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Ehrlichman Told Mitchell

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WASHINGTON, July 11—Following are excerpts from a text of an April 14, 1973, conversation between John D. Ehrlichman and John N. Mitchell. It was prepared by the House Judiciary Committee from White House tape recordings.

EHRlichman: Come in, sir.

MITCHELL: Yes, sir.

E. Sorry to drag you down here this way, but things seem to be moving and I thought you'd better know what we know. Sit down.

M. I'd like to know what you know.

E. Uh, late last night, uh, I gave the President the results of what I had been working on since about the 25th of March, which is an effort to try and give him as much as I could determine about the extrinsic facts of this whole episode, that is to say outside the White House, which Dean really had not brought in that meeting. He felt he needed to know because he had some judgments he had to make. Uh, he then asked that I talk to you and several other people about something that I discovered in this thing that, that troubled him very much, and that was that some people thought that their silence served his purpose at this point.

Now, obviously you're in a situation of jeopardy, and other people are, too. And, he does not—I mean this is just very hard uh, uh, for, for him, and that's the reason I am talking to you. And, and, uh, he just didn't want anybody to labor under the misapprehension that there was any overriding consideration in his interest of anybody remaining mute. That, that, uh—obviously, everybody's got to decide for himself if, if he's got a Fifth Amendment situation or, uh, put them on your approved situation and that's not what I'm talking about. I'm talking about, uh, the, uh, attitude that several have—John Dean for one, that he is better off not, not testifying than testifying because it was the, the President's interest.

The President now feels his interest institutionally, not, not individually necessarily, but the institution of the Presidency is better served by having this thing aired, disposed of, and put, put behind us, so to speak. It's pretty hard to put it behind him, but that is a better route to try and take than one of, of, uh, uh, making it difficult to get at the evidence. Now, uh, I learned in the process of, uh, trying to reach people that—access routes—that Jeb Magruder has decided to make a clean breast of things and to take a guilty plea.

So that pretty well, uh, starts to work from the middle in all directions, and apparently he will be seeing the U. S. Attorney to carry this out either over this weekend, or immediately the first of the week. Uh, he, uh—on the, the four corners of my investigation, that will pretty well determine the ultimate outcome of things uh, if he does that, and I—absolutely everyone's opinion [unintelligible], Uh, in addition, it's coming unstuck in a number of other areas and uh, [unintelligible].

M. Well, I'd like to know about it.

E. Well, the U. S. Attorney is focusing on the aftermath,

M. Uh huh.

E. On the obstruction of justice as-

pect of this, and, uh, apparently has induced Hunt to testify through some arrangement or other. Now, that's not very reliable evidence. [Unintelligible].

M. From what I hear, that's probably true.

E. But, uh, that seems to be the breaks at this [unintelligible]. Uh, what he would add, I don't know, but apparently that makes it hard for O'Brien and others and, uh, they expect that, uh, they will make a very wide-ranging case of the aftermath business.

M. On what, uh, what basis?

E. Obstruction of justice.

M. Huh.

E. Yeah, on a conspiracy.

M. In what way did they obstruct justice?

E. In inducing the defendants to withhold testimony, is their theory for corrupt [unintelligible].

M. Is, is that factually true?

E. I don't, I, I can't say that it is, from anything that I've been able to find I have, I have not been able to find any direct efficient actor who made that assertion. I've got a lot of third-hand hearsay, I have not in my investigation been able to make that and I so advised the President.

No Indication of Motive

M. Uh huh.

E. Because he—uh, a, a lot of validation has been made with regard to John Dean, for instance, and I have not been able to, uh, point out to the President any reliable evidence that John had any corrupt motive or participated in any such obstruction.

M. Well, certainly there wasn't any corrupt motive.

E. [Unintelligible].

M. Poor John is the guy that just got caught in the middle.

E. Sure.

M. Of this thing.

E. Sure, and that's what I said.

M. Like, uh, like so many others that were first of all trying to keep the lid on it until after the election.

E. Yeah.

M. And, uh, in addition to that, to keep the lid on all the other things that, uh, were going on over here, uh, that

E. Well, the, uh,

M. Would have been worse, I think than the Watergate business.

E. So, uh, uh, that's before them. Now, as far as what you do, obviously you're the, you're the captain of your own boat on this, but the President wanted you to have me tell you right now that he is extraordinarily troubled by the situation in which you find yourself, and, and therefore everybody finds themselves. That this, uh, in no way affects his feeling for you in any regard.

M. What's his [the President's] first proposed action?

E. He hasn't any right to tell you what to do. Uh—

M. Oh, I'm not talking about telling me.

E. Yeah.

M. No, no, no, no. What, what is brother Dick doing about that?

E. Well, he, he doesn't have just a lot of options.

M. Well, let me (clears throat) tell you where I stand. Uh, there is no way that I'm going to do anything except staying where I am because I'm too far, out. Uh, the fact of the matter is that, uh, I got euchred into this thing, when

He Was In Jeopardy

I say, by not paying attention to what these bastards were doing, and uh, well you know how far back this goes—this, uh, whole genesis of this thing was over here—as you're perfectly well aware.

E. No, I didn't know that.

E. Well, I certainly would not attempt to tell you what to do.

M. No. I appreciate that.

E. The, the thing that was lurking in the, in the President's mind and that I could not disabuse him of was, "Is—you think John thinks that he ought to hold back for me?" And I said, "Well, I haven't talked to John, I don't know what's in his mind."

M. Hold back from the President?

E. Hold back—no, no, no, no. Hold back from coming forward on account of the President. In other words, if you were to think I shouldn't really—even say to yourself: "I shouldn't come forward on this because I would hurt the President," or something of that kind. He said: "Well, somebody's got to talk to him and say: 'Don't, don't hold back on account of the Presidency.'"

M. Uh huh.

E. And, and, that's really the burden of this conversation. I don't have any, I don't have any desire to have you take anything else away from here except that. And y—, and it's his, that's his message.

M. It's not—I, I realize that. But with all of this, uh, uh, (clears throat) there's uh, certainly no possibility that I would ever turn around and say, "Yes, I was part and parcel of this."

E. Sure, sure. Okay. Well, can I get you an airplane to take you back?

M. Yeah—Well, no. I can get a commercial plane if I find a proper seat on it.

E. All right. Let me get you [unintelligible]

M. Oh, one other thought, uh, John, in connection with that money that was over here. There should they ever be attempt made to establish that that was part of a zillion dollars that I had left over from '68, which was not subject to campaign expenses.

E. That's true, isn't it? I have always believed that. I don't know, but, uh, I've always believed—

M. I have always heard it was so, uh, John, but now (clears throat) Maurice (clears throat) Stans has got so many items floating around that I'm not sure whether they put it all together. He and, uh, Kalmbach had a meeting where they tried to balance things out, but then they had Sloan—

E. Another set of books, eh?

M. Well, apparently so. But, uh, that is something that, uh, would save a lot of grief if that weren't campaign funded.

E. Yeah.

M. [Unintelligible]

E. Yeah. Okay. I don't know what, you know, how we can reduce those facts beyond what Maury and Herb can put together, but Bob's impression is that that was the source of the money.

M. Uh huh.

E. I asked him and he said it is '68 money. He would know.

M. That's what I'm talking about.

E. Yeah. Yeah.

M. Yes, they had, uh, I guess bringing the money they had in New York and [unintelligible] California, they had about

a million dollars [unintelligible]

E. I, I don't know. I think this was pretty close to it.

M. Well, I never heard about borrowing this till now.

E. Uh huh. Well, uh, as I say, that's that fund is now before the Grand Jury. There was a, a problem because Strachan misspoke at the Grand Jury and said that he had returned two-hundred and fifty thousand, when in point of fact, he remembers only returning three hundred twenty some thousand. And uh—so he came in and asked me what he should do, and I said he ought to call the U.S. Attorney and just tell him that he misspoke and that he wanted a chance to correct the record, which he has now done. His, uh—

M. What, what does that mean? That some of the money was paid out of here?

E. It was paid out for, uh, t—, uh, to, uh, somebody named Baroody in the P.R. business for an ad, uh, as best they can recall it. And, there are no books of account on it, apparently. They're asking to see [unintelligible] But, uh, somewhere in the last days of the campaign, Dick Howard asked for money to pay for this ad, and that is where it went.

M. Uh huh.

E. But, otherwise it remained intact. It never tapped otherwise. So I—

M. That's, that's not what I understand.

E. It was tapped before?

M. I think that's what I've heard.

E. Now, that's the first I've heard—

M. It was tapped for paying this, uh, all those characters, whoever they were.

E. Before it got back over to the Committee?

M. Uh huh.

E. Gee, that's news to me. That's, that's something I have never heard before. That, that Strachan tapped it? Or somebody?

M. Well, apparently, uh, John Dean is the one that, uh, was working on it and he went to Strachan and they had to get Bob Haldeman's clearance on it.

E. Well, all right, let me tell you what I understand to be the case (unintelligible) that Strachan came to Haldeman and said, uh, uh, "How about this, how about this fund of money," and Haldeman had not had occasion to think about it since the time of the ad, and he said, "Well, the campaign's over now. Send the money back to the Committee." And so Strachan took the money back and gave it to LaRue who was designated to be the recipient of the money. So the, the whole thing was wholesaled back to LaRue.

M. Well, you'd better check this with John Dean because he's the one that, uh, told me this story. I guess it was last, early last week, and I had heard it before, that, uh, there was some of that money used to pay Bittman or whoever they delivered the money to.

E. Before it got to Fred? Huh.

M. I don't believe, I don't think there's any question about that. I know it was. Maybe two or three payments (unintelligible)

E. Okay. I'll check.

M. And that, uh, that Strachan obviously wasn't going to do it on John Dean's request, and he went to Bob on it.

E. Huh. All right, I'll check that.

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