

Nixon Tried to Protect Two

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For the specific purpose of preventing the indictment of H. R. Haldeman and John D. Ehrlichman, President Nixon last year directed that Watergate prosecutors not grant immunity to White House counsel John W. Dean III, according to edited transcripts of Mr. Nixon's conversations.

During a conversation with lawyers for Haldeman and Ehrlichman on April 19, 1973, the President ob-

served that Dean was a "loose cannon" who might be granted immunity from prosecution himself in exchange for testifying against Mr. Nixon's two principal aides.

"See, that's why I put out a statement that no major figure should be given immunity," the President told the lawyers for the two men.

Two days earlier, on April 17, the President informed reporters that he had "expressed to the appropriate authorities my view that no individual holding . . . a po-

sition of major importance in the administration should be given immunity from prosecution," and added: "I condemn any attempts to cover up in this case, no matter who is involved."

Later that same afternoon, April 17, Mr. Nixon told Haldeman and Ehrlichman according to the transcripts, "I told the assistant Attorney General (Henry E. Petersen), specifically, that nobody should be granted immunity in any case," and explained:

"Dean is the only one who
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can sink Haldeman or Ehrlichman."

Mr. Nixon's order to deny immunity to his aides was issued almost immediately after he was warned in an April 14 meeting with Petersen and Attorney General Richard G. Kleindienst that the Watergate prosecutors were receiving information from Dean that might result in the indictment of Haldeman and Ehrlichman.

At the time of the President's April 17 announcement to the press, high Justice Department officials privately expressed outrage and surprise to reporters that Mr. Nixon would order anyone denied immunity—a key prosecutorial tool in cracking open conspiracy cases.

If Mr. Nixon's purpose in ruling out immunity was to protect Haldeman and Ehrlichman, several officials said at the time, it might have obstructed justice.

It was at that point that the original Watergate prosecutors began building a theory of the Watergate cover-up holding that Mr. Nixon was at least circumstantially involved, according to Justice Department sources.

The edited transcripts of Mr. Nixon's conversations indicate that Mr. Nixon himself was concerned about such an interpretation of his action by the prosecutors. On April 27, according to the transcripts, he told their superior, Assistant Attorney General Petersen:

"Now in Dean's case, I do not want the impression left that—I have gone over with you before, that by saying, 'Don't grant immunity to a major person,' that in so doing I am trying to block Dean giving evidence against Haldeman or Ehrlichman."

"I understand that," Petersen responded.

Earlier in the transcripts, on March 21, the President is shown holding discussions with Dean, Haldeman and Ehrlichman about plans to co-opt Petersen, a career Justice Department official who was in overall charge of the government's initial Watergate investigation.

The President's acknowledgment that he sought immunity for Dean to protect Haldeman and Ehrlichman occurred during a period when the edited transcripts show him encouraging his two most trusted aides in building their defense.

At one point during an April 17 meeting, Mr. Nixon told Ehrlichman: "I want you to go forward at all costs to beat the damned rap. They'll have one hell of a time proving it"

He then turned to Haldeman's legal problem, which

he described as "a little tougher."

The tape transcripts document how as the Watergate cover-up broke open last spring, Mr. Nixon moved to help Haldeman and Ehrlichman against Dean.

During an hour-long meeting on April 19, 1973, with John J. Wilson and Frank Strickler, the attorneys for Haldeman and Ehrlichman, the President referred to the prosecution as "they" and Nixon-Haldeman-Ehrlichman as "we" and "our standpoint."

"Well, we'll survive this," the President told them. "You know — people say this destroys the administration and the rest—but what was this? What was Watergate?"

"A little bugging! I mean a terrible thing—it shouldn't have been done — shouldn't have been covered up. And people shouldn't have and the rest, but we've got to beat it. Right."

Earlier in the meeting, the question of whether Haldeman and Ehrlichman should resign (they did, 13 days later) was discussed.

"If I thought their resignation would avoid an indictment," the President said, "I would have them resign."

"Yes, yes sir," Wilson responded.

"All right," the President said.

"Now," Wilson continued, "I trespass on your area of judgment when I say — I think that if they resign or are suspended that this is a reflection on the presidency."

Just hours before issuing his April 17 statement, denying immunity to Dean, the President told Haldeman, "Dean is trying to tell enough to get immunity and that is frankly what it is, Bob."

"That is the real problem we've got," Haldeman responded.

In a second meeting that day, Ehrlichman reported to the President that former presidential special counsel Charles W. Colson also was advising that Dean should not get immunity.

"That the message he had for you that he had to and wanted to explain in length is why Dean had to be dealt with summarily. His partner has a tie in with the U.S. attorney's office and they seem to know what going on there," Ehrlichman told Mr. Nixon. At the time Dean was negotiating for immunity with the U.S. attorney's office.

Ehrlichman also told the President in the early afternoon Oval Office meeting:

"That knowledge imputed to us (Haldeman and Ehrlichman) is knowledge imputed to you and if Dean is (unintelligible) and testified that he imputed great quantities of knowledge to us, and is allowed to get away with that, that will seriously impair the presidency ultimately.

"Cause it will be very easy to argue—that all you have

to do is read Dean's testimony—look at the previous relationships—and there she goes! So, he (Colson) says the key to this is that Dean should not get immunity. That is what he wants to tell you."

Mr. Nixon: "Well, he told me that, and I couldn't agree more."

A few minutes later, the President then asked: "What's he (Dean) got with regard to the President?"

Answering his own question, the President added: "He came and talked to me, as you will recall, about the need for \$120,000 for clemencies."

"Now is he holding that over your head?" Ehrlichman asked.

"No, No, No," Mr. Nixon replied. "I don't think Dean would go so far as to get into any conversation he had with the President—even Dean I don't think."

Later in the conversation the President told Ehrlichman: "But I think you got to figure what to hell does Dean know. What kind of blackmail does he have?"

Ten days later, on April 27, 1973, the President received word that The Washington Post and The New

York Times learned that Dean was implicating the President in the Watergate coverup.

In a meeting that day the Assistant Attorney General Petersen, the President said that "We have got to head them (the press) off at the pass. Because it's so damned —so damn dangerous to the presidency."

Responding, Petersen told the President that he had given the following instructions to the U.S. attorney: "We have to draw the line. We have no mandate to investigate the President. We



Associated Press

Jack McCayhill, White House attorney, takes request for more time to court.

investigate Watergate."

At the President's behest, Petersen then telephoned the U.S. attorney to see if Dean had in fact implicated Mr. Nixon.

Twenty minutes later Petersen reported to the President that Dean's lawyer had threatened, "We will bring the President in—not this case but in other things." Concerning the "other things," Petersen said that the prosecutors and "he don't know what in the hell they are talking about."

"Don't worry," the President responded and then issued an order to press secretary Ronald L. Ziegler to "take a hard line" with *The Post* and *The Times* and "kill it. Kill it hard" by denying the story.

At that point, Ziegler left the meeting and the President began shifting his position on immunity for Dean.

Contrary to his instructions of April 17, the President then told Petersen that

he "only expressed an opinion" and was not making a hard decision on the immunity question.

The President continued: "I don't know what you prosecutors think, but if your prosecutors believe that they have got to give Dean immunity, in whole or in part, in order to get the damned case, do it."

"I'm not—I'm not telling you what to do, but — you understand? Your decision. Now have you talked to the prosecutors about this situation?"

Petersen responded that the situation was unclear.

Dean was never given full immunity from prosecution by the Justice Department. Instead, he pleaded guilty to one count of obstructing justice in return for his cooperation with the prosecution. Haldeman, Ehrlichman and Colson were indicted with four other former presidential or Nixon campaign aides in the major Watergate cover-up indictment of March