dean says this. He says we have only two problems that we have

to manage in the White House. One is the fact that we made a referral to Kalmbach, and he said that can be explained. And need not be a major problem, if it's clearly explained. And we have no problem with the aftermath.

H. I'm running the three fifty into my statement, but the question is whether we want it in.

P. Oh yes. Put it in there.

H. Nobody knows about it, but that's another bombshell.

P. I think there's been something written about it.

H. Yeah, but not that I had it. It is eleven o'clock.

P. All right. Eleven o'clock and the armistice is signed so off we go.

E. Mitchell is roughly two hours away, at best.

P. I think, I think he's going to come down and do it today. I think, Bob, I think you have to go out and call him now. And ask him if he can come down.

E. Tell him we'll send an airplane for him.

H. (unintelligible).

P. Yeah.

H. By the time we get a plane mobilized and up there it takes longer. We'll send it if he is playing golf or something.

P. I know. He may be gone. But the point that I made was this, if he's out to play golf, just say we have an urgent message, and just say there have been (unintelligible) on the Watergate things.

H. (unintelligible) him immediately.

P. Tell him he should come down but have him (unintelligible) can you come down? If he says, I can't come

then Ehrlichman should go up.

H. Then say John will come up. Where'll you be.

P. Yes. If he says well I've got a dinner tonight and I've got—say, John, John this is very important, The President considers this of the highest urgency that you be aware of these developments.

E. Something that just can't be postponed any longer. unblp. Can't be postponed and we—harder than firing Hickel.

E. Oh, about the same.

P. That it?

H. Yes, sir.

E. OK—Anything new? Oour last conversation? Can you give it to me now? OK. I'll see you in a little while.

P. Colson?

E. No, that was Dean.

H. What did he say?

E. (unintelligible) I think we're going to be—well, you can put

P. We did not cover up, though, that's what decides, that's what's decides. cides.

H. (unintelligible) to go testify.

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 week 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.

E. Sure.

P. Is he coming?

H. Yes, sir. I said, "Do you want to let us know what plane you're on so we can pick you up? He said, no let me (unintelligible)

P. Run over this. Do you delay your meeting with Magruder until you see him?

E. I don't think it really matters. It runs over this whole thing and having knowledge and having to act on it.

P. My point is that I think you better see Magruder before you see him. No. I guess you're

E. It doesn't matter, in my opinion.

P. You should see Magruder, today. That's the main thing.

E. I think we ought to make a similar call to Magruder.

H. I should do it. I should call Jeb

and say that things have developed and all this and—P. Yeah.

H. Well, I didn't say that to Mitchell.

E. It doesn't matter.

P. Oh, Mitchell. He knows better. Say that to Jeb.

H. When I say it to Jeb it'll take probably thirty-seven seconds for him to turn up on your doorstep.

P. Oh, that's all right. It's all right. I think we should do it before you see Mitchell. Or you, do you feel uncomfortable about telling him?

E. No. As I say, I think it's almost immaterial as to which I see first. It's the fact of doing it rather than any particular sequence.

H. Mitchell won't be here, he can't be here until (unintelligible)

P. Yeah. I think, in my view, John, you can't wait to act. You can see Jeb Magruder and say now, Jeb, you're to testify (unintelligible).

E. I wouldn't quite say it that way. I'll say, "I don't know if you know what I've been doing here the last three weeks. I have been ranging over this whole subject matter trying to bring to the President something more than John Dean has turned.

P. Can you tell him as you talk to him that what he says is attorney-client? No? You can't tell him. OK.

E. I'll simply say that as you know Dean did an investigation which determined whether or not the White House was involved. My responsibility was greater than that. It was to range over the whole thing and try to bring to the President a new body of information on what actually happened, for example, first of what transpired. And from what I have been able to put together I have advised the President and he—this morning—and he has directed me immediately to contact you. Having found a highly accepted point of view in all of this that people should not disclose what they know because it somehow serves the President. It involves, apparently, considerable criminal jeopardy. (Unintelligible). What to do from your own standpoint, I now want you to have as a message from the President. He does not in any way view it as serving his interests for you to remain silent. Decide what to do from your own personal standpoint, and I haven't any right to interfere in that decision. If there ever was an impediment to your coming forward by reason of your impression, assumed or otherwise, of what the President wanted you to do I think it's my job to impart to you what is actually the case.

P. I would, also, though, I'd put a couple of things in and say, Jeb, let me just start here by telling you the President holds great affection for you and for your family. I was just thinking, I was thinking last night, this poor little kid.

H. Yeah, beautiful kids.

P. Lovely wife and all the rest, it just breaks your heart. And say this, this is a very painful message for me to bring—I've been asked to give you,

but I must do it and it is that: Put it right out that way. Also, I would first put that in so that he knows I have personal affection. That's the way the so-called clemency's got to be handled. Do you see, John?

E. I understand.

H. Do the same thing with Mitchell.

P. Oh, Mitchell? Well you could say to Mitchell, I think you've got to say that this is the toughest decision he's made and it's tougher than Cambodia. —May 8 and December 18 put together. And that he just can't bring himself to talk to you about it. Just can't do it. And he directed that I talk to you. You see, what I am doing, John, is putting you in the same position as President Eisenhower put me in with Adams. But John Mitchell, let me say, will never go to prison. I agree with that assumption. I think what will happen is that he will put on the damndest defense that — the point you have, your suggestion is that he not put on a defense. You're suggesting he go in and say, look I am responsible here? I had no knowledge but I am responsible? And nobody else had — that's it. Myself. That's it, and I want to.

P. This thing has got to stop. Innocent people are being smeared in this thing.

E. He will understand, however it comes out. Once you are possessed of a reasonable body of knowledge, you have an obligation to do something and, rather than simply to turn it over to the U.S. attorney, the thing that you are doing, in the first instance, is giving him an opportunity to come forward.

P. Rather than having a special prosecutor, say that he comes to a special prosecutor. The President rejects that. The idea that we turn it over to the U.S. attorney. Call him in, which I could do. Or call in the attorney general, which I could do, but I think it's (unintelligible) to do this because I cannot have this. Now, of course, he's going to ask, "Well, now, John, what knowledge do you really have, except hearsay?"

E. "I don't have any knowledge, except hearsay, John."

P. But I do know that Magruder . . .

E. I know that John Dean said . . .

P. (Unintelligible) There is no question about what is going to happen.

E. That's right.

H. You won't have to appeal to him on that because he's made the point you know that if Dean testifies it's going to unscramble the whole omelet.

P. That's why I don't want to leave it at the point that Dean's or Magruder's or anyone's testimony is essential to Mitchell's—

E. That's right.

P. You see that's the point of that. On the Dean thing, I wouldn't say that the President has stood, frankly, John, on executive privilege thing, because it's up to (unintelligible) and so forth.

E. "It isn't my purpose to prove to

your satisfaction you're guilty or that you're going to be indicted, but—it's my purpose to say that the President is now in possession.

P. That I believe we should come to you. What are you going to suggest that he do, John?

E. Well, if he asks me, what do you want me to do? I am going to pick up the phone or you would allow me to pick it up, and call Earl Silbert and make an appointment today and go over and talk with the U.S. attorney about this case with counsel."

H. I'll see the President and tell him you're going to go.

E. No.

H. OK.

E. "Well, you're asking me in effect to go down and enter a guilty plea." And I would say, "Look, John, you're the only one who knows the basic (unintelligible) to go and to decide whether there's any room with what you know and the ultimate action of the jury through which you might pass unpunished. I can't make that judgment for you and I don't have any right to make it for you. All I'm saying is that if we're looking at this thing from the standpoint of the President, today is probably the last day that you can take that action, if you're ever going to take it to the President a bit of good."

P. "Do you realize, John, that from the White House, I mean, Colson, maybe Haldeman are going to get involved in this thing too?"

E. Well, here again, we're looking at this thing not from the standpoint of any other individual. "We are looking at it from the standpoint of the presidency and that's the only way I think you and I can approach this."

P. And I'd go further and say, "The President has said let the chips fall where they may. He will not furnish cover for anybody." I think you ought to say that.

E. That's right.

P. Don't you agree, Bob? That isn't it?

H. He may go, he may get Chuck.

H. He may get you. We asking—

P. We are asking on this thing (unintelligible) get the White House. You see on the other hand, he may do something else, Bob. I think he would think the latter.

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) (unintelligible).

P. (Unintelligible).

E. And this is one that will permit him, one that might help the presi-

DON'T RATHER THAN DAMAGE IT.

P. Bob, do you think there's something to be said for having John want to talk to Magruder until after he sees Mitchell? Suppose you get stonewalled with Mitchell.

H. Well, I think John's in a stronger position if he's talked with Magruder

than if he hasn't but I, maybe I.

E. I tell you, it is not what Mitchell says that matters today. It is the fact that you have acted on information you have today.

P. Yeah.

E. Now, let's suppose Mitchell turns us down cold, and says I'm going to preserve all my rights. I'm going to fight every inch of turf and so on and so forth. OK. That's right. But at least you, having accumulated all this knowledge this week, have tried to get this thing out, so that sometime two months from now, three months from now, a year from now when there's a panic you can say on the 14th of April—

P. It's the 13th.

E. 14th—14th day of April.

P. This is the 14th—Saturday.

E. Yeah. Friday was the 13th, yesterday. On April 14th—

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.

E. I don't know. It depends on how it all turns out. If he does not go to the U.S. attorney, if Magruder decides to stay clammed up—

H. What would you do?

P. Well, that, well, let's suppose they still indict. You don't want them to indict and then have to say that on Saturday, the 14th of April, you, John Ehrlichman—

H. (Unintelligible) at least you got the record now.

E. The problem is that if you were to go out on this kind of hearsay and say we know who did it, then you've prejudiced their rights.

P. Then your 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, we began to investigate personally the external circumstances and we came to some conclusions—we acted on those conclusions.

P. John Ehrlichman conducted an in-

vestigation 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.

E. 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.

E. I would like a record of my conversation with both Magruder and Mitchell. I think personally that maybe I ought to get my office geared up so that I can do that.

P. (Unintelligible) or do you remove that equipment?

E. Yeah.

P. I do here for my meetings with Henry but I don't know.

E. I think it's better if I do it over there.

P. Why don't you just gear it up? Do you know, do you have a way to gear it up?

E. Yeah. I've done it before.

P. Well go gear it up. No, no. Well, wait a minute. No, I think that's too—

H. (Unintelligible.)

P. Who will? I would just have it so that you will know that what we've got here. I don't want to hear the record, I want to say. So these guys, don't have me hear the record.

H. (Unintelligible) I don't know whether to tell you or not, but there is certainly a purpose for me to sit in on the meeting.

P. I think you should.

H. Maybe that's it. That would give you a witness for one thing. If either of those people were questioned and you don't have anybody else, you've got a problem.

P. And then when Mitchell says, Bob, you know you were in this too. What's Bob Haldeman say?

E. Well, he won't. He won't.

P. I think, Bob, shouldn't sit in because Haldeman is. No. I think, so. That gives you the witness. And also Mitchell feels he's got a friend there. And he knows that you're not just

doing this on your own, treewneeling it. Bob says we talked it all over. The President said we can't sit on information that's of this nature. Get any information on the White House stuff. It's going to be exactly the same procedure. I think you ought to move on the Jeb thing, Bob.

H. I get him in my office.

P. Give your report to me on it. When you finish your conversation with Jeb, I'll be over.

(Material unrelated to presidential actions deleted.)

To Be Continued on Wednesday



Assistant Attorney General Henry E. Petersen