

Judiciary Committee

Parenthetical material in the White House text is from transcripts given to the Watergate special prosecutor, but not included in the public White House transcripts.

Sept. 15, 1972, 5:23 to 6:17 p.m.—Oval Office, President Nixon, H. R. Haldeman, John Dean.

The President, Haldeman and Dean discussed, among other subjects, the grand jury indictment on the Watergate break-in and bitterness among different groups on the Nixon re-election committee.

Committee Text

PRESIDENT. Well, you had quite a day today, didn't you? You got, uh Watergate, uh, on the way, huh?

DEAN. Quite a three months.

PRESIDENT. They're all in it together.

DEAN. That's right.

PRESIDENT. They should just, uh, just behave and, and, recognize this is, again, this is war. We're getting a few shots. It'll be over. Don't worry. (Unintelligible) I wouldn't want to be on the other side right now. Would you? I wouldn't want to be in Edward Bennett Williams', Williams' position after this election.

DEAN. No. No.

PRESIDENT. None of these bastards

DEAN. He, uh, he's done some rather unethical things that have come to light already, which in — again, Ritchey has brought to our attention.

PRESIDENT. Yeah.

DEAN. He went down —

HALDEMAN. Keep a log on all that.

DEAN. Oh, we are, on these. Yeah.

PRESIDENT. Yeah.

HALDEMAN. Because afterwards that is a guy.

PRESIDENT. We're going after him.

HALDEMAN. That is a guy we've got to ruin.

DEAN. He had, he had an ex parte—

PRESIDENT. You want to remember, too, he's an attorney for the Washington Post.

DEAN. I'm well aware of that.

PRESIDENT. I think we are going to fix the son-of-a-bitch. Believe me. We are going to. We've got to, because he's a bad man.

DEAN. Absolutely.

PRESIDENT. He misbehaved very badly in the Hoffa matter. Our — some pretty bad conduct, there, too, but go ahead.

DEAN. Well, that's, uh, along that line, uh, one on the things I've tried to do, is just keep notes on a lot of people who are emerging as,

PRESIDENT. That's right.

DEAN: as less than our friends.

PRESIDENT: Great.

HALDEMAN: The Post is—

PRESIDENT: The Post has asked— it's going to have its problems.

HALDEMAN: (Unintelligible)

DEAN: The networks, the networks are good with Maury coming back three days in a row and—

PRESIDENT: That's right. Right. The main thing is the Post is going to have damnable, damnable problems out of this one. They have a television station

DEAN: That's right, they do.

PRESIDENT: and they're going to have to get it renewed.

HALDEMAN: They've got a radio station, too.

PRESIDENT: Does that come up too? The point is, when does it come up?

DEAN: I don't know. But the practice of non-licensees filing on top of licensees has certainly gotten more,

White House Text

P (. . .) You had quite a day today didn't you. You got Watergate on the way didn't you?

D We tried.

P We are all in it together.

This is a war. We take a few shots and it will be over. We will give them a few shots and it will be over. Don't worry. I wouldn't want to be on the other side right now. Would you?

(P I wouldn't want to be in Edward Bennett Williams' position after this election.)

(D No.)

(He has done some rather unethical things that have come about already and Ritchey has brought them to our attention.)

(H Keep a log on them)

(because afterwards that is a guy)

(we have to ruin.)

(P You want to remember he is also the lawyer for the Washington Post.)

(We are going to fix (expletive deleted) believe me. We've got to. He is a bad man.)

(He misbehaved very badly in the (inaudible).)

D Along that line, one of the things I've tried to do, I have begun to keep notes on a lot of people who are emerging as

less than our friends (. . .)

(P Sure. This is alright. The main thing is the Post is going to have damnable time—they have a television station)

(And they are going to have it renewed.)

(H They have a radio station, too.)

(P Does that come under too?)

(D Non-licensees file on top of licensees.)

Analysis of White House Tapes

PRESIDENT: That's ight.

DEAN: more active in the, in the area.

PRESIDENT: And it's going to be God damn active here.

DEAN: (Laughs)

PRESIDENT: Well, the game has to be played awfully rough. I don't know—Now, you, you'll follow through with—who will over there? Who—Timmons, or with Ford, or—How's it going to operate?

HALDEMAN: I'll talk to Bill. think—Yeah.

(P It is going to be (expletive deleted) active here.)

(P The game has to be played awfully rough. I don't know who now, but you will talk to Bill. I don't know which one.)

H Yes, I will talk to Bill.

Feb. 28, 1973, 9:12 to 10:23 a.m.—Oval Office, President Nixon, John Dean.

The President, Haldeman and Dean discussed the Watergate defendants' expectations of clemency and how the White House should decline comment on congressional hearings on Watergate as they went forward.

PRESIDENT. (. . .) I feel for those poor guys in jail, I mean, I don't know—particularly for Hunt. Hunt with his wife, uh, dead. It's a tough thing.

DEAN. Well,

PRESIDENT. We have to do (unintelligible)

DEAN. every indication

PRESIDENT. You'll have to do—

DEAN. that they're, they're hanging in tough right now.

PRESIDENT. What the hell do they expect, though? Do they expect that they will get clemency within a reasonable time?

DEAN. I think they do. (Unintelligible) going to do.

PRESIDENT. What would you say? What would you advise on that?

DEAN. Uh, I think it's one of those things we'll have to watch very closely. For example—

PRESIDENT. You couldn't do it, you couldn't do it, say, in six months?

DEAN. No.

PRESIDENT. No.

DEAN. No, you couldn't. (. . .)

PRESIDENT (. . .) "I will not comment on the hearings while they are in process" (Unintelligible.) And then I, of course if they break through—if they get a lot luckier—But you see, it's best not to cultivate—and I get Ziegler to do the same—it's best not to elevate that thing here to the White House. 'Cause I don't want the White House gabbing around about the God damned thing. Now there, of course, you'd say, "But you leave it all to them."

(High frequency tone for four seconds.)

PRESIDENT. our policy. But the President should not become (inintelligible) on this case. Do you agree to that?

P. (. . .) I feel for those poor guys in jail, particularly for Hunt with his wife dead.

D. Well there is every indication they are hanging in tough right now.

P. What the hell do they expect though? Do they expect clemency in a reasonable time?

P. What would you advise on that?

D. I think it is one of those things we will have to watch very closely. For example, —

P. You couldn't do it, say, in six months.

D. No, you couldn't. (. . .)

P. (. . .) I will not comment on the hearings while they are in process. Of course if they break through — if they get muckraking —

It is best not to cultivate that thing here at the White House. If it is done at the White House again they are going to drop the (adjective deleted) thing. Now there, of course, you say but you leave it all to them.

We'll see as time goes on. Maybe we will have to change our policy. But the President should not become involved in any part of this case. Do you agree with that?

March 13, 1973, 12:42 to 2 p.m.—Oval Office, President Nixon, John Dean, H. R. Haldeman.

The President and Dean discussed which White House aides knew of



Sketch by Bill Oakes for The Washington Post

the Watergate break-in and the Segretti political espionage operation and whether they ought to say so publicly.

Committee Text

PRESIDENT. Did Strachan?

DEAN. Yes.

PRESIDENT. He knew?

DEAN. Yes.

PRESIDENT. About the Watergate?

DEAN. Yes.

PRESIDENT. Well, then, Bob knew. He probably told Bob, then. He may not have. He may not have.

DEAN. He was, he was judicious in what he, in what he relayed, and, uh, but Strachan is as tough as nails. I —

PRESIDENT. What'll he say? Just go in and say he didn't know?

DEAN. He'll go in and stonewall it and say, "I don't know anything about what you are talking about." He has already done it twice, as you know, in interviews.

DEAN. That's right. And I said, "Chuck, people have said that you were involved in this; involved in that, involved in this." And he said, "I—that's not true," and so on and so forth. Uh, I don't, I think that Chuck had knowledge that something was going on over there. A lot of people around here had knowledge that something was going on over there. They didn't have any knowledge of the details of the specifics of, of the whole thing.

PRESIDENT. It was a dry hole, huh?

DEAN. That's right.

PRESIDENT. Jesus Christ.

DEAN. Well, they were just really getting started.

PRESIDENT. Yeah. Yeah. But, uh, Bob one time said something about the fact we got some information about this or that or the other, but I, I think it was about the convention, what they were planning, I said (unintelligible). So I assume that must have been MacGregor, I mean not MacGregor, but Segretti.

Dean. No.

PRESIDENT. Bob must have known about Segretti.

DEAN. Well, I—Segretti really wasn't involved in the intelligence gathering to speak of at all.

PRESIDENT. (Unintelligible) to think that Mitchell and Bob would allow, would have allowed this kind of operation to be in the committee.

DEAN. I don't think he knew it was there.

PRESIDENT. You kidding?

DEAN. I don't—

White House Text

P Strachan?

D Yes.

P He knew?

D Yes.

P About the Watergate?

D Yes.

P Well, then, he probably told Bob. He may not have.

D He was judicious in what he relayed, but Strachan is as tough as nails.

He can go in and stonewall, and say, "I don't know anything about what you are talking about." He has already done it twice you know, in interviews.

D That's right. I said, "Chuck, people have said that you were involved in this, involved in that, involved in all of this. He said, "that is not true, etc." I think that Chuck had knowledge that something was going on over there, but he didn't have any knowledge of the details of the specifics of the whole thing.

P A dry hole?

D That's right.

P (Expletive deleted)

D Well, they were just really getting started.

P Yeah. Bob one time said something to me about something, this or that or something, but I think it was something about the Convention. I think it was about the convention problems they were planning something. I assume that must have been MacGregor — not MacGregor, but Segretti.

D No,

Segretti wasn't involved in the intelligence gathering piece of it at all.

P To think of Mitchell and Bob would have allowed — would have allowed — this kind of operation to be in the campaign committee!

D I don't think he knew it was there.

PRESIDENT. You don't think Mitchell knew about this thing?

DEAN. Oh, no, no, no. Don't mis—I don't think he knew that people—I think he knew that Liddy was out intelligence-gathering.

PRESIDENT. Well?

DEAN. I don't think he knew that Liddy would use a fellow like McCord, for God's sake, who worked for the Committee. I can't believe that. (...)

PRESIDENT Well, what about the hang-out thing?

(Unknown person enters, receives instruction from the President to take something to Haldeman, and leaves the room.)

PRESIDENT. Uh, is it too late to, to, frankly, go the hang-out road? Yes, it is

DEAN. I think it is. I think—Here's the—The hang-out road—

PRESIDENT. The hang-out road's going to have to be rejected. I, some, I understand it was rejected.

DEAN. It was kicked around. Bob and I and, and, and—

PRESIDENT. I know Ehrlichman always felt that it should be hang-out. (Unintelligible)

DEAN. Well, I think I convinced him why that he wouldn't want to hang-out either. There is a certain domino situation here. (...)

P I don't think that Mitchell knew about this sort of thing.

D Oh, no, no! Don't misunderstand me. I don't think that he knew the people. I think he knew that Liddy was out intelligence gathering. I don't think he knew that Liddy would use a fellow like McCord, (expletive removed), who worked for the Committee. I can't believe that.

P Is it too late to go the hang-out road?

D Yes, I think it is. The hang-out road —

P The hang-out road (inaudible).

D It was kicked around Bob and I and —

P Ehrlichman always felt it should be hang-out.

D Well, I think I convinced him why he would not want to hang-out either. There is a certain domino situation here. (...)

March 21, 1973, 10:12 to 11:55 a.m.—Oval Office, President Nixon, John Dean, H. R. Haldeman.

The President and Dean, later joined by Haldeman, spoke of the growing dimensions of the Watergate scandal and conspirator E. Howard Hunt's "blackmail" demands for \$120,000 which had been conveyed to Dean.

DEAN. I will go back over that, and tell

PRESIDENT. Was that Colson?

DEAN. you where I think the, the soft spots are.

PRESIDENT. Colson—that, that, that Colson, uh, you think was the, uh, was the person who

DEAN. I think he,

PRESIDENT. Pushed?

PRESIDENT. [Unintelligible]. Maybe—Well, whether it's maybe too late to do anything about it, but I would certainly keep that, [laughs] that cover for whatever it's worth.

DEAN. I'll—

PRESIDENT. Keep the committee.

DEAN. Af—, after, well, that, that, that's

PRESIDENT. [Unintelligible]

PRESIDENT. Let me say, there shouldn't be a lot of people running around getting money. We should set up a little—

D I will go back over that, and take out any of

the soft spots.

P Colson, you think was the person who

pushed?

P (unintelligible) but I would certainly keep that cover for whatever it is worth.

P Let me say there shouldn't be a lot of people running around getting money—

Committee Text

PRESIDENT. Well, your, your major, your major guy to keep under control is Hunt.

DEAN. That's right.

PRESIDENT. I think. Because he knows

DEAN. He knows so much.

PRESIDENT. about a lot of other things.

DEAN. He knows so much. Right. Uh, he could sink Chuck Colson. [...]

DEAN. Now we've got

KALMBACH. [Coughs]

PRESIDENT. Yeah, that's, a tough one.

DEAN. [...] Uh, I don't know of anything that Herb has done that is illegal, other than the fact that he doesn't want to blow the whistle on a lot of people, and may find himself in a perjury situation.

PRESIDENT. Well, if he, uh, he could—because he will be asked about that money?

White House Text

P Your major guy to keep under control is Hunt?

D That is right.

P I think. Does he know a lot?

D He knows so much. He could sink Chuck Colson. (...)

D Now we've got Kalmbach (...)

D (...) I don't know of anything that Herb has done that is illegal, other than the fact that he doesn't want to blow the whistle on a lot of people, and may find himself in a perjury situation. (...)

PRESIDENT. How would you handle him, then, John. For example, would you just have him put the whole thing out?

DEAN. (Draws breath)

PRESIDENT. I don't think so. I mean I don't mind the five hundred thousand dollars and I don't mind the four hundred thousand dollars.

DEAN. No, that,

PRESIDENT. for activities (Unintelligible)

DEAN. that, that, uh, that doesn't bother me either. There's—as I say, Herb's problems are

PRESIDENT. There's a surplus—

DEAN. politically embarrassing, but not as—not criminal.

PRESIDENT. Well, they're embarrassing, sure—he, he just handled matters that were between the campaigns, before anything was done. (..)

PRESIDENT. All right. How do your other vulnerabilities go together?

DEAN. The other vulnerabilities: We've got a, uh, runaway grand jury up in the Southern District.

PRESIDENT. Yeah, I heard.

DEAN. They're after Mitchell and Stans on some sort of bribe or influence peddling

PRESIDENT. On Vesco.

DEAN. With Vesco.

PRESIDENT. Yeah.

DEAN. (...) Apparently, Ehrlichman had some meetings with Vesco, also. Uh, Don Nixon, Jr., came in to see John a couple of times, uh, about the problem.

PRESIDENT. Not about the complaint.

DEAN. That, there's, uh—the fact of the matter is—

PRESIDENT. (Unintelligible) about a job.

DEAN. That's right. And, and, and, uh, I—

PRESIDENT. We're, is it—Ehrlichman's totally to blame on that.

DEAN. Yeah, well, I think the White House—

PRESIDENT. (Unintelligible)

DEAN. No one has done anything for—

PRESIDENT.—Vesco. Matter of—not for the prosecutor.

DEAN. That's what really troubles me. For example, what happens if it starts breaking, and they do find a criminal case against a Haldeman, a Dean, a Mitchell, an Ehrlichman? Uh, that is—

PRESIDENT. Well if it really comes down to that, we cannot, maybe—We'd have to shed it in order to contain it again.

DEAN. I know, sir, it is. Well I can just tell from our conversations that, you know, these are things that you had no knowledge of.

PRESIDENT. The absurdity of the whole damned thing,

DEAN. But it—

PRESIDENT. Bugging and so on [...]

PRESIDENT. Called (unintelligible) and said, "We've got a, we've got a good plan." I don't know what the Christ he would be doing. Oh, I'll bet you. I know whay. That was at the time of ITT. He was trying to get something going there because ITT, they were bugging us. I mean they were

DEAN. Right.

PRESIDENT. Giving us hell.

DEAN. Well, I know, I know he used, uh,

PRESIDENT. Hunt to go out there?

DEAN. Hunt.

PRESIDENT. I knew about that.

DEAN. Yeah.

PRESIDENT. I did know about it. Uh, I knew that there was, there was something going on there,

DEAN. Right.

PRESIDENT. but I didn't know it was Hunt.

D. (...) Apparently Ehrlichman P. How would you handle him, John, for example? Would you just have him put the whole thing out?

I don't mind the \$500,000 and the \$400,000.

D. No—that

doesn't bother me either. As I say, Herb's problems are politically embarrassing, but not criminal.

P. Well he just handled matters between campaigns. (...)

P. How about the other probabilities?

D. We have a runaway grand jury up in the Southern District.

They are after Mitchell and Stans on some sort of bribe or influence peddling

with Vesco. (...)

D. (...) Apparently Ehrlichman had some meetings with Vesco, also. Don Nixon, Jr. came into see John a couple of times about the problem.

P. Not about Vesco, but about Don, Jr.?

Ehrlichman never did anything for Vesco?

D. No one at the White House

has done anything for

Vesco.

D That is what really troubles me. For example, what happens if it starts breaking, and they do find a criminal case against a Haldeman; a Dean, a Mitchell, an Ehrlichman? That is—

P If it really comes down to that, we would have to (unintelligible) some of the men.

D I know, sir. I can just tell from our conversation that these are things that you have no knowledge of.

P You certainly can!

Buggings, etc! (...)

P All I know about is the time of ITT, he was trying to get something going there because ITT was

giving us a bad time.

D I know he used

Hunt.

P I knew about that.

I didn't know about it, but I knew there was something going on.

But I didn't know it was a Hunt.

DEAN. —to me there was no way
PRESIDENT. Yeah.
DEAN. that, uh
PRESIDENT. Yeah.
DEAN. But to burden this second administration
PRESIDENT. We're all in on it.
DEAN. was something that It's something that is not going to go away.

DEAN. And it seems to me the only way that—
PRESIDENT. Who else, though? Let's, let's leave you and—I don't, I don't. I don't think on the, on, uh, on the obstruction of justice thing—I think that one we can handle. I, I don't know why I feel that way, but I—
DEAN. Well, it is possible that I—
PRESIDENT. I, I think you may be overplaying (. . .)

DEAN. I think we've got to look—
PRESIDENT. But at the moment, don't you agree that you'd better get the Hunt thing? I mean, that's worth, it, at the moment.
DEAN. That, that's worth buying time on, right.
PRESIDENT. And that's buying time on, I agree.

D(. . .) You know, with me there was no way,

but the burden of this second administration
is something that is not going to go away.

D And it seems to me the only way
P Well, also so let's leave you out of it. I don't think on the obstruction of justice thing—I take that out. I don't know why, I think you may be over that cliff.

D Well it is possible.

D (. . .) I think we've got to look—
P But at the moment, don't you agree it is better to get the Hunt thing that's where that—

D That is worth buying time on

P That is buying time, I agree.

See JUDICIARY, A25, Col. 1

JUDICIARY, From A24

Committee Text

PRESIDENT. Let me say, though that Hunt (unintelligible) hard line, and that a convicted felon is going to go out and squeal (unintelligible) as we about this (unintelligible) decision (unintelligible) turns on that.

PRESIDENT. (. . .) Whether the line is one of, uh, continuing to, uh, run a, try o run a total stonewall, and take the heat from that, uh, having in mind the fact that, uh, there are vulnerable points there; the vulnerable points being, that, well, the first vulnerable points would be obvious. In other words, it would be if, uh, uh, one of the, uh, defendants, particularly Hunt, of course, who is the most vulnerable in my opinion, might, uh, blow the whistle, and he, he—and his price is pretty high, but at least, uh, we should, we should buy the time on that, uh, as I, as I pointed out to John. (. . .)

PRESIDENT. Fortunately, fortunately, with Chuck it is very—I, I talk to him about many, many political things, but I never talk about this sort of thing 'cause he's, uh, he's very harmful, I mean I don't think—he must be damn sure I don't know anything. And I don't. In fact, I'm rather surprised at what you told me today. From what you said, I gathered the impression, and of course your, your, your analysis does not for sure, uh, indicate that Chuck knew that it was a bugging operation for certain.

PRESIDENT. That's right, but not—all right. The point is, the point is this, that, uh, it's now time, though, to, uh, that Mitchell has got to sit down, and know where the hell all this thing stands, too. You see, John is concerned, as you know, Bob, about, uh, Ehrlichman, which, uh, worries me a great deal because it's a, uh, it—and it, and this is why the Hunt problem is so serious, uh, because, uh, it had nothing to do with the campaign.

PRESIDENT. And that means, we got to, we've got to keep it off of you. uh, which I, which I (unintelligible) obstruction of justice thing. We've got to keep it off Ehrlichman. We've got to keep it, naturally, off of Bob, off Chapin, if possible, and Strachan. Right?

DEAN. Uh huh.

PRESIDENT. And Mitchell. Right?

DEAN. Uh huh.

White House Text

D (. . .) Let me say (unintelligible) How do we handle all (unintelligible) who knew all about this in advance. Let me have some of your thoughts on that.

P (. . .) Whether the line is one of continuing to run a kind of stone wall, and take the heat from that, having in mind the fact that there are vulnerable points there;—the vulnerable points being, the first vulnerable points would be obvious. That would be one of the defendants, either Hunt, because he is most vulnerable in my opinion, might blow the whistle and his price is pretty high, but at least, we can buy the time on that as I pointed out to John. (. . .)

P Ok. Fortunately, with Chuck it is very—I talk to him about many, many political things, but I have never talked with him about this sort of thing. Very probably, I think he must be damn sure that I didn't know anything. And I don't. In fact, I am surprised by what you told me today. From what you said, I gathered the impression, and of course your analysis does not for sure indicate that Chuck knew that it was a bugging operation.

P The point is this, that it is now time, though, that Mitchell has got to sit down, and know where the hell all this thing stands, too. You see, John is concerned, as you know, about the Ehrlichman situation. It worries him a great deal because, and this is why the Hunt problem is so serious, because it had nothing to do with the campaign. (. . .)

P And that means keeping it off you. Herb has started this Justice thing. We've got to keep it off Herb. You have to keep it, naturally, off of Bob, off Chapin, if possible, Strachan, right

D Uh huh.

P And Mitchell. Right

D Uh, huh

PRESIDENT. Now.

HALDEMAN. And Magruder, if you can. But that's the one you pretty much have to give up.

H And Magruder, if you can.

PRESIDENT. The only thing you could do with him would be to parole him for a period of time because of his family situation. But you couldn't provide clemency.

P. The only thing we could do with him would be to parole him like the (unintelligible) situation. But you couldn't buy clemency.

HALDEMAN. And then they never replenished it, so we just gave it all back anyway.

H. They hadn't replenished, so we just gave it all back anyway.

PRESIDENT. I have a feeling we could handle this one. Well—

P. I had a feeling we could handle this one.

DEAN. Well, first of all, they'd have a hell of a time proving it. Uh, that's on thing. Uh—

D. Well, first of all, I would have a hell of a time proving it. That is one thing.

PRESIDENT. Yeah, yeah—I just have a feeling on it. But let's now come back to the money, a million dollars, and so forth and so on. Let me say that in cash, and I know money is hard, but there are ways. That could be (unintelligible). But the point is, uh, what would you do on that—Let's let's look at the hard facts.

P. I just have a feeling on it. Well, it sounds like a lot of money, a million dollars. Let me say that I think we could get that. I know money is hard to raise. But the point is, what we do on that—Let's look at the hard problem—

PRESIDENT. Yeah, these fellows— But of course you know, these fellows though, as far as that plan was concerned.

P. These fellows though, as far as what has happened up to this time, are covered on their situation because the Cuban Committee did this for them during the election?

HALDEMAN. But what is there?

PRESIDENT. As far as what happened up to this time, our cover there is just going to be the Cuban Committee did this for them up through the election.

PRESIDENT. That's right. Just be damned sure you say I don't

P. But you can say I don't remember. You can say I can't recall I can't give any answer to that that I can recall.

HALDEMAN. Yeah—

PRESIDENT. remember, I can't recall, I can't give any honest, an answer to that that I can recall. But that's it.

PRESIDENT: that's why your, for you, immediate thing you've got no choice with Hunt but the hundred and twenty or whatever it is. Right?

P. That's why for your immediate things you have no choice but to come up with the \$120,000, or whatever it is. Right?

DEAN: That's right.

D. That's right.

PRESIDENT: Would you agree that that's a buy time thing, you better damn well get that done, but fast?

P. Would you agree that that's the prime thing that you damn well better get that done?

DEAN: I think he ought to be given some signal, anyway, to, to—

D. Obviously he ought to be given some signal anyway.

PRESIDENT: Yes.

DEAN: Yeah—you know.

PRESIDENT: Well for Christ's sakes get it in a, in a way that, uh—who's, who's going to talk to him? Colson? He's the one who's supposed to know him.

P. (Expletive deleted), get it. In a way that—who is going to talk to him? Colson? He is the one who is supposed to know him?

DEAN. Well, I, uh, I gather LaRue just leaves it in mail boxes and things like that, and tells Hunt to go pick it up. Someone phones Hunt and tells him to pick it up. As I say, we're a bunch of amateurs in that business.

D. Well, I got it to LaRue by just leaving it in mail boxes and things like that. And someone phones Hunt to come and pick it up. As I say, we are a bunch of amateurs in that business.

PRESIDENT. Well, the main point, now, is the people who will need the money (unintelligible). Well of course, you've got the surplus from the campaign. That we have to account for. But if there's any other money hanging around—

P. Well, of course you have a surplus from the campaign. Is there any other money hanging around?

PRESIDENT. But, but my point is, do you ever have any choice on Hunt? That's the point.

P. But my point is, do you ever have any choice on Hunt? That is the point.

DEAN. (Sighs)

PRESIDENT. No matter what we do here now, John,

No matter what we do here now, John,

DEAN. Well, if we—

PRESIDENT. Hunt eventually, if he isn't going to get commuted and so forth, he's going to blow the whistle.

whatever he wants if he doesn't get it—immunity, etc., he is going to blow the whistle.

DEAN. Uh, we don't, it doesn't

PRESIDENT. Including Ehrlichman's use of Hunt on the other deal?

D (...) — And we don't, it doesn't — P (Unintelligible) for another year.

DEAN. That's right.

D. That's right.

PRESIDENT. You'd throw that out?

P. And Hunt would get off by telling them the Ellsberg thing.

DEAN. Uh, well, Hunt will go to jail for that too—he's got to understand that.

D. No Hunt would go to jail for that too — he should understand that.

PRESIDENT. That's the point too. I don't think that—I wouldn't throw that out. I think I would limit it to—I don't think you need to go into every God damned thing Hunt has done.

P. That's a point too. I don't think I would throw that out. I don't think we need to go into everything. (adjective deleted) thing Hunt has done.



Sketch by Bill Oakes for The Washington Post

Committee Text

D/AN. Well, there's been a change in the mood—

HALDEMAN. John's point is exactly right, that the erosion here now is going to you, and that is the thing that we've got to turn off, at whatever the cost. We've got to figure out where to turn it off at the lowest cost we can, but at whatever cost it takes.

DEAN. That's what, that's what we have to do.

PRESIDENT. Well, the erosion is inevitably going to come here, apart from anything, you know, people saying that, uh, well, the Watergate isn't a major concern. It isn't. But it would, but it will be. It's bound to be

DEAN. We cannot let you be tarnished by that situation.

PRESIDENT. Well, I (unintelligible) also because I—Although Ron Ziegler has to go out—They blame the (unintelligible) the White House (unintelligible)

DEAN. That's right.

PRESIDENT. We don't, uh, uh, I say that the White House can't do it. Right?

HALDEMAN. Yeah.

DEAN. Yes, sir.

White House Text

H We should change that a little bit.

John's point is exactly right. The erosion here now is going to you, and that is the thing that we have to turn off at whatever cost. We have to turn it off at the lowest cost we can, but at whatever cost it takes.

D That's what we have to do.

P Well, the erosion is inevitably going to come here, apart from anything and all the people saying well the Watergate isn't a major issue. It isn't. But it will be. It's bound to.

(Unintelligible) has to go out. Delaying is the great danger to the White House area.

We don't I say that the White House can't do it. Right?

D Yes, Sir.

March 21, 1973, 5:20 to 6:01 p.m. — Executive Office Building office, President Nixon, John Dean, John Ehrlichman, H. R. Haldeman.

The President, Dean, Haldeman and Ehrlichman talked of Hunt's "blackmail request" as well as the best way to handle a new investigation of the scandal.

PRESIDENT. But, does, uh, does anybody, uh, really think, really think that really we should do nothing? That's the other, I mean, that's, that's the option, period. If, uh—keep fighting it out on this ground if it takes all summer.

HALDEMAN. Which it will.

PRESIDENT. That's the other thing, whether we're going to, say, to contain the thing.

EHRlichman. Well, we've talked about that. We talked about, uh, possible opportunities in the Senate, that, that may turn up that we don't foresee now. In other words, that you go in and start playing for the odds. Keep trying to put out fires here and there. The problem of the Hunt thing (. . .)

P (. . .) Does anybody really think we can do nothing? That's the option, period. If he fights it out on this ground, it takes all summer.

H Which it will.

P That's it, whether or not today at the danger point.

H Well, we have talked about that. We have talked about possible opportunities in the Senate. Things may turn up that we don't foresee now. Some people may be sort of playing the odds.

E The problem of the Hunt thing (. . .)

EHRlichman. Well, my, my view is that, that, uh, Hunt's interests lie in getting a pardon if he can. That ought to be, somehow or another, one of the options that he is most particularly concerned about. Uh, his, his indirect contacts with John don't contemplate that at all. Well, maybe they, maybe they contemplate it—but they say there's going (unintelligible)

PRESIDENT. I know.

HALDEMAN. That's right.

EHRlichman. They think that that's already understood.

PRESIDENT. Yeah.

EHRlichman. Uh—

PRESIDENT. I mean he's got to get that by Christmas time.

DEAN. That's right. (. . .).

PRESIDENT. If that blows.

EHRlichman. If that blows and, and that's, it seems to me, that the, uh —although at lea—It obviously is understood, that he has really gone over the ground with his attorney that's in there.

PRESIDENT. However, can he, by talking, uh, get pardoned? Get, get clemency from the court?

PRESIDENT. So then now—so the point we have to, the bridge you have to cut, uh, cross there is, uh, which you've got to cross, I understand, quite soon, is whether, uh, we, uh, what you do about, uh, his present demand. Now, what, what, uh, what (unintelligible) about that?

DEAN. Well, apparently Mitchell and, and, uh, uh,

UNIDENTIFIED. LaRue.

DEAN. LeRue are now aware of it, so they know what he is feeling.

PRESIDENT. True. (Unintelligible) do something.

DEAN. I, I have, I have not talked with either. I think they are in a position to do something, though.

DEAN. Oh, yeah. Uh, Dwight, for example, now wants a lawyer; uh, uh, Kalmbach has hired himself a lawyer; and now that we've (unintelligible) enough to know that self-protection is setting in.

PRESIDENT. Well let's not trust them.

DEAN. Surely.

PRESIDENT. Maybe we face the situation, (. . .)

PRESIDENT. Yeah. That's right. That's the point. That's why I say I'm, I'm going to take a lot of the heat. (Coughs) Well, we have to realize that, uh, the attrition is going to be rather considerable. That, that's your point, isn't it?

DEAN. I think it, it's hard to prevent. Now, that's why I raise the point of, of this immunity concept again. That would take a lot of heat. Obviously, the immunity might—but it also (unintelligible) you find cannot be structured, that you're can—you're concerned about, there's something lurking here that has been brought to your

E Well, my view is that Hunt's interests lie in getting a pardon if he can. That ought to be somehow or another one of the options that he is most particularly concerned about. Now, his indirect contacts with John don't contemplate that at all — (inaudible)

P He assumes that's already understood.

D He's got to get that by Christmas, I understand.

E That's right (. . .)

H If that blows —

E If that blows and that seems to me, although I doubt if he is understood, he has really turned over backwards since he has been in there.

However, can he, by talking, get a pardon? Clemency from the court? (. . .)

P. Yeah. And then so the point we have to, the bridge we have to cross there, that you have to cross I understand quite soon, is what you do about Hunt and his present finance? What do we do about that?

D Well apparently Mitchell and

La Rue are now aware of it so they know how he is feeling.

P True. Are they going to do something

D Well, I have not talked with either of them. Their positions are sympathetic.

D (...) Dwight, hired himself a lawyer; Colson has retained a lawyer; and now that we are all starting the self-protection certainly.

P Maybe we face the situation (....)

P Well, that is why I say on this one that we have to realize that the system is going to run and that is your problem.

H The only problem (inaudible)

D It is structured. That your concern about, "There is something lurking here." Now is the time to get the facts

Committee Text

attention of recent Uh, now is the time to get the facts. People have been protecting themselves. Dean couldn't get all the information. People wouldn't give it to him. Uh, there are indications now that there are other things, and you'd like to get all this information and lay it before the public, but it's not going to come out if people are going to go take the Fifth Amendment before a grand jury. It'll never be proved.

I—

PRESIDENT. And it isn't going to come out of a committee.

White House Text

before Richard Nixon himself. Dean couldn't get all the information. People wouldn't give it to him. There are things, there are a lot of things. And if you would like to get all of this information and you lay it before the public, but it is not going to come because some people go to a grand jury and tell the truth.

H Lie

P And it isn't going to come out of the committee.

DEAN. All right, is that, is that better? Or is it better to have, you know, just, just keep going and have the thing build up and all of a sudden collapse? And, and people get indicted an people, uh, get tarnished.

PRESIDENT. After we've stonewalled it?

DEAN. After we've stonewalled it, and after the President's been accused of covering up that way.

PRESIDENT. That's the point.

EHRlichman. Or is there another way?

PRESIDENT. Yeah, like—?

EHRlichman: Like the, the Dean statements, where the President then makes a full disclosure of everything which he then has. And is in a position if it does collapse at a later time to say, "Jesus, I had the FBI, and the grand jury, and I had my own counsel. I turned over every rock I could find. (...)"

PRESIDENT. (...) I ask for a, a written report, which I think, uh, that — which is very general, understand. Understand, (laughs) I don't want to get all that God damned specific. I'm thinking now in far more general terms, having in mind the fact that the problem with a specific report is that, uh, this proves this one and that one that one, and you just prove something that you didn't do at all. But if you make it rather general in terms of my — your investigation indicates that this man did not do it, this man did not do it, this man did do that. You are going to have to say that, John, you know, like the, uh, Segretti-Chapin —

EHRlichman. (...) But, uh, beyond that, the question is, did we, did we authorize it, did we condone it?

PRESIDENT. Yeah.

EHRlichman. Did we?

PRESIDENT. Yeah.

EHRlichman. support it? And that kind of thing.

PRESIDENT. And that's that part of it. Getting back to the, uh, getting back to this, John, uh, you still sort of tilt to the panel idea yourself?

PRESIDENT. Strachan. Do the same to him with it.

DEAN. Strachan?

PRESIDENT. Maybee. Not so much.

UNIDENTIFIED. Maybe Jeb.

DEAN. (Unintelligible)

I think he has a problem.

PRESIDENT. Uh, the problem of knowledge of it.

HALDEMAN. He has a problem of knowledge.

Magruder has a problem of action.

PRESIDENT. Action and perjury.

EHRlichman. You immediately eliminate one of your options. You can, well, you can eliminate the option of the President being able to take the position he knew nothing about it.

EHRlichman. The, the only thing that we can say is for Ziegler to say, "Look, we've investigated backwards and forwards in the White House, and we're satisfied on the basis of the report we have that nobody in the White House has been involved in a burglary; nobody had notice of it, knowledge of it, participated in the planning, or aided or abetted it in any way."

PRESIDENT. Well, that's what you could say.

EHRlichman. And it happens to be true.

PRESIDENT. Yeah.

EHRlichman. As for that transaction.

PRESIDENT. (Laughs) Sure. As for that transaction.

D Alright, is that better? Or is it better to have (inaudible) and things blow up and all of a sudden collapse? Think about it.

H After a little time, the President is accused of covering up that way.

P That isn't the point.

E Or is there another way?

P Yeah, like—

E The Dean statements, where the President then makes a bold disclosure of everything which he then has. And is in a position if it does collapse at a later time to say, "I had the FBI and the Grand Jury, and I had my own Counsel. It turned over every document I could find. (...)"

P (...) I asked for a written report, which I do not have, which is very general understand. I am thinking now in far more general terms, having in mind the facts, that where specifics are concerned, make it very general, your investigation of the case. Not that "this man is guilty, this man is not guilty," but "This man did do that." You are going to have to say that, John. Segretti (inaudible) (...)

E (...) But beyond that, the question is did he completely authorize (inaudible)

P Yeah. Getting back to this, John. You still tilt to the panel idea yourself?

P. Strachan. This wouldn't do anything to him would it?

D Strachan?

I would say yes.

About the same as Jeb.

H Do you think so?

D Yes, I think he has a problem.

P What is the problem about?

H He has a problem of knowledge.

D Magruder has a problem of action. Action and perjury.

H What are your options?

E Boy, if you could eliminate the option by taking a legal position. You knew nothing about it.

E The only thing we can say is that we have investigated it backwards and forwards in the White House, and have been satisfied on the basis of the report we had that nobody in the White House has been involved in a burglary, nobody had notice of it, knowledge of it, participated in the planning, or aided or abetted it in any way.

And it happens to be true

as for that transaction.

EHRlichman. Well, John, you, uh, you, uh, you must feel that's, uh, is enough. P John, you don't think that is enough?

DEAN. No (unintelligible)

D No, Mr. President.

March 22, 1973, 1:57 to 3:43 p.m. — Executive Office Building office, President Nixon, John Dean, John Ehrlichman, H. R. Haldeman, John Mitchell.

The President, Dean, Ehrlichman, Haldeman and Mitchell discussed use of executive privilege by present and former White House aides on Watergate testimony before the Senate Watergate committee, and generally who should testify and how much should be said.

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

MITCHELL. Technically, Mr. Presi-

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

M (Inaudible)

See JUDICIARY, A26, Col. 1



Sketch by Bill Oakes for The Washington Post

TRANSCRIPT, From A25

Committee Text

dent, 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)

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 FBI and (unintelligible) FBI (unintelligible) in other words that—Maybe we think that 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 FBI

White House Text

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

M Well, gentlemen for the sake of discussion (inaudible) the normal procedure for the Segretti matter and the like based on the evaluation of the FBI 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)

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. (..)

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

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.

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 — 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.

PRESIDENT. In order to get on with the cover-up plan.

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 just leave it at that for the moment.

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.

(two memorandum that the courts have public records)

P We tried that move, John —

M Well, I did too — before Mr. President. (....)

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

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 these 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.

M I think the court would show that a very simple thought, involvement with the (inaudible)

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 cover-up 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 it at that for the time being.

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

DEAN. I think we've had a good go-round 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.

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's doing, Mr. President, is 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 opens up doors, you know.

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.

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.

M (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 hell is it—If it opens up doors. It opens up doors—you know.

Committee Text

PRESIDENT. Sure, sure.

Ehrlichman. Okay.

(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 a public session (unintelligible) and the whole deal. You're not hiding anything.

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 —

White House Text

The (accompanying) portion at the end of the March 22, 1973, conversation . . . 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.

PRESIDENT. — the purpose of their investigation.

MITCHELL. (Unintelligible) to limit the number o 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 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. Becuase 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 relations.

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 maybe, 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 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 wire-tapping. 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 discre-

Committee Text

tionary act of signing a piece of paper that I'm authorized by the statute. There were twenty-seven 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 sent 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. Okay.

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 (inintelligible) 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're going to get out by just 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—

White House Text

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 was—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 reed up to this point. He's smart enough.

MITCHELL. Howard is smart

See JUDICIARY, A27, Col. 1

Committee Text

White House Text

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, 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, President Nixon, John Dean.

The President, moments after meeting with Haldeman and Ehrlichman, suggested to Dean that Dean submit a letter of resignation in case it might be needed. Mr. Nixon also reviewed with Dean the circumstances surrounding Hunt's request for money the month before.

PRESIDENT. But, you had 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.

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 (1) 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—

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.

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 pre-Primateis — it was all committed.

Committee Text

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?

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.

PRESIDENT. It's Mitchell.

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

PRESIDENT. What do you think he's hinking about?

White House Text

P. But on Magruder, come again.

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

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

D Well, he obviously is looking for the ultimate.

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.

D 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, 4:07 to 4:35 p.m.—Executive Office Building office, President Nixon, John Dean.

Dean reported to the President that he had drafted a proposed statement for Mr. Nixon announcing that Haldeman and Ehrlichman as well as Dean would be called before the grand jury and that all three would be put on administrative leave.

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?

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

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

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

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

P I know—he has agreed to (inaudible)

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.

DEAN. (Unintelligible) his testimony before he 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) John? (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.

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

P "You see I make my own" (inaudible)"

How about trying that?

"Let the White House Staff (inaudible)

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 at least, uh, up to you, and Ehrlichman, Haldeman after regretfully dealing with the fact. We've just 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 and (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

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)

Committee Text

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 things 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 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.

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

White House Text

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

P Need any help with him?

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

D It just got forced on him. When I was first talking to him— "Run these guys through the grand jury—"

To be very honest with you, I have talked about it around here before I got in to see for many, many months. Then I thought I could not let it interfere with my work anymore so I thought I might as well forget it.

(unintelligible) committee.

PRESIDENT. Well, it hurts, as you say.

DEAN. (Unintelligible)

PRESIDENT. It won't pull us down. (Unintelligible). We 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. The (unintelligible)

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 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 staff until 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"

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.

D Now, they have their full investigation going—with subpoena power, investigative power, etcetera. It is all like a set of dominoes if one goes they will all go.

P Secretaries, etcetera

D I don't know (unintelligible). They are going to handle Ehrlichman and Haldeman.

There is a potential prima facie situation right now (inaudible) which thereby makes it necessary for you to make a judgment that those people should leave the staff.

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

D That's right.

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

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

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

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

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).

P (Inaudible) But you agree, John, don't you that the statement is fair to everybody? And frankly—(Balance faint—door closes.)