

# Selected Judiciary

Statement of Information—Watergate Special Prosecutors;

Judiciary Committee's Impeachment Inquiry.

1. On or about April 25, 1973, the President directed H. R. Haldeman to listen to and report on the taped conversation of the March 21, 1973, morning meeting among the President, John Dean and Haldeman. Haldeman requested and received twenty-two tapes of presidential conversations which took place in February, March and April, 1973. That afternoon Haldeman listened to the March 21 morning conversation and made notes from the tape. From 4:40 to 5:35 p.m. Haldeman met with the President and reported to him on the contents of the tape. The President concluded that Haldeman should listen to the March 21 tape again to ascertain the answers to certain points of doubt raised by the tape. On or about April 26, 1973, Haldeman again received the group of tapes including the March 21 tape. He subsequently listened again to the March 21 tape and reported to the President. On April 26, 1973, Haldeman and the President met for approximately five hours, commencing at 3:59 p.m., and concluding at 9:03 p.m. The committee has subpoenaed the tape recordings of the April 25 and April 26 conversations between the President and Haldeman but has received neither the tape recording nor a White House-edited transcript of the conversations.

2. David Young, former co-director of the Special Investigations Unit (the "Plumbers") has testified that on April 30, 1973, Ehrlichman instructed Young to be certain that all papers involving the investigation of security leaks were put in the President's file before Young left the White House staff. Ehrlichman informed Young of his own resignation and that he was going to be putting some papers in the President's file before he left.

3. On April 30, 1973, the President announced that he had accepted the resignations of Haldeman, Ehrlichman and Kleindienst and had requested and accepted the resignation of Dean. The President also announced the nomination of Elliot Richardson as Attorney General. The President stated that Richardson would have absolute authority to make all decisions bearing upon the prosecution of the Watergate case and related matters, including the authority to name a special supervising prosecutor for matters arising out of the case. The President pledged that he would do everything in his power to see that the guilty were brought to justice. During late April public calls

branch. On May 10, 1973, Senator Scott informed the Senate Judiciary Committee that the President had told him he would not intervene in the selection of the prosecutor nor in the conduct of his office.

5. On May 21, 1973, Richardson appeared before the Senate Judiciary Committee with Special Prosecutor designate Archibald Cox. Richardson submitted to the committee a statement of the duties and responsibilities of the special prosecutor which included a number of suggestions he had received from members of the committee and from Cox. The statement provided that the special prosecutor would have jurisdiction over offenses arising out of unauthorized entry into the DNC headquarters at the Watergate, offenses arising out of the 1972 Presidential election, allegations involving the President, members of the White House staff or presidential appointees and other matters which he consented to have assigned by the Attorney General and that he would have full authority for determining whether or not to contest the assertion of executive privilege or any other testimonial privilege. The guidelines also provided that the special prosecutor would not be removed except for extraordinary improprieties. After Richardson's confirmation, the statement was promulgated and published as a formal Department of Justice regulation, effective May 25, 1973.

6. On May 22, 1973, the President issued a statement noting Richardson's selection of Archibald Cox and stating Richardson had the President's full support in his determination to see the truth brought out. The President also stated that executive privilege would not be invoked as to any testimony concerning possible criminal conduct or discussions of possible criminal conduct in the matters then under investigation, including the Watergate affair and the alleged cover-up. On May 23, 1973, the Senate Judiciary Committee voted to report favorably on Richardson's nomination and on the same day Richardson was confirmed by the Senate. Richardson was sworn in as Attorney General on May 25, 1973. At the time of the swearing in, the President had a conversation with Richardson about the President's statement of May 22, 1973. According to Richardson, the President told him that the waiver of executive privilege as to testimony referred to in that statement did not

Committee Evidence



respect to such files. On June 1, 1973, Buzhardt wrote Cox describing security measures in effect with respect to the files and stating that the protection and disposition of presidential papers was a matter for decision of the President.

8. On June 4, 1973, Cox wrote Buzhardt requesting more precise assurance on security measures with respect to certain White House files that Cox had specified. On June 5, 1973, Cox wrote Buzhardt supplementing the list of files and stating that his references to "files" included all diaries and logs of telephone calls.

9. On June 4, 1973, the President listened to tapes of his conversations with John Dean in the months of February and March, 1973. At various times during the day the President spoke with Chief of Staff Alexander Haig and Press Secretary Ron Ziegler about the content of the tapes. The President instructed Bull that he did not wish to hear the March 21 tape because Haldeman had notes on it. At another point the President said that he did not need the March 21 and April 15 tapes because he had those. After listening to tapes, the President telephoned Haldeman; his diary indicates that he spoke to Haldeman from 10:05 to 10:20 p.m. and from 10:21 to 10:22 p.m. Between April 30, 1973, and June 4, 1973, the President spoke with Haldeman by telephone twenty-five times and met with him seven times.

10. On June 11, 1973, Cox wrote to Buzhardt that he had been informed that a conversation between the President and Dean on April 15, 1973, was recorded on tape and requested access to the tape. Buzhardt has testified that he spoke to the President about Cox's request. On June 16, 1973, Buzhardt wrote Cox that the tape of a conversation between the President and Dean on April 15, 1973, was a tape on which the President dictated his own recollections of that conversation with Dean after it was finished and that it would not be appropriate to produce that tape. On June 20 Cox wrote to Buzhardt stating that according to Cox's information the President had offered the tape to Assistant Attorney General Henry Peterson while Petersen was in charge of the investigation. Cox again requested the recording of the President's April 15 meeting with Dean.

11. On June 11, 1973, Cox wrote Buzhardt requesting that an inventory be made of the contents of any and all the files of Mitchell, LaRue, Liddy, Strachan, Colson, Chapin, Ehrlichman, Haldeman, Dean, Hunt, Krogh and Young, and files relating to the Pentagon Papers investigation and the Special Investigations Unit. On June 16 Buzhardt informed Cox that the President alone had the authority to order an inventory of the files and that Cox's proposal would be reviewed with the President. On June 21, 1973, Cox wrote to Buzhardt renewing the request. Cox has testified that after a period of many weeks he was told by Buzhardt that there could be no agreement on such an inventory.

12. On June 13, 1973, Cox write Buzhardt and requested copies or excerpts from logs showing the dates and

House would give Cox the ITT file. Cox subsequently testified that he received the file.

14. On June 22, 1973, Buzhardt sent to Cox documents listings meetings and conversations between the President and Henry Petersen during March and April, 1973, showing no contact between the President and Petersen on April 17, 1973, and one telephone call on April 18, 1973. (The President's Daily Diaries introduced into evidence before Judge Sirica on November 9, 1973, show that Petersen met with the President on April 17, 1973, and that Petersen had two telephone conversations with the President on April 18, 1973).

15. On or about June 25, 1973, the President, then at his San Clemente home, told Haig that he wanted to hear the tape of a certain telephone conversation. Because of difficulties in arranging for the tape to be flown from the White House to San Clemente, Buzhardt was instructed to listen to the tape at the White House. According to Buzhardt and Secret Service records, Buzhardt listened to a March 20, 1973, telephone call between the President and Dean. Buzhardt reported to the President on the contents of the tape.

16. On June 25, 26, 27, 28 and 29, 1973, Dean testified before the Senate Select Committee on Presidential Campaign Activities (SSC). He testified about various meetings with the President and made allegations concerning his own and Haldeman's, Ehrlichman's, Mitchell's and the President's involvement in the Watergate case.

17. On June 27, 1973, Cox wrote to Buzhardt formally requesting that the President furnish a detailed narrative statement covering the conversations and incidents mentioned in Dean's testimony before the SSC. Cox stated that it was important that the President's evidence be obtained without undue interference with the President's responsibilities.

18. On June 28, 1973, Fred LaRue pleaded guilty to a one-count felony information charging that he conspired with other unnamed persons to influence, obstruct and impede the due administration of justice. The information charged a conspiracy to pay money to the defendants in United

States v. Liddy for the purpose of obtaining their silence and specified as an overt act in furtherance of the conspiracy the receipt by LaRue of \$280,000 in cash on or about December 1, 1972. LaRue agreed to disclose all information in his possession and testify as a witness for the government in any and all cases with respect to which he may have relevant information.

19. Richardson has stated that on July 3, 1973, Haig called him to complain about a news story that Cox was investigating expenditures relating to the "Western White House" at San Clemente. Richardson has stated that Haig told him that he ought to get Cox to issue a statement that Cox was mak-

ment from Cox within an hour that Cox was not investigating San Clemente.

20. On July 6, 1973, Cox announced that the American Airlines Corporation voluntarily acknowledged it had made illegal corporate contributions to the Committee to Re-elect the President (CRP) in 1971-72 and agreed to cooperate fully with the special prosecutor's office.

21. On July 6, 1973, the President, in response to requests from the SSC, wrote to Senator Ervin that he would not testify before the committee and would not allow access to presidential papers prepared or received by former members of his staff. The President stated that he would allow present and former White House staff members to testify.

22. On July 10, 1973, Cox wrote Buzhardt that he was disturbed by the lack of progress in obtaining answers to his several requests concerning access to papers in the White House files, inventories to certain files and access to the tape relating to the April 15 conversation between the President and Dean. Cox pointed out that the de-

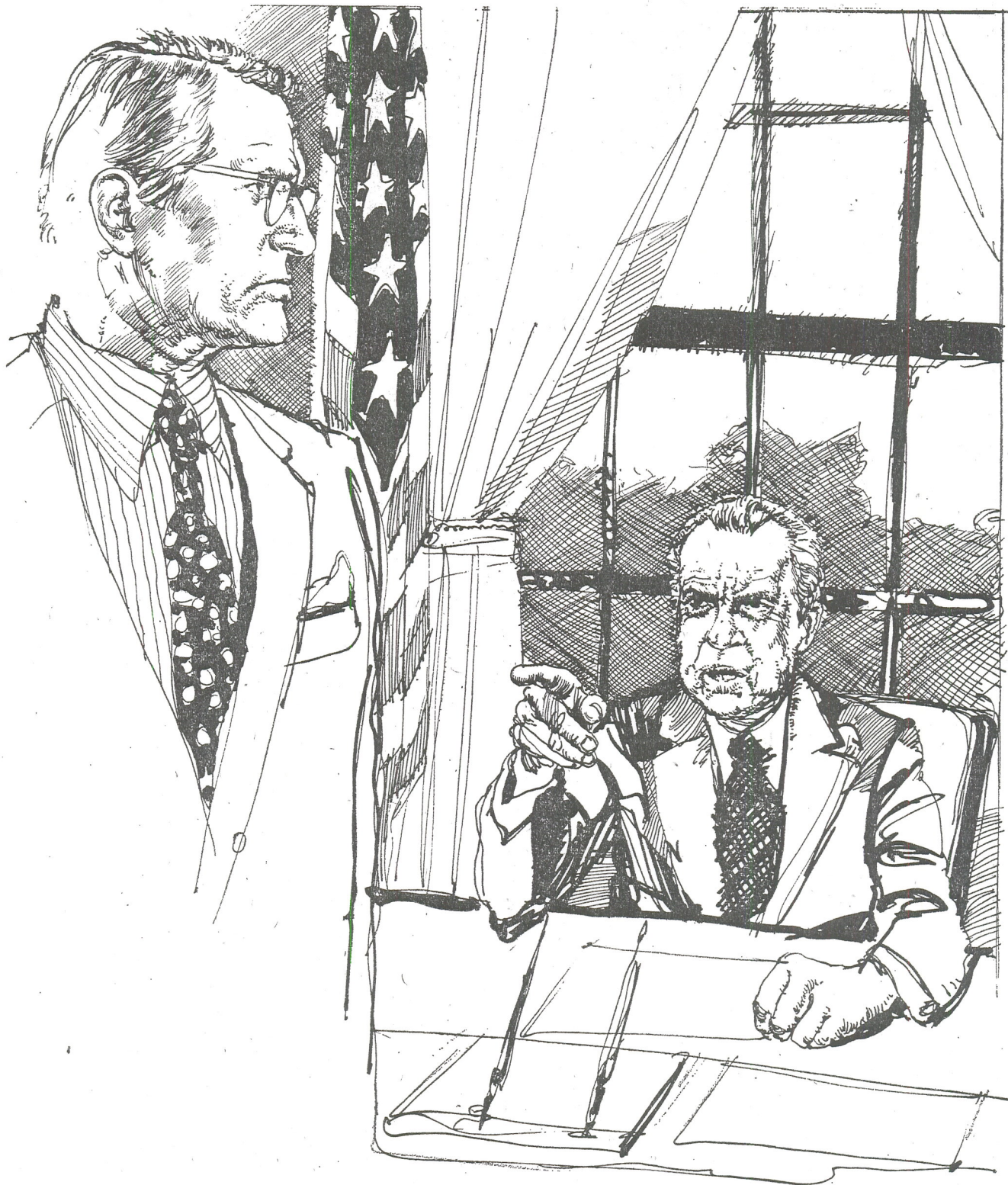
lay was hampering the investigation of possible criminal offenses by high government officials. Cox stated he was reluctant to report on his difficulty in obtaining information from the White House or to seek legal process, but that he must insist upon a prompt, categorical response to each of his requests.

23. In early July, 1973, the President authorized Haldeman to listen to the tape of the September 15, 1972, conversation between the President, Haldeman and Dean. On or about July 10, 1973, several tapes and a tape recorder were delivered to Haldeman at Lawrence Higby's home. Haldeman has testified that he took the tapes and the tape recorder to his home and listened to the tape of the September 15 conversation. On July 11, 1973, Haldeman obtained and took home six additional tapes, including a reel covering conversations in the President's EOB office on April 15, 1973. Haldeman has testified that he did not listen to these tapes, and returned them and the tape recorder to the White House the following morning.

24. On July 10, 1973, Cox wrote to Buzhardt requesting (1) copies of records of telephone conversations and meetings between the President and Clark MacGregor on July 5 and 6, 1972; (2) copies of Gordon Strachan's "political matters memoranda"; (3) a copy of materials in John Dean's "Miscellaneous Intelligence" file; (4) a copy of the logs showing what items from the safeguarded files had been copied by former White House staff members; and (5) records of items inserted into any White House file by Ehrlichman or Young on or after April 30, 1973.

25. On July 12, 1973, Senator Ervin wrote to the President...





By David Suter for The Washington Post

sional committees concerning matters observed or learned while performing protective functions for the President or in their duties at the White House. On July 18, 1973, the taping system was disconnected and custody of the tapes transferred from the Secret Service to the White House.

27. On July 18, 1973, Cox wrote to Buzhardt requesting eight tape recordings of conversations between the President and various White House staff and others whose conduct was under investigation.

were being preserved intact. Buzhardt the tapes were under the President's sole personal control and that they were being adequately protected under secure conditions. Buzhardt stated that all access to the tapes was carefully documented.

29. On July 20, 1973, Cox confirmed that Ashland Oil, Inc., and Orin E. Atkins, Chairman of the Ashland Oil, Inc. Board, voluntarily acknowledged making an illegal corporate contribution of \$100,000 to the President's

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31. On July 23, 1973, Haig called Richardson. Richardson has stated Haig told him that the President had complained about various Cox activities, including letters to the IRS and Secret Service from the special prosecutor's office seeking information on guidelines for electronic surveillance. Richardson has stated that Haig told him that if they had to have a confrontation they would have it.



not to turn over the tapes to the SSC. The President stated that the tapes would not finally settle the central issues before the committee because persons with different perspectives and motivations would inevitably interpret the comments on the tapes in different ways. The President also stated that the tapes could be accurately understood or interpreted only by reference to other documents and tapes.

33. On July 23, 1973, the special prosecutor issued a subpoena duces tecum to the President on behalf of the Watergate Grand Jury. The subpoena required the production of materials relating to nine presidential conversations, a memorandum dated March 30, 1972, from W. Richard Howard to Bruce Kehrli, and all "Political Matters Memoranda" and all tabs or attachments thereto from Gordon Strachan to H. R. Haldeman between November 1, 1971, and November 7, 1972.

34. On July 25, 1973, Buzhardt responded by letter to Cox's request of June 27, 1973, for a narrative statement from the President. Buzhardt stated that at an appropriate time the President intended to address publicly the subjects the SSC was considering, including Dean's testimony. The same day Cox wrote Buzhardt and expressed his reservations that the President's public statement would be responsive to his request for a testimonial narrative, but that he would postpone making a decision on whether to renew such request until after the President's public statement.

35. On July 25, 1973, the President informed Judge Sirica that he would decline to obey the subpoena issued on July 23, 1973, because to do so would be inconsistent with the public interest and with the constitutional position of the Presidency. The President agreed voluntarily to transmit the memorandum from W. Richard Howard to Bruce Kehrli and the memoranda from Gordon Strachan to H. R. Haldeman.

36. On July 26, 1973, Judge Sirica issued an order requiring the President to show cause why there should not be full and prompt compliance with the subpoena.

37. On July 30, 31 and August 1, 1973, Haldeman testified before the SSC. Haldeman told the committee that he had listened to a tape recording of a meeting between the President and Dean on March 21, 1973, from 10:12 to 11:55 a.m. that Haldeman had joined at 11:15 a.m. Using notes he had prepared while listening to the tape, Haldeman testified about the entire conversation between the President and Dean. Haldeman testified that on March 21 the President had told Dean that there was no problem in raising one million dollars but that it would be wrong.

38. On or about August 9, 1973, Cox met with Richardson and requested a file of documents concerning campaign contributions by milk producers then in the possession of lawyers in the Civil Division of the Department of Justice. Richardson called Buzhardt and told him that he wanted to turn the milk producers file over to Cox. Buzhardt later called Richardson and told him not to give the file to Cox.

40. On August 14, 1973, W. Richard Howard was directed by the Grand Jury to produce the original carbon copy of a March 30, 1972, memorandum he wrote to Bruce Kehrli concerning E. Howard Hunt. On August 27 Cox wrote to Buzhardt requesting that the document be supplied to the special prosecutor. On September 5 Buzhardt provided the requested documents and informed Cox that the authority to control documents in the physical custody of White House employees was exclusively a matter for presidential decision.

41. On August 15, 1973, the President addressed the nation. The President reaffirmed his statement made on May 22, 1973, that he had no prior knowledge of the Watergate break-in and that he neither took part in nor knew about any of the subsequent cover-up activities. The President also stated that he would continue to oppose efforts to destroy the principle of confidentiality of presidential conversations and would not turn over the tapes of his conversations to the special prosecutor or to the Senate Select Committee. The President said that the time had come to turn Watergate over to the courts, where the question of guilt or innocence belonged.

42. At an August 22, 1973, press conference the President responded to an inquiry concerning his recollection of what he had told John Dean on March 21, 1973, on the subject of raising funds for the Watergate defendants. The President stated that Haldeman had testified as to that matter before the SSC and that Haldeman's statement was accurate.

43. On August 22, 1973, Special Counsel Wright told Judge Sirica that the President had told Wright that on one

of the subpoenaed tapes there was national security material so highly sensitive that the President did not feel free even to hint to Wright its nature.

44. On August 22, 1973, David Young testified before the Grand Jury that John Erlichman had given advance approval of a covert operation to examine Ellsberg's files in the office of Dr. Lewis Fielding. On August 23, 1973, Cox requested certain records relating to the Pentagon Papers matter and the Fielding break-in. On October 4, Associate Special Prosecutor William Merrill talked to Buzhardt about the August 23 request and followed up his discussion with a letter to Buzhardt identifying eight documents that the special prosecutor needed immediately. Cox testified on October 29, 1973, that according to his records none of these documents had been turned over to the special prosecutor.

45. On August 27, 1973, Cox requested all White House records relating to Joseph Kraft and the electronic surveillance of Kraft and Cox's letter to Buzhardt stated that his request was framed with the specificity necessary for a subpoena. Cox testified on November 5, 1973, that this request had not been filled.

46. On August 29, 1973, Judge Sirica issued an order requiring the President to turn over the recordings sought by the July 23, 1973 subpoena.

Buzhardt wanted to go through the file before turning it over and Cox agreed so long as he got to see the entire file.

48. On September 24, 1973, Cox told Richardson that an effort was being made to place White House documents out of his reach by removing materials or files thought to be the subject of a subpoena and placing such materials or files among the presidential papers. Special Assistant to the President Patrick Buchanan has testified that prior to his appearance before the SSC on September 26, 1973, and the Grand Jury on September 27, 1973, White House counsel instructed him to take his 1971 and 1972 files to the basement of the Executive Office Building. Buchanan has also testified that he always thought that such papers were presidential papers.

49. On Friday, September 28, 1973, the President decided to review the contents of the tapes which the Grand Jury and the Senate Select Committee had subpoenaed July 23, 1973, and directed General Haig to make the arrangements for such review commencing the following day at Camp David. The President asked his private secretary, Rose Mary Woods, to go to Camp David and to transcribe the contents of the subpoenaed tapes. Special Assistant to the President Stephen Bull was instructed to accompany Woods and to cue the tapes to particular conversations for her.

50. On September 29, 1973, Rose Mary Woods and Stephen Bull took between eight and twelve tapes and three Sony tape recorders to Camp David. Haig has testified that on September 29, 1973, he telephoned Bull at Camp David and that Bull stated that he was having difficulty matching up conversations on the reel with the first item on the subpoena. Haig has testified that he then telephoned Buzhardt who informed Haig that only the conversation between the President and Ehrlichman was demanded by the subpoena of the June 20, 1972, EOB tape and that the subpoena did not include the conversation between the President and Haldeman. Haig has testified that at approximately 10:10 a.m. he telephoned Rose Mary Woods and told her that the President's conversation with Haldeman was not included in the subpoena. Woods typed this information on a note to Bull.

51. Woods has testified that during the weekend of September 29-30, 1973, she spent twenty-nine hours transcribing the June 20 EOB tape but that she was unable to complete the tape. She has also testified that while she was transcribing the tape the President came into the cabin where she was working and listened to a portion of the tape for five to ten minutes, that he pushed the buttons on her recorder back and forth manipulating the tape and that he commented that he heard two or three voices. Bull has testified that he was unable to find recordings of the President's June 20, 1972, telephone conversation with Mitchell or his April 15, 1973, meeting with Dean and that he discussed this with the President and Woods while they were at Camp David.

52. On October 1, 1973, Woods con-



ered the gap on October 1, 1973, she had reported to the President that a gap of approximately 5½ minutes existed on the tape and that she had made a terrible mistake. Woods also testified that the President had told her the gap was no problem because he had been informed by his counsel that the June 20 Haldeman conversation had not been subpoenaed.

53. On October 4, 1973, Bull and Woods accompanied the President to Key Biscayne. They took with them several tapes, including the June 20 EOB tape, and the Uher 5000 tape recorder. The tapes and the recorder were kept in a safe in the villa occupied by Woods. The Secret Service maintained a log showing who opened and closed the safe that contained the tapes, the tape recorder, and other envelopes. According to that log access to the safe was limited to Bull and Woods who opened and closed the safe on several occasions during the three

day period the tapes were in it. Woods has testified that the June 20 tape was neither removed from the safe in Key Biscayne nor played during the October 4 weekend.

54. Richardson has stated that in late September or early October, 1973, he met with the President regarding the Agnew matter. Richardson has stated that the President said that now that they had disposed of that matter, they could go ahead and get rid of Cox.

55. On October 11, 1973, Special Prosecutor Cox filed an indictment against Egil Krogh charging him with making false declarations before the District of Columbia Grand Jury. The indictment charged that Krogh had given false answers when questioned about his knowledge of E. Howard Hunt's and Gordon Liddy's travels to California for the White House.

56. On October 12, 1973, the United States Court of Appeals for the District of Columbia Circuit ordered the President to turn over the recordings subpoenaed by the grand jury to Judge Sirica for an in camera inspection or to submit a statement setting forth any claim that certain material should not be disclosed because the subject matter related to national defense or foreign relations or was otherwise privileged. The court stayed its order for five days to afford the President an opportunity to seek Supreme Court review.

57. On October 15, 1973, Richardson met with Haig and other presidential aides to discuss the tapes litigation between the special prosecutor and the White House. There was discussion of a proposal to produce a version of the tapes and then fire Cox. Richardson has testified that he said he would resign if such a proposal were carried out and according to Haig the proposal was dropped on that day. There was then discussion of the President's proposal to ask Senator John Stennis to listen to the tapes and verify the competence and accuracy of a record of all pertinent portions. Richardson agreed to seek to persuade Cox that the Stennis proposal was a reasonable way of dealing with the subpoenaed tapes. On the afternoon of the 15th Richardson met



By Harold Hoover—The Washington Post

prepare a verified transcript. The special prosecutor and counsel for the President would join in urging the court to accept the verified record as a full and accurate record of all pertinent portions of the tapes. Richardson has stated that prior to submitting this document to Cox, he showed a draft to Buzhardt, and that at the urging of Buzhardt he deleted a paragraph of the proposal that stated it related only to the tapes covered by the subpoena. Richardson has stated that Buzhardt pointed out that the paragraph was redundant because the proposal on its face dealt only with the subpoenaed tapes.

59. On October 18, 1973, Cox submitted to Richardson his comments on Richardson's proposed compromise, noting certain objections on particular points. Cox stated that the essential idea of providing for impartial but non-judicial means for providing the special prosecutor with an accurate version of the content of the tapes without his participation was not unacceptable. Richardson met with Haig and Wright at the White House and discussed Cox's comments. On the evening of October 18, Wright told Cox that four of his comments departed so far from Richardson's proposal that the White House could not accede to them in any form and that if Cox did not agree the White House would follow the course it deemed in the best interest of the country.

60. On the night of October 18, 1973, Richardson prepared a summary of reasons why he thought he must resign. Richardson wrote that Cox had rejected a proposal which Richardson considered reasonable, but since he appointed Cox on the understanding that he would fire him only for "extraordinary improprieties," and since he could not find Cox guilty of any such improprieties, Richardson could not stay if Cox went.

dent wrote to Richardson instructing him to direct Cox to make no further attempts by judicial process to obtain tapes, notes or memoranda of presidential conversations. That evening the President issued a press statement stating that Cox had rejected a proposal for compromise made by Richardson that would have included an understanding that there would be no further attempt by the special prosecutor to subpoena still more tapes or other presidential papers of a similar nature.

63. On October 19, 1973, John Dean pleaded guilty to a one-count information charging conspiracy to obstruct justice. As part of the plea bargain, Dean agreed to cooperate with the special prosecutor.

64. On October 20, 1973, Richardson wrote to the President. Richardson stated that he had regarded the proposal he submitted to Cox as reasonable, but that he had not believed that the price for access to the tapes in this manner would be the renunciation of any further attempt by him to resort to judicial process. Richardson stated that the proposal he had submitted to Cox did not purport to deal with other tapes, notes or memoranda of presidential conversations, and that in the circumstances he would hope that some further accommodation could be found.

65. On October 20, 1973, the President instructed Richardson to discharge Cox. Richardson told the President that he could not comply with this directive and submitted his resignation. Haig thereupon called Deputy Attorney General William Ruckelshaus and asked Ruckelshaus to fire Cox. Ruckelshaus refused to carry out the President's directive and resigned. Haig called Solicitor General Robert



were innocent to be cleared. The President stated that he would see that the new Special Prosecutor had the cooperation from the executive branch and the independence that he needed to bring about that conclusion. The President stated in response to a question that he had dismissed Cox when Cox rejected a proposal that Richardson and others had approved.

68. On October 30, 1973, Buzhardt informed Judge Sirica that the subpoenaed recordings of the June 20, 1972, telephone conversation between the President and John Mitchell and the April 15, 1973, meeting between the President and Dean had never been made.

69. On October 31, 1973, Leon Jaworski, who had been selected to be Special Prosecutor, met with General Haig. Jaworski had testified that he discussed with Haig the conditions of his acceptance of the job of special prosecutor. Jaworski has testified that Haig went into the President's office and that when he returned he told Jaworski that the President understood Jaworski's position and agreed to it. Jaworski understood that he had the right to proceed against anyone, including the President.

70. On November 1, 1973, acting Attorney General Bork announced that he had appointed Leon Jaworski special prosecutor. Bork stated that Jaworski had been promised the full cooperation of the executive branch in the pursuit of his investigations and that the President had given his personal assurance that he would not exercise his constitutional powers with respect to discharge or limit the independence of the special prosecutor without first consulting designated Members of Congress.

71. Buzhardt has testified that on November 5, 1973, Haig informed Buzhardt that a dictabelt of the President's recollections of his April 15, 1973, conversation with Dean could not be located. The President has stated that on the weekend of November 4 and 5, 1973, upon checking his personal diary file, he was unable to find the April 15 dictabelt.

72. On November 19, 1973, acting Attorney General Bork filed an amendment to the Special Prosecutor's charter. The amendment provided that the jurisdiction of the Special Prosecutor would not be limited without the President first consulting with the Majority and Minority Leaders in the Congress and the Chairmen and ranking Minority Members of the Judiciary Committees of the Senate and House of Representatives and ascertaining that their consensus was in accord with his proposed action. On November 21, 1973, Bork wrote to Jaworski explaining that the amendment was to make clear that the assurances concerning congressional consultation applied to all aspects of the special prosecutor's independence.

73. On November 21, 1973, Buzhardt informed Judge Sirica that the June 20, 1972, EOB tape contained an 18½ minute erasure. On that same day, Judge Sirica appointed an advisory panel of experts nominated jointly by the President's counsel and the special prosecutor to examine the

June 13, 1973. The Kleindienst log furnished to the special prosecutor shows no meeting between the President and Kleindienst on April 25, 1973. The President has stated and Kleindienst has testified that Kleindienst met with the President on April 25, 1973.

76. On November 29, 1973, the special prosecutor filed a four-count felony indictment against the President's former appointments secretary Dwight Chapin charging that Chapin had testified falsely before the grand jury regarding the extent of his knowledge of Donald Segretti's activities in the 1972 campaign.

77. On November 30, 1973, Egil Krogh pleaded guilty to a one-count information charging that Krogh had conspired to violate the constitutional rights of Dr. Lewis J. Fielding by breaking into his office in 1971. Krogh agreed to disclose all relevant information and documents in his possession and to testify as a witness. On January 3, 1974, Krogh issued a statement on his offense and his role. He stated that he had received no specific instruction or authority whatsoever regarding the break-in from the President, directly and indirectly.

78. On December 19, 1973, Jaworski furnished the Senate Judiciary Committee a written summary of his understanding of the arrangement made with the President through General Haig and confirmed by Bork and Attorney General-designate William Saxbe regarding the independence he was to have in serving as special prosecutor. Jaworski stated that it had been expressly confirmed that he was to proceed with complete independence, including the right to sue the President, if necessary; and that the President would not discharge him or take any action that interfered with his independence without first consulting majority and minority leaders and chairmen and ranking members of the Judiciary Committees of the House and the Senate and obtaining a consensus that accorded with his proposed action.

79. On January 15, 1974, the court-appointed panel of experts submitted a summary report respecting the 18½ minute gap on the June 20, 1972, EOB type. The report includes interim conclusions that the erasures occurred in the process of erasing and re-recording at least five to nine separate and contiguous segments and that hand operation of the recording controls of the Uher 5000 machine examined by the experts must have been and were required to produce each erasure segment.

80. In his State of the union address on January 30, 1974, the President said that he had provided to the special prosecutor all the material that the special prosecutor needed to conclude his investigations and to prosecute the guilty and clear the innocent.

81. On February 14, 1974, Jaworski wrote to Chairman Eastland of the Senate Judiciary Committee that on February 4 Special Counsel to the President, James St. Clair had written Jaworski that the President had decided not to comply with the special prosecutor's outstanding requests for record-

82. On February 15, 1974, the White House released a statement by St. Clair commenting on the special prosecutor's February 14 letter to Senator Eastland. St. Clair stated that the President believed he had furnished sufficient evidence to determine whether probable cause existed that a crime had been committed and, if so, by whom.

83. On February 25, 1974, Herbert Kalmbach pleaded guilty to charges that he had engaged in illegal activities during his solicitations of campaign contributions in 1970, including the promise of appointment to an ambassadorship in return for a campaign contribution. Kalmbach agreed to make full and truthful disclosure of all relevant information and documents in his possession and to testify as a witness for the United States in cases in which he may have relevant information.

84. On March 1, 1974, John Mitchell, H. R. Haldeman, John Ehrlichman, Charles Colson, Robert Mardian, Kenneth Parkinson and Gordon Strachan were indicted for conspiracy relating to the Watergate break-in. Mitchell, Haldeman, Ehrlichman and Strachan were also indicted for obstruction of justice and for making false statements to the grand jury or the court or agents of the FBI.

85. On March 7, 1974, John Ehrlichman, Charles Colson, G. Gordon Liddy, Bernard Barker, Felipe DeDiego and Eugenio Martinez were indicted for conspiracy to violate civil rights of citizens in the break-in of Dr. Lewis Fielding's Office. Ehrlichman was also charged with making false statements to the FBI and false declarations before the grand jury.

86. On March 12, 1974, Jaworski wrote to St. Clair requesting access to taped conversations and related documents to be examined and analyzed as the government prepares for trial in United States v. Mitchell. Jaworski stated that the evidence sought was

material and relevant either as proof of the government's case or as possible exculpatory material required to be disclosed to the defendants.

87. On March 15, 1974, the special prosecutor served a subpoena on the White House calling for certain materials involving neither the Watergate cover-up nor the Fielding break-in. On March 29, 1974, the White House agreed to comply with the subpoena.

88. On April 11, 1974, Jaworski wrote to St. Clair informing him that in view of the failure to produce the materials requested by Jaworski in his letter of March 12, 1974, Jaworski would seek a subpoena for the materials deemed necessary for trial in United States v. Mitchell.

89. On April 11, 1974, the House Judiciary Committee issued a subpoena to the President for tape recordings and documents relating to specified conversations which took place in February, March and April, 1973, between the President and Haldeman, Ehrlichman, Dean, Kleindienst and Petersen.

90. On April 12, 1974, Jaworski wrote to Senator Charles Percy of the Senate Judiciary Committee stating that the government was obligated to produce



tential witnesses. On April 18, 1974, Judge Sirica granted the motion.

92. On April 29, 1974, the President addressed the nation to announce his answer to the House Judiciary Committee subpoena of April 11 for additional Watergate tapes. The President stated that the next day he would furnish to the committee transcripts prepared by the White House of relevant portions of all the subpoenaed conversations. The President said that he had personally decided questions of relevancy. With regard to four subpoenaed conversations that occurred prior to March 21, 1973, the President informed the committee that a search of the tapes had failed to disclose two of these conversations, furnished a transcript of a portion of the March 17 conversation between the President and Dean that related to the Fielding break-in, and furnished a transcript of a telephone conversation between the President and Dean on March 20, 1973.

93. On May 1, 1974, the President entered a special appearance before Judge Sirica and moved to quash the special prosecutor's subpoena issued April 18, 1974. The President invoked executive privilege with respect to all subpoenaed conversations except for the portions of twenty of the conversations he had made public on April 30 by way of edited transcripts.

94. On May 15, 1974, the House Judiciary Committee issued a subpoena to the President for the production of tape recordings and other evidence relating to specified conversations between the President and Haldeman, Colson and Mitchell on April 4, 1972, and on June 20 and 23, 1972. On the same day the committee issued a subpoena to the President for the President's daily diaries for certain specified time periods in 1972 and 1973.

95. On May 20, 1974, Judge Sirica denied the President's motion to quash the special prosecutor's subpoena for tape recordings and other documents in *United States v. Mitchell* and ordered the President to produce the objects and documents.

96. On May 20, 1974, Jaworski wrote to Senator Eastland informing him that the President was challenging the right of the special prosecutor to bring an action against him to obtain evidence in *United States v. Mitchell*. Jaworski stated that this position contravened the express agreement made by Haig, after consultation with the President, that if Jaworski accepted the position of special prosecutor he would have the right to press legal proceedings against the President.

97. On May 22, 1974, the President informed House Judiciary Committee Chairman Rodino that he declined to produce the tapes and documents covered by the committee's subpoenas of May 15, 1974. The President asserted that the committee had the full story of Watergate insofar as it related to presidential knowledge and presidential actions.

98. On May 30, 1974, the House Judiciary Committee issued a subpoena to the President to produce documents and tape recordings of specified conversations involving the President and Haldeman, Ehrlichman, Dean, Col-

son, and Casper to produce the operation of the controls of the Uher 5000 recorder to produce the erasures and recordings, and (iv) the erased portion of the tape originally contained speech which, because of the erasures and rerecording, could not be recovered. The panel stated that in making its final report it had considered suggestions and alternative interpretations that differed markedly from the panel's and had discussed the material with technical advisors employed by counsel for the President.

100. On May 31, 1974, the President filed a claim of constitutional privilege with respect to a grand jury subpoena issued February 20, 1974, seeking the production of correspondence between the President and former FCRP Chairman Maurice Stans regarding selections and nominations for government offices including ambassadorships. The President asserted that, excluding the records relating to four named individuals as to whom he waived the privilege, it would be inconsistent

Continued on Next Page

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with the public interest to produce the records.

101. On June 3, 1974, Charles Colson pleaded guilty by negotiated plea to a one-count information charging obstruction of justice in connection with the trial of the Ellsberg case by devising and implementing a scheme to defame and destroy the public image and credibility of Ellsberg and his defense counsel with intent to influence, obstruct and impede the conduct and outcome of the trial. Colson agreed to provide statements under oath and to produce all relevant documents in his possession upon request of the special prosecutor and testify as a witness for the United States in any and all cases with respect to which he may have information. In return the special prosecutor agreed to dismiss all charges against Colson in *United States v. Mitchell* and *United States v. Ehrlichman*.

102. On June 10, 1974, the President's counsel informed the House Judiciary Committee that the President declined to furnish the material called for in the committee's subpoena of May 30, 1974. In a separate letter of the same date, the President responded to Chairman Rodino's letter of May 30, 1974, for the committee respecting the refusal of the President expressed in his May 22, 1974, letter to the committee declining to produce presidential tapes and diaries called for in the committee's subpoenas of May 15, 1974.

*Transcript of portions of a recording of a meeting between the President and Alexander Haig and a meeting between the President and Ron Zeigler on June 4, 1973.*

PRESIDENT: Now, this is through February. Well, I've got one other half-hour. I don't know what the hell is on it.

we have one problem. It's that damn conversation of March twenty-first due to the fact that, uh, for the reasons (unintelligible). But I think we can handle that.

HAIG: I think we can, can. That's, that's the —

PRESIDENT: Bob can handle it. He'll get up there and say that — Bob will say, "I was there; the President said —"

HAIG: That's exactly right.

PRESIDENT: So, we'll see what else is the God damned —

HAIG: (Unintelligible) that's the thing for you to do, for your own, really your own peace of mind right now.

PRESIDENT: Yeah.

HAIG: You just can't recall. It was in a meeting (unintelligible).

PRESIDENT: (Sighs) As you know, we're up against ruthless people.

HAIG: Well, we're going to be in great shape now, 'cause we're going to prepare. We're going to (unintelligible)

PRESIDENT: (Unintelligible).

HAIG: That guy really put the screws on him for that. That guy left here at one o'clock last night. Worked on them more. Started again this morning. Got Buzhardt in on it. We are going to announce that if he doesn't do it now it's pretty evident that (unintelligible). He's got no excuse for not doing it. What the hell's he doing?

PRESIDENT: You taking the issue here — Now take clemency, that's well handled, isn't it?

HAIG: That's bunk (unintelligible)

PRESIDENT: Yeah. And it's well handled in the March twenty-first thing. I put it in the context: I said, "You couldn't even consider clemency, clemency until after the '74 election" is the way I put it. But, what the hell, in two years, poor bastards are in jail that long. I said — but I didn't — can't even consider it.

HAIG: Yeah, you see, it probably wouldn't hurt, uh, I mean it's conceivable now when we get working with Buzhardt as we go down the line here. Uh, it may be that, uh, I can't, uh, mention that in front (unintelligible). Well, that's, you know, that's the judgment I wouldn't make now.

PRESIDENT: I won't. It's very important (unintelligible). However, not even Buzhardt knows.

HAIG: Well, you know, Buzhardt knows this because you told me in your office.

PRESIDENT: (Unintelligible).

HAIG: Uh, but he knew it also because when you were checking on wire-taps, on the Johnson years, uh, with the Secret Service, it came out. Uh, those bellyaches who'd been handling it for Johnson, as a matter of fact (unintelligible). So he knows it, but, I, I tell you, he's the only one that knows it.

PRESIDENT: All right. No further. He shouldn't tell anyone. Uh, I don't want it put out that somebody is, uh, been saying, uh, they're going to get the, uh, the President's records and it's got —

HAIG: Oh.

PRESIDENT: Let's just assume we goofed. If you get back to Buzhardt you tell him you had national security stuff.



PRESIDENT: I wonder if that's — Huh?

HAIG: That's John Dean's cup of tea. He's an unstructured guy. I've had notes from him and he's just not that type. . .

PRESIDENT: . . . First, uh, for whatever it's worth, uh, Buzhardt has been through Dean's file, and there isn't a God damn thing in it.

ZIEGLER: That's what he thought. Isn't that — you can get a mark on a man (clears throat) if you see him working, and I didn't think he was a disciplined type of do that, I would see him at work, see him come, know how he handled their guidance and so forth.

PRESIDENT: Yeah.

ZIEGLER: That's what I thought.

PRESIDENT: Now, (clears throat) with regard to our meetings that we have here, uh, just to give you a quick run-down: (sighs) Up until the s—, about the s—, seventeenth — fifteenth or seventeenth, uh, it was on the seventeenth which — there was no discussion whatever of basic conceptions of Watergate.

ZIEGLER: (Unintelligible) March.

PRESIDENT: Yes. Then there started the discussion of substance. Then, it wasn't until the twenty-first, however, that you, that I turned my (unintelligible) because that's when he came in with the cancer in the heart of the presidency thing . . .

PRESIDENT: All this comes out in here. Uh, to Gray—Felt, uh, placed, uh, against Gray and against Green and against Sullivan back. Another interesting thing: He heard that Sandy Smith had told Petersen about it all—Felt. And then he just dropped it aside. Petersen, bless his soul, has been a valuable man to us. He was proceeding from one assumption, Ron,

ZIEGLER: And that was that you were aware of what was going on.

PRESIDENT: and Dean with another. Well, that—Yeah, that's right! And that, uh, and that there'd been a hell of a damn lousy investigation. They really had watered the God damn thing. Now later on, you see where Jeb Magruder and—the yeoman. He knows about the yeoman, you know, about the yeoman. Can't blow the whistle on (unintelligible) on Kleindienst. (Unintelligible) lying on a written interrogation and then he went—here's what Dean said: "You, Mr. President, are not holding anything back." (Sighs) (Unintelligible). He said—Dean—"Su—, uh, before the election, and what I will do is just keep you posted and everything, but, just as before the election, I only bothered Haldeman and Ehrlichman on the things that were absolutely essential." (Unintelligible) Huh?

ZIEGLER: Yes, sir.

PRESIDENT: Now, we go to March sixth. That, that carries us to March sixth. There you are, there's all of February up till the thirty—Now what the hell is there?

ZIEGLER: Not a thing.

PRESIDENT: About a cover-up.

ZIEGLER: In his frame of mind—

field investigation on Chancellor. Did you hear about that? LBJ had it altered so he could get the job, it was so bad.

ZIEGLER: (Unintelligible) told me that.

PRESIDENT: (Unintelligible) Dean—that's where I got—Dean—March sixth. . .

PRESIDENT: The Ervin-Baker—this is all sixth of March.

ZIEGLER: They're all just (unintelligible)

PRESIDENT: Must, uh—Then he says, "Must hum the same tune or we create problems." Now just remember, he was just talking about the witnesses before—

ZIEGLER: Yeah.

PRESIDENT: the Ervin Committee. "We all hum the same tune." Incredible. The seventh, talked about Hruska, Gurney. I suggested questions that he could ask, and so forth. Jolly well stepped on Gray, and asked (unintelligible). This is all a question of how to get good questions out to Gray with regard to how the FBI had been used politically before, had never been used politically for us. Well, the last—Oh, I came around at the very conclusion, I said, "Well, it may be— it may hurt the FBI but I'm sure, you know, we, we just—and nothing was done in the future. Segretti didn't, no he didn't turn over—Dean didn't turn over again. He kept coming back about Segretti. Said, "We are clean," quote. Uh, I know these guys. None is worth a God damn—these investigators. Now you prepare the questions (unintelligible). He's really colorful. (Laughs) I should have put Wilson in the job. Ah. Time of testing for Gray. He's, he's evry much for Gray. (Unintelligible) had left, had withdrawn from the case. That's a good break. Cha—, Chapin never hired anyone—on the seventh (unintelligible). Way out of hand. This is Dean talking up. Pat Gray—he felt he—He reported then on the Gray hearings. Then there was something about making Colson a consultant, to put him in a drawer or something. Make him consultant. You could give him—

ZIEGLER: Position privilege.

PRESIDENT: Huh? Executive privilege for things now. He has it previously, anyway, at any rate, so that was done. (Un-intelligible) done or not. There was a young guy that was picked up, uh, Ken, uh, working for Ken Rietz and so forth — a college kid. He said (unintelligible). Uh, the whole Watergate question. We're likely to get more on this (unintelligible).

ZIEGLER: (Unintelligible)

PRESIDENT: (Unintelligible) act as a girl.

ZIEGLER: Oh, as a girl, yeah.

PRESIDENT: I said, "Did Haldeman know about Segretti, Segretti?" (Unintelligible). Well, he said, "One likely question for Haldeman about Segretti—and I, and, and I said, "Did

he?" He said, "No." Can the Dean report he made public?

ZIEGLER: This was on the, uh, this the—

PRESIDENT: Thirteenth. Thirteenth

that's all you — He said that Hoover lost his guts. So, he must have known.

ZIEGLER: That was the thirteenth.

PRESIDENT: Huh? March thirteenth. I'm not sure that he knew the paper hadn't gone through. Huston was out there (unintelligible) but he'd forget. Incidentally, how about those other things? Did you get ready?

ZIEGLER: The, uh, FBI clips? They expect,

PRESIDENT: Can I have that in the morning

ZIEGLER: They expect the list Friday morning, or tonight. Al said, you know — We have a program for Scott, which AI's got —

PRESIDENT: Yeah. (Unintelligible) Just give him the numbers. We have nothing else—

ZIEGLER: That's right.

PRESIDENT: but numbers.

ZIEGLER: And we have a scenario that Scott can bring it up at the leader's meeting.

PRESIDENT: Yeah.

ZIEGLER: This is what you can say, and —

PRESIDENT: Yeah. You asked me about it and I do have it. Yeah. See what I mean, Sullivan knows everything. He really went (unintelligible) Gray hearings again and Dean would do — This is all on the thirteenth. The Gr—, Gray hearings, I don't — Better get Wilson to clean out the file (unintelligible). Dean now talking. (Unintelligible). Playing our game — focus is on us. We've got to get our story out. He mentioned the NBC broadcast (unintelligible)

(Unintelligible) you make a statement sending him up, and Deah said, "Well, no," he said, "if you have to send him up, though, they ask why." But of course that was Mitchell's (unintelligible). I asked him about the Texas guy who gave the money back — Allen — what kind of crap we talking about. But then, he said, "Well it wasn't used for Watergate." And I said, "Why'd he put in his letter?" "Oh, I don't know." He wanted the check in Miami, and the Barker check, and all that sort of thing." He said it was pure and clean and shouldn't have done it that way (unintelligible) cash and check (unintelligible) Mexico. This is getting back to Watergate. Now on the thirteenth, we finally get a little glimmer of what the hell was going on in this. Sloan is weak, seared. He said, "We are stroking him." I guess we all knew that though, about Sloan.

ZIEGLER: Well, su—Sloan, uh, resigned in August.

PRESIDENT: Yeah.

ZIEGLER: People pretty well much felt that, uh, his concern about Stans—

PRESIDENT: Kalmbach was sensitive about some story that he was no longer my attorney.

ZIEGLER: Oh, I see.

PRESIDENT: And, uh, I pointed out I only see him once a year when he brings in the tax brief. (Unintelligible) returns. Strachan, he said, would be a good witness. Check his story fifty times. He will be ready. Mitchell will be ready. Stans will be ready. Dean talking now. Thirteenth of March.

ZIEGLER: About the Ervin commit-



(Unintelligible) this, this is now, uh, on the thirteenth, I said, "Who the hell are they after here?" And, uh, I said, uh, "My guess is that it's Mitchell and Haldeman." Understand what I'm saying?

ZIEGLER: Sure.

PRESIDENT: Mitchell and Haldeman. Right. Mitchell is going to have to get (unintelligible). Haldeman has a problem. Now, he says, "Chapin—" He said, uh, "They will not, because that's circumstantial." Uh, I said, "Colson knew Hunt." He said, "Chapin didn't know about Watergate." (Unintelligible) that's a problem. Then he said, "Strachan knew about Watergate." I mean, I was very, uh, I, uh—"Are you sure about that?" Then he said, "But he's tough as nails. There's no problem." (Unintelligible) problem with Strachan. I came back to it. I said, "What do you know?" I gathered from what he said that it had nothing to do with the planning or conception of it then, but that he may have gotten some materials.

ZIEGLER: Right.

PRESIDENT: You understand?

ZIEGLER: Sure.

PRESIDENT: But I didn't react to that as, uh, any great God damned astonishment. You know what I mean? But when he said, "Tough as nails," I suppose he left the impression that maybe Strachan had lied about it. But he probably didn't. Strachan probably told the truth. You know, that he saw the materials from (unintelligible). But anyway, he nailed Strachan there. Colson knew Hunt. He, he thinks he had knowledge that something was going on over there. Dean talking now. He doesn't think he has any knowledge. That's what Dean tells me. He says give them hell (unintelligible) on the thirteenth.

ZIEGLER: Of March.

PRESIDENT: Right. Dean tried to drag in that (unintelligible) sent Liddy over.

ZIEGLER: Do you have that — Have you got that (unintelligible)?

PRESIDENT: Yeah. Then I came back to this. I said, I said, "John, is it too, too late for the hang-out route?" "Exactly." I said, "Ehrlichman and Haldeman are for it." (Unintelligible) was wondering why in the hell (unintelligible), And then Dean says, "The dangers in the hang-out—there are dangers in the hang-out," and he says, "I think I can convince Ehrlichman that there are dangers in it for him."

ZIEGLER: You see, but (clears throat) here, Mr. President (coughs) what you were talking about, what you had in mind, was not, at least in my impressions,

PRESIDENT: Cover-up.

ZIEGLER: was not payments to people—

PRESIDENT: Huh?

ZIEGLER: or awareness of payments to people. What you had in mind was—

PRESIDENT: The hang-out route.

ZIEGLER: relaying the hangout in terms of Segretti, whatever —

PRESIDENT: Segretti, and, and the Watergate.

ZIEGLER: Hm?

came back to Sullivan. This business about the fact — he says, "This cop up there knows more about Chappaquiddick than anybody in the country and we should get it out." Know the cop? Got back to Kalmbach, somehow. The, uh — Well, he said it's perfectly legal (unintelligible) the pension funds and so forth. We're going to get Sullivan in and talk to him, you know, and so forth and so on, and so on, and so on, and so on. Whether or not we had used the FBI, he said only for natural security purposes. Said, "Yeah. The only exception, of course, was that son-of-a-bitch Schorr." But there — actually it was national security. (Laughs) We didn't say that. Oh, we didn't do anything. We just ran a name check on the son-of-a-bitch.

ZIEGLER: That's right.

PRESIDENT: Nothing. Now, on the sixteenth, began some thinking —

ZIEGLER: On the fourteenth, what happened?

PRESIDENT: Nothing there.

ZIEGLER: Just the press conference.

PRESIDENT: Well that's when we met them, uh — You see, Steve can come in later. He, he's got something—

ZIEGLER: Well I was, uh—

PRESIDENT: very interesting.

ZIEGLER: (Unintelligible)

PRESIDENT: That's right.

ZIEGLER: (Unintelligible)

(Bull enters)

PRESIDENT: Steve,

BULL: Yes, sir.

PRESIDENT: give Ron that one little quote out of that log thing crap that you had to listen to. This was all—fourteenth was all press conference.

ZIEGLER: That's right. That—Well, I remember—

PRESIDENT: You were in on part of it.

BULL: It's, it's terrible. It's because we lost the last part of it. The question was posed: how do we handle, how do we ans-, answer the question whether the investigation was productive. Uh, the response was that the (unintelligible) conduct—investigation was conducted and the report evgin to me.

PRESIDENT: I was supposed to say that—No, no, or, Ziegler was supposed to say that.

BULL: No, the President—

PRESIDENT: The President. Yeah.

BULL: You were supposed to say that. And, uh, no information was found, uh, that would be

PRESIDENT: —any way implicate anybody at the White House. There it is. There it is.

BULL: That was Dean's recommended response to the question.

PRESIDENT: So, in that context—that's all the way through.

ZIEGLER: Yeah—

PRESIDENT: He said, "Our report—"

ZIEGLER: That's all the way through the gardeners to me.

PRESIDENT: I said be sure there's no coverup in talking to the FBI and so forth, and so on. The Gray hearing. Then we went into there is no written Dean report. But, I said—But he said—I said, "Why don't you give me a copy of your findings." And have Gray give it to the FBI. Talked about Baker again. I said that if Baker got on the

least he tried. Some questions you can't an- Then Dean—some questions you can't ans-, you can't answer. Some questions you can't answer because it'll get people in trouble. (Unintelligible) 'cause we're so close now (unintelligible) I wonder. He suggested (unintelligible) and (unintelligible). Then he says, "Agan (unintelligible) runs into a whole flock of new problems which haven't emerged yet. We need a good master plan. And, uh, I'd like to talk to Dick Moore about it." I said, "Fine, why don't you and Moore go to Camp David and get us a plan." You know, on the sixteenth I was saying, before he had talked—but I was thinking in those terms.

ZIEGLER: Yeah.

PRESIDENT: . . . Now we come to the seventeenth. Kliendienst wanted to turn Baker off (unintelligible) embarrass the FBI. He pointed to Haldeman—Mitchell, Colson, Haldeman—and he said possibly Dean. And I said, "What,

Dean too?" He says, "Because I was over this like a blanket." But, I said, "John, you didn't know about it." He said, "That's right, I have no knowledge. No prior knowledge." (Unintelligible). How would you—that strike you, how does it strike you? He was telling me that there was a coverup?

ZIEGLER: Not at all.

PRESIDENT: Anyway, then he said —started talking about Magruder, you know: "Jeb's good, but if he sees himself sinking he'll drag everything with him."

ZIEGLER: But, I mean, (unintelligible) relate to Mitchell. (unintelligible) if I heard him say that,

PRESIDENT: Yeah.

ZIEGLER: I would have related it to Mitchell.

PRESIDENT: I know. And he said that he'd seen Liddy, Liddy right after it happened. And he said, "No one in the White House except possibly Strachan is involved with, or knew about it." He said, "Magruder had pushed him without mercy." Liddy talked to Dean right after it happened. Then I said, "What makes you think Haldeman pushed him?" And then I, I said, "I don't think Haldeman pushed him." Dean says, "I agree." But he said, "Strachan may have pushed him." He says he (unintelligible) tickler and figured he was supposed to push him. But you see again, this is a—that he knew what the—who he was pushing him for. And I said, "I don't know why the hell they went in." Ten million dollars and San Diego demonstrations and so on. Now here's one (unintelligible) I don't know what the hell I was saying here, but I said, "You know, the thing here is that Magruder, Magruder put, put the heat on, and Sloan starts pissing on Haldeman." I said, "That couldn't be, uh (unintelligible)." I said, "We've, we've to cut that off. We can't have that go to Haldeman." I said, "I think that should come out after (unintelligible)." But we just stopped right there. There was no—I suppose he could say there that I was telling him to cover-up, wouldn't you say, for Haldeman?

ZIEGLER: I suppose he could say that in the context at the time that



guy." And I said, "Magruder can be the one, one guy—and that's going to bring it right up to home. That'll bring it right up to the, to the White House, to the President." And I said, "We've got to cut that back. That ought to be cut out."

ZIEGLER: But keep in mind, Mr. President, you were not at this point talking about the trial. What you're talking about is the Erwin Committee hearing. Now, there is no illegality in having received information, you see, PRESIDENT: Yeah.

ZIEGLER: From the wiretapping operation. My view, if, if, in hearing this, would have been in the context of the Ervin Committee hearings. If someone would say, "Well Strachan received the material." I remember going through this exercise with Bob. I said, "Bob, did you ever receive the material?" He said, "No." Now—

PRESIDENT: Then he went on to say—and here's the point that I hope we've covered right in our statement. Remember I told you in the Ellsberg: don't say that I learned it for the first time from Petersen.

ZIEGLER: That's right.

PRESIDENT: We didn't (unintelligible)

ZIEGLER: No.

PRESIDENT: Fine. Here's when I learned it. I, I (unintelligible) exactly right. He told me, on the seventeenth. On the seventeenth (unintelligible). He says, "Ehrlichman's got a problem." And I said, "What the hell does he want?" He says, "Well"—Then he told me about this God damned picture, Ellsberg, and so forth. That was the first time I ever heard about it. Brand new (unintelligible). Now this—incidentally, when I, uh, I was thinking of this, that, uh, that we assure him that—I wondered, frankly, if Ehrlichman might have told me earlier and was lying to protect me. But he didn't. I didn't know about a God damned thing. Ehrlichman never

(unintelligible). So there it was. Dean tol me the sixteenth of March.

ZIEGLER: Seventeenth.

PRESIDENT: Huh?

ZIEGLER: Seventeenth.

PRESIDENT: Seventeenth of March.

ZIEGLER: See, all of that is in the context of the discussion of the Ervin Committee hearing. Now even making reference to the Ellsberg trial on the seventeenth of March—

PRESIDENT: Well, it was mentioned that Ehr—, that Ehrlichman having a problem with regard to the break-in was that kind of a problem. We weren't talking about the trial at all.

ZIEGLER: There is nothing in here said to you that would have led you to any conclusion that you should have acted in any way, because Dean had, throughout the—

PRESIDENT: The whole point—there's another reason I shouldn't have. Dean was quite a lawyer.

ZIEGLER: That's right.

PRESIDENT: He is in touch with the Justice Department. Now, he sees Kleindienst every day. Christ, I was so — but if there were anything that needed to be done—passed over to Justice—he would pass it!

ZIEGLER: That's what I'm saying.

But, damn it, I know that's the case. And those notes are proof.

PRESIDENT: I know that when I talked about them, I was probably worried about the other one too, Ron, at least. I hear about Strachan. Sure, I know him. He's a good guy, and Haldeman involved in this God damn thing.

ZIEGLER: Sure you were. That's why you asked that question.

PRESIDENT: That's why I said "Cut it off at the pass." But what I was thinking there, was basically, uh, not to get all those guys pissing on each other. But Dean could go out, with probably some justification, and said that he, uh, could probably say that he told the President about all this, and warned him about all this. Dean said, "Strachan (unintelligible)"

ZIEGLER: No sir. There's no warning in there.

PRESIDENT: Strachan — (sighs) this is from a very confidential source, so you forget you've heard it.

ZIEGLER: Right.

PRESIDENT: It's an exercise that will be necessary to use. (Unintelligible) get down to it Ron, is this: that God damn it, we were all (unintelligible) here. Didn't want Ehrlichman involved or Haldeman involved.

ZIEGLER: Right.

PRESIDENT: That's right. We were all concerned about that.

ZIEGLER: You didn't feel they were.

PRESIDENT: But, but, getting down, listening to this thing, the one through the seventeenth, that it totally explodes Dean's proposition or whatever about —

ZIEGLER: You were discussing the cover-up.

PRESIDENT: Yeah. Aspects of the cover-up. Yeah, I suppose from that standpoint — from his standpoint — it was. So let's hear him testifying on that. What is he saying, Ron? Who the hell is going to answer Dean? He saw me alone on the (unintelligible) —teenth, Ron. How do we handle that?

ZIEGLER: Through—

PRESIDENT: Haldeman can handle him on the thir-, twenty-first, which is the tough one, but he can handle him. I think. (Unintelligible) what the hell I was trying — find out what the hell he was doing, and so forth. But, uh, what about this?

ZIEGLER: These I think, are already handled.

PRESIDENT: (Unintelligible) getting out at a certain time. I don't follow him. Uh, Buzhardt said that Dean made a friendly gesture to him Saturday. Did you hear about that?

ZIEGLER: No, I didn't hear about the friendly gesture. No.

PRESIDENT: That he wasn't really (unintelligible) and all that crap. He didn't want to be a traitor and so forth. Buzhardt gave him

(unintelligible) uh, it's — His lawyer now is playing a very, very tough game and is blabbing all over the place after what Dean (unintelligible) the lawyer would hear this stuff. The lawyer

combing through the Q's and A's with him, I said, "Bob, you never received any of this stuff." And he said, "No." He said "You know, you make me get so much stuff over here I—"

PRESIDENT: That's right. I know. I think Strachan did. (Unintelligible) Strachan approved the leverage on the damn thing (intelligible)

ZIEGLER: (Unintelligible)

PRESIDENT: And there's no talk about the three-fifty.

ZIEGLER: Not at all. I don't think there was any talk about the three-fifty until into April.

PRESIDENT: Oh, yes there was. March twenty-first. We had a talk about it.

ZIEGLER: You sure?

PRESIDENT: I'm sure. Dean told me, Dean talked about the three-fifty that Haldeman had (unintelligible). Hell yes. I said—

ZIEGLER: On the twenty-first?

PRESIDENT: That was part of the whole God damned investigation. I—my point is he may have told me a little before, that's why I left that a little loose. But up until the seventeenth, uh, at least we had another talk. It was some conversation about how—I said, "We can't (unintelligible). The point is, that we've got the whole God damn thing for the month of March, Ron. For whatever it's worth. But you, you, you can hear what kind of crap it is.

ZIEGLER: That's right. (Unintelligible) after the (unintelligible) after the investigation, after a full ten months of a thorough investigation by the Justice Department and putting trust in the people around you, that this was being handled while you were in the process of everything else that happened in 1972. God damn it, in March, when this started coming to you,

PRESIDENT: Yeah.

ZIEGLER: You can tell by your reactions that

PRESIDENT: Yeah.

ZIEGLER: you were saying, "What in the hell is this going on?" And—

PRESIDENT: I should have reacted before the twenty-first of March, actually. Dean shouldn't have had to come in to me with the "cancer in the heart of the presidency," which, to his credit he did.

ZIEGLER: Yes, that's right.

PRESIDENT: He did. Haldeman didn't tell me that: Ehrlichman didn't tell me that.

ZIEGLER: And actually when John Dean did that, on the twenty-first—

PRESIDENT: Yeah. Yeah. Why do you think that, that he did it?

ZIEGLER: Well, I think if he wouldn't have, uh, you would not have been (unintelligible). It would have not have been the thing that you would have knew, which you did, on the matter relating to (unintelligible) . . .

PRESIDENT: (Sighs) God, I'm worn out . . .