

519/74
W. Bass

Nixon: 'We've Got to Just Ride It Through...'

Sixth in a Series

A telephone conversation between presidential aide John Ehrlichman and Attorney General Richard Kleindienst, April 14, 1973, approximately 6:00 P.M.

K. Hi, John

E. Hi, General. How are you?

K. Pretty good, How are you?

E. How was the golf?

K. Half good and half bad.

E. First Half good?

K. Well, the middle was good and —

E. I want to bring you up to day on what I have been doing. For about the last three weeks — Well, since I saw you, before I saw you out in San Clemente — the President has had me trying to gather together, as you know, a certain amount of law and facts to be in a position to kind of substitute for Dean, and to advise him on the White House involvement, but even broader involvement, in this whole transaction. Yesterday, I gave him my summary and, admittedly, it was hearsay, but some of it pretty reliable. And the whole thing fit together pretty well as, at least, a working hypothesis. One of the things that I told him was that I had encountered people who appeared to be reticent to come forward because they somehow felt that the presidency was served by their not coming forward. So he had me today, in a series of conversation with people, to straighten them around of that point. The first one I talk to was your predecessor. Then I talked to Magruder, and —

K. It's pretty hard to talk to those two when they have testified under oath before a grand jury.

E. Well, as it turns out, I was just a little late in talking to Magruder, because he had just come back from telling everything to the U.S. attorney. He has decided to come clean.

K. No kidding? Magruder?

E. Yep. He had his informal conference minutes before he came in to see me.

K. Would that be inconsistent with his testimony before the grand jury?

E. Dramatically inconsistent.

K. (Expletive removed)

E. And he implicates everybody in all directions up and down in the committee to re-elect.

K. Mitchell?

E. Yep, cold turkey. My instructions after I had completed — well, I might say I also talked to a couple of other people who are around here just to pass the word to encourage them to testify, if the only reason they were not testifying was some concern about the presidency. Also, being very careful to say that I recognized everybody had rights, and that it didn't mean in anyway to indicate that they should not avail themselves of their rights. Now, Magruder then —

K. Let me ask one thing —

E. Yep.

K. As a result of what you just told me, it would indicate there is a substantial case of perjury against Mitchell and Magruder in the first instance.

E. Yep. No question.

K. So, complicity in the overall conspiracy?

E. More than just a participation in a conspiracy, Dick.

K. They would be principals?

E. Yes, they are principals.

K. Uh. I can't believe John Mitchell would have ever known that an let it go on.

E. Well, I must say that my conversation with him was reassuring in that regard. He is very steadfast in his protestations of innocence. Well, the Magruder case is not only testimonial, but is circumstantial — is persuasive to me.

K. But Mitchell denied it?

E. I saw Mitchell first. I didn't have all of this Magruder business. Now, here I am a citizen of the United States and the designated inquirer of a body of information. My purpose and intent was to advise you of this when I got finished with this process and tender this information for whatever purpose it would serve, recognizing that up until just a few minutes ago it was almost entirely hearsay. Magruder has just unloaded on me the substance of his conversation with the U.S. Attorney — informal conversation. And I find that I now have very little to add to what Magruder had already given the U.S. attorney.

K. That's not good.

E. I felt that I should go forward and at least advise you of this and to—

K. John, at this point, it seems to me

that you are going to have to be very careful.

E. Let me spoil your afternoon completely, will you? One of the things Magruder told me was — and his attorney who was with him corroborated — was that they are very concerned about Dean's facility for advising people at the committee of the proceedings of the grand jury.

K. (unintelligible)

E. Well, he was apparently informing Magruder and others of what the grand jury was saying and doing.

E (unintelligible)

E. And Silbert or some one else said to his attorney, well, we know the source of Dean's information and it was from higher up

K. That is pretty speculative, because I don't think Henry Petersen would have told him.

E. Well, anyway, there—

K. I couldn't have because I didn't know.

E. There's that. In any event, I remember what you told me before. and

that you are going to have to be very careful.

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K. That is pretty speculative, because I don't think Henry Petersen would have told him.

E. Well, anyway, there—

K. I couldn't have because I didn't know.

E. There's that. In any event, I remember what you told me before, and I originally had thought that perhaps something would be served by you and Sneed coming in and the three of us visiting, but this thing has taken the Magruder bounce, and I am inclined to think now that you ought to just tell Sneed the substance of this conversation.

K. He and I have kind of agreed to stay out of Watergate things He knows nothing about it, has participated in no conversations.

E. That is probably just as well, don't you think?

K. I think we better have one son-of-

a-bitch in that department—

E. Yep.

K. Who's got—

E. He can make the decisions that need to be made from here on.

K. Yeah. I think at this point we gestion I made to you when I was out ought to think very hard on the sug- in San Clemente.

E. Well, I think the President's feeling is that Sneed could do that.

K. Sneed could do that, but you wouldn't have any credibility with it.

E. Well, I think he is pretty firm on that.

K. I would sure like to talk to him about it.

E. OK, I think you should on Monday.

K. I really would, John.

E. Alright.

K. Because there is no question but that Sneed can do it, not knowing about it. He was never there during any material period of time. He is, however, the deputy attorney general, a presidential appointee.

E. I understand.

K. He is my subordinate. OK?

E. OK. You give it some thought and we will, too, and then we should talk on Monday.

K. I've thought of Sneed in this role because he has stayed out of it up to now.

E. Uh, huh.

K. And I think that is why you might need a guy on the outside.

E. Alright.

K. Incidentally, there are two or three people who are suggested for that role. The Chief Justice contributed—

E. Rogers passed those along to me.

K. It's got (unintelligible)

E. Yeah. A list. OK, my boy. I just wanted you to have a nice time this evening.

K. (expletive removed)

E. Don't forget my tender that if there is anyway that any of this hearsay of mine that I have collected is in anyway useful, I would be glad to make it available. My present thinking is that it could add very little to what Magruder just told me.

K. Thinking of Magruder as a primary witness type. You better be very careful what you do from here on out, John. Don't put yourself in the position of—

E. Prejudicing anybody's rights.

K. With respects to the commission—

E. That is why I am calling you, my dear.

K. Your's is a very goddamn delicate line as to what you do to get information to give to the President and what you can do in giving information to the Department of Justice, you know, to enforce the law.

E. Well, you are my favorite law enforcement officer.

K. (unintelligible)

E. Do you want me to give you anything additional on Monday?

K. Who did you talk to, John?

E. What do you mean? Mitchell and Magruder.

E. Well, no, I have been talking to people for three weeks. I have talked to everybody but the milkman.

K. People on the president's staff?

E. And outside, and people's lawyers, and every damn thing.

K. Until today, when the Magruder came up, did you come across any direct evidence that in your opinion amounted to conduct that violated the law?

E. Yes.

K. You did. Let me talk to Henry Petersen and see what line we ought to follow here.

E. Alright.

K. Who else have you talked to about this besides myself?

E. The President.

K. But also the person that you talked to who would give you information about the commissilon of a crime, who did you tell that to?

E. You know I have talked to him.

K. No—you talked to people that gave you this information.

E. Well, I have talked to them and in some cases they know I have talked to other people.

K. Yeah.

E. Well, they know that because they knew the source of my leads, etc.

E. Who else does Magruder implicate besides himself and Mitchell?

E. Dean, Larue, Mardian, Porter.

K. Magruder will say that Mardian knew about this before the discovery?

E. No. He is largely implicated on the obstruction of justice.

K. After the happening?

E. Yeah.

K. He puts Larue in?

E. From stem to stern.

K. Did he make any statements with respect to the use of campaign monies to pay these guys off? What do you know about that? Fred Larue is going to go to jail. I guess you know that?

E. Yep.

K. What persuaded him to do that?

E. He just was having a terrible time living with it, and he didn't see

any point in waiting any longer. His attorneys said they analyzed it very carefully, and see no advantage to getting in and out.

K. Who is his attorney?

E. A couple of very bright guys. I have their names over there, but I can't tell you now. Bernbaum and somebody else. Sears, I think is the other guy. I don't have the names right now.

K. Are you going to be in town Monday?

E. Pardon?

K. Are you going to be in town Monday?

E. Sure.

K. Are you going to be in town tomorrow?

E. Sure.

K. I might want Henry and I to get together with you, just so we don't make any mistakes.

E. Alright, let me know.

K. Have a nice evening!

E. Thanks, pal. I will see you there.

K. Are you going to that same dinner?

E. Oh yeah. I am going to go and see Bernstein and what's his name, get their awards.

K. See you tomorrow.

E. Alright.

A telephone conversation between President Nixon and White House Chief of Staff H. R. Haldeman, April 14, 1973, 11:02 p.m. to 11:16 p.m.

(Material not related to Presidential actions deleted.)

P. One thing that occurs to me Bob is this and, as I refelect a little on Magruder's stuff.

H. Uh, huh.

P. I'll be dammed if I don't think some of that could be, you know, exaggerated. But I don't know.

H. That's right.

P. I don't know. I can't tell. He is obviously flailing around like a wild man at the present time.

H. No, no, he's not really. I think he was earlier. He was frantic, but once he figured out there we was going, I think he—



All sketches on text pages by Bill Oakes for The Washington Post

John D. Ehrlichman, the President's top domestic adviser, and H. R. Haldeman, the White House Chief of Staff

P. He thinks this is what he remembers now?

H. Yep. Uh, Huh.

P. I am not sure that his interpretations on various things—they could be interperated either way you know, like his interpretation on Dean, his interpretation on Strachan, for example.

H. Yep, yep.

P. Certainly

H. That's right and there

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

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

P. Huh?

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

P. Well —

H. With maybe some exceptions.

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

H. Yeah.

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

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

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

H. It doesn't appear that there is such a thing. I mean there has been no hint to that. What you hear is all stuff that has been hinted at. It goes

further than what was in some areas, but it's obviously totally consistent, basically, with everything John has developed.

P. Let me ask you this: I wonder if it is not only fair, but in our interest, for either you or John without going into too much detail to fill him in on Magruder? I mean, having in mind Colson could —

H. Who's (unintelligible).

P. Colson. I mean we have no interest — you know what I mean — in getting him up there, you know, guilty on a perjury charge.

H. Of course there is nothing Jeb said that is inconsistent with anything that Chuck has said.

P. Oh, that could be right. Chuck

could say, yes, the Liddy project, sure but I thought the Liddy project was something else.

H. That's right. That's what he does say.

P. He does, huh?

H. Yeah. And as Ehrlichman said — under questioning, they specifically said that he didn't get into any specifics on it, and they have nothing that hits him on any specifics. And I think he's probably clear on it.

P. I think he believes that, Bob, I know

H. I do, too.

P. I think he believes that.

H. I have thought that all along.

P. Well, we will sleep on the damn thing and, what is the situation tomorrow? Is Ehrlichman going to sit down with Ziegler again, or something?

H. Yeah.

P. I do think that PR thing we've got to sort of make up our minds on what the hell —

H. Sir, I want to get at getting the statement done.

P. And we've got to get at sort of make this decision with regards to this damn committee. I don't know —

H. Yep.

P. I still have mixed emotions on it. I don't know, I don't know. I have been one way one time, one way another.

See TEXT, A20, Col. 1

TEXT, From A19

H. Well, it's a mixed bag. It has pluses and minuses, and it is hard to be sure which outweighs the other.

P. One more scenario would have been to say they will all come up. Everybody will come up in executive session including Dean. Just say that. Make that offer, and that's flat.

H. Yeah and that gets turned down and then we're standing on the question of — the way it will be played is not that the committee is being unreasonable by insisting on television, but that we are being unreasonable by insisting against it.

P. Well, that would be true unless you go out and hammer that the whole record should be made public.

H. Yeah.

P. It's only that we want information, not a show—

H. Yeah.

P. And that we think it is reasonable.

H. The question then is that you lose something obviously by doing that, and do we really gain enough to make it worth it? How bad is it if we go on television? I am not at all sure it is all that bad. In the first place, it is going to be carried live by the networks.

P. Yeah.

H. Now it might be, but I would guess it won't be after this other stuff breaks, it isn't going to be that important any-

more. The networks don't want to carry it. It would cost them money. What will probably end up happening is, it will be carried on the public broadcasting which has virtually no audience in the daytime.

P. Uh huh. I supposed what happens there is that every new break is carried for five or ten minutes in the evening news.

H. That's right.

P. That's the point. There it is carried for three minutes with—

P. Weicker

H. Weicker and John Chancellor and Dan Rather, saying: "Trembling with fear and obviously trying to hide the truth, ah . . ."

P. I wonder if you would do this? Did you discuss public or private thing with two people whose judgment is—Rogers and Connally? What did Connally think? Public?

H. I am not sure.

P. Would you mind?

H. I would have to reopen that—

P. Would it be alright for you to call him tomorrow and say, "Look, we've got to make a command decision on this—"

H. Sure.

P. And I think you should tell — would you tell him about the Magruder?

H. Nope.

P. No, I guess not.

H. I can say the whole thing looks like it is coming to a conclusion—

P. Before the grand jury.

H. Yeah.

P. That's right.

H. Without saying anything specific.

P. Now, the other fellow whose judgment would be pretty good would be Bill Rogers on that.

H. Yeah. I agree.

P. I wish you would give him a call.

H. Right. I will.

P. I think with Bill, though, you could tell him, don't you think?

H. Nope. I don't think I should. In the first place, I am not supposed to know.

P. This isn't from the grand jury, Bob.

H. No, I know. But Kleindienst is worried about John giving the information to anybody, and that—

P. I see. You're right.

H. I don't see anything to be gained from telling him, anyway.

P. But you can tell him that our investigations indicate that the grand jury is hot on the trail of breaking the thing now.

H. Yeah.

P. And that is the way it is going to come. That—but if you wouldn't mind giving a call in the morning to both of those fellows, and tell them you are calling for the President and that he would like to have their considered judgment, should you be on television.

H. Right. Will do.

P. And it may be on the Dean thing, I am almost inclined to think we ought to take it back down anyway, so what's

the difference?

H. That has never bothered me, but I guess I am wrong on it, because it sure bothers other people.

P. It bothers Zeigler and the rest, but—

H. I think we gain more by backing down than we lose. I don't think you have any problem of being the President. We're fighting enough battles anyway.

P. I would just say, because of all these charges that have been around these men are entitled to be heard in public.

H. That's right.

P. And I want them heard in public, and I want them to tell their story in

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

H. John is telling him.

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

H. That's right.

P. Is Strachan smart enough to do that?

H. Yes.

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

H. Yep.

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

H. Well, and he's got the information. I don't. I can reconstruct—

P. No.

H. Part of it.

P. That's right. I agree. But John will know the questions too.

H. The specific points is what he needs to cover.

(Material not related to presidential actions deleted).

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A telephone conversation between President Nixon and John Ehrlichman, April 14, 1973, 11:22 p.m. to 11:53 p.m.

P. I just wanted to see what your plans were for tomorrow?

E. I am going to come in about nine o'clock.

P. Right.

E. And see Strachan.

P. Strachan?

E. And, I have a couple of calls coming in. One from Kalmbach's lawyer and I want to see Dean in the morning also. I've got him coming in and I thought I would see Ziegler if I can work it in.

P. Uh, huh.

E. I would kind of like to cover

several bases.

P. Let me say with Ziegler — the more I think about this, John, I think we ought to give him the full court. I don't think it makes a hell of a lot of difference to say hold on Dean. I would say since these charges have been made I think that the men in the White House staff that have been charged, etc., have a right to be heard publicly and that's that — under certain proper ground rules.

E. O.K. — Let me run that by Ron in the morning and get him accommodated to it, the coverage of it.

P. I know, but isn't that really what we should do?

E. I feel it is.

P. Then you should sort of separate out everything — haggle around and then maybe you could settle the damn thing tomorrow with him.

E. Alright — I am sure I can on that basis.

P. Say because these charges are just flowing around and leaking etc. — give him hell about that — and that we just can't have that thing.

E. Alright.

P. I was talking to Bob — and Bob made the point — he said, well just look at what will happen here. In a sense it will be the evening news basically — you know what I mean — they are not going to run it live — not now on the nets. And also there are chances of how much the committee can do, particularly with Mitchell, if he hires somebody — an attorney enjoining — it could go on for a while. But the point is — Bob says you will have either seven minutes of John Chancellor and Weicker interpreting what was said in a secret session or do you want four minutes of that and maybe three minutes of Haldeman?

E. Well, that is a good point.

P. Is that something to be considered?

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

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

E. Yeah, yeah —

P. Where he just — you know I just have a feeling —

E. There is something to be said for splitting the time with them.

P. Yes and —

E. Are you planning to work tomorrow?

P. Well I tell you — sure — what I plan to do — I have to do church.

E. Sure.

P. And I have to be around on that in the morning and so I may not get there in the morning. Well, anyway, you will be busy all morning.

E. That's right. I've got Kleindienst.

P. So I will be there in the afternoon around 2 o'clock or so if you want to chat with me, I will be around.

E. OK — I'll leave word.

P. We'll see. We'll see. Do your other business, etc. John, too, I wonder if we shouldn't reconsider, if you

shouldn't, I mean you have to consider this — rather than having Colson go in there completely blind, give him at least a touch-up — or do you think that is too dangerous.

E. Say that again — I didn't quite hear it.

P. Colson — rather than just saying nothing to him, if isn't just as well to say — look you should know that Magruder is going to testify, etc., or is that dangerous according to Kleindienst?

E. I'm not so sure. I have to call him anyway tomorrow. He has an urgent call in for me. Ah, I don't think I want to say anything at all to him about John. John, incidentally, I understand, was on CBS News and just hardlined them.

E. Yeah

P. Oh, I agree on John.

P. On Magruder, that is what I meant.

E. Well I can say something very brief. I don't need to indicate that he said anything to me.

P. Yeah, that you understand that he has talked. I mean, not to the grand jury but to—

E. Yeah, I think I could safely go that far.

P. and say that he should know that before he goes, and be prepared.

E. Friday— I will call him in the morning.

P. Let me put this way: I do think we owe it to Chuck to at least—

E. Sure—

P. So that he doesn't I mean, go in there and well frankly on a perjury rap—

E. I understand. I don't think he is in any danger on that but—

P. Why wouldn't he be in any danger, because he's got his story and knows pretty well what he is going to say?

E. Yeah, I think he is pretty pat, but I will talk to him in the morning and give him a cautionary note anyway.

P. This urgent call may be just what we know, or it may be more of something on our friend—

E. Uh, huh.

P. What's that other guy—Hunt?

E. Yeah.

P. There isn't a damn thing you can do about that either.

E. No. I will tell you, I am going to probably see Kleindienst sometime tomorrow and for any reason you don't find me there, that's probably where I am.

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

E. Right.

P. And this administration would

be in effect admitting that the Justice Department was so corrupt that it couldn't prosecute.

E. Uh, huh.

P. But if they prosecute a former attorney general, John, what more can you ask?

E. Pretty loose, pretty independent.

P. I really feel that—

E. Yeah—

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

E. I think it is folly—

P. Don't you think so?

E. Yes sir.

P. Dick could just say that there is a difference of opinion, but this is it. That I have decided it, and that he—

E. He wants to talk to you about it, but I think I can take care of it tomorrow without any problem.

P. But if it is necessary for him to come in and for me to tell him that, I will tell him.

E. Well, I think I can handle it.

P. Now wait a minute. I am not adverse to it. My feeling frankly is this: that you know I was just thinking tonight as I was making up my notes for this little talk, you know, what the hell, it is a little melodramatic, but it is totally true that what happens in this office in these next four years will probably determine whether there is a chance and it's never been done, that you could have some sort of uneasy peace for the next 25 years.

E. Uh, huh.

P. And that's my—whatever legacy we have, hell, it isn't going to be in getting a cesspool for Winnetka, it is going to be there.

E. Yep, yep.

P. And I just feel that I have to be in a position to be clean and to be forthcoming, etc. That is why I think on the—

E. I totally agree with that.

P. Committee, out, etc. etc.

E. I totally agree with that.

P. Re-think a little bit more about that Haldeman thing. My present

thinking—he raised it himself you know, this business—but I just think you've got to fight for somebody. I don't know. But what is your feeling at the moment?

E. I don't think he is in that bad shape. I may be kidding myself, but I—

P. The only thing that concerns me is what they said about Strachan, and—

E. Yeah, well.

P. You don't think that relates that closely?

E. Let me talk with him tomorrow, and just see how much of that we

have to swallow. He may object to some of that, and with good basis. So—

P. You've got to figure this too on Magruder. If I could suggest it, Magruder probably believes he is telling what he knows.

E. Yeah.

P. On the other hand, this happened a long time ago, and Magruder is a very facile liar.

E. Yes.

P. And he could well be thrashing around a bit here and drawing conclusions, etc. etc.

E. He believes his own story.

P. Yes, what do you think? Because some of this —

E. Well, I'll tell you. They told me that he was an extremely credible witness.

P. Oh, definitely.

E. And I can see why. He comes across very sincere, very earnest and very believable. But of course, now you have to balance a lot of what he says. What he says I have no way of corroborating or not corroborating.

P. You have to balance what he says by the fact that he was very believable when he lied.

E. Yeah. That is what I say.

P. Now the question is, how much of this is the truth and how much of it is something he believes to be the truth?

E. About the only thing I can say is that it sounded credible, but I can't vouch for it obviously. And that's one of the reasons I want to get Gordon in.

P. One last thing. How do you see the Mitchell scenario rolling out, John. Put yourself in his position and just sort of ruminate a bit, and tell me how you see it rolling out.

E. Well, I would —

P. First, you are convinced he will be indicted, are you?

E. Yes.

P. You are?

E. I don't think there is one chance in fifty that he won't be.

P. Alright, now.

E. The court will open and publish them and he will probably arrange to come down and take delivery of the —

P. Indictment?

E. Indictment, and I would guess he will hire F. Lee Bailey. That would be my hunch.

P. Not a bad idea.

E. He's got one problem in that the firm represents one of the other defendants, but he may be able to get around that.

P. Uh, huh.

E. Whoever he gets will immediately move for a change of venue and file 89 motions.

P. Right. Motions to quash —

E. Sure, sure and—motions to disqualify the judge, attacking the legality of the grand jury and everything you could imagine.

P. Won't that take a little time?

E. Yes sir, you bet it will! My hunch is that the soonest you could get a case like that to trial would be the fall.

September or October.

P. Really?

E. Something of that kind.

P. That leaves the committee hanging for a while, I suppose. I don't know whether that is good or not.

E. Well, I don't think they would let the committee proceed in the meantime.

P. You don't really?

E. They would use every effort to stop it, and I am just guessing, but just common sense tells me they could stop it. I don't know the law.

P. One long shot, should you talk to Ervin?

E. Should I?

P. Yes.

E. Confide in him?

P. (Characterization deleted)

E. No, I can't — I just wouldn't dare. Kleindienst might at some time later.

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

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

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

E. Uh, huh.

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

E. Uh, huh, I get you. Ok, it suits me. tion of being as forthcoming as we can

P. It puts the President in the position — want the facts out —

E. Yep.

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

E. Yeah.

P. Really.

E. I think that is great.

P. We have won lots of things with the Congress. We lose one. But you, in interpreting it, would say we have reached a compromise with the committee, that we limited it to this, to charges of wrongdoing.

E. Uh, huh.

P. Right?

E. And they came along orally on the rules.

P. And the rules now provide adequate protection for executive privilege and so the President says, let them all go.

E. Yep. I think that's great.

P. But putting in the point that the President directed it and I think the idea that President has stepped into this thing and has said, let's get this thing done.

P. And you go out and say the President says, look we have had enough talk, Enough—

(Material not related to presidential actions deleted)

P. But when you are in a battle, if you are going to fight a battle, you are going to fight it to the finish. And the thing about Bob, as I say, is this: I get back to a fundamental point. Is he guilty or is he not? In my view, he is not, you know.

E. Yep.

P. And if he isn't — even if it means that the whole country and the Congress and all the members of the Senate and House say resign, resign, the President says, no. I will not take a resignation from a man who is innocent. That is wrong. That is contrary to our system, and I am going to fight for him.

E. uh, uh.

P. If evidence is brought out to the contrary, fine. Then we will take a look at it.

E. Well, that is another reason for putting his statement out, it seems to me. It is standard that we are flying, so to speak. Sure, they will shoot at it but if they never hit it, why then there is no room for argument.

P. We can get that statement broadly circulated. What about, incidentally, now, about the drill of frankly telling



our own leaders that and getting them maybe charged up a little on this.

E. Well, I have been doing a little thinking on that. I am not so sure until we wind out the whole judicial process here, that is the grand jury process, that you are really going to be in much a position to do that. I will give that some more thought, but—

P. You mean because something is going to come out the grand jury?

E. Yeah — you have sort of a half-told tale.

P. Well you can say, look, I am speaking just for the White House staff, and they are going to go up and testify. Now follows, give them a chance. That is what I meant.

E. Uh, huh, I get you. Well that at least — sure.

P. And give them a chance. Then you say, they have all given sworn statements on this thing, and we feel that we are due our day in court, etc.,

etc.

E. Here's a copy of Haldeman's statement—

P. That's right. Uh, huh.

E. Yeah. We could certainly do that without making reference to the other.

P. Including Agnew, etc.

E. And you could trace the history of our attempt to cooperate with Ervin. Tell them about that.

(Material not related to presidential actions deleted)

P. Fine. Well, John, you have had a hell of week—two weeks. And of course poor Bob is going through the tortures of the damned.

E. Yeah. That family thing is rough.

P. I know the family thing. But apart from the family thing, you know, he is a guy that has just given his life, hours and rooms and hours you know, totally selfless and honest and decent. That is another thing! Damn it to hell, I am just about to say. Well you know you get the argument of some, anybody that has been charged against, you should fire them. I mean you can't do that. Or am I wrong?

E. No, you are right.

P. Well, maybe I am not right. I am asking. They say, clean the boards. Well, is that our system?

E. Well that isn't a system. You know, that is a machine. That's—

P. That's right. I feel, honestly—I mean, apart from the personal feeling we both have for Bob, don't you? But you know, I raised this myself. One way out is to say, well look, as long as all these guys have been charged, out they go and they can fight this battle and they can return when they get cleared. It is not good, is it?

E. You know I don't think it is. I don't think that is anyway to run a railroad. I think—

P. I suppose that would probably be the deal of purists. What does Len think on that? Does he think that, or—

E. I don't know. I think you have to show—

P. Well, that is irrelevant—

E. Some heart on the thing.

P. Well, the point is, whatever we say about Harry Truman, etc. while it hurt him a lot of people admired the old bastard for standing by people—

E. Sure.

P. Who were guilty as hell—

E. Yep.

P. And damn it I am that kind of person. I am not one who is going to say, look, while this guy is under attack, I drop him. Is there something to be said for that, or not?

E. I don't think, number one, I don't think you would gain anything by it. The problem doesn't go away.

P. No, they will say, oh, that Nixon's top person, closest man to him, in the office four or five hours a day, and out he goes. Everything must be wrong!

E. Yep — that is it. That is liking separating Siamese twins.

P. We have done so many good things, you know, which Bob has worked on so arduously, and damn it,

so there will be fragments here and there. Well, people make mistakes, but you don't fire a guy for a mistake do you?

E. No.

P. Not for a well-intentioned mistake. But my whole view of drawing up the line. One point, you are going to talk to Dean?

E. I am.

P. What are you going to say to him?

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

P. Get him around in what way?

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

P. John, that's —

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

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

E. Uh, huh.

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

(Material not related to presidential actions deleted)

P. You say that Dick was really shaken?

E. Yeah, he was.

P. Damn it, I told him once, I said, Dick, the real target here is Mitchell. He said, oh, no, it can't be! He's got sort of the idea that probably it is Haldeman or Colson.

E. Well, I am sure he is going to call me the first thing in the morning.

P. Yeah, but with him I would be very tough. I would say Dick — just don't mess around — they are after Mitchell, and they are going to get him at the present time. At least, that's what our information indicates and so here is where we go.

E. He is probably doing a little checking with his U.S. attorney tonight.

P. Would he do that?

E. Oh sure, sure. He has to make the ultimate prosecution decision, or else he has to delegate it to somebody, so he is entitled to —

P. Your point is that he would delegate it to Dean. I think the Dean is the best one to delegate it to, rather than, John, the suggestion that he resign and then we will put in another attorney general. That would be a hell of an admission that, that we thought—

E. He isn't going to want to do that would be my guess. He isn't going to want to resign at this point.

P. He shouldn't. Well, you know, when I come to think about it, basically, he should for other reasons. If we could get the Ellsberg case over, I would just like to get that FBI fellow. Is there anyway at all — you are going to talk to Ziegler — that you can get

out the fact that you have conducted a thorough investigation?

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

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

E. I think so.

P. The President is calling the signals.

E. I suspect that somebody is going to put it together. My hunch is The New York Times will. You see, they have the story that Colson was in yesterday.

P. They know that Mitchell was in.

E. And, of course, all the wires have that Mitchell was in today. So, somebody is going to start stringing all this together.

P. So what would happen? You'd have Ziegler or yourself go out and say, yes, I have seen them? Or you haven't thought that through yet?

E. I think I wouldn't have to say that I have seen them. We could just say that we have had a job of work going on for several weeks.

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

E. Oh simply to aid you in analyzing the steps that ought to be taken here. You are being asked to do a lot of extraordinary things —

P. You could say the President wants this matter cleaned up, once for all.

E. Right.

P. It has been handing around and yakked about. Innocent people have been hurt in the process. Charges have been going around. Now we have a judicial process, and we want this thing finished.

E. Beyond that, you have had all kinds of senators and congressmen calling for the appointment of a special commission and all that kind of thing.

P. So you're it.

E. For you to come to any sort of a judgment on those kinds of proposals, you have to have a pretty clear understanding of the facts.

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

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

P. I see.

E. But I will sound it out.

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

E. Alright.

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

we go.

E. Uh, huh.

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

E. That's right.

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

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

P. No. He can make the plan up.

E. I will sound it out.

P. Right. Get a good night's sleep.

E. Thank you, sir.

P. I'll bet you do. You know in a way it is a curious thing—not curious at all—but, John, while it is terribly painful, of course, to go to that dinner tonight—while it is painful, I just feel better about getting the damn thing done. Or do you agree?

E. Absolutely.

See TEXT, A21, Col. 1

TEXT, From A20

P. I mean, after all, it is my job and I don't want the presidency tarnished, but also I am a law enforcement man.

E. Yeah.

P. Right.

E. Yeah, and you have to move on to more important things.

P. Yes, that's right. OK boy, see you tomorrow.

E. Right, sir.

A meeting between President Nixon and John Ehrlichman in the Oval Office, April 15, 1973, from 10:35 a.m. to 11:15 a.m.

(Phone rings)

P. Who all have you seen this morning?

E. Well, I have Strachan up there right now.

P. Yeah. I had a call from Kleindienst.

E. Yeah. I heard you did and I thought you ought to take it. He —

P. Oh, sure, sure, I did. I didn't refuse. He said "I should see you, and I'd like to see you alone this afternoon. Today." I said fine. He's coming to the church service.

E. Yeah.

P. I'm going to see him in the EOB. He said he had been up most of the night with Titus. Who is Titus?

E. U.S. attorney in the District.

P. And what's the other fellow's name?

E. Silbert.

P. No, not Silbert.

E. Glanzer?

P. Petersen.

E. Oh, Petersen.

P. See if he wants (unintelligible) together. So I would see what he has to say.

E. Ok.

P. I assume it's the special prosecu-

tor thing, among other things, but what else I don't know.

E. I don't know either. He obviously got Titus in to find out what the progress is in the grand jury; so he's now — he's now better posted than he has been I'm, and he's probably a little bitter with Titus for not keeping him better posted, if in fact he wasn't.

P. With regard to (unintelligible) this special prosecutor thing, what line do you want to take?

E. Well — Let's think about it. He wants a special prosecutor so that he...

P. He can stay on as attorney general.

E. He can stay on and so that he doesn't have any — so that he personally doesn't taint the process by reason of his closeness to Mitchell. And that makes sense. Sneed does not have that problem, and Sneed is controllable within limits, and I think he is credible. I may be wrong about his credibility.

P. I agree with this, I think he's credible. The reason I think he's credible is something else — is that the grand jury I assume (unintelligible) comes through with some indictments. I mean, suppose they just indict Magruder and Mitchell (unintelligible).

E. Yeah.

P. Well, that's the fish.

E. Yeah.

P. The big fish.

E. Yeah.

P. Damn it, what more do they want? Now what's the problem with the special prosecutor? As I see it, it just puts another (unintelligible) loose (unintelligible) around there.

E. Well, the special prosecutor...

P. Reflects on—

E. Will second-guess Silbert. I assume you feel that his mandate is to...

P. Tear hell out of the place?

E. Yeah, yeah.

P. That's right.

E. And—that's just an additional risk which you wouldn't have with the Dean whose been a part of the process. I just—I don't think.

P. (Unintelligible) with him (unintelligible) myself (unintelligible). If not then, let's face it, he hasn't been very helpful throughout this thing.

E. That's right. (Unintelligible) he stood as far away from it as he could get.

P. And Mitchell let it get away from him. A little (unintelligible). Is that what he said to you?

E. Yeah. He expressed real bitterness.

P. You didn't get Colson yet?

E. Not yet. No. He's at church apparently. Ziegler will be here at church. He's coming over. So I'll see him while you're seeing Kleindienst.

P. I suppose Colson is (unintelligible) Hunt, and Bittman which, of course, could tie Colson in, right?

E. Yeah.

P. Up to his navel. There's not a damn thing you can do about that is there, John?

E. No, really not, not at this point. You have to depend on Hunt's natural

secrecy and secretiveness.

P. John, there is nothing in it for Hunt. Let me ask this, (unintelligible) go back over everything he's done prior to that time.

E. Well . . .

P. There might be something?

E. Well, he's up on, apparently, he has perjured himself a second time. Gee, he perjured himself at the trial, then he was granted immunity, came back into the grand jury, and perjured himself again. The U. S. attorney is looking down his throat and could say to him look, I can forget some of these counts if you're a good boy now.

P. Yeah, but the point that I make is this—is really, of course, you know, its the limits of his testimony.

E. Mmhuh-mmhuh.

P. If he testifies just on Watergate that's fine. He isn't going to get a damn thing more than anybody else.

E. I don't see any incentive for him to go broader, and I haven't heard a whiff of that.

P. (unintelligible) give him immunity for that? I suppose, or would they?

E. I don't know. I don't think they can give him immunity at this point.

P. (unintelligible) talked with Strahan?

E. Yes, sir, just about ten minutes ago. And I've been doing all the talking so far.

P. (unintelligible) trying to talk (unintelligible).

E. What Magruder had said about him and so forth. So.

P. (unintelligible) any (unintelligible) for removing him?

E. Not yet. Not yet.

P. He's a good man—good man.

E. I think he, I think he'll do fine. You see . . .

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

E. Yeah.

P. Otherwise it's just Chapin.

E. Yes, Chapin.

P. and Mitchell.

E. Yeah.

P. Magruder.

E. Yeah.

P. Possibly Dean, but a . . .

E. Mardian and Larue.

P. (unintelligible) on the (unintelligible) of the case?

E. Larue.

P. They got him on that too?

E. Yeah. yeah.

P. You mean Magruder has?

E. Yeah.

P. That's going to be hard. This



John W. Dean III, counsel to the President

fellows's lied twice to (unintelligible)?

E. That's right. That's true.

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

E. Oh, Rothblatt the lawyer.

P. Rothblatt?

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

P. Why?

E. Well.

P. Get him involved in obstruction of justice?

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

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

E. No. no.—was an instigator—he was concerned about his fee. and a . . .

P. Oh, really, John?

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

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

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

P. Oh, yes. It's understandable.

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

P. Yes.

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

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

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

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

E. Sure.

P. Cover up, you mean?

E. It would impeach the campaign in effect. But at the same time a lot of those same people who had that legitimate motive — hello (unintelligible).

Voice: Hello, sir.

(Door opens and closes)

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

P. (unintelligible) they wanted the defendants to shut up in court?

E. Certainly, certainly.

P. So you would say, you could say . . .

E. You have.

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

E. All right.

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

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

P. Some did have benign motives.

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

P. Yeah.

E. Who has to think about the PR of the campaign.

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

E. Yeah.

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

E. That's correct.

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

E. Well, you know, the thing that ran through my mind . . .

P. Yeah.

E. Was Howard Hunt has written 40 books, and —

P. Yeah.

E. Howard Hunt was worried about the support of his family. And I could see Howard Hunt writing an inside expose of how he broke into the Democratic National Headquarters at the request of the Committee to Re-elect the President.

P. Yeah.

E. Now, if I had a choice between getting contributions for the support of Howard Hunt's family.

P. Yeah. And that's . . .

E. And that was pretty easy.

P. And I suppose they would say through that . . .

E. Oh, didn't care what Howard Hunt said to the prosecutor. He can say anything he wanted to the prosecutor in a secret — in a secret session. That didn't hurt us.

P. It was all secret then.

E. The grand jury was secret.

P. The grand jury was all operating at that time.

E. Sure.

P. It hadn't come to trial?

E. Sure — it didn't come to trial until after the election.

P. Yeah. (unintelligible).

E. So.

P. I think (unintelligible) it was — nobody was trying to keep him from telling the truth to the grand jury — to shut him up to the grand jury?

E. I can say in truth and candor that Dean never explained to me that there was any kind of a deal to get these guys to lie or to change their stories or to refuse to testify to the trial of the action or anything of that kind. That was just never discussed. So I don't feel too uncomfortable with this.

P. Another (unintelligible) if Kleindienst resigns.

E. If Kleindienst resigns, that says there is something wrong with the Justice Department.

P. So you would keep him?

E. At this point.

P. Even if he disqualifies himself?

E. That's right — which wouldn't be anything too new.

P. Sure.

E. Now he may have some . . .

P. Other information?

E. Yeah, or technical reason or something of that kind.

P. (unintelligible) may have some information aside from the grand jury that I don't know if (unintelligible).

E. I have a call in for him and the operators left it over here. The reason that I do is that he never did pin down for me what it is that he wants me to do. Now I've tended to him as I think I had to.

P. Good.

E. And he said, well, I'll check it and be in touch with you tomorrow. So fine. I left word over there that I am here. That's the only, the only reason for my call. And you might ask him if there is anything we ought to do here in the light of developments, but I do feel that—thank you (coffee dishes clattering)—I do feel that there is nothing new in what I have beyond what Magruder has already told me, so I think it's largely academic.

P. (Unintelligible)

E. Yeah

P. (Unintelligible)

E. Titus would have told him last night what Magruder said, and so he will, this morning, have, I think, as much knowledge about this thing as we have. There may be one or two— one or two details that—

P. But Magruder said they are hot after Colson.

E. Suspicion.

P. Or Magruder's attorneys say that. Magruder had nothing on Colson.

E. No. The one phone call is the only incident that he has to relate.

P. His attorney says I think they're hot in going after Colson.

E. Yeah.

P. The reason there, of course, is Hunt.

E. Right—the association.

P. Yeah.

E. And that's natural. You've got a guy in the case that . . .

P. Well, Hunt (unintelligible) Colson.

E. Yeah. Hunt has to know it.

P. What do you do about Colson, John?

E. I don't think there's much to do at this point. He's—

P. Yeah.

E. He's building his own defenses. I assume that he's doing whatever has to be done with Hunt—that only he could do.

P. So, but, but . . .

E. Well you know he's, I'm sure, has had surreptitious contact with Hunt.

P. Yeah. He says (unintelligible) take care of your kids.

E. And I think Chuck's natural proclivities will—

P. Do everything.

E. So anything we can possibly do.

P. See (unintelligible). There isn't a hell of a lot more they can tell us that Magruder hasn't told (unintelligible)

E. That's right.

P. In other words, there isn't a hell of a lot they can gain by . . . what was the, what could Liddy (unintelligible) to corroborate Magruder?

E. That's all he could do. At this point Magruder gives them everything they could have hoped to get from Liddy.

P. (Unintelligible)—How do you get Liddy's sentence cut down (unintelligible)

E. It may be too late for him.

P. I wonder if it is. Huh? or is it?

E. Yeah. He was only . . .

P. Why didn't he talk (unintelligible)

E. I don't know. I really don't.

E. I don't understand him at all and Magruder paints him as really weird—really weird.

P. (Unintelligible) guy.

E. And all kinds of things. And there are all kinds of Liddy stories running around.

P. Well, I (unintelligible) down. I want to see what Kleindienst told

E. (Unintelligible) may have forgot (unintelligible) and since he's asked I will.

E. I'll be here and if you want me for anything, why, just holler.

P. Well, look, I'll just listen to him. He has come in so often. I can say on ITT, of course, we didn't—my basic responsibility (unintelligible) McClaren settled this case or something like that, and a—

E. Yeah.

P. (Unintelligible)

E. No, that wasn't to settle a case.

P. No, not settle—

E. That was not to file an action. You remember they were about to file a law suit and—

P. How did we know about it?

E. Flanigan found out about it.

P. You came and told me?

E. I came and told you about it.

P. Why—

ten the details.

P. Why didn't we think they should file an action?

E. Well—

P. I am sure it was a good reason.

E. Yeah. We had a run—

P. (Unintelligible) we had a runaway anti-trust division at that point.

P. Yeah, and I had been raising hell with McClaren.

E. That's right.

P. On all this, and I said now this is a violation of my policy—

E. No on.

P. (unintelligible) a violation of rules that I had laid down with McClaren.

E. And I will testify to my dying day that our approach to antitrust cases has (unintelligible) virtually without variation, on policy rather than the merits of the individual case.

P. Wasn't that case (unintelligible)?

E. There was one exception to that and that was that Granite City Steel case where we criticized their analysis—the Council of Economic Advisers did.

P. Yeah.

E. And we went back on them on the specific case rather than just the general policy. That was a factual issue.

P. What the hell was it, John, that (unintelligible) Kleindienst. Here's this guy, you know, who is really good hearted and worked hard and all that sort of thing and went down to the wire and so forth. His advice has been just wrong.

E. I think he felt, and I have not talked to him about this, but I think he felt that if he involves himself in this case at all in Mitchell's behalf, that eventually it would have tainted the whole proceeding and maybe redounded to Mitchell's disadvantage—

P. Right.

E. And—

P. Oh I supposed that's (unintelligible).

E. And that Mitchell's best chance—

P. I'm not speaking in Mitchell's behalf but I am just thinking of—just so that we would be (unintelligible), or try to know how (unintelligible).

E. Well—yeah—that's true.

P. (unintelligible).

E. He.

P. All you ever asked was the general question, what's going on.

E. Yeah. He—well, this is kind of interesting. I may have told you about this, but the U.S. attorney now feels that Dean overreached them by providing information out of the grand jury

to the Committee for the Re-election. I think that may be legitimate criticism if he in fact did that. On the other hand, for him for him, to provide us with information inside, for the orderly operation of the government, is another matter. That's two quite different things. If you peddle information from a grand jury to the outside, or if you peddle it inside to people who are responsible.

P. (unintelligible)

E. Oh that was, let me think.

P. (unintelligible) grand jury at that point.

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

P. Did Mardian coach them?

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

P. Well, is there anything wrong with that?

E. Yeah, well, here's something wrong with

P. He was not their attorneys is the problem?

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

P. Oh.

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

P. (unintelligible)

named Porter—Bart Porter for one.

E. Well, no, a fellow over there

P. Where is he now, in jail?

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

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

E. Say.

P. Was he—he was one of the bug-gers over there?

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

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

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

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

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

P. Oh (unintelligible)

E. That's right.

P. Why the hell didn't the grand jury indict him?

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

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

E. The whole thing is just monumentally tragic.

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

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

P. Dean is concerned, and concerns me.

E. Yeah.

P. I don't think he could have been that active in the pre—the post yes—the pre things. Magruder, Magruder may be (unintelligible) a little (unintelligible) in some of that stuff.

E. Well, I've got to get him in, and I hope to see him today.

P. He would not (unintelligible) Dean (unintelligible) according to Dean's story about those meetings which he told me is about (unintelligible) Magruder's.

E. That's right. That's right.

P. He says, he says look we shouldn't be talking about such things—

E. I know.

P. Particularly in the office of attorney general. Magruder says he approved the million dollars—that's about right.

E. And that Mitchell was the one who disapproved it.

P. Well, this would (unintelligible)

E. Cause Dean show up very prominently in the whole Magruder thing.

P. And Dean was in Florida you said on some occasion? Remember the Florida trip you told me about?

E. No. No. The three people there—Mitchell was already down there—Magruder and Larue went down.

P. For what purpose?

E. Brought him the final Liddy proposal.

P. The two fifty?

E. With the Watergate and the Fontainebleau and the McGovern headquarters spelled out.

P. How did Dean find out? Dean find out that there was a three—three things on a list? He knew that, and went up and told Mitchell about that.

E. Yeah, and I.

P. How did Dean know that?

E. I don't know. I don't know how he knew that. I assume that at some point in time Magruder told him that.

P. I see. Magruder talks pretty much doesn't he?

E. Mmhuh.

P. (unintelligible)

E. Yeah. And in a lot of these things, of course, he had a lot of different versions of everything, But I think it's reasonable to assume that he passed that along to Dean.

P. Sure.

E. Mitchell phoned me this morning to say that Daniel Schorr had been on the shuttle when he rode back to New York.

P. CBS caught him?

E. Yeah, and, well no, they saw him here.

P. Yeah.

E. And then they sent somebody out to the airport.

P. (unintelligible)

E. And so, he said to Schorr he didn't know anything about the Watergate, and he didn't think anybody cared about the Watergate and he had just been down to the White House and he hadn't seen the President. That was all that he said. He is looking forward to testifying before the Ervin committee, and so forth. So

See TEXT, A22, Col. 1

TEXT, From A21

he called me this morning just to say that

P. (unintelligible)

E. He wanted us to know what he had actually said in case there was any press report to the contrary.

P. Well, Ziegler should simply say, yes, he was here to see you (unintelligible) It's true (unintelligible).

E. Don't have any comment on that.

P. No comment—that's (unintelligible) what do you think?

E. I think that's the only way to handle it.

P. (unintelligible) handle it (unintelligible). I have information on the subject. I have no information on the subject.

E. Right.

P. Ziegler (unintelligible)

E. I'm glad you complimented him last night. That's —

P. (Unintelligible) stay right at the (unintelligible)

E. (unintelligible)

P. He is a good man. They know it. They know it. You've got to give them their stories. They respect him for it.

E. I thought you were going to go with the biblical conclusion that the guy who serves two masters, but a —

P. Yeah.

E. He will hate the one and love the other, but a — (laughter).

P. Yeah. (unintelligible)

E. Yeah, that's the one.

P. (unintelligible) turn around and (unintelligible).

E. We are at kind of an ebb tide right now in this whole thing, in terms of the media, as I see it. They are all a little afraid to get too far out on a limb on this 'cause they think something's going on with the committee negotiations, and there's no new news breaking, and so they are kind of.

P. Waiting.

E. Waiting.

P. Yeah — they'll get a full tide when they get to the grand jury.

E. Well, sure, but now is a good time for us to fill that vacuum.

P. Oh, yes — A little news.

E. Yeah.

P. Sure — let 'em know other things are going on.

E. Yeah.

P. I read (unintelligible) front page the Haynes Johnson (unintelligible) story today about — story on (unintelligible).

E. I haven't had a chance to read that. I saw the headlines.

P. It's not corroborated, of course, but they said their survey of the country and all showed that the President's support that first the support regarding the war was not (unintelligible) the economy is the problem (unintelligible) but the overriding issues that are (unintelligible) Watergate. (unintelligible), but, John, that is just not true.

E. Yeah.

P. Of course, Gallup come up tomorrow and show — he'll show that (unintelligible) another poll out there (unintelligible). Look you can't got the (unintelligible) you can't go to the — you've been around here.

E. That's right — that's right.

P. It's a pervasive issue (unintelligible). Go in and out of the hotel they've —

E. Yeah.

P. Yelling. Watergate. Watergate. Tell us about Watergate. Seriously, it's a hell of a Washington story.

E. And Haynes Johnson, of course, is notorious for finding what he's looking for.

P. Of course.

E. You remember after the election and that great national survey.

P. Yeah. Yes, and also that he (unintelligible) practically killed him to do it; first, (unintelligible) in this same piece that these people were not (unintelligible).

E. Mmhuh.

P. Now — (unintelligible). But then, but it's, we have to — we go through these cycles too, John, I mean this is a little more — more — shall we say a bigger cycle than most because of the enormous — a combination of Watergate — it usually is a one issue thing.

E. Now it's a combination of the Watergate plus the — these guys say it's the Watergate — (unintelligible).

(Materials not related to presidential actions deleted).

A meeting between President Nixon and Richard Kleindienst in the executive office building, April 15, 1973, from 1:12 P.M. to 2:22 P.M.

P. Well.

K. How you feeling?

P. Fine — Fine — A little tired—I've been working very hard as you can imagine with everything—

K. Last night after the White House correspondent's dinner, at midnight, Henry Petersen called me, quite agitated—after which he and Earl Silbert, who is the chief assistant U.S. attorney who tried the Watergate matter and Harold Titus came over. Titus is the United States attorney.

P. Like some coffee. Would you like coffee?

K. No thank you, sir.

P. Coca-Cola?

K. Nothing, thank you. I'd like a glass

of water if I may.

P. Glass of water—and some coffee—chief.

K. The purpose of it was to give me the benefit of what had transpired on Thursday, Friday and Saturday with Magruder, and then what had been transpiring for a week with John Dean and his attorneys.

P. They didn't negotiate with Dean, I understand.

K. John has some attorneys—I don't recognize the names.

P. Attorneys?

K. Yes.

P. Good, good he's got one.

K. The posture that Dean and his attorney, that they're exploring the legal situation with the understanding if they don't work out some kind of a strong arrangement then anything that is said or represented by either John or the attorney will not be used.

P. Hmmm.

K. Kind of an exploratory situation.

P. Yeah.

K. I wanted to see you and why I wanted to see you immediately, by myself, is that.

P. No problems then—in seeing me by myself. If you want, I mean.

K. Yes, sir

P. I guess with cabinet people and the rest they always can. I have other people in, Dick, as you know, so that nobody keeps the damned notes out of the cabinet. My understanding is—

K. I talked to John Ehrlichman last night. Also.

P. Yeah — he told me that you wanted to come in, and I said "fine."

K. When I talked to him last week I didn't think there would be much necessity to be here today, Sunday.

P. This is Sunday, certainly.

K. Magruder's conversations and John's conversations with attorneys, with every absolute certainty that Magruder's going to be put on before the grand jury.

P. Are they going to call him back?

K. Yeah.

P. Oh, of course, because he's going to plead guilty.

K. He's going to plead guilty and he's going to tell everything he knows.

P. Sure.

K. That kind of information is not going to remain confidential.

P. As you know, the—we have no—I have not and I would not try to get information from the grand jury, except from you.

K. Right.

P. And we have not. But the reason—the reason that I am aware about the Dean thing—I have taken Dean off the matter, of course. I had to. As far as what he was reporting here at the present time. I put Ehrlichman on.

P. Ehrlichman's conducted his own investigation which I told him to give you. He says it's now not going to mean much because he says Magruder

frankly corroborates everything that he thought (unintelligible).

K. Yeah.

P. Except that Magruder may—you



can't tell, in his view, that you can believe everything Magruder says because Magruder apparently got a—

K. Got a self-interest involved.

P. He's got his self-interest and you don't know whether he's going to drag this fellow or that fellow or whatever the hell is. You know that's the trouble when a guy starts lying and, you know—I mean—wondering whether Magruder is telling the whole truth on John Mitchell—you know, Mitchell—have you talked to Mitchell?

K. No and I'm not going to. I don't think that I can talk to him.

P. I think you should know, Mitchell insists—I didn't talk to him. You know, I have never asked him. Have you ever asked him?

K. No sir. We have never discussed the matter.

P. I never have either. I asked Bill Rogers about that. I said, Bill, should I ask him? No, John Mitchell. And so I asked Ehrlichman. I said, now I want you to ask him.

K. Yeah.

P. What I was going to say—the only information that we have is the Magruder information and the Dean information and that's enough.

K. Yeah—that's what we have here, the difficulty as outlined by.

P. The special prosecutors?

K. No. No. The difficulty with respect to some of the information as outlined. I stayed up until five o'clock this morning with these people going over and over it again.

P. Right.

K. (Unintelligible) basic things were Dean implies — (unintelligible). The basic problem that—it's possible that Dean might testify to, what Magruder will testify to, and then you've got Strachan or somebody like that. He was on Haldeman's staff. There is a possible suggestion that Haldeman and

Ehrlichman ah, as yet—it looks that way—whether there is legal proof of it so far as that—that they.

P. Indicating what?

K. Well, knowledge in this respect, or knowledge or conduct either before or after the event. But that in any event, whether there's—

P. Both Haldeman and Ehrlichman?

K. Yes. Whether it's sufficient to bring about an indictment as a result of the course the testimony implies. There will be statements made, circumstantial evidence depicted

P. Right.

K. That could raise a very serious question with respect to both of them. That is my primary reason for talking to you (unintelligible).

P. Sure—Sure.

K. I thought you ought to know.

P. Who told you this? Silbert?

K. Yeah.

P. So he says he gets his information from whom? Dean?

K. Dean with respect to some statements that Ehrlichman is supposed to have made after the event. There's no suggestion that John Ehrlichman knew anything about it before.

P. Yeah.

K. As to Bob, this fellow Stracken (pronunciation). Is that his name?

P. Strachan

K. Strachan?

P. He worked for him. He's a guy who worked for Haldeman, down in the basement.

K. Well, we haven't really gone all the way with him yet. He's kind of fishing around, you know, as to what he's going to say and what's he's not—he's being a little bit suggestive but there will be the probability that Strachan might provide testimony that would—

P. Implicate Haldeman?

K. Would implicate Haldeman and it wouldn't be direct, precise testimony.

P. I have asked both Haldeman and

Ehrlichman.

K. I know you have.

P. And they have given me absolute—you know what I mean. You can only—it's like—you would, you'd believe John Mitchell, I suppose, wouldn't you? I don't believe Haldeman or Ehrlichman could ever—you know—(unintelligible) hurt to be so close to people and yet I think of—

K. John Mitchell and I were a little off more by ourself. (unintelligible) but the difficulty with respect to Bob and right now they do not think that are going to have the kind of legal evidence that would lead to indictment.

K. However, they all feel that as a result of the closed testimony—a matter which is going to come out. It will be circumstantial, an association, an involvement, and it's going to be—

P. Why don't you do something

about it?

K. Well, I think that that's part of the problem. The evidence with respect to those now who would have knowledge of this before June 17th, 'cause it's going to come out. You take some of the evidence with respect to Dean.

P. Dean was in the meetings. Dean claims that he said no. And Mitchell does, too. And that's what you've got to live with.

K. But then they feel the serious aspect of the conduct thereafter came in the, according to this testimony, that, with respect to obstruction of justice

P. Right.

K. —and that is the admission that Larue, Mardian, Dean say that he was rehearsed and rehearsed and coached and coached by Larue, Mardian, Mitchell, Dean, all for his initial testimony before the grand jury. Well, Magruder could testify that he believed that—there's two things—the obstruction of justice and suborning a witness of perjury.

P. That could get them all on that.

K. And if Larue, Mardian, Dean, Mitchell said no, we didn't do that but we were told what the story was—we did nothing.

P. They would question that.

K. Anyway, that's certain to be known to the prosecutor.

P. That's right.

K. With respect to the money that was available and used for attorneys supporting these defendants.

P. Mm, huh. The motive I think you passed that on to Ehrlichman—after I raised the question. A motive was involved there, huh?

K. About the money?

P. Yeah.

K. You know.

P. If the money was raised.

K. If you plead guilty and he's guilty, there's no crime committed.

P. What's that?

K. That's—I don't know.

P. Explain that legal point please.

K. Well, I inquired into it personally.

P. Of course, I was thinking of the Berrigans and all the funds that have been raised through the years, Scottsboro, etc. Nobody ever raised any question about it. If you raise money for the defense and it's for support—and Ellsberg—(expletive removed) in Ellsberg, the defense—

K. And likewise in this case. If I had committed a crime and you know about it and you say, "Kleindienst, you go in the court and plead guilty to the commission of that crime and here is ten thousand dollars, you know, to tide you over and so forth."

P. That isn't a crime?

K. No. On the other hand, if you know that I committed a crime.

P. Right.

K. And you say, "You go in there and plead guilty, and here is twenty-five thousand dollars on the condition that thereafter you'll say nothing. You just make the plea, take the Fifth

Amendment, the judge cites you for contempt, you've got to continue to testify you don't. You do not take it." Then you are now in a position of obstructing justice.

P. Excuse me. If you'd explain that again. If you tell 'em—if you tell 'em—if you raise the money for the purpose of telling them not to talk.

K. After he's pleaded guilty. Let's take the—

P. Well, they were all before the grand jury at this point, right?

K. And the judge says, "I'm going to give you immunity—I have ordered you to testify to what you know." He refuses, takes the Fifth Amendment and he's punished for contempt. And you give him twenty-five thousand dollars. (unintelligible).

P. There was some thought that—that was all after the election that that happened, huh?

K. I don't know but that happened after the conviction—after Liddy's conviction.

P. Oh, in other words, the obstruction they are talking about is what happened after the conviction?

K. Yes, sir.

P. Rather than before the conviction?

K. Yes, sir.

P. Well, who the hell would—you mean—but I can't see Haldeman or Ehrlichman or anybody in that (unintelligible).

K. Well.

P. No—I'm just asking. Or Dean, ah, you mean that after that that they raised—they gave money for that purpose

K. For whatever they gave—let's say that money was given to Liddy in connection with—and.

P. Let me say this—there isn't any question that money that they have had on that or whatever—Mitchell's defense frankly—it would be—you know—these people had worked for the committee and they were provided with money for their legal fees and for their support. That is—this is before their conviction. Now comes the point of after their conviction. That's when the case may be, that's when you get the jeopardy.

K. Or if people are up for trial, Mr. President, you say.

P. No—no—no—I'm sorry—not conviction—but after their indictment.

K. Yes. After the indictment. "Here's fifty thousand dollars. You plead guilty and thereafter take the Fifth Amendment. If they offer you immunity, you know, not testify about anything." If that's.

P. And then you give 'em money?

K. Yes.

P. That's—I agree.

K. Yes—obstruction of justice.

P. Yeah. If the purpose of it is to get them not to talk. In other words, not to carry out what the judge said. I can see that. Sure.

K. What the situation really is, and that's why I wanted to communicate

with you immediately, today, to keep this general story off the streets.

P. Oh, hell—don't they know about it?

K. Tomorrow morning it's likely to be all over town. Tuesday noon.

P. Involving Haldeman and Ehrlichman, too?

K. Yeah—just generally. This Sirica, Judge Sirica, is not enforcing the strict

Ehrlichman: And he (Magruder) implicates everybody in all directions up and down in the Committee to Re-elect.

Kleindienst: Mitchell?

Ehrlichman: Yep, cold turkey.

requirements of law with respect to secrecy in grand jury proceedings.

P. Certainly the one with regard to Mitchell—do they, let me ask you this—do they tell you flatly Mitchell will be indicted?

K. Yes. They do—so will Dean.

P. Will be indicted?

K. Yeah.

P. Even without his testimony—they're talking about it?

K. Magruder's testimony will be enough to indict him.

P. Strachan—will he be indicted?

K. They don't know yet. Incidentally, Dwight Chapin testified with respect to the so-called Segretti affair.

P. Yeah.

K. And said that Haldeman knew about it.

P. That's true. But that's not something they're in—because of Segretti—even though Segretti pleaded the Fifth. It's just bull—the Segretti thing—it's not this—it's just.

K. That has nowhere near the potential of this situation. They only thing it does with respect to Bob, it casts a little bit of a taint.

P. I know.

K. That reflects upon the rest of it.

P. Now what is your, what is your recommendation, then?

K. Well, first I have this situation. It seems to me that so long as I do anything at the Department of Justice I cannot hereafter be with Haldeman, Ehrlichman, Mitchell, Larue. They won't believe that we didn't talk about the Watergate case.

P. Who can you have contacts with? Me? I shouldn't be—

K. I think it is—I don't know whether I need contact anyone. Incidentally, there's a—there's a weak possible case on Colson.

P. What is that?

K. He knew about and was involved in a conversation pertaining to money for Liddy's projects. Called on Colson to make over there—to somebody else.

P. Yeah, I heard about that.

K. You know, "Where the devil are

Liddy's projects?" So.

P. Colson denies this doesn't he?

K. Yes. He also did the unusual thing of hiring himself a lie detector test.

P. Oh (expletive removed).

K. Isn't that a terrifying thing I've ever heard?

P. Of course, I'm a great supporter of Colson's. He's been a brick as have all these people. But (expletive removed) that was a stupid thing.

K. Just stupid. Crazy. Secondly—

P. They consider there's a weak case on him at this point.

K. Yes—and a very, very peripheral, weak case—probably not an indictable case with respect to Ehrlichman and Haldeman.

P. Yeah.



P. Oh. Your point is that it'll break—that their names have been mentioned?

K. You know—it'll come out in trial and testimony.

P. What's your recommendation on it?

K. Well.

P. Let me tell you what concerns me, if I may. I want to talk to the special prosecution a little bit. You know, it's embarrassing and all the rest, but it'll pass. We've got to—we've got to just ride it through, Dick.

K. Yes.

P. Do the best we can. Right?

K. Yes sir.

P. We don't run to the hills on this and so forth. The main thing is to handle it right.

K. Those are my inclinations, Mr. President.

P. Well, you know—we've got to handle it right.

K. That's right.

P. And, naturally, because of your association with John Mitchell you would have to disqualify yourself.

K. Mardian, Larue.

P. Oh—you know them all. Right—right—right. Now the difficulty with the special prosecutor—it gets a guy into the (expletive removed) thing. First it's a reflection—it's sort of an admitting mea culpa for our whole system of justice. I don't want to do that. I think what you ought to do—

agreed—The dean doesn't know probably anything about criminal law.

K. He doesn't know anything about this case either.

P. About this case—but I think that the Dean—the Dean is a decent, honorable man and you step aside, say that the deputy attorney general of the United States will be in charge of this matter. And you say to him and (unintelligible).

K. Don't understand—I think he ought to (unintelligible).

P. No question about Silbert and those guys going after it. And I—let me tell you. I have never—you know—I have never felt that—I have always told these people around here—I say (expletive removed) don't hold anything back. Just burns me that they did.

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

P. Right.

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

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

K. And also I think—well, everybody was just scared to death. They didn't know where the damn thing was going to end.

P. They thought there was an election—you know—let's face it—that's why—why John.

K. Why sure—I understand—I understand. It'll always be an unanswered question and for that matter they were simply set in motion thereafter you know so aggravating—you know, this little—

P. But after the election, I couldn't think what in the name of (expletive removed) reason did they play around then? Do you?

K. No.

P. You didn't know that they were doing this? I didn't know.

K. No sir—I didn't know.

P. I didn't—you know—as I was—one of the problems here—I have always run my campaigns. I didn't run this one, I must say. I was pretty busy. Or—maybe—handling the Russian summit. And you know, after the election—we were right in the middle of the December eighth bombing—and holding meetings—within the whole administration. But I just can't imagine—at that point—after the election is when this is supposed to have happened.

K. I think there are two paramount.

P. Understand—I mean the others—they were involved throughout. But I mean after the election. (expletive removed) to condone it.

K. It seems to me there's two overriding considerations here. One is yourself and your presidency and secondly is the institution. Both of which I think have to be protected and preserved by

the institution of justice. For me to recuse myself and say the deputy is now making all the prosecution statements. The thing I have against that Mr. President is that that deputy is still your appointee. He's my deputy.

P. Yeah.

K. I could be removed until this is cleared up—well, that's just an attempt you know to cover his (expletive removed). As this thing goes into trial and when this testimony comes out somebody going to come to a crescendo real fast.

P. Of course.

K. Then Sneed is going to be under attack. Frankly I don't know enough about Joe Sneed—to know whether he's got the ability to sit there and take it or will he do it. A little bit differently than I and less than partisan for twenty years. He has no particular attitude to you, me, or anybody else. He's a good lawyer, a decent man—probably got his future ahead of him but whether he thinks of himself—and I just don't know enough about him.

P. Yeah.

K. At the present time. For one thing whether he's got the ability.

P. Yeah.

K. In a tough situation to it out or whether he could.

P. Yeah—but you got anybody else?

K. Well, that's why—and then on the other hand, with respect to the special prosecutor Mr. President. I think when you come down.

P. I'm not going to appoint him. Who would make it? You would make it?

K. I would. This would be my special prosecutor.

P. Got anybody in mind?

K. The Chief Justice, Roger Goff and several other lawyers. And incidentally the Chief Justice and I are very close friends. And I want to get his feeling about the concept of it and also who he would recommend. The one person that everybody kind of comes together on is a guy by the name of Barnabus Sears in Chicago. He is the attorney that was appointed to prosecute the killing of those blacks by the police—you know the thing in Chicago? And prosecuted in Chicago's police officers who allegedly, you know, (unintelligible). Barney Sears is a past president of the house of delegates of the American Bar Association, a "Distinguished" lawyer and, you know, has all those—and credentials. He's a very independent person. It has one aspect of it that you people realize, but Sears and I have been close friends for twenty-two years. (unintelligible) labor case with Motorola back in the early days. Barney Sears came in at one point and another guy.

P. So what would you do? He'd come in and learn the whole case?

K. Yeah—what he would really do—he'd keep Silbert, Titus and Petersen in place and as they progress with

the case instead of having the ultimate prosecutor responsibility in me he'd do that in this function in that way.

P. What does that do to Mitchell?

K. I would say Mitchell will be indicted.

P. Oh, they're all going to be indicted. Well, that's my point. I thought, I think if the course just goes like it is they're going to be indicted. You mean you'd have a special prosecutor immediately? Here's my point, if they're going to indict anyway that sort of—that shows that (expletive removed) the thing does work. See that's

the thing I wonder. These guys are crowding in.

P. Silbert and the rest—they aren't taking any program—we're not giving them any. You're not giving them any are you?

K. No.

P. Another way you can do it—another way you can do this. I could call in—I'm just thinking out loud. I could call in Titus and Silbert. I'd say, look—you are totally independent here and you are to tear this case up. Now go to it. See my point is, you call in a special prosecutor (expletive removed) he's got to learn the whole damn thing.

K. You come down to.

P. Yeah.

K. Little fundamental questions—like do you have enough evidence to go on perjury indictment? When you got one against one, you know, through the ordinary rules of prosecuting policy suggest that you try people for perjury.

P. Right.

K. Even maybe with—and I think that's just because of the climate.

P. Well, let me ask you this. Let me think about it, Dick.

K. Oh, sure.

P. You would suggest Sears. I would say Dean—I mean not Dean but the Dean.

K. Let's both think about it.

P. But with the idea that I really feel that I ought to—that frankly I've got to take the leadership on the thing and I ought to go in and say, look—there's—got the facts and you are to go forward with this—and I don't care who it touches and that's it.

K. Well with respect to the presidency and I don't presume to advise you with respect to that Mr. President.

P. No—I want to know your input.

K. But I think that you probably would want my views. You understand I have been up all night long and I might not be as (unintelligible). It seems to me that if, as a result of Magruder, Dean (unintelligible) and Hunt,

P. In belief?

K. (unintelligible)

P. This would be direct. Is there enough evidence on Haldeman that I should, that I should say to him, "Look, Bob, you take a leave of absence until this thing is cleared up?"

K. Right now—no—might be any

day—that's the question. I think that your options become reduced each day that this thing goes on.

P. What I am getting at is this. Is it also possible that they don't get enough on Haldeman to indict?

K. Well, he could be indicted but then at least his circumstantial participation will presume now with regard.

P. What about—what about Ehrlichman?

K. That's a close one—a situation that would occur after they were arrested based upon the possible projected testimony of Dean in the case.

P. How would—I don't see how he would be in it—in what way?

K. Well, at least now.

P. What will Dean say about Ehrlichman?

K. Keep in mind anything that Dean and his attorneys have told them is a conditional statement. If they don't work something out, it's all withdrawn and it's not going to be used. Keep that in mind, Mr. President. But Dean intimated two things with respect to Ehrlichman. One, Dean had in his possession some documents that were taken out of Hunt's office—that's number one.

P. He's told the U. S. Attorney this?

K. Yes. Other item, he issued a directive that—to get Hunt out of the country. Instances, standing by themselves—nothing more to say on one side or the other can constitute an obstruction of justice. They have the hard evidence right now that would lead to the indictment of John on those two counts. But it couldn't be tomorrow, two days from now away.

P. With respect to Bob—Strachan. Did they tell you—

K. They—

P. I thought on that?

K. Yes, sir. In fact, I've got some notes here—

P. No—Ehrlichman?

K. He's hooked.

P. Dean?

K. Deep six it and get Hunt out of the country.

P. He said Ehrlichman, John (unintelligible).

K. (Unintelligible) before the indictments.

P. Dean's testified that Ehrlichman told him to do that?

K. Right.

P. What Dean—Dean has told 'em, but he hasn't testified?

K. Right—and that other point about Dean's posture with the United States Attorney—that's why I wanted to talk to you about this. That these are conditional statements. If Dean worked out an arrangement satisfactory to Dean, the U. S. Attorney's office and Dean agree that they are not going to have knowledge of these statements.

P. So what would happen?

K. Well, in the event they don't work something out then Dean presumably wouldn't testify this way with respect to Ehrlichman or he might, depending upon what (unintelligible). If

they work something out, probably it would be for the purpose of—no, no sir. There's going to be no immunity offered.

P. Well, then why would he get it? Work something out—why?

K. Well that's—that hasn't been resolved because Dean and his lawyers are being very, very careful there.

P. I'm sure.

K. (Unintelligible) you get these people facing jail and you (unintelligible). The point is that.

P. Haldeman?

K. Haldeman—they believe this fellow Strachan is just about ready to (unintelligible) on the face of it.

P. Some of this—got some of the take, in other words. Haldeman had—if Haldeman was furnished the reports.

K. Either the reports or papers that would indicate that Liddy was doing something like this.

P. Oh—papers?

K. Apparently there was the sum of three hundred fifty thousand dollars.

P. Yeah—I know about that.

K. Transferred from the White House to Larue.

P. Right.

See TEXT, A23, Col. 1

TEXT, From A22

K. That Bob indeed indicated that the transfer of that money, (unintelligible).

P. I think (unintelligible).

K. Might have just thought that (unintelligible). That would implicate—

P. That I would think would mean that he had some of it—the reports from the bugging.

K. Either the reports or budgetary or—

P. Oh—even budgetary?

K. Or program papers that on the face of it would indicate that Liddy was engaged in an eavesdropping operation and, you know, that Haldeman would have known about it. So he called and said something about it but that's yet another you've got to keep in mind.

P. I don't (unintelligible).

K. I don't think so either.

P. Huh?

K. I don't think he did either.

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

K. Let's get back to this concept of the presidency, sir.

P. Right.

K. What you do is the right thing to

do and then when having done it then it would be recognized as the right thing.

P. Right.

K. And I know—I don't know—but I believe—feel that we should have—I think the options that you have to consider there are two. One do you, the President, what I have told you today, that might be forthcoming. And before that comes out would you ask 'em to step aside until this whole thing blows over? If it all blows over—maybe you're not indicted or culpable. Finally you come back and they do wind up having been indicted, you at least have off of your personal staff those people who are going to be involved in the criminal justice system. If you don't take that step, and I—really don't pretend to advise you on it, sir—and then if it comes out, it's leaked out and then you've got to do it after the disclosure is made publicly, you know, I think it.

P. Let me ask you this—if it should come to a critical point—let us suppose—let's suppose the worst. That it does—that it does come out on Haldeman and Strachan with his testimony that he had papers, etc. The question really is basically whether an individual, you know, can be totally, totally—I mean, the point is, if a guy isn't guilty, you shouldn't let him go.

K. That's right—you shouldn't.

P. It's like me—wait now — let's stand up for people if there—even though they are under attack.

K. I know.

P. In Haldeman's case, though—I want to ask you—if you think—I just want to ask you your opinion. And the same on Ehrlichman based on this—do you think that—where he had no knowledge of Watergate.

K. I think neither one of them knew about it before. Just judging from leads around here and found himself in this fantastic situation. Could have as a result of his constant communication with John Dean—with John Dean looking for a way to save himself—could have by the remarks that John made that would either circumstantially involve him in or be the grounds for an indictment.

P. Increase the chances of their being indicted by letting them go? That's another (unintelligible). When I say let them go, give them a leave which—

K. That'd be all right—it's all right.

P. You find—you find them guilty before they have a chance to prove their innocence, don't you? And another way you could do it is this—you could say if that question is raised, you could move then instantly. You see the point is that—your suggesting I should do this based on information we have now.

K. Which is not very good, precise.

P. That's the point that I am making—can on the basis of this kind of information.

K. I don't suggest anything now—I'm just

P. No—no—I know—no—I'm just

trying—understand—I want to know what is the right thing to do and understand we are going to come out of this thing. The Justice Department and the presidency are going to come out clean because I don't tolerate this kind of stuff. But the point is, Dick, I also. I can't—I can't let an innocent man down. That's my point.

K. I know that. What effect does it have on the discharge of let's say Bob's and Ehrlichman's duties as they'd be the object of speculation and attack in the press. What effect does it have upon their being able to discharge their duties?

P. Well one thing, of course, Bob could put it out first.

K. The three fifty?

P. Right. (Unintelligible) testimony and the Strachan work and so forth and so on. In other words, he puts out the story. That's another—one thing—and he puts out the Segretti story too. Really think that's what he has to do.

K. Have him appear before the grand jury?

P. Will he be asked?

K. No—except a punitive defense might ask him.

P. (Unintelligible) here—you don't understand (unintelligible).

K. The prosecutor doesn't subpoena a punitive defendant—his attorney doesn't—you know this stuff is going on—now does your guy want to come in and testify.

P. You see, I realize that the fellows like up at the Ervin committee and now the grand jury they're going to smash the likes of Haldeman all the time but you can't let a guy go—without a (unintelligible) if he's guilty, if you know he's innocent.

K. Right. Let me say what I had to do with this Harry Stewart. Remember the United States attorney in San Diego?

P. Yeah.

K. Was involved in my confirmation hearings. An allegation was made with respect to his obstructive conduct. It started as an administrative investigation by the FBI. While the investigation was going on, Harry Stewart just stepped aside as the United States attorney. Then ultimately he went back. That whole judgment was a process on my part.

P. Right.

K. I sharply examined it and the hindsight of this stuff is fantastic.

P. What's the name of your man in Chicago?

K. Barnabus Sears.

P. I can sure get that down, but I'm going to get that U.S. attorney in one way or another.

K. And I've thought for months that something was wrong.

P. Sorry to hear you say that. No—that's my problem—what to do. Poor (expletive removed) — they're all—they've got a right to a fair trial.

K. I've tried about two or three thousand in the last twenty years and I did (unintelligible). The two aspects of this that have an overriding import-

tance beyond them is the institution of (unintelligible) and also the criminal justice system.

P. Right. Only the people have got to have confidence (unintelligible), and frankly you could come out stronger.

K. Yeah.

P. You just prove that you will take on even your friends.

K. That's right.

P. That's what we'll (unintelligible). The only thing that troubles me about the Haldeman-Ehrlichman, Dick, is that—I don't—I just wonder about—about—moving on them before.

K. The evidence (unintelligible)

P. See what I mean?

K. Sure, I understand.

P. That indicates that maybe I know something—which I don't.

K. That's right—nor do I—nor do all the government knows is what I have given you. I think, based upon what little is now known would be impeded in either. I don't think that John Ehrlichman should have as an assignment for you anything further to do with this, though.

P. Because of the deep six thing?

K. You know, if it turned out, either through circumstantial testimony or



other testimony which could lead to a possible indictment that's part of the circumference.

P. Got to have somebody over here to do—the (expletive removed) thing—what the (expletive removed) do you do?

K. What do you do?

P. Garment? He's Mitchell's former law partner. That won't do, will it?

K. You know the burden of the (unintelligible) so far as you are concerned is that you and I would defend him. Anyone else (unintelligible).

P. Oh, I understand. Not going to—don't—job to do it—and this is (unintelligible) chief investigator for the Senate committee—the (expletive removed) was charged with a felony, bargaining pleaded for a misdemeanor—got a suspended sentence.

K. Yeah.

P. For bugging!

K. Yeah—for bugging.

P. Same thing—that's what should

have happened here.

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

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

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

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

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

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

K. Oh, sure.

P. You do?

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

P. Suppose Liddy, suppose Liddy—what's he going to do.

K. Now that's something else—now if Liddy comes in and corroborates Magruder and incidentally they are bitter enemies. They are bitter enemies.

K. Magruder is afraid for his life.

P. Yeah?

K. Even tried to—

P. Liddy—you say Liddy has told all, has he?

K. No, he hasn't—he hasn't said a word to anybody.

P. Is that right? Did these guys tell you that?

K. Yes sir, He's taken the fifth.

P. They said that he's come in and talked to them. They—that's what they're telling everybody.

K. That's not true, sir.

P. I mean—if Magruder says that—he hasn't?

K. To my knowledge—I'll check that.

P. Find out.

K. Find out but to my knowledge as a result of everything that was said last night Liddy has not said a word.

P. What about Hunt?

K. Hunt doesn't know anything.

P. He knows about the obstruction of

justice — somebody gave him the money. Isn't that the one where Mrs. Hunt or somebody—I don't know what that is—I don't know.

K. You know as much about it as I do.

P. (unintelligible) say something (unintelligible) and I don't want to get so deeply involved.

K. Neither do I and, you know from the outset, Mr. President, on this one, because of all of us who are involved—our relationship—I determined that

I was going to have the broadest kind of an overview. It's just for this very reason I don't want to right now.

P. Yeah.

K. If Liddy doesn't corroborate Magruder—what Liddy does now in view of Magruder's case I don't know but inherent in Magruder's—

P. He and Dean are taking Liddy and Magruder. You've got two guys it's pretty hard for a jury, if you were a good criminal—an F. Lee Bailey—say, are you going to take the word of these two men against all these other men, gentlemen?

K. When you have something beside F. Lee Bailey, but you take Larue and Mitchell

P. Let me say—let me say—I only mention F. Lee Bailey because Mitchell is very close to him now, as you know.

K. I know that, yeah.

P. That's probably who he'll use.

K. I don't know.

P. I say probably—I'm just guessing—I haven't talked to him about it, but he and Bailey are—he's going to fight until the end. He's not going to—

K. I hope he does.

P. Would you—his relationship and former attorney general.

K. And that would be—that would be a trial for him.

P. Sure. Pitch John Dean take (unintelligible), I was so surprised.

K. When Ehrlichman called me last night all he said, mentioned Magruder. And he said what about informing him if I had any notice that John Dean had initiated this, I really don't until his attorney can negotiate with them.

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

K. What they want initially.

P. Yeah—will they work out.

K. I think they'll honor their agreement between them.

P. Well, as you know, Dean put it out for press.

K. No—no sir.

P. They're decent men.

K. Yes, they are.

P. Good.

K. Yes, sir.

P. But Dean.

K. They raised questions whether or not I should even mention that to you because of the (unintelligible)

P. No, (expletive removed) you should tell me.

K. Oh (expletive removed) I didn't argue with them about that. That's not anything. I'm going to tell you what I have learned.

P. I could call them. Let me run this by you. I think I should call them and I consider it highest devotion. What I want you to have (unintelligible) it up here. I think we have—we haven't denied anybody, (expletive removed). Conducted the investigation. The FBI's conducted the investigation. I said, I just want you to know that and you're on your own—on your own. And I am—because Dick Kleindienst was a

close associate of John Mitchell's I want you to report to Dean Sneed. Now that's the way that I think I should approach it Dick rather than bringing in a special prosecutor.

K. I have no objection to that.

P. Well, without you being there—I don't think they should work through you anymore due to the fact, although we know you didn't have a (expletive removed) thing to do with it—nobody would ever believe—I don't think that.

K. I could make a fair decision on Mitchell.

P. On John Mitchell. Just like I wouldn't think I could probably make a fair one on Haldeman, but you see—don't you think that's true?

K. Yes sir.

P. And I'll—and the way I would do it—I will say, the attorney general and I have talked and he recommends this. And I'll say, we have talked about it and this is the best way to do it. So we'll put Sneed.

K. And I think it's a very strong possibility.

P. You see my point?

K. The only—there's only two aspects of it that I'm not sure about. One of those I'm not sure about is Joe Sneed.

P. I know.

K. He's—you know.

P. Well, let's—what the hell—there's really nothing for him to do expect just be honest. They're going to do the job. I know they're going to do the job.

K. Second thing, Mr. President, was the other argument that I'm thinking about. The more believable, more acceptable business, this other thing. The problem of this thing as the result of any appointment of you.

P. Yeah.

K. In favor that you might be able to provide later or whether I could. The credibility aspects of this thing on part of yourself soon.

P. Yeah—think it's best to handle it rather than doing it—escalating it—by nine o'clock then it should be done. I have thought about it and I have made—I have said this and that and the other thing and that's that.

K. One aspect of this thing which you can always take and that is, as the President of the United States, your job is to enforce the law.

K. In the case of any, of any investigations and trials—you know, I mean—now that the time has come as a result of blah, blah, blah, you know.

P. Special prosecutor immediately casts a doubt frankly, Dick, on the whole Justice Department.

K. Yeah—right.

P. I don't like that.

K. Neither do I.

P. But you have—there's no need—you understand, I just don't like that.

K. My feeling.

P. I think—you see the other line would be to say—put sort of a (unintelligible) you couldn't do this? You



mean the attorney general has asked—
huh?

K. You might wait to have me recuse
in this thing when the indictments
come up. I think if they indict John
Mitchell we can't be criticized for fa-
voritism, you know.

P. Yeah—in other words, you stay
in the job.

K. Until the trial I don't know. I
think this is something we ought to
explore very carefully. In terms of (un-
intelligible)

P. You see, there's where your special
prosecutor comes in. You want the
—you go to the special prosecutor for.

K. No, the special prosecutor would
not try the case, Mr. President. What
he would do is substitute himself for
the attorney general. Silbert would try
the case. What he would do would have
overview with respect to what they
were doing and participating in the
prosecuting decisions that are made
from time to time. (unintelligible)
believe I (unintelligible) discuss with
the—with (unintelligible)

K. (unintelligible) might not have it
with the deputy attorney general and
—so I support him. You know, I would
do it myself.

P. (unintelligible)

K. And I fully realize by bringing
this guy in it's the effect has a bad
reflection upon me, you know, I under-
stand that—that is my recommenda-
tion.

P. Yeah. I thought we would — I
think we just ought to—after your
hard lining the executive privilege I
think we ought to make a deal with
the Ervin committee provided the
ground rules are proper. Do you agree?

K. Oh, sure. Things about my hard
line is, you know—

P. What you're saying is a bargain—
the thing by which you are going to
work that out. I thought we ought to
get something out on that like Monday

or Tuesday. That sound good to you?
That's a good—a good way to be on
the offensive.

K. And I, I understand, Mr. Presi-
dent, you have some thought in mind
with respect to John Dean. I would
respectfully urge you not to accept—
include John Dean in the package with
(unintelligible) and those people you
are.

P. (unintelligible)

K. Yes.

P. Oh, yes (expletive removed) yes,
it's better now.

K. Negotiate with the United States
attorney—I'll tell you—I don't think.

P. No. I'm putting him up. The
only thing I would say is that—to him
—I would say that as President's coun-
sel (unintelligible) executive (unintel-
ligible) and all that — (expletive re-
moved) I wouldn't even (unintelli-
gible). The Ervin committee though is
going to be as—nothing by the time
this thing.

K. Oh, by this time (unintelligible)
we keep it in the criminal justice sys-
tem where it belongs.

P. Where it belongs.

K. The Ervin committee.

P. And incidentally they ought to—
whoever is—Silbert ought to get over
there right now and tell the Ervin
committee not to go, shouldn't he?

K. I don't know.

P. I (unintelligible). How—how can
Mitchell, for example, get a fair trial
with the Ervin committee leaking all
over the place and so forth and so on.
I would—if I were the prosecuting at-
torney I'd say to the committee, now
keep McCord and all these (expletive
removed), don't you agree?

K. Sure—if they'll do it.

P. I really think as a lawyer—as a
criminal—as a—you know, a smart
lawyer for Mitchell and the other de-
fendants could move to quash.

K. Well, they could get the cases
dismissed as a result of this horsing
around with the Ervin committee.

P. Yeah.

K. (unintelligible) Ervin committee
going after — their constitutional
rights might be so impaired that they
could have the indictments quashed.
That's what. Any litigation concern-
ing John Mitchell will probably take
ten years — you know a couple of
years before trial, four or five years
appeals, motions, trial. Well, I think
(unintelligible) and it could be with
John Mitchell.

P. (expletive removed) I would
want to appeal the Chicago Seven,
the Berrigans, and the Ellsbergs and
all those (expletive removed). And
they've fooled around all this time.
Well, it's a hard thing, Dick, hard
thing. These fellows, even the Cubans
—or even perhaps they most of all.
They were doing (unintelligible) they
were helping the campaign.

K. That's right. Sure.

P. And they just—just showed in-
credibly bad judgment—right?

K. It's still a fact, Mr. President, it's
been two or three months, you know,
while you were getting your campaign

organization going, and Mitchell was
just a puppet. You know John was in
a rather awkward situation being the
attorney general, having talked to
those guys.

P. And having very troublesome
(unintelligible).

K. Right. Had his own real leader-
ship over there and got (unintelligible)
the situation.

P. Yeah, Magruder—and Magruder's
sort of a lightweight in a very heavy
job.

K. Yeah—and also he had no experi-
ence in politics.

P. That's right. And then so they
decided that—gee, this is great and
this is real fun—(expletive removed)—
they see.

K. Yeah.

P. And incidentally you got to—you
see—if Haldeman had been running it
it wouldn't have happened either. But
look what the (expletive removed) he
was doing, we were on our way to
China and then we were on our way
to Russia.

K. I know.

P. We weren't in the campaign—
they were. We couldn't and that's why
we had no control. Well, anyway, I'm
not making excuses. The thing to do
now is to.

K. Deal with the facts as you have
them.

P. Go forward and let us do it.
K. It would have to be by you, Mr.
President.

P. There's (unintelligible) How
about another man that we could
bring down? How about a former cir-
cuit court judge like Lombard?

K. Well the chief justice doesn't
like that unless he has completely re-
tired from the judiciary.

P. Says he can serve if we gave him
an interim appointment?

K. Yes—yeah.

P. Seventy-one years of age?

K. No-no. What you are doing is
having a federal judiciary.

P. Well, it seems to me that's the
same.

K. The Chief Justice thinks this
fellow Sears—he's the one who recom-
mended Sears.

P. Thinks we should have a special
prosecutor?

K. Yes. He does. Yes.

P. Now what does he say, now—I
want to get some other judgments be-
cause I—I'm open on this. I lean
against it and I think it's too much
of a reflection our system of justice
and everything else.

K. Yeah—That's.

P. What is Petersen's reasoning?

K. Petersen's reasoning would be
that I should recuse myself now that
it looks like Mitchell and—

P. Yeah.

K. Rest of the boys.

P. Yeah—you should do it right
now.

K. And that—Yeah—but.

P. You—now wait—you'd do this?
You see, you do it now. It's based on

testimony.

K. When I would do it.

P. Well, let me ask you though, you would do it before the story broke? Before the indictments or afterwards?

K. I don't know. We haven't gotten to that point.

P. Or is it the point that should be done before the indictments are drawn up so that the indictments are drawn up properly. Is that the point?

K. Yeah—just so that any aspect of the investigation, presentation to the grand jury and indictments could not possibly be changed by—

P. So what would Petersen say—you would withdraw?

K. Yeah—but that would not be in a public, you know, TV statement—

P. Yeah.

K. Internal—administrative.

P. And then—what would happen?

K. Well, I would.

P. What would he advocate?

K. I would do one of two things under that circumstance—would be to delegate the responsibility for the entire matter to Petersen, assistant attorney general of the criminal division.

P. Petersen is the fellow to approach?

K. Yes he is—yes he is.

P. Would the—would the country respect him on this?

K. Yes—he's a (expletive removed) of a guy (unintelligible)

P. I didn't—he was—he is a career man—I didn't appoint him in the first place.

K. He's the first career assistant attorney general I think in the history of the department—

P. OK.

K. So—but he.

P. Let's consider that one for a moment.

K. It could either be Petersen—or Sneed.

P. Sneed would be better than Sneed.

K. (Unintelligible)—That would be initially handled by an administrative document from me to Petersen.

P. But you do it right now? What you should do in any event, what you should do right now—let me say, I still think my—I ought to consider—

Ehrlichman: But of course, you have to balance a lot of what he (Magruder) says . . .

President: You have to balance what he says by the fact that he was very believable when he lied.

in—maybe with you as a matter of fact and say look I just want you to work with Petersen and get everything done. Correct? But let me—let's think about that.

K. Let's think about that. I think we got to do something pretty quickly before this stuff gets out of hand. In view of the disclosure made to me last night and yesterday afternoon by Ehrlichman I think I've got to do something. I'm now on notice that Magruder, you know.

P. Yeah.

K. Testified to—that. P. That's right—that's why I told Ehrlichman to tell you. I didn't (unintelligible). In fact he suggested it—he said, look I've got this stuff. This was even before Magruder talked to him. I think I should turn this over to Kleindienst. I said "Do it." And then the events caught up with us and Magruder came in, and said, look, I—almost irrelevant. I didn't think Magruder (unintelligible). So that's why, Dick, why we's been scrupulous and your record must show that. Been scrupulous, that Ehrlichman he called you, he called you before Magruder and afterwards. We didn't wait 'til Magruder—

K. That's right.

P. What I should do.

(No more sound—tape runs out)

A telephone conversation between President Nixon and H. R. Haldeman, April 15, 1973, from 3:27 P.M. to 3:44 P.M.

Operator: Yes Sir.

P. Mr. Haldeman, please.

Operator: Thank you.

Operator: Mr. Haldeman

P. Hello, I hope you are enjoying this lovely day.

H. No, I am afraid not. Got to get out and take a look at it. It really looks beautiful outside.

P. Are you working on your statement?

H. Yeah—and I talked to Bill and haven't been able to reach—

P. Yeah. I got that message from Bill.

H. Did you talk to him?

P. John Ehrlichman's got it. He talked to you or to Bill, I don't know which.

H. Rogers—I gave John a very quick rundown, but Bill wanted to think about it and talk some more and I think he has gone out to play golf or something. He doesn't seem to be around now, so he will call me later this afternoon. His view—he said it really depends on what the grand jury does. In other words, he doesn't come on strongly that we should go up there. He has some real reservations about whether we should. I think you got a real problem in the judicial proceeding with possibly prominent people under indictment and all that, and run a congressional investigation at the

same time. And the problem we have had up to now is the feeling that nothing is being done. This whole feeling is going to change, and if something is being done you don't have to start doing everything and he said if we can work out some safeguards that Congress would live up to, via capitulation, and all that maybe we should consider going because people do want things cleared up. He said, I really, I think the committee is handling themselves poorly. I think if the grand jury is going to come out fairly soon with their indictments, I would strongly vote the other way. I would hang tight for an offer to go up and speak to the committee in executive session, but I wouldn't go up on camera. He said, I think your court room rules is basically a sound position and that people will see that.

P. Uh, huh. I just told Ehrlichman to the contrary, but I can change my mind. Ehrlichman had talked to Moore—and Moore says "Well, hell, everything is really—there is going to be so much flying around it isn't going to make any difference." Moore tends to—well.

H. I don't think that is necessarily true either.

P. Moore—I think is

H. If that is true then, why go up on television?

P. It just makes it worse doesn't it? Well his point, I guess, Moore's point is at least have the President be forthcoming. But what does that do? Let the President be forthcoming and let them kill us.

H. That's right. And Rogers' view is if you—at least his preliminary view—and he wanted to think about it a while—he said if indictments come down at high levels.

P. Yes—

H. Then you have been forthcoming. You have said all along that you would cooperate with the grand jury. Now if you cooperated with them, which you said you were doing, and nobody said you weren't, and they produce results, that is what the people are after. The people's concern is that nothing—that everybody is just sitting here doing nothing about the Watergate, which is what they think because they haven't seen any result out of the grand jury.

P. Well, we are going to have some.

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

P. Bill said what?

H. Bill said I don't agree with that—but he said—he thinks it is inevitable that they have to stop the hearings

my suggestion that I call these people

if there are indictments at a high level.

P. He's right. I agree with that.

H. He says they can't go on with those hearings while those people are pending trial. Until they have been tried and sentenced—you cannot go ahead with the hearings. On that basis, you don't want to know how long that is going to take.

P. Kleindienst just stopped in. He said it will take four or five years.

H. Why in the world does he think that?

P. The trials, appeals, they'll go to the Supreme Court, you know Mitchell is in a fight and these other guys, what the hell?

H. On that basis, you have the judicial process running who are these people, Bill feels strong on this.

P. What about the other things they want to get into?

H. If they can separate them, that's fine. They are the ones who have said they are totally tied together.

P. Yeah, one thing too about the other things. They are going to be denied some of their principal witnesses. I mean Mitchell will not testify. He will never go up there, you know, before the committee.

H. Right.

P. And Magruder. He won't go up.

H. Nope. Now you are getting the White House people going up and not the other people. Where are you on that? And that is a question. Bill said don't make a commitment now, you may have to meet in October or something when this thing runs itself out.

P. But he did think we could make the executive session commitment?

H. Yes.

P. Puts us in a good forthcoming position.

H. That's his point, that that is a very sound offer, just as your offer to work with the grand jury was a sound offer.

See TEXT, A24, Col. 1

TEXT, From A23

that produced results. You say we will be perfectly willing to work with the Senate.

P. You indicated to Bill there would be indictments at a high level?

H. I said it looks as if they are going to be bringing indictments and that they are higher-ups over at the committee.

P. What did he say?

H. He didn't react at all, but a little later he said, "Well, if Mitchell is indicted, or something, you know." I didn't say that, but he did.

P. OK.

H. And—

P. You know, in a way—I mean in reading the Johnson-Witcover piece in The Washington Post, we are so low now we can't go any lower. Huh?

H. Yeah.

P. What did you think of that? Are they right? Not when they say today there is the over-riding concern today

for Watergate. There will be when it comes out, obstruction and all that but—

H. Yeah. You can get that out by, you know, getting hold of a guy and say if President Nixon did the Watergate would you still vote for him and say no.

P. I wonder if they will use the Gallup Poll tomorrow if the damn thing comes out?

H. Well, I haven't seen the Gallup release. I don't know that it went out, but I often don't get it until after it comes out.

P. We did have a hard figure on it didn't we?

H. He said it was a hard figure. 60-33.

P. Anyway, we are glad to have that.

H. So, what does Kleindienst think now? Does he—

P. He's for a prosecutor.

H. So is Bill.

P. Bill is? Who did he have in mind?

H. He didn't have anyone in mind and I didn't get into that question with him.

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

H. Oh, really?

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

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

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

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

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

H. Yeah.

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

H. That would make sense, rather than having Sneed take over.

P. Yep, because he's compromised, too—I can do things for him in the future, see? I can for anybody, but—

H. Yeah, but he is your appointee which is a little different. Although any special prosecutor is your appointee.

P. Yeah. It is a little different if he is outside. This Wright from Texas is the guy I sort of lean to. You know, the dean of the Texas law school.

H. Well, I don't know. Did Dick have any reading on timing on indictments?

P. No.

H. Because that is—

P. He thinks a lot of the stuff may leak with Magruder running around, and—Strachan told an interesting thing to Ehrlichman on Magruder which makes the point that I am—two weeks ago Magruder talked to Strachan, and

tried to get Strachan to concoct with him the story that he, Strachan, did walk across the street with Magruder and tell Magruder to go forward with the operation.

H. Which Strachan claims isn't true apparently.

P. No. My point is, don't you see, the devastating thing this is to Magruder, to his credibility?

H. Yeah.

P. I said to John, "Why the hell is he trying to do this?" Because Magruder's defense is that he's just doing it because of pressure from higher-ups. You see the point?

H. Yep.

P. And Magruder—So I am not so sure that a hell of a lot of Magruder's stuff, even on Mitchell, may be open to serious question. Serious question.

H. OK. But yeah, on some things I think that is true.

P. Some things, I think Mitchell is still in it.

H. But I don't see how you

P. But I mean, anything Magruder says about you, for example, if he does, you know what I mean. I think, Bob, your analysis of Magruder once that he is a guy that doesn't know the truth, is really true.

H. I really believe that.

P. And I think now he has lied so much is he going to lie again and work with his attorneys and get himself separated from all this thing, etc. I think Strachan will be a damn believable witness when he goes down there. I really feel he will be.

H. He will if he stays to the truth.

P. If he just tells the truth—

H. If he doesn't try to tangle things up at all.

P. Right. Hmmm—Magruder was telling Strachan, "Look this should be the story that I would like to tell."

H. It is kind of ridiculous. Why would Strachan agree to that?

P. Oh, He—it would implicate Strachan, but he is at the same level, so, see, so it wouldn't hurt him. The point of that would be simply—and he said Magruder told him about his family and his concerns and all that, made a great plea about how his personal problems were so serious. And he said, "Please, now, let's go along on this story."

H. Yeah.

P. That is interesting.

H. Well, Magruder was bouncing around in desperation, telling all different kinds of stories to different people.

P. That's right. Remember you told me that—

H. Trying to tie something together and I think what happened is he ran that string out and finally just gave up because that wouldn't work and decided to tell the truth, but in the process he probably doesn't know the truth is. He has made up so many different stories. I can understand that. It is hard for me to remember what's

true, having just heard all of these other people's stories. It is difficult to sort the stuff out. If you start lying yourself—

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

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

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

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

P. Right.

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

P. That's right. Well—

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

P. You know some of that so-called people-polling, and polling. Don't they say that Watergate, didn't you say that Gallup or, well, that it's a concern, it worries them, etc.—considered it a caper, and they want the damn thing explained.

H. That's right. They want it explained and they want to get off of it. There isn't—

P. Kleindienst also comes in with the idea that sometime I've got to go out and make a Checkers speech at 9:00 o'clock at night. I told him, "Now, Dick, I am not going to do that."

H. Oh, I think that would be crazy. sure do.

P. I said, "Now, Dick, I am not going to. I am not going to elevate it that way. If it's going to be elevated, let the press elevate it. I will go out and say it before the press, in the press room, you know."

H. Yeah. Unless there is—there is nothing now that indicates doing that.

P. But when it comes out, I am going to have to say it's rough, but that shows that our judicial system is—we, you know. The special prosecutor thing helps in another way. It gets one person between me and the whole thing. You see, the Dean report now has been totally discredited and, you see.

H. Yep. That's right, and I think that is a darn good route for it, especially if it can be done. I hadn't thought about it, or understood it at the level you are now talking about, and that would seem to me exactly what you are after.

P. Not somebody to prosecute Mit-

chell. I won't have that.

H. That is the other problem. What do you say when they indict Mitchell, and Mitchell doesn't plead guilty? You obviously can't say, I'm sorry.

P. Oh well, we will just say that I will not comment on the case. I'm—let's have the men work up a statement.

H. I won't comment and I have full confidence in the American judicial process.

P. In the process and I—

H. Hope it will bring the guilty parties to account and clear the innocent parties.

P. He has pled innocent and I think he should have every opportunity to—I don't know whether I can say I am confident in his innocence—that will be the key question.

H. That is just what I was going to say. You cannot—

P. It is not proper for me to comment on that because there has been an indictment. It is not proper for me to comment, except that he is a fine

President: You put Magruder's feet to the fire. Where did you see Magruder?

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

President: What got Magruder to talk? I would like to take the credit...

man, he is entitled to it. I think we should not judge this case until it has been heard in the judicial process.

H. You don't want to get into the position that Hiss's character witnesses got in.

P. I can't do it. I know.

H. What you can do is express your faith in the system. You know there is a lot to be gained from this if the damn system comes out right.

P. That's right.

H. In restoring people's faith in the system, rather than in this jackass kangaroo court.

P. Yeah. OK. Incidentally, I wonder if you would talk to John Ehrlichman. I will get him but when you talk to him.

H. I will be talking to him.

P. Be sure to tell him that I think that the way I hear Bill's thing spelled out, that I think it makes a hell of a lot of sense. OK?

H. Yes, sir.

P. Alright.

H. Alright.

(A telephone conversation between President Nixon and Richard Kleindienst, April 15, 1973 from 3:48 p.m. to 3:49 p.m.)

Operator. Yes, please.

P. Attorney General Kleindienst, please.

Operator. Yes.

P. Hello.

K. Mr. President?

P. Hi, Dick.

K. May I bring Henry Petersen with me?

P. Yeah. I want to ask him to do something.

K. I'll be over there in a couple of minutes. Alright sir.

(A telephone conversation between Lawrence Higby and H. R. Haldeman, April 15, 1973 (no time given).)

P. For Mr. Haldeman?

Operator. Yes.

Operator. Mr. Haldeman, Mr. Higby wants you.

LH. Hello, Bob.

H. Yeah.

LH. John Dean just called me. He had a message he wanted to relay to the President through you. He would not speak directly to you.

H. Alright.

LH. (1) I hope you understand my actions are motivated totally out of loyalty to you, the President.

H. Wait a minute.

LH. Totally out of loyalty to you and the President.

H. Yep.

LH. And if it's not clear now—

H. Uh, huh.

LH. It will become clear.

H. Wait a minute.

LH. (2) Ehrlichman requested to meet tonight—

H. Yeah.

LH. But I feel inappropriate at this time.

H. Just a minute. OK.

LH. I am ready and willing to meet with you, meaning the President, at any time to discuss these matters.

H. Just a minute.

LH. (3) I think you, meaning the President, should take your counsel from Henry Petersen who I assure you does not want the presidency hurt.

H. Hmph.

LH. That was the end of his message. He was calling you from his home, the operator said.

H. From his home?

LH. That's what the operator said.

H. How long ago was that? Just now?

LH. Yes, sir.

H. OK. Thank you very much.

LH. Yes sir.

(A telephone conversation between President Nixon and Henry Petersen, April 15, 1973 from 8:14 p.m. to 8:18 p.m.)

Operator. Yes sir.

P. The Assistant Attorney General, Mr. Petersen, please—he is probably at home.

Operator. Yes sir.

P. Hello.

HP. Mr. President.
P. Did you get on your boat?
HP. No, no, no—I just came on home.
P. Oh you did. Right. Anything further you want to report tonight before our meeting tomorrow at 12:30?
HP. Not anything that specially, that I didn't give you today.
P. Nothing that adds to what we had earlier, huh?
HP. That's right—they concluded the meeting with Dean. His counsel says he will not permit him to plead, that a—
P. Permit him to plead? What do you mean by that?
HP. To plead guilty. In other words, he will go to trial.
P. He is going to plead not guilty, huh?
HP. That's right, unless we come to some agreement with him. His counsel's position is that it would be a travesty to try Dean and not try Ehrlichman and Haldeman.
P. Uh, huh.
HP. That is the basic information to the extent that it developed in these preliminary negotiations isn't much more than I gave you.
P. Well, let me ask you this. Based on this, though, you mean that inhibits you from using the information then, or do you use it, or how do you do it, or do you use it for leads, but you can't use it unless he pleads? Right?
HP. We cannot use it for any purpose unless he pleads.
P. For no purpose?
HP. That's right. That's incorrect, unless we strike some agreement with him.
P. Hmp.
HP. He had a call from Ehrlichman—Ehrlichman wanted to meet with him tonight.
P. I see.
HP. About eight o'clock. We advised him he would have to make his own determination but suggested that he not.
P. I see.
HP. He, then, through his counsel informed us that he was writing a note to you in which he would say (1) that what he was doing was in your best interests and that that would all become apparent as this situation unfolded.
P. Right. Let me ask you this—why don't I get him in now if I can find him and have a talk with him?
HP. I don't see any objection to that, Mr. President.
P. Is that alright with you?
HP. Yes, sir.
P. Alright—I am going to get him over because I am not going to screw around with this thing. As I told you—
HP. Alright.
P. But I want to be sure you understand, that you know we are going to get to the bottom of this thing.
HP. I think the thing that—
P. What do you want me to say to

him? Ask him to tell me the whole truth?
HP. Yes, sir. And there is one other thing: that is, a signal from you might bring out the truth from Liddy.
P. From Liddy?
HP. Yes, sir.
P. A signal from me? What do I do?
HP. He went to John Mitchell, I am told, and indicated that he would do whatever he was told to do.
P. I never met the man. I don't know what I can do with him.
HP. Uh, huh.
P. How do I give him the signal?
HP. Well, I will do it for you.
P. He, Liddy has talked to John Mitchell and said a signal from the President?
HP. No, he said a signal from Mitchell.
P. From Mitchell?
HP. Yes, sir, and so indicated that he was going to stand firm.
P. Then, what I am trying to get at, how do I get—I then would go over Mitchell to you, Liddy and you're telling me that?
HP. No. We just go and say that we have discussed this situation with the President of the United States and he thinks it is vitally important that you tell us everything you know.
P. I get it. Uh huh. OK. Now you will be through with your things you think by 12:30. Right?
HP. Yes, sir.
P. OK. Well, get a good night's sleep, huh?
HP. I will, indeed.
P. As good as you can.
HP. Yes, sir.
P. OK.
HP. And you, too.
P. Fine.
HP. Good night, sir.

A telephone conversation between President Nixon and Henry Petersen, April 15, 1973, from 8:25 p.m. to 8:26 p.m.
P. Hello.
Operator. I have Mr. Petersen.
P. Hello.
HP. Yes, sir, Mr. President.
P. I am trying to reach Dean—I think I may be able to get him, I hope. He seems to be in transit from someplace to someplace. But I will report to you after I see him—
HP. Very good.
P. In the meantime, on Liddy—I don't know the man, of course, and have no control over him, but, hell, you are to tell him the President wants everybody involved in this to tell everything they know. OK?
HP. Indeed so. I will get in touch with his lawyer first thing in the morning.
P. You might do it tonight.
HP. Very good.

P. I don't want to stall around. OK?
HP. Very good.
P. Don't you think that is the best thing to do?
HP. Indeed so.
P. Fine. One thing I want to be sure of, Henry, you understand as far as Liddy is concerned I have no control over him—don't know the man at all and I just want, since he has raised the question, that maybe not talking because of me—
HP. No, no—I don't want to leave that impression.
P. Because of Mitchell, huh?
HP. He is taking orders from higher authority. The decision is mine but since you are the highest authority he will stand in line if we handle it discreetly.
P. I just want him to be sure to understand that as far as the President is concerned everybody in this case is to talk and to tell the truth. You are to tell everybody, and you don't even have to call me on that

with anybody. You just say those are your orders.
HP. Yes, sir.
P. OK.
HP. Alright, thank you, sir.

A telephone conversation between President Nixon and Henry Petersen, April 15, 1973 from 9:39 p.m. to 9:41 p.m.

Operator. Yes, Sir
P. Mr. Petersen, please, you know, of the Justice Department.
Operator Yes.
P. Hello.

HP. Mr. President
P. Henry I have been—I talked to John Dean and haven't quite finished, but he stepped out for a minute. I wanted to ask you this. He says that he thinks it is important that I tell Liddy's attorney—I don't know who he is—by the name of Maroulis, do you know him, that what I told you a few minutes ago.

HP. Yes—I have already been trying to get in touch with him.

P. Let me say this. You tell him, if necessary, you haul him in here and I will tell him. OK?

HP. Alright indeed so.

P. You know what I mean. You tell him I have called you directly tonight and that you have it direct from the President if he needs it from me, I will tell him

HP. Very good.

P. Because you see, John felt that maybe he wouldn't take it from you. But I would think he would—or what do you think? What is your judgment?

HP. Well, we certainly will tell him. He and Liddy are very close friends and I am certain the word would get back to him.

P. Right. Ok, you tell Maroulis that the President has directed that you are to talk to him and to tell him he is to



John N. Mitchell, the former Attorney General

tell everything he knows. He should have before but my point is, if necessary, if he has to come in to see me—but you come with him. I don't want any things where he comes in and makes any motions—you see what I mean?

HP. I understand.

P. Does this sound like good medicine to you or do you think I should not see him?

HP. I think we ought to reach that question after we see what the reactions is.

P. Right I would prefer if you could handle it because it ought to be handled at your level rather than having me bring some attorney in and give him an order.

HP. I agree.

P. So you do it on my direction. I think that will do the trick. If it doesn't I will see him myself.

HP. Very well.

A telephone conversation between President Nixon and Henry Petersen, April 15, 1973, from 11:45 p.m. to 1:53 p.m.

Operator. Yes, please

P. Would you get me Mr. Henry Peterson of the Justice Department — assistant attorney general.

Operator. I certainly will sir, right. Thank you.

P. Hello

HP. Yes, sir.

P. I hope I didn't wake you up.

HP. No, not at all.

P. I wanted to tell you first, I have— apparently I've got the president of the Rotary International at noon tomorrow. Could you make it 1:30

HP. Yes, sir.

P. That won't interfere with your lunch or anything?

HP. No.

P. Fine. Second, I have met with Dean. I got him in finally and heard his story and I said directly to him, "now when do you want to resign?" and, he said, "Well, I will resign but I would prefer to wait until I have testified." Now I want to ask you your judgment on that. I can bring him in in the morning and tell him, "Look, I want your resignation." But, what do you want me to do? I don't want to interfere with your process?

HP. Mr. President, I don't think that we ought to—

P. Tip our hand?

HP. Not yet. He is the first one who has really come in.

P. Oh, I see.

HP. He came in a week ago Sunday.

P. Right. Let me say this. The main thing, Henry, we must not have any question, now, on this, you know I am in charge of this thing. You are and I am. Above everything else and I am following it every inch of the way and I don't want any question, that's of the fact that I am a way ahead of the game. You know, I want to stay one

step ahead of the curve. You know what I mean?

HP. I understand.

P. So—if you think on Dean

HP. I think we ought to hold the line.

P. Alright and you will let me know.

HP. Yes, sir. I will indeed.

P. As soon as—then I will call him in and naturally he will have to resign.

HP. Yes, sir.

P. Now Haldeman and Ehrlichman—I have informed both of them of the charges that have been generally made and I have said that if they stand up, and I didn't have to say it. They said well, of course, we will, we don't want to be an embarrassment. They are good guys. But my feeling with both of them, and it is only a question, and we talked today of when—no, it is whether, also, but I think you've got to hear Strachan and I think you've got to hear Dean and then I suppose you would want to hear them or do you think we should move on them before? Or do you want to think of that overnight?

HP. We would like to wait. We would like to wait, Mr. President.

P. Because like today, you were suggesting that we call them all in and have them resign and I just wanted to be sure you didn't think I should do that because I am perfectly prepared to.

HP. That is really your judgment. I think ultimately that is going to have to be done.

P. Yeah. But your point is that as far as the case is concerned, you are telling me now that it is best to wait. Is that the point?

See TEXT, A25, Col. 1

TEXT, From A24

HP. On Dean, yes. And on Ehrlichman? Haldeman—I suppose until we hear their testimony, which is, well, we want to put them off until we can fashion all the—

P. All the others.

HP. Things into a pattern.

P. How soon would that be, for my own planning, about a week?

HP. I don't think it is going to be less than a week and I would say two weeks or more.

P. Oh, you think it might be two weeks?

HP. I would say so. Yes, sir.

P. It will take that long, huh?

HP. I am afraid so because—

P. Well by that time, my view is that the damn thing will leak out and I—well, be that as it may, we'll see.

HP. That conceals it.

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

HP. He will.

P. And we will look over the Haldeman-Ehrlichman thing to see what the facts are and maybe you could give me a little sheet of paper on both as

to what you feel their vulnerabilities are so that I—could you do that?

HP. I will try indeed. Yes, sir.

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

HP. Very good.

P. You understand, there isn't going to be any problem, of course not with Dean and neither Haldeman nor Ehrlichman. They are perfectly prepared to do whatever I say at a moment's notice because they put the office first. But the only thing I am concerned about is in the prosecution of a case like this, it may be that if you have them move it may have an effect on some of the others you are trying to get to testify. I don't know, but—

HP. That is certainly true with Dean.

P. Certainly true with Dean?

HP. Yes, Sir.

P. Uh, huh. He is in a mood to resign right now but I will see. I will check him tomorrow.

HP. Are you seeing—

P. Uh huh and Haldeman-Ehrlichman, you say we'll talk about it tomorrow. Or do you want to think about it?

HP. I want to think about it some more, yes, sir, because we are going to have to weave all of the facts with respect to them into a pattern. It is not going to come out neat and clean—

P. And clear—

HP. With respect to either one of them—

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

HP. Yes, sir.

P. But that's a matter which is going

to involve your hearing them, too, what they know, I suppose, as well as hearing the others.

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

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

HP. That's right. That's right.

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

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

P. Sure. Motive.

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

P. The embarrassment is there, but in terms—basically in terms of motive which might be the legal culpability,

President: . . . When you are in a battle, if you are going to fight a battle, you are

going to fight it to the finish. And the thing about Bob, as I say is this: I get back to a fundamental point. Is he guilty or is he not? In my view, he is not . . .

they might be off but in terms of embarrassment they would have to be out of the government?

HP. Yes, sir.

P. I get your point and, frankly, either one is enough. I understand that totally because that was what was involved in the Adams' case, as you recall.

HP. Yes.

P. He was not legally guilty of a damn thing. Well, he might have been, might have been, I suppose, making the telephone call, if they had ever brought him to trial. But because of the possibility, we had to move on him. Well, in any event, I am glad to get your view on it but I want you to know that having talked to Dean and told him to wait, I wanted you to know that I had told him to wait because I had agreed with him that I would not do it until I heard from him, but let me say I am going to wait until I hear from you then, on Dean. Is this fair enough?

HP. Fine, yes, sir.

P. And you will probably hear him Monday or Tuesday, tomorrow—well, you don't know yet.

HP. We don't know yet. Now, it's not going to be that quick. We have Strachan, Larue and O'Brien.

P. Tomorrow?

HP. Tomorrow. Let's say Monday and Tuesday.

P. Yep. Huh, huh. What about Magruder? You have to get him in there some place, don't you?

HP. We've had him in and we have to get his testimony in before the grand jury and we are trying to work out with his lawyers as to whether or not—

P. Well, he will come in and plead guilty so you can. Because it seems to me, that your idea of getting him on and pleading guilty and beating the damn press and the Ervin committee to it is a very good one. Otherwise, you know, they are going to say they

forced you to do it. And that is very important, don't you agree?

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

P. Oh.

HP. We have to see Sirica, too.

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

HP. That's right.

P. Right?

HP. That is it exactly.

P. Alright. Good luck. Goodby.

HP. Thank you for calling, Mr. President.

A meeting of President Nixon, H. R. Haldeman and John Ehrlichman, Oval Office, April 16, 1973, from 9:50 a.m. to 9:59 a.m.

E. Did you get those—

P. I'm going to ask him which one he wants to sign. It seems to me that I don't want to pressure him or should I just have him sign effective today or not announce it. What is your advice? We've got plenty of time.

E. Well, as I made it loud and clear that he ought to sign both of them. Then you could use whichever one he wanted or none, depending on how circumstances unfold.

P. (Unintelligible).

E. Unless he won't. You know, you know what to do at that point.

H. You go to Petersen and ask him not to (unintelligible)

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

E. No, no. What he is referring to is the FBI's bugs on the journalists in the first year he was nominated.

P. (Unintelligible)

E. Hold on. No, no. These were almost all FBI bugs. What I said all national security

P. But I was wondering what your advice if I should not tell him today that anything in that area is national security (unintelligible)

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

P. Executive privilege—

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

P. Yeah.

E. (Unintelligible)

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

E. Well, he might have been if he has yet afterwards or before—

P. (Unintelligible)

E. Now if you remember the whole operation was because you were afraid there were leaks out at the NSC and you were trying to find them.

P. I thought they were due to the FBI.

E. Well, all the (unintelligible) were but there was one in Georgetown at somebody's house that actually was never put on. It was (unintelligible) but it was explored and how Dean knows about that, I don't know. The FBI files—

P. (Unintelligible)

E. I can't say. I doubt it. I think it was before his time.

P. The reason that I made the call while in Dean's presence last night was that he said Liddy was saying how he

Liddy said will not (unintelligible) or something like that. I said he must (unintelligible). Well, he thought he ought to get ahold of his attorneys. Liddy said will not (unintelligible) higher authorities. (Unintelligible) not the President (unintelligible), Mitchell. And I said, I called Petersen (unintelligible) where to go (unintelligible) Liddy's attorney. The President is not asking for any type of (unintelligible).

E. He can't hurt anything at this point and it certainly (unintelligible) way the thing he had to do with Mitchell and Magruder.

P. (Unintelligible)

E. Remove any impediment against their testifying by reason of misplaced loyalty to you.

P. (Unintelligible)

E. Petersen, is obviously reacting to the whole (unintelligible).

P. I would like also a scenario with regard to the President's role, in other words; the President—

E. Ziegler has just left my office. He feels we have no more than 12 hours. He's got some input from The Post and he estimates unless we take an initiative by 9 o'clock tonight it will be too late. Now, for that reason, I would suggest that Ziegler set a meeting with Petersen and if you and Ziegler can persuade Petersen the announcement has come from the White House—

P. I'll tell them.

E. Otherwise the Justice Department will, of course, crack this whole thing.

H. Perhaps the whole thing, but I think it would be a good idea (unintelligible) Petersen alone.

E. That is a very good point.

E. Now you know how (unintelligible) around for sometime ahead of time you got this well thought through and well laid out and I think he is quite (unintelligible) about it and quite (unintelligible).

P. (unintelligible)

E. We'll do that while you are gone. There is one point before you talk to Dean that I heard last night that doesn't fit together. Maybe it doesn't matter. And that is that Dean said, last night, as I understood it, that Petersen had told you that Liddy has not talked. They can't get Liddy to talk.

P. Yeah.

E. Dean told us that Liddy had told him everything. Told the U.S. attorney.

P. I know that, I know that, but—

E. Petersen lying to you or (unintelligible)

P. Well, maybe a little both.

E. Either that or Dean is (unintelligible) cover-up in case anything starts to seep out.

P. Cover-up—how strong (unintelligible)

E. Ron thinks that it ought to be done from up here. That (unintelligible) I mentioned it to him the other day he thought you should do it here, if you did it at all.

P. I could do it right here?



right, Petersen (unintelligible)

E. Well, he's got a (unintelligible) so. Well, I'll be seeing Dean now.

P. Yeah, but—

E. I think that the point is that in picking up these letters from him, it would be the agreement that neither he nor you would announce it immediately. So the announcement would be your discretion.

P. Right.

E. And the decision would be at your discretion as to which way to go.

P. Right.

E. And you might ask him whether he intends to plead guilty or not—

P. Yeah. Or not guilty.

P. Yeah.

E. And that will weight in your own (unintelligible)

P. That's right. That's right. (unintelligible)

(Material unrelated to presidential actions deleted.)

A meeting of President Nixon and John Dean, Oval Office, April 16, 1973 from 10:00 a.m. to 10:40 a.m.

P. Good morning, John. How are you?

D. Good morning.

P. Sit down, sit down. Trying to get my remarks ready to deliver for the building trades. You know, I was thinking, get the odds and ends (inaudible). You will remember we talked about resignations, et cetera, et cetera that I should have in hand. Not to be released.

D. Uh, huh.

P. But that I should have in hand something or otherwise they will say, "What the hell. After Dean told you all of this, what did you do?" You see?

D. Uh, huh.

P. I talked to Petersen about this other thing and I said, "Now what do you want to do about this situation on Dean, et cetera?" And he said, well, he said I don't want to announce anything now. You know what I mean.

D. Uh, huh.

P. But what is your feeling on that? See what I mean?

D. Well, I think it ought to be Dean, Ehrlichman and Haldeman.

P. Well, I thought Dean at this moment.

D. Alright.

P. Dean at this moment because you are going to be going and I will have to handle them also. But the point is, what is your advice? You see the point is, we just typed up a couple just to have here which I would be willing to put out. You know.

D. Uh, huh.

P. In the event that certain things occur.

D. I understand.

P. To put—just putting. What is your advice?

D. I think it would be good to have it on hand, and I would think to be very honest with you—

P. Have the others too?

D. Yeah, have the others, too.

P. Well as a matter of fact, they both

suggested it themselves so I've got that—I am sorry, Steve, I hit the wrong bell.

D. (Half laugh.)

P. So I have already done that with them.

D. Alright.

P. They said look whatever—and I want to get your advice on them, too. And what I would think we would want to do is to have it in two different forms here and I would like to discuss with you the forms. It seems to me that

your form should be to request an immediate leave of absence. That would be one thing. The other, of course, would be just a straight resignation.

D. Uh, huh.

P. First, what I would suggest is that you sign both. That is what I had in mind. And then we'll talk about after—you don't know yet what you're. For example, if you go in and plead guilty you would have to resign.

D. That is right.

P. If on the other hand, you're going in on some other basis, then I think the leave of absence is the proper thing to do.

D. Uh, huh, I would think so.

P. And that is the way I would discuss it with others, too. If you have any other thoughts, let me know. I am not trying to press you on the thing. I just want to be sure John's got the record of anything that I should have here.

D. I think it is a good idea. I frankly do. But I think if you do it, for one, I think you have problems with others, too, Mr. President.

P. I already have the others.

D. That is what I am trying to advise you on.

P. But on theirs, both, it is all pending their appearance, et cetera. That isn't yours. Nothing is going to be said but I have to have it in hand by reason, as I told them as a matter of fact after our talk last night. I told them that I have to have these in hand so that I can move on this if Petersen is going to report to me everyday. I said now Petersen, "If you get this stuff confirmed, I need to know." He said, well, I asked him specifically "What do you do? Who is going to be today?" and he said, "Well, Strachan." There are three today I think. Who is the third one?

D. I don't know.

P. That's right! You're not supposed—

D. (laughter)

P. Then, OK.

D. What I would like to do is draft up for you an alternative letter putting in both options and you can just put them in the file. Short and sweet.

P. Alright. Fine. I had dictated something myself. All my own which, if you can give me a better form, fine. I just want you to do it either way. Do you? Or do you want to prepare something?

D. I would like to prepare some-

thing.

P. Good. Alright. Fine. Why don't you take this You can take those as an idea and have something. I've got to see Petersen at 1:30.

D. Alright.

P. Understand I don't want to put anything out because I don't want to jeopardize your position at all. You have a right to, just as everybody else has. You have taken a hell of a load here but I just feel that since what you said last night that we've got to do it and with Haldeman and Ehrlichman I have leave of absence from them. Which, however, I will not use until I get the word from Petersen on corroboration which he advised himself. I talked to him after you left—about 11:45 and let him (characterization omitted) know how hard we work around here.

D. Well, you will have something within a couple of hours.

P. I won't be back. Yes, you draft what you want me to. In other words you can—

D. And if you don't like what I draft, you can tell me and I will change it in any way that you want.

P. Oh sure, or sure. But I can't make the decisions, of course. You see and also, well, put it this way: you draft what you want and if I have any concern about it I'll give you a ring. You can be around, et cetera. But you would agree that nothing should be put out now?

D. I would agree. I was thinking about that.

P. You see we got that problem today that the thing may break. You know with Magruder, et cetera and I. You know that is what I wanted to run over with you briefly. You know to get your feeling again as to how we handle it. You were saying the President should stay one step ahead of this thing. Well, we've got—the only problem is what the hell can I say publicly? Here is what we have done. I called in Kleindienst. I have been working on it all week. As soon as I got the Magruder thing I got in Kleindienst and then at 4:00 P.M. we got in Petersen. Kleindienst withdrew and assigned Peterson. I said, "Alright, Henry, I don't want to talk with Kleindienst anymore about this case. I am just going to talk to you. You are in charge. You follow through and get to the bottom of this thing and I am going to let the chips fall where they may." We have covered that all the way down the line. Now I had to follow him to a certain extent on the prosecution side. On the other hand on the PR side I sure as hell am not going to let the Justice Department step out and say look we dragged the White House in here. I've got to step out and do it, John. Don't you agree?

D. That's right.

P. Again, I don't want to walk out and say look John Dean's resignation, has been accepted. (Expletive omit-

ted) that isn't fair.

D. Nor would it be fair to say Ehrlichman and Haldeman's have.

P. You see, they haven't been charged yet. As soon as they are charged it's a problem. But in your case you haven't been charged with anything yet.

D. No, I have not.

P. That is my problem. The only reason I am doing this is because of what you said about them and that is why I am getting from them, too.

D. Well, there is a chance today when Larue goes down that Haldeman, Ehrlichman's name are going to be right down there before the grand jury.

P. Well, the name may be in but the point is you don't just throw somebody out because their name comes forth. You understand.

D. I understand.

P. You could also, if you would, I would like for you to prepare a letter that you would have for Ehrlichman and Haldeman. Would you do that?

D. Yes, Sir.

P. Then I will give them the form and let them work out something that

is appropriate. Would you prepare that for me?

D. Yes, I will.

P. But they told me last night orally, just as you did, that—

D. They stand ready?

P. With head erect, they said, look, we will leave in a minute. We will leave today, do whatever you want. I said, "No, you are going to have to wait until we get some evidence." You know what I mean?

D. Uh, huh.

P. I gather you agree with me.

D. That is what I do and the question is timing and—

P. Let's get Dean's advice as to how we handle this from now on. What is your advice?

D. Well, I would say you should have the letters in hand and then, based on what you learn from Petersen, you can make a judgment at the time. I think you are still five steps ahead of what will ever emerge publicly. I don't think—

P. I think they caught (inaudible) somebody told me that The Post according to Ziegler has something they are running tomorrow. Magruder talking around and everything. I don't know.

D. Well, I know some of the things Magruder said. He said that the prosecutors had asked him a number of questions about Ehrlichman and Haldeman. There is no doubt that that will be out on the street also.

P. Then the other will come out, too.

D. Uh, huh.

P. That's my point, see.

D. Fortunately, I am hoping that the ultimate resolution of this thing is that no one has any problems and that is

possible.

P. Legally?

D. Legally.

P. That's right, which I hope is your case, too. In other words when I say anything about the White House staff—not you, not Colson, or Haldeman because—(expletive omitted). Let me make this point again. I need—we know there is, Ziegler has always said it was oral.

D. That's right.

P. Right. But you remember when you came in, I asked you the specific question "Is anybody in on the White House staff involved in it?" You told me, "No."

D. That's right. And I have no knowledge—

P. You still believe that—

D. Yes, sir, I do.

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

D. That's right.

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

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

P. I talked to Petersen last night and he made exactly the same point. He said the obstruction was morally wrong, No, not morally. He said it may not have been morally wrong and it

may not have been legally wrong, but

President: There isn't going to be any problem, of course not with Dean and neither Haldeman nor Ehrlichman. They are perfectly prepared to do whatever I say at a moment's notice because they put the office first . . .

he said from the standpoint of the presidency you can't have it. So, he seems to think that the obstruction of justice thing is a (expletive omitted) hard thing to prove in court.

D. That's right.

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

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

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

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

P. What was the situation, John? The only time I ever heard any dis-

cussion of support for the defense fund was (inaudible). I guess I should have assumed somebody was helping them. I must have assumed it. But I must say people were good in a way because I was busy. Was when you mentioned to me something about hard-hitting problem. But that was handled by Mitchell. Was that true or what?

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

P. He hit you at a dinner or something?

D. No, no. O'Brien, who was one of the lawyers who was representing the election committee, was asked by Hunt to meet with him. He came to me after the meeting and said that Hunt asked that the following message be passed to you. I said, "Why me?" He said, "I asked Hunt the same question."

P. You, Dean—or me, the President?

D. Passed to me, Dean.

P. He had never asked you before?

D. No.

P. Let me tell you. What did you report to me on though. It was rather fragmentary, as I recall it. You said Hunt had a problem—

D. Very fragmentary. I was—

P. I said, "Why, John, how much is it going to cost to do this?" That is when I sent you to Camp David and said (expletive removed) "Let's see where this thing comes out."

D. That's right.

P. And you said it could cost a million dollars.

D. I said it conceivably could. I said, "If we don't cut this thing."

P. How was that handled? Who handled that money?

D. Well, let me tell you the rest of what Hunt said. He said, "You tell Dean that I need \$72,000 for my personal expenses, \$50,000 for my legal fees and if I don't get it I am going to have some things to say about the seamy things I did at the White House for John Ehrlichman." Alright, I took that

to John Ehrlichman. Ehrlichman said, "Have you talked to Mitchell about it?" I said, "No, I have not." He said, "Well, will you talk to Mitchell?" I said, "Yes, I will." I talked to Mitchell. I just passed it along to him. And then we were meeting down here a few days later in Bob's office with Bob and Ehrlichman, and Mitchell and myself, and Ehrlichman said at that time, "Well, is that problem with Hunt straightened out?" He said it to me and I said "Well, ask the man who may know: Mitchell." Mitchell said, "I think that problem is solved."

P. That's all?

D. That's all he said.

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

D. That's right.

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

D. I don't think so.

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

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

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

D. I know.

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

D. I know.

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

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

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

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

P. On this point, I would not waive. I think you should say, "I reported to the President. He called me in and asked me before, when the event first occurred, and passed to the President the message that no White House personnel in the course of your investigation were involved." You did do that, didn't you?

D. I did that through Ehrlichman and Haldeman.

P. I know you did because I didn't see you until after the election.

D. That's right.

P. Then you say, after the election when the McCord thing broke, the President called you in. I think that is when it was, wasn't it?

D. No. It was before the McCord thing, because you remember you told me after Friday morning that McCord's letter—you said, "You predicted this

was going to happen." Because I had oh, in the week or two weeks—

P. Why did I get you in there? What triggered me getting you in?

D. Well, we just started talking about this thing.

P. But I called you and Moore together for a Dean report, didn't I?

D. On a Wednesday morning.

P. Oh, I know what was involved. It was involving that damn executive privilege and all that.

D. The gray things were popping. On the Wednesday morning before I asked—

P. Well, sir, I think we had more than that. But, of course, we have a record of that through those people.

P. Yeah.

D. I think we had more than that.

P. I have to read this. Go ahead.

D. But the one report where I finally called Bob and said, "Bob, I don't think

the President has all the facts."

P. That's right and then you came and sat in this chair and that is the first time that I realized the thing.

D. That's right.

P. Now the question: Well Mr. Dean, is: "Why didn't you tell the President before?" and your answer there is, "I didn't know." That's what you told me last night. You see, I don't want you, John, to be in a position and frankly I don't want the President to be in the position, where one of his trusted people had information that he kept from him.

D. I did not know.

P. Fine. You did not know. How did you find out then? But you can handle that.

D. That's right.

P. But I did ask you and I think you should say the President authorized me to say this—I won't reveal the conversation with the President—he asked me this question. I told him this, that nobody in the White House was involved. And in addition to that to the best of my ability I kept, I guess, or how do you think you should handle this presidential advice? Maybe you better—

D. Well, I think the less said about you, I think you say anything you want to say anything about it.

P. Well, let me tell you I am going to handle that properly and I just wanted to be sure that it jives with the facts. I can say that you did tell me that nobody in the White House was involved and I can say that you then came in, at your request, and said, "I think the President needs to hear more about this case."

D. That's right.

P. Then it was that night that I started my investigation.

D. That's right—that was the Wednesday before they were sentenced. Now I can get that date.

P. Would you do this. Get your chronology of this. Wednesday you came in and told me that, et cetera. That would be helpful for me to have. That is when I frankly became interested in the case and I said, "Now (expletive omitted) I want to find out the score." And set in motion Ehrlichman, Mitchell and—not Mitchell but a few others. OK?

D. Sure.

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

D. That is correct.

P. On your part of wrongdoing on the part of anybody else. I am telling

See TEXT, A26, Col. 1

TEXT, From A25

you that now and I want you when you testify, if you do, to say that the President told you that. Would you do that? Would you agree to that?

D. Yes, sir.

P. Fine. However, let me say with



President Nixon and H. R. (Bob) Haldeman in the Oval Office

regard to what we call the electronic stuff they heard, and what I have now found is in the leak area of the national security area. That I consider privileged.

D. I do, too.

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

that privileged.

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

P. Have you informed your lawyers about that?

D. No.

P. I think you should not. Understand, not because it would cut anything but I do think it is privileged. But it is up to you.

D. No—I think it is privileged also.

P. Support your own—and this was necessary to do. If we had had Hoover under more control, as Lyndon Johnson did, it would have been better. Now, your guess is when will you be called? Perhaps Tuesday or Wednesday or—

D. I would think sometime this week.

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

D. No, I don't.

P. I wonder what Ziegler's got. He

must, he seems to think something is going to break. He hasn't been in to see me and I will have to get him in later. Well, I will ask Petersen. Don't you agree with me that it is better that we make the first announcement and not the Justice Department.

D. Yes I do. On your own staff.

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

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

fire because it just had to stop.

P. That's right.

D. And I still continue to feel that.

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

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

P. Oh, and that's why—

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

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

D. Well.

P. I was hoping that you had seen him because—

D. He was told, one, that there was no chance.

P. As a matter of fact, he made a statement about (inaudible) around the White House. I guess this was pre-primaries—it was all committed.

P. But on Magruder, come again.

D. The situation there is that he and Mitchell were continuing to talk. Proceeding along the same course they had been proceeding to locking their

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

President: Some did have benign motives.

story, but my story did not fit with their story. And I just told them I refused to change, to alter my testimony. But would repeat it just as I had given it. This had to do with a number of meetings in the Department of Justice.

P. Oh yes, I remember. You told me that. I guess everybody told me that. Dean said, "I am not going down here and lie," because your hand will shake and your emotions. Remember you told me that.

D. Yes, I said that. I am incapable of it.

P. Thank God. Don't ever do it John. Tell the truth. That is the thing I have told everybody around here. (expletive omitted) Tell the truth! All they do, John, is compound it.

P. That (characterization omitted) Hiss would be free today if he hadn't lied. If he had said, "Yes I knew Chambers and as a young man I was

involved with some Communist activities but I broke it off a number of years ago." And Chambers would have dropped it. If you are going to lie, you go to jail for the lie rather than the crime. So believe me, don't ever lie.

D. The truth always emerges. It always does.

P. Also there is a question of right and wrong too.

D. That's right.

P. Whether it is right and whether it is wrong. Perhaps there are some

gray areas, but you are right to get it out now.

D. I am sure.

P. On Liddy I wanted to be sure. You recall our conversation. You asked me to do something. I have left it with Petersen now and he said he would handle it. That's the proper place. When Liddy says he cannot talk with peers it must be higher authority, I am not his higher authority. It is Mitchell.

D. Well, he obviously is looking for the ultimate, but I think he is looking for the ultimate. He has the impression that you and Mitchell probably talk on the telephone daily about this.

P. You know we have never talked about this.

D. I understand that.

P. I have never talked to Mitchell about this except when whether we go the executive privilege thing.

D. Right.

P. He came in and said everyone should testify in executive session except you. Which I think, I think it should not be with executive privilege.

D. I think, Mr. President, the earlier, it will be a fizzle, when Petersen finished with his—

P. You don't think we can hold the executive privilege anyway do you, John?

D. To hold on executive privilege?

P. Tell me your version what should we do?

D. I think if there are indictments down there in that court room, none of us will be able to go up to testify. I think the Watergate is just going to be totally carved out of the Ervin hearings.

P. That's Watergate and then the other stuff is not that important. Segretti and all that?

D. Segretti and all that stuff is not that important. They will try. They can have a lot of fun with it, but it is not very meaningful.

P. So you think that Liddy thought that my calling Mitchell would be typical. Well, we covered that last night. You were there. Is that enough?

D. Petersen will tell you if it doesn't—

P. You tell me if you don't think it is enough—

D. No, I think it is enough.

P. I am going to expect you—after all, you are still the counsel around

here—

D. (Laughter)

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

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

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

D. Uh, huh. That's fine.

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

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

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

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

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

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

P. I told them last night they ought to get lawyers so I am one step ahead of you there. Is there anything else you think I should do? You don't think I should—I am not going to let the Justice Department break this case, John.

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

D. That's right.

P. I could have told you to go to Camp David and concoct a story couldn't I? And you have never heard that said, have you?

D. No sir.

P. In fact, I think I covered a little of that (inaudible). But on the other hand, it was your job to tell me, wasn't it?

D. Uh, huh.

P. And you have. Basically what you have done—no, you told me the truth though. You've told me the truth. It was your job to work for the President, the White House staff and they were not involved in the pre-thing. But then you thought the post-thing. You thought about it and that is why you decided, as you said.

D. I thought we should cut the cancer right off because to keep this whole thing—

P. Look, one thing I want to be sure. When you testify, I don't want you to be in a position, and I don't want the

president to be in a position, that his counsel did not level with him. See my point?

D. There is no point that I have not leveled with you, as you should know.

P. Now when they say, "Now Mr. Dean, why didn't you tell the President—Did you know about this? Why didn't you tell the President?"

D. That is a PR situation, Mr. President. The U.S. attorneys are not going to ask me questions asking what I said to the President and what I didn't.

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

D. I will be happy to help on it.

P. I would like for you to say—and you are free to talk. You are to say, "I told the President about this. I told the President first there was no involvement in the White House. Afterwards, I told the President that I—" and the President said, "Look, I want to get to the bottom of this thing, period." See what I am driving at—

not just the White House. You continued your investigation, et cetera, and the President went out and investigated on his own. Which I have done, believe me. I put a little pressure on Magruder and a few of—

D. Uh, huh.

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

D. That's right.

P. Because also I put pressure on the Justice Department—I told Kleindienst—(expletive omitted).

D. No, I think you are in front right now and you can rest assured everything I do will keep you as far as—

P. No, I don't want, understand when I say don't lie. Don't lie about me either.

D. No, I won't sir—you—

P. I think I have done the right thing, but I want you to—if you feel I have done the right thing, the country is entitled to know it. Because we are talking about the presidency here.

D. This thing has changed so dramatically. The whole situation since I gave you the picture—

P. Since you sat in that chair—

D. In that chair over there and gave you what I thought were the circumstances, the potential problems. You have done nothing but try to get to the bottom of this thing, and—

P. I think so. Well, I said, "write a report." But my purpose was you write a report as I said, "I want the Segretti stuff. Put everything else. Was the White House involved? You know, et cetera. How about—one last thing. Colson. You don't think they are going to get him into something?"

D. I think he has some technical problems close also. I don't know if he has any. To the best of my knowledge, he had no advance knowledge of this thing.

P. Right. I suppose the key there is

Hunt. He was so close to Hunt. I just want to know for my own benefit. As I told you last night, I don't want to get out there in front and have someone say "What about Chuck Colson?"

D. Chuck swore up and down to me—

P. I have got to say—to you John Dean—was Colson involved?

D. I have no information that he was at all.

P. Post? The two things you mentioned last night.

D. That and let's face it the other technical jobs, you know.

P. Yeah.

D. All the obstruction is technical stuff that mounts up.

P. Well, you take, for example, the clemency bit. That is solely Mitchell apparently and Colson's talk with Bittmann where he says he will do everything I can because as a friend.

D. No, that was with Ehrlichman.

P. Hunt?

D. That was with Ehrlichman.

P. Ehrlichman with whom?

D. Ehrlichman, and Colson and I sat up there. Colson presented his story to Ehrlichman regarding it and then John gave Chuck very clear instructions on going back and telling him, "Give him the inference he's got clemency but don't give him any commitment.

P. No commitment.

D. Right.

P. That's alright. No commitment. I have a right to say here—take a fellow like Hunt or a Cuban whose wife is sick or something and given them clemency for that purpose—isn't that right?

D. That's right.

P. But John specifically said, "No commitment," did he?

D. Yes.

P. And then Colson went on apparently to—

D. I don't know how Colson delivered it—

P. To Hunt's lawyer—isn't that your

understanding?

D. Yes, but I don't know what he did or how—

P. Where did this business of the Christmas thing get out, John? What in the hell is that all about it? That must have been Mitchell, huh?

D. No, that was Chuck again.

P. That they would all be out by Christmas?

D. No, I think he said something to the effect that Christmas is the time the clemency generally occurs.

P. Oh, yeah. Well, I don't think that is going to hurt him. Do you?

D. No.

P. Clemency is one thing. He is a friend of Hunt's. I am just trying to put the best face on it, but if it is the wrong thing to do I have to know.

D. Well, one of the things, I think you have to be very careful. And this is why the issue should be very good is,

if you take a set of facts and let the prosecutors who have no PR judgment

Ehrlichman: Ziegler has just left my office. He feels we have no more than 12 hours. He's got some input from The Post and he estimates unless we take an initiative by 9 o'clock tonight it will be too late . . .

but they will give you the raw facts as they relate to the law, and it's later you have to decide what public face will be put on it.

P. Oh, I understand. You can help on that, John.

D. Yes, sir. Wherever I may be I will be available to help on that.

P. Well, I hope you are right—you think you testify when? Well, Petersen will decide that.

D. Yeah.

P. Do you want me to say anything to him about it?

D. No, I think my lawyers and the U. S. attorneys office ought to continue to work in the same manner—

P. You see, I am having him report to me daily now. Which I think I should do.

D. Right.

P. So all I will say is that I am going to tell him that we have talked today and that I went over again the various materials—

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

P. Should I telephone him?

D. No, sir.

P. That's what they ought to do.

D. That's right.

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

D. Well, they started out not to do it and none of the events are even released. It could very well happen.

P. Well that's what I hope and I understand. The reason I have to have that is in case there is a break tonight. I don't want to have call John Dean in and say, "Look, John, can I have it?" It looks like I was, like a cramp in my plans. I've got to know because I do have some knowledge there might be more involved here. All that I am saying of this, as you know, is that I have heard things from the U. S. Attorney, and from John Dean and from my own people that indicate that there could be a technical violation. Under the circumstances, I feel that it is my duty to have your resignation in hand. Of

course, the President always has a resignation. How does that sound to you?

D. Well, that's right. Well, the thing is in phrasing the letter is important. You don't call anybody involved when it is their problem. So that is why I would like—

P. Well, understand those are my dictations. They are only a form for you. You work it out and work it out so that it would be one that would apply to you and work out the answer to Ehrlichman and Haldeman's letter. Just a form that I can give anybody—Strachan—

D. He has gone to USIA.

P. Well, that doesn't come to me does it?

D. Well, the whole Executive branch—is

P. No, no I mean just let him submit his resignation to Keogh. I will get his resignation. I will tell those guys—

D. I don't think you ought to tell Strachan. I think—

P. No, no, no—tell Keogh he ought to ask for his resignation.

D. I think Bob ought to do that though.

P. Bob Haldeman? Good. I will tell Bob to get Strachan and Magruder. That's your advice. Also if you do have any random thoughts on how many more we could do on the presentation of this thing, sit over in your office and think. You know what I mean, the President is in **front**.

D. I will give you some notes on it which I think will help.

P. Would you do that?

D. Sure I will.

P. The record. Here is what I have done—here is what I have done—here is what we think the President ought to do and when, you see what I mean? And then if we have to use these things, I pray to God we don't, you guys don't deserve them. You don't deserve them.

D. Well, the important thing is not them, it is you.

P. No—well, I know maybe it isn't me personally, it is this place.

D. It is this office and the campaign offices as well.

P. Remember, be back.

D. Alright **sir**.

P. I would just sit there. Hang tight.

D. I couldn't be more objective, Mr. President.

P. What—

D. I say, don't think I have lost my objectivity at all in this. Do you know why? (unintelligible)

P. (Laughter.) OK, John.

A meeting of President Nixon, H. R. Haldeman and John Ehrlichman in the Oval Office, April 16, 1973, from 10:50 a.m. to 11:04 a.m.

P. Come in.

H. Do you want, John too?

P. Yes, John too.

H. The scenario worked out pretty

well. Yeah—

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

E. Well, I have been thinking about this a little bit. If I ever got a question like that at the grand jury I would

have to step out and ask the U.S. attorney to step out and tell him that its under executive privilege. Since it is a national security matter, I can't answer; that I would be happy to refer it to the President for his decision as to whether I should answer that or have to go talk to the judge, I will say that is what I think we should do.

P. Fine. And then you get to the judge and say this involved—

E. A highly sensitive national security—

P. National security investigations involving leaks. Would you say that?

E. No.

P. No? You would not tell them what area?

E. No. I am just not at liberty, and the procedure we have in government for a thing like that is for the witness who is put a question like that to refer it to the President for his personal review.

P. That's right.

E. And I would like an opportunity for that to be done.

P. I can see you being asked the question.

E. I kind of think that is right, but that is the process that I would have to follow.

P. I told him I would like to have that letter and he said, "what about Haldeman and Ehrlichman?" I said they have already told me that they will resign in case—naturally nobody is going to resign around here until I can satisfy myself with Petersen, etc., and he said, "Well, do you mind if I take the letters and I prepare them? I would like to prepare them so that in the event I have to go to trial they won't prejudice me in that." I said, "Fine, fine. Prepare me what you think your letter of resignation should be." So there it is. So he is thinking in both terms, apparently. I am just guessing and I think that it is altogether proper, because he should have a letter of that sort. But I told him, as I told

Haldeman and Ehrlichman last night, there is no question about people resigning around here. I've got their letters of resignation in hand anytime I want them. Wasn't that the proper thing to say to him?

E. That's fine.

H. He doesn't give you any indication how he is going to plead?

P. No. He said my lawyers have to work that out. But he also hits this again, John: that his lawyers think that his possible criminal liability is limited. You know what I mean, damn hard to prove. Now maybe he said basically when I see what is involved here—he mentioned something like, "sort of a (unintelligible) facing me, but it is a damn hard case"—and he said what his lawyers have told him is that the Justice Department could well come out of this without any indictments against anyone on the White House staff. I said, "What about Colson?" and he said, "Well, there are three areas." He mentioned Bittman. He mentioned call to Hunt, etc.

H. The call to Magruder.

P. Oh, yes. Call to Magruder, but that's previous. I hit him hard and I said, "Now look here, John. We had received this report? What about his call? Was that true?" And he said, "Yes." I said, "Do you still believe that?" and he said, "Yes." He said as far as anyone getting any (unintelligible) out, nobody got anything out of it. As for the legal side of this, John, he has some sharp lawyers and they think this is a damn hard case to prove.

E. For the Government to prove?

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

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

See TEXT, A27, Col. 1

TEXT, From A26

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

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

H. Apparently.

P. Well, now when do I receive Rogers?

H. Anytime you want. I talked to him. He is on standby.

P. How about four o'clock? Get him over here.

H. That is fine. Whatever you want.

P. Well, I will just call him and tell him to be on standby this afternoon. It may be earlier. Well, no, it is just as well. Get him over here at 4 o'clock.

H. 4 o'clock.

P. EOB.

E. He is helping us to find counsel.

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

H. Well, it works out very good. You became aware sometime ago that this

thing did not parse out the way it was supposed to and that there were some discrepancies between what you had been told by Dean in the report that there was nobody in the White House involved, which may still be true.

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

E. No.

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

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

P. Right.

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

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

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

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

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

H. Two weeks ago, the end of March.

P. That's right.

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

P. Uh, huh.

E. 30th of March.

P. I signed it. Yes.

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

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

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

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

P. Right, right.

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

H. You brought Len Garment it.

E. You began to move.

P. I want the dates of all those—

E. I've got those.

P. Go ahead. And then—

E. And then it culminated last week.

P. Right.

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

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

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

H. I wouldn't name them by name.

Just say I brought a group of people in.

E. Personally come to the White House.

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

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

P. The attorney general. Actually you made the call to him on Saturday.

E. Yes.

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

E. No, before.

P. Oh.

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

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

E. Well—

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

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

P. No. My point is—

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

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

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

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

E. That's right.

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

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

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

E. The President is right. I didn't talk to Kleindienst. Remember, I couldn't get him.

P. Yeah.

E. I didn't talk to him until he got home from Burning Tree, which was the end of the day, and I had already talked to Magruder.

P. Right. But my point is when did we decide to talk to Kleindienst? Before Magruder?

E. Oh, yes. Remember, early in the morning I said I will see these two

fellows but I've got to turn this over to the attorney general.

P. Which two fellows were you going to see?

E. Mitchell and Magruder.

P. With what your conclusions were?

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

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

E. I am not sure you do, as such.

P. I would say it was just a written

report.

E. The thing that I have—
P. The thing they will ask is what have you got here?

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

P. Handwritten notes?

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

H. And then Magruder came over. Well, you don't want to put that out. You don't want to specify who came, but then you called in other individuals. Then the President met with the attorney general and the prosecutor and got the head of the criminal division on Sunday. You met him twice actually didn't you?

P. No, I met Kleindienst on Sunday at 1 o'clock, and them at 4:00 p.m., and then I met with Dean, Ehrlichman, you. And I also talked to Henry Petersen on three different occasions that night on the telephone.

H. Yeah.

Meeting between President Nixon and H. R. Haldeman, Oval Office, April 16, 1973, from 12 noon to 12:31 p.m.

(Material unrelated to presidential actions deleted.)

P. Now we got a plan on how we stage this damn thing in the first stages. Ron's got it all worked out. We've gone over, and then he's got the use of this advisory group and — what does this amount to Bob?

H. Well the trouble is, you can't leave that out because you get into in-variables of whether you do it before or after the Magruder story is out. He feels, and they all feel, I guess, that you have to establish your position and what you have done and the scenario works pretty well on that.

P. Yeah, but you don't do a back-grounder on that.

H. It works out pretty well on that. The ideal time to do it is when you break the case. Get Petersen over here. You run your back-grounder, tell your story. You know, I got into this and this is what I have done. Or Ziegler does, or however you do it. I guess you will do it. And then you say this has

Ehrlichman: We are at kind of an ebb tide right now in this whole thing, in terms of the media, as I see it. They are all a little afraid to get too far out on the limb on this 'cause they think something's going on with the committee negotiations, and there's no new news breaking, and so they are kind of.

President: Waiting.

Ehrlichman: Waiting.

led, as we fully suspected it would, to the next major step, that Mr. Petersen here will describe which is the status of the case today. And then Petersen says "As the President has reviewed these steps, and I can tell you today that we have broken the case and that Jeb Magruder, one of the principle figures in this, has given us a full report on exactly what did transpire. It clearly establishes by his own testimony his own guilt as a high official of the re-election committee and provides charges against others which we are pursuing with the same diligence that we have up to now, and I will not discuss the others. We will get to that and report to you periodically as developments take place. But this is following up proper processes and I am not going to jeopardize the rights of others. He could say that I am not going to say anything, and nothing should be said, that will jeopardize the rights of the defendants, but I also am not going to say anything that will jeopardize our prosecution because we are moving on people and we are going to get them." Ron will mention to you, and Steve chatted with me, Len Garment, as you would expect, has followed your orders that he steep himself in Watergate. He has steeped himself in the Watergate and now says it is imperative that he meet with you for at least five minutes, preferably prior to 2 o'clock today, to report to you. And what he will say to you is that it is clear to him that you are in possession of knowledge that you cannot be in possession of without acting on. And that your action has to include cutting cleanly and that you've got to remove me and probably Ehrlichman, although he has an interesting thesis, according to Ron—I have not talked to Len—which is at least worth considering, which is that I move ahead of the game now, put out my whole story, including the factual details without pulling any punches of my, you know, that \$350,000 fund. Yes, I sent it back to the committee—and I go into specifics. That I understand that Mr. Strachan delivered it to Mr. Larue and that my motive was not to provide funds for the defendants, to provide legal move these funds back where they belonged, but I have to agree that I fully recognized that Larue's motive in accepting money was, as I had been told at least, was a need to provide money for the defendants, to provide legal fees and to provide support for their families. And I acted at all times at the instigation of and through John Dean. In other words I didn't do any of this. John Dean came to me and said we need this and I knew I wanted to get rid of the money and said this is the way to do it, etc. And I must say that John Dean, the President's counsel, through whom I was working and who was my only contact in this matter, at no time advised me that I was involved in doing anything that was illegal or

improper and I would assume and have to act on the assumption that Dean got away with it.

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

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

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

H. OK. Len makes a rather interesting case which is that we have to look at this in terms of the President and the presidency.

P. Right. I'll see him.

H. That is what we all say.

P. Does he know what I have already done?

H. I don't know.

P. Petersen and all the rest?

H. I don't know. Ehrlichman and Ziegler feel you shouldn't see him and that Ron should just assure him that you have all these facts and that you are moving and what he wants done is in the process of being done.

P. Why don't you call and tell him (unintelligible) in and tell him that now—

H. I don't think I should tell him that. John should.

P. I see your point, because he is making for you to be fired?

H. Well he is suggesting a route. He mentioned a case that is a better route for me and is a better route for the presidency.

P. But you would be the first one to go out?

H. Yeah. I go out and I resign. I resign and tell my story publicly. Not to the jury, but do it publicly in some fashion and tell the whole story, all the details. And say that I that I have done nothing legally or morally wrong; that that might be up to the grand jury to determine. Then his argument is that I am in a position— He thinks that I can bring something like that off. He feels that Ehrlichman should not try to do it because he doesn't think he can bring it off and he thinks, therefore, you've got to cover up and try to hold Ehrlichman in but if you get a problem you will just have to let him go. But at that point it is a pretty rough spot anyway.

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

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

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

ing

H. Well, and if Colson gets hung up anywhere, he will go on Ehrlichman and not on me. He can't get me because I didn't work with him on any of that stuff. John did.

P. What would this be, Bob? Would this be before I said anything?

H. I don't think so. I don't know. Ron just raised this at the last minute. He wasn't even going to raise it and then he said, "Well, you might as well know how Len spins it out."

P. What the hell information has Len got that I don't have?

H. None.

P. Is he just basing this on minutia, this, that or the other thing?

H. He doesn't have anything you don't have. All he says—He says it isn't a question of the legal thing. He said there is no question but that you could get through the whole legal thing but then look up the damn road you have to go through all these trials and everything. They are going to get back into it again there—

P. That's right.

H. They are going to get into the money and where the money went. If we haven't told them by then, they are going to drag it out of us drop by drop.

P. That's right.

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

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

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

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

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

P. Does Ron like this scenario of your going out?

H. No. He is opposed to it. He thinks it is wrong, but he says you know I am biased so that is a judgment call that I probably shouldn't even try to make.

P. Rogers. I will see him this afternoon.

H. I haven't raised that with Rogers.

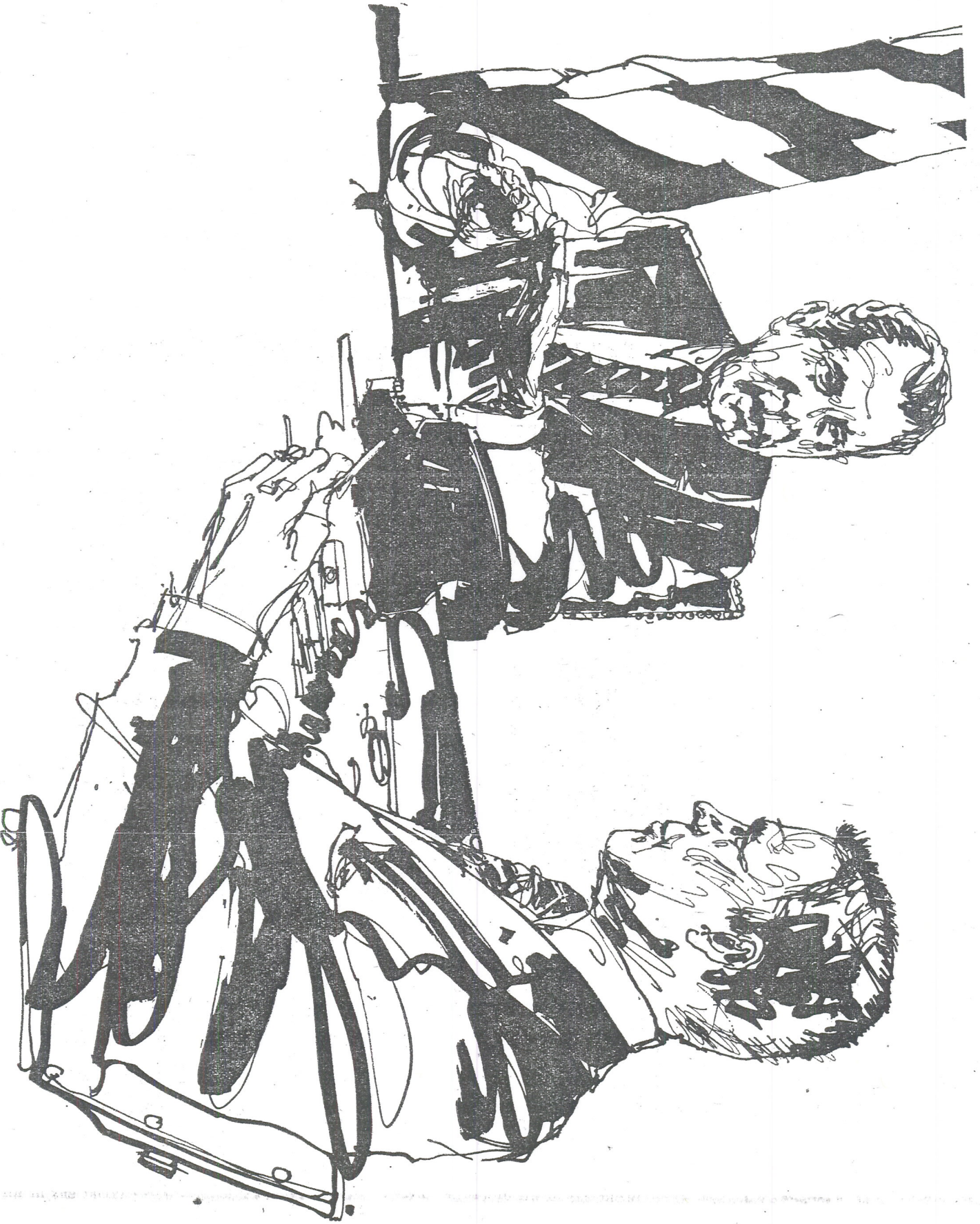
P. Rogers has not said that either you or Ehrlichman should leave has he?

H. But he doesn't know the facts.

P. Well—could you, you know really, so that—

H. Want me to meet with him and Bill and try to fill in the facts?

P. I really think you—as to what the points of vulnerability are, and you can just do this cold turkey. Say I just wanted him to know this as I



President Nixon and H. R. (Bob) Haldeman in the Oval Office

haven't made notes. I just want him to know this, all cold turkey. I have just made a few. Say that is what I want to talk to him about. Could you do that? And point out that it is my view, and others, that this is a damn arguable, damn hard, case. Would you mind doing that? Have him come over, I should say at 3:30 and I will see him at 4:00 p.m.

He. Sure.

P. That would be very helpful. I would just say, so that Len doesn't think that I don't want to see him, I just don't want him to tell me the obvious. That is the point. Could Ehrlichman just let Len know that the

events have overtaken us? Is that dangerous? No, we better tell him.

H. He knows pretty much on that.

P. He knows about Magruder and the rest?

H. I don't know that he knows it in specific terms, but he has come up with the same information that John did and anybody that was looking into the picture.

P. Well, the reason is I think I know everything Len would be telling me —

H. Oh, yeah.

P. Hell you know, we talked about this a week ago. You know how you handle it.

H. On the way to San Clemente I made the pitch for my going out ahead, but not going into it as much detail. If I do it now with what they've got, if I do anything I have to do everything. That's Ron's point and I think he is right on that.

P. Yeah. What does Ron think about this, leaving out the PR: Does he think we should try to tough it through? I am going to ask Rogers that, frankly.

H. I am not sure. I think Ron would say just wait and see. You see his point is that there is no question that I will be tarnished.

P. The question is whether your useability, basically —

H. And you have to evaluate that at that point and it seems to me at that point you have the option of my saying to you that I have concluded and I will I haven't, but I will sure say it — that I have concluded that I am tarnished to the point where I can't be useful.

P. Right. Your usefulness has been impaired and, therefore, we can't be useful. That's the way you put it.

H. Sure, then I go out. Garment's statement is that then I go out and hit this, use the position that I have established that way from the outside to —

P. To fight?

H. Yeah, somehow or other. I don't exactly know how. I think he spells that out but Ron didn't get into it with me. And A —

P. Let me get some (unintelligible). Was it Ron and John Ehrlichman who said they did not think I should see him? They did not think I should bother seeing Len? On what grounds?

H. No. Ron is the one who saw Len.

P. I was up so late last night. Go ahead.

H. Yeah. Ron thought you had to see him just for internal reasons. You know, Len's so concerned about things that you almost have to see him just to keep the —

P. Why don't I see him after I see Rogers? How would that be?

H. That you could do easily.

P. In other words, I will have a plan in mind. I'm going to get some thoughts in my mind. I am not going to have any trouble with them.

H. Ziegler has been meeting with this group of Chappie Rose and Moore and they have been running out of there with (unintelligible).

P. Could you ask Ziegler to have Len put it on a piece of paper before I meet? That would be helpful. Tell him I am meeting with Rogers at 4:00 o'clock and would just like his recommendation on a piece of paper before that. How does that sound to you?

P. Let me say that I can move the Rogers thing up or down.

H. Can you move him up to three?

P. Well, wait a minute. 1:30 PM. I've got to get some rest this afternoon.

H. Yeah. Still, leave it at four. You might know something by then.

P. Have you filled Henry in, Bob?

H. Nope.

P. You haven't? He's got enough problems in Laos. I haven't. Somebody else—he seems to know of it.

H. Well, Garment took it upon himself to go meet with Henry and Al Haig to discuss his concern about the whole situation, apparently.

P. Well, what the hell did he do that for?

H. On the basis that he thought there was a real danger and threat to the presidency and that—

P. Maybe I don't want a memo from him first. What do you think? Maybe he just better do it orally.

H. Well, John thought he should have written to you. That that is what he should have done at the beginning. Maybe you have a problem with that. That means the secretaries got to write it up.

P. Yep, yep. Well just say, tell him that I am meeting with Rogers this afternoon. I think somebody should say that. Who has he put the request through? Through John?

H. No, he just sent it up through Steve Bull. Ron knew he was. He is working with Ron now, rather than John.

P. OK.

H. You know, it is impossible. That is why I hope Rogers can stay cool and sort of above it. It is impossible for any of us—

P. All the concerned people. If we could get a feel, I just have a horrible feeling that we may react.

P. Reacting like Dean?

H. Yes. That we are way over dramatizing.

P. That's my view. That's what I don't want to do either.

H. As I say, that is self-serving too, so its—

P. Well, as you know of course, that would be the tendency. That is the trouble with Garment. I wanted him to get into this on the legal side. I didn't mean, I must say, I really didn't mean for him to get into the problems of each day and all that, because Len always reacts to things. Am I right that we have got to do something to restore the credibility of the presidency.

H. Of course you know the credibility gap in the old days. Len is the panic button type. If we had reacted in Garment's way in other things, we wouldn't

be where we are. That doesn't mean he isn't right this time, incidentally.

P. I know. It would be very helpful to me if you could see Rogers yourself. I would get him in at 3:00 o'clock, give him an hour on the whole damn thing. I wonder if you and John shouldn't see him together?

H. I would like to if that is OK with Bill.

P. Yea. Will you ask him?

H. I will ask him. Say that we want to give him a full run before he meets with you.

P. I have suggested, John, too, because he has made a study and we want you to come in. In balance, he can meet with just you, but I prefer he meet with the two of you and then I want to see him at 4:00 o'clock.

H. Ehrlichman makes a strong case that on my making a statement of anything, that as of now that my potential—

P. Guilt?

H. Well, not guilt, but that I should not do anything without my lawyers.

P. That's my inclination. I don't think you can say a thing—

H. What can the lawyers tell me?

P. I think the time has outrun that, because Petersen has told me that you, Ehrlichman are going to be called to the grand jury soon. He has told me that. Under the circumstances, I could not advise you with my limited knowledge of the law. I could not advise anybody to make a statement. You know what I mean?

H. Check.

P. Because, basically, when you get in there they are going to question you on your damn statement.

H. Of course, for my dough, that is alright, because whatever I say in the statement is exactly what I say in the grand jury. So—

P. But, nevertheless, I wouldn't give them that opportunity. I'd keep that.

H. I think Len's view is that what you need is a bold, new, you know, really some kind of a dramatic move. Henry feels that, but Henry feels that you should go on television.

P. I know, 9:00 o'clock.

H. Which is his solution to any problem.

P. Do you believe I should do the 9:00 o'clock news?

H. On this, no.

P. I don't think so either.

H. I said, we are all steeped in this, but look at the newspaper. Where is the Watergate today?

P. Well in the country it is not that big. It is just a little bit in the evening news and it should be handled as a news story. I am not going to go on and say, look, we are in a hell of a shape. It will be a big news story, it will be a big story for a couple or three weeks. Let's face it,

H. Yep, that's right.

P. But it is not going to be at the moment. We are going to have one hell of a time.

To Be Continued on Friday