

Portions of Conversations Transcribed by

Following is the text of a comparison, made by the House Judiciary Committee, of selected passages from transcripts prepared by the committee and by the White House of three Watergate conversations involving President Nixon. The three—March 22, 1973 and two conversations on April 16, 1973—were not available for publication in the first edition of *The New York Times* yesterday.

Also included is a House Judiciary Committee transcript of a March 22, 1973, conversation not included in the White House material.

March 22, 1973

1:57 to 3:43 P.M.

E.O.B. Office

The President, John Dean, John Ehrlichman,
H. R. Haldeman and John Mitchell

HOUSE JUDICIARY (Page 153)

EHRlichman: Our brother Mitchell brought us some wisdom on executive privilege which, I believe—

MITCHELL: Technically, Mr. President, I think the only problem [unintelligible] and I'd prefer you just coming out and stating.

PRESIDENT: That's right.

MITCHELL: and, uh, and I would believe that, uh, it would be well worthwhile to consider to spoil the picture to the point where under the proper circumstances you can settle with certain former people in the White House and some [unintelligible] [telephone rings] some of the current people at the White House [telephone rings] under controlled circumstances should go up and, uh—[telephone rings].

(Pages 156-157)

MITCHELL: But [unintelligible] for the sake of going about discussion, in other words that—Maybe we think that it's appropriate at this time to formalize John's theory on the Segretti matter and the Watergate matter based on the documentation from the F.B.I. and [unintelligible] F.B.I. [unintelligible] in other words based on—Can the grand jury—what we know came out of there, the trial [unintelligible] as far as that one incident—whatever the record, uh, could have been available to me. This is why the investigation of—we had the memorandum with the back-up—you know, obviously the F.B.I. after all [unintelligible] and so forth couldn't find anything more. It's not expected that you could or [unintelligible] get out by way of their interrogation [unintelligible] uh, two memorandums from Dean is important [unintelligible] appropriate time with it. John—did, and say I [unintelligible] all the public records [unintelligible]

PRESIDENT: We've tried that though, John. Uh—

DEAN: (Clears throat) Why won't—

PRESIDENT: We still have grave doubts about it, though.

DEAN: Well, I don't know—

MITCHELL: I did, too, before, Mr. President. [...]
(Page 159)

EHRlichman: A case in point: the issue of whether or not I had a phone call reporting the burglary.

WHITE HOUSE [page 277]

E. Our Brother Mitchell brings us some knowledge on executive privilege which I believe—

M. (Inaudible)

P. I wish Byrd would come out and state—I believe it would be well worthwhile to—

M. Well, there certainly could be stronger people in Washington.

P. There may be some

(Pages 281-282)

M. Well, gentleman for the sake of discussion (inaudible) the normal procedure for the Segretti matter and the like based on the evaluation of the F.B.I. made (inaudible) or whether it is based on the Grand Jury and the trial transcript or whatever the record could have been available to me—investigation of the past memorandum would indict him. (inaudible)

(two memorandum that the courts have public records)

P. We tried that move, John—

M. Well, I did too—before Mr. President. [...]
(Pages 284-285)

H. In case of that the Committee would issue a warrant on our phone calls. Bully!

THURSDAY, JULY 11, 1974

the White House and the Committee

DEAN: Right.

EHRlichman: Now, that's all I know about the damn thing is that the Secret Service, or some policeman phoned.

DEAN: But they could go on forever with you on that.

PRESIDENT: Exactly.

DEAN: And I think it ought to be things like we've got in, in this report and this might be, you know, get, give it to Ervin on the confidence that we're not talking about documents being released. We're talking about something that's entirely facts. You could even [unintelligible] write a [unintelligible]

MITCHELL: The President's report will show that, uh, your simple thought—your simple involvement was missing in the pub bill.

HALDEMAN: No, it would show more on my book, I'm afraid.

[page 164]

PRESIDENT: Let me ask this. Uh, the, this question is for John Ehrlichman and, uh, John Dean. Uh, now you were the two who felt the strongest. Uh, on the executive privilege thing (unintelligible). If I am not mistaken you thought we ought to draw the line where we did (unintelligible). Have you changed your mind now?

DEAN: No sir, I think it's a, I think it's a terrific statement. It's a — it, it puts you just where you should be. It's got enough flexibility in it. It's—

PRESIDENT: But now — what — all that John Mitchell is arguing, then, is that now we, we use flexibility.

DEAN: That's correct.

(Page 170)

PRESIDENT: That's right. But the point is, we've got to accept the decision of Judge Byrne's (unintelligible) on the bail. The other thing to do on the Dean thing is say—you'd simply say, "Now, that's out. Dean has — he makes the report. Here's everything Dean knows."

DEAN: Right.

PRESIDENT: That's where, that's why the Dean report is critical.

EHRlichman: I think, John, on Monday could say to Ervin if that, uh, question comes up, "I, I know the President's mind on this. He's adamant about my testifying, as such. At the same time he has always indicated that the fruits of my investigation will be known." And

HOUSE JUDICIARY

just leave it at that for the moment.

(Pages 178-179)

PRESIDENT: The, uh — Now, uh, we could — Have you considered any other poss-, have you considered the other, all other possibilities you see here, John? You, you're the one who is supposed to --

DEAN: That's right, I think we,

PRESIDENT: You know the bodies.

DEAN: I think we've had a good go-around on —

PRESIDENT: You think, you think we want to, want to go this route now? And the — Let it hang out, so to speak?

DEAN: Well, it, it isn't really that —

HALDEMAN: It's a limited hang out.

P. That's right.

H. That is all I know about the damn thing is that the Secret Service at some point has been bugged.

D. And that could go on forever with you on that tack. I could draw things like this Staff into this report and have Kleindienst come get it and give it to Ervin in confidence — I am not talking about documents you see. I am talking about something we can spread as facts. You see you could even write a novel with the facts.

H. I think the Court would show that a very simple thought, involvement with the (inaudible)

[Page 290]

P. Let me ask this. This question is for John Ehrlichman and Dean. You were the two that felt the strongest on executive privilege thing. If I am not mistaken, you thought we ought to draw a line here. Have you changed your mind now?

D. No, I think it is a terrific statement. It puts you just where you should be. There is enough flexibility in it.

P. Well, all John Mitchell is arguing then, is that now we use flexibility in order to get off the coverup line.

P. Well on the Dean thing — you simply say well that is out. Dean has made this report and here is everything Dean knows.

E. I think John on Monday you could say to Ervin if the question comes up, "I know the President's mind on this and he is adamant about my testifying as such. At the same time he has always indicated that the fruits of my investigation should be available to you." And just leave

WHITE HOUSE

it at that for the time being.

(Pages 308-309)

P. Yeah. Have you considered any other possibilities? John, you are the one who is supposed to know the bodies.

D. That's right. I think we have had a good go-round on the things now.

P. Do you think we want to go this route now? Let it hang out so to speak?

D. Well, it isn't really that —

H. It's a limited hang out.

DEAN: It's a limited hang out.

EHRlichman: It's a modified limited hang out.

PRESIDENT: Well, it's only the questions of the thing hanging out publicly or privately.

DEAN: What it is doing, Mr. President, in getting you up above and away from it. And that's the most important thing.

PRESIDENT: Oh, I know. But I suggested that the other day and we all came down on, uh, remember we came down on, uh on the negative on it. Now what's changed our mind?

DEAN: The lack of alternatives or a body.

[Laughter.]

EHRlichman: We, we went down every alley. [Laughter] let it go over.

PRESIDENT: Well, I feel that at, uh, I feel that this is, that, uh, I feel that at the very minimum we've got to have the statement and, uh, let's look at it, whatever the hell it is, if, uh, if it opens up doors, it pens up doors, you know.

The following portion at the end of the March 22, 1973, conversation (beginning on P. 180 of the House Judiciary Committee transcripts) does not appear in the "Submission of Recorded Presidential Conversations, April 30, 1974" nor does it appear in the transcript provided by the White House to the Special Prosecutor in January, 1974, and to the Judiciary Committee in March, 1974.

HOUSE JUDICIARY P 180

PRESIDENT: Sure, sure.

EHRlichman: O.K.

[NOTE. — At this point, a portion of the discussion has been deleted.]

MITCHELL: [Unintelligible]

PRESIDENT: Yeah.

MITCHELL: Believe me, it's a lot of work.

PRESIDENT: Oh, great. I may [unintelligible]. Well, let me tell you, you've done a hell of a job here.

UNIDENTIFIED: [Unintelligible]

PRESIDENT: I didn't mean

for you. I thought we had a boy here. No, you, uh, John, uh, carried a very, very heavy load. Uh, both Johns as a matter of fact, but, uh, I was going to say, uh, uh, John Dean is, uh, [unintelligible] got — put the fires out, almost got the damn thing nailed down till past the election and so forth. We all know what it is. Embarrassing God damn thing the way it went, and so forth. But, in my view, uh, some of it will come out; we will survive it. That's the way it is. That's the way you've got to look at it.

DEAN: We were within a few miles months ago, but, uh, we're—

PRESIDENT: The point is, get the God damn thing over with.

DEAN: That's right.

PRESIDENT: That's the thing to do. That's the other thing that I like about this. I'd like to get — But you really would draw the line on — But, I know, we can't make a complete cave and have the people go up there and testify. You would agree on that?

MITCHELL: I agree.

PRESIDENT: You agree on that, John?

DEAN: If we're in the posture of everything short of giving them public session [unintelligible] and the whole deal. You're not hiding anything.

D. It is a limited hang out. It's not an absolute hang out.

P. But some of the questions look big hanging out publicly or privately.

D. What it is doing, Mr. President, is getting you up above and away from it. That is the most important thing.

P. Oh, I know. I suggested that the other day and they all came down negative on it. Now what has changed their minds?

D. Lack of candidate or a body.

H.: Laughter.

H.: [Inaudible] We went down every alley.

P. I feel that at a very minimum we've got to have this statement. Let's look at it. I don't know what it— where in the hall is it— If it opens up doors, it opens up doors—you know. P. 309

P. 310?

Executive session, but incidentally, you say executive session for those out of Government as well as in?

MITCHELL: That's right.

PRESIDENT: Chapin and Colson should be called in.

DEAN: [Unintelligible]

PRESIDENT: I would think so.

MITCHELL: Sure. Because you have the same problem.

PRESIDENT: You see we ask—but your point—we ask for, uh, the privilege, and at least, you know, we, we, our statement said it applies to former as well as present [unintelligible]

DEAN: Now, our statement—you leave a lot of flexibility that you normally—for one thing, taking the chance appearing, and uh, however, informal relationships will always be worked out [unintelligible]

PRESIDENT: Informal relationships.

DEAN: That's right.

MITCHELL: You have the same basis—

PRESIDENT: Well, it might. When I say that, that, that—the written interrogatory thing is not as clear [unintelligible] maybe Ervin is making it that way, but I think that's based on what may be, uh, we said that—the—I don't think I said we would only write, in, in the press conference, written interrogatories.

DEAN: That's right. I don't think—

PRESIDENT: I didn't say that at all.

DEAN: Ervin just jumped to that conclusion as a result of my letter to, uh—

PRESIDENT: I think that's what it was.

DEAN: I think that's what's happened.

PRESIDENT: Not that your letter was wrong — it was right. But, uh, the whole written interrogatory, we didn't discuss other possibilities.

MITCHELL: With respect

PRESIDENT: Yeah. Particularly if, particularly if we have the Dean statement.

DEAN: And they've been given out.

PRESIDENT: And your view about the Dean statement is to give that to the Committee and not make it public, however.

DEAN: That's correct. I think that's—

PRESIDENT: And say it's, uh—

MITCHELL: Give it to the Committee for the purpose—

PRESIDENT: —the purpose of their investigation.

MITCHELL: [Unintelligible] to limit the number of witnesses

PRESIDENT: Yeah.

MITCHELL: which are called up there, instead of a buck-shot operation.

PRESIDENT: And say here, and also say, "This may help you in your investigation."

MITCHELL: Right.

PRESIDENT: "This is everything we know, Mr. Senator." That's what I was preparing to say. "This is everything we know; I know nothing more. This is the whole purpose, and that's that. If you need any further information, my, our counsel will furnish it, uh, that is not in here." It'd be tempting to —"but this is all we know. Now, in addition to that, you are welcome to have, have people, but you've got to have—" I think that the best way to have it is in execu-

to your ex-employees, you have the same problem of getting into areas of privileged communications. You certainly can make a good case for keeping them in executive session.

PRESIDENT: That's right.

MITCHELL: [Unintelligible]

PRESIDENT: And, and in this sense the precedent for working—you can do it in cases in the future, which [unintelligible] executive session, and then the privilege can be raised without having, uh, on a legal basis, without having the guilt by the Fifth Amendment, not like pleading the Fifth Amendment —

MITCHELL: Right.

PRESIDENT: the implication always being raised.

MITCHELL: [Unintelligible] and self-protection in that view?

PRESIDENT: What? Yeah.

DEAN: [Unintelligible] Fifth Amendment.

PRESIDENT: That's right. That's what we're going to do here.

MITCHELL: Those — boy, this thing has to be turned around. Got to get you off the lid.

PRESIDENT: Right.

DEAN: All right.

PRESIDENT: All right, fine, Chuck.

MITCHELL: Good to see you.

PRESIDENT: How long were you in Florida? Just, uh —

MITCHELL: I was down there overnight. I was four hours on the witness stand testifying for the Government in these, uh, racket cases involving wiretapping. The God damn fool Judge down there let them go all over the lot and ask me any questions that they wanted to. Just ridiculous. You know, this had, all has to do with the discretionary act of signing a piece of paper that I'm authorized by the statute. There were 27 hood lawyers that questioned me.

PRESIDENT: You know, uh, the, uh, you, you can say when I [unintelligible] I was going to say that the, uh — [Picks up phone] Can you get me Prime Minister Trudeau in Canada, please. [Hangs up] I was going to say that Dean has really been, uh, something on this.

MITCHELL: That he has, Mr. President, no question about it. He's a very —

PRESIDENT: Son-of-a-bitching tough thing.

MITCHELL: You've got a very solid guy that's handled some tough things. And, I also want to say these lawyers that you have think very highly of him. I know that John spends his time with certain ones —

PRESIDENT: Dean? Discipline is very high.

MITCHELL: Parkinson, O'Brien.

PRESIDENT: Yes, Dean says it's great. Well, you know I feel for all the people, you know, I mean everybody that's involved. Hell, is all we're doing is their best to [unintelligible] and so forth. [Unintelligible]. That's; that's why I can't let you go, go down. John? It's all right. Come in.

DEAN: Uh—

PRESIDENT: Did you find out anything?

DEAN: I was, I went over to Ziegler's office. They have an office over there. Paul O'Brien'll be down here in a little while to see you. I'm going over to Ziegler's office and finish this up now.

MITCHELL: Are you coming back?

DEAN: Yes, I'll come back over here then.

MITCHELL: O.K.

PRESIDENT: Yeah. Well, when you come back—he can, uh, is that office open for John now?

DEAN: Yes.

PRESIDENT: Then he can go over there as soon [unintelligible] this. But, uh, the, uh, the one thing I don't want to do is to—Now let me make this clear. I, I, I thought it was, uh, very, uh, very cruel thing as it turned out—although at the time I had to tell [unintelligible] — what happened to Adams. I don't want it to happen with Watergate — the Watergate matter. I think he made a, made a mistake, but he shouldn't have been sacked, he shouldn't have been—And, uh, for that reason, I am perfectly willing to—I don't give a shit what happens.

I want you all to stonewall it, let them plead the Fifth Amendment, cover-up or anything else, if it'll save it—save the plan. That's the whole point. On the other hand, uh, uh, I would prefer, as I said to you, that you do it the other way. And I would particularly prefer to do it that other way if it's going to come out that way anyway. And that my view, that, uh, with the number of jackass people that they've got that they can call, they're going to—The story they get out through leaks, charges and so forth, and innuendos, will be a hell of a lot worse than the story they're going to get out by just letting it out there.

MITCHELL: Well—

PRESIDENT: I don't know. But that's, uh, you know, up to this point, the whole theory has been containment, as you know, John.

MITCHELL: Yeah.

PRESIDENT: And now, now we're shifting. As far as I'm concerned, actually from a personal standpoint, if you weren't making a personal sacrifice — it's unfair — Haldeman and Dean. That's what Eisenhower — that's all he cared about. He only cared about — Christ, "Be sure he was clean." Both in the fund thing and the Adams thing. But I don't look at it that way. And I just — that's the thing I am really concerned with. We're going to protect our people, if we can.

MITCHELL: Well, the important thing is to get you up above it for this first operation. And then to see where the chips fall and, uh, and, uh, get through this Grand Jury thing up here. Uh, then the Committee is another question. [Telephone rings] What we ought to have is a reading as to what is [telephone rings] coming out of this Committee and we, if we handle the cards as it progresses. [Telephone rings]

PRESIDENT: Yeah. But anyway, we'll go on. And, uh, I think in order — it'll probably turn just as well, getting them in the position of, even though it hurts for a little while.

MITCHELL: Yeah.

PRESIDENT: You know what I mean. People say, "Well, the President's [unintelligible]" and so forth. Nothing is lasting. You know people get so disturbed about [unintelligible]. Now, when we do move [unintelligible] we can move, in a, in a, in a, in the proper way.

MITCHELL: If you can do it in a controlled way it would help and good, but, but, but the other thing you have to remember is that this stuff is going to come out of that Committee, whether—

PRESIDENT: That's right.

MITCHELL: And it's going to come out no matter what.

PRESIDENT: As if, as if I, and then it looks like I tried to keep it from coming out.

MITCHELL: That's why it's important that that statement go up to the Committee.

PRESIDENT: [Picks up phone.] Hello. I don't want to talk. Sure. [Hangs up.] Christ. Sure, we'll—

MITCHELL: It's like these Gray, Gray hearings. They had it five days running that the files were turned over to John Dean, just five days running—the same story.

PRESIDENT: Same story.

MITCHELL: Right.

PRESIDENT: The files should have been turned over.

MITCHELL: Just should have, should have demanded them. You should have demanded all of them.

PRESIDENT: (Unintelligible) what the hell was he doing as counsel to the President without getting them? He ws—I told him to conduct an investigation, and he did.

MITCHELL: I know.

PRESIDENT: Well, it's like everything else.

MITCHELL: Anything else for us to—

PRESIDENT: Get on that other thing. If Baker can—Baker is not proving much of a need up to this point. He's smart enough.

MITCHELL: Howard is smart enough, but, uh, we've got to carry him. Uh, I think he has and I've been puzzling over a way to have a liaison with him and, and, uh—

PRESIDENT: He won't talk on the phone with anybody, according to Kleindienst. He thinks his phone is tapped.

MITCHELL: He does?

PRESIDENT: Who's tapping his phone?

MITCHELL: I don't know.

PRESIDENT: Who would he think would tap his phone? I guess maybe that we would.

MITCHELL: I don't doubt that.

PRESIDENT: He must think that Ervin —

MITCHELL: Maybe.

PRESIDENT: Or, or a newspaper.

MITCHELL: Newspaper, or, or the Democratic party, or somebody. There's got to be somebody to liaison with Kleindienst to get in a position where—It's all right from foreknowledge through Kleindienst.

PRESIDENT: You really wonder if you take Wally Johnson and, uh—He's a pretty good boy, isn't he?

MITCHELL: Yeah. [Unintelligible]

PRESIDENT: You might, you might throw that out to Dean. Dean says he doesn't want to be in such a, such a public position. He talked to the Attorney General [unintelligible] Wally Johnson. And he said that —

MITCHELL: Well, he will be in the Department.

PRESIDENT: Yeah.

MITCHELL: Talking to the Department.

PRESIDENT: (Unintelligible) Mansfield's down there—

MITCHELL: Everything else under control?

PRESIDENT: Yeah, we're all doing fine. I think, though, that as long as, uh, everyone and so forth, is a, uh—(unintelligible) still (unintelligible)

MITCHELL: All of Washington—the public interest in this thing, you know.

PRESIDENT: Isn't Nash, (unintelligible) Earl Nash worries the shit out of us here in regard, regarding (unintelligible)

MITCHELL: Just in time.

PRESIDENT: But the point is that, uh, I don't—There's no need for him to testify, I have nothing but intuition, but hell, I don't know. I, but—Again you really have to protect the Presidency, too. That's the point.

MITCHELL: Well this does no violence to the Presidency at all, this concept—

PRESIDENT: The whole scenario.

MITCHELL: Yeah.

PRESIDENT: No, it, uh, uh, d—, that's what I mean. The purpose of this scenario is to clean the Presidency. (Unintelligible) what they say "All right. Here's the report, we're going to cooperate with the Committee," and so forth and so on. The main thing is to answer (unintelligible) and that should be a God damned satisfactory answer, John.

MITCHELL: It should be.

PRESIDENT: Shouldn't it.

MITCHELL: It answers all of their complaints they've had to date.

PRESIDENT: That's right. They get cross-examination.

MITCHELL: Right. They get everything but the public spectacle.

PRESIDENT: Public spectacle. And the reason we don't have that is because you have to argue

MITCHELL: They have to argue and—

PRESIDENT: on a legal and you don't want them to be, uh, used as a, uh, uh, for unfairly, to, to have somebody charged.

MITCHELL: It's our fault that you have somebody charged with not answering the Committee's questions (unintelligible) to John, make sure you put it in, make sure that you put it again in the argument, the clean record, and that's the reason why you have an executive session. Because the record that comes out of it is clean. But, uh, in areas of dispute—

PRESIDENT: I'd rather think, though, that all of their yakking about this, uh, we often said, John—we've got problems.

MITCHELL: [Unintelligible]

PRESIDENT: Might cost them [unintelligible]. Think of their problems. They, those bastards are really—they're just really something. Where is their leadership?

MITCHELL: They don't have any leadership, and they're leaping on every new issue.

[NOTE: At this point a portion of the discussion has been deleted.]

April 16, 1973

10 to 10:40 A.M.

Oval Office

The President and John Dean

HOUSE JUDICIARY

(Page 195)

PRESIDENT: But, you had knowledge; Haldeman had a lot of knowledge; and Ehrlichman had knowledge.

DEAN: Right.

PRESIDENT: And I suppose I did. I mean, I am planning to assume some culpability on that [unintelligible].

DEAN: I don't think so.

PRESIDENT: Why not?

DEAN: Uh —

PRESIDENT: I plan to be tough on myself as I am on the other thing, though, I, I must say I didn't really give it a thought at the time because I didn't know, uh —

DEAN: No one gave it a thought.

PRESIDENT: You did. You did.

Page 199

PRESIDENT: What got Magruder to talk?

DEAN: Uh —

PRESIDENT: I would like to take the credit.

DEAN: Because, because, well, uh, [laughs] he knew that —

PRESIDENT: I thought — I was hoping that you had seen him, because, uh —

DEAN: There was — Well, he was, he was told, he was told that, you know, there was going to be no chance —

PRESIDENT: You remember, though, when you made the statement about, uh, just making a note here about drawing the wagons up around the White House. Uh, based uh, basically you thought the primary [unintelligible] — this was talking about pre —

DEAN: Pre —

PRESIDENT: knowledge — was all in the Committee. Right?

DEAN: That's right. Where it is.

PRESIDENT: That's right. But on Magruder, come again. What's the deal, deal there?

[Pages 200-201]

PRESIDENT: I'm sure. On Liddy, I wanted to be sure that I, that you recall, on our conversation, I, uh — You asked me to do something. I've left it with Petersen now. He said he'd handle it. Uh, that's the proper place —

DEAN: That's right.

PRESIDENT: You see, when Liddy says he can't talk unless he hears from higher authority — I am not his higher authority.

DEAN: No.

WHITE HOUSE

(Page 798)

P. But you had knowledge; Haldeman had knowledge; Ehrlichman had knowledge and I suppose I did that night. That assumes culpability on that, doesn't it?

D. I don't think so.

P. Why not? I plan to be tough on myself so I can handle the other thing. I must say I did not even give it a thought at the time.

D. No one gave it a thought at the time.

[PAGE 804]

P. What got Magruder to talk? I would like to take the credit.

D. Well.

P. I was hoping you had seen him because —

D. He was told, one, that there was no chance.

P. As a matter of fact, he made a statement about (inaudible) around the White House. I guess this was primaries — it was all committed. But on Magruder, come again.

(Page 805-06)

On Liddy I wanted to be sure. You recall our conversation. You asked me to do something. I have left it with Petersen now and he said he would handle it. That's the proper place.

When Liddy says he cannot talk with peers it must be higher authority, I am not his higher authority. It is Mitchell.

HOUSE JUDICIARY

PRESIDENT: It's Mitchell.

DEAN: Well, but I think he's looking for the ultimate —

PRESIDENT: What do you think he's thinking about?

DEAN: I think he's thinking about the President.

PRESIDENT: Clemency?

DEAN: He thinks — he has the impression that you and Mitchell probably talk on the telephone daily about this.

PRESIDENT: You know we've never talked about it.

DEAN: I understand that.

PRESIDENT: I have never talked to Mitchell about this. Oh, except about when, whether we go, uh, the executive privilege thing.

DEAN: Right.

WHITE HOUSE

D. Well, he obviously is looking for the ultimate, but I think he is looking for the ultimate.

He has the impression that you and Mitchell probably talk on the telephone daily about this.

P. You know we have never talked about this.

D. I understand that.

P. I have never talked to Mitchell about this except when whether we go the executive privilege thing.

D. Right

April 16, 1973

1:07 to 4:35 P.M.

E.O.B. Office

The President and John Dean

HOUSE JUDICIARY

PRESIDENT: And that goes out ahead of, frankly the Magruder-Mitchell head-chop business.

DEAN: That's right: what's the timing on that? Do you know?

Pages 215-218

DEAN: Can't [unintelligible] — Yes, I said, "No abuse."

PRESIDENT: Right.

DEAN: [Unintelligible]

PRESIDENT: [Unintelligible] Magruder [unintelligible]

DEAN: They're taking him into court to do this.

PRESIDENT: Huh?

DEAN: They're going to take Magru —

PRESIDENT: I know.

DEAN: — der into court to do this.

PRESIDENT: Lou Lavelle went. [Unintelligible]

DEAN: I know.

PRESIDENT: [Unintelligible]

DEAN: I don't think we're going to have many leaks out of the grand jury or, or the [unintelligible] court. Local court et cetera.

PRESIDENT: Uh, but uh, what do you think John [unintelligible] operating too short — by a day.

DEAN: What about Hunt, too.

PRESIDENT: You, Haldeman and Ehrlichman. Magruder knows. I'd like to follow that. [Unintelligible]

DEAN: What — How can he respond to that? I don't understand that.

PRESIDENT: Uh huh.

Cont'd on Following Page

Cont'd on Following Page

HOUSE JUDICIARY

DEAN: [Unintelligible] his testimony before the grand jury.

PRESIDENT: This testimony makes a statement [unintelligible].

DEAN: I can't in public statement without naming any individuals. [unintelligible] the rights of that individual. That's why I don't think that I, I can't foresee what he's going to say. [Unintelligible] naming any, any individual.

PRESIDENT: You see, I think my own [unintelligible] I requested that the U. S. Attorney call before the grand jury.

DEAN: [Unintelligible] all, all your staff.

PRESIDENT: I am to cooperate.

DEAN: Um huh.

PRESIDENT: How about trying that for a little [unintelligible] if the White House staff gets called before the grand jury and questioned.

DEAN: The prosecution will [unintelligible] needed somebody to wash or, or the like. They may or may not want to hear, and—by the way, I would, I would bounce that one off of Henry, uh—

PRESIDENT: Yeah, Ehrlichman and Haldeman and Magruder.

DEAN: It is, it has been? Or—

PRESIDENT: We can always find reasons.

DEAN: And Hunt's.

PRESIDENT: [Unintelligible] oh, my God, we've got to leave [unintelligible] Ehrlichman and Haldeman predict, thank God [unintelligible] world. They were on top: they're shot down.

DEAN: That's right. [unintelligible]. The other thing that always worried me is not getting shot down, but not giving out enough, and starting a, a chain going that we didn't want, because we didn't give enough. Uh, would, uh—[coughs] [unintelligible] unfortunately, the source of the problem, and it's just, it's mind boggling but you think about it, uh—

PRESIDENT: And—

DEAN: He didn't care—

PRESIDENT: All across [unintelligible]

DEAN: That's right. Lord knows. Lord knows [unintelligible]

PRESIDENT: And after he didn't turn it off—

DEAN: And then we bailed him out, and that's why we have a problem.

PRESIDENT: [unintelligible] and then you said the whole

WHITE HOUSE

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)."

HOUSE JUDICIARY

White House at least, uh, up to you, and Ehrlichman. Haldeman after regretfully dealing with the fact. We've got to keep the thing from going upstairs, to Mitchell, I mean, your conversation with Magruder—

DEAN: That's right.

PRESIDENT: The fact that, uh, you're supposed to support him—everybody—

DEAN: Uh huh.

PRESIDENT: And therefore Mitchell [unintelligible]

DEAN: Oh, Mitchell,

Mitchell was making heavy comments about, you know, if Hunt and Liddy blow, the White House will have a bigger problem than he will, sort of things.

PRESIDENT: Yeah.

DEAN: Whatever they had done over here would be quite embarrassing during the election, also.

PRESIDENT: Yeah.

DEAN: And I suppose there's some truth in that. No hard facts. Just [unintelligible] Ellsberg's office, and thinks like that.

PRESIDENT: [Unintelligible] that wouldn't have been very good.

DEAN: You know, uh, you know, poor Bud Krogh, uh, is just miserable, knowing what he knows.

PRESIDENT: Meaning Ellsberg?

DEAN: Yeah, he's —

PRESIDENT: Yeah, well [unintelligible].

DEAN: Hopefully not. There's no reason it should be. The only evidence that they have which they must — That's one of the reasons I have argued against a special prosecutor. The special prosecutor is going to run across evidence that's screwy. [unintelligible] that picture, that picture in front of the doctor's office. [unintelligible] can't get into that.

PRESIDENT: This is not their case — that they're —

DEAN: That's not their case. It's just got forced on them.

PRESIDENT: That's right.

DEAN: When I was first, you know, first talking, uh, with regard to [unintelligible]

PRESIDENT: [unintelligible]

DEAN: They wanted to just, just, just the original time run these guys through the grand jury, with immunity, and see what came out.

PRESIDENT: [unintelligible]

DEAN: Uh, let us fight our battle with the Senate.

DEAN: [unintelligible]

PRESIDENT: It won't pull us down. [unintelligible]. We

WHITE HOUSE

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? "Run these guys through the Grand Jury—"

D. There is no reason that he should be. The only evidence that they have (inaudible) It just got forced on him. When I was first talking to him—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.

HOUSE JUDICIARY

can wait and handle it in the [unintelligible] court.

DEAN: We never—

PRESIDENT: [unintelligible] virtually nine months. [unintelligible]

DEAN: Dean couldn't get there with the facts.

PRESIDENT: [unintelligible] they'll ask.

DEAN: I didn't have the power to compel Mitchell or Magruder to tell me what had happened. I just surmised what had happened.

PRESIDENT: [unintelligible]

DEAN: Absolutely.

PRESIDENT: We've been through this particular [unintelligible]

DEAN: They pulled it out inch by inch, uh, and it'll just, uh, it'll bring you down with it in this [unintelligible] committee.

PRESIDENT: Well, it hurts, as you say.

DEAN: I've been, uh, to be very honest, I've talked about it around here before I got in to see you for many, many months. Uh, I said, you know, I said the containment theory is not working anymore so you might as well forget it.

PRESIDENT: Right. That's what you came in to see me? Fine.

DEAN: Fine. It works. Finally, I started coming in to see you and that's when we started getting action.

PRESIDENT: I have no right [unintelligible]

DEAN: Then I was told by all of those after joining this, that'd be talking surrender. I'm not talking surrender. I'm talking realistically. [Unintelligible] investigation going. They've got subpoena power, immunity power, and they're going to break somebody up there, just as sure—And, uh, I've always said that it's a domino situation—One, one goes — and that's exactly what's happened here, Mr. President.

PRESIDENT: The poor guys.

DEAN: The poor men and the [unintelligible] all the way around.

PRESIDENT: Secretaries, [unintelligible.]

DEAN: That's right.

PRESIDENT and DEAN: (Unintelligible)

DEAN: How do you want to handle it: Ehrlichman, Haldeman, and Dean?

PRESIDENT: That's a good question. (Unintelligible) the biggest part of that question is when, under the circumstances—it's, uh—

DEAN: Here's the argument I, I've been meaning to tell you: First of all, there

WHITE HOUSE

P. That's right. That's when you came in to see me.

D. Finally, that is when I came in to see you and got some answers.

Now, they have their full investigation going — with subpoena power, investigative power, etcetera. It is all like a set of dominoes of 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 poten-

HOUSE JUDICIARY

is, there's, there is potential —There are prima facie situations right now that are very difficult in, uh, to prove in context that—been made aware of. Uh, does that thereby make it necessary for you to make a judgment that those people should leave the staf funtil their, their name is cleared?

PRESIDENT: It makes it necessary for me to relieve them of any duty if this peaks.

DEAN: That's right.

PRESIDENT: Which I have

done. It makes it necessary for me to [unintelligible] Haldeman turn it down, which I end up.

DEAN: But that — I don't know —

PRESIDENT: I'm happy to discuss it with him, but whether, you just say let's go all out and tromp their ass: I do not —

DEAN: That's the tougher question, because one, that's putting you in the position of being the, the judge and tryer of the facts.

PRESIDENT: Before —

DEAN: Before all the facts are in, necessarily.

PRESIDENT: That's really my problem on that. I mean, I—so this fellow says that, and this fellow says that—that's the thing that concerns me.

DEAN: Well, maybe that's the way this ought to be handled, publicly. Say, "I have certain information about — you know, allegations have been made about persons, some publicly—some have not become public yet—but I am not in a position where I can make any."

PRESIDENT: Yeah. Yeah.

DEAN: "Judgments, because all the facts aren't in yet."

PRESIDENT: But you really think, John, don't you, that, uh, you [unintelligible] in the meantime—

DEAN: Okay.

PRESIDENT: Your statement, this statement is terribly important. And, then frankly, something very shortly beforehand [unintelligible]. Right?

DEAN: Right.

PRESIDENT: I'll talk to you on Thursday [unintelligible]. Thank you.

DEAN: Yes, sir.

PRESIDENT: Would you say that you [unintelligible] move, uh [unintelligible] in this area?

DEAN: Right.

PRESIDENT: And, uh [unintelligible]

WHITE HOUSE

tial prime 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.)