

Wbot 5/8/74

Ehrlichman: Magruder Does Not Link Dean With Break-in...

Fifth in a Series

Meeting between President Nixon and H. R. (Bob) Haldeman in the Oval Office, April 14, 1973, from 1:55 p.m. to 2:13 p.m.

P. Well, you chatted and decided to take (unintelligible).

H. Yes Sir, he said stay on standby—it may be better if it looks like a good idea for you to be there if you can just be available because I may want you to come up fast so I am on standby.

P. Magruder.

H. He has had him in there for forty-five minutes, but he still (unintelligible). I called Magruder—it took a long time to get him—he was not available—and I was trying to get him through his office but his lawyer said he could reach him in about an hour which he did and had him call me. Jeb said—I started out by saying now there have been some developments and we have reviewed this whole thing with the President and he thought it was important to have you and your lawyer meet with John Ehrlichman right away and get up-to-date on where things stand from his side. He said—fine, I can do that, I can't make it until about four o'clock. That was the way it was left—but he then said—you know this whole thing—I don't know the situation but it is all done now. I said, what do you mean? He said I decided late last night with my lawyers that I am going to go ahead—you told me to do what my lawyers told me to do. You said you couldn't advise me.

P. Is that what you told him?

H. Yes. You see he called saying, what does Bob want me to do? I told Larry to tell him that I was not in a position to tell him what to do, that that was last week, that that was a decision he had to make and work out with his own advisers. You know—that I wasn't cutting him off—it was simply that it was his area. Well anyway, he said they had decided last night that he would have to tell all and his lawyers met with Silbert today and informed Silbert that Magruder was ready to tell all and requested an opportunity for him to do so. He doesn't know what the timing is but the plan is that he will meet first with Silbert and review what he is going to say and then Silbert will take him to the grand jury. Now, the kind of a deal—first—Jeb said I did not ask for immunity—I did not feel I was entitled to it. He said the reason that I tell everything is because they are going to get it anyway. They have witnesses on witnesses now and there is no reason for me to be quiet because

they've got everything anyhow.

P. How does he know that? Did Silbert tell him?

H. I guess Silbert told his lawyers.

P. Uh, huh.

H. It is a damn good prosecuting lawyer like Silbert to get a key witness to tumble, but—

P. Immediately?

H. Sure, they've got the facts—they may not be able to prove them but they've got them. Magruder is set to give them the proof. He says the only thing I gain out of this is the hope that I don't go up for all the counts they've got on me. He says they've got me for six or eight counts perjury, two counts of conspiracy and two counts of obstruction of justice essentially and that ends up with sentences of 135 to 160 years in jail. He says my lawyers feel that if I open up on this and they have had discussion—they haven't made a deal apparently with Silbert—as to what they will do—that he has been told the way the process will work is that he will give his information and they will determine from the information what counts they will seek to indict him on. They will then take him before the grand jury and go forward with grand jury indictments on a limited number of counts and they will try to work on cooperation and that sort of stuff to lighten his load and he will then plead guilty on all counts. He will not stand trial—he will not testify in public court—he will only testify to the grand jury and whatever they bring as indictments he will take guilty pleas on and go to jail.

P. It isn't a fair trial is it?

H. He told me that whole thing in a broken voice and showed more strength than I thought he had, to be

perfectly frank. He obviously groped his way through in his own mind.

P. It is terribly hard.

H. It is awfully hard—particularly if you are very sharp.

P. You don't know what is involved—

H. He understands it—he said the other thing that you have to understand, Bob, is that this whole thing is going down the drain—he said everybody is going to crumble. At this point I would suspect these lawyers have talked to each other. He said Larue,

everybody involved here is going to blow with the exception of John—

P. Mitchell?

H. Unfortunately, I had this conversation just as John Mitchell was driving up the driveway—I held Mitchell—had him go up to John Ehrlichman's office but then Ehrlichman heard all of this before he went into Mitchell. Jeb has not told Mitchell of his decision yet—he said, I want to make my decision and then my lawyers are working it out with Silbert this morning and then my next step is to tell John Mitchell which I want to do.

P. How the hell can John Mitchell



deny it? He was right on the (unintelligible) spot.

H. Jeb says unfortunately I will to a degree implicate John Dean and to possibly to some degree Bart and I hate to do it, but he said where I am now there is nothing—I can't pull any punches. He said there is no way that anything I do will get to you.

P. John Dean will have to testify (unintelligible)

H. Well, John Dean—that doesn't trouble me—I don't think it troubles Dean—where he gets John Dean is on his attendance at those meetings.

P. That meeting Saturday night?

H. No—the problem there is that the discussion at those meetings clearly and specifically did involve bugging.

P. Oh, Dean never denied it as it has turned out. That's John Dean's stand—but what about the aftermath? Does the aftermath hold on Dean?

H. I don't think Magruder knows

about the aftermath.

P. Where does he get to Gordon Strachan?

H. He says he gets Gordon on —

P. Sending material to him —

H. He still implies at least that Gordon know about it before you know—he knew everything they did. Larry tells me he did not.

P. He will testify that he sent materials to the White House?

H. If he is asked, he will, yes.

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

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

P. Who else did he sent reports to—Mitchell?

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

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

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

P. I know, but they will ask it in the grand jury.

H. If they do ask it in the grand jury

—the grand jury is secret. The only way it will come out is if they decide to indict Strachan and put him up for trial. He, Jeb, is totally convinced that they have no interest in Strachan at all—and they have all this stuff. And I can see how they feel—Strachan is like a secretary—he is useful as a witness.

P. (Unintelligible)

H. Yeah, he implies—or has in earlier stuff—he doesn't now directly — he doesn't say anything now directly — but did in the earlier stuff that Strachan knew about it beforehand. That Strachan knew they were bugging the Watergate. Strachan says he didn't. Jeb has implied a lot of things that I know aren't true, but I know that a lot of things that other people are saying aren't true so I would have no idea whether he believes now that — one of the problems Jeb has is that he's not sure what is true at this point.

P. He tells you this?

H. He tells me that he is sorry about this because it will probably hurt Dean and it may hurt Bart. You see that is the kind of thing—you know—from his judgment—he is looking at things a little different now.

(Material not related to presidential actions deleted)

P. Has anything come out yet — something implies that there are copies

of a bill from the Watergate to the White House or not or has that not been said? He could have had—but I suppose not (unintelligible)

H. I am sure that it is the thing that follows—all of them had access to everything—involvement—implication is clearly there.

P. Everybody is sure trying to get in the act now. I see a message here from Steve that John (unintelligible) had thought about the Watergate and had some ideas he would like to pass along.

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Meeting between President Nixon, H. R. Haldeman, and John Ehrlichman in the Oval Office, April 14, 1973, from 2:24 p.m. to 3:55 p.m.

P. All finished?

E. Yes sir. He's an innocent man in his heart and in his mind and he does not intend to move off that position. He appreciated the message of the good feeling between you and him.

P. He got that, huh?

E. He appreciated my —

P. How did you get him here? Give us a little chapter and verse.

E. Well, I started out by saying that the subject was so difficult for you to talk to him personally about that you had asked me to do this.

P. What did you next say?

E. That you had me doing this. That I had presented you with a set of conclusions that were admittedly hearsay, but that pointed in the direction of his ex-soldier and Jeb's and other people and that you were having me systematically talk to these people because in the course of this investigation we had discovered a frame of mind on the part of some people that they should stand mute in order to help the President, and that your sense was that the presidency was not helped by that, and that it was not my purpose to tell anybody what he should do, but only to tell him that as far as your view of the interest of the presidency were concerned, that they were not served by a person standing mute, for that reason alone. Now, there might be plenty of reasons why a person might want to stand mute to put the government out to prove it. And that wasn't the question. Then he said, "Well, what you say to me is that the president is reserving to me all my options," and I said, "of course he is, John. The only thing that he doesn't want you to feel is that you don't have the option of going in and coping, if you want to do so. You have completely every option to go in or not to go in." And he said, well he appreciated that but he had not been taking the position he had for the reason that he thought he was necessarily helping or hurting the presidency, but he said, "You know, these characters pulled this thing off without by knowledge." He said, "I never saw Liddy for months at a time." and he

said, "I didn't know what they were up to and nobody was more surprised than I was. We had this meeting," and he lobbed mud balls at the White House at every opportunity—it was very interesting how he dragged it in. One after the other. But first he said,

"There were these meetings. These characters came over to my office and Liddy put on this million dollar presentation which was perfectly ridiculous. The origin of that, of course, was in the White House where Bob Haldeman, and I talked about something called the Operation Sandwedge that was really the grandfather of this whole thing." He said, "Of course, that was never put together because we couldn't get the right people to do it." They were talking about Joe Woods and people of that kind and so he said, "It never happened."

P. What is Operation Sandwedge?

H. He is right. Jack Caulfield came up with that back in 1971, said we need some fellows to set up our own detail.

E. So then he went on to say that there were only those meetings—he is still hung up on there were only three meetings. He made it very clear to me that he did never believe there was a fourth meeting. He said that, of course.

H. He wasn't in the fourth meeting, John. There was no fourth meeting as far as he was concerned.

E. No, no, but he didn't refer to three or four, he referred to the meetings themselves. He argues that there was no meeting after the million dollar meeting.

H. Well, it wasn't that way.

E. Right. That is the sense of what he was saying. I didn't press him on it and I tried to play him with kid gloves. I never asked him to tell me anything. He just told me all this stuff. He says that actually Magruder is going to have a problem with all of this because Dean talked Magruder into saying the wrong things to the grand jury, and so Magruder's got a problem.

P. My God, Mitchell was there?

E. Yep.

P. Is that Dean they are referring to?

E. Sure.

H. Sure.

P. Mitchell was there when Dean talked him into saying the wrong things?

E. or H. That's what he says. That is what Mitchell says.

P. What does Dean say about it?

E. Dean says it was Mitchell and Magruder. It must have been the quietest meeting in history everybody's version is that the other two guys talked.

P. Go ahead.

E. Well it goes on like this. His characterization of all this is that he was a very busy man, that he wasn't keeping track of what was going on

at the committee—that this was engendered as a result of Hunt and Liddy coming to Colson's office and getting Colson to make a phone call to Magruder and that he, Mitchell, was just not aware that all that happened until Van Shumway brought Liddy into Mitchell's office sometime in June and that's the first he had knowledge of it. It was much later in the conversation before . . .

H. Before the discovery?

E. I don't know. I don't know. You can listen to it. I've got it taped. Forgive me. But in any event, much later I said that the grand jury, or the U.S. attorney, felt that they had John wired. And he said, "Well, what possible evidence could they have to feel that way?"

P. John Dean or John Mitchell?

E. John Mitchell. Well I said I understand that one version of the fact is that Magruder brought you a memo with a number of targets on it, and that you checked off the targets that you wanted. And he said, "Why nothing could be further from the truth than that."

P. That was John Dean's version.

H. That's right.

P. That's what he said to Mitchell.

H. Right. Then what Mitchell said to me was that he did not—he said I checked—I signed off on it.

P. Go ahead.

H. I said you mean you initialed it and he said no.

E. Then I said they had testimony saying Hunt and Liddy, having a conversation, and Liddy saying to Hunt, "Yes, I know how you don't like this stuff, but we have to do it because Mr. Mitchell insists on it." He said, "I never saw Liddy for five months. From February to June, I never laid eyes on him." He said, using my name, etc. So it is very much of (unintelligible) thing. He said, "If I am indicted, it is going to be very hard but," he said, "I have to think of my reputation.

I can't let people get away with this kind of thing," and he said, "I am just going to have to defend myself every way I can." He said, "obviously I can't get a fair trial in the city of Washington by any stretch of the imagination. We'll just have to see how that all comes out." He said, "I am sorry to hear that so much of this is going to come to the White House because it certainly is not in the President's interest to have all this kind of thing come out." He made a great point of the \$350,000. He says that his recollection—and he said, "You want to check this because," he said, "I am very vague on the facts of this." I told him about Strachan, because Strachan used to work for him. And I told him that Strachan had been, and has to go back and correct the \$350,000 to \$328,000. He said, "I wasn't the only (unintelligible) for that money." And I said, "Oh?" and he said, "No, you would have to check with John Dean on this but," he said, "it is my recollection that Dean and Strachan draw other

money out of that fund for payments to these defendants." I said, "Well, that is the first I have heard of that. I understood that Strachan had gone to Bob and said this fund and Bob had said send it back to the committee and that Strachan had taken it to Larue as a representative of the committee." He said, "Yes, I think that's the way it all went, but not until some of it had been tapped by the defendants." And I said, "It was not known to anyone over here who was going to receive it." I said, "Was that before the money got to Larue?" and he said, "Yes, I am sure it was." I said, "Well, who would know about that because I have never heard that before." He said, "Well, Dean." so—

P. The \$328,000 is wrong, too, then?

E. Well if Mitchell is to be believed, that's right that is the inference. But you don't know of any other withdrawal do you, Bob?

H. Well, I told you the \$328 was not returned in one trip, but it all went to Larue.

P. (Unintelligible).

H. Here is the sequence on that. We wanted to get the money back to the committee. The committee wouldn't take it, Mitchell wouldn't let Larue take it. I said give it all back. Mitchell said no. Then they got desperate for money, and being desperate for money took back—I think it was \$40,000. That is all they would take. I still said, "Take it all back, not just a segment of it, and made the point that I didn't see what the problem was. If they needed money and we wanted to get rid of money, it seemed to me it was of mutual interest in working it out. And that, then, was what happened. The balance—

P. Tell Strachan on Monday that he better be clear that he didn't give

H. Right.

P. Strachan has testified apparently that he gave the whole brindle bundle at once.

H. No, he wasn't asked that.

P. He wasn't asked?

H. His testimony in that area is not wrong.

P. Good.

Now, John kept referring to, using the phrase, protecting the rights of people. One of the ways that he used that phrase was in response to my question about what he thought I ought to do with the information that I had collected in the last several weeks. And he said, "Well, you have to first of all consider the rights of individuals." I said, "Yes. At the same time here is the presidency hindered now with a body of hearsay and not absolute knowledge. Ah, my inclination is to give it to Kleindienst." And he thought about that awhile and he said, "Yes, I guess that is the best thing you could do." I said "Now you should know that Kleindienst has said that if you in any way get cracked in this case that he is going to step aside, regardless of the case, I understand, Henry Peterson also will." And I said,

"That the thing Kleindienst is pushing for is a special prosecutor." John said, "That would be a grave mistake because it would be subversive to the orderly process of justice if everytime you had an important case you strive to put the matter in an ad hoc process."

P. Well, I particularly—the present prosecutor (unintelligible).

E. So I said, "At least, he thought he should step aside." He got a very wide smile on his face, and he said, "Well, its great to have friends isn't

it?" He says, "Especially the way we stuck by them"—meaning the ITT business. I assume, because of Kleindienst. So that was an interesting little aside. He said, "I would be very grateful if you all kind of keep me posted," and I said, "Fine." He knew that we were talking to Chappie Rose. I told him no decision had been made about a special counsel, but we were inclined not to appoint a special prosecutor; that you were—

P. He doesn't mind a special counsel?

E. He thinks it is a good idea to have a special counsel. He suggested that maybe the special counsel should be the one to go talk to Kleindienst, rather than somebody from the White House staff.

P. I'll be darned.

E. And so that was his only reaction to that. I told him again that I thought he ought to be represented, and that Paul O'Brien was now a target of this grand jury and that I thought he really had to think about getting representation. He said he had given it a lot of thought, but that he didn't think that he would want to make a change yet. He thought he would wait and see how O'Brien got along.

H. Which confirms he considers O'Brien to be his attorney.

E. Right.

H. That's interesting.

E. He asked me how he was involved; what I heard about the prosecutor's view of Mitchell's involvement in the obstruction of justice suit. I said that I really had not been able to find anybody who was in a fishing net, who really went to a defendant and said, "Don't talk" or so and so. And he said, "Well I really wonder if you ever will, other than their lawyers." He said, "My impression of this is that they are the ones who are worried about their fees and who will really be coming to us rather than for any of us going to them to bring about a change in testimony. As a matter of fact," he said, "the same that —

H. Dean has been saying that all along. He said, "The thing—that we were talking to Dean about," he says, "I wasn't really worried about what they testified to. I was worried about what they would say to the press."

H. Exactly what Hunt made the

challenge.

E. Yep.

H. But somehow Dean doesn't see that that way.

E. Well, we've got to talk to him some more. He, Mitchell, did not mention Martha at all and I didn't raise it. That was just not even in the conversation. I told him that the only way that I knew that he was mentioned, insofar as the aftermath was concerned, was that from time to time he would send Dean over saying, "Hey, we need money for this," and he said, "Who told you that?" And I said, "Well, John, that is common knowledge, and Dean will know that you told him that." I said, "Dean has not been subpoenaed. He has not testified and, as a matter of fact, the way they are proceeding down there, it looks like they are losing interest in him." I said this to John because I wanted him to be impressed with the fact that we were not jobbing him.

P. Oh. I get the point. Now does he know Magruder is going to confess?

E. I said that in the course of calling to invite people to come talk with me today, and I indicated that there were more than two, that the persons who called was told that Dean intended—pardon—that Magruder intended to make a clean breast of it and that was first party information and very reliable, and that would tend to begin to unravel the saint from the sinner in both directions. And he agreed with that. Now he said, "Which version is it that Magruder is going to testify to? Is it the one that he gave Bob and me in Bob's office, or is it some other version?"

H. That's not true.

E. I said—

P. What was the version he gave Bob? Was it another version?

E. Well, let me tell you what Mitchell said. It was another gigging of the White House. He said, "You know in Bob's office, Magruder said that Halde- man had cooked this whole thing up over here at the White House and—"

P. Had he said that?

E. Well that is what he said, and that he had been sort of—

See TEXT, A19, Col. 1

TEXT, From A18.

P. Now wait a minute. Your conversation with Mitchell is the one where—

H. I've got my notes on it.

P.—where Mitchell (unintelligible) is one where—Mitchell does—it's good you have the notes, too, but—

E. Mitchell's theory—

P. Whatever his theory is, let me say, one footnote—is that throwing off on the White House won't help him one damn bit.

E. Unless he can peddle the theory that Colson and others were effectively running the committee through Magruder and freezing him out of the

operation which is kind of the story line he was giving me.

H. Did he include me in the others?

E. Yep.

H. That I was freezing him out of the operation?

E. That you, in other words, he didn't say this badly or flatly, but he accumulated a whole bunch of things: it's Colson, Dean and Bob working with Magruder, and that was sort of the way the line went.

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

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

E. He had a very, very bad tremor—

P. He has always had it.

E. Well, I have never noticed it as bad as this.

P. So, you've done your (unintelligible)

H. The next question is whether you see Magruder or not and you are now set to see him at 4 o'clock, and if you are going to cancel him, why don't you do it right now.

E. I see no purpose in seeing him.

P. Why, because Magruder is aware of the fact that—

H. Magruder is already going to do what John is going to tell him to do, so we now know—

P. Our purpose, as I understood it—what I mean Bob, was for making a record.

E. Allright. For that purpose maybe I should. Maybe what I should do—

H. Ask him to tell you what he told me, and then you say, "Good."

P. We would like to get the hell what he is going to say.

E. Allright, allright.

P. I would particularly like to get what the hell he is going to say about Strachan.

E. Allright

P. You could say, "Look, Jeb, I have to conduct this investigation on the White House. "Tell me what you are going to say." If he says Strachan

knows, ask him how he knows he knows.

E. Allright

P. Do you think we should ask him that or do you not want to dig him on that?

H. That's OK.

E. Once he tells me he intends to go forward to tell the truth, he has nothing to lose in talking to me.

P. Without guiding or leading him, you can at least maybe get that out tonight.

H. Well, his lawyer will be there.

E. Right.

P. The other thing is what about—of course, you realize that if he says something about Strachan then of course that puts an obligation on us to do something about Strachan, doesn't it?

E. Well at least to corroborate it or

investigate it or go forward on it.

H. Question, John—

E. Well, if it ends up that way, why then you have a sort of a dog fight.

H. Let me say this. I don't think Jeb wants to hang Strachan. I think Jeb is worried about the fact that in going through this, he is going to reveal things that will implicate Strachan. That is the same kind of thinking as Strachan and Chapin, who were both very concerned about getting me into the Segrètti thing. In other words, they see any involvement, any mentioning of the name as being a problem.

P. Yeah.

H. I don't think Jeb sees it or understands the question of whether he really got Strachan in or not, and I am not sure how far he intends to go with Strachan.

E. He didn't say, didn't really make it clear?

H. No. He just said unfortunately this whole thing is going to come up and if it comes up, Bob, — I said, "What is the problem with Gordon?" And he said, "Well, I don't know. That depends on what other people say."

P. Other people, you mean like a secretary, you mean, or someone like that?

H. Could be.

P. Typing a memorandum. To a degree I think one of the nice things in Strachan's case is the — the other possibility, of course, would be — maybe they are very likely, they might do this Bob, that they are going to ask the question, "Who told you to do this Jeb, or Mr. Magruder?"

H. He stoutly denied that Strachan told him to do it. Larry brought back the exact story that he insists —

P. What about the Colson (unintelligible).

E. He says that he is going to have to hurt Mitchell.

H. He says, "The ones I am going to hurt is Mitchell, and to some degree, John Dean and maybe Gordon.

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

H. All right.

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

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

H. Right.

P. The interesting thing is — did Bob tell you — are you prepared to say that he says that he, Magruder, says they will indict him and not Mitchell. That's a hard damn thing. Isn't that what you told me, Bob? Bob, didn't you tell me that?

H. No. He said everybody is going to fall on this. He wasn't meaning in-

dictments. He was meaning going to talk .

P. Oh.

H. Himself, LaRue, everybody is going to drop but John. He didn't mean that Mitchell was going to be indicted.

E. That's correct.

H. He meant that Mitchell was the only one who was going to continue to hardline, because everybody else had given up. And that is why he has given up. His point is that his keeping quiet now or lying now serves no purpose because all it is going to do is get him on a perjury counts as well as everything else. If he can clean up anything he can live with himself better. He faced the fact that he has had it.

P. Uh, uh. So that means LaRue, O'Brien. Is that right?

H. Depends on how far they go.

E. That's right.

H. Jeb doesn't know—I don't think—much about that.

P. It's under cover. They'll push him. I think he can put up a pretty good fight on the thing don't you?

H. I would think so.

P. If they indict him, it is going to be a damn hard case to prove. You've got to prove motive there, don't you, John?

E. Yes. Dean argues that in a conspiracy such as they are trying to build they may not have to prove the same kind of (unintelligible) of some of the participants but only that they were in

President: It's a shame. That could be clemency in this case and at the proper time having in mind the extraordinary sentences of Magruder, etc., etc., but you know damn well it is ridiculous to talk about clemency

it. I would have to read the cases. I just don't know what the law is.

P. Of course, you've got there the defendants. They're the same way, too.

H. That's right.

P. In fact, the key witness there is Hunt.

E. Well there are the defendants and the defendants' lawyer, Bittman.

P. Hunt and Bittman. Hunt is to testify tomorrow.

E. My guess is that a fellow like Bittman has probably negotiated immunity for himself, and has—

H. Dean strongly feels they wouldn't give it to him.

P. They would.

H. Will not—

E. He is going to tell them about a lot of conversations he had with a lot of people.

P. Bittman is?

E. Yeah.

P. Do we know that?

E. I don't know that but I know, for instance, that Bittman had a conversation with Colson that was a Watergate conversation. And I know what Colson says about it—that he was brilliant and adroit, avoided any—

H. And he says Bittman's recollection of it would be exactly the same as Colson's—his recollection of the specific conversation—but he says Bittman may draw conclusions from it.

P. This is the clemency conversation? And his conclusion would be that he felt the President had offered clemency?

H. No. His conclusion he, Colson, will have Hunt out by Christmas. He says you know what kind of pull I have at the White House. I will be able to work that. That's what he would have thought. That by saying—

P. How does Colson handle that?

E. He says he has a paper or a memo or something that says exactly what he said.

P. Just a minute.

H. He wrote a memorandum of the conversation immediately after the conversation. That's all it is—his side of the story.

P. You don't think this would lead to an indictment of Colson do you?

E. I don't know. Dean thinks everybody in the place is going to get indicted.

H. They're all doing the same thing. Look, Dean said just looking at the worst possible side of the coin that you could make a list of everybody who in some way is technically indictable in the cover-up operation. And that list includes, in addition to Mitchell, Halde-man, Ehrlichman, Colson, Dean—

P. Because they all discussed it?

H. Strachan, Kalmbach, Kalmbach's go-between, Kalmbach's source, LaRue, Mardian, O'Brien, Parkinson, Bittman, Hunt and you know just to keep wandering through the impossibles, maybe for everybody on that list to take a guilty plea and get immediate—what do you call it—

E. Clemency.

H. Clemency. That shows you the somewhat incredible way of some of John Dean's analytical thinking.

E. No way.

P. It's a shame. That could be clemency in this case and at the proper time having in mind the extraordinary sentences of Magruder, etc, etc., but you know damn well it is ridiculous to talk about clemency. They all knew that. Colson knew that. I mean when you talked to Colson and he talked to me.

E. The Magruder thing is 4 o'clock and it is still on.

H. I think I have to go confirm it.

E. Alright. Now the question is whether I ought to get hold of Kleindienst for, say 5 o'clock, and get this thing all wrapped up.

P. Have you determined it should be Kleindienst rather than Silbert?

E. Yeah. Dean's right about that I am sure.

P. How do you know?

E. I asked him for his advice on this. He said Silbert would ask you to wait a minute and he would step out of the room and he would come back to get you and walk right into the grand jury.

P. Oh.

E. And you see, he doesn't dare handle a communication like that personally from the standpoint of the later criticism. He says the better out would be to go to Kleindienst who will prob-

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

P. The purpose in doing this is what?

E. The purpose of doing it is —

P. The White House has conducted an investigation and has turned it over to the grand jury.

E. Turned it over to the Justice Department.

P. Before the indictments.

E. Right.

P. How much are you going to put out?

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

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

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

P. Yes, as a matter of fact.

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

P. Independent investigation.

E. Needed it known.

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

E. Alright.

P. At that time you conducted an investigation.

E. And that a — at the time I was ready to report to you my tentative conclusions, and they were no more than that, you felt that they were sufficiently serious — well, you felt that one overriding aspect of the report was that some people evidently were hanging back feeling that they were somehow doing the President a favor. That the President had me personally transmit to them his views that this ought to be a complete open thing; that mayor may not have played some

part in —

P. Jeb Magruder's subsequent disclosures to the Grand Jury?

E. In any event, rather than for us simply to hold the information in the White House, we turned it over to the Justice Department for whatever disposition they wanted to make of it.

P. If Mitchell is indicted here, you think he is going to be convicted?

E. Yeah, I think so. I can't guarantee it, but I would be amazed once Magruder goes in there.

P. Well, that's only one man.

E. Well, that is plenty.

P. Is it?

E. Oh, yes, sir.

P. What about the law?

E. Well, with all the other stuff they've got, they —

P. All the other stuff they've got?

E. They have a way of corroborating.

P. Alright, so let's go down the road. If Mitchell is indicted, when do you think this is going to happen? With Magruder going in today, it could come sooner.

E. Could be. Could be, although Dean feels it will not be before May 15th at the earliest and now with the glut of people coming in, it may be even later than that.

P. Because they want to make a show.

E. They will want to do it all at once. Steward yes, sir?

P. I will have some consommé.

E. I might have Dick and Jeb come over at 5 o'clock.

P. Yeah.

E. And tell them what we have done, tell them that I will reduce the report to typewriting, which it is not now.

H. He could probably be over sooner if you wanted him. He is at his lawyer's office.

E. Why don't we do it as soon as we can?

H. 3:30?

E. No sense of sitting around here. Make it 3:30. It looks like we always have a drum on the lawn when these things are going on. We had a band out there when Hickel came in.

H. Oh, really? Would you check Jeb and see if they — why not have it held here?

E. Yes, sir.

P. What is the situation then with Mitchell? Undoubtedly, he will have a change of venue?

H. If he could come at 3:30 it might be even better. Here,

E. Well, I think he would have maybe a better chance of getting a judge in a different venue — concerning the witnesses — than he would certainly here in Washington who would feel the political heat of letting the Senate go on. I don't know how to calculate that. That's — it's a good question. I mean you would have to have it in a place like Missoula, Montana.

P. It is a national story.

H. Place like Pascagoula, Mississippi might even be better.

E. Yeah, that would be better. Miami would be a pleasant place for it.

P. With you here, you men and Dean, without building stars — well, we have a pretty big bag.

H. Right. (unintelligible) his opinion is that they will not reach him. He does not think he is a target and he doesn't think he will be. He thinks he might be but he doesn't think he will and if he's not, that means they are just going to be targeting on the White House.

E. Well, I am not so sure of that.

H. That's right. He said they may be after bigger targets.

E. Yeah. The same names are kind of peeling off, like yours truly.

H. Yep. I think he is trying to get attention with that, John.

E. He does believe me.

P. I don't think though — as a matter of fact I can't see that. John Dean has said that we all have to keep our thinking in perspective, but the potential relationship Magruder had with John is nothing compared to Dean's. He sat in on the damn meetings.

H. That's right. As however even at a somewhat higher level — if he can establish himself in a similar role as that of Gordon Strachan — and say that he was merely a messenger, a conduit, an agent.

E. Boy, Mitchell sure doesn't agree with that. I assume Mitchell will never testify. That would be my assumption.

H. Well, one thing that you know we haven't talked about, but I am sure you have thought through and I have talked to him and told him I was reporting to the President is that the outcome of the Magruder thing is that there will never be any published Magruder testimony.

E. That's right.

H. So the question of what Magruder's testimony amounts to is only —

E. That's not right, Bob. He will be indicted and he will plead guilty and be sentenced.

H. That's right.

E. Then he is available so the committee or to the court as a witness in somebody else's case.

P. Oh, he is?

E. He will be brought in his prison denims, change into a business suit and be put on the stand.

P. Oh.

H. Really?

E. Sure.

H. Why doesn't he take the fifth on additional possible self-incrimination.

E. He's already been going it.

H. (unintelligible) must go on anyway. This stuff wasn't hanging on any of those things anyway and we just have to face that fact that whatever the story is it is going to be out anyway.

E. They will have the entire story out, plus probably two other stories

that two other guys make up.

H. That's right.

E. And that anything and everything that is said will be believed.

H. And at least some of which will be enormously damaging to us.

E. There would no way.

H. Not provable, but damaging.

E. No way to deny it.

P. It is terrible when they get such a big bag.

H. Yep.

P. What does all this mean with regard to the — our posture here. Would you say let's take the gaff?

H. No, or do you deny it?

P. And cooperating with the committee and so forth. You are now looking at another month of it.

H. I don't think we should take that chance. See if we can — a month or more.

P. I don't want to. I don't want to. Bob, you see the point. I don't want to cooperate with the committee unless I could get a resolution of the entire Republican caucus in the Senate. We can't do that. (Unintelligible) based on the (unintelligible) situation. Do you not agree?

H. Well, I don't know, but I think what happened there: —

E. Look, what should I say to Ervin and Baker on Monday?

P. That's exactly why I am raising this point.

E. One thing, it's a live actors show. I think Magruder and Mitchell and others. —

H. If they show up at the Senate —

E. Will not be witnesses at the Ervin hearings.

P. They will not? You just told me a moment ago that they could be witnesses at the trial.

E. Well, they can but the point is that — after the trial and their sentencing.

P. Yeah. Of Mitchell.

E. They could be subpoenaed.

P. Yeah.

E. And they would be delivered up to the committee.

P. But by that you mean until Mitchell is tried they can't be.

E. That's right. Until they stand trial, well, it would prejudice their rights.

P. Not only that — but he's already given — pled guilty.

E. Ah. Well then Magruder could be a witness after he's been sentenced. If he wanted to be and

P. Wanted to be?

E. Here's the tricky point. Whether or not Ervin can grant immunity to someone who has been sentenced and is serving a sentence is something that I don't know, whether that would make any difference or not. I have no doubt that a judge can, but I don't know whether the Senate can. I think Ervin's best bet is to suspend as soon as these indictments are announced. If he were smart that's what he'd do, and then just let this thing (unintelligible) and then come around afterwards and punch up places that they missed. Just go