

TRANSCRIPT OF A RECORDING OF A
MEETING AMONG THE PRESIDENT,
JOHN DEAN, JOHN EHRLICHMAN,
H.R. HALDEMAN, AND JOHN MITCHELL
ON MARCH 22, 1973 FROM 1:57 TO
3:43 p.m.

MARCH 22, 1973 FROM 1:52 TO 3:43 P.M. 11

[Part I]

PRESIDENT: Well, we're we, uh,--What, uh words of wisdom do we have from this august body on this point?

EHRLICHMAN: Our brother Mitchell brought us some wisdom on executive privilege which, I believe--

MITCHELL: Basically, Mr. President, I think the only problem (16 seconds unintelligible) and I d prefer you just coming out and stating (unintelligible)

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)

[Part II]

PRESIDENT: It's got to be Kleindlenst. Go ahead on executive privilege, I suppos--How would you, uh, how would you handle it, uh?

MITCHELL: All I have worked out was...

PRESIDENT: Work out the arrangements.

MITCHELL: ...the best formula that we've discussed.

PRESIDENT: Well, I guess under the, under the, uh, under the situation that you, uh, under the statement that we have, we're in a position to, to (unintelligible) I think we could, uh, we're in a position to, uh, negotiate with the Committee as to how, but we are not in a position to have, uh, to, uh, to cross the bridge in terms of saying that Hunt and Liddy will go down and testify and that members of

PRESIDENT: the White House staff will testify in open,
(CONTINUED) public session, or something like that. But
you've got a lot of other things

EHRlichman: Forma--

PRESIDENT: other thing--

EHRlichman: Formal is the word.

PRESIDENT: Formally is the word I use.

UNIDENTIFIED: U--

PRESIDENT: And incidentally, that's what I told Baker,
too. I said, "Fine that's the term."

MITCHELL: On executive--

PRESIDENT: We begin with that proposition--I'd be
comfortable there--and see what you can get
by with.

MITCHELL: On executive privilege, Mr. President, stay
well aware that some have waived it, and the
more I think about it (unintelligible)

PRESIDENT: Yes.

EHRlichman: And it hurts the more you do it, the more
you--

MITCHELL The more it's less, uh, (unintelligible)

PRESIDENT: (Unintelligible) Sherman Adams.

MITCHELL: Uh, the point, uh, beyond which you might be
able to work it out here.

PRESIDENT: Yeah.--

MITCHELL: The, uh, the point being that this seems to
be the only way in which you get involved
(unintelligible)

PRESIDENT: You do.

MITCHELL: I would, uh, lay out a formula and, uh, negotiate it with, with Sam Ervin or either through Baker or however else (unintelligible). And I would, I would also put together a damn good PR team. (Unintelligible) made available so that the, uh, the facts can be adduced without putting on a political road show.

EHRlichman: What about this? What about the President's team? The team is important. Okay, I've written this, I can see that Chapin, for instance, could appear, without it in any way being germane to the Presidency. So I'm going to decide right now...

UNIDENTIFIED: Bake--

EHRlichman: ...that--

PRESIDENT: Not Baker, that'll be a little too--

EHRlichman: Well, whoever you talk to. Uh, I've got a report here and I think I see where the danger points are and where they aren't. I'd want to reserve, obviously, as to any question that might be asked.

UNIDENTIFIED: Right.

EHRlichman: I can pinpoint some people now, but it really wouldn't make any difference.

HALDEMAN: John, do you admit there's any danger point? You admit that any one member of the White House staff can testify because it's no danger point for him, but that some other one can't because it's a danger point with him. Then what you're saying is...

EHRlichman: Well, but the first--(unintelligible)

HalDEMAN: ...then you're saying the President was involved.

EHRlichman: I'm, I'm I'm saying danger in the sense of that he could, could, could--provocative.

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 based on--Can the Grand 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 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. I, I had severe doubts about it. The, uh, now that, now that the facts have come out as have the FBI reports, and we have had the trial, that you have some documentation (unintelligible)

DEAN: I think the, uh, the proof is in the pudding' so to speak--it's how the document is written and until I sit down and write that doc--I, I've done part "B" so to speak. I've done the Segretti thing..

UNIDENTIFIED: Uh huh.

DEAN: ...Uh, and I am relatively satisfied that we don't have any major problems with that. All right, as I go to part "A"--the Watergate--I haven't written--I haven't gone through the exercise yet, uh, in a real effort to write such a report and I really can't say if I can do it--where we are. And I, I think it's certainly something that should be done, though...

PRESIDENT: Yeah.

DEAN: ...and, uh, but we--

MITCHELL: You never know--

DEAN: You never know until we sit down and try to do it.

PRESIDENT: Now, let me say on the Watergate, that's a case (unintelligible) Segretti (unintelligible)

DEAN: We can't, we can't be as complete 'cause we don't know. All we know is what, is whether-

PRESIDENT: That's a question (unintelligible)

EHRlichman: It's a negative setting for us.

PRESIDENT: In setting forth this general conclusion based on (unintelligible) all these questions, You are--that based on all of your consideration, uh, all of your analysis, and so forth, you, you're, you have found and very carefully put down that this individual, that individual, that

PRESIDENT: individual, were not involved. We're
(CONTINUED) going (unintelligible) to have to presume
that. Rather than going into every leaked
story and other charge, et cetera, et
cetera, et cetera, and knock this, this,
this, this, this, this down--I don't, I
don't know--

DEAN: Yeah, well that's why I'd like to like to--
and I don't think I can do it until I sit
down. This evening start drafting.

PRESIDENT: Exactly.

HALDEFIAN: I think you ought to hole up--now that you--
for the weekend and do that.

PRESIDENT: Sure.

HALDEMAN: Let's put an end to your business and get it
done.

PRESIDENT: I think you need a--that's right. Why don't
you do this? Why don't you go up to Camp
David? And, uh...

DEAN: I might do that; I might do that. A place to
get away from the phone.

PRESIDENT: ...Completely away from the phone and so
forth. Just go up there and, uh
(unintelligible) I don't know what kind work
this is, but I agree that that's what you
could--see what you come up with. You would
have in mind and assume that we've got some
sort of a document (unintelligible) and then
the next step once you have written it you
will have to continue to defend
(unintelligible) action.

EHRlichman: That would be my scenario, that, that he
presents it to you as, at, at your request.
And, uh, you then publish it.

DEAN: Well, that, that's--

MITCHELL: That introduces the problem for us
(unintelligible)

DEAN: --trial.

MITCHELL: criminal trial and then appeals which may--

EHRlichMAN: I, I know that, but I don't care.

DEAN: Well you ought to be--

HALDEMAN: I don't see why. You're not dealing with the defendant's trial. You're only dealing with the White House involvement. You're not dealing with the campaign.

DEAN: That's where I first (unintelligible)

PRESIDENT: Well, you can write, you could write it in a way...

UNIDENTIFIED: (Unintelligible)

PRESIDENT: ...you could write it in a way that you say this report does not re--, it's not, not, will not comment upon and so forth and so forth, but, "I--as, as you directed, Mr. President, and without at all compromising the rights of defendants and so forth, some of which are on appeal, here are the facts with regard to members of the White House staff, et cetera, et cetera, et cetera, which you have asked from me. I have checked the FBI records; I have read the Grand Jury testimony and this is it--these are my conclusions, chit, chit, chit, chit."

EHRlichMAN: As a matter of fact you could say, "I, I will not summarize some of the FBI reports in this document because it is my understanding that you may wish to publish this." Or, or you can allude to it in that way without saying that flatly. You can say that "I do not summarize all the FBI documents in this report."

DEAN: Or I could say that all of the FBI (clears throat) it is my understanding that all the FBI reports have been turned over to the

DEAN: Ervin Committee. Another, another
(CONTINUED) vehicle might--

HALDEMAN: And, and he has only seen half of them.

DEAN: Yeah.

PRESIDENT: Oh, yeah.

DEAN: Another vehicle might be, take the report I
write and give it to Ervin and Baker...

PRESIDENT: Yeah.

DEAN: ...uh, under the same terms that, uh, they're
getting the FBI reports. Say, "Now, this has
innuendo in it, little things the press
would leak from this and assume things that
shouldn't be assumed. But I want you to know
everything we know." And publicly state that
you've turned over a Dean Report to the
Ervin Committee. And then begin to say--the
next step is, "I think that you can see that
various people have various ingredients
where they may be of assistance in
testifying. But it is not worth their coming
up here to be able to repeat really what is
here in some forum where they are going to
be, uh, treated like they are in a circus.
But I am also willing, based on this
document, to set some ground rules for how
we have these people appear before your
Committee."

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

DEAN: Right.

EHRlichLIAN: 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.

EHRlichman: 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)

PRESIDENT: (Unintelligible) accomplish our purpose if it isn't released.

DEAN: I think it, I think it--

PRESIDENT: And I, I thought the purpose--I thought John's concern (intelligible) I guess you'd want him for me to--

DEAN: I do, I--

EHRlichman: My thought is--

PRESIDENT: In other words, rather than fighting it, we're not, we're not fighting the Committee-- we are, of course--but what we're fighting is a public relations battle.

EHRlichman: And I am looking to the future, assuming that some corner of this thing comes unstuck at some time, you're then in a position to say, "'Look, that document I published is the document I relied on, that's the report I relied on and it codified and included all the secret, uh, identification of the FBI..."

PRESIDENT: This is all we knew.

HALDEMAN: All the stuff we could find out-

EHRlichman: "...And now, this new development is a surprise to me, and I'm going to fire A, B, C, and D--now."

DEAN: John, let me just raise this. If you take the document publicly, the first thing that

DEAN: happens is the press starts asking
(CONTINUED) Ziegler about it, inspecting the document
each day. "Well, why did Ehrlichman receive
the call? How did they happen to pick out
Ehrlichman?"

PRESIDENT: That's right.

DEAN: "Uh, what did he do with the information
after he got it?" Uh, so on. Each, every
item can be a full day of quizzing.

UNIDENTIFIED: Yeah.

DEAN: They'll just go through the document day
after day after day.

MITCHELL: Now what is your concerned judgement as to
when and under what circumstances--

PRESIDENT: Another thing--However,

MITCHELL: (Unintelligible)

PRESIDENT: let me say, that while Ziegler could be
given all those questions, I would say those
are questions--I think Ziegler should cut it
off.

MITCHELL: Let it die.

PRESIDENT: This--Yeah, fine. I think there should be a
cut-off point which (unintelligible). If
John just sort of (unintelligible) I'm not
going to comment on the basic questions that
are properly before the Committee on the
(unintelligible)

DEAN: Well, you, you've said you are going to
cooperate with a proper investigation.

PRESIDENT: Yeah, but I'm not going to comment on it
while it is proper.

DEAN: *That's* right.

PRESIDENT: As long as it's proper.

DEAN: So why would you, why not put ourselves in a framework where you're way out above it? You're cooperating with this Committee; you've turned over the materials...

PRESIDENT: And then, no further comment.

DEAN: ...and no further comment.

PRESIDENT: You see, I think you could get off with the Ziegler business. I don't want Ziegler--I, I was trying to pull Ziegler off of that by my own statement, too (Unintelligible) cooperate with the Committee, give full cooperation, but we're not going to comment while the matter is being considered by the Committee...

HALDEMAN: But you don't say,

PRESIDENT: ...unless the Committee does this and that.

HALDEMAN: but you don't say that people don't give, don't release, don't publish the, uh, Dean report. Only hand it over--

DEAN: --to a proper investigative committee.

PRESIDENT: Well, then if you turn over the, do that, though, then can we get anything out about the, uh, Republicans putting out that much of a report? Uh, can we still get out the fact that...

EHRlichman: Well, the President--

PRESIDENT: ...there has been a report in which everybody in the White House--which bears out the President's--

HALDEMAN: Ron can make the statement.

DEAN: That's right

HALDEMAN: That the President--
(Several
Voices) (Unintelligible)

PRESIDENT: John wants the statement--

EHRlichMAN: Another way to do this, and that would be
for you to have a meeting with Ervin and
Baker.

PRESIDENT: Yeah.

EHRlichMAN: That would--I told them--

PRESIDENT: Well, we've thought of that, I mean, we've
thought of that and we've tried it.

EHRlichMAN: But, but we didn't have a reason for the
meeting. This would be for the purpose of
turning over the document and discussing the
ground rules. Uh, before you did that you
want to have that all agreed in advance as
to what the ground rules would be. And,
you've got quid pro quo here because you
could come to, to Baker, and you could come
to the Committee or to Ervin direct, and
say, "Look, I'll turn over the Dean report
to you, provided we can agree, uh, on how
witnesses will be treated up there." I can,
I can even, uh, construe, uh...

PRESIDENT: Right.

EHRlichMAN: ...executive privilege.

PRESIDENT: John, for example, if you were, uh, just
talking about executive privilege, this,
this really gets down to the specifics in
terms of the question what do you do when
they say, "What about Colson?" Does he go or
not?

MITCHELL: I think that Colson goes.

PRESIDENT: He has to go?

UNIDENTIFIED: Right.

MITCHELL: I think Colson--

HALDEMAN: Everybody goes under John's--including Ehrlichman and me--everybody except John Dean, who doesn't go because he's, he's got the lawyer privilege.

MITCHELL: I think what is happening to you and John and so forth with the Committee could be negotiated out of the contents of this report.

PRESIDENT: We should negotiate it how?

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.

DEAN: But, they'll still, they'll still--One strong argument--

HALDEMAN: Let us, let us go.

DEAN: Yeah.

HALDEMAN: I, I, I don't see any argument against our going if you are going to let anybody go.

DEAN: That's right.

HALDEMAN: Let us go. But on the condition--you get less trouble with us than you do with some of the others. And if it's not--and, now sure if you get, if you get the big fish up there in front of the television cameras, yes, I think that would be tough. I think Strachan going up wouldn't get them nearly

HALDEMAN: as excited as, as John and me going up
(CONTINUED)

PRESIDENT: That's Strachan and Chapin.

HALDEMAN: Well, Chapin wouldn't have to appear...

DEAN: Well--

HALDEMAN: ...as a focal point, but, but, uh, uh, I think, if you could do it in executive session, uh--

UNIDENTIFIED: Then I would (unintelligible)

HALDEMAN: Then, then why hold us back?

PRESIDENT: The executive session thing has always appealed to me. Now of course, you could say, "Well, in terms of people coming up here, of course you have to (unintelligible) session, but you got to convin--, the Committee feels constrained under executive session--

DEAN: We can invite the Committee down to the Roosevelt Room, or the Blair House.

UNIDENTIFIED: Yeah.

MITCHELL: Oh hell, you could--

PRESIDENT: Yeah, you could set it at a different venue, that's true. You could put it in a different place. You could say we--which is what I--

MITCHELL: That would be hard to negotiate.

HALDEMAN: Can, can we maintain informality?

EHRlichman: It will never--it would never fly.

UNIDENTIFIED: Never fly.

HALDEMAN: Yeah, I don't know why not. Those others go up there.

UNIDENTIFIED: (Unintelligible)

PRESIDENT: Well, would executive session fly?

EHRlichman: Executive session, I suspect, would at this point, yes, sir, yeah, I, I really think these guys are concerned about this Mexican standoff that they've got, and I think they're--

PRESIDENT: They'll also--

EHRlichman: I think that, that, the, uh--Ervin's crack on television about arresting people crossed the line.

PRESIDENT: Right.

EHRlichman: That would take it quite a bit far.

MITCHELL: In addition to that you have the problem of the long lengthy litigation.

PRESIDENT: It's going to go on for a hell of a long time.

HALDEMAN: Ervin doesn't want that.

DEAN: Let him take it on the counsel, then.

HALDEMAN: That's what he doesn't want.

DEAN: I know, but let him, if, if, he uh--

HALDEMAN: We have offered to do it on Dwight Chapin. That's the easy one for him.

UNIDENTIFIED: Yeah.

HALDEMAN: You got some guy who had no contact with this (unintelligible)

PRESIDENT: It was quite, it was quite clear to me that, it was quite clear to me that, uh, as long, as long as Dean--

HALDEMAN: Won't they test it?

PRESIDENT: No, they didn't test it. We asked them to--

UNIDENTIFIED: Find out.

PRESIDENT: He said let's find out. They didn't bite that one very fast, did they John?

HALDEMAN: Chapin's the guy they'd test it on. You try to hold privilege on Chapin and that's one they'd go to Court on. They, They'd--

PRESIDENT: Probably.

HALDEMAN: You *might do* pretty well, because here's a former employee, a guy who had no policy role, had no...

PRESIDENT: --contact--

HALDEMAN: ...major contact with the President, and he'd have a hell of a time demonstrating--

MITCHELL: Obviously you'll have to expect a subpoena.

PRESIDENT: Chapin?

MITCHELL: Yeah, because he's no longer employed.

HALDEMAN: Well, because,

PRESIDENT: What I'd--

HALDEMAN: because with the subpoena, if he's called to testify regarding his appointment, but not, not regarding his--any present stuff.

MITCHELL: He doesn't (unintelligible) legroom. They can get him up there.

EHRlichman: Well, the precedent...

UNIDENTIFIED: I, I, I--

EHRlichman: ...on this is interesting. I think that his lawyer would advise him to go.

UNIDENTIFIED: Couldn't get anything, couldn't do anything (unintelligible)

MITCHELL: They could get him to talk.

PRESIDENT: We would have to express the trust--In the case of a present White House employee they couldn't get him up here, right?

MITCHELL: Right.

PRESIDENT: In the case of a past one you could get him up, but then he could, then he would have to go in front of the cameras and say, "I will not because of executive privilege."

MITCHELL: Well, they can get up with him.

EHRlichman: But it's your privilege--you interpose it.

PRESIDENT: I see.

EHRlichman: And, and, uh, first we have the, the anomaly of Clark Mollenhoff running up and, and, uh, trying to give testimony in a civil service area over here now. He's running up saying, "Ask me a question, ask me a question, this is a kangaroo court, and, and I waive--" The hearing examiner just says, "Sit down and shut up." And what's happening is that, that, the, uh, government is asserting the executive privilege.

MITCHELL: No, they are not.

EHRlichman: Well--

MITCHELL: Not executive privilege.

EHRlichman: Yeah, all right--

MITCHELL: In fact you have--

UNIDENTIFIED: (Unintelligible) executive--

EHRlichman: All right. It's the closest thing to it. But the point is, who's privilege is it to assert? Now, what do you do if it's Chapin? I think, I, I haven't thought this--this is the reason I called you here to figure out what the scenario is--but I assume what would happen is that immediately the subpoena issued, that, that on behalf of the President a letter would go to the Committee saying the Executive asserts privilege.

PRESIDENT: Let me ask this. Uh, the, this question is for John Ehrlichman and, uh, Dean. Uh, 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 coverup plan.

EHRlichman: And, as I told him, I am, am so convinced we're right on the statement that I have never gone beyond that. He argues that we're being hurt badly by the way it's being handled. And I am willing--let's see--

MITCHELL: That's the point.

HALDEMAN: I think that's a valid evaluation, I think (unintelligible)

MITCHELL: See, that's the only point, the only point...

HALDEMAN: Yeah.

MITCHELL: ...where the President--

HALDEMAN: That's where you look like you're covering up right now. That's the only thing, the only active step you've taken to cover up the Watergate all along.

PRESIDENT: That's right.

DEAN: What is?

HALDEMAN: Was that.

PRESIDENT: Ev--, even though we've offered to cooperate.

HALDEMAN: To the extent--and on legal grounds, and, and precedent...

PRESIDENT: That's right.

HALDEMAN: ...and tradition, and constitutional grounds and all that stuff you, you're just fine, but to the guy sitting at home who watches John Chancellor say that the President is covering this up by re--, this historic review blankets the widest exercise of executive privilege in American history, and all that. He says, "What the hell's he covering up? If he's got no problem why doesn't he let them go and talk?"

MITCHELL: And it relates to the Watergate, it doesn't relate to Henry Kissinger...

HALDEMAN: That's right.

MITCHELL: ...or foreign affairs.

HALDEMAN: That's right. Precedent and all that business--they don't know what you're talking about.

[Part III]

DEAN: You know, when the final wire is drawn--

MITCHELL: Well, it's appropriate for the President's counsel to be present when the discussions take place.

DEAN: That's right.

PRESIDENT: Well, all right. Now let's, let's get down to the question: How do we want to do this? How do we start there?

DEAN: I would think that possibly Kleindienst, uh, ought to call today, uh, and let Ervin and Baker know if he would like to meet with them early next week to talk about executive privilege uh, indicate that I would be present to see if we can find...

PRESIDENT: A formula for...

DEAN: ...a formula to resolve--

PRESIDENT: ..getting the information that they desire

DEAN: That's right.

HALDEMAN: It's an unpublicized meeting.

DEAN: Unpublicized.

PRESIDENT: I think we'd, uh (unintelligible) go ahead.

HALDEMAN: (Unintelligible) on top of that. I would say early in the week, you better say Monday so you can get them before the Committee meets.

MITCHELL: And, naturally cover Watergate first.

PRESIDENT: I don't know how far Ervin's going to go, uh-- Ervin's insistence on letting Dean testify-whether he might. We'd have to draw a line there, wouldn't we John?

MITCHELL: I would agree wholeheartedly that you better not go back on your final statements on the subject.

PRESIDENT: That's right. That's right.

UNIDENTIFIED: Even if there hadn't been statements--

PRESIDENT: That's right. But the point is, we've got to accept the decision of Judge Byrnes (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 available.'" And just leave it at that for the moment.

DEAN: One issue that may come up as the hearings go along, if it then becomes a focus, is, what did Dean do? Uh, as you all know I was over--all over this thing like a wet blanket. I was everywher--everywhere they look they are going to find Dean.

PRESIDENT: Sure.

DEAN: Uh--

HALDEMAN: That's perfectly proper.

DEAN: But it, but--I don't think that's bad.

EHRlichman: I don't know. I was supposed to be.

PRESIDENT: You were on it at the first. You were directed by the President to get me all the facts. Second, as White House Counsel you were on it for the purpose of, of representing any people in the Executive Branch who were being

PRESIDENT

(CONTINUED): questioned on it. So you were there for the purpose of getting information. In other words, that was your job. Correct?

DEAN: That's right.

PRESIDENT: Then you heard--But, but the main point is that you can certainly tell them that Dean had absolutely no operational--The wonderful thing about your position is, I think, as far as they're concerned-Watergate--is your position's one of, of truly of counsel. It is never, never as an operator. That's the--

HALDEMAN: You can even--In the private sessions, then, maybe, maybe, volunteer to give them a statement on the, the whole question of your recommendation of Liddy which is the only possible kind of substantive involvement that you could have and, and in that you can satisfy one of those arguments.

PRESIDENT' (Unintelligible)

HALDEMAN: And that you--it you wanted to.

PRESIDENT: At the, at the President's direction, you've neve done anything, any operational, you were always, always just as counsel, always just as counsel. Well, we've got to keep you out anyway: the Dean thing. I guess we just draw the line, so we give them some of it--not give them all of it. I don't suppose they'd say, John--"No, we don't take him in executive session.'" Would he go up in public session? What would your feeling on that be? -

MITCHELL: I wouldn't let him go.

PRESIDENT: You wouldn't.

MITCHELL: I would not.

PRESIDENT: Why not? You just take the heat of being--uh, all right. How about you wouldn't--but on the

PRESIDENT

(CONTINUED): other hand you'd let Chapin go. And you'd let Colson go.

HALDEMAN: No, he doesn't.

PRESIDENT: Because they're former White House people.

MITCHELL: You can't keep them out of all those sessions. Now, I want to get back to that (unintelligible) Dean, Colson and Chapin; on the basis of that Chapin talked to Segretti last weekend.

DEAN: Well, they can subpoena any of us. There's no doubt about that. Uh, they, they, if they don't serve us here because they can't get in, they can serve me at home or somewhere. They can ultimately find you.

EHRlichman: I'm going to move to Camp David.

PRESIDENT: Right.

HALDEMAN: By helicopter. (Laughter)

PRESIDENT: Go ahead. (Unintelligible)

DEAN: So, the question is once you're served and you decline, then you've got a contempt situation. Now, I would say that it, it, it gets very difficult (sighs) to believe that they'll go contempt on people who--

PRESIDENT: Present White House staff.

DEAN: Present White House staff.

PRESIDENT: They would on Colson. They could do that, could they?

DEAN: That would be a good test case for them to go on. Uh, the other thing is, though, they could sub--, subpoena Colson to come up there and Colson could then say, 'Well, I, I decline to testify on the basis that I think this is a

DEAN

(CONTINUED): privileged communication, uh, or privileged activities.' And again, if you had Colson, it's a little, a little fuzzier as to whether or not you--

MITCHELL: I'd rather not answer the question that's asked.

DEAN: That's right.

MITCHELL: See my point.

DEAN: That's right. There it, then it would get much fuzzier as, as to whether or not they cite him for contempt or not.

PRESIDENT: Suppose the Judge tomorrow, uh, orders the Committee to show, show its evidence to the Grand Jury (unintelligible) then the Grand Jury reopens the case and questions everybody. Does that change the game plan?

DEAN: (Unintelligible) send them all down.

PRESIDENT: What? Before the Committee?

MITCHELL: The President's asked (unintelligible) this.

DEAN: Now are you saying--

PRESIDENT: Suppose the Judge opens--tells the Grand Jury and says, 'I, I don't,' says, 'I want them to call Haldeman, Ehrlichman and everybody else they didn't call before.' What do you say to that? Then do you still go on this pattern with the Ervin Committee? The point, is, if, if a grand jury, uh, decides to go into this thing, uh, what do you think on that point?

EHRlichman: I think you'd say, "Based on what I know about this case, uh, I can see no reason why I should be concerned about what the grand jury process--"

PRESIDENT: All right.

EHRlichman: That's all.

HALDEMAN: And that would change--

PRESIDENT: Well, they go in--do both: Appear before the Grand Jury and the Committee?

DEAN: Sure.

EHRlichMAN: You have to bottom your defense, your position on the report.

PRESIDENT: That's right.

EHRlichMAN: And the report says, "Nobody was involved,"...

PRESIDENT: That's right.

EHRlichMAN: ...and, and you have to stay consistent with that.

MITCHELL: Well, theoretically, I think you will find the Grand Jury is not about to get out of the (unintelligible) substance (unintelligible).(noise)

PRESIDENT: Right.

HALDEMAN: Thus the danger of a grand Jury is they bring indictments on the basis of--

MITCHELL: Which they've studied.

DEAN: Well, there are no rules.

PRESIDENT: The rules of evidence before grand juries are not pretty fair at this point.

DEAN: That's right.

MITCHELL: Uh, when you have something that's, uh, reasoned and controlled--

PRESIDENT: Yeah.

DEAN: You have attorneys--

PRESIDENT: Yeah.

[PartIV]

EHRlichman: Self-certified. That's a Constitutional expert--

PRESIDENT: Well, anyway--

EHRlichman: While you do that--

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.

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's, 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 [eel 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.

EHRlichman: John says he's sorry he sent those burglars in there, and that helps a lot.

PRESIDENT: That's right.

MITCHELL: You are very welcome, sir. (Laughter)

HALDEMAN: Just glad the others didn't get caught.

PRESIDENT: Yeah, the ones we sent to Muskie and all the rest; Jackson, and Hubert, and, uh (unintelligible, with tape noise)

EHRlichman: I get a little chill sitting over there in that part of the table there.

PRESIDENT: Yeah (unintelligible). Getting pr--, I, I, I

EHRlichman: Yeah.

PRESIDENT: I got to handle my Canadian friend...

EHRlichman: Right.

PRESIDENT: ...at the moment. Incidentally, uh, you don't plan to have, uh, you weren't planning to have a press briefing (unintelligible)

EHRlichman: We hadn't planned it. It wouldn't hurt, uh--

PRESIDENT: (Unintelligible) 3:30 with John (unintelligible). All right.

EHRlichman: He is going to talk to the press tomorrow.

PRESIDENT: Yeah, let's let it go. (unintelligible)

UNIDENTIFIED: (Unintelligible).

PRESIDENT: Suppose you take it, you take care of it now (unintelligible) and I won't come over there, I--you might, if you get him waltzed around, you let me hear--

EHRlichman: All right.

PRESIDENT: It would be my thought then that I would then break it off at 4:30.

DEAN: All right. Fine.

MITCHELL: Four o'clock will be the minimum (unintelligible)

EHRlichman: I, I think both of you (unintelligible)

PRESIDENT: Yeah, I was thinking that we ought to, uh-- yeah, I understand. But, but no, Bob, what time is the--is my take-off scheduled for 4:30 today?

UNIDENTIFIED: 4:30.

HALDEMAN: Yes, sir.

PRESIDENT: Well, we won't, we won't rush. George needs to talk, (unintelligible) get the chance to.

EHRlichman: (Unintelligible)

PRESIDENT: Yeah.

EHRlichman: Three, uh, say fifteen, twenty minutes from now?

PRESIDENT: Sure, sure, sure.

EHRlichman: Okay.

MITCHELL: Mr. President, (unintelligible)

HALDEMAN: ..asshole was something else;

Several Voices: (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: It 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--

PRESIDENT: --the purpose of their investigation.

MITCHELL: (Unintelligible) to limit the number of 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. Because you have the same problem.

PRESIDENT: You see, we ask--but your point--we ask for, uh,

PRESIDENT

(CONTINUED): 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, Let's do it in 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 wiretapping. 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

MITCHELL

(CONTINUED): with the discretionary 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's 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 went 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 (unintelligible) 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 get out through leaks, 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--

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).

MITCHELL: (Unintelligible)

PRESIDENT: Now, when we do move (unintelligible) we can move, 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 is 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. (pause) 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, right. -

MITCHELL: And the files should have been turned over.

PRESIDENT: (Unintelligible)

MITCHELL: John 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 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 Kliendienst to get in a position where--It's all right from foreknowledge through Kliendienst.

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 going fine. I think, though, that as long as, uh, everyone and so forth is ah, uh--(unintelligible) still (unintelligible)

MITCHELL: All of Washington--the public interest in this thing, you know.

PRESIDENT: Isn't (unintelligible) 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, a-, 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 matter 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.

(Further Conversation Irrelevant; Not Transcribed)