

Tape Transcripts as Edited and

Special to The New York Times

WASHINGTON, May 1 — Following are more of the transcripts of tape recordings of conversations concerning Watergate as edited and made public by the White House.

**March 27, 1973
(11:10 A.M.-1:30 P.M.)**

**The President, Haldeman,
Ehrlichman and Ziegler,
Executive Office Building**

P. I don't believe that I should go out on national television tonight or tomorrow and go out on the Watergate Commission and then come on the next day on national television on Vietnam. I don't like the feel of that. I don't think you—can it be ready by that time? My view is to get the Vietnam thing out of the way, and then get this right as you could. In other words, that gives you time.

E. The picture of the Congress having an inquiry going on and the Grand Jury in session, the Judicial branch— P. Right.

E. It seems to me it gives you a good opening for you to step in and say there doesn't seem to be anybody except me in position with all this. I have talked with the Chief Justice of the United States; I have talked with Senator Ervin, Senator Baker and I, after that consultation, have posed this three-branch—

P. For an inquiry to start with the proposition of Ervin and Baker, where you don't come a cropper right there at the beginning on whether you can get the three branches. What's your view of the three-branch, John?

E. Well, I am not sure you could get it either.

P. What—well, that's it. Suppose you couldn't. Then I still think that it is good possibly that I—but we've got to have somebody other than me that could broker it. The problem you've got to recognize is that Haldeman can't, you can't, and Dean can't. Mainly because you possibly could, but it's also the [unintelligible] about the whole White House. What we might have to do—I hate to assign this to anybody, but I might have to use Rogers on this to be the broker. E. Yep.

Rogers a Good Broker

P. Rogers can be a good broker at times. I don't know whether you could get a—[knocking on door—] P. Oh, hi. How are you? Z. Thought we would just check in.

P. Sure, sure. Right, right. In position, right— Z. We have the patient rehabilitation veto today and the [unintelligible] to Thieu in South Vietnam, preparations—

P. Right. Z. I talked to Dean and to Moore this morning in terms of whether or not we say anything [unintelligible] the Grand Jury.

P. Right.

Z. And Dean's feeling is that we should not today.

P. That is my feeling.

Z. And Moore's feeling is that we should not today, and I concur in that.

P. Yeah. My view is today, unless you've got something more to say, I would simply say I have nothing to add to what [unintelligible] I think that would be better, just get out there and act like your usual cocky, confident self.

Z. Then if I am asked a question about whether or not Dean would appear before the Grand Jury, if I am asked that question—

P. Yeah. Z. How should I handle that? P. That's tough. Z. I could—Two options: One would be to say that [unintelligible]; the other would be to say, the [unintelligible].

P. [unintelligible] Well, if you say, [unintelligible] permission—What do you think, John? You tell him. Well, is it easier to get out of it if you say, well that is not a matter [unintelligible].

Z. I am inclined to think that today my best position is just to say that this was discussed yesterday. We are willing to cooperate.

P. Why don't you say, "We have indicated cooperation and when we see the form of the request, or whatever it is—"

Z. "These matters must proceed in an orderly manner and I am not going to get up here and comment on the possibility of—" P. "of future action" [unintelligible].

E. The other thing you might do is—this would put our friend John Dean III in a tough spot—say, "while there have been some accusations against

him, he's really in the poorest position to defend himself of anybody in the government."

[Material unrelated to Presidential action deleted].

E. I don't know whether it would add anything, really, from our standpoint to say this, but the point is here that the poor guy is under disability to step out and defend himself because of his position. Because he is Counsel to the President, and that in a way—

P. That helps— E. Inhibits him. Well, —

P. But [unintelligible] for Ron to get into that?

E. Well, but it is in the saying, would he appear before a Grand Jury?

P. Why don't we just say, "well, this is a matter that is not before us." Point out that he is Counsel to the President, Counsel to the White House—use the White House. Say, "He is the White

House Counsel and, therefore, his appearance before any judicial group, therefore, is on a different basis from anybody else, "which is basically what I—you know when I flatly said Dean would not appear but others would. You know, I did say that, and of course—

E. It was on a different basis. And at the same time, a man in any position ought to be given a chance to defend himself from these groundless charges.

P. "Mr. Dean certainly wants the opportunity to defend himself against these charges. He would welcome the opportunity and what we have to do it to work out a procedure which will allow him to do so consistent with his unique position of being a top member of the President's staff but also the counsel. There is a lawyer, counsel—not lawyer, counsel—but the responsibility of the counsel for confidentiality."

Z. Could you apply that to the Grand Jury? E. Absolutely. The Grand Jury is one of those occasions where a man in his situation can defend himself.

P. Yes. The Grand Jury. Actually if called, we are not going to refuse for anybody called before the Grand Jury to go, are we, John? E. I can't imagine [unintelligible]

P. Well, if called, he will be cooperative, consistent with his responsibilities as counsel. How do we say that? E. He will cooperate.

P. He will fully cooperate. E. Better check that with Dean. I know he's got certain misgivings on this. Z. He did this morning.

P. Yeah. Well, then, don't say that. E. Well, I think you can pose the dilemma without saying flatly what you are going to do.

P. Yeah. We — But maybe you just don't want to. You better not try to

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break into it. Ron. Z. You get into posing the dilemma —

P. Then they are going to break into questions. I would simply stall them off today. Say that is not before us at this time, but let me emphasize, as the President has indicated, there will be complete cooperation consistent with the responsibilities that everybody has on the separation of powers. Fair enough? And, of course, consistent with Mr. Dean's other responsibilities as a counsel. See? How about just saying it that way? Well, John, do you have doubts? E. No. But if Ziegler opens, Ziegler has to answer something. About the only thing that occurred to me when I read this thing yesterday was somehow or another, he should be introducing the fact that Dean is going to get a chance to clear his name.

P. Yeah.

E. Eventually there is going to be an

opportunity for that in some forum, at some time, in some way. But maybe you get into— P. I don't think this is the day to do it. Z. I think that is right. Give them more than a day to see how we approach the whole matter [unintelligible—] Z exits.

[Material unrelated to Presidential actions deleted.]

E. On the F.B.I., we will start moving some names to you. I hope you will look into that guy that [unintelligible] mentioned—we are trying to get a résumé and some background. P. A judge with a prosecuting background might be a hell of a good thing. I have decided when we move on it, it must be simultaneous. Gray comes in and says, 'I am sorry, I can't get confirmed. I don't want to be confirmed in a way in which there is any division. There must be unanimous support for whoever is, and support for and trust in, the director of the F.B.I. As a result of the hearings to date, it is obvious that I am not going to get that kind of support in the Senate, even though I believe that I may be confirmed under the circumstances, I respectfully request that you withdraw my name.' We withdraw his name and send somebody else down. That is a very sound basis. I am thinking of doing that. I would hope next week right after (unintelligible).

E. Ah, what would you think of doing that simultaneously with the appointment of a commission. We could make it in the same announcement. Could say, 'Here is a fine man who has been unfortunately splattered by this thing. It is a case study in how bystanders can get splashed by this sort of thing. It's not a fight where he came in.'

Get Kleindienst Out

P. You think, also, John, or at least you probably gave somebody the idea, that we should get Kleindienst out, too, at this point? E. Yeah, yeah. P. How do we do that? E. Well, I am going to see him today, and Bob's going to talk to him, and we will hit him from two directions.

P. Get Kleindienst to resign? E. Oh, no, no. Get him out front. P. Oh, I thought you said get him out of the office. E. Oh, no. I hadn't talked about that. That's Bill Rogers. P. Oh, I am sorry, John.

E. No. We talked this morning about getting him out front. P. I am afraid it's [unintelligible] of canning him right away. Let's see. Let's see about that. Maybe we can. Well, what have you got to report. John, and I have just started on [unintelligible].

H. All I have is Dean's report. I did not talk to Mitchell, because this thing changed what you might want from Mitchell. He had a long conversation again today with Paul O'Brien. Everybody has been talking [unintelligible] this, that, and all that. Of course, O'Brien is very distressed with Mitchell.

The more he thinks about it, the more O'Brien comes down to Mitchell could cut this whole thing off, if he would just step forward and cut it off. He said the fact of the matter is as far as Gray could determine, Mitchell did sign off on it. And if that's what it is, the empire will crack. E. You said, 'Gray.'

P. What's that? I am sorry. H. O'Brien, not Gray. As far as O'Brien can determine, Mitchell did sign off and Dean believes that to be the case also. Dean doesn't think he can prove it, and apparently O'Brien can't either, but they both think that. P. That's my —

H. And the more O'Brien thinks about it, the more it bothers him with all he knows, to see all the people getting whacked around in order to keep the thing from focusing on John Mitchell, when inevitably it is going to end up doing that anyway and all these other people are going to be so badly hurt they are not going to be able to get out from under. And that's one view. Now, to go back on the Magruder situation as O'Brien reports it, having spent several hours with Magruder, yesterday afternoon, O'Brien and Parkinson. Jeb believes, or professes to believe, and O'Brien is inclined to think he really does believe, that the whole Liddy plan, the whole super-security operation, super-intelligence operation was put together by the White House, by Halde-

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man, Dean and others. Liddy, Dean cooked the whole thing up at Halde- man's instructions. The whole idea was the need for a super-intelligence operation. Now there is some semblance of some validity to the point, that I did talk not with Dean, but with Mitchell, about the need for intelligence activity and —

P. And Dean recommended Liddy? H. Yes. But not for intelligence. Dean recommended Liddy as the General Counsel.

E. Yeah, but this is where Magruder might come — well, go ahead.

H. That Mitchell bought the idea that was cooked up at the White House for a super-intelligence operation, and that this was all set and an accomplished fact in December of 1971, before Liddy was hired by the Committee. But then Liddy was hired by the Committee to carry it out and that that's why Dean sent Liddy over to the Committee. Then there was a hiatus. There were these meetings in Mitchell's office where Liddy unveiled his plan.

And the first plan he unveiled, nobody bought. They all laughed at it. It was so bizarre. So he went back to the drawing board and came back with a second plan and the second plan didn't get bought either—that was at the second meeting—and everything just kind of lingered around then. It was sort of hanging fire. Liddy was pushing to get something done. He wanted to get moving on his plans. And at that point he went to Colson and said, "Nobody will approve any of this, and you know, we should be getting going on it." And Colson then got into the act in pushing to get moving with the Colson phone call to Magruder saying, "Well, at least listen to these guys." Then the final step was—all of this was rattling around in January—the final step was when Gordon Strachan called Magruder and said Halde- man told him to get this going. "The President wants it done and there is to be no more arguing about it." This meaning the intelligence activity, the Liddy program. Magruder told Mitchell this, that Strachan had told him to get it going on Halde- man's orders, on the President's orders and Mitchell signed off on it. He said, "O.K., if they say to do it, go ahead."

P. Was that this bugging? H. The whole thing, including the bugging. The bugging was implicit in the second plan. He doesn't seem to be sure whether it was implicit or explicit.

P. Well, anyway—

Bugging Process Was Implicit

H. He doesn't think that particular bug implicit, but that the process of bugging was implicit and, as I didn't realize it, nor did [unintelligible], but it was also in the Sandwedge going way back—the early plan. That, incidentally, is a potential source of fascinating problems in that it involved Mike Acree, who is now the Customs Commissioner or some thing, Joe Woods, a few other people.

P. Nothing happened? H. It wasn't done, activated, but these — At some point, according to Magruder, after this was then signed off and put under way Mitchell called Liddy into his office and read him the riot act on the poor quality of [unintelligible]. That's basically the scenario or summary of what Magruder told the lawyer. Dean's theory is that both Mitchell and Magruder both realize that they now have their ass in this thing, and that they are trying to untangle it. Not necessarily working together again, but they are. In the process of that they are mixing apples and oranges for their own protection. And that they are remembering various things in connection with others, like Liddy and Hunt.

[Material not related to Presidential actions deleted]

H. He says for example, Magruder doesn't realize how little Dean told Liddy. He thinks that Dean sent Liddy in [unintelligible] Liddy [unintelligible] frankly to satisfy Dean. His screaming to Liddy was that he was General Counsel over there and also take as a side activity the political intelligence because we do need information on demonstrators and stuff like that. That they are not doing anything about, but he never got into any setting up an elaborate intelligence apparatus.

P. O.K.

H. Dean says that as a matter of fact, in contrast to Magruder's opinion, at the first meeting where a Liddy plan was presented, everybody at the meeting laughed at the plan on the basis that it was just so bizarre that it was absurd and completely funny. P. Yeah.

H. The second meeting, Dean came into the meeting late. He was not there during most of the presentation, but when he came in he could see that they were still on the same plan of orbit and he says in effect, I got Mitchell off the hook because I took the initiative in saying, "You know it is an impossible proposal and we can't, we shouldn't even be discussing this in the Attorney General's office," and all that Mitchell agreed, and then that is when Dean came over and told me that he had just seen this wrap-up on it, and that it was impossible; that they shouldn't be doing it; that we shouldn't be involved in it and we ought to drop the whole thing. Then as Dean said, "I saw a problem there and I thought they had turned it off and in any event I wanted to stay ten miles away from it, and did." He said the problem from then on, starting somewhere in early January probably, was that Liddy was never really given any guidance after that. Mitchell was in the midst of the ITT and all that stuff, and didn't focus on it, and Magruder was running around with other things and didn't pay much attention, and Liddy was kind of bouncing around loose there.

Allocation of Funds Queried

E. Well, now, how do you square that with the allocation of money to it? H. Well, that presumably was the subject in focus by somebody. Who signed off on that? E. Magruder, possible Mitchell, possibly Stans, certainly —

P. I don't know that they can say that the allocation of money for this super-intelligence operations, I don't think I ever — that's what Magruder said — E. Someone was paid to focus on —

H. Yeah, someone focused and agreed that there had to be some intelligence

and that it would take some money and that Liddy should get it.

E. And against the background of the two plans being presented and rejected, the logical question that would arise is, well, what are you going to do with the money? You don't have an approved plan?

H. Yeah. E. So that doesn't put anything together.

P. Well, it doesn't hang together, but it could in the sense of the campaign —

H. Well, what he thinks, he thinks that Mitchell did sign off on it.

P. My guess is Mitchell could just say, "Look," he says, "this, that and the other thing," and he says, "alright go ahead but there was no plan of this."

H. Except if you support Dean's opinion [unintelligible].

P. So — H. Now O'Brien says that Magruder's objective in holding at the moment is a meeting with Mitchell and me. And that what he has told the lawyers, that will be a shot across the bough and tear down the meeting place, O'Brien doesn't really believe Jeb, but he's not sure, O'Brien is shook a little bit himself as he hears all this. But he does see very definitely and holds also to the theory of mixing of apples and oranges. He's convinced that Jeb is linking together things that don't necessarily fit together in order to help with [unintelligible]. And, again, he's very disappointed in Mitchell. He feels that Mitchell is the guy that is letting people down. O'Brien made the suggestion that if we wanted to force some of this to a head, there is one thing you might consider is that O'Brien and Parkinson, who are getting a little shaken, now themselves, are retained by the Committee. That is by Frank Dale. He is the Chairman of the Committee.

P. Does that still exist? H. Yes. They are —

O'Brien and Parkinson

P. They aren't involved in the damn thing are they? O'Brien and Parkinson? H. Yes.

P. They ran this all from the beginning? H. Oh, no.

P. Well, that is what I thought. H. But they are involved in the post-discovery, post-June 17th.

P. [expletive removed]! [unintelligible]

H. O'Brien says, "Everything with the Committee—what you might want to consider is the possibility is to waive our retainer, waive our privileges and instruct us to report to the President all of the facts as they are known to us as to what really went on at the Committee to Re-Elect the President."

P. For me to sit down and talk to them and go through —

H. I don't know. He doesn't mean necessarily personally talk to you, but he means talk to Dean or whoever you designate as your man to be working on this. Now, other facts. Hunt is at the Grand Jury today. We don't know how far he is going to go.

The danger area for him is on the money, that he was given money. He is reported by O'Brien, who has been talking to his lawyer, Bitman, not to be as desperate today as he was yesterday but to still be on the brink or at least shaky. What's made him shaky is that he's seen McCord bouncing out there and probably walking out scot free. P. Scot free and a hero. H. And he doesn't like that. He figures here's my turn. And that he may go — P. That's the way I would think all of them would feel.

H. And that he may decide to go with as much as is necessary to get himself into that same position, but probably would only go with as much as is necessary. There isn't a feeling on his part of a desire to get people, but a desire to take care of himself. And that he might be willing to do what he had to do to take care of himself, but he would probably do it on a gradual basis and he may in fact be doing it right now at the grand jury. He feels, in summary, that on both Hunt and Magruder questions we're not really in the crunch that we were last night. He is not as concerned as he was when he talked with you last night. We are now going with Silbert —

P. Who's that? H. The U.S. Attorney is going to Sirica seeking immunity for Liddy so Liddy can be a witness. Liddy's lawyer will argue against immunity, for he does not want it. Dean's judgment is that [unintelligible] will probably fail. Sirica will grant it. Sirica's clear disposition —

'Liddy to Refuse to Talk'

P. If he doesn't talk, then he gets contempt. Is that it? H. Liddy, if he gets immunity, his intention, as of now at least, is to refuse to talk. And then he would be in contempt. The contempt is civil contempt and it only runs for the duration of the grand jury, which is limited. And as long as he is in jail anyway, it doesn't make a hell of a lot of difference to him. P. I will almost bet that is what Liddy will do.

H. Well that's what Dean will also bet. Dean has asked through O'Brien-Maurolis for Liddy to provide a private statement saying that Dean knew nothing in advance on the Watergate, which Liddy knows to be the case. To his knowledge, Dean knew nothing about it. Dean would like to have that statement in his pocket and has asked Liddy for such a statement. Dean feels that he would want to give it. O'Brien raised the question whether Dean actually had no knowledge of what was going on in the intelligence area between the time of the meetings in Mitchell's office, when he said don't do anything, and the time of the Watergate discovery. And I put that very question to Dean, and he said, 'Absolutely nothing.'

P. I would — the reason I would totally agree — that I would believe Dean there [unintelligible] he would be lying to us about that. But I would believe for another reason — that he thought it was a stupid damn idea.

E. There just isn't a scintilla of hint that Dean knew about this. Dean was pretty good all through that period of time in sharing things, and he was tracking with a number of us on —

P. Well you know the thing the reason that [unintelligible] thought—and this incidentally covers Colson—and I don't know whether—I know that most everybody except Bob, and perhaps you, think Colson knew all about it. But I was talking to Colson, remember exclusively about—and maybe that was the point—exclusively about issues. You know, how are we going to do this and that and the other thing.

[unintelligible] mainly, the labor bill, how do we get this, how do we get aid to the Catholic schools.

H. Getting that aid to Catholic schools, you know, was a—Colson's fight was with [unintelligible].

P. Right. That was what it is. But in all those talks he had plenty of opportunity. He was always coming to me with ideas, but Colson in that entire period, John, didn't mention it. I think he would have said, "Look we've gotten some information," but he never said they were. Haldeman, in this whole period, Haldeman I am sure—Bob and you, he talked to both of you about the campaign. Never a word. I mean maybe all of you knew but didn't tell me, but I can't believe that Colson—well—

Familiarity With Case

H. Maybe Colson is capable of — if he knew anything out of that, but not telling you what were at least —

P. Well, at least, nothing of that sort because as a matter of fact I didn't even know—I didn't know frankly that the Ellsberg thing, etc. — electronically thing — you know what I mean? E. [unintelligible]

P. And I guess there you deliberately didn't want me —

E. Well, sir, I didn't know, I didn't know what this crowd were up to until afterwards.

P. Right. E. And I told you, afterwards we stopped it from happening again.

P. Right. E. In that setting —

P. That was in the national security? E. That was in the national security leak thing. But the interesting thing about Colson, corroborative of what you say, is that when I got a phone call from Secret Service saying there had been this burglary—the first guy I called was Colson. P. Yeah.

E. And his response, as I recall it, was one of total surprise and he could have said then, "Oh, those jerks, they shouldn't have; Or, "I knew about it earlier"; Or, referred to it by saying, "It would have been a meaningful leak," but he didn't. He was totally nonplussed, the same as the rest of us.

P. Well, the thing is too, that I know they talk about this business of Magruder's, saying that Haldeman had ordered, the President had ordered, etc., of all people who was surprised on the 17th of June—I was in Florida—was me. Were you there? E. No, I was here. P. Who was there?

E. I called Colson, Haldeman and Ziegler and alerted them to this.

P. And I read the paper. What in the name of [expletive removed] is this? I just couldn't believe it. So you know what I mean—I believe in playing politics hard, but I am also smart. What I can't understand is how Mitchell would ever approve. H. That's the thing I can't understand here.

P. Well, Magruder I can understand doing things. He is not a very bright fellow. I mean he is bright, but not—he doesn't think through to the end. But Mitchell knows enough not to do something like that.

Mitchell's Authority

H. Yeah, but I will tell you what could have happened very easy there. Mitchell was Attorney General. He was using, legally and sometimes officially he was using his great, great capacity to pull irons out of [unintelligible] every day and you get into a mine center and you get used to that. P. Could be. Could be.

H. You don't regard it with the same kind of feeling that—P. Yeah. Could be. Could be. Well, anyway.

H. Dean says—he says—I did see Liddy roughly five or six times during that period of Jan. 5 to June, and it was always on campaign legal matters. You know.

P. Well, I know. Dean—remember you always told me Dean made all these studies of it and—

H. I believe that. He said at one of those meetings I went to, I said to, I said to Liddy something about how is it going? He said he started to say I am having a hell of a time getting Magruder going on this operation and Dean said, "I told you, Gordon, that is something I know nothing about and don't want to know anything about, as a matter of fact."

P. That's right. E. That was prior to June of 1972. Right? H. Right. Yeah. Here's another factor, now that we know he is following up that point. He said as a matter of fact, the reason I called him on June 19—I said, "Now wait a minute. You called Liddy on

June 19?" He said, "Yes. The reason I did, because Kleindienst told me that Liddy had come to see him on the 18th at Burning Tree. That was the day after the discovery on Sunday, we, ah—the purpose of that was to tell Kleindienst he had to get his men out of jail and all that. Kleindienst said I wish that damn Liddy would quit talking to me about this stuff. At that time, Liddy told Kleindienst that Mitchell had ordered it.

P. Oh, H. That's true. You know though, Liddy was using that as his means for trying to get to the [unintelligible].

You know Mitchell could be telling the truth and Liddy could be too. Liddy just assumed he had abstract approval just assumed he had abstract approval. Mitchell could say, "I know I never approved this damn plan. You've got to figure the lines of defenses that everybody's going to take here. That's Mitchell's. Right? What's Haldeman's line of defense? Haldeman's line of defense, "I never approved anything of the sort. I just"—you know that—What's Ehrlichman's? There is no doubt he knows nothing about it. The earlier thing—yes. We did have an operation for leaks, etc. What would you say if they said, "Did you ever do any wiretapping?" That is a question they will ask. Were you aware of any wiretapping? E. Yes.

National Security Reasons

P. You would say, "Yes." Then, "Why did you do it?" You would say it was ordered on a national security basis. E. National security. We had a series of very serious national security leaks.

P. As you were saying on the—E. Let me go back and pick up this business about taps. I think—I have done some checking and I want you to get the feel for what I would say if this Hunt thing slopped over on me:

P. Incidentally, my view is—I don't know Hunt—I don't think Hunt will do that. E. I don't think he will either, because—

P. You don't think he is going to have to take a fall for [unintelligible] any burglary? If he does—E. The, line of response would be this as I see it. Starting back in the days when I was counsel to the President, we were very concerned with our national security leaks and we undertook at that time a whole series of steps to try and determine the source of the leaks.

Some of this involved national security taps duly and properly authorized and conducted. We had three very serious breaches. After I left the office of Counsel, I continued to follow this.

P. Yeah. At your request.

E. We had three very serious breaches. One was the whole Szulc group; one was the Pentagon papers and the other was the Pakistan-India situation; but there were leaks all through there and so we had an active and on-going White House job using the resources of the Bureau, the Agency and the various departmental security arms with White House supervision. In this particular instance, Hunt became involved because at the time of the Pentagon papers break we had dual

relationships. We had concern about the relationship of this particular leak to other security leaks that we had across the government—Rand, etc.—and so we moved very vigorously on the whole cast of characters in the Pentagon papers thing. Some of our findings have never come out. It was an effort to relate that incident to the other national security breaches we had, and also to find out as much as we could about this. We put a number of people into this that we had at work on other things. One was Hunt and he in turn used Liddy. I didn't know—and this is a fact—I checked this two or three ways. I didn't know what they were doing about this operation in Los Angeles until after it occurred and they

came to me and told me that it had been done and that it was unsuccessful and that they were intending to make a re-entry to secure papers that they were after. I said no, and stopped it at that time. Young and Krogh operated that, the whole operation. From the beginning as a matter of fact with the Szulc leaks and so on and they laid it out perfectly. And Krogh is very frank in saying, "I authorized this operation in Los Angeles, no two ways about it." He says, "If I am asked, that's what I will say and I will resign and leave the Department of Transportation and get out of town." He said, "I thought at the time we were doing the right thing and—"

National Security Cited

P. Should he?

E. I don't think he will have to. Number one, I don't think Hunt will strike him. If he did, I would put the national security tent over this whole operation. P. I sure would.

E. And say there are a lot of things that went on in the national interest where they involved taps, they involved entry, they involved interrogation, they involved a lot of things and I don't propose to open that up to [unintelligible] just hard line it.

P. I think is what you have to do there. But I wanted to get that one out. O. K. Go ahead. H. All right, now. One information idea in talking with Dean that he proposed last night—he says he still thinks it is possible and has a good possible approach—he has been trying to take it apart. He says the approach, as he sees it, is that the President says here's what's been charged about the White House and about the Committee to Re-Elect the President. He puts it all in perspective in terms of political, you know, this kind of stuff goes on, this is all [unintelligible] about. P. Yeah.

H. But we are now at a point where fact and fiction are becoming badly confused. We are involved in an intense political situation with the press, with the Senate committee, you know, and others are prejudging this case—[unintelligible] then Weicker and others who are. P. Various people will—defendants that are guilty, known to be guilty, are making charges. H. Right.

"F.B.I. Falsely Charged"

P. Which should, of course, be — E. The FBI is being falsely charged with inadequate investigation activity and duplicity and so forth. P. [unintelligible] justice. E. The Department and the U. S. Attorney's office are being—P. They're [unintelligible] questionable.

H. Now, no man is above the law and that is a basic principle we must operate on, but under these circumstances there's no possibility of a fair hearing and every man is entitled to the protection of the law and the public is entitled to the facts in this matter. But the people who are in charge and are involved are entitled to fair treatment. People who are involved, well wasn't any [unintelligible] in being involved. So, I've created a super panel which will have the cooperation of all investigative agencies. All the people who have been charged in this matter have volunteered to submit their entire—their facts—to this panel. P. Be questioned by it.

H. And be questioned by it. They've agreed to waive their right to trial by jury.

P. What [unintelligible].

H. And the panel is empowered to act to remove anybody that it sees fit because of involvement, to level fines and to impose criminal sanctions. The defendants in the Watergate trial, the men who have already been—can also submit information that they want.

P. Right. H. Anyone who does not submit to the proceedings of this committee under these conditions —

P. Resign. H. Will be faced with the fact that all information developed by the committee and all other sources will be turned over to the Justice Department for criminal prosecution. There will be no judgment until all the facts are received by the commission and then the commission will make public all of its findings and the reasons for all actions taken. They will proceed in secret and their decisions will be final and not subject to appeal. And the people appearing before them will voluntarily submit to that. What [unintelligible] is appeal.

P. How's that [unintelligible] H. I don't know. E. That's — that sounds like a little bit simpler than that — than what I originally thought he had in mind. He says —

P. Wonder if the President has the power to set up such a thing. Can he do that sort of thing? You know, that's the whole point. I don't think so. E. Executive process. H. By voluntary — E. You get the [unintelligible] away. Yeah but it isn't—it isn't that guy. It's the fellow who doesn't submit who in effect is being denied due process.

Subpoena Possibility

P. You're right. H. The information on him will be turned over to the criminal—might be he'd be subpoenaed.

P. No then you see you sort of condemned him by— E. Negative inference.

P. Negative inference. H. We're all condemned by negative inference right now. E. I appreciate that, but that's— P. You're not condemned in a court. E. It's a little different. Well, I—that isn't, that isn't a salient point at all in this thing.

H. He feels that there are a lot of advantages on this and two major internal ones. It will take the panel a long time to get set up, get its processes worked out, get its hearings done and make its findings and then you'll probably be past the '74 elections which'll be desirable.

Secondly, the President maintains the ultimate stroke on it, because he always has the option on Jan. 19 to pardon anybody who [unintelligible] a pardon. So the potential ultimate penalty anybody would get hit in this process could be about two years. His view would be to put — you need to get someone on the panel who knows politics.

E. Former Governor, or something like that.

H. But if you would want Earl Warren, he'll do it but it's not [unintelligible]. What could that matter to the people. I said what do you do about Ervin. Well, you call Ervin down. You tell him the plans and explain why you're doing it, that justice is not being carried out now, there's finger pointing and a lot of problems. And you ask him to hold his hearings in abeyance until the panel serves its purpose.

P. And what if Ervin would say, well I'll hold my hearings in abeyance on Watergate, but not on other things. I'm guessing here. That's their problem.

H. Then you ask, — P. Oh, that's not theirs.

H. Then, I said, what if I asked Ervin to serve on the panel. He said he thought that was a pretty good idea. He said he probably wouldn't do it, but it'd still give him an awkward stand on a sticky position. The only other idea he comes up with is he said, "One thing you might want to consider is the President calling Mitchell in for a one-on-one talk. The President now has all the facts on this— [unintelligible] tell us. But I, Dean, don't know the facts on Mitchell." He said, "I think that Mitchell would not pull any punches with the President and if the President—that would be a way to find out what Mitchell's true perception of what did happen." P. And that's probably the only way.

H. Supposing— P. Suppose now, the fact that [unintelligible] took my time. Suppose you call Mitchell and say to him, will you—what do you learn—for what. And Mitchell says, “Yes, I did it.” Then what do we say?

H. Its greater knowledge than we possess right now—if he would only confess. E. I was just going to say, maybe if Rogers said it to him—

P. Mitchell? H. Bill, thinks—

P. Mitchell? Mitchell despises him. H. Yeah, I know he does. That’s all it is—I didn’t call Mitchell because I need [unintelligible] but we should go ahead

with Magruder, I think.

E. Right now? P. Oh, I agree.

H. [unintelligible] P. [unintelligible]

E. I say any idea of a meeting between you and Mitchell ought to wait until the Magruder, Haldeman, Mitchell meeting. P. Oh, really?

E. And see what transpires there. Maybe the idea that Magruder says he [unintelligible]

P. What about the other way around. How about me getting Mitchell in and say, look [unintelligible] you’ve got to tell us what the score is, John. You have to face up to where we are. What do we say? How do we handle [unintelligible].

H. My guess is Mitchell would turn on you. I think Mitchell would say, “Mr. President, if it will serve any useful purpose for you I would come—”

‘What Do You Think, John’

P. Isn’t it just as well for me to call and ask him to meet with Magruder? Or, what do you think, John? I have not really had from Mitchell but I have had from Haldeman. I have had from Ehrlichman, I have had from Colson cold, flat denials. I have asked each of you to tell me, and also Dean. Now the President, therefore, has not lied on this thing. I don’t think that yet has been charged. Liability has been charged; but they haven’t charged the President with any offense. They are [unintelligible] in trying to protect his people who are lying. But I don’t—doesn’t anybody suggest that I [unintelligible] this whole damn thing?

H. As of now it is all saying that you are being ill-served by [unintelligible]. P. By my people. But I don’t know about Mitchell. I never asked him.

H. [unintelligible]. It can’t hurt anything. [unintelligible]. P. I should get Mitchell down rather than ask him, don’t you think? H. Yeah.

P. What I’ve got to do is think in terms of my own plans. I will spend my day today on this, but I will have to clear the deck for tomorrow [unintelligible].

E. You could say, considering legislative legal insurance, they tell me that according to the information they have, they need some assurances where you are concerned. P. Here is what Magruder is saying. E. Magruder is saying? P. I think I will tell him here is what Magruder is saying. I don’t know really know what he is saying about the White House, but I understand he is saying that you signed off on it. It that what Magruder is saying?

H. If Magruder goes public on this, then you know — P. Incidentally, if Magruder does that, let’s see what it does to Magruder. E. It depends on how he does it. If he does it under immunity,

it doesn’t do anything to him. P. All right—except ruin him. H. Well, yeah. It ruins him in a way he becomes a folk hero to the guys—

P. He becomes an immediate hero with the media. You know, in terms of—I know how these things work. E. Mike Wallace will get him and he will go on “Sixty Minutes,” and he will come across as the All American Boy who was doing, who was just doing—who was serving his President, his Attorney General and they misled him. P. Yeah. E. And he can do it. P. So—

H. And look at the alternative that he now sees. It is either that or he goes to jail on perjury. P. How are they going to prove it? E. With other witnesses, not through his own mouth. P. What other witnesses? H. Beats me. I don’t know how they can prove perjury. P. Hunt?

H. He has to be a great big gamble because he knows—let’s assume—he knows he did perjure himself and if you know that you are guilty, you have to be pretty concerned about someone’s ability to prove it. P. That’s right.

E. And Liddy and McCord, and Sloan and that little thing in McCord’s letter about Sloan has to worry him. H. If it’s about Sloan. That’s another thought. It may be about Barker. E. Is he [unintelligible] H. And it is more likely because Barker worked for him. E. I see. Well—

H. Barker said he couldn’t remember who he delivered the tap reports to. [Material unrelated to Presidential actions deleted]

P. Well, what is Mitchell’s option though? You mean to say—let’s see what he could do. Does Mitchell come in and say, “My memory was faulty. I lied?”

E. No. He can’t say that. He says—ah, ah—

P. “That without intending to, I may have been responsible for this, and I regret it very much but I did not realize what they were up to. They were—we were — talking about apples and oranges.” That’s what I think he would say. Don’t you agree?

H. I think so. He authorized apples and they bought oranges. Yeah.

P. Mitchell, you see, is never never going to go in and admit perjury. I mean he may say he forgot about Hunt-Liddy and all the rest, but he is never going to do that.

H. They won’t give him that convenience, I wouldn’t think, unless they figure they are going to get you. He is as high up as they’ve got.

E. He’s the big Enchilada.

H. And he’s the one the magazines zeroed in on this weekend.

P. They did? What grounds?

H. Yeah. [unintelligible] has a quote that they maybe have a big fish on the hook.

P. I think Mitchell should come down. E. To see you, me, Magruder.

P. Yeah. We’ll have him come down at 5:30 [unintelligible] I would like to talk with him. You, Magruder and he and Dean—no, no.

Dealing With Magruder

H. Well, Magruder said he would be happy to have Dean sit in. It’s my view, I don’t think we want Dean to sit in.

P. [unintelligible] H. I don’t think so.

P. Magruder has got to know—I just don’t—my own feeling is, Bob,—the reason I raise the question of Magruder is what stroke have you got with Magruder? I guess we’ve got none.

E. I think the stroke Bob has with him is in the confrontation to say, “Jeb, you know that just plain isn’t so,” and just stare him down on some of this stuff and it is a golden opportunity to do that. And I think you will only have this one opportunity to do it.

P. [unintelligible] said it isn’t so before.

E. That’s all the better, and in his present frame of mind I am sure he will rationalize himself into a fable that hangs together. But if he knows that you are going to righteously and indignantly deny it, ah—

P. Say that he is trying to lie to save his own skin. E. It’ll bend—it’ll bend him.

H. Well, but I can make a personal point of view in the other direction, and say, “Jeb, for God’s sake don’t get yourself screwed up by—solving one lie with a second. You’ve got a problem.

You ain’t going to make it better by making it worse. P. Hero for the moment, but in the minds of—H. Well, then you’ve got Magruder facing all—

P. Let me tell you something—let me tell you something. I have been wanting to tell you this for some time. [unintelligible] always dealing with foreigners. Good causes are destroyed. Chambers is a case in point. Chambers told the truth; but he was an informer, obviously because he informed against Hiss. First of all, it wouldn’t have made any difference whether the informer [unintelligible]. First of all he was an [unintelligible] Hiss was destroyed because he lied—perjury. Chambers was destroyed because he was an informer, but Chambers knew he was going to be destroyed. Now, they’ve got to know that this whole business of McCord going down this road and so forth. I don’t know the [unintelligible]

E. McCord is a strange bird. P. Trying to get out. I have never met him. Ever meet him? E. Nope. But Dean—P. Tell me about him.

Credibility of Figures

H. Let’s go another one. So you persuade Magruder that his present approach is (a) not true; I think you can probably persuade him of that; and (b) not desirable to take. So he then says, in despair, “Heck, what do I do? Here’s McCord out here accusing me.” McCord has flatly accused me of perjury—He’s flatly accused Dean of complicity. Dean is going to go, and Magruder knows of the fact that Dean wasn’t involved, so he knows that when Dean goes down, Dean can testify as an honest man.

P. Is Dean going to finger Magruder? H. No, sir. P. There’s the other point.

H. Dean will not finger Magruder but Dean can’t either—likewise he can’t defend Magruder. P. Well—H. Dean won’t consider [unintelligible] Magruder. But Magruder then says, “Look, if Dean goes down to the Grand Jury and clears himself, with no evidence against him except McCord’s statement, which won’t

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