

5/10/74 WPS

Nixon: 'We Just Won't Try to Get Out in Front ...'

Seventh in a Series

Meeting between President Nixon and Assistant Attorney General Henry Petersen, Executive Office Building, April 16, 1973 from 1:39 p.m. to 3:35 p.m.

Door opening—walking.

Inaudible.

Inaudible.

P. Yeah—I always come here in the afternoon (inaudible) tied up.

HP. That's (inaudible) great.

P. Well—I always run upstairs—that's why I'm a little panting.

HP. Inaudible stopped smoking.

P. I get my exercise. Sit down—sit down.

HP. Four months ago I couldn't run up the stairs.

P. Really?

HP. Yeah.

P. What's your age (inaudible)?

HP. 52, sir

P. My, my you've got some great years ahead of you. (inaudible)

HP. (laughter) I stopped smoking about six years ago.

P. Right.

HP. And it didn't make any difference then. I didn't feel—

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

HP. I think so. We're—

P. Would that affect your case at all?

HP. I'd like that not to be done until we conclude the (inaudible)

P. With respect to?

HP. Plea.

P. Depending on the plea now (inaudible)

HP. We are trying to get the plea down. His lawyers are—reluctant on two grounds. One, whether Judge Sirica is just going to lower the boom on him.

P. Yeah.

HP. And clap him in jail immedi-

ately.

P. Right?

HP. So we'll have to see Judge Sirica and see if we can't reach some understanding on that. All we would request is that he not be clapped in jail before the others against whom he's testified.

P. Like Mitchell and (inaudible)

HP. Go to jail. Secondly—

P. Larue

HP. Yes—

HP. Secondly, his lawyers are most concerned about what action the—Senator Ervin and his committee will take. And I instructed them to tell his lawyers that I'll go talk to Senator Ervin.

P. Is that your intention?

HP. Well that is—yes sir, I think we can make very persuasive arguments on a fair trial and a free press with a man who's pleading guilty and is a potential witness.

P. How about the others?

HP. You can't guarantee success.

P. What about the others? What really can you do in this case? I would think you'd have a hell of a problem on—like getting a fair trial for Mitchell on this—and if—in case the Ervin committee moves forward.

HP. I think this.

P. (inaudible) What are you going to do?

HP. Oh I—that would—in effect we'd have to—what I propose to do is go ask Senator Ervin to hold up.

HP. To get him . . .

P. He won't agree with it.

HP. If he doesn't agree we'll just have to go our separate course.

P. There's nothing we can do—try on enjoin the committee?

HP. I don't think so. Judge Sirica even instructed all those people to cooperate with the Senate committee—(laugh)

HP. (inaudible) very far with him.

P. That's (inaudible)—that's before (inaudible).

HP. Ah.

P. Yeah.

HP. And if we go to—if we file an injunction action you know, we're going to have another constitutional confrontation between the judiciary and the committee.

P. But you've got to tell Senator Ervin that his continued investigation will jeopardize the rights of the de-

fendants and also will jeopardize the possibilities of prosecution.

HP. That's right.

P. Understand—not on a case of (inaudible) but (inaudible) I'm speaking of a case of a Mitchell.

HP. Precisely right.

P. It would well—I would think, seriously jeopardize your chances on the prosecution. If I were Mitchell's attorney, I would raise holy hell about that, wouldn't you?

HP. Precisely right; yes sir.

P. I think he will.

HP. Yes sir.

HP. And of course, the Delaney case and you probably remember it, (inaudible).

P. Oh yea. The Irish.

HP. Yes sir.

P. What happened there?

HP. Well (inaudible) we requested a committee to hold off and they did not and as a consequence of all that the case was reversed on the basis of prejudicial publicity and (inaudible) a fair trial.

P. What was the name of that? Knowland? Or—

HP. Delaney.

P. Delaney?

HP. Yes sir.

P. He was an Irishman. (inaudible) first, (inaudible)—I shouldn't convict him—probably not.

HP. I honestly don't recall, Mr. President . . . I think that their (inaudible) . . .

P. Now, the second—the second is this then (inaudible) that I think well just is just to say we discussed it so we got the record clear. Use the—my now charge representing me in this thing. In other words—you understand now, you're talking only to me—

HP. Yes, sir.

P. And there's not going to be anybody else on the White House staff.

HP. Yes, sir.

P. In other words, I am acting counsel and everything else. don't want it from anybody else (inaudible). The only other person I possibly could think of would be Dick Moore but I he's a damn good guy.

HP. He's a valuable man.

P. Huh(?)

HP. He's a valuable man,

P. I might say that I—if I find some day—maybe something that I want to get to you but I am just so tied up I may ask him to do it. Will that be all right with you?

HP. Yes sir.

P. You have confidence in him?

HP. Yes sir.

P. Now you understand he's a friend of Mitchell's and a friend of everybody around here, but I think totally trustworthy and I don't think you've got him involved in the—with this damn thing.

HP. There's one reservation . . .

P. He might tell somebody else?

HP. No sir. . . . and well, I'll have to check it out. Yesterday, last evening, at my home when I was talking

to Silbert, we went into the . . . one of them mentioned Dick Moore. It was just a slip of the lip—no place in the conversation, and I meant to go back at them and ask them why 'cause they should not know him. I'll have to check that out with.

P. Well then don't (inaudible)—let's just—better keep it with me then.

HP. All right.

P. I need caution—I don't want to—I don't want any question raised on this. All I—you have told me now that you do not want Magruder's (inaudible) to have him canned today. Correct?

HP. Today.

P. That's right.

HP. I'll get back to you on that.

P. Because I told you that he has to go.

HP. Yes, sir.

P. All right, but you think it might jeopardize your chance to bargain with the plea? Is that it?

HP. Yes, sir.

P. How could we do that? He knows he's going to have to go, and (inaudible).

HP. We haven't tied that down yet—

P. Hmm?

HP. You see, I mean if he thinks we're being—if we pull the string too tight on him before these other things are tied down. We may be (inaudible).

P. Now but you've got all this information (inaudible) you can say that other people now as well as Dean—I (inaudible) Dean—what we do about him. I got him into (inaudible) this morning and I said look I think I've

got to have in hand your resignation. He's writing it now.

HP. Right.

P. And I will get it from him later today and I don't want to (inaudible) him. I said I don't want to—he wanted to spend a week (inaudible) write one that would not be harmful to (inaudible). Well I know—I've got to have it—and obviously he can't continue as counsel. Do you have any problems with that?

HP. I don't have any problem with that. But you do, because that is one of the reasons that I wanted you to see Dean. What you do between you and Dean is something else with a—other than what the prosecution does.

P. My point was . . .

HP. . . . The prosecution has a relationship where if we as the prosecution were requesting you . . .

P. Oh.

HP. To can Dean as a pressure tactic.

P. Oh (inaudible). I see. Why?

HP. But, I have no objection to your reaching an agreement and (inaudible) are the alternatives.

P. Yeah. I—see I had a different impression last night. Remember we talked and I—you left the clear impression to me that you didn't think—you said (inaudible) I said wait.

HP. I, yes, because I need a lot more to—recommend to you that he be—he be canned.

P. Whatever (inaudible). Suppose—put yourself in my position now—now put yourself in that your counsel to the President now—now don't be on the prosecution side—(inaudible) our side. Dean, I think, wants to have his resignation effective after he has made his deal with you. Now (inaudible) the prosecution.

P. Now—query—should I allow him to do that? I'm President and I know what the—I know what his situation is. If you were President (inaudible).

HP. As President I would take his resignation and—

P. You would—

HP. Yes. As prosecutor I would do something different. But from your point of view I don't think you can sit on it. I think we have the information under control but that's a dangerous thing to say in this city.

P. Ah—

HP. And if this information comes out I think that you should have his resignation and it should be effective. We both (inaudible).

P. There's this. This is something that we're going—you know—probably great difference of opinion in the Department of Justice (inaudible). More

important for the Department of Justice is (inaudible). Presidency have (inaudible) as a result of some diligent efforts its own (inaudible). Now with (inaudible) I don't have to announce the (inaudible). We have a situation where the U.S. attorney, in effect, the (inaudible) thing when the President has to go in and explain (inaudible).

HP. (Inaudible) for a purpose.

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

HP. Yeah. The.

P. Yeah. See what I am getting at is this. The only things that I would say—I can say that I (inaudible) and I've got this information and the case has been broken and I've got to say that and if the Department of Justice is going to (inaudible) I've got to.

HP. Well, what I'd do.

P. I've got to be able to say this.

HP. And we don't have any objection to that.

P. All Right.

HP. A—A—

P. When do you want me to. When can I say this?

HP. (Inaudible) always say shy. But what we want to tie it to is the Magruder Plea.

P. Yeah but I've got to say it before he pleads. I've got . . .

HP. Can't you say—yes—but can't you make the announcements?

P. Well why don't you (inaudible) Magruder (inaudible)

HP. It depeneds upon the negotiations.

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

HP. No sir.

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

HP. I'd say that's correct.

P. But it does work.

HP. A—A.

P. You see I can't have Magruder go into open court and then I come in laying (inaudible) out of this and that the other thing. I'd like to explain (inaudible)

HP. No—that's not what I had in mind.

P. I've got to (inaudible). Before Magruder—as a matter of fact, why not today? What I had in mind is that I would—would go out with you—and at that point answer any questions. And I would say (inaudible) and talk about any individuals and so forth and so on—that are—broad ranging—and you know—proceedings going on

I can't furnish you right this (inaudible) in your own minds 'til you see what you come up with, what we can do. Now then, of course, after that (inaudible) they aren't going to object to that I'm sure—there will be plenty of kudos and glory (inaudible) just fine.

HP. (inaudible).

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

HP. You're absolutely right, and my only hesitancy if that's what you sense is this—what we do can't be counter-productive. If it serves to put us out in front and serves also to cause co-operating witnesses to withdraw them it's counter-productive.

P. Which is (inaudible). You're talking about (inaudible)?

HP. And Magruder and Dean and who could tie it down.

P. Yeah.

HP. You know with Dean and Magruder. You know we have two potential witnesses — only one who has agreed to be a witness and . . .

P. On Dean, I guess perhaps you have mixed emotions on that as to (inaudible) — that might — my getting his resignation today might affect to tie it down too.

HP. Yes sir.

P. You feel very strongly about that.

HP. Yes sir.

P. Well let me put it this way — suppose I get his resignation dated today and he hands it to me and I'll say, John, this resignation is accepted the moment that you put any (inaudible) with this (inaudible). That — that — you see if I . . .

HP. I have no objection to your taking his resignation immediately.

P. Yes.

HP. My problem is with the announcement.

P. Oh — we couldn't announce it to (inaudible).

HP. I could tell him and I could tell his counsel. Well on that sort of relationship between you and the President of the United States. And I don't even intervene in that. You've got no right to sit down here, talk to us and except me not to ask for your resignation. That doesn't bother me. It's the announcement part that bothers me, because . . .

P. All right, fine what now? How do you see — how do you visualize all that we can get to keep ahead of the curve with regard to the announcement on this — on the Magruder thing and so forth. Can we make any announcement today about your activity — your posi-

tion and — well I — no that'll tip everybody off — is that the problem?

HP. Well I think so. The meeting could (inaudible) seems to me is — what about Kleindienst? — it's an expression of dissatisfaction on your part (inaudible).

P. Oh that's right — that's right. You've got to . . .

HP. How do you handle it?

P. (inaudible) where he wants them to (inaudible). Get it done (?) and get it done today.

HP. I'll call him.

P. (inaudible) out.

HP. Oh I can't say he's with 'em. We're all outside in a storm.

P. But this—what's (inaudible) think of this?

HP. Personally, (inaudible) well I've been (inaudible) and have advised the jury of that fact and two that Gray, from what Titus who has (inaudible) of the (inaudible) over there has to go in to see Sirica.

P. I don't think (inaudible) that's (inaudible).

HP. That's (inaudible). I don't think he will do anything unless it's in the current (inaudible) of proceeding he's in (inaudible). I can't conceive a point which of Titus and — if there.

P. This timing thing I think is terribly important you know.

HP. I think it is

P. Can't have the President — after all—after all these months and what we've gone through and now once I have learned something of it I say "bah."

HP. No—no. Well—

P. Better we.

HP. I think we ought to talk of alternatives in general terms.

P. We can't. No, the announcement — what I had in mind would be (inaudible) announcement — still to the (inaudible) going to name several other people who were involved . . . (inaudible) because of the people named (inaudible) language used. (inaudible) some people (inaudible) judgment (inaudible) matter for the President (inaudible) special, I'm going to call him special counsel (inaudible) this case (inaudible) possibility before he walks into that open court (inaudible) can't get to that today (inaudible) meeting with (inaudible)?

HP. (inaudible) question. (inaudible) I told him one, I would be willing to go (inaudible) and advise his lawyers of that fact and two that they — and by that I mean Titus who has the best relationship with Sirica over there— is going to have to wait and see Sirica. ah—

See TEXT, A23, Col. 1



President Nixon: '... I just want to know if there are any developments ...'

All sketches on the text page by Bill Oakes for The Washington Post

TEXT, From A22

HP. Why can't you not have Ziegler make a statement that — a — well — that you as the President have taken it upon yourself to personally inquire into the Watergate situation.

P. All right — what else?

HP. And.

P. That I designated Henry Petersen as my special counsel?

HP. That's fine — and that — particular (inaudible) been made that I am not in a position to disclose, but there have been major developments.

P. Say that the President has done (inaudible) — Sunday — but I've been in it for two weeks actually now and it's (inaudible) happened there (inaudible) incidentally (inaudible) Camp David and write a report. The report was not frankly accurate. Well it was accurate but it was not full. And he tells me the reason it wasn't full was that he didn't know. Whether that is true or not I don't know. Although it wasn't I'm told. But I am satisfied with it and I think I've read enough in the (inaudible) papers up here. So then I put Ehrlichman to work on it.

P. Ehrlichman then worked for two weeks and he got materials together which—virtually—this is before—he got together a case basically hypothetical—based on—without orders—without knowing what the hell Magruder was going to say, which is (inaudible) what led to these same conclusions. Get my point? (inaudible) called Kleindienst on Saturday, (inaudible) before Kleindienst (inaudible) and said look I've got this. Saturday afternoon Magruder, as you know came in. So we've seen—we got the wire about the same time but I—if it—it's a pretty good record in that respect. Because I had worked (inaudible) I said now damn it get these facts.

HP. It was Friday, you say, sir?

P. (inaudible) Friday—Friday the thirteenth I guess.

P. Friday the thirteenth—but was it Friday?

HP. Yes sir.

P. Are you (inaudible)

HP. Yes sir, because I was down on my boat (inaudible)

P. Well—what could—(inaudible)—I could say that in the past (inaudible) the President—the President for the past two weeks conducted a personal investigation into this (inaudible) have used Ehrlichman, and a, where as Ehrlichman is involved in a way that you might be (inaudible) absolutes (inaudible)—absolutely impeccable going after facts.

HP. Well I'm concerned about that because of a . . .

P. If John is not . . .

HP. (inaudible) Ehrlichman.

P. Huh?

HP. In connection with Ehrlichman, I've got to point out something to you.

P. Yeah.

HP. You'll recall, one of the things that Dean says about Ehrlichman and —he was instructed by Ehrlichman to deep six certain documents that he found in Hunt's office.

P. Yeah.

HP. And that he thought better of that and gave it to Pat Gray.

P. Right.

HP. Well — several months ago I asked Pat Gray—a very casual conversation—did you ever receive any documents from John Dean. (inaudible) Gray tells me was that he did not and he said no. And I must let it go at that.

P. My God.

HP. Thereafter, I heard he had also told Fred Fielding that he had given certain documents to Gray.

P. Who told you—Dean?

HP. Dean told me he also had told Fielding—Fred Fielding. When I leave here I'm going to stop by Fred's office and talk to him. Today I went up to see Gray. Well I asked him, he said that was absolutely untrue. He said I have never received anything from Hunt's office except through the agency. Dean never gave me anything. So I'm going back to Dean on it, and I'm gonna leave here and talk to Fielding, and see what his story is on it. Incidentally, I have no (inaudible) that Fielding is involved. I just want to know what Dean told him about this.

P. Well I don't know, but you better ask Ehrlichman, too.—Dean (inaudible)

HP. We will ask all of them . . .

P. He was the one who was supposed to have (inaudible) and then told me I said what the hell's the story on this. He said that was never done. He said we were just talking about—what the hell is this? In fact, let me point out what I know—for whatever it's worth because I did conduct my investigation after I got this from you. I said what is this for—what is this stuff. He said—basically, let me just say, what's been done and the wire-tapping material and all that business

—all of that was, of course, turned over to the (inaudible).

P. (inaudible) in the safe also, were documents—documents that had no relation to the Watergate whatever. They were what they call political documents.

P. They said—he said we just sealed that up and.

HP. (inaudible).

P. (inaudible). Gray then you have both Ehrlichman and (inaudible). Word against Ehrlichman's and Dean's

HP. Maybe Dean—maybe Gray has to stimulated his recollection—maybe he got an envelope that he never opened. Strange as that may seem. But he said categorically no.

P. Well he's right in saying any documents about this case apparently.

HP. That's right and I explained to him that these were not documents relating to Watergate, and he said I never got a thing. In this crisis, atmosphere that denied it, he denied it (inaudible) two months ago when I asked him casually. I don't know (inaudible) to reconcile that, but . . .

P. How do you reconcile that? How the hell are you going to reconcile that?

HP. Well, I guess we (inaudible). Ehrlichman, at some stage (inaudible). Under oath on it. For one thing, we'd better get Fielding (inaudible)

P. (inaudible). Call the director of the FBI?

HP. We may have to.

P. (inaudible) it's worth, because Ehrlichman tells me the same story. I think Gray did get something. And probably destroyed it.

HP. Probably (inaudible) he did.

P. My suggestion is that—I mean—I have alerted—I have a suggestion—I think you better talk with Ehrlichman.

HP. All right.

P. Because Ehrlichman's recollection is that—He—I think he thinks



he (inaudible)—you better tell him—better tell him what Gray has told you though.

HP. (inaudible).

P. (inaudible) now this is what he says and it may be that Gray just hasn't any recollection of what the hell it was and thought this was—well if it's not related to this case and fearful there is no place for political stuff in the FBI—that maybe was what he was thinking of. I don't know—I don't know what the hell the justification was—he could have—then he might be a rationale if there is a rationale.

P. Gray says he didn't get anything?

HP. Gray said he didn't (inaudible).

HP. I think that (inaudible) all this down in this notebook—

P. Oh—

HP. I don't think there's anything here that I didn't tell you yesterday except Strachan came in this morning.

P. Yeah.

HP. And he was warned of his rights and despite considerable fencing he didn't want to answer any questions. So they've sent him out and told him to get a lawyer and come on back this afternoon.

P. Oh he plead self-incrimination?

HP. No—they didn't meet in grand jury. It was just a pre-appearance interview and they sent him out to get a lawyer. He didn't want to talk about it.

P. Oh.

HP. So he is coming back—supposed to come back this afternoon with counsel.

P. He's not talking? I thought he was going to testify.

HP. Whether or not he—well, he may testify—but at this point.

P. Why didn't he have his lawyer with him this morning?

HP. Apparently he didn't think it was necessary—you see he appeared before the grand jury last week.

P. Yeah.

HP. And the questions asked were

very easy—frankly, they were about political contribution violations and whether or not—Hunt and Liddy and (inaudible) expected to be more of the same.

P. All right, the point . . . (inaudible) take this situation about this deep six thing.

HP. Yes, sir.

P. Is that enough to hang Ehrlichman on?

HP. No sir—I don't think it is. Well (inaudible) my point . . .

P. Well Ehrlichman says deep six it. I mean, he says we were talking about this and Dean says (inaudible) put it in. (expletive removed) all it is (inaudible) is just a (inaudible) with the damn Bureau again. (expletive!)

HP. Well, that's a . . .

P. (inaudible) I pray to God (inaudi-

ble). Don't let me judge between these guys—these two guys?

HP. Okay. The second thing I wanted to mention to you, Mr. President, you asked whether or not there was any problem about having the (inaudible). I don't think there is. But there is this situation you should be aware of.

P. Yeah.

HP. Part of Magruder's testimony goes to the obstruction of justice—subordination of perjury, and he says that lawyers were involved, and Mardian was involved and that he cultured his testimony, cross-examined him on it. Dean was (inaudible).

P. Yeah.

HP. Ah

P. Pardon me, Dean coached him too?

HP. Yes sir.

P. On that—

HP. Both of them—

HP. Then, after he appeared Dean called and said you know what went on? And I said, well, (inaudible) a good witness in his own behalf, but, the jury just was unable to swallow . . .

P. The story . . .

HP. That he or anybody else was (inaudible)

P. You told (inaudible)

HP. The amount of money. Yes, sir.

P. Now why the hell didn't Dean tell me that?

HP. That—but in any event I guess—the grand jury did believe him on that.

P. (expletive)

HP. At that point—that was in the course of the inquiry, because he was allegedly developing for you as President's counsel to keep you informed of what was going on.

P. He said that—he (inaudible).

HP. But Magruder says then Dean called Magruder and said—you passed. I have talked to Peterson—you passed in your grand jury appearance. Now the . . .

P. What did you tell Magruder (inaudible)?

HP. Dean?

P. Dean—I'm sorry.

HP. I told Dean that he made a good witness in his own behalf.

P. But the jury didn't believe him?

HP. But the jury had some difficulty in accepting the story with respect to the money—that is—that anyone could . . .

P. Oh you mean the money for the bugging.

HP. (Inaudible) hundred thousand dollars and not ask what the hell Liddy was doing with it, which is what Magruder was testifying to.

P. OK—go ahead.

HP. Dean then calls Magruder, according to Magruder, and says Petersen says you've passed. Now that has great relevance in terms of the subornation of perjury charge. And the

possibilities are . . .

P. Well, when (inaudible) after—Dean said, you passed?

HP. Yeah—the possibility is that I could be witness.

P. Dean told Magruder—you passed. That's what Magruder says.

HP. That's right.

P. So you—and that—how's that involve subornation and perjury? Oh, I see.

HP. See they previously could engage in the cultured story—then go in. Dean was party to that. After he testifies, Dean calls me and says how did he do? I tell him. Dean then passes it on to Magruder, in effect—and “I told you it would be all right if you just testify the way we said, Peterson says you passed.” I conceivably, I could be a witness on that issue.

P. But—

HP. Silbert—

P. Is?

HP. No, no sir—he is not (inaudible). (Inaudible) it.

P. (Inaudible) not supposed to talk to you—and you were not supposed to tell Dean (inaudible).

HP. I didn't tell him (inaudible).

P. He's conducting an investigation for the President.

HP. That's right.

P. Damn it, I'm entitled to know this.



HP. And I can tell under the rule—

P. Yeah.

HP. Those that (inaudible) to the extent that it's necessary to discharge my obligation—

P. Yeah.

HP. And I didn't tell him any testimony in any event.

P. I see.

HP. I told him what occurred, that is to say the grand jury didn't believe his story—yes he was a good witness on his own behalf.

P. That's right.

HP. But I don't think. That's—

P. You characterized it rather than

give him the substance of it.

HP. That's right. That's right.

P. OK. (inaudible) on—may I have that piece of paper please.

HP. Yes sir.

P. This is on Haldeman and Erlichman?

HP. Yes sir.

P. Right?

HP. And incidentally, you asked for Colson. We have very little on Colson. Colson's alleged to have been putting pressure on as a member of the White House staff—

P. Yeah, I know—I have heard that part of it—

HP. But that's all.

P. Well listen I know all that, but I don't know whether it's bull. But everybody put pressure on, but the point is whether or not Colson and or Haldeman put it on for money—

HP. We don't know that.

P. That's the point.

HP. We don't know.

P. Colson denies it—and Haldeman denies it. Haldeman says he wanted it for one purpose and Colson wanted it for another purpose. Colson used the word O'Brien at one time I understand.

HP. I don't know—we don't know

that. If we learn that that's going to be very damaging piece of information because our information is that O'Brien was a specific target of—

P. Hmm?

HP. The Liddy operation.

P. See—I don't know—I don't.

HP. But we don't know that.

P. O'Brien—what the hell—(inaudible)—another—or Colson—it must be—I have heard that O'Brien—you told me that I think—you must have told me that—or (inaudible)—about somebody had said get (inaudible)—Dean said—or Dean—it must have been Dean then—Dean said that—said Magruder had said that Mitchell said get the stuff on O'Brien. Is that correct? Does that have a (inaudible)?

HP. I don't know that.

P. Does that ring a bell?

HP. I don't know that. No, sir.

P. Well put it down—if it's relevant—somebody ought to think—I heard something about O'Brien.

HP. Is it—it is true in this sense that O'Brien was allegedly the target of the Liddy operation which was being financed with the blessing of Mitchell and Magruder and Dean. It's true in that context.

P. Oh I see.

HP. But I don't have it specifically from anyone of them.

P. Hmm. You don't have it on Colson—I hope not.

HP. No sir—I don't have it on Colson—now we are going to interview Howard, who is a—

P. Dick Howard?

HP. Yes sir.

P. What do you have him on?

HP. Just on Colson's activities—you know—whether we can tie any of this down with respect to—

P. He's a clean guy I think—I think

—I hope so.

HP. Well—only as a witness—we have nothing against him—we look (inaudible).

P. So, as far as thing thing you don't have that on Colson?

HP. No sir.

P. Well who is it? I saw so many people over the past (inaudible) I was sure that you told me or maybe Dean did—Dean—Dean—speaks rather freely at the moment. I guess he may have told me about—he seems to know everything about Magruder and this kind of thing. Now (inaudible) telling me about what they have on Colson. You sure you didn't talk to someone about that?

HP. Yes sir. At that point that's all I know. And I just discussed this with Earl Silbert before we came up here.

P. Nothing afterwards on Colson—nothing on the aftermath.

HP. No sir.

P. Nothing on?

HP. Allegations that Colson's involved but we have nothing specific.

P. No, no, no—I understand that. What's the situation on one other thing here. (inaudible) I want to get to the bottom of it if I can, so.

HP. If it weren't for the subject, then, otherwise we could—

P. I want to get to the bottom of this. What is the situation—come to—let me come to Magruder again. You don't think you could get new evidence—you would not mind—would you mind that release you talked about—with Ziegler in working out—see if he could work out some sort of a statement or do you prefer to go on (inaudible) not work work out a statement? It's gonna involve you, That's the point. (inaudible) I got the point that you feel that you could say that. There have been some major develop-

ments in the case, and the past few weeks, the President has been conducting his own investigation.

HP. I think that's fine, and I wholly support that.

P. Yeah.

HP. The only reservation I have.

P. You don't want to put your name in it yet.

HP. Well I don't have—that's up to you.

P. I thought you said Sunday.

HP. I don't have any objection to that.

P. Sunday. Because—

HP. I don't want the—

P. Because—

HP. I don't want the (inaudible) defendants named.

P. What?

HP. I don't want the putative defendants named.

P. Oh, of course not.

HP. (inaudible) and I don't—

P. Wait a minute—then how do I get you into it?

HP. You just—

P. And Kleindienst out? Because of

allegations that have been made, Kleindienst has removed himself from the case, can we say that?—well how you want me to handle Kleindienst?

HP. Well I think that's terribly sensitive, Mr. President.

P. How do we — what do I say then about you? That Henry Petersen is acting as the President's special counsel? Can I say it that way?

HP. Yes, you can say it that way.

P. (Inaudible).

HP. And I think just refuse any direct questions with respect to Kleindienst.

P. Then Sunday — Sunday — He has met at great length with Henry Petersen who is acting as special counsel at this time.

HP. I think.

P. Huh? No?

HP. I think they — that my concern is (inaudible)

P. First, your concern is —

HP. Concerns are: one, if you say there are major developments and then you — you leave the innuendo—

P. Yeah.

HP. That Kleindienst was out — it looks like Kleindienst is a defendant. P. I get it.

HP. So we ought to avoid that. The second thing is that we can't — we can't expound on that.

P. All right (inaudible)

HP. Why Kleindienst has refused.

P. For two weeks the President has conducted — conducted a personal investigation. (inaudible) about that. He has nothing more to say at this point. (inaudible) add something—

HP. I think (inaudible) plusses in that.

P. Then at least you're covered. Would you mind if I got Ziegler over and you and I go over this?

HP. (inaudible). No Sir not at all.

P. Have Ziegler come over please (into phone) alright. Getting back to the nuts and bolts here. Larue did he testify today (inaudible)?

HP. He is coming in this afternoon (inaudible). He is coming without a lawyer.

P. But he is going to (inaudible) interrogatories to him. As I understand you are going to get him to (inaudible).

HP. We anticipate that's the reason he's coming without a lawyer — but we don't know, He'll be in this afternoon. And O'Brien, the lawyer, is coming in. He's very much concerned about the potential subornation charges. He's coming in this afternoon.

P. Subornation is the charge made by Magruder?

HP. Yes Sir.

P. Questions there is again (inaudible) want to prove (inaudible).

HP. Well I suppose that's right. He says Dean corroborates it to a certain degree.

P. How does Dean come out on this thing? Well — Oh, I see. If you — you can negotiate — you can negotiate him out by when he talks? Is that

basically it? I mean

HP. The decision isn't made. His counsel says we want a deal. This man was an agent. This man didn't do anything but what Halde—

P. Haldeman and Ehrlichman told him to do.

HP. and Mitchell, and if you insist on trying him we, in defense, are going to try Ehrlichman, Haldeman, Nixon and this administration. That's going to be our defense.

P. He'd try it — the President too?

HP. It's a goddamned poker game. Yes Sir.

P. Yeah.

HP. (inaudible) we spoke yesterday — It's just awful tough to offer John Dean immunity at this point. (inaudible) both of his lawyers last night after you called.

P. The only point that I want to be sure we understood on that is that I don't claim to be his higher authority. Mitchell is his higher authority — I don't know who he is referring to.

HP. Oh I understand that.

P. But I just want to be damned sure that.

HP. When I use that term — Liddy's a nut you see.

P. I have never met the man. I don't know.

HP. He's a — He's kind — of a super patriot —

P. I understand.

HP. In a sense.

P. (inaudible).

HP. (inaudible — No — we called — I called Tom Kinnelly, who I know very well and told him — he's co-counsel — local counsel. Then Maroulis his principal lawyer, called me and I told him also.

HP. And I told him in these terms. That a report had reached the government that Liddy out of a misguided sense of loyalty to the President of the United States was refusing to cooperate, and that I had been instructed by you —

P. Yeah.

HP. To inform his lawyer that the President wanted everybody to cooperate.

P. Exactly —

HP. Subject only to the qualification that no one of us wanted to be construed that the President was putting undue pressure on him, and —

P. Good. You told the lawyer that?

HP. I've got it written down. I've made memorandum for the file so that it protects you and —

P. Right — Right (inaudible) influence?

HP. Yes sir.

P. You got that report. I guess Dean was the one who made it clear that I told him while you were — while he was here.

HP. I told you that we'd received it but Dean also gave you the same report. Now, Maroulis, who's Liddy's lawyer, flew down from New York last night and we had Liddy brought over to the jail so that Maroulis could

interview and give him this information, and we will see what develops.

P. How did — now let's see — this would be your corroborating witness for Magruder?

HP. Basically. This man is crazy, Mr. President. He's burning his arms. He showed the prosecutor and said, I will stand up to anything. I've made myself endure this to prove to myself that I can take anything. Jail will not break me and what have you. You've got to be a crazy man to sit there and burn yourself to see if you can withstand the pain.

P. I feel, among others, I feel for the Cubans — they probably — they probably recruited them (inaudible) 'cause they were doing it for Castro or something.

HP. I think they did, I don't —

P. Do you see how anybody would do such a silly damn thing like that otherwise?

HP. Mr. President, the great mystery about this thing is — There's no rationalization for —

P. That's how (inaudible) puts it — I agree. I couldn't believe. I said (inaudible) got to be a joke —

HP. There's no rationalization at all. P. When I heard it.

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

P. Yeah — Yeah — Yeah.

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

P. This was (inaudible) the White House?

HP. Yes sir.

P. That was perfectly proper. He was conducting an investigation from the National Security area for the White House at that point.

HP. They also said —

P. That wasn't bugging equipment I trust that they got from the CIA.

HP. No — it.

P. Camera?

HP. Camera, a thing to disguise you voice, credentials.

P. Yeah.

HP. What have you. We are also told that the request for that came from Ehrlichman. First we asked what



agency and they said the White House. Then that the request came from Ehrlichman.

P. Right. That is not involved in this case, is it? (inaudible) this came before.

HP. Came in the course of trial preparation.

P. But — what I am asking is — is it relevant to this case? Is it a matter (inaudible)

HP. Well it's relevant in this with respect to Ehrlichman —

P. Yeah.

HP. The question is did Ehrlichman —

P. Depends on what he was doing.

HP. Facilitate Hunt's obtaining equipment that was used in conjunction with the Watergate caper?

P. That's right. Or was it — it's a question of time there as to when (inaudible). Do you know the time mode?

P. What else?

HP. Check that camera — they had some pictures developed for him. I'll have to check the dates for you, Mr. President.

P. Right — come in. (Press secretary Ziegler comes in.)

Z. Hi — how are you?

P. Henry Petersen —

Z. Yes indeed.

P. Let me tell you the problem, Ron, that we have here. You know a few weeks — now do you think Henry that you'll get — that you could — you don't know what — about the Dean thing — you don't know when you are going to negotiate that?

HP. No sir.

P. It seems to me —

HP. The simple fact of the matter is the man has just agreed to plead. Now it's only a question of time.

P. He's agreed to plead.

HP. He's agreed to plead — it's a

question of time.

P. Plead what — guilty?

HP. Plead guilty — yes sir — Magruder has agreed to plead guilty.

P. No — no — no — Dean?

HP: Oh Dean. The negotiations on Dean are still wide open.

P. Dean isn't going to plead guilty?

HP. No sir.

P. He's got this defense of being an agent? Right?

HP. That's right.

P. Is that defense?

See TEXT, A24, Col. 1

TEXT, From A23

HP. Well it's a tactical defense —

P. It's tactical defense?

HP. Well, you know, the jury appeal unless you — in a sense jury notification of sympathy — that the jury will not convict because they think he's the fall guy.

P. Oh I see — well (inaudible) — the Cubans.

HP. Depends on how sympathetic an appeals is made.

P. That's my point.

HP. But Dean's appeal's much more sympathetic. Dean's out for anyone on instructions, and he hasn't gone out and committed an overt criminal act. He hasn't broken any thing the Cubans hasn't broken any thing the Cubans did — which is what detracted from their attempt to do this. Dean has done — performed neutral acts which in the circumstances they were performed take on the trace of criminality, and he excuses that with, one — he wasn't fully informed; two, he was only an agent; three, he didn't have enough authority to countermand Mitchell — or he told Haldeman and Haldeman didn't countermand. Dean was impotent in the circumstance. That will be his defense.

P. I see.

HP. (Inaudible) try it — the jury — you believe —

P. Also told you that unless you grant him immunity he's going to attack everybody including the President. Is that right?

HP. But you can't use that.

P. Huh?

HP. You can't use that —

P. Who can't?

HP. Because Dean didn't tell us that.

P. The attorney?

HP. His lawyer said it.

P. No I didn't — I didn't — I just thought —

HP. But his lawyer said that in course of negotiations. And he doesn't say that as a threat. He says this is what I am going to do. This is my defense. You're taking unfair advantage of this man.

P. Oh I see. Going to go out as an agent?

HP. Yes sir.

P. No agent for the President that's for sure, because —

HP. He's agent for Haldeman and —

P. He hasn't testified that's he an

agent for the President in any of this has he?

HP. No sir.

P. If he has, I need to know it.

HP. Yes sir — I know.

P. (Inaudible) see Dean until a month ago. Never even saw him.

HP. That has great significance on your executive privilege argument with the Congress. He said narrower construction and I'm told your construction—

P. Yeah.

HP. Is not necessarily narrow.

P. Yeah.

HP. It's the narrow construction of the doctrine which is applicable only to those who are agents for the President.

P. Yeah. So he, being an agent.

HP. That — and to the extent that it's invoked with Dean — he is per se an agent.

P. That wasn't what you just told me in that memo you gave me?

HP. That he is an agent for the President and Haldeman and Ehrlichman,

P. Yeah.

HP. And the court take judicial notice, for example, that the chief executive invoked executive privilege with respect to him. It's an argument that can be made with respect — your argument —

Z. I thought that was already done.

HP. Pardon?

Z. It's been done.

HP. (Inaudible), statements have been made in the press that it would be.

Z. Oh I see—

P. (Inaudible) basically this — they haven't made a (inaudible)—Dean—but you are trying to made a deal, aren't you?

HP. Yes sir.

P. And the problem is that what kind of a one you can make won't do a (inaudible.) I would assume that we (inaudible) to Dean—all Dean wants is immunity from indictment.

HP. Yes sir—

P. You're prepared to give it to him? The judicial one?

HP. Yeah. We're not going to like it.

P. What?

HP. And only as a last resort. And only if—

P. (Inaudible) going to get—

HP. Only if we have—

P. Other evidence?

HP. Other evidence that could be used to convict higher-ups. Now it may only be John Mitchell but if so, why a —

P. But you could use Dean on Mitchell—that's the point.

HP. Yes Sir.

P. You see with Magruder you end up with one man—He's already lied once.

HP. That's right.

P. I know a little of perjury—and with Dean—you've got two men.

HP. That's right.

P. Correct?

HP. That's right.

P. If you get Liddy you've got three.

HP. That's right.

P. That will be a tough (inaudible) that's why you're considering giving him immunity?

HP. Yes sir.

P. You think it's a good decision.

HP. (Inaudible)—I haven't made it yet and I'm pondering it—and I don't want to make it. I think it's going to look terrible if we immunize Dean cause he is a ranking official and we're still bargaining for a plea. If we can get a plea, we won't do it. If we have to—

P. What kind of a plea would you be getting, Henry? I don't know the operation of it.

HP. Well I don't know—we might a—

P. Suspended? That sort of thing?

HP. Well.

P. He wants a plea that doesn't disbar him.

HP. He wants a plea that doesn't disbar him—he doesn't want to plead at all to be perfectly honest, but he'll want a plea that doesn't disbar him I'm sure.

P. Here's the situation. You see they're still bargaining with him. Is that correct?

HP. Yes sir—to determine a time.

P. But you think that might come—not today now with Magruder?

HP. Well I don't think that we can satisfy his counsel's concerns today. They may say, well you go see Senator Ervin first.

P. Well let's think about the Ervin committee and—

HP. And Judge Sirica.

HP. His counsel said he ought not go to jail before the others. And it's conceivable that they'll say you go to see Senator Ervin first. He wrote the whole (inaudible).

P. Hmmm.

HP. Ok.

P. So with Magruder you've got the (inaudible) then.

HP. That's it.

P. However, he suggests that we could say this for the—he says that—he said—and I would get from John Ehrlichman—the amount of time—the past—it's either two weeks—I think perhaps we could say for the past such and such in talking to—remember when I first saw Dean—Called him in and sent him to Camp David. I think that was before we went to (inaudible).

Z. It was March 21st.

P. March 21st? All right—fine. March 21st. Since March 21st the President has been conducting a personal investigation into the entire Watergate matter. There have been as a result of that investigation (inaudible) significant developments. The purpose of that—I have been thinking—I have been talking with—he said—Henry agreed with me that the President should be out in front.

HP. Yes sir—that's the reason we

were so insistent on seeing you again.

P. Yeah—

HP. Yesterday.

P. Second—and the result of that is that—that's going to—that's going—that's why I run it by you is this—at least if Magruder or Dean are summoned by the grand jury today—go in or talk or something or we just don't know. But The Washington Post with all the stuff it has. Whenever they move we're a step ahead. How's that sound to you?

HP. Can we add to that Mr. President

P. Yeah.

HP. In terms of your suggestion last night?

P. Yeah.

HP. That there had been some speculation that individuals involved in this thing are protecting, out of a misguided sense of loyalty the office of the presidency, and that you want to make it clear and you asked members of your staff and everyone involved that you expect their full cooperation with the prosecutors.

P. (inaudible) the problem is that we said that before you know and it never—I don't think it gets through. What do you think Ron about that? The President has again directed, I would say, has again directed that everyone, that all individuals on his staff and in the campaign committee, cooperate fully in this investigation with the U.S. attorney's office—with the U.S. attorney—the United States attorney. I think I would put in that and keep it out of the Ervin committee—you see?

Z. Yes sir.

P. And that—and that—you see the misguided sense of loyalty thing—has there been an article in the newspaper?

HP. or Z. (inaudible)

P. You see I am afraid—afraid to throw that out there—I think you better leave it right there—has directed—

Petersen: I told Dean that he made a good witness in his own behalf.

President: But the jury didn't believe him?

Petersen: But the jury had some difficulty in accepting the story with respect to the money . . .

the misguidance of loyalty we can handle in an individual (inaudible)—but this message will get through.

HP. All right.

P. I don't want to admit—dammit—that anybody's so dumb to say that the—which they are, of course. Now Ron,

brainstorm that for us—what do you think—that's—

Z. First of all, the way to do this, and I think we should do this, but the way to do this—the feeling that something is happening in town and you (inaudible).

P. What you could say is that I'm not going to comment on developments because it could prejudice—it could prejudice the rights of—

HP. Of the prosecution or defendants.

P. Well, shall we say, the (inaudible). They could prejudice the rights—it could prejudice the prosecution or the rights of defendants and innocent people. Cause you see they are not all defendants.

HP. Yeah.

Z. Doing this puts it (inaudible) that paragraph.

P. (inaudible).

Z. (inaudible).

P. Developments? That the major developments there now being—can I say major developments that are now considered by the grand jury?

HP. Yes.

P. Major developments that are now being considered by the grand jury. As a result of this investigation there have been some major developments that are now being considered by the grand jury.

Z. (inaudible) you said that? We face a situation where—

P. They'll run to—

Z. They will—have you said this?—we will face the situation number one (inaudible) conclusions about the scope of this (inaudible). Those people who are holding information will be under great pressure to move quickly with whatever they have.

P. Oh—then maybe you don't want to do that.

Z. Then—thirdly, doing this in this form, would very likely have—could have—a tendency to (inaudible) further

to have McCord issue statements in behalf of others or—

P. You're probably right.

Z. Anyone. That could be the result of a statement like this. Then fourthly, I suppose, we would receive extensive questioning in terms of well how was the President conducting the investigation? Is Dean involved in it? And you know—

P. Hhmhp. He was (inaudible) the time.

Z. Well I understand, but by a story of this sort —

P. (inaudible)

Z. You would have to cut Dean out of the pattern. We would almost be forced to, in response to questions, to cut Dean out of the pattern. We would have to say no Mr. Dean was not involved in this which would lead to substantial speculation with regard to Dean's role and I don't know that John's state of mind at this point could lead to an open production on his part. I think — what I am saying is

there is a tendency — (inaudible).

P. Maybe we should say nothing then — what do you think? (inaudible) asking public relations questions (inaudible) not your job.

HP. (inaudible) — the only thing I'd want to do —

P. It crosses the line?

HP. There is an undercurrent going though this investigation now —

P. Yeah.

HP. And it's getting through to the participants and potential witnesses. They've heard all the arguments and they are moving — there's a lot of movement — and nobody wants to be the last one in. They're all trying to get in first to talk and get the best deal they can. Those who have not been contacted are nervous and waiting.

P. Yeah.

HP. Something like this (inaudible) makes a good point, could precipitate them to run up there to Sam Dash and then we're in great difficulties.

Z. In other words, if there's a summons —

P. No — I don't think we can do it — we'll just have to cover it Ron in terms of — that the damn thing — we've also have this understanding, I do want to have this understanding, but—

HP. Ok — But can't (inaudible) Mr. President?

P. And Magruder — But Magruder — what?

HP. Can't we go at it in another way?

P. How's that?

HP. Well an awful lot of your friends in the Congress are saying unkind things—

P. Yeah.

HP. About the Watergate investigation. How — How — if you have — maybe bring a half a dozen of them over here — from both sides and talk.

P. Ahh — No — They'd — that just breaks the story bigger — if we did — it would be the same story. I'd rather have it come out if we're going to do it — you see they'd go and say there have been some major developments.

Z. See, of course, what you're doing this for will—of course, it does put the President immediately out in front.

HP. (inaudible) have much more at stake in this than I have. I think that's terribly important. I don't want to exaggerate but it seems to me that the —

P. May — May be it's just as well to let the Washington Post and the rest (inaudible)

Z. (inaudible) — I want to raise those factors to see what —

P. (inaudible) put some pressures on and so forth but it isn't going to prejudice the prosecution is it, if I say this?

HP. No Sir, (inaudible)

Z. I don't know — know who he is, but what if someone who's sitting

there waiting for a phone call and sees this bulletin—

P. I lean to doing it and — I think I've got to get out in front and let's get out right today.

HP. Personally, I think you have to too.

P. Right — I've got to get out and I've got to get it out today.

Z. This would be (inaudible).

P. (inaudible). Can I also say that I've — can I say that — we don't want to get into the business — for example, say that I met today with Henry Petersen and that —

Z. That would add an awful lot of questions.

P. I met yesterday — that he's — that — these — the (inaudible) no let me say this. First, on Friday the President — I think we should say which we have — that Ehrlichman and all — Friday the President have the (inaudible) the attorney general the results of his own investigation. Would that be a fair account of that?

HP. An overstatement.

P. It overstates it, because you see the Ehrlichman thing really states everything that Magruder (inaudible) corroborated the next day. We don't want to overstate a damn thing. All right — we'll just say this — that we have had discussions over the weekend — why don't we say that? Has had intensive discussions over the weekend with the Attorney General, Mr. Henry Petersen, (inaudible) and has continued to have discussions over the weekend and today — extensive discussions.

HP. That's all right.

P. You better get out A.

HP. I do think it's important.

Z. Let me add to this sentence. The President was conducting personal (inaudible) into this matter and to see (inaudible). (inaudible) press (inaudible) conducted a personal investigation of the Watergate matter.

P. A personal investigation — after all—that was after the—this was after the McCord—in other words, because of allegations that have been publicly made.

HP. I would say, "as a result of developments in the past several weeks the President has found it necessary to —"

P. Yeah — The President has — The President on March 21 has undertaken a personal investigation — you know, has undertaken his own personal investigation. — Intensive investigation. Whose handling it? He is—done personally. I'd just say he — just — let's say — all the the facilities that are

available to him — with all the facilities that are available to him. How's that sound to you Ron? And better say FBI (inaudible). Say, over the weekend he has met extensively with the Attorney General Mr. Henry Peterson. (inaudible) helpful (inaudible) it really (inaudible). It'll knock true—let me say this — I think — put it this way. I think maybe the fact that

I finally — when we get Dean — let's face him — face the fact, that the very fact that I kept asking him what the hell is this? Go up to Camp David and write it. And Dean says I can't write a report. I think he then became convinced the moment of truth had arrived. And that's why he began to talk to you. That's what he told me yesterday. So you see that at least in something we can — Dean thing is. — now, as a matter fact I — I must add that I didn't know he was not coming fully clean.

Z. Should we express concern?

HP. The questions are going to (inaudible).

P. What?

HP. Obviously the President was unsatisfied with the report he got from Dean.

Z. Is that correct?

. That's Correct — yes. It was all based on — what, you know, based on the information that has been —

Z. (inaudible) concern (inaudible) White House

P. I — just — you know — I'm not going to —

Z. Is the President's concern with the overall developments. Should we have a line that the President is conducting a personal investigation

HP. The President is concerned with the evidence. The evidence will determine where we go.

P. Yeah—But I would say—gentlemen, any comments upon this would be harmful to the people — could jeopardize getting the truth — could jeopardize the prosecution — the rights of defendants or of innocent people. The rights of potential defendants — the potential defendants or of innocent people. And therefore, there can be no further comment upon it. I'd just (inaudible) it right out there and that puts a shot across the bow. Let (inaudible) scream out — let McCord go on — that doesn't help any. They don't have what we have. Let's put it this way, Ron. We know what we've done. We've got Magruder and Dean. There's also Larue and a few others. I'd take that — and see whether — you want to run that by somebody and talk to Dick Moore —

Z. (inaudible) Moore and —

P. Yeah — okay fine — and then let me know right away. I want to finish with Henry — get him back to (inaudible). Far enough?

Z. Yes sir

P. It's my inclination to go with that today, though, I —

HP. We have no problem.

Z. I think I'll be inclined to handle this on the basis of providing it to, in other words, what has the activity been around the White House and so forth.

P. (inaudible) saw me to leave the church service and I —

Z. Give it to a wire service story — the wire services can confirm it later instead of calling (inaudible).

P. No, no, no, no — I wouldn't call

— I'd just give it to the wires.

HP. That's right — yeah.

P. Just give it to the wires. Say gentlemen you wonder what the President has been doing? — Where is he today? — He's in the EOB. But I want them to know that since the 21st I've been working my tail off, which I have — I — I'm so sick of this thing — I want to get it done with and over, and I don't want to hear about it again. Well I'll hear about it a lot, but I've got to run the country too.

(Ziegler leaves)

P. Come back can I, for a moment now, to our — our subjects of Haldeman and Ehrlichman as I — Let's be sure we understand (inaudible) — what we were saying last night — from a legal standpoint the case against them may be quite difficult to prove.

HP. That's certainly true with respect to Ehrlichman.

P. Yeah.

HP. But Haldeman and Dean are much more difficult position from the purely theoretical legal point of view

P. Right — because of the money?

HP. If Strachan confirms that he—

P. That he got the money?

HP. That he got the budget report.

P. Oh the budget report — yeah.

HP. If Strachan confirms that —

P. Strachan — Strachan's going to testify (inaudible) right?

HP. If he confirms then that he give Ehrlichman or Haldeman a summary of—

P. Yeah.

HP. The intercepted conversations.

P. Right — Right. — That show that.

HP. And he.

P. That shows he had prior knowledge—right.

HP. And Dean testifies that he told Haldeman about the second meeting in Mitchell's office where these things were discussed.

P. Yeah—I asked Dean today. I said did Haldeman have any knowledge. He said no. Did Ehrlichman have any knowledge? He said no. I said did you have any knowledge? Dean said no. He said, "I went to the meetings."—Dean gave me the same story. He hasn't change his story in that (inaudible). I went to the meeting but we thought we had it turned off. That was — that was his line. But he said that's before. But it's afterwards, he says, that both Haldeman and Ehrlichman have problems. That's what Dean tells me for whatever its worth as to whether—did he tell you something different?

HP. Well — that's perhaps what (inaudible). He said in Mitchell's office we ought not to be discussing this in the office of the Attorney General.

P. Yeah.

HP. All Right — that's one thing. Now maybe he just figures that was turning it off. It didn't turn it off. He goes bak to Haldeman and he says— we ought not to be involved in this— that's the way it was stated. And Haldeman says—right. But so far as we can ascertain nobody did anything.

P. So.

HP. So from a —

P. Pretty Hard—pretty hard to convict—I was just going to say—just looking at Haldeman. In the public

mind, in other words, I think as you said last night on the phone very perceptively—in the public mind—

HP. That's right.

P. But legally.

HP. That's right.

P. It's still tough.

HP. It's a very difficult case because it rests on inaction. But in any event with respect to Haldeman, that is a theoretical case, and with Ehrlichman next to nothing.

P. All except the deep six.

HP. Oh I wouldn't agree with that.

P. Hugh?

HP. We'll have to go back to Gray—I'll talk to Fielding and I'll stop by and talk to Ehrlichman too.

P. Chance is you're going to hear that they—I don't know—you mean they turned it over—turned over a packet to Gray?

HP. Yes sir.

P. Ehrlichman I think you said, believes that? (inaudible) include Gray? Let's don't get the Bureau back in this. One thing we talked about protecting—you know this—Gray is going to be leaving, as you know. I am trying to find the man whose beyond reproach — who can get a hundred votes in the Senate. Let's a — now we are not talking about protecting an individual. Gray is (inaudible) this

fact — it's a neutral fact but if it can be established that he's telling the truth.

P. All right. Suppose you find that Ehrlichman corroborates Fielding that they did turn this over to him—whatever it was — to Gray. Then what do you do? You call Gray in and ask him, where is it?

HP. Well I'll go see him again and then (inaudible) we will want to pursue it.

P. Yeah. You see Gray's—Gray's, if I can just suggest it, Gray's reaction, if he didn't get it, would be, in my opinion, (inaudible) didn't get it, or get something, and they told him this is political stuff. (Inaudible) I don't want it. That's what I would have said wouldn't you? Not drag in the Bureau. Not Watergate. I don't know.

HP. Can't second-guess a man.

P. (Inaudible).

HP. The other (inaudible) if Kleindienst called me up and said "Look, there's that aspect of this investigation. I've got this stuff here. It's all co-mingled but it's clear that this doesn't relate. Why don't I just give it to you?" I'd probably take it. I think it's very understandable—what I can't understand is the denial. Well, (inaudible) to corroborate,

P. Well if he got it—you see—the point is he doesn't have it now. That's the point.

HP. Apparently hasn't.

P. So he's flushed it.

HP. Well there's a possibility that Dean threw it in the river (inaudible).

P. (Inaudible) I have a recollection myself. I say a recollection that Dean told me that unequivocally, and I believe Dean on that.

HP. We're going to go back to him again.

P. (Inaudible). I'll get you out of here. (Inaudible) yet.

HP. By the way Mr. President, I think that.

P. (Inaudible) evidence—not evidence? (Inaudible) explain that the evidence was not evidence—is that right? The stuff out of his safe?

HP. Well—that's.

P. What would you get after him on this—destruction of evidence?

HP. Well you see the point of it is—there are two other items that—according to the defense—Hunt's defense—that were missing. Both of which were notebooks.

P. Hunt's notebooks?

HP. And we can't find those notebooks. Dean says, Fielding says, and Kehrl says, they have no recollection of those notebooks.

P. Yeah.

HP. Hunt says they were there, and—

HP. So only to the extent that the notebooks are missing which Hunt says they're germane.

P. (Inaudible) does he tell us very much, huh?

HP. No sir.

P. Is he going to?

HP. Ah—

P. Or is he?

HP. (Inaudible) before the grand jury.

P. (Inaudible) anything in it for him, I suppose that's the thing.

HP. He was testifying under compulsion. Came in immunized—we're going to have him back, particularly with respect to the fees. His testimony with respect to Dorothy Hunt was unbelievable. "We were once in trouble with the income tax bureau and ever since then we've been sticking hundred dollar bills in the top of our

closet and that's where the ten thousand dollars came from."

P. You mean he gave to the Cubans?

HP. That he gave to his wife, Dorothy, which she had on her when the plane went down and she was killed. She's alleged to be the intermediary that was carrying—

P. Carrying the money to the (inaudible) that's what I heard—I read that in the paper.

HP. So that he lied on that issue. And we'll have to have him back.

P. Do you think you can break him?

HP. I think, his lawyer is very concerned, and the lawyer got a hundred and fifty six thousand dollars in fees.

P. Bittman—Bittman is his name?

HP. Yes Sir.

HP. I've heard of him—good lawyer?

HP. He's a good friend of mine, Mr. President, and a good lawyer. He prosecuted the Hoffa cases.

P. But Bittman's problem—His problem is (inaudible)

HP. He's very—he's very upset about it and—

P. Doesn't he know what the hell the (inaudible)? Does he think he was paid off?

HP. Does he think?

P. Does he, Bittman, think that his fees—Hunt's (inaudible) the purpose of getting his client to—

HP. Well I don't think he cares where his fee came from. That fee went in. He's concerned about the allegations that McCord makes based on (inaudible) Dorothy Hunt.

P. One thing that's got to be—one thing about Colson—wondering if—that I would be concerned with here—that is if—according to Hunt whether you've got a circumstantial problem as to whether Hunt may have told Colson. If what (inaudible) if Colson had not done a damn thing. According to Colson, he's sworn under oath that he didn't know anything about it. You would have him on perjury.

HP. Yes sir. And we don't have any evidence against him.

P. Well—the point here.

HP. It's—you know a very funny story—

P. If you crack Hunt.

HP. To come out of this.

P. About whom?

HP. The New York Times when they



weekend. (inaudible) him out. Does this (inaudible) you?

HP. (Inaudible) remarkable man, Mr. President.

P. Huh?

HP. I think Pat Gray's a remarkable man.

P. But you see, his memory might be faulty on this. The point is — my point is I don't — if you feel this — his train has left the station you've got to (inaudible).

HP. Well I don't think.

P. I'm not telling you not to do anything stronger.

HP. I don't think that it's especially germane.

P. It's not relevant.

HP. That's right. But it's important to determine whether or not Dean's telling the truth. (inaudible) of the

interviewed or the Los Angeles Times when they interviewed Baldwin and they took a taped statement from him. In the course of the interview, Baldwin told them that he had taken the logs and just labeled the envelope and delivered it down to 1700 Pennsylvania Avenue. Then as he told us he couldn't remember the name and they went through a whole series of names, you know, whoever they were, and each one he kept saying no. And finally they said Murray Chotiner? And he said no. So they, after they concluded all their questions and names and what have you, they went back and then as just a flyer, Judge Sirica when he—in connection with the subpoena issue—hears part of the tapes and hears is Chotiner's name. He says to Silbert, I want these people subpoenaed and that's Murray Chotiner and others. And Silbert says, well he's been to the grand jury and this name has nothing to do with it. He's been calling about it ever since—subpoena. Now the LA Times told me—

P. Chotiner?

HP. That they had talked to Chotiner—

P. Doesn't know a damn thing.

HP. I know that.

HP. (Inaudible) item of evidence.

P. I know Murray like the back of my hand. He's too smart.

HP. Well, that's what he told the LA Times. He said if I had done it, it would have been done well.

P. Yeah, I know that, but he would never have done anything like that.

HP. No sir. And he—we have no evidence against him.

P. And I can assure you, I know that. I may not know other things but I know that.

HP. It's become a matter of principle with us. We will not subpoena him. We have no reason to subpoena him.

P. No, no, no.

HP. And Sirica wants us to subpoena him just I think for the hell of it.

P. Yeah.

HP. The only way his name is mentioned is because they were trying to determine who, and I talked to the LA Times. We did go that far.

P. Yeah.

HP. And they say absolutely none.

P. Listen, if you are going to answer it at all (inaudible) the big fish start flopping around. Well—coming back to Haldeman—I digressed—we went off. Larue potentially then today has confirmed the money thing from Strachan. So today you're putting the net on the money at least.

HP. Well Strachan (inaudible) and Larue is due in this afternoon.

P. Who did you get this morning then?

HP. Oh we had Strachan in this morning.

P. But he didn't talk?

HP. But he didn't talk. I went

through that earlier.

P. Okay. All right come to the Haldeman-Ehrlichman thing. You see you said yesterday they should resign. Let me tell you they should resign in my view if they get splashed with this. Now the point is, is the timing. I think that is, I want to get your advice on it, I think it would be really hanging the guy before something comes in if I say look, you guys resign because I understand that Mr. Dean in the one instance, and Magruder in another instance, made some charges against you. And I got their oral resignations last night and they volunteered it. They said, look, we want to go any time. So I just want your advice on it. I don't know what to do, frankly. (Inaudible) so I guess there's nothing in a hurry about that is there? I mean I—Dean's resignation. I have talked, to him about it **this morning and told him to write it out.**

HP. (Inaudible).

P. It's under way—I asked for it. How about Haldeman and Ehrlichman? I just wonder if you have them walk the plank before Magruder splashes and what have you or what no. I mean I have information, true, as

See TEXT, A25, Col. 1

TEXT, From A24

to what Magruder's going to do. (Inaudible) nothing like this (inaudible).

HP. Or for that matter, Mr. President.

P. Yeah.

HP. Its confidence in the office of the Presidency.

P. Right. You wouldn't want—do you think they ought to resign right now?

HP. Mr. President, I am sorry to say it. I think that mindful of the need for confidence in your office—yes.

P. (Inaudible) basis?

HP. That has nothing to do—that has nothing to do with guilt or innocence.

P. What basis—how would you have them submit their resignation then?

HP. Well—when we say they—I'm much more concerned about—

P. Halderman?

HP. Ehrlichman than I am about Haldeman, because Ehrlichman, we have much less, you know, in terms of potential involvement.

P. Yeah. Yeah.

HP. (Inaudible) the deep six it (inaudible), it goes to the quality of the information. Maybe it was trash and he said, get rid of the damn stuff, it's no good.

P. And then maybe Gray did.

HP. That's right. And the other thing with respect to Hunt. That's a little more sensitive. That—

P. How does it seem so?

HP. Someone, you know, who's closely associated with you, who tells Hunt

to get out of the Country is I think a tremendously sensitive piece of information.

P. Did he? But he didn't go?

HP. But he didn't go because the—

P. They changed their minds.

HP. Countermanded — The orders were countermanded. Now—

P. Well I would think that his defense on that if I—my guess would be—that he was trying to (inaudible) what happened (inaudible) maybe the best thing for him to get out of the country, you know what I mean? But your point—Dean tells it as if Ehrlichman ordered him to get him out of the country. Right? Is that what you have?

HP. That's right—and that's the way it comes through Liddy. Hunt tells us that's the way Liddy stated it.—my principal.

P. My principals?

HP. My principal said.

P. Tell you what?

HP. Get out of the country Hunt. It doesn't seem to me that if that fact reaches light of day that it can be anything else but (inaudible) impact on the White House.

P. (Inaudible) message.

HP. (Inaudible) nothing to do with justice or injustice.

P. I know that it's because of the presidency which, of course—

HP. Yes sir.

P. Is what we are thinking about. I appreciate what you say, because, I'm thinking about that too. I'm trying to be fair.

HP. Well let me put it another way.. If I were Ehrlichman I would feel like I had to go under the circumstances.

P. You would? Even Ehrlichman? Haldeman too?

HP. Both of them.

P. How do you feel about Haldeman (inaudible)?

HP. Well (inaudible).

P. You feel even more strongly?

HP. Yes sir, assuming, now remember what we have.

P. Yeah.

HP. Dean says he discussed this with Haldeman.

P. And?

HP. Haldeman didn't say stop.

P. I see.

HP. I can tell you—if one of my prosecutors came in and said another prosecutor was out bugging somebody in organized crime, I would not say we ought not to be involved in it—

P. Dean told me.

HP. I'd got to him and say stop it.

P. Excuse me. Did Dean say he discussed the bugging with Haldeman?

HP. He discussed the substance of the budget proposals which included the bugging operation. Operation.

P. Haldeman or Strachan?

HP. With Haldeman. And said we ought not to be involved in this and Haldeman agrees but nothing happens. Neither one of them stopped it. Now, maybe they both thought they were outranked by John Mitchell. I don't

know.

P. Dean now says that he discussed the bugging operation—that's what I want to know. I didn't understand he said that. I thought he said he did that with Stracan.

HP. Magruder—Magruder says.

P. I get it.

HP. (inaudible) goes through Stracan. Dean says when he came back from the second meeting he told Haldeman, "This is terrible, we ought not to be involved in this."

P. Right—right.

HP. And nobody does anything about it.

P. He hasn't been too damn forthright has he?

HP. Well.

P. I mean, he should have told me about Haldeman.

HP. It's awful hard to debrief a man, Mr. President, in an hour or two as you know.

P. Yeah — when I asked him specifically did Haldeman know and so forth — and he said no. And I guess maybe he was being perfectly honest. Told me that just this morning. And I said, he had no knowledge before, and neither did Ehrlichman, and he said neither did he. But I guess what he meant was that — you could reconcile that only by saying — that he had told Haldeman about it and Haldeman didn't know that it went forward. Maybe that's what he (inaudible).

HP. That's —

P. That would not make Haldeman liable in this case — the very fact he didn't stop it. He didn't have the responsibility. I am looking at it just from a legal standpoint. Now understand, from a public standpoint it's devastating. You think he would be liable for not issuing an order to (inaudible). I suppose if Dean was his subordinate. (inaudible)

HP. (inaudible) a subordinate. It depends on who has authority to act with respect to the budget proposals?

P. Haldeman (inaudible).

HP. He did not have any authority?

P. No sir — none, none — all Mitchell — campaign funds. He had no authority whatever. I wouldn't let him (inaudible).

HP. Then you're left with the fact that he has knowledge of —

P. That's right.

HP. But he doesn't act upon.

P. Knowledge of a proposal?

HP. That comes out as a misprision of a felony.

P. Huh?

HP. That comes out to a misprision of a felony. Misprision is a statue that is hardly ever enforced. You could put everybody in jail I suppose if you tried to.

P. Knowledge and so on?

HP. That's right.

P. Knowledge it's being considered.

HP. That's right. (inaudible) type of thing

P. (inaudible) say specifically that he

discussed the budget proposal with Haldeman! Well I'll be damned!

HP. I think I have in those notes there that Dean came back to the White House after the meeting, told Haldeman about these proposals that were being discussed in the office of the Attorney General, and said we ought not to be involved. And Haldeman agrees, but nobody stopped the operation.

P. Dean says —

HP. (inaudible) told him so the only thing I'm saying (inaudible)

P. Should we do it — should we do it from the top? Well, I'm going to talk to Bill Rogers a little later — I'll get his judgment about — on this — (inaudible) Haldeman. Dammit, I'm afraid that — I don't want Haldeman to go and then have to get (inaudible) and then have Ehrlichman go and get caught.



Get my point? That's what I'm concerned about. I think they both — look if they're going to go they both got to go, don't they? They ought to go together?

HP. But to let one go and the allegations with the other being (inaudible). The next day it might develop that (inaudible)

P. Well (inaudible) my judgment on this after I talk to Rogers. It's a very close call. The real question is to get — whether you let Magruder strike the blow and they go. That's the point.

HP. Great responsibility I know how—

P. Oh, I'll move on it.

HP. Heavy it is.

P. Oh, I'll move on it. I'm just trying to think about whether — before Magruder strikes.

HP. I'm bothered, you know because this may be a terrible injustice to both of those men.

P. I know that (inaudible) but my point is (inaudible) how it is (inaudible) whether they go before Magruder. Let me tell you — let them go before Dean goes.

HP. Well that's correct — I agree

with that.

P. I can't announce Dean going today — that would jeopardize your prosecution. Or can I announce it? I am very seriously thinking.

HP. You're own agent on that. As long as I can say —

P. No — I'm going to get his — I'm going to get — but you don't want me to — you told me earlier you don't want me to make that public —

HP. I don't want to be in a position to say to John Dean — John, I did not recommend that the President take your resignation.

P. Fine. All right.

HP. As long as I could say that Dean's been here, he's talked to you. It's between the two of you. Your timing on that is okay with me.

P. I see. Even announce Dean today?

HP. Yes sir.

P. That wouldn't jeopardize your prosecution?

HP. Well, we still have to bargain with him. But I don't—I don't see that —he's trying to use that, but I don't see that. As long as I can say, the prosecution team can say, we did not recommend that.

P. How is he trying to use it? You mean—you say that—I'm a little concerned about Dean's or his lawyers — that he's going to attack the President and so forth. Other than that, I mean Dean above all else—

HP. Well I don't think the President personally—the presidency as an office as the administration.

P. Because of?

HP. Because of Ehrlichman and Haldeman.

P. It's Ehrlichman and Haldeman he's really talking about?

HP. That may be his guts poker in the course of negotiation. That's what they say.

P. Try the administration and the President; (inaudible) affairs, (inaudible) huh?

HP. That statement that's made in the heat of argument. Charlie Shaffer, a very committed, emotional, able lawyer. Stand up and say, goddammit, I'm not going to plead him. If I have to do this, I'll do this in return. That's the way he comes out.

P. (inaudible).

HP. All right you ask him about that point specifically, about reporting to Haldeman on the—

P. Yeah.

HP. On the budget proposal.

P. Yeah—I will, I need to know that. Dean this morning told me something I need to know (inaudible)—that he (inaudible) going to testify to (inaudible). It seems to me the important

thing that you should get your (inaudible) him as soon as you can.

HP. That's right.

P. But I guess you got problems there. You got to go to Ervin, you got to go to the judge, and with Dean, you've got to make a deal with him—isn't that what you feel you (inaudible). You've got to give him something don't you?

HP. Well.

P. That's the problem you've got, (inaudible), Henry, (inaudible) him off with the others.

HP. We can't give him too much because it will impair his credibility. That's another factor.

P. (inaudible). Now—I can get any—I need to know if any other—I've got to keep on top of this thing, if any further breaks occur.

HP. Yes sir.

P. And perhaps by tonight we will know whether Strachan did testify.

HP. Yes sir.

P. I may call you around say eight o'clock—how's that?

HP. I would say not before eight.

P. I'll call you at nine—how's nine?

HP. Nine is fine.

P. Nine will be fine.

HP. That'll give me a chance to get my kids off the phone.

P. Yeah—nine o'clock. You (inaudible) Strachan and Larue?

HP. Yes sir.

P. They both (inaudible) testify today?

HP. Yes sir. (inaudible) all right—thank you sir.

P. Thank you.

Meeting between President Nixon, John Ehrlichman and Ronald Ziegler, Executive Office Building office, April 16, 1973, from 3:27 p.m. to 4:04 p.m.

P. Yeah—did you make any progress on that thing? How does it stand? Fine.

E. I'd say that.—

P. Gray denies to Petersen that he ever got the bundle. Oh, he's dumb. Well, Petersen tells me that he's told Haldeman — I mean Ehrlichman. He was very (unintelligible) Mitchell (unintelligible) this, Petersen being honest.

E. Dean informed Liddy that Hunt should leave the country.

P. (unintelligible) the idea that Dean, you know. But you warned him, didn't you?

E. Sure did. There (unintelligible) I was.

P. You didn't see it?

E. No, didn't know what was in it. Could have been shredded newspaper, as far as I know. So that, well it could be —

P. Well, Dean will say —

E. Dean will say what he put in it, I suppose. See, Dean arrived at my office with a scotch-taped, sealed big envelope and handed it to Gray. What — I said, Well,

P. There's the contents of (unintelligible) safe?

E. No. Dean had told me that before Gray got there, I think — I can't be sure of this — but in any event, I knew what it purported to be.

P. Where — when was Gray told that it was not really the Watergate?

E. I don't know. I don't know. It may have been told him in my presence or not, I just —

P. But, you think he was told?

E. He says he was, and I don't have any reason to doubt it. But I can't swear that I heard that said. Ah — and Ah — again, I can't.

P. (unintelligible)

E. Could say, you know, it may be that his story is I opened it and it was full of paper napkins or, you know, some damned thing. But if he says I was not in Ehrlichman's office and I did not receive a big manila envelope from Dean, then I'm going to have to dispute that. (unintelligible) there and then do that.

P. (unintelligible)

E. Yeah.

P. Has he testified to that, John, or do you think—?

E. He's told the U.S. Attorney that.

P. That what?

E. That he gave him an envelope there that was the contents of the Hunt safe.

P. (unintelligible)

E. Dick Howard just got a subpoena from the grand jury.

P. Yeah.

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

P. Did he talk to Dean?

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

P. Because he was (unintelligible) the practice.

E. Well, I hope that's what they thought, but more probably they'd like Dean to sit there and listen to every guy's story and then call over and let them know what's going on.

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

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

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

E. Let me finish this.

P. Oh, sure, John. Did (unintelligible) tell you about the other other (unintelligible) that he's coming to ask you about it? I'm not asking you to make up any story, but I'm just simply saying,

I just can't— damned dump Gray, director of the FBI in the position of having two White House people say he got an envelope and he doesn't remember it. I heard you talk to him. What did he say to you last night?

E. He said he can't say that.

P. What did he say to you though?

E. He said, I said—

P. After (unintelligible).

E. Dean say saying so and so, and he said he can't say that. And I said, he already has. But he said, I destroyed it. Well, that's it. You know, that's pretty tough (unintelligible) if he doesn't now. (Unintelligible) sure putting the best face on what they did

to Strachan over there. Questioned by the prosecutors. Despite considerable fencing, he refused to discuss the matter and was excused by the prosecutor. According to Strachan—then they—you mustn't say anything to anybody about this because I suppose he wasn't supposed to call over here.

P. Yeah, I don't.

E. He called to get advice. He said they really worked him over, said stuff as, "Listen, Strachan, you're going to jail; think about your wife, think about your baby and how would you like to be disbarred, and?"

P. I know. I know.

E. You know, that kind of stuff.

P. I knew they were going to work him over. He asked for a lawyer?

E. No, They asked him to get a lawyer. They kept stressing it. They

Dean: There is a problem for you of the scapegoat theory.

President: You mean making use of it.

Dean: That's right.

President: Like Magruder being the scapegoat for Mitchell?

Dean: That's right. You know, everybody is appearing before the grand jury. This does not impute guilt on anybody.

wanted him to get a lawyer and I think what they are doing is setting him up for (unintelligible).

P. Well. That safe John, something about the damned notebooks—he said, notebook.

E. Yeah, I know. He's said that right along.

P. And there were?

E. Oh, I don't know, I honestly don't.

Now, Kehrli and the Secret Service agents were there when that safe was opened and (unintelligible). Never tried (unintelligible) appointments after that, so they are still on this.

P. That's your only vulnerability, John.

E. Deep six and the FBI business and Liddy. Well, that's interesting that Dean would take that remark and go out and act on it.

P. Deep sixing?

E. No, the Liddy deal.

P. Told (unintelligible).

E. Hunt, yeah, that it came through Dean.

P. But, apparently they didn't leave—in other words.

E. Oh, no. No, no.

P. You were discussing it. I told, I tried to tell Petersen, "Well, look, I can imagine them having a discussion—" he said, "He ought to leave the country—maybe we ought to deep six it."

E. Mmhuh.

P. And you didn't do any of those things. At least I think that's based on—get any thoughts on this point? (Ziegler enters.)

P. Who have you talked to?

Z. Yes, sir. I talked to Moore—

P. Yeah.

Z. Chappie Rose. Both of them are against it.

P. They're against it? All right. Because of the reasons you mentioned?

Z. Some of those. But Rose—their best lawyer is working on that—and—

P. OK.

Z. His concern.

P. We just won't try to get out in front. We got anything else you can say. Don't say, don't—we seem to, we've gotten into enough trouble by saying nothing so we'll say nothing today. You know, actually, thank God we haven't, thank God we haven't had a Haldeman statement. Believe me. (unintelligible) thank God we didn't get out a Dean report. Right? Thank God. So, we've done a few things right. Don't say anything.

Z. (Unintelligible) made the point, looking at the statement, about comments and so forth that stampede.

P. Well, I (unintelligible). I've got an understanding, John, with Petersen, and he wants us to move first and a—but I said, "Well not before Magruder pleads." We've got to go out and—what I had in mind having you say quickly that—(unintelligible) statement. But in any event then, we're going to have to wait for the Magruder thing. The point is you've got the whole record. I just don't want to.

E. He wants to wait until Magruder talks? Is that it? Peterson? No, I mean the others who—

Z. Well, he didn't get into any discussion about Magruder talking. No.

E. What was his objection?

Z. His point is that, what Rose's point is, in the position of stampeding on (unintelligible) how this has been

(unintelligible) this. But this point, the President is too closely tied I Rose's point is, in as an investigator and to closely tied in to the grand jury proceeding itself. In other words, he (unintelligible) in his view of this is to have the first (unintelligible) and suggests that the President is (unintelligible).

P. (unintelligible). I don't

Z. No, not affect. But the President is becoming as an investigator involved in knowledge and awareness of the grand jury proceedings.

P. Oh, yeah. Yeah.

Z. Which well could affect direction of those proceedings. He has contacted Peterson.

P. Well, all the facts are going to show just otherwise though when it comes out, but go ahead. But this (unintelligible).

Z. I think so.

P. He didn't. John. I asked about Magruder today and they haven't got the deal with him yet because Magruder's attorneys insist on something with Ervin and something with Sirica. Magruder wants to go to the D.C. jail (unintelligible) in there. They haven't work that out yet. I asked about the timing on Dean. They haven't got a deal on him because—in fact his lawyers made an interesting comment. He

said Dean shouldn't do anything to upset the unmaking of Haldeman and Ehrlichman and Mitchell, and if they don't get immunity they're going to try the administration and the President. His lawyer, Schaffer. Petersen says that's quite common. Everybody shouts to everybody. I'm getting (unintelligible) difficult (unintelligible). After all, the business of the about the Dean report, why end it that way? Dean will stick to the position. John, you can see how he's going to (unintelligible) Ehrlichman. You know, he did make some movement on his own in this thing. I've asked Dean a specific question: "Haldeman-Ehrlichman, did they know in advance?" He said, "No." I said, "I've asked you again, I've asked you again. I've asked you." He told me that (unintelligible) well Dean said after a second meeting over there he went over and saw Haldeman and said, "We oughtn't to be in this." Haldeman said, I agree I said, "Well what's wrong with that." He said, "Well Haldeman, by failing to act—"

E. Yeah. That is true.

P. Yeah.

E. Dean states Haldeman agreed, but apparently no initiating of any instruction.

P. Right. By failing to act. And then I said, "Well how could he act? He wasn't in charge of the campaign and—(unintelligible) didn't he have—(unintelligible) approval?" "Why," I said, "he certainly did not. He had no responsibility at all. The campaign was totally out of the White House." But I suppose what he meant by that, Haldeman should — should have called

Mitchell and said, "Knock it off." Is that what they're saying? Well, what does Haldeman say to that sort of thing?

E. That's hard to get around, understand, because Dean's story, consistently, has been that at every one of those meetings, the plan was disapproved by Mitchell.

P. Yeah.

E. What's there to get out of?

P. By going to Haldeman—

E. Dean came back and said, "Well there was a proposal, and Mitchell disapproved it"

P. You think he's making that up?

E. I don't know. I—it doesn't make sense, in the context of those meetings, that everybody agreed on, that at all those meetings Dean attended it ended in disapproval.

P. Yeah. "Well, why did he go to Haldeman?"

E. So why? Yeah. Why is there a failure to act, when—

P. Oh, he might —

E. Everything is disapproved?

P. Yes, but that is Dean's problem, but—

E. Well, the suspenders.

P. Huh?

E. A guy says, I was thinking about going out—

P. Yeah

E. And plugging a hole in your tire, but I decided not to.

P. Yeah the point is, I think you've got a very good point here. You say, "Well, look, what in the world is this? If the damn thing was disapproved, why does Haldeman get blamed for not disapproving it?"

E. Yeah. They need two disapprovals in order to make it stick?

P. That's what I was going to say, but—

E. Well, I don't know enough about it I guess. I'd sure like to see us come out sometime, and I suppose it has to be at a time that Magruder makes his deal.

P. Well, let me say, FH—I've got Petersen on a short leash.

E. OK.

P. Petersen or Dean. Keep that statement, regardless, and get this factual thing that John has worked up for you. You get that.

Z. I've had, I had that typed.

P. Fine. Because we've got to be ready to go on that instantly. We may



go it today. We will survive it. I don't think it's very—

E. Not very appropriate news this morning.

P. Yeah, and that's it. They will get back to (intelligible) I just think (unintelligible) their staff.

Z. (unintelligible)

P. It's obvious they will question him on this.

E. That's what matters though. The thing with the Ervin committee, will, I don't know. A statement of rules, and the negotiations—

P. Right.

E. They adopted an awful lot of my stuff. Their rule on television is a very odd one. And it says "all still and motion picture photography must be discontinued before the witness commences his testimony. Television, however, may continue under the standing rules of the committee during the testimony of the witness."

P. So it must—that means what? It's live?

E. That my interpretation. Well, no. Tape would be motion picture.

P. Yeah.

E. Why not?

Z. That's electronic. See, the terminology is stills, motion picture or electronic.

E. That isn't the way they used it, and so I've got a call in for Baker to try and get a clarification.

P. Right.

E. Because it may be their intent that if the networks will go live, then

let them go, but if they tape, then they can't tape the testimony. And, if that's the interpretation, I think we ought to go for it.

P. Right.

E. Don't you?

Z. At ten o'clock in the morning? Well, you know, just—

E. If they run it at ten o'clock. Any-

way, I'll get an interpretation and I'll be back to you on it for instructions. Well, there isn't much point in me going through the whole thing until—

P. I think the Ervin committee, who (unintelligible) a break in this. (unintelligible). Do you believe it would be at all helpful to be forthcoming with Ervin then?

Z. Well as we mentioned before, I think you have to have caution with the Ervin committee (unintelligible) depends upon decisions. Whatever it is decided to check with (unintelligible) alternative here (unintelligible) or it may be to our advantage to analyze—

E. Well, my problem's Howard Baker goes to Russia tomorrow, so there's got to be action—or he goes Wednesday, excuse. There's got to be action tomorrow. The Ervin committee's meeting up there now. Timmons thinks the thing they are meeting about is that somebody has pulled the plug on Dash, that he was nearly disbarred in Philadelphia—some unfortunate scandal—something about—he's been taken by surprise again and he's very unhappy and he's convened the committee. The thing provides—well, they're kind of cute about this too. You can have a hearing in executive session. The committee rules at the witnesses' request for the purpose of determining scope, in effect, what, where the witness should and should not testify.

P. Oh, I see. Well, that's good.

E. And that's good, I think. Then there's a lot of stuff in there about—they do prevail in making closing statements. They will.

P. What's your advice, John?

E. There's very little left to argue about except the television, and we could say we interpret this to mean that unless the television is live, there won't be any and that's satisfactory to us.

P. Yeah.

E. Now we might get the jump on them that way.

P. All right. Fine.

E. And then, let them come back and say, "No, that isn't what we mean. We mean it can be taped." And then we'll come back and say, "Well, that isn't satisfactory. By that time they're in a recess.

P. Right.

E. And the thing would be hung up until they get back.

P. Yeah. And the other thing — we had to, you know, before it comes from the Ervin committee. But I don't think before it comes to the Ervin Committee it's going to amount to a damn in the next four weeks.

Z. The overall—

P. Yeah.

Z. Decision, but —

P. Don't you think at the present time we ought to be forthcoming here?

Z. Yeah. I think —

E. What you say, Ron, is that we intend to avail ourselves fully of the ground rule that permits the use of executive session and that undoubtedly the majority of the White House witnesses will be the subject of a request to the Ervin committee for an executive session.

P. That's right. Agree with that.

E. Then, what we've done is gone to our high ground.

P. Right.

E. And let them pull us off.

Z. Of course, what really is the Ervin committee investigating?

P. (unintelligible)

E. They — It's probably moot. It's probably moot, but what we can say is we feel we can live with these ground rules.

Z. Yeah.

E. You know it's very — well, it is obvious that the negotiations were very worthwhile. We think the committee has come up with a fine set of ground rules that we can live with. We are going to fully cooperate and then, on the side, you can say, "see the executive session provision."

P. Well why don't we — frankly, frankly (unintelligible) executive (unintelligible.)

E. Maybe I ought to get them and have them for you, so that you can talk to Rogers about them —

P. Yeah. Later today you might just make you decision and go on that. We can settle the Ervin committee.

E. Well, then, I'll have to get Baker's OK.

P. Well, Why?

E. To make our announcement, because that's the way I have it set up with him. They've got a meeting tomorrow before we make any announcement.

P. Do you want to make an announcement tonight?

E. No, I thought that's what you meant, if you were going to go with the Ervin thing today.

P. Oh. We'll make it tomorrow then.

E. Ok, Well then I'll have a chance to talk to Baker tonight.

P. Baker, Baker will have left. He won't be at the meeting tomorrow.

E. Yes, he will. He won't go — he doesn't go until the next day. I mis-spoke.

P. Fine. You'll make the announcement tomorrow. OK, Ron?

Z. Yeah, but—

P. Gives me time to think about it, that's the point. Go ahead. What is it?

Z. Yeah. We have a general announcement. We want to (unintelligible) and with Chappie Rose and those guys. Do they realize that I've got to make this general announcement before the Magruder thing comes up?

E. Well, does he fear the President will look like he's interfering with the grand jury?

Z. No, it's a quote. He said, to which he (unintelligible) much contact with the Attorney General, the assistant attorney general—the President being investigator.

E. Well, bless his heart, those contacts are a matter of record.

TEXT, From A25

P. That's right. I don't agree with him on that point.

E. That point's moot, you know. That was the President's only recourse.

P. That was it. I wouldn't worry about that (unintelligible). See, he's thinking as a lawyer. They probably like to see the President (unintelligible) this damned thing.

Z. No, I agree with that.

E. (unintelligible)

Z. Well, I'm not arguing. Again, you see, can't argue. I'm just passing this point to you.

P. What would be your view about this kind of a statement? You don't want it tonight?

E. I don't want it tonight, but I'd sure like to see you go full breast on it tomorrow. See, Wednesday is the energy message.

P. Yeah.

E. And, we're going to be sort of saturating the press Wednesday with that.

P. Will they write and use it?

E. I don't know. I mean We're having briefing and all that baloney. And so, if possible, it would be best to go either tomorrow or Thursday with this and I prefer tomorrow.

P. We'll see how they get along with their negotiations. I suppose they're

E. Seems to me like they're hard-nosing these negotiations. Dean doesn't really give them all that much. He left me look at that piece of paper you've got there and then he said, "Well, gee, did Hunt go out of the country? No, well what else is there?" "Well," he says, "I don't know about (unintelligible)."

P. Dean isn't corroborating Magruder in any way?

E. Yes.

P. That's what it looks like.

E. But can't they get that out of him anyway? You know.

P. (Unintelligible)

E. Well, let's think about that. If you were the prosecutor, what the hell do you care? You know, if you were Glanzer, you were sitting over there —

P. The White House threatened, the President —

E. But what is, what is that he can say? You stop and figure.

P. That he's informed the President and the President didn't act? He can't say that can he? I don't think, I've been asking for his damned report, you know.

E. The fact that he put the chronology all together — he comes up with a hell of a lot of egg on his face.

P. I think he blames — he would blame you and Haldeman.

E. Well, he's going to have a little trouble with that.

P. Is he? Good.

E. And I put together my log today. And I have seen him on the average

of five times a month since the Watergate breakin. See, Bruce Kehrli (unintelligible) you know (unintelligible). I've seen none of his memos routinely. I don't supervise, any of his work, so I think he's going to have a tough time making that stick. And some of those were on your estate plan.

P. Yeah.

E. Some of them were on the library.

P. Good.

E. Some of them were on the leak scandal. So, he's not seen me five times a month on Watergate.

P. Well, listen, I've got to run. Let this go tonight. Fair enough?

Z. Yes, sir.

E. All right.

Z. Did you want to meet Garment for five minutes before you see Rogers?

P. No. I'll have to put that off. I've got Rogers (unintelligible) Garment's views and — you don't agree?

E. I agree totally. It's (unintelligible) for Garment is the reason, you see.

P. No, tell him, tell him that I feel very personally, but I want to get a little — that I've had a long talk with the U.S., with Petersen. There is a reason. Give him a little bull and tell him (unintelligible) had a long talk. There are reasons we can't say today, that there will be developments during the day. Going to be public.

P. Some things that I have in mind (unintelligible) piece of paper on that, and I'll see him before. Well, is it going to be that much of a problem? You think I should see him? Maybe, you know, I don't wait 'till I see Rogers. Tell him to stick around.

Z. All right.

P. Tie it in with Rogers. Why don't you do that? How's that?

Z. The only advantage of (unintelligible) you have in your possession.

P. Well no. The point is — well, go ahead.

Z. Fifteen minute session (unintelligible) and bounce that off of Rogers.

P. I know what he's going to do is — (unintelligible) I mean the — this is a full court press, isn't it?

Z. That's right, so you don't need to tell him.

P. I know what the hell a full court press is.

Z. I understand that.

P. The thing you told me this morning.

Z. Yes, sir.

P. Well, I followed that already. He wants to go out and what? He wants Haldeman, Ehrlichman and Dean to resign. Right?

Z. Or just (unintelligible) you know, he has several variations (unintelligible) and letters.

P. Yeah.

Z. Suggesting that (unintelligible) they would step down.

P. They would (unintelligible) and then they would, and I would accept that. However, the case breaks?

Z. Yes, sir.

P. Do that today?

Z. No, not today. You know, after the timing of the decision.

P. I'd prefer.

Z. I think it's—you have enough of that.

P. I think I want it to be a little clear in my mind with Rogers here.

Z. No (unintelligible) I'll put him off.

P. Tell him, that, look, that I got it and I'm just in the middle of this thing, and that I, I'm thinking along those lines. Just say that, and that I'll jeopardize the prosecution.

Z. Right. OK.

P. And the right of the defendants.

And that therefore, that I can't that I've been told that by the assistant attorney general. That I cannot do that today. It will jeopardize the prosecution. (unintelligible) if the President (unintelligible) it will tip a lot of others off that they are working on at the present time, and that I had put the pressure on to get this so that I can be (unintelligible) and I have in mind all of those options. Tell him that I have met with all three of them today. The President met with all three of them and discussed the problem.

Z. Well, you may not want to see him.

P. Now, be sure—

Z. Be thinking about it.

P. Sure. Ask him if—

Z. Yes sir.

Right (unintelligible). Tell him I want to think about it; then, I'd like to talk to him. I want him to get his things in shape. I want a firm recommendation.

Z. He apparently has a statement.

P. Well, bring it in and I'd like to have that statement, if I could, by six o'clock tonight. You deliver it at six. I'll be with Rogers at six o'clock and I'd like to have that statement.

Z. I'll bring it in.

P. Oh, no. Should I have it before I see Rogers that statement? Tell him I'd like to have it, that I've just gotten

Ehrlichman: Well — let's follow this line and see where it leads us. The President rested secure in the belief that his counsel had investigated this and assured him that nobody in the White House was involved.

tied up here. Tell him I've been meeting with Peterson. I cannot act today,

but I'll be ready to do something quite soon.

Z. Good.

P. Don't tell him about it.

Z. No.

Meeting between President Nixon and John Dean in the Executive Office Building office, April 16, 1973 from 4:07 p.m. to 4:35 p.m.

P. Hi, John.

D. Mr. President.

P. Well, have you had a busy day?

D. Yeah, I have been—I spent most of the day on trying to put together a statement that I think you could come out—apparently some other people have done some work on—I haven't been working with them. Presumably we are all kind of driving at the same point. I was working on a draft when you called.

P. Listen, I've got to see Rogers in just a few minutes so let me have (unintelligible)

D. Well, I think—I was calling Dick Moore in on it, but Dick is working on it with these others.

P. That's good. What would be best? Rather than giving it to me piecemeal, why don't you put one together?

D. It's got a strong thrust which puts you—

P. (Unintelligible)

D. There is a tough question here—the degree of biting the bullet right at this hour. Now there is one paragraph—

P. There is a question of timing

D. It is a question of timing but it is also a question—I have one paragraph in here that says what you are doing as a result of what has come to your attention and some of the things that Petersen has told you.

P. Uh, huh.

D. And one of the points is that it provides that all members of the White House staff will be called before the grand jury effective immediately. They will be on administrative leave until such time as the grand jury completes its work. Now here is the tough paragraph thus far: "In this connection, I have not spared my closest staff advisers and included in this action are H. R. Haldeman, assistant to the President, John Ehrlichman, assistant to the President, and John Dean, counsel to the President." Now you can do that or leave that out and let them guess who is on administrative leave.

P. Anybody called before the grand jury?

D. That's right. That means that no man—

P. You can bite the bullet on Dean, Haldeman, and Ehrlichman until then, huh? On the other hand, if (unintelligible) is lying—have you talked to (unintelligible)

D. No, I haven't.

P. I have a sensation that he is lying right now but the trouble with that is there might be some confusion. Petersen says, incidentally, on

your letter—he thinks it is probably better to get letter in hand and get the grievances out.

P. I said, "Well, what do you think about it? I was considering your returning and I don't want to do anything to jeopardize your rights. He feels (a) that he wants to clear it. But he is—

P. Not recommending it.

D. Uh, huh.

P. He said—"stand fast (unintelligible) however, public prosecution would not be harmful to an individual, you know, if we had the resignation in hand so we could act on it. (inaudible) other than let me say—let me see what you had in mind.

D. I have a letter

P. I don't care about the letter but I thought it was fair—fair to everybody. (inaudible)

D. I wrote: "Dear Mr. President: Inasmuch as you have informed me that John Ehrlichman and Bob Haldeman have verbally tendered their requests for immediate and indefinite leave of absence from the staff, I declare I wish also to confirm my similar request as having accepted a leave of absence from the staff." Well, I think there is a problem—

P. You don't want to go if they stay—

D. There is a problem for you of the scapegoat theory.

P. You mean making use of it.

D. That's right.

P. Like Magruder being the scapegoat for Mitchell?

D. That's right. You know, everybody is appearing before the grand jury. This does not impute guilt on anybody.

P. Let me put it this way I think rather (unintelligible) I could say that you, as counsel—that you have been responsible for the investigation. We already have said that about this case haven't we?

D. That's right. The only man you are dealing with and the only role I have is to help fill in any information I can to deal with the public relations of the problem. You know—

P. you can say it that way John. You can say the President sought your advice until it is cleared up.

D. That's right.

P. (unintelligible) I don't know that the letter (inaudible) and that goes out ahead, frankly, of the Magruder-Mitchell hitch doesn't it?

D. That's right. I wasn't counting on that—

P. We haven't made a deal with Magruder's lawyers yet. Magruder is turning from the Ervin committee on Judge Sirica—

D. (unintelligible)

P. I don't want you to talk to anybody else, understand? Except for (unintelligible)

D. I am not doing any investigative work or—

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

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

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

D. That's right.

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

D. Let me check back and see.

D. Necessity of the overall problem of the White House. Looks like we both talked to them about that.

P. Yes—yes it does. Tell me what you last talked with Haldeman about.

D. That Bob would like Dean to be the first to testify. It is very painful for me. (inaudible)

P. (inaudible) one thing you should all (inaudible)—did Dean know? Did Haldeman know? Did Ehrlichman know? You may know. He said "Dean came over to Haldeman after that and told him about the plans for Gemstone."

P. (unintelligible) says you're right. His point being that actually Haldeman then did know.

D. No sir, I disagree with that interpretation—

P. I didn't know, but if that was the case you see John then—I would have to—Dean would have told me something.

D. No, because I have always put it to you exactly that, way because Bob has told me he didn't know. Now I know I didn't but I feel—

P. What about this conversation? (inaudible) if this had happened, wasn't Bob responsible for telling me?

D. I think what happened is probably this—everyone assumed that John Mitchell would never have approved anything like this. I told him I was not going to have further dealings with Liddy or anybody over there on this and I didn't. I didn't have the foggiest notion what they were doing.

P. That's what you told me, you know. (inaudible)

D. Well, Bob tells me he did not know. Now I know the question is—the other thing is—I cannot, I couldn't describe twenty minutes after the meeting what Liddy was presenting was the most spectacular sales pitch you have ever seen in codes and charts and (unintelligible) operations.

P. You mean Gemstone?

D. Well, that is what I am told now later after the fact they called it. I told Bob, "They are talking about mugging squads, talking people south of the border in San Diego, etc."

P. What did Bob say?

D. He said, "Absolutely no."

P. You will do testify?

D. That is right—absolutely. I don't know—I assumed Bob has never told me anything to the contrary so I thought that nothing happened from the time of that meeting where he told me, "Don't do anything about it. You are to stay away from it. Don't talk to Hunt and Liddy." I said to Liddy, "I

am never going to talk to you about this again, Gordo." So what I thought was that inaction was the result—of their not having produced something reasonable. Second, I don't know—

P. You didn't get hold of Mitchell on it did you?

D. I don't have the record on that—

P. Magruder says that—but—(inaudible) then I see. Your statement is consistent with what you told me before. I wish you would tell (unintelligible) that Haldeman said, "Absolutely not."

D. That's right. Bob and I have gone over that after the fact and he recalls my coming to the office and telling him about this crazy scheme that was being cooked up.

P. Do you want to go and get together—

D. I will work on this statement—they want to have something to (unintelligible) that they are going to go before the grand jury.

P. Bill Rogers. We are going to have him available. Everyone needs help. None of us can really help another I really believe.

D. That's right. All I am trying to think is how we can get you out from under.

P. That's right. I tried to talk today about social issues, etcetera, and everyone is just interested in the Watergate issue.

P. My days are too short—

D. Something about Magruder—they are going to take him to the courts.

P. I know—he has agreed to (inaudible).

D. I can't foresee what we would want to say about any investigation—

P. "You see I make my own" how about trying that? "Let the White House staff (inaudible)."

D. Unfortunately it doesn't solve; your problem. Mine bother me but (unintelligible) Mitchell was making heavy comments that Liddy and Hunt will make heavier problems for the White House than he will. (unintelligible).

D. Poor Bud Krogh is so miserable. Knowing what he knows—

P. Need any help with him?

D. There is no reason that he should be. The only evidence that they have (inaudible)

D. It just got forced on him. When I was first talking to him — "run these guys through the grand jury —" to be very honest with you, I have talked about it around here before I got in to see for many, many months. Then I thought I could not let it interfere with my work anymore so I thought I might as well forget it.

P. That's right. That's when you came in to see me. Finally, that is when I came in to see you and got some answers.

D. Now, they have their full investigation going — with subpoena power,

investigative power, etc cetera. It is all like a set of dominoes if one goes they will all go.

P. Secretaries, etcetera.

D. I don't know (unintelligible) they are going to handle Ehrlichman and Haldeman. There is a potential prima facie situation right now (inaudible) which thereby makes it necessary for you to make a judgment that those people should leave the staff.

P. Make it necessary for me to relieve them from any duties at this state.

D. That's right.

P. I don't have to discuss it with him—but just say, "you are all out."

D. That is a tougher question because one that is putting you in the position of being the judge of the entire facts before all the facts are in necessarily.

P. That is really my problem in a nutshell. So those fellows say that—this fellow says that—

D. Maybe that is the way this ought to be handled. You say, "I have heard information about allegations about (inaudible) some publicly and some have not become public yet. I am not in a position to judge because all the facts are not in yet (inaudible)?"

P. (inaudible) but you agree, John, don't you that the statement is fair to everybody? and frankly — (balance inaudible—door closes).

Telephone conversation between President Nixon and Assistant Attorney General Henry Petersen, April 16, 1973, from 8:58 p.m. to 9:15 p.m.

P. Mr. Petersen please, Assistant Attorney General Henry Petersen.

Operator: Oh, Henry Petersen.

P. Hello—

HP. Yes, Mr. President.

P. Did you get out with your kids?

HP. Sort of. We got together with them.

P. That's good.

HP. They all just hollered, the President is calling, right at the nose at nine o'clock.

P. Well, I wanted to get you in bed earlier tonight than last night, and I want to get to bed too. Let me say first, I just want to know if there are any developments I should know about and, second, that of course, as you know, anything you tell me, as I think I told you earlier, will not be passed on.

HP. I understand, Mr. President.

P. Because I know the rules of the grand jury.

HP. Now—Larue was in and he was rather pitiful. He came down with O'Brien and said he didn't want private counsel at all. He just wanted to do what he did. He told John Mitchell that it was "all over."

P. He said he had told John Mitchell that?

HP. Yes, he, Larue, admits to participating in the (unintelligible) and obstruction of justice. He admits be-

ing present, as Dean says he was, at the third meeting, budget meeting, but—

P. Who was present at that meeting Henry? I don't know.

HP. He and Mitchell.

P. He and Mitchell alone?

HP. And he says, ah—

P. Larue and Mitchell? I didn't—that must be a meeting I seemed to have missed. Dean was not there at that meeting?

HP. Dean tells us about it. Now I am not quite certain whether Dean was present or not. That meeting was down in Florida.

P. Oh, some—oh, I heard about a meeting, but I think you told me about that.

HP. He is reluctant to say at this point that Mitchell specifically authorized the budget for the electronic eavesdropping at that point. But I think he is going to come around. He is just so fond of John Mitchell. He admits that it could not have been activated without Mitchell's approval, however.

P. Uh, huh.

HP. O'Brien, they didn't get to. Strachan called back around five o'clock and said he was having difficulty in getting a lawyer. He finally got a lawyer. Colson's law partner.

P. Oh? Colson's law partner?

HP. The United States' attorney's office took issue with this, and threatens to go to the judge on a conflict then he—

P. Got another one?

HP. Got another lawyer. He'll be back tomorrow.

P. All you got to today was Larue?

HP. That's right. Now, the other additional information from—

P. Larue said he had told Mitchell that it was all over?

HP. Yes.

P. When did he do that?

HP. Just recently. Today, yesterday or the day before.

P. I see.

HP. You know, he had thrown in the sponge.

P. I get it.

HP. We talked earlier today about Ehrlichman. Now a little additional detail on that.

P. Uh, huh.

HP. Liddy confessed to Dean on June 19th—Dean then told Ehrlichman.

P. Liddy confessed that he did the deal, or what?

HP. That he was present in the Watergate.

P. Uh, huh.

HP. Ah, then you also asked about Colson. Colson and Dean were together with Ehrlichman when Ehrlichman advised about Hunt to get out of town and thereafter—

P. Colson was there?

HP. Colson was there so he is going to be in the grand jury. With respect to Haldeman, another matter. In connection with payments of money after connection with payments of money afterwards—

P. The fact.

HP. June 17th, Mitchell requested Dean to activate Kalmbach. Dean said he didn't have that authority and he went to Haldeman.

P. Uh, huh.

HP. Haldeman gave him the authority.

P. Uh, huh.

HP. He then got in touch with Kalmbach to arrange for money, the details of which we really don't know as yet.

P. Right.

HP. So Kalmbach is also a grand jury witness to be called. And I think those are the only additional developments.

P. Right. What is your situation with regard to negotiation with Dean and your negotiation with regard to testimony by Magruder?

HP. Well the trouble is—

P. Trying to get the timing, you see, with regard to whatever I say.

HP. Magruder's lawyers are still waiting to get back to him.

P. I see.

HP. They are very much concerned about Judge Sirica and they are not so much concerned about Ervin. Now their immediate concern is Sirica and they want that ironed out first.

P. What do they want ironed out, that

HP. That he won't go to jail before the rest of them.

P. Oh, I see, if he confesses?

HP. That's right. Thus, pending a meeting with Judge Sirica—

P. Which you've got to have, I suppose?

HP. Titus knows him better than any of us.

P. Sure.

HP. Probably Titus will handle that aspect of it.

P. Uh, huh.

HP. But that's got to be very delicately done. He is apt to blast us all publicly.

P. Sirica? Right.

HP. We'll see and then we will take up the Senator Ervin issue.

P. Doesn't seem to be the major issue, though. The main thing is Sirica, he is concerned about?

HP. Sure.

P. Sure, because the Ervin thing will become moot in my opinion.

HP. Now the other concern we have on that issue is how to charge.

P. How to charge?

HP. In terms of how we charge Magruder. In terms of the things we are concerned with, we don't feel like we ought to put Haldeman and Ehr-



lichman in there as unindicted co-conspirators at this point, but we are afraid not to. If we don't and it gets out, you know, it is going to look like a big cover-up again.

P. Hmph.

HP. So we are trying to wrestle our way through that.

P. Whether you indict Haldeman and Ehrlichman along with the others, huh?

HP. Well we would name them at this point only as unindicted co-conspirators, but anybody who is named as an unindicted co-conspirator in that indictment is in all probability going to be indicted later on.

P. So you have to make a determination as to whether—

HP. Secondary issue if of course is whether we are going to have enough corroboration to make those statements, and—

P. That statement would be made, as I understand it, as you were telling me, if—

HP. It would be in open court.

P. It would be made in open court, and then you would make a statement with the others. You would name them at that time?

HP. Well, we wouldn't do it in those terms. We would simply do it in terms of feeding the facts to the court.

P. That would be done publicly. Would you name Mitchell then too?

HP. Well, we would have to. You see the problem is

P. That would all be done in open court?

HP. That's right. Once we do that, or even if we don't, Sirica's habit in court, and he certainly is going to do it in this case, is to interrogate the defendant himself.

P. Right.

HP. And—

P. The defendant who pleads guilty? HP. That's right. If he interrogates Magruder, that brings out the Ehrlichman-Haldeman facts and if we haven't

mentioned them or included them in the conspiracy charge, then we are all going to have a black eye.

P. I get your point.

HP. These are the things we are trying to work out.

P. You've got quite a plate full. You probably won't get it tomorrow then will you?

HP. I doubt it. I doubt it.

P. Uh, huh. What about Dean—in his case you are still negotiating, huh?

HP. Well, we are still tying down facts with him and we want to get as much as we can.

P. And basically with him, the point is you've got to get enough facts to jus-

tify giving him immunity? Right?

HP. Enough to make the decision, yes sir.

P. Depends on how much he tells you, is that it?

HP. Right. And more than that, how much of it we can corroborate.

P. If you can't corroborate enough then he doesn't get off, is that it?

HP. Well, if we can't corroborate it, that's right. We can't very well immunize him and put him head to head against a witness who is going to beat him.

P. I see. Well his people are playing it pretty tough with you then?

HP. Yes sir.

P. I guess we'd do that too, I suppose.

HP. Indeed so.

P. I prefer them to do that. Let me see if I get the facts? You will hear Strachan tomorrow, perhaps.

HP. We expect he will be in. He will come in with his lawyer again.

P. My second point is that—let me see about the 19th—Dean says that—

HP. On the 19th.

P. Yeah.

HP. Liddy confessed to Dean.

P. Dean says that?

HP. Dean says that.

P. Liddy confessed to him and that he told Ehrlichman?

HP. Right. He told Ehrlichman.

P. Humph—that's new fact isn't it?

HP. It's at least—yes, sir, and that's a terribly important fact I think because there was no disclosure made by either side of them.

P. Either Dean or Ehrlichman?

HP. Yes, sir.

P. Humph. When did Dean say this?

HP. It got to me this evening. I am not quite sure when Dean said it. Silbert (unintelligible).

P. You see the point is, Dean didn't tell me that. That is the thing that discourages me.

HP. Well, Mr. President, you have to remember that we are debriefing him on what has transpired over the last eighteen months.

P. I see.

HP. It is very difficult you know,

to get it all in.

P. I know. I am not talking about you, but I am talking about what he didn't tell me, you see. That's a key fact that he should have told me, isn't it?

HP. Yes.

P. Uh, huh. Let's see, the 19th, and on the Haldeman thing what did you have there again so I get that in my mind.

HP. Let me go back over my notes. The principal thing that I wanted to point out to you on Haldeman is that Dean went to Haldeman to get authority to go to Kalmbach.

P. Oh yes, yes, yes. That was it. When Mitchell told him to go to Haldeman.

HP. Mitchell told Dean simply to activate Kalmbach to handle the money.

P. I see.

HP. Dean then went to Haldeman to get authority to contact Kalmbach. Thereafter, Kalmbach took care of the money. Now—details on the \$350,000 which you indicated you knew about.

P. I knew about the fund. I don't know how it all went—

HP. This is how it developed. It developed as related to us, as money over which Haldeman exercised control. That money was delivered to Larue to be used for payments, at least a portion of it.

P. Some of it. Right. I think Haldeman would say that's true. I think he would. I don't know, but we'll see. You should ask, I guess, Kalmbach.

HP. The point of it is that it went to Larue instead of going to the committee directly.

P. Uh, huh.

HP. Larue apparently did not give a receipt and Haldeman had requested it.

P. Uh, huh. I think Larue was loosely a member of the Finance Committee. I think that was the point Haldeman—I said, who did this money go to? He said, it went to Larue was a member of the committee or something like that or of Stans' committee. I don't know what that is. Is that correct, or do you know that?

HP. I don't know that. All I know is that he worked for John Mitchell. I will check on that though.

P. The money went to Mitchell?

HP. No, I say all I know is Larue worked for Mitchell.

P. Yeah. I think he worked on the Finance Committee, but I don't know. You ought to check that out.

HP. I will.

P. OK. The, the main thing I need, of course, is something—well, before, wait you are not going to have anything tomorrow in court so I don't—

HP. I don't think so.

P. Tomorrow you just continue to develop the evidence.

HP. Yes, sir.

P. I think, therefore, no statement would be in order at the present time. We decided against one today. It just

didn't seem to be—I thought it might—I just had to make my own determination. I thought it would jeopardize the prosecution, you know. Who knows?

HP. Probably would raise more questions than it answered.

P. That's right. We don't want to say anything until—like if there has been a big break in the case and everybody starts—

HP. I will tell you one thing, Mr. President, that you ought to know. I had a call from (unintelligible) Ostrow of the LA Times, who is a decent man and a reasonably good acquaintance. A reporter of character, if there are any, and he said that they had a report out of the White House that—let me use his words—that two or three people in the White House were going to be thrown to the wolves. He asked if there was anything to it, and I said there is not a damn thing I can tell you about it. I just can't say anything about it one way or another. I don't want to confirm it and I don't want to deny it.

P. So they will probably write a story on that, huh?

HP. I don't know, but I mention it only because it's—

P. It's beginning to get out. Yeah.

HP. Beginning to percolate.

P. It must have come from the U.S. attorney's office you think?

See TEXT, A27, Col. 1

TEXT, From A26

HP. I doubt it, because I have not told them—unless they made their own conjecture.

P. U.S. attorney—but they were thinking in terms of the Haldeman-Ehrlichman thing, and Dean, I suppose.

HP. I don't know what he was thinking about, and I don't—

P. Where does the Colson thing come in again? I want to get that one down too.

HP. Where does who fit?

P. Colson.

HP. Colson was present when Ehrlichman issued the order for Hunt to get out of the country.

P. I get it. Fine. OK, so you will call him too?

HP. Yes, sir.

P. Right. OK. Well if anything comes up, call me even if it is the middle of the night. OK?

HP. I will indeed.

P. Thank you.

HP. All right, Mr. President, thank you.

Meeting of President Nixon and H. R. Haldeman in the Oval Office, April 17, 1973 from 9:47 a.m. to 9:59 a.m.

(Band music)

H. Yes, sir.

P. Oh, hello—sit down. I was thinking that we probably ought to use John

Connally more to try to hammer out what our strategy is here on Watergate.

P. Rose, I am sorry I didn't intend to push your button now.

RMW. OK.

P. Thank you, Rose, I will call you later.

H. The only question there would be whether we ought to meet earlier on the basis that, well, we—

P. I understand I can't I have the Italian for a while. I could meet at 12:30. No, after that—1:00 o'clock.

H. The reason being, and the only reason, there is felt to be—and we may not want to react to it but we may—there is felt to be—Colson, for instance, called Ehrlichman this morning and said that his sources around town, department sources and everything, say that we've got one more day to act on our initiative.

(Material unrelated to presidential action deleted.)

H. And that all these breaks, this White House is all over town.

P. So we may have to go today.

H. And you have also seen or know the Los Angeles Times has the story.

P. About (unintelligible)

H. The White House has got to move, and the thought is that if we are going to move today we probably ought to meet earlier, so we are ready to move by three o'clock or 3:30 or something.

P. Fine. OK. If you just get together. I think we have to move today.

H. Well, if we look like we have anything, we have to get out in front

some way.

P. Well, you might have to give them the full report today that way it is breaking so fast. Let me say that the problem you've got here—I had quite a long talk with Rogers, etc.—of course he was much more rational than Len. Len's (unintelligible). On the other hand, you've got the problem of you and John sort of being nibbled to death over a period of time.

H. Yep.

P. And by not moving, having a situation where, frankly, the chances of your being—I mean of your being publicly attacked and also even the steam of the prosecution is greater. You know what I mean. It is a curious thing, but I am afraid that is the way it operates. You know every day there is some damn little thing that somebody touts around with, you see, so everything can be explained and try to defend and all that sort of thing. But I am not prepared to make that suggestion, but I want you to talk to John about it.

H. Yeh. OK.

P. Dean met with Liddy on June 19th, must have been when he did it. He was in California in January but that is irrelevant. But they keep banging around. The prosecution gets out the damn stuff. Did John talk with you about it?

H. Yeh, he mentioned it. Dean did tell us that story in Ehrlichman's office

last week or two weeks ago.

P. But not to go all through this.

H. I don't think so.

P. Yeh.

H. I think I mentioned it to you. Remember I described the story to you in some detail (unintelligible) walked down 17th Street—

P. This was all after we had started our own investigation.

H. Oh, yeah.

P. I mean it wasn't back then. It wouldn't indicate that we knew about all this, etc. Another thing, if you could get John and yourself to sit down and do some hard thinking about what kind of strategy you are going to have with the money. You know what I mean.

H. Yeah.

(Material unrelated to President's actions deleted.)

P. Look, you've got to call Kalmbach so I want to be sure. I want to try to find out what the hell he is going to say he told Kalmbach? What did Kalmbach say he told him? Did he say they wanted this money for support or—

H. I don't know. John has been talking to Kalmbach.

P. Well, be sure that Kalmbach is at least aware of this, that Larue has talked very freely. He is a broken man. The other thing is that this destruction of the (unintelligible) things is troublesome, of course. John tells me, oo, and basically the culprit is Pat Gray. Does Colson know about that? Is that why they are calling Colson because Colson was in the room when it was handed to Gray?

H. No, he wasn't. Well, apparently he wasn't.

P. He says he wasn't?

H. Colson thought, well, there was a meeting before that, where they talked about the deep-sixing and all that supposedly.

P. He was in that meeting?

H. Which Colson was supposed to have been in.

P. Right, right, right.

H. Colson doesn't remember being in it, but Colson flatly says that there was never anything where he was where there was a discussion of Hunt getting out of the country. Kehrl says

the same thing. He was supposed to be at the same meeting. In fact, Ehrlichman has checked everyone who was at that meeting and nobody recalls that being said except Dean. And we now have the point that Dean is the one who called Liddy and told him to telephone Hunt to get out of the country and then called him later and said not to.

P. I would like a policy. I think, Bob, we have to think, I must say, we've got to think about a positive move. I think it ought to be today.

H. I agree.

P. I think it should be at 3:00 today. We have already, I hope the story doesn't break today in—

H. Even if it does you can get into

cycle with it.

P. Yeah. Well, I don't want to be answering it.

H. No.

P. That is the problem with this Italian here. I want a thing done today and you and John have got to think, frankly, in terms, let me say, not just in terms as a national group for the President and all that—but also you have to think in terms of having

Haldeman: He also . . . told you that Strachan got very good treatment over there.

President: No, no, no, He told me the opposite.

Haldeman: Oh.

President: He said that Strachan just got the hell beat out of him.

Haldeman: He did. He was absolutely astonished . . . they threatened his life practically . . .

this damn thing continue to be dragged up bit by bit and answers dragged out bit by bit, anyway, I suppose. But the point is that Dean's incentive with the U.S. attorney, incentive with everybody else will be this and that, you get my point?

H. Yep.

P. I am sure you and John can talk about it. You see what's happened, the prosecutor has been pretty clever. They got Magruder. Well, Magruder just caved, but it had to come. It had to come, Bob. It was going to come.

H. Yes, I think so. I think it had to and should.

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

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

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

H. That is the real problem we've got. It had to break and it should break but what you've got is people within it, as you said right at the beginning, who said things and said them, too, exactly as Dean told them. The more

you give them the better it will work out.

P. I have to go. As a matter of fact, I am sure I will be ready by 1:00 o'clock.

Meeting between President Nixon, H. R. Haldeman, John Ehrlichman and Ronald Ziegler in the Oval Office, April 17, 1973, from 12:35 p.m. to 2:20 p.m.

P. Where did we come out?

E. Well, we got two things, we got a press plan but it rests upon some decisions that you have to make on sort of an action plan.

P. Right, alright.

E. And, I just finished an hour with Colson who came over very concerned and said that he had to see you. That the message he had for you that he had to and wanted to explain in length is why Dean had to be dealt with summarily. His partner has a tie-in with the U.S. attorney's office and they seem to know what is going on there. Very simply put, I think his argument will be that the city of Washington generally knows that Dean had little or no access to you.

P. True, that's quite right. Dean was just a messenger.

E. That knowledge imputed to you and if Dean is (unintelligible) and testified that he imputed great quantities of knowledge to us, and is allowed to get away with that, that, that will seriously impair the presidency ultimately. Cause it will be very easy to argue—that all you have to do is read **Dean's testimony**—look at the previous relationships—there she goes! So, he says the key to this is that Dean should not get immunity. That what he wants to tell you.

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

E. Now he says you have total and complete control over whether Dean gets immunity through Petersen. Now that's what he says. He said he would be glad to come in and tell you how to do it, why, and all that stuff.

P. I don't want Colson to come in here. I feel uneasy about that, his ties and everything. I realize that Dean is the (unintelligible) and so forth about (unintelligible) go popping off about everything else that is done in the government you know, the bugging of the—

E. Well, the question is. I suppose is which way he is liable to do it most.

P. First of all, if he gets immunity he'll want to pay just as little price as he can.

E. Well, the price that—the quid-pro-quo for the immunity is to reach **one** through us to all of us. Colson argues that if he is not given immunity, then he has even more incentive to go light on his own malfeactions and he will have to climb up and he will have to defend himself.

P. Now when he talked to me I said, "Now I understand John. I understand the tactic of all three resigning." I said, "All offered to resign." I told him that, you understand. I told him that you and John had offered to resign so he's aware of that.

H. Well, have they told him that the price of his immunity is that if we resign they'll give him immunity? Do they feel that makes their case? Or, does he have to give them evidence?

P. I don't know. He's going to have a tough time with that.

E. Well, to go on. My action plan would involve—

P. What would your plan be?

E. My action plan would involve your suspension or firing of Dean in the course of a historical explanation of your reliance on the Dean report—his apparent unreliability—

P. But going out—you see the garment guy got him in today—Garment says it's all going to come out anyway (unintelligible) etc., etc., etc., with the U.S. attorneys. That's what Petersen's view is, of course.

E. What's that? The Garment deal?

P. That is it all going to come out, and Haldeman and Ehrlichman are going to resign. He told me that on Sunday. I asked him again yesterday. I said, "Now look it. That's pretty damned flimsy." He said, "Yes, I'm not talking about legal exposure. I'm just talking about the fact that as this stuff comes out they're going to be eaten, but eaten alive. Mr. President, the clamour is going to be something you cannot stand." I said, "Would it be better for them to get leave or something?" And he said, "No, this is the government. Rather to sit there and later as a result of this tid-bit and that tid-bit and so forth—he lied and I don't lie and so forth. Haldeman against Dean and Haldeman against Ehrlichman, Ehrlichman against Dean, who to hell is lying?" He said, "Definitely they'll say, (expletive removed), Mr. President, can't you let these fellas—." Now that's my point, That's what he said.

E. I understand.

P. That's an argument to be made. He said that to Rogers last night and that, of course, is Garment's argument. And I guess Rose, Chappie Rose agree with that, or whatever. My problem is, at the present time, I just don't want to have to talk to each of these sideline people individually, 'cause I don't know. I think some—Garment came in and was talking about the (unintelligible) story in The Times. Petersen told me about it last night. He said (unintelligible) had called. And I said, "that must have leaked out of your place." He said, "No, it didn't." Could it leaked out of here?

E. Could it have been Garment?

H. Could have been, but it isn't at all likely. It's a Justice.

P. But you see—what you say about Dean, I said to him (unintelligible). He supports the Garment plan. He's talked

to Garment and Garment has talked to Dean.

E. Dean has talked to everybody in this place.

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

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

H. But so what?

P. What?

H. So what?

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

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

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

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

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

P. That's the only thing I can think of he's told me but I've not got him in



yet to ask about this thing about you—Liddy (unintelligible)

E. Oh well, they'll be one of those a day.

P. Well, the point is can we survive it?

E. Well

P. Can Haldeman and Ehrlichman survive it. The point that I—let me say this. I know your (unintelligible) it's a hell of a lot different that John Dean. I know that as far as you're concerned, you'll go out and throw yourselves on a damned sword. I'm aware of that. I'm trying to think the

thing through with that in mind because, damn it, you're the two most valuable members on the staff. I know that. The problem is, you're the two most loyal and the two most honest. We don't have to go into that. You know how I feel about that. It's not bull—it's the truth. The problem we got here is this. I do not want to be in a position where the damned public clamour makes, as it did with Eisenhower, with Adams, makes it necessary or calls—to have Bob come in one day and say, "Well Mr. President, the public—blah blah blah—I'm going to

leave." Now that's the real problem on this damned thing and I don't think that kicking Dean out of here is going to do it. Understand, I'm not ruling out kicking him out. But I think you got to figure what to hell does Dean know. What kind of blackmail does he have? I don't know what all he does—

E. Let me make a suggestion.

P. Alright.

E. You've got Dean coming in to you saying, "I've talked to the U.S. attorney and I've told him a lot of things that I did wrong." So you put him on leave. He isn't charged with anything yet, but he's said them to you.

P. I asked him that and he said I'll go on leave along with Haldeman and Ehrlichman.

E. Well, he's not in any position to bargain with you on that. Now when the time comes that I'm charged with anything wrong

P. Well, John, you have been by a U.S. attorney and by Petersen to me. Petersen is not charging you legal—

E. That's what I mean. See I understand the difference. You see Dean has broken the law on the face of his (unintelligible) to you—

P. Petersen has said to me, he says that there is—because of the evidence that has come in here—that Haldeman and Ehrlichman should (unintelligible) now I'm faced with that damned hardship.

(Material not related to presidential actions deleted.)

P. Hmmm. Say you get there. So you don't get immunity. Colson thinks it's in order not to give immunity, huh?

E. Right.

P. And tell him. Then he would say, "Well, what are you going to do about Haldeman and Ehrlichman?"

E. What you have to say is nobody—

H. He doesn't have to say that.

P. Yes, he does.

E. What you have to say is nobody in this White House—

P. Dean isn't going to say it. I mean—Petersen—Petersen's the guy that can give immunity.

H. Well, tell him not to give us immunity either.

P. (Unintelligible) that's a problem. Now come on!

H. Well, see, it's none of his busi-

ness whether you suspend us or not. That's your decision.

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

H. Yes, but, even Ehrlichman, which he already admits he doesn't have a case on (unintelligible) significance.

P. Well, he says legally, yes, he does. In the case of Haldeman, it'll discuss—the Strachan things have—determine a lot to do with what Strachan says and what Kalmbach says — the 350 thing and that sort of thing.

H. Kalmbach has no relation to me on that.

E. That ah—

P. Have you thought when you say before it gets to (unintelligible) thing out of the way. Have you given any thought to what the line ought to be—I don't mean a lie—but a line, on raising the money for these defendants? Because both of you were aware of what was going on you see—the raising of the money—you were aware of it, right?

E. Yes, sir.

P. And you were aware—you see, you can't go in and say I didn't know what in hell he wanted the \$250 for.

H. No—I've given a great deal of thought (unintelligible)

P. Well I wonder. I'm not—look—I'm concerned about the legal thing, Bob, and so forth. You say that our purpose was to keep them from talking to the press.

P. Well, that was my purpose—and before I get too far out on that, ah, I want to talk to an attorney and find out what the law is—which I have not yet done.

P. Right!

H. That's just what I want to do, too. This is only a draft.

P. Right. Good. The only point is I think it is not only that but you see that involves all our people. That's what I feel—it involves Kalmbach—

E. Well.

P. And what to hell Kalmbach was told.

E. Well, Mr. President, when the truth and the fact of this is known, that building next door is full of people who knew that money was being raised for these people.

P. EOB?

E. Yes, sir, just full of them.

P. Many who know, but there were not so many actors. In other words, there's a difference between actors and notices.

E. OK. Well, apparently not, because I'm not an actor; ah—

H. The question there is testimony, I suppose.

P. I'm not trying to make any case

E. No, but —

P. I'm not stating a case.

E. No, but I want you to think very critically about the difference here between knowledge of the general transactions going on, on the one hand, and being an affirmative actor on the other, because that's the difference between Dean and me. Now on this business of whether Dean should have immunity, I think you have to ask yourself really, the basic question, whether anybody in the White House who does wrong, ought to get immunity, no matter how many other people he implicates.

P. Strachan included?

E. Anybody—anybody. I just question whether in the orderly administration of justice, it looks right for anybody in the White House to get immunity.

P. I could call Petersen in (unintelligible) basic (unintelligible) public statement out at 3:00 p.m. Is that right?

H. Well, yes—but you don't have to.

P. Well, Garment says we have to.

H. Well, yes, but isn't that what

Garment said yesterday, the day before, and the week before that? Garment (unintelligible).

P. Well, understand, I'm not panicking myself but they tell me there seems to be a considerable feeling that a —

E. Well, I agree with you.

P. (unintelligible) Larue's been called, Strachan's been called, Dean might put up a story of The Times. You never know. We don't need a Haldeman-Ehrlichman.

E. Yeah, but you see it's typical Dean position. If Dean is treated different from us, he will go out and say he's a scapegoat for higher-ups.

H. That figures 'cause he knows Ostrow and Ostrow is the guy that covers Justice.

P. I see and Petersen told me that. He told about conversations with that the wife of (unintelligible) apparently sat at some table with (unintelligible) libber they addressed, and the top guy, Rosenblatt or something like that, at The Post was talking to somebody else of the staff. "The press is going to get out in front — we've got a hell of a lot more — we've just held it back." They might be bluffing—I would doubt that they are at this point.

H. I would think they probably have more, but I would guess what they have more of is in the committee. I don't think they got much more in the White House, unless, I don't know what it could be unless they got Colson stuff—that would be the only area.

P. (unintelligible)

H. Yeah, that's the only area where you have any jeopardy in the White House.

P. Let me say with regard to Colson—and you can say that I'm way

ahead of them on that—I've got the message on that and that he feels that Dean—but believe me I've been thinking about that all day yesterday—whether Dean should be given immu-



ity. The point is—I don't know that

it can happen, but I can call Petersen in and say he cannot be given immunity, but nobody on the White House staff can be given immunity. And I—whether he'll carry that order out—that's going to be an indicator that that's Dean and (unintelligible). And then what do I say about Dean. Do I tell him that he goes?

E. Well, you see, the thing that precipitated Colson's coming over is that he found that Dean was still here. You see, Dick Howard called Chuck and went through that business of the FBI men sending him into the arms of Dean. So, Colson called me and says you've got an asp at your bosom over there, and so, today he checked again, apparently with Howard, and discovered that Dean was still here and he called and said, "I've got to see you." He came in and he says, "You guys are just out-of-your-minds," and said he wanted to see the President. He was fit to be tied about it.

P. Colson was?

E. Yes, because he thinks—

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

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

P. The way he's put it to me, Bob, very cute, as I have said, "Son of a

gun (unintelligible) in view of what you have told me, if Haldeman and Ehrlichman are willing to resign, and so forth, I too, will resign." In other words, he basically put the shoe on the other—which of course is what led me to the conclusion that that's exactly what his attorney told him to do. If he can get Haldeman and Ehrlichman, that some way gets him (unintelligible) that's what you have here.

E. Yeah, because then that will be argued back to the U.S. attorney, "Well, you see, the President thought enough of Dean's charges to let these guys go."

P. I was trying to indicate to him that both of you had indicated a willingness to—in the event—that—you know what I mean.

E. And here's a guy that comes in and in effect, confesses to you the commission of crimes.

P. And charges you.

E. And charges us, that's right.

P. That's right. And I said, "Now wait—these charges are not—and you see he also has an alibi in the U.S. attorney—"

E. Small wonders.

P. He's asked (inaudible) attorney general that the President should act—

E. Well, you see my point and—

P. Yeah—

E. And you'd have to obviously, call us when—

P. Go ahead. Go ahead on the action—

E. Well, it would involve the suspension because it would involve a recounting of how you happened to get into the personal investigation of this by reason of Dean's being unable to reduce his full report to writing for you. And that that rang a bell, and you personally turned to and have spent a great deal of your time in the last several weeks on this—and

have seen dramatic progress in the grand jury in the last several days. That would be step 1. Now in addition to that you would say the Ervin committee has come up with a good set of ground rules which do provide us with—

P. Well, did you work that out?

E. Well, you'd say this. I think you'll find that they are going to go on television under oath, pretty much regardless, but, the ground rules give you a toe hold. They do provide for executive session.

P. Is executive session considered executive privilege.

E. And they will consider—

P. And otherwise they will go into open hearings.

E. Yes, but there again executive privilege is reserved.

P. Executive privilege is reserved, fine.

H. At this point, the way we're in the soup now, we can lose nothing by going.

P. That's right.

H. I think we may gain.

P. That's right, I couldn't agree more. So if you can prepare me with at least that much, I'll agree. That I can say that today.

H. Well, that's a hell of a bomb shelter right there.

P. Yes, it is. But, let's get on with the rest of it.

E. That's it. That's all I have for today. But it gets you into the case—it's you leading it. It notices the progress and the grand jury as related to your efforts and it doesn't say what they are.

P. Well, the point is though the story today is that John Dean is suspended, but—and then John Dean is going to be out there plastering—out saying the President has indicated that Haldeman and Ehrlichman, too, might go.

H. Let me suggest a different process, which is that you don't suspend John Dean, but that you instruct John Dean that he is not to come to work any more. He is in effect suspended, but not publicly suspended.

P. He'll say, "What about Haldeman and Ehrlichman?"

H. I would suggest to you that you do the same with us. And I was going to suggest, I was going to request that action. For this reason—I've got to speak for myself. John's got to speak for himself. I have now concluded that my course is that I must put out my story. I must put it out in total and in my words, before I go to the—I don't know about the grand jury—before I—

P. Before you go to the Senate committee.

H. Go to the Senate committee. I'm going to have to put it out there anyway.

P. I don't think you're ever going to get to the Senate committee. I don't think the committee hearings will ever go forward.

H. I do. I don't think there is any chance of them not going forward. You

think because of legal case (unintelligible) OK. Great if they don't. Then maybe I never tell my story. But my view is that at some point in time I'm going to have to tell it.

P. But you—the way—I would reserve, Bob, the right to tell that story until you felt you did have to go to the committee hearings. See what I mean? Or, unless you got to a point where you were nibbled to death.

H. That's right. Or until a partial charge comes up. For instance, if the grand jury leaks or the justice people leak the Strachan stuff, then that forces my hand.

P. John?

E. Well, subject to attorney's advice.

H. That's what I was going to say. I will not make this statement until I have worked it out.

P. Bill said he just couldn't remember.

H. Well, we've got some leads. We've going to start on today, so we've got that, but my interest is served and I will also argue that the better off you

come out of this, the better off you come out of it—vis-a-vis me. In other words, anything I do to my interest is to your interest.

P. Let me ask you this, John.

E. What's that?

P. You said that you ought not to come for a while. On what basis? I mean, we do this on an oral basis.

H. What I'm doing now is requesting you, on an oral basis.

P. Yeah.

H. To not expect me to carry out any duties for a while because (inaudible) perfect this and get it ready—

P. Where would you do it, at home or in the office here?

H. I can do it wherever you want me to. I think I ought to do it in the office, but—

P. Alright.

E. If Dean says, "What about Haldeman and Ehrlichman?" You say "John, I'm talking to you about you. Now I'll take care of them my own way. I'm not going to have you bargaining with me."

H. I don't think the President can be in the position of making a deal with John Dean on anything.

E. Yeah. "I'll go if they go." Supposing I said, "I won't go unless Henry Kissinger goes!" Yeah, it's ridiculous. Let me speak to this. I have pretty much unplugged myself of my day-to-day stuff, because with this kind of stuff going on you just can't think about anything else.

P. Of cure, it's been a little hard for me, too, also.

E. Sure. Now, I have a need to get into, all kinds of records and my date books and these are volumes and volumes of correspondence and stuff. If I couldn't come into the office, I probably couldn't prepare a defense.

P. What about Dean coming in? Why not him? (unintelligible) I think I've told Dean he's to have nothing more to do with this case.

E. Well, he's sure not following out your orders, if that's the case.

P. You see what I mean.

E. Now, you'd have another problem, and I don't know what's been going on in the last week or so, but I imagine he's carted stuff out of here by the bale. I just don't know.

H. You don't know that.

E. I certainly—

H. If you suspend him or tell him to leave in any way, you also move in to take care of his files.

See TEXT, A28, Col. 1

TEXT, From A27

P. Could I say this, "John, both Haldeman and Ehrlichman have both requested the opportunity to be relieved of their duties—I mean their main duties, so that they can concentrate on this matter to prepare for their appearance before the grand jury."

Could I say that?

E. Sure, well—

P. Wait.

H. The trap you're falling into there is that you're admitting to Dean that you regard the allegations that he has raised against us as of the same validity of his own criminal admission to you.

E. If that's the case then maybe that's what you should say.

P. No, no, no, there are two different levels.

E. Then that's the way it ought to be put. He brought in a lot of silly garbage about me which doesn't add up to a nickel's worth of a law suit. Ah, he's come in and told you that he's been involved in all kinds of stuff. It seems to be a very different qualitative problem. Here again, I hate to argue my case—it's very awkward.

P. You should argue, John. I wonder if whether or not I trapped myself (unintelligible) about this business when I said, "Look, John," I said, "Both Haldeman and Ehrlichman have offered to resign."

E. Well, I offered to resign at your total and sole discretion. You don't have to have a reason—

P. (expletive removed) (unintelligible) then I said—

E. Well

P. Wait a minute. Wait a minute. Then Petersen said, he said, "We've got to have corroborative testimony." So you see what I mean?

E. Yeah.

P. Before we could get—let me put it this way. He realizes that before he could try to give Dean immunity he's got to have corroborative testimony on the value of Dean's evidence. That's what he's trying to get at the present time. That's why he was calling Strachan, Colson, Kalmbach, et al. The purpose of it being, John, to get corroborative evidence that would say, well, Dean's evidence is so valuable as far as other people are concerned, that we can therefore give him immunity. Now I'm not a criminal lawyer, but does that make any sense?

E. I don't know.

P. But you see what his tactic is?

E. I put it.—I don't know what the previous commitment to him is, but he's not being fired, he's not being suspended, he's being directed to stay away from the office.

P. I might put it that since you are talking to a U.S. attorney. If I could put it that way to him I might be able to make some hay. Bring the U.S. attorney in. And I'll say don't give him immunity.

E. From a public policy standpoint.

P. Yeah, (unintelligible) and I'll tell you what Peterson did tell me. He did say this much. I said, "What about Dean?" And he said, "Well, we haven't made a deal with him yet." I think I told you about this—

E. Yep.

P. I said, "Why do you have to make a deal?" and he says "Well, he wants to

make a deal." And I said "What do you mean, let him off?" He said, "Well, that's what you do, Mr. President." I said, "Well, I said, "You're sort of (unintelligible)." We've had some real good talks. I mentioned this to Rogers. Rogers just shook his head and said, "That's right." And I said, "They have both said that." And I said, "I will certainly have it under consideration."

E. Now there's another matter. If this is awkward for you, the best thing you should do is get rid of me, you know, once and for all.

P. Yep.

E. But if it anything short of that —

P. Yep.

E. Then it seems to be that you have to take into account qualitative differences.

P. Yep.

E. And if you don't want to make a formal suspension, then the thing to say is, "I want you to stay away from the office. Just don't come around, because I know everything that happens in this building is being funneled directly to the U.S. attorney through you, or I have reason to think that, and I cannot have that situation." Now that's the way — yeah.

P. So he isn't going to do it simply on the basis. He isn't giving Dean immunity simply on the basis of what Dean has already said.

E. I understand. Ah, my fear here is —

P. Dean getting immunity?

E. Dean getting immunity, or anybody in the White House getting immunity, it is in itself treatable as a cover-up. And obviously is we are put in a position of defending ourselves, the things that I am going to have to say about Dean are: that basically that Dean was the sole proprietor of this project, that he reported to me only incidentally.

P. Reported to the President?

E. Yes, Sir, in other words —

P. When?

E. Well, I don't know when, but the point is —

P. You see the problem you've got there is that Dean does have a point there which you've got to realize. He didn't see me when he came out to California. He didn't see me until the day you said, "I think you ought to talk to John Dean." I think that was in March.

E. All right. But, but the point is that basically he was in charge of this project.

P. He'll say he reports to the President through other people.

E. Well, OK. Then you see what you've got there is an imputation. He says then — as that kind of a foundation — "I told Ehrlichman that Liddy did it." What he is saying is that, "I told the President through Ehrlichman that Liddy did it."

H. Which means that it was perfectly acknowledged as far as Ehrlichman was concerned and there was nothing that you were required to do about it anyway.

E. That's right. But you see I get into a very funny defensive position then vis-a-vis you and vis-a-vis him, and it's very damned awkward. And I haven't thought it clear through. I don't know where we come out.

P. Yeah. You see Dean's little game here (unintelligible). One of the reasons this staff is so damned good. Of course, he didn't report to me I was a little busy, and all of you said, "Let's let Dean handle that and keep him out of the President's office." And maybe you didn't want him in there for other reasons, too. But he did.

say who the hell did he report to?

E. Well, the case I'm going to make—

P. Well, of course, he would then say who the hell did he report to.

E. Well, in many cases, to no one. He just went ahead and did things.

P. The other point is that they'll say (unintelligible) the first time he reported to the President —

E. Well statistically, it's interesting. I'm now far enough in my records for last year.

P. You probably had five meetings a month.

E. Less than that. Matched against that, all the other things I was doing—substantive things — and Dean becomes practically the least of my worries.

P. How about you, Bob?

H. I haven't any idea. I don't have a log. Unless Dean does

P. The only thing he doesn't have is the fact that should have come in to see me. Zeigler talked to him, I guess and so forth and so on.

E. Moore—frequently.

P. Moore—all right—Moore (unintelligible) but I haven't talked to Moore either, have I?

E. Well, I think, I've got to think this through. I just don't know where that leads.

P. (Unintelligible) White House staff, John Dean, John Dean's highly sensitive information (unintelligible). Well, damn it, John Dean's highly sensitive information was on only one count. Believe me, guys, we all know—well—the (unintelligible) stuff regarding Bob. Strachan has got to be worked out. I don't know how that's going to work out. Bob, did Strachan have a—the plan? What he says about whether he did have a plan—whether he did show it to you—remains to be seen.

H. He apparently said he did not.

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

H. The discrepancy between Strachan and Magruder is because what Strachan got that could have been from that it turns out, was not. It was something else. When they get that, they'll get an interesting new problem, because Strachan would say it was Operation Gemstone, not Operation Sedan Chair — and Gemstone wasn't Watergate, so that will uncover that there was something else that they did. I don't know what it was.

P. Something else you mean?

H. I guess, 'cause there was an

Operation Gemstone that Strachan got reports on

P. They tell me that Gemstone was the code word for everything—Gemstone is for everything.

H. Well, I thought Sedan Chair was the Watergate thing, OK. Well, if Gemstone is the total thing, then what

Haldeman: He's playing the Magruder game—flying from flower to flower — planting his pollen.

Ehrlichman: So, I don't think—

President: I think those (unintelligible) you got very clever liars . . .

he got was reported from that. And it's a confidential sources indicate that—it did not clearly identify, according to Strachan. I can't tell you anything else.

P. Unintelligible) I want you to know what he's told me.

H. All right.

P. John, I'm just trying to see what the options are on Dean—what we turn loose here.

E. Absolutely. Well, let's go back to the press plan. Maybe that will give us some guidance.

P. Right.

E. If you say in the press plan, "The President got concerned about this," the question, "Why didn't he get concerned sooner because this has been in the paper for months and months?" Well, "The reason he didn't get concerned sooner is he was resting secure in the belief that he had the whole story."

P. Right.

E. Well, what made him insecure?

P. Do I ever ask Dean in and ask him answers? The answer is no.

E. No, but the point is that you were resting secure on his assurances.

P. Go ahead.

E. Well

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

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

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

E. You better check Bob, back in that period of time July when we were in San Clemente—my recollection is

that he did come and see you at that time—but we can check that.

P. Oh—by himself? No.

E. Well, by himself or with one of us. I don't know.

P. He may have come in, but it was a pretty—I hope he did, hope he did. But he might have come in sort of the end, and someone said, "Look here's John Dean from Washington," and I may have said, "Thanks for all your hard work."

E. Well—let's follow this line and see where it leads us. The President

rested secure in the belief that his counsel had investigated this and assured him that nobody in the White House was involved.

E. OK. Then, what moved him off of that belief and assurance? Well, what moved him off was the sequence of events leading to John Dean being sent to Camp David to write it all down.

P. What moved him off first were reports that occurred in the court testimony.

E. That's right.

P. Charges were made by McCord—and other charges—charges were made by McCord. I wouldn't say (unintelligible). Charges were made by McCord that, in open, before a jury committee. The President ordered a full investigation.

E. Well, the first thing you did—and maybe you can avoid saying this—but you're saying you ordered a full press investigation when Dean came back and said to Bob, "I can't write that down."

P. He told me that, too.

E. Then that rang a bell. Because if Dean can't write that down, then we must have problems bigger than I ever thought. And so that's when you put on the full court press.

P. Well, all right. Here's—you've got the dates on this. Well—

E. I have them in there, yeah. Let's see what Dean says on that. Well, he says, "The reason I couldn't write them down is because Dick Moore and others said (unintelligible) said how could I write it down—draw the wagons up around the White House?" That phrase, remember that, isn't that a Dean phrase?

H. Sure. His line was that you could do that because there was no problem at the White House, the problems were at the committee.

P. What did he tell you with that respect? What was Dean's line before he deserted?

E. Well, what he said—

P. My point is—you've got to watch out. He may say, "Well, they were trying to get me—conspire to get me to write a report that was untrue."

E. Well, I understand, except that he was sent to write it without anybody being near him.

P. Except Moore (unintelligible).

E. I'm sure that when he went through this exercise, it was impossible for him to write it down without it being a confession. And he said, "My God, I don't

know how this case is going to break, but I'm crazy to have a piece of paper like that around."

P. Then I could say then that I ordered—who conducted the investigation?

E. The way we got it doesn't say—

H. You asked other staff members to explore this — you had Ehrlichman, Moore, Garment, Haldeman.

P. That's right. All right. And then—

E. Then you contacted some people and said, "Don't hold back on my account."

P. Yes, like Hunt—Liddy.

E. Like Mitchell and Magruder.

P. I passed the word to all sources that everybody was to talk, to tell the truth, which I had done previously. I reaffirmed. I reaffirmed specific terms to specific people.

H. Well, you had reason to believe that they might have a misapprehension on it.

P. Any misapprehension and so forth and so on—to all parties involved—who were these people. I should not say—

H. You can't list those people.

P. I should not say—well, you can't list the people for a reason that would prejudice them. I talked to all parties concerned and if there was a shred of information which in any way—which they might have on this case—I reaffirm what I had said publicly—that we must cooperate fully and tell the whole truth. Then, we come to the last weekend. On Saturday—a major development occurred—I can't say, "that as a result—" that would be an overstatement.

E. Nope.

P. Then on Sunday I can't say that I talked with Kleindienst. Just say on Sunday.

E. Except — remember I informed Kleindienst on Saturday—so you—

P. I informed Kleindienst. Then we'll get questions. "Did you inform him in person?" I can say I passed the information.

H. Say you passed the word to Kleindienst.

P. I informed the Attorney General. At my direction Ehrlichman filled in the Attorney General completely on the information that we had found and on Sunday the Attorney General and (unintelligible). They indicated as a result, a major development in the case—these major developments in the case—we've got to get Petersen.

E. Then Ziegler or you could turn it over to Petersen, and let him say something innocuous.

P. And I directed Petersen to direct to me personally on any development and any member of the White House staff or federal government was to be available to the grand jury and would testify — would be directed by the President to testify. Now you come to the next thing—you see Garment's scenario here will be (unintelligible) "I have asked that any government people who have been — who might — who have been — who are directly or indirectly — subjects of the investigation, even though having — this is no

indication of any guilt—will be relieved of their duties and until the grand jury (unintelligible) anyone who refuses to cooperate will be dismissed. Anyone (unintelligible.)”

H. Is that it?

P. Yes. (unintelligible) anyone who refuses to cooperate will be dismissed. Anyone will be given leave until his trial is finished. He's had an opportunity to have his day in court. (unintelligible)

E. How about anyone granted immunity?

P. Anyone granted immunity will be—let me try Petersen on you today? Your idea about Petersen would be to hit him (unintelligible) with that.

E. Trouble policy—I can't have it.

P. Until I do that, the President (unintelligible) follow it or (unintelligible) Petersen has—the President's—

E. Tying our hands—

P. Tying our hands. But we're not telling Dean not to talk. I direct everybody to talk, but nobody is to given immunity.

E. In other words, you don't need—there are plenty of ways of proving a case around here—besides granting some fellow immunity.



P. Yeah.

E. You don't need that, and it looks like what you are doing is letting somebody off scot free.

P. That's right. Also, it looks like a cover-up.

H. And particularly somebody—personally associated—in this case.

E. Maybe the point that Petersen is missing—maybe intentionally so, is that Dean is a major act in this thing. And big fish-small fish, nevertheless, if a major actor gets immunity and just walks away from the White House having committed 89 crimes—that—and it is your Justice Department, and the guy that runs it, reports daily to you, what does that say? That says—“Gee, I didn't want my counsel to

get hurt.” The only question that remains is why didn't he grant immunity to everybody.

H. What it says is exactly the point—the counsel knows more than—

P. Now, should I have any more conversations with Dean?

E. No. I don't think you should. I think you should send him a note and tell him what your decision is. Or, have Kehrlie or somebody call him and say, “Don't come to work anymore. You're not suspended, You're not fired, but you're not to come into the office until this matter is—”

P. That's a good tough way. What can he do?

E. I don't think he can do anything. If somebody says to him, “Well, did you get suspended?” he can say, “No, I really haven't. I'm just sort of not working until—”

H. He hasn't been to work for a month anyway.

E. He's been out talking to the U.S. attorney the whole time.

H. Well, he's been here because it serves his purpose to be the inside story. He's been out of the office for a month. He's been—

P. I called him this morning and told him I wanted to talk to him later to ask him about that appointment June 19, but I don't think I better get into that anymore.

E. I don't either.

P. And, and he's going to give some song and dance.

E. Well (unintelligible) for your private information, I have gone back to the participants in that meeting where I was supposed to have said, “Send Hunt out of the country.” To a man, they say it didn't happen. And two of them said, “Gee, if either one of them—”

P. What about the meeting?

E. And they said, “If that had happened, it would have been burned into my recollection.” The sort of thing like you ordering—

P. You better damned well remember being—the main thing is this, John, and when you meet with the lawyers—and you, Bob, and I hope Strachan has been told—believe me—don't try to hedge anything before the damned grand jury. I'm not talking about morality, but I'm talking about the vulnerabilities.

E. Sure, good advice.

P. Huh?

E. Good advice.

P. You guys—damnit—I know you haven't done a damned thing. I do know this—they've tried to track on perjury—you're going have that—

E. Fortunately I have good records—I know who was in that meeting and so, I was able to call—

P. (Unintelligible) attorneys that certain materials. The point is now they talked to people—somebody put those things in the bag—I suppose Fielding.

E. Fielding or Dean. I don't know. Let me just tell you—

P. Did he inventory? For example,

who's going to testify what the hell was in that bag?

E. I don't know. May I just finish telling you about this—I think it is important—

P. (Unintelligible)

E. Well—it does—and also—Dean is the guy that made the call sending Hunt out of the country. But, the interesting thing about it all is that Friday, he called Colson and said, “Chuck, do you remember a meeting up in John's office where John said ‘so and so and D-6’—and John said—‘send Hunt out of the country’—don't you?” And Chuck said, “I told him it never happened.” And I didn't raise this with Chuck—he raised it with me. And said, “I had this funny phone call from this guy.” So, he's out around planting his seeds.

H. He's playing the Magruder game—flying from flower to flower—planting his pollen.

E. So, I don't think—

P. I think those (unintelligible) you got very clever liars. I told you this before—very clever liars.

E. Yep.

P. (Unintelligible) I got to get out of this—

E. I think you can slide by that by just saying, “stay home. Don't come in to the office.”

P. Yep. I can say, “John, I think it's best that you don't come into the office.”

E. I can tell you one way you might do it is to say, “I've had a report that an FBI man about to serve a subpoena on Dick Howard told Howard to come and talk to you. I can't have that. Because you cannot sit there as an agent of the U.S. attorney.”

P. I indicated that already.

H. Dean will say the same thing that

you just said, that I can't prepare my case for the grand jury if I can't work with my files and so forth, and so if you are telling him not to come in, “I'll send a truck over and have my files brought to my home.” That would take care of getting his files—

P. (Unintelligible) his files subpoenaed?

H. Well, there's a question on that—

E. That's the position you ought to take on that.

H. Damn right. All of the files are yours and they are not subject to any action that your files are subject to.

P. Shall I tell him that?

E. Nope. Let's wait until the question comes up.

P. Well, how do I answer the question—Bob, what do I say, “I have to have your files?”

E. Well, he's already made his statement. It's obvious to the U.S. attorney. He's past that point.

P. I don't think you can write him a note. It's going to anger him anyway. No sense in doing that. See what

I mean? We've got to remember whatever he is doing—I don't mean that you can't—He's going to do anything to save his ass. That's what is involved. But on the other hand—

E. OK—I got an idea—

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

H. How could you do that though—that's true (unintelligible)

E. Alright. I'll tell you how you might be able to handle that. The FBI has just served a subpoena on our WH police which asked that they produce the names of people cleared into the WH-EOB complex from 12:01 a.m. June 18, 1972—to 11:00 p.m. June 18, 1972.

P. Where were we then?

H. What date?

P. June 18.

E. The day of the bugging.

H. We were in San Clemente.

E. Really?

H. Yeah.

E. Florida.

H. I mean Florida. I'm sorry. That was the weekend that we flew directly to Gran Cay and you went to Walkers and we went over to Key Biscayne.

P. Well, maybe that's an unsafe thing.

E. The WH police had notified Fred Fielding of the subpoena.

H. See, that's your other problem. You have a WH legal case and you have no WH lawyer — another interesting end to look at.

P. Where's Fielding stand on all this?

H. He's Dean's (unintelligible) lives next door to him. Dean sponsored him. That doesn't necessarily mean he goes Dean's way. Fielding is an honorable guy — provincially so — who may not like what Dean is doing any more than we do.

P. Well, when I see Dean I'll say, "We're not going to publish this publicly or anything of that sort — but I do think that you should not —" what you want to do is get him out of the WH and yet Colson's recommendation is to get him out by firing him.

E. Colson would like to discredit him.

P. Well, I know. But the question is what he could do to discredit us.

E. Well.

P. That's a problem.

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

P. When I talked to him I said, "Now John, any conversations are (unintelligible)." I said, "anything (unintelligible)

ble) national security are (unintelligible) testified to it (unintelligible."

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

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

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

P. I know it's mine, but —

H. If he screws the privilege —

P. Well, I think you have to charge Henry Petersen or whoever is in charge here with protecting your privilege and then that's got to go down to Silberman and Silberman has to be cautioned that he is not to go into matters of executive privilege — he is not to go into matters of national security importance.

P. Any matters involving a conversation with the President—or national security, anything like that, they can ask me.

E. Now, the question comes up—I don't know how far this will run—but this caper in California, for instance. Colson asked me this thing of Hunt's out there—the national security connectd Ellsberg. Well, Petersen knows about it, I think. It's laying around someplace over there. But if the question comes up, Colson says, "How do I handle that?" I said, "Well Chuck, if I were asked that—I would say that that was a national security project and I'm not in the position to answer a question on that, because I would have to refer to the President for a waiver of executive privilege on that if he desired to do so." And he said, "Well, can I say the same thing?" And I said, "Well, I don't know whether you can or not." He said, "Well, what would the President say if its referred to him?" I said, "I don't know. I'll go ahead and ask him."

P. That's what we'd say.

E. Can I tell him that for you?

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

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

H. I doubt if Dean knew about that. You see Dean and Colson never track-

ed particularly well together, I don't think.

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

P. Sure.

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

it's going to be hard."

P. No turning it off. Its national security—national security area—and that is a national security problem.

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

P. (expletive removed) it.

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

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

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

E. (unintelligible) just got to be told the background—

H. Awful low before you get to that.

P. (unintelligible) talk to the President about \$127,000 we had to get or were we able to get it or something. I don't know how—why it was at that point—that we were still working on money for Hunt—I don't know how the hell—

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

P. Told me about it.

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

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

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

P. He raised the point—

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

P. That's right. That's right.

H. We left it—that—we can't do anything about it anyway. We don't have any money, and it isn't a question to be

directed here. This is something relates to Mitchell's problem. Ehrlichman has no problem with this thing with Hunt. And Ehrlichman said, (expletive removed) if you're going to get into blackmail, to hell with it."

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

H. Yes, sir.

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

H. No.

P. You didn't either, did you?

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

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

H. But there's a couple of complica-



John W. Dean III

tions he can throw in there (unintelligible) which would be of concern, but I just can't conceive that a guy—I can see him using it as a threat. I cannot see him sinking low enough to use that. I just—although I must admit the guy has really turned into an unbelievable disaster for us. People don't—he's not un-American and anti-Nixon. I'll tell you — during that period he busted his ass trying to work this out. It wore him to a frazzle. And I think it probably wore him past the point of rationality. I think he may now be in a mental state that's causing him to do things that when he sobers up, he's going to be very disturbed about with himself.

P. Also, he's probably got a very, very clever, new lawyer (unintelligible) I think that's part of the problem.

H. Could very well be. John, I can't believe, is a basically dishonorable guy. I think there's no question that John is a strong self-promoter, self-motivated guy for his own good, but—

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

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

P. That's right.

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

P. But then we got into the blackmail.

H. You said, "Once you start down

TEXT, From A28

the path with blackmail it's constant escalation."

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

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

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

H. (inaudible)

P. You see my point? We were then in the business of—this was one of Dean's—when he was—was it after that we sent him to Camp David?

E. You sent him to Camp David on about the 20th. I think.

P. I would like to know with regard to that conversation, Bob—

E. I think it was about—his trip to Camp David—about the 23rd of March.

H. When was the (unintelligible) trip?

E. I haven't any idea. I have no idea.

P. Well,

E. Well, you'll know the date of your meeting here.

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

H. The next day. Maybe I can find the date by that—

P. Yeah. And Dean was there and said, "What about this money for Hunt?" 2Wasn't Dean there?

H. No, what happened was—Ehrlichman and Dean and Mitchell and I were in the office, in my office, and we were discussing other matters. And in the process of it, Mitchell said—he turned to Dean and said, "Let me raise another point. Ah, have you taken care of the other problem—the Hunt problem?" Something like that. I don't know how he referred to it. But we all know instantly what he meant. Dean kind of looked a little flustered and said, "Well, well, no. I don't know where that is or something," And Mitchell said, "Well I guess it's taken care of." And so we assumed from that Mitchell had taken care of it, and there was no further squeak out of it so I now do assume that Mitchell took care of it.

P. The problem I have there is—

H. Mitchell (unintelligible) Larue was Mitchell's agent—

P. I understand that. What I meant is, I'm just seeing what Dean's lines of attack are.

H. Your saying, "Did I know about it?" I did. There's no question.

P. Say, "Yes, there was talk about it and so forth—and Mitchell took care of it." But you, on the other hand, you make the case that—

H. It's (unintelligible).

P. In this office, but not the other—

not in your office.

H. In the other office the question of thing never arose. There again, Dean is the agent on it. Dean is coming in and saying what should I do. Dean's the agent on all this that's where my money goes. All the input to me about the 350 came from Dean, and all the output came from Dean.

P. Then Dean was the one that said, "Look Bob, we need 350 for or need the rest of this money."

H. No, they didn't even come that way. Dean said, "They need money for the defense, for their fees." And it was always put that way. That's the way it was always discussed.

P. Right—that's why I want that line. I think that's most important. You can work on—get a lawyer.

H. And I said to Dean at that time, "Well, look you've got a situation here. We've for the 350" I thought it was 350 actually it was 328. "In cash that we need to get turned back to the committee. Apparently they have a need for money—so we have a coincidence (unintelligible) now you ought to be able to work out somehow to get them to take the cash—and that will take care of our needs and we help meet their needs." And he went back to Mitchell and Mitchell wouldn't do it.

H. And then they agreed to take 40 thousand of it which they did and shortly thereafter they agreed to take the rest, which they did.

P. You think—you check with (unintelligible) before the election in some

H. It was not before the election.

P. Dean says it was before.

H. Strachan says it was in late November—30th or something like that.

E. Incidentally, remember you told me that Strachan had gone over there with Colson's partner and that the judge wouldn't take him. It turned out that was Howard who went over. Dick Howard went over with one of Colson's partners. The U.S. Attorney kicked up a fuss about it. Saying that there might be a communication between the partner and Colson and so—

H. Strachan's lawyer is a totally (unintelligible) guy that he's acquired from somebody he knew in law school.

P. Good.

E. Now Colson has pitched me to retain his partner, which I think would be a mistake.

P. You.

E. Yeah.

P. You can't retain his partner.

E. I don't think so. Be a big mistake because it would create identity between me and Colson that I don't feel comfortable with.

P. I don't want you—

H. You can't. You'd be out of your mind to do it.

P. Don't get in there with Colson. He'll defend himself.

H. Obviously Colson sees that as a

way of getting in.

E. Sure.

H. We should not give Colson reason to get squeemish.

P. No.

E. I'm cultivating him.

P. No, sir.

E. I'm keeping him on the team. He feels that there is a coincidence of interest between you and me and him.

P. Right. Fine.

H. Consider (unintelligible) has to continue—

P. Right all the time. Let's go back now to the decision. First, should we make a statement today?

H. I would say yes.

P. I think so.

H. Ziegler should make it.

E. Well, if it is a carefully limited statement.

P. No questions.

E. I think—No. I think it should be a very tight statement—very conservative. Well, at least you should think it through so that you can stay away from the soft places. But I think broadly—across the country—people are waiting to see your face on the evening news talking about the Watergate case. And making more assurances.

P. Bill Rogers says this (unintelligible) first thought Ziegler—then as we left the boat last night (unintelligible) he totally rules out the 9:00. He says, "Don't make it the only story (unintelligible) 3 or 4 months (unintelligible)."

H. You know where the Watergate story is in The Washington Post today? Page 19.

E. (Unintelligible)

P. I know. I know. And it'll be page 19 five months from now if we handle it right.

E. Now I suggested having Petersen stand by. You don't think that's a good idea.

P. No, no. I just think I should go out there and say, "OK." John, let's come back to this business here—let's come back to the business of the—which is the play of the White House leaders (unintelligible) doesn't work.

E. Well, I think, in view of the foregoing, all that's gone and all that's been said, and I wouldn't worry about the files. I think you could put it on a basis that if he needs a file he could get it upon loan, so that at least you would be able to monitor what he was getting. I think that you would say to him, "In view of your relationship with the U.S. attorney's office, I just don't think it is prudent for you to be on the grounds."

P. That's right.

E. And, you're going to have to work someplace else.

H. "I don't think there's any appearance problem, because you have been for a month anyway!"

E. Right. It won't be noticed. If we

are asked in the press room—

P. That's right.

E. Ah, what your status is, we'll finesse it. And the question will come, "Has John Dean been placed on leave? No. Has John Dean been fired? No."

P. Alright.

E. And you could say to him, "If you don't bring it up, we won't."

P. Alright.

E. "If this leaks, it's going to leak from you because nobody is going—and, as far as Bob and John are concerned, I will make an appropriate arrangement with them."

P. I'm going to make an appropriate arrangement covering them. Course, it's something different.

E. "But, I cannot be in a position of having you dictate to me what it should be."

H. And you can't be in a position—

P. I can tell him, "I've made an appropriate arrangement, but it's got to be in my own way, depending upon what each is doing."

E. I think you could argue with him that the transition from John Dean being away from here and the transition being away from here is a very different kind of thing.

P. Yeah. That's right. We're not asking anybody to resign, John, because I think that would prejudice their rights.

E. Taking a formal leave.

P. Alright fine, you can do that, but you're rejecting the Garment proposal that everybody leave until everybody is clear that I talked with you a moment ago?

E. Well, I think a leave is the same as being fired in this context.

P. Do you, Bob?

E. Prior to the charges.

H. When you have charges—

P. Here's the point. Let me—let me tell you what's going to happen in my view. And by charges, I don't mean indictments. But when they finally make their deal with Magruder (unintelligible) out of the D.C. jail—they're going to take him into open court. This is their deal, now because Sirica question (unintelligible) John last night. They are going to make this statement. I would assume then the charges would be made, at least as far as Magruder is concerned.

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

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

E. And he'll say Strachan was involved.

P. He'll say Strachan was involved.

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

H. He told me that is what he would

say.

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

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

P. Yeah.

H. And it is what's the truth.

P. Alright. So your view, John, Bob, is that—you know that you got to look at—at being eaten away and then having to come in and say look, "I'm so impaired, I—"

H. No, I don't expect to be eaten away. I think when I get hit, I mean publicly. Let's say Magruder does name me. Let's say Magruder does implicate me publicly.

P. Or Dean. Say Dean names you.

H. Someone that's known publicly. As soon as Dean is known publicly—my view would be then I should then—I should request you to give me a leave of absence so that I can deal with this matter until it is cleared up.

P. You agree with that, John?

E. It'll depend a little bit, I should think on degree. If it is a Jack Anderson column.

P. (unintelligible) another point I make (unintelligible) relation that I have now is the case. Suppose that the assistant attorney general comes in, Magruder and Dean have made char-

ges. His argument is, "You have an option, sir, and you as President should act. And I'm telling you now that those charges are in the possession of the government." That's what I'm—

H. OK, you say, "Mr Assistant Attorney General, I want to explain my policy to you so that you'll know what our relationship is. Our policy is that I will immediately suspend—on leave—anybody against whom formal charges are filed by indictable information"

P. By information you mean—

E. In other words, formal charge are filed. "As soon as that happens those men will go on leave. This is a town that is so full of wild charges that if I operated on any other basis, even of those who were brought to me by 20 bishops and an Attorney General, I couldn't be suspending people around here or the place would look like a piece of swiss cheese. But let me suggest you do this. You go ahead and diligently pursue the Haldeman and Ehrlichman case because I need to know."

P. Right.

E. And, if you come to me and say that you filed charges and I'll have really no discretion in the matter.

P. If you come to me and say that you are planning to indict criminal charges, then I'll—at that time—move instantly, before we do it publicly.

E. Or Dean, or anybody else. But I can't treat them any different than anybody else. And you have brought me basically, uncorroborated charges. You've said so yourself that you aren't

going to be able to deal with Dean.

P. I feel comfortable with that.

E. But, if you lay out the general ground rules first

P. What, what basically, John, what the hell is the Garment. Rose I guess Moore (unintelligible).

E. They're writing a New York Times editorial which is that this is a terrible cancer at the heart of the presidency and that there must be drastic surgery. And that in a case like this you lean over backwards and fire and so forth. And, I'm sure it will be an editorial in many, many newspapers, that Dean has raised serious charges and so on so forth. And you'll hear a lot of that. Maybe the thing to do is for Ziegler—if he gets a question about suspension or firing—to say, "This is the President's general policy—without regard to individuals—any individual whose bound by the grand jury—"

P. Why don't I say that today?

E. That's fine.

P. Fine. All right. I think I got the message. If you will write up a brief, brief, brief statement. You know—I can use—or do you have one you can get back to me? I have to do it at 3:00. How much time do I have?

E. You've got about 45 minutes.

P. I've got plenty of time.

H. Ziegler should delay the 3:00. They've only scheduled a posting. He can make it 4:00. Briefing at 4:00.

P. Yeah, that's right.

H. You ought to tell him now, though, that you're going to do it though.

P. I better do that.

H. Better get Ron in quickly and review this. Just tell them to send Ron in.

E. Sure.

H. Would you get Ziegler?

H. Any question about my theory now?

E. I wonder if we should talk to him about how to operate the next couple days? (Unintelligible) suspicion before grant him immunity. I thought so, too. (Unintelligible) be on the wires, I would think.

H. Even if they have, could withdraw (unintelligible) get him before he acts.

E. I don't know.

E. Now, with us out of the play here for a couple weeks ah, you're going to need a different mode of operation, I would think on the domestic side—

P. Yeah, Cole.

E. And, Ken is fully abreast of everything.

P. All right.

E. And I think you ought to just call him direct when you have something.

P. I will. I'll use him just like I'd use you. He'll have to wear two hats for a while.

H. My office can run itself. To cover your bases, you can deal with Steve. On schedule basis you'd be better off

to deal with Parker. You haven't started doing it so you probably don't want to.

P. Things we do. I'd like to get acquainted with him anyway.

H. Weekly review and things you would talk to me about, Parker knows

the reasons behind everything.

P. Let us not overlook one greater—let us suppose no charges are filed, and basically—charges are filed. (Unintelligible) thing. Charges might be that Haldeman had knowledge, and that he participated—cover-up—I'm trying, Bob, to put my worse—

H. Sure

P. Do you agree, Bob, they might make that a charge—the heat would really go on.

H. Sure.

P. In John's case they make the deep six charge (unintelligible). I'd (unintelligible) with you on that.

E. It's up to you.

P. No, I mean that's a difference in degree.

H. I think each of those is something that we have to deal with at the time.

P. That's right.

H. In the context of the time, because I don't think you can anticipate now what the context will be. You don't know what the newspaper stories will be. For instance, right now—and that's another argument against taking any action regarding me—is that I'm not in the thing at all in the public mind, and it would be startling as hell.

P. Yeah. The reason for not going the Garment road—he wants, John, he wants Mitchell separated. He said, "Mitchell's got to come out (unintelligible). See my point? Don't suppose that's occurred to you? I think what we do, I think I will make a brief statement today, and I was wondering how late I can make it. Don't believe I can make it at 3:00. What do you think?

Z. You got to make it at 4:00 or 4:15.

P. Fine, but I'll have to go to work on it.

Z. We'll have to call them on it.

Z. We'll have to call them in.

P. Let me ask you this, fellas, you want me on the television?

E. Yes sir, that would be my preference.

P. I'll just walk out.

Z. I think depending on the statement, they'll get it to the lab. Don't worry, they'll get it out.

P. (Unintelligible).

Z. I'll just say you have that flexibility from 3:30 to 4:15.

P. OK. Fine, fine.

E. Oh, yeah. Ron I'll need that—This?

E. Yes. Where's page 1?

Z. It's—says page 1—E. Good work.

P. I wonder, John, I wonder that unless you sank Dean, basically, if we're putting too much emphasis on the fact (unintelligible) in that office. Understand, I'd just thinking what it is worth to us to get him out of the damned office. I relieve him of his duties?

E. Well, the alternative is somehow or other to pass the word to everybody in the place that he's a piranha. I don't know how you do that.

P. What? What do you mean everybody in the place.

E. I mean people like the White House police. That if they get a subpoena they shouldn't ask him what to do. The Secret Service, a guy like Dick Howard.

H. Who should they ask?

E. Damned good question.

P. Moore?

E. Make Moore acting counsel. He has a very good judgment.

H. Very good judgment and absolutely no procedural knowledge.

E. Garment?

H. He's worse.

P. Fielding?

H. Let Fielding be the operative. Say that he can take no action without checking with Moore.

P. How's that sound, John?

E. That's good.

H. Fielding is to be the front man as deputy counsel, but he is to report to Dick Moore.

P. But you see, I just don't know if that kind of action is worth taking that kind of risk.

E. Well, if he's here, people will go to him for advice. I'm just sure of it.

P. Okay. I've told him he's not to give any advice, and he's not to have anything to do with this case at all. All right?

E. I don't know. Maybe I'm being unduly harsh, but—and maybe the negatives are more than the positives—it seems to be that it can be done without breaking any asses.

P. I can just say, "Well, people are coming in. They're on the WH police now—so forth. I think it's going to look strange if he doesn't."

E. It puts him in an impossible conflict-of-interest situation.

P. That's right.

H. That's the problem. He knows what is coming in—what questions are coming.

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

H. Yeah, and the no immunity thing.

P. And just flatly say, "Now this is the way I'm going to handle the matter. I cannot let people go simply because charges are made until they are corroborated. That's my decision," and so forth. And second, "I've thought over the immunity thing and I want

nobody on the WH staff given immunity. I don't want anybody shown any consideration whatever."

E. This has been a law and order administration.

P. Right, and third, "I'm directing everybody to cooperate (inaudible) they've been told they are not to. I've already helped him on that. I haven't helped him, I've tried. But I will not have a member of the White House staff testifying in the Senate against others.

E. Yes, sir, and I think that the fourth point that you should cover with him is that if I'm before that grand jury and I am asked about Dean's information within the grand jury, I will have to say that Dean told me that it came from Petersen.

P. Yeah.

E. And, there's no point in your getting way out by saying out here to the press that I'm relying on Henry Petersen as my good right hand and then have him compromised at a later time.

P. That's right.

H. I think you must, from here on

P. (unintelligible)

H. Yeah, but also, that you don't, from now on, until this is totally done, maybe never, express confidence in anybody. (expletive removed), don't say, I know this guy is doing the thing right or anything else. That applies to me, Ehrlichman—

P. Well, you know how I feel.

H. Yes, but don't say it. Just—it just doesn't serve the cause properly. And I don't think you should say it. And you should not about Henry Petersen, Dean, or anybody else. Ron must not say it either. Don't let Ron con you into saying, "Well, I have full confidence in what's his name."

E. I got a name today, and I don't know anything about this fellow—but let me advance his name to you. There's a lawyer here in town by the name of Herbert Miller. You may know him. He was head of the criminal division at the Justice Department. He was there thru '61 to '67, Kennedy and Johnson, but he's a Republican.

P. Yeah, alright.

E. Now, it may be possible to get a fellow like that to substitute.

P. I don't know. This case is moving too fast. You call in a substitute and he's got to learn the damned case.

E. OK. He reviews it. He gets the complete file with the pros and cons. He goes through it and he draws on seven years experience and he comes over to you and he says, I've got to call this shot and I wonder if you have anything to add?

P. (unintelligible) counsel?

E. Yes, but as your counsel, he has no control over the prosecution.

P. (unintelligible) Petersen

E. That's right, and he's feeding a bunch of baloney, in my opinion.

H. He also, I understand, told you

that Strachan got very good treatment over there.

P. No, no, no. He told me the opposite.

H. Oh.

P. He said that Strachan just got the hell beat out of him.

H. He did. He was absolutely astonished. He came out of there and he said it was just beyond belief. They threatened his life practically, told him he better hire—

P. A lawyer.

H. Best possible counsel. Provide for support for his wife, and because he'd be going to jail, and that he was in serious trouble. Said he would be disbarred.

E. What they are trying to do is put him in the hands of an attorney who'll deal for immunity.

H. They are trying to get him to make the same play that Magruder made.

E. No doubt that they salvaged Dean the same way, and they scored on him.

E. Well, all I'm saying to you is, I don't think in terms of the kinds of stuff they are talking about. That it is all that complicated for an experienced man to pick up, so I wouldn't want you to think that this guy is indispensable.

P. Yeah, but should I make that decision today?

E. Well, every day that goes by is going to make it that much tougher on somebody new coming in and you got a guy in here that I wouldn't trust, knowing what I know, and maybe you can.

P. This guy gets relieved, and says well I told the President that he ought to fire Haldeman and Ehrlichman and he fired Dean.

E. I don't think that he would say that. He's a pro. He's been around this town a long time and he knows if he said that, that you would come right back and say, "No, the reason that I fired him is that I've reason to believe that he is responsible for leaks out of the Grand Jury," and that would destroy him.

P. OK. Can you get that paper back to me?

E. Yeah, I'll get it right back.

P. Shall I get Dean down first?

E. I would.

P. Tell him that—

E. Tell him you are going to make a statement and that it is not going to refer to him.

P. Yep.

E. Or anybody, and that you're going to deal with the people at the White House on an individual basis.

H. Maybe you ought to get Petersen in first to talk immunity.

P. Yeah, get Petersen in first. Call and tell Petersen to (unintelligible)

H. Alright.

Telephone conversation between President Nixon and John Ehrlichman, April 17, 1973 from 2:39 p.m. to 2:40 p.m.

Operator: Yes, sir.

P. Mr. Ehrlichman, please

Operator: Thank you.

P. John—I don't want to interrupt your statement preparing.

E. Yes, sir. That's alright.

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

E. Uh, huh.

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

E. I think that is good. Any of the people in—the four points as I wrote them down were to inform him that you were making a statement; your policy with regard to suspension and firing.

P. Which is charges or indictment?

E. Indictment for suspension and firing for conviction, which will be in the statement that I am drafting.

P. Wait a minute.

E. He'll tell the press that.

P. Right.

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

P. Yeah, and leaks from the grand jury.

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

P. Yeah.

E. It will sell.

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

E. Yeah.

P. That strengthens the position.

E. Colson, Dean, anybody of that kind, no dice.

P. He has mentioned these four to me. I will just say that.

E. And then, of course, the leaks out of the grand jury. And put it to him whether he doesn't think that later exposure would prejudice the whole investigation and whether he shouldn't withdraw at an appropriate time so that replacement can be obtained.

P. Charges and—I am going to follow a policy of accepting resignations on charges or indictment. Is that it?

E. No. Suspension on indictment and a resignation on conviction.

P. Of course. That is right. Everybody would know that. Suspension on indictment and resignation on refusing to cooperate. Right?

E. Or conviction.

P. Right. And what about charges? I mean remember we had that Gray area.

E. Well, there again you will have



President Nixon and his counsel, John W. Dean III: Time to bite the bullet . . .

to reserve the right, depending on the seriousness of the charge—
P. Yeah. I will say if there is a serious corroborated charge—
E. Then you want him to bring it to you and you will reserve judgment on the individual case.

To be Continued Saturday