

TRANSCRIPT PREPARED BY THE IMPEACHMENT INQUIRY STAFF
FOR THE
HOUSE JUDICIARY COMMITTEE
OF A RECORDING OF A MEETING AMONG
THE PRESIDENT, JOHN DEAN, JOHN EHRLICHMAN AND H. R.
HALDEMAN
ON
MARCH 21, 1973, FROM 5:20 TO 6:01 P.M.

July 8, 1974

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PRESIDENT: [Unintelligible] to this morning.

EHRLICHMAN: Well, you go round and round and you come up with all questions and no answers. Backed up where you were at when you started.

PRESIDENT: That's where we were this morning. Well, uh, anything additional to rush here?

EHRLICHMAN: Well, I, I just don't think that the immunity thing will wash.

PRESIDENT: And the Grand Jury.

EHRLICHMAN: It may, if you come to

HALDEMAN: Well, the immunity [unintelligible] problems.

EHRLICHMAN: Well under this procedure of John's, uh, John's grand jury package was, uh, was, uh, uh, to give immunity, you know, to various witnesses who go before the Grand Jury. I, I think we have to figure that that is out of the, picture. I just don't think that it, that it can be carried off.

*The quotation marks used in this transcript are for convenience and do not indicate verbatim quotation by the speaker.

HALDEMAN: Well, either the Grand Jury or you can try by setting up a special panel, 'cause you--

DEAN: The special panel could investigate and report back on the whole thing. Have them [unintelligible] immunize witnesses so that all the information can be obtained, and, uh--

PRESIDENT: Maybe the appointment of a Presidential panel?

DEAN: I would think it would be too -- well that would take special legislation to get immunity powers, whereas

PRESIDENT: Yeah.

DEAN: the Department of Justice right now possesses the, the ability to grant immunity.

PRESIDENT: Well, let's take the Grand Jury without immunity, what about that?

DEAN: Well --

PRESIDENT: That was your idea of getting out of it.

EHRlichman: Yeah. Well, I think that, uh, uh, is still a possibility. It leads to some very drastic results. Counsel over here reads the statutes, and, uh, there are awful opportunities for indictment, and, uh -- So, uh,

DEAN: Yeah.

EHRlichman: you end up with people in and out of the White House indicted for various, for various offenses. [Unintelligible] overlaid.

HALDEMAN: [Unintelligible] still plenty of these guys [unintelligible]

EHRlichman: That's right. Now the other, now the other route--

PRESIDENT: That is, if we're not, not mentioning that, uh-

EHRlichman: I wouldn't, uh, I wouldn't spend too much time with that. I, I give up there. Uh, the other route would be two papers, or possibly three, and these papers would .say, "Mr. President, you asked me about this thing. Here's my, here's my review of the facts." And, uh, I think we disagree as to whether or not that's a viable option or not. I, I think you could get out a fairly credible document that would stand up, and that will have the effect of trimming the scope, and would have the effect of maybe becoming the battleground on a reduced scope, which I think is important. But, uh, the big danger in the Ervin hearings, as I see it, is that they will, they will run out, uh, leads into areas that, that it would be better not to have to get into. But, uh, if, uh, Baker, you know, under his direction Uh, and if you could put out a basic

document that would, uh, define a limited set of issues, uh, even if you, you don't try to concentrate on target, you just might have something, some -- but obviously, you haven't any way of imposing a lot of s

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

HALDEMAN: Which it will.

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

EHRlichman: Well, we've talked about that. We talked about, uh, possible opportunities in the Senate, that, that may turn up that we don't foresee now. In other words, that you go in and start playing for the odds. Keep trying to put out fires here and there. The problem of the Hunt thing and, and, uh, possibly McCord and some of these other people breaking is there's no, uh, there is, there's no, uh, sign off on that ever. It just goes on and on and on.

PRESIDENT: That's right. Well if that's the case then, uh, what is your view as to what we should do now about Hunt, and so forth?

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

PRESIDENT: I know.

HALDEMAN: That's right.

EHRlichman: They think that that's already understood.

PRESIDENT: Yeah.

EHRlichman: Uh--

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

DEAN: That's right. But, uh--

EHRlichman: And if he doesn't, obviously, uh, he's got to figure it gets crosswise.

PRESIDENT: If that blows.

EHRlichman: If that blows and, and that's, it seems to me, that the, uh --although at lea-- It obviously is understood, that

he has really gone over the ground with his attorney that's in there.

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

DEAN: That's one of the options he's obviously looking at now. He comes in and tells this judge before sentencing, "Your Honor" -- and the judge is likely to call him in before sentencing -- and says, "Your Honor, I am willing to tell all. Uh, I don't want to go to jail. I have pleaded guilty to an offense. I'll take that plea. I don't want to go to jail. I'll cooperate with you and the government in any way possible. I'll tell you everything I know." I think the judge probably, uh, uh, would look upon that very favorably, it would pay somebody to tell him.

EHRlichman: Yeah.

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

DEAN: Well, apparently Mitchell and, and, uh, uh,

UNIDENTIFIED: LaRue.

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

PRESIDENT: True. [Unintelligible] do something.

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

PRESIDENT: It's a long road, isn't it? I mean, the way you look back on that, as John has pointed out here is that that's a, that's a, that's a long road.

DEAN: It sure is.

PRESIDENT: For all of us, for all of us. I mean, what the hell you going to do? That's why you're, that's why you, you're sort of wrestling with the idea of moving in another direction.

DEAN: That's right. Uh, 'cause it's not only that group, but within this circle of people who have tidbits of knowledge, there are a lot of weak individuals and any one of those could cause it to blow: the secretary to Gordon Liddy, uh,

PRESIDENT: Sloan.

DEAN: the secretary to, uh, to Jeb Magruder.

PRESIDENT: Sloan.

DEAN: Chuck Colson's secretary, (unintelligible] before the Senate Committee. And it's not, it's not only one forum. There's the civil suit filed by O'Brien which, uh, for some reason we can't get settled. They are holding on to it. They are going to have rather intense civil discovery. They may well work hand in glove with that Senate Committee. They're going to go out and take depositions and start leaking things and there'll be inconsistencies. Leak what's in the transcript of one and see who breaks out in the other. There are all kinds of things they've got going right now that, uh, would mean, uh, [unintelligible] hold this thing together. And the other thing I must say I've noticed is there is a, there's an attitude that has grown amongst all the people that have been involved in this thing to protect their own behinds. And they're going to start going and hiring counsel.

HALDEMAN: Yeah. They've started to do that.

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

PRESIDENT: Well, let's not trust them.

DEAN: Surely.

PRESIDENT: Maybe we face the situation, but we can't do a damned thing about the participants who are going to get it eventually, [unintelligible] why not now?

DEAN: Well, that --

PRESIDENT: That's, that's what you're sort of resigned to do.

DEAN: Well, my thought is that if it's going to come it should come in a way that would not harm you and, uh, the individuals bear a part of it.

PRESIDENT: Well, we don't want to harm the people either. That's my concern. Well -- survives them. Well, we can't, we can't harm the, uh, these young people I mean I'm damned concerned about all these people that were all working in

DEAN: For my part--

PRESIDENT: whatever they considered to be the best interests of the country, and so forth. I've never, I haven't any question as to

HALDEMAN: That's right, we don't have any question here of some guy

stashing money is his pocket.

[Several
Voices.]

[Unintelligible]

PRESIDENT: [Unintelligible] it isn't something, it isn't it isn't something like Hiss, for example, God damned treason. Something [unintelligible]

HALDEMAN: Or like Sherman Adams, doing it for his own comfort, or uh, Albert Fall, doing it for his own enrichment.

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

DEAN: I think it, it's hard to prevent. Now, that's why I raise the point of, of this immunity concept again. That would take a lot of heat. Obviously, the immunity might -- But it also [unintelligible] you find cannot be structured, that you're con--, you're concerned about, there's something lurking here that has been brought to your attention of recent. Uh, now is the time to get the facts. People have been protecting themselves. Dean couldn't get all the information. People wouldn't give it to him. Uh, there are indications now that there are other things, and you'd like to get all this information and lay it before the

public, but it's not going to come out if people are going to go take the Fifth Amendment before a grand jury. It'll never be proved. I--

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

DEAN: It's not going to come out of a committee, either. Uh, for those reasons

PRESIDENT: Not in a fair way, that's the point.

DEAN: True. That's right. Now -- Or it may never come out. They may -- They will probably never get it out either, regardless of how clever they are. But now's the time to pull it up, all out [unintelligible]

EHRlichman: Plus, they're not going to have the key witnesses.

DEAN: That's right.

UNIDENTIFIED: That's right.

DEAN: So therefore, you select a panel of, say the Deputy Attorney General, the head of the Criminal Division, the head of the Civil Division, something like that. You call over everybody in the White House, and tell them that we want, "I have been instructed by the President, we're to put together exactly what happened. You won't be prosecuted for it because, uh, that's not the point now. The point is to get out all this information." And then you will

make a decision, based on what you learn, whether people can remain in the government or not. And if it's bad, uh, they'll be removed, they'll be forced to resign. If it's something that, uh, is palatable, they'll go on with their job.

HALDEMAN: The hue and cry would be that "This is, this is a super cover-up. Before they were just trying to cover up the the information. Now they realize they've got guilty people, so they, they've immunized them so that they can't be prosecuted."

DEAN: I'm not just sure how many people would come out guilty.

EHRlichman: Yeah, well [unintelligible]. The perception is the important thing.

PRESIDENT: Yeah, but the point is, were we talking--

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

PRESIDENT: After we've stonewalled it?

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

PRESIDENT: That's the point.

EHRlichman: Or is there another way?

PRESIDENT: Yeah, like -- ?

EHRlichman: Like the, the Dean statements, where the President then makes a full disclosure of everything which he then has. And is in a position if it does collapse at a later time to say, "Jesus, I had the FBI, and the Grand Jury, and I had my own counsel. I turned over every rock I could find. And I rested my confidence in these people in good faith and it's obvious now -- "

PRESIDENT: The middle ground taken would be -- I mean, I've been around, we've been around on that one quite a bit, the middle ground would be that, uh, I mean, uh, naturally you, you having to live through it, have to be a bit sensitive about the way we're going to, we're -- but I -- That doesn't concern me. I mean it doesn't concern me, and I don't -- I think as far as the public is concerned, it won't do much. Uh, if you as the White House Counsel, John, uh, on direction uh, I ask for a, a written report, which I think, uh, that--which is very general, understand. Understand, [laughs] I don't want to get all that God damned specific. I'm thinking now in far more general terms, having in mind the fact that the problem with a specific report is that,

uh, this proves this one and that one that one, and you just prove something that you didn't do at all. But if you make it rather general in terms of my -- your investigation indicates that this man did not do it, this man did not do it, this man did do that. You are going to have to say that, John, you know, like the, uh, Segretti-Chapin

DEAN: Um huh.

PRESIDENT: That has to be said. And, uh, and, so forth. And that under the circumstances, that, uh, grinds the man.

EHRlichman: Could he do this? To give some weight to that, could you attach as an appendix a list of the FBI reports to which you had access: interview with Kalmbach, interview with Segretti, interview with Chapin, and Magruder, and whoever, Dean, the whole business. So that the President at some later time is in a position to say, "I relied."

DEAN: Not on Dean alone but on corroborated evidence [unintelligible]

EHRlichman: That's right. It also helps with the Gray situation because it shows the use made of the FBI reports by you. He's reporting to the President. He can say in there, "I have not disclosed the contents of these to anybody else."

PRESIDENT: "Yes, I was, had access to reports for the purpose of carrying out your instructions to find out whether --" Because that is true. I've had -- You're the man I have asked "Well, now, who the hell has been involved here." You reported it before, found that there was no reflection on anybody [unintelligible] at this point. Uh, but, uh--

UNIDENTIFIED: [Unintelligible]

EHRlichman: I think that the President's in a stronger position later, and the Presidency is in a stronger position later if he can be shown to have justifiably relied on you at this point in time.

DEAN: Well, there's the argument now that Dean's credibility is in question, uh, as a result of the Gray hearings. Maybe I shouldn't do it. Maybe someone who has--

EHRlichman: This will rehabilitate you, though. Your credibility--

PRESIDENT: No, as a matter of fact, John, I don't think your credibility is in much jeopardy. Sure, you're under attack, but they want you up there to testify. I don't think it's the credibility. They want you to testify. I, uh, I would not be too sensitive about that. I think that you would, you'd make a hell of a good impression, really.

EHRlichman: Beyond that, you can, you can help your, your participation

in the interviews by saying, uh, that, in addition to having seen the, uh, FBI synopses, you were present at the time of the interview of a number

DEAN: That's right.

EHRlichman: of these witnesses, and

PRESIDENT: That's right.

EHRlichman: you yourself conducted interviews of others--

PRESIDENT: "I conducted interviews of the following people. -I didn't, didn't, didn't," Uh--I'm just trying to think about it. Huh?

HALDEMAN: Turn all that into a puzzle.

EHRlichman: Absolutely.

PRESIDENT: Yeah.

EHRlichman: You were doing this in furtherance

PRESIDENT: Right.

EHRlichman: of your role--

PRESIDENT: That's right. And also, that you, that there's been such a, a lot of crap put out about, uh, what you have done that,

uh, without referring to the fact, without being a bit defensive about it, uh, that, you know, that you, you intended to do the letter. The letter -- which would not be a letter to Eastland. I think that at this point it would be a letter from Dean to me. And you'd say that, "Now that the," -- and you would base it on the fact, "Now that the hearings, now that the Watergate is, is done, I can now give a report about any progress of --"

EHRlichman: Well, that's what you should say. In other words, he gives the report because you asked him for it, regardless of the timeliness.

DEAN: Yeah, the only problem with that

PRESIDENT: Yeah.

DEAN: is that if Hunt and -- not Hunt but, excuse me, Liddy and McCord are still out on appeal, they may not be sentenced on Friday--

PRESIDENT: Yeah.

DEAN: -- they still haven't come out the way --

EHRlichman: Yeah. Well, all right. Then I would not get into that. I think you could say that, you could say,

PRESIDENT: Yeah.

EHRlichman: uh, "I have a report. I don't mind showing it to Ervin. I wouldn't want it published because some fellow's trial The case is still around."

PRESIDENT: Right. Well, let me say, the problem with that is, uh, I don't believe that helps on our cause. In light of the fact that well, uh, let me just -- I am not sure, maybe I am wrong--the fact that the President says, "I've shown Ervin the report." We've got to remember that we have, we have nobody there. I think something has to [unintelligible] where,

EHRlichman: Fine. [Unintelligible]

PRESIDENT: where we can put out something to the public.

HALDEMAN: If you're worried about the timeliness, and trying to hang it to the -- on the sentencing, we don't really have to do that. We're going to say we just ignore the trial,

PRESIDENT: Yeah.

HALDEMAN: and say you have been -- and we've been, the, this -- we want it established anyway Dean has given you a report. We, we basically said it's an oral report. You can put the thing that Dean has kept you posted from time to time with periodic oral reports as, uh, on this thing, as, as it, uh, uh, it becomes available

DEAN: Right.

HALDEMAN: and so forth. You have asked him

PRESIDENT: Yeah.

HALDEMAN: now, uh, to summarize those,

PRESIDENT: Yeah.

HALDEMAN: uh, into, uh,

PRESIDENT: Yeah.

HALDEMAN: an overall summary.

PRESIDENT: Overall summary, and I am making the report available to the Ervin Committee. Very public.

[Several
Voices.] [Unintelligible]

PRESIDENT: And, and, and I again offer the Ervin Committee, I offer the Ervin Committee, uh, I'd say, "Dear Senator Ervin," I'd say, "Here, here is the report, it is before your hearings. I want you to have it, complete access, and, as I have said previously, that any, any questions that are not answered here, any member of the White House staff, they will be directed to answer any, uh,

HALDEMAN: --informal--

PRESIDENT: Yeah.

HALDEMAN: Good.

PRESIDENT: on that basis." Well, we've run that by before. John.

EHRlichman: Well, we've said it's formal and informal

PRESIDENT: Yeah.

EHRlichman: in the statement and that's uh,

PRESIDENT: Yeah.

EHRlichman: [unintelligible]

PRESIDENT: Yeah.

EHRlichman: But let's suppose you did the damn -- I mean, you did it as to the burglary, and you did it as to -

PRESIDENT: Segretti.

EHRlichman: and you make some passing reference to money, correct? And then you send her up there. Uh, then let's suppose Hunt blows at some time. Our position on that is that, uh, "Hunt was an investigator. He was sent out to do an investigation on Ellsberg. Uh, when we discovered what he was up to, we stopped him." [Coughs] Now, I suppose that lets Ellsberg out, that's an illegal search

and search and seizure that may be sufficient at least for a mistrial, if not for a --

PRESIDENT: Isn't it damn near through yet?

EHRlichman: Pardon?

PRESIDENT: Isn't that case about finished?

EHRlichman: Oh, it'll go on a while yet. Uh --

HALDEMAN: Can he get a mistrial after a conviction?

EHRlichman: Yeah, sure. Uh, well, let's, let's suppose that occurred. Uh, that was a national security situation. Uh, Hunt exercised bad judgment, and I think it's arguable that he should never have been permitted to go to the Committee after that episode, having, having, uh, reflected on his judgment that way. But, uh, beyond that, the question is, did we, did we authorize it, did we condone it,

PRESIDENT: Yeah.

EHRlichman: did we

PRESIDENT: Yeah.

EHRlichman: support it? And that kind of thing.

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

DEAN: Well, I'm still, I see in, in this conversation the things that we've, you know, thought of before, we've talked about-before. But they do not ultimately solve what I see as the grave problem of a cancer growing around the Presidency, and that the cancer is going to continue to grow. This is just another thing that gives a problem. It does not clean the problem out.

EHRlichman: Well, but doesn't it give, doesn't it permit the President to clean it out at such time as it does come up? By saying, "Indeed, I relied on it. And now this, this later thing turns up, and I don't condone that. And if I'd known about that before, obviously, I wouldn't have done it. And I'm going to move on it now."

PRESIDENT: Your point, John, is the, the -- You really think you've got to clean the cancer out now, right?

DEAN: Yes sir.

PRESIDENT: And, uh, how would you do that? You come back again for another round. You see no other, you see no other way that, uh, you, you, you -- without the, without setting a, without breaking down on executive privilege, of course.

DEAN: I see that, yeah, yeah, there are a couple of ways to do it.

PRESIDENT: You certainly don't want to do it at the Senate, though, do you?

DEAN: No sir.

PRESIDENT: All right.

DEAN: I think that would be an added trap.

PRESIDENT: That's the, that's the worst thing. All right.

DEAN: Uh--

PRESIDENT: We've got to do it.

DEAN: We've got to do it. You have to do it, to get the credit for it. Uh, that, that gets you above it. Uh, as I see it, that means people getting hurt, and I hope we can find the answer to that problem.

EHRlichman: All right, suppose we did this? Supposing you rendered a report to the President on everything you know about this. And the President then fires some people, Step one, Step two, sends the report over to the Justice Department, then says, "I've been diligently at work on this. My counsel's been diligently at work. Here are his findings."

PRESIDENT: Where would you stop it? With, uh, Magruder over in Commerce?

EHRlichman: Christ, I don't know where it stops, You know, uh

UNIDENTIFIED: [Unintelligible] Ziegler?

EHRlichman: Christ, that's

HALDEMAN: It's probably going to be with Magruder

PRESIDENT: No.

HALDEMAN: [unintelligible] send it over to Justice.

EHRlichman: Well, if you send the report over, it just says Magruder did this and this.

PRESIDENT: Well, yeah, but

EHRlichman: Well, that's what he's, that's what he is talking about.

DEAN: That's right.

PRESIDENT: And then Magruder, though, is a, is a fellow that's a --

EHRlichman: a free agent, at this point.

PRESIDENT: is a free agent, according to John, who'd say, uh -- he'd pull others down with him.

EHRlichman: Sure.

DEAN: Well, now, what you, what you do --

HALDEMAN: You don't know that he would, but you sure as hell have got to assume he would.

EHRlichman: Why, of course.

DEAN: I think what you could do is you could drop numbers, with names on them, in a hat, you can draw them out to see who gets hurt and who doesn't. [Laughs] Well, that's about as fair as you could be.

EHRlichman: The minute you

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

DEAN: Strachan?

PRESIDENT: Maybe. Not so much.

UNIDENTIFIED: Maybe Jeb.

DEAN: [Unintelligible] I think he has a problem.

PRESIDENT: Uh, the problem of knowledge of it.

HALDEMAN: He has a problem of knowledge. Magruder has a problem of action.

PRESIDENT: Action and perjury.

EHRlichman: Well, Strachan found the money. That's the problem.

DEAN: No.

HALDEMAN: Not really.

DEAN: The thing that we'd like, you know, to happen, if possible, to do this, is -- Hunt has now sent a blackmail request directly to the White House.

PRESIDENT: Who did he send it to? You?

DEAN: Yeah.

PRESIDENT: Or to me?

DEAN: To your counsel.

PRESIDENT: Uh huh.

HALDEMAN: That's the interesting kind of thing, there's something there that maybe we blow it all up that way, and there go all the -- and everything starts going in a whole new direction.

DEAN: That would hurt but he's, he's committing an offense, Right there. That is blackmail.

HALDEMAN: Yeah, John, but where does that take you? That takes you to your support of other people who are not fully aware of the [unintelligible] anyway.

DEAN: That's right.

HALDEMAN: But we didn't know about that.

UNIDENTIFIED: That's a fact. We're above that.

DEAN: But, then, again, you have to get the problem of people, what they're going to say -- [whistles].

EHRlichman: Well, if you go your route, you can't draw the line someplace

DEAN: No, no.

EHRlichman: You can't then say, you know, we're going to, we're going

to reserve that, we've got to let it all --

PRESIDENT: You see, if you go your route of the ca--,of getting, cutting, cutting the cancer out, the question is would you cut it out now is, uh, is, is, is, uh -- Take a Hunt.

DEAN: Well --

PRESIDENT: You [unintelligible] -- knock the hell out of him, don't you?

DEAN: That's right.

HALDEMAN: Well, if you take your route and it goes slightly [unintelligible] you have a certainty, almost, of Magruder going to jail, Chapin going to jail, you going to jail,

PRESIDENT: No.

HALDEMAN: probably me going to jail.

PRESIDENT: Uh, again, I question the last two.

HALDEMAN: Certainly Chapin. Certainly Straclian. No, not really.

DEAN: Not necessarily, uh

UNIDENTIFIED: Not Chapin.

HALDEMAN: Chapin and Strachan are clean. Well, so is Strachan.

EHRlichman: I think Strachan is hooked on, on this money.

PRESIDENT: What money was that?

EHRlichman: He is an accessory in a, in a undeclared campaign fund.

HALDEMAN: That's no -- That, that's -- The only guy responsible for that is the treasurer.

EHRlichman: I know.

HALDEMAN: Sure.

EHRlichman: But not under the law.

PRESIDENT: Well that was un---, undeclared for awhile, I think it was, '70, '68.

EHRlichman: Yeah. But then it got back into the coffers and, uh, was used in this campaign.

DEAN: Let's say, let's say the President sent me to the Grand Jury to make a report. Who would be, who would, who could I actually do anything to, pr cause any problems for? As a practical matter, first-hand knowledge; uh, almost no one. All I could do is to give them a focus plus leads.

PRESIDENT: Right. Right.

HALDEMAN: Then they start following the leads.

DEAN: That's right, and where they ultimately come down or -- Well, there, there again, is, is, is the -- We don't have anybody to talk to somebody who understands the process [unintelligible]. I was talking outside with Bob about Henry Petersen. Uh, we just have to have somebody talk to somebody that, that, can really break in and can say, "Henry, what does this mean in the criminal justice system? What kind of a case could be made on this? Uh, what kind of offenses would evolve out of that?" [Unintelligible] got a pretty good idea of most of the statutes that are involved, but there, uh, there is so much behind the statutes.

PRESIDENT: Do you want to bring him in? Talk to him? Well, if you do that, you will suit the Attorney General.

DEAN: Well, you're putting in, you're putting in his knowledge --

PRESIDENT: I see.

DEAN: Uh, we'll have to play with that.

HALDEMAN: If you do it hypothetically--

DEAN: Right.

HALDEMAN: You've got, you've got this brother-in-law who has this problem in school. [Laughs]

PRESIDENT: Yeah.

DEAN: He told this wild scenario that I'd like you --

PRESIDENT: Yeah.

HALDEMAN: [Unintelligible]. My friend is writing a play, and unless he, uh --

DEAN: Uh, but, it bothers me to do anything further now, in the situation, when Hunt's our real hang-up.

PRESIDENT: Well, now, do you think a statement prompts him?

DEAN: Yes, sir, I do. It doesn't solve it. It's just one more step.

HALDEMAN: The payment to Hunt does too.

PRESIDENT: The payment to Hunt does, yeah.

DEAN: Maybe that's what -- That's why I say, you know, somebody to assess the criminal liability. Maybe we are mis-assessing it.

EHRlichman: Well, I really don't know, will Petersen
Would you confide in him?

HalDEman: I think I would.

EHRlichman: How else? You could start down that road.
You could say, "Henry, I want to, I want to
talk to you about, uh, questions that arise
in the course of my investigation, but I
have to swear you to secrecy." If he'll
take it on that basis.

DEAN: There's the answer, of course, "The
President has told me never to say -- I,
uh, I want to know if you can talk to me off
the record." [Unintelligible]

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

PRESIDENT: Uh, so you, uh, you see then that, uh, you
don't see the, uh, you don't see the
statement thing, uh, uh, helping insofar as
the, the -- be of any way -- the, uh
helping insofar as -- 'cause if you, you
must--you think that over some more.

DEAN: Yes, sir. The idea is the temporary answer.

PRESIDENT: I agree with that. But the point is to, uh, but you see, here's the, the way I would see the statement that we could say we get out: Our -- Everything we would intend to say or, or we could get out a general statement as I have already indicated, would get out a, with regard to the fact that we spent looking into the God damn thing, it's really -- I mean, I've said it, we, we just can't, you, you know, withdraw, so let's forget a withdrawal at this point. Well, and secondly, again, the offer for White House people to cooperate so that we're not covering up, okay. And that still leaves it, however, in the hands of the Committee. I agree. A statement, at least, would, it's true, temporary, but it, uh, would indicate the President has looked into the matter, has had his counsel report to him and this is the result of that, uh, now let the Committee do their damndest. We will cooperate. And the Committee will say, "No." And so we'll just stand right there.

DEAN: Well, what will really [sighs], I think what will, will prompt a new problem will be Sirica giving a speech from the bench on Friday when he sentences.

PRESIDENT: Yeah.

DEAN: I think he will charge that he cannot believe the trial was conducted by the government presenting a limited case. That he is not convinced the case represents the full situation.

HALDEMAN: In other words, uh --

DEAN: I know if that's the case it'll have a dramatic impact on the day of

PRESIDENT: Yeah.

DEAN: sentencing with Sirica from the bench,

PRESIDENT: That's right.

DEAN: because he'll charge that there are higher-ups involved in this. He may take some dramatic action like, uh, you know, appoint a special prosecutor. Who knows?

PRESIDENT: Can he do that?

DEAN: Sure. I think he could.

PRESIDENT: He could appoint a special prosecutor, for what? For--

DEAN: To reopen the investigation. He is the presiding judge.

HALDEMAN: He could go, he could convene a grand jury.
Or he said he could.

DEAN: Well, the government is going to do that.
Uh --

PRESIDENT: The government's going to do that for what?

DEAN: Right after sentencing, the week after
sentencing they're going to take all the
people who've been sentenced back before the
Grand Jury--

PRESIDENT: These same ones?

DEAN: These same ones. And see if they want,
now want to talk. Sirica may --put, you
know, give them provisional sentences. And
say if they are helpful to the government,
back before the Grand Jury, he'll reconsider
the sentences, [unintelligible] people
horrendous sentences.

PRESIDENT: Suppose -- Horrendous sentences I think we
can anticipate. But, but, suppose he does
that? Then where, where does that leave us
then, John? Where does that leave us? You
just say --

EHRlichman: Well, I don't think that's a surprise to
the defendants. I think their counsel must
have prepared them for that.

PRESIDENT: I'm -- right. I wonder, however, however, in terms of what about our, what about our position? In other words, we're damned by the courts before-Ervin ever could get there.

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

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

EHRlichman: And it happens to be true,

PRESIDENT: Yeah.

EHRlichman: as for that transaction.

PRESIDENT: [Laughs] Sure. As for that transaction.

EHRlichman: Right.

PRESIDENT: Well, John, you, uh, you, uh, you must feel that's, uh, is enough.

DEAN: No [unintelligible]

EHRlichman: Now, let's, let's try another, let's try another concomitant to that. Supposing Mitchell were to step out on that same day and were to say, "I've been doing some investigation at 1701 and I find so and so, and so and so."

PRESIDENT: [Unintelligible]

UNIDENTIFIED: Yes, sir.

EHRlichman: And I don't know what he would say, but maybe he'd want to make some kind of a disclosure. And then what?

PRESIDENT: What the hell is he going to disclose that isn't going to blow something? Yeah. Well [unintelligible]

EHRlichman: Well, I'm going to have to -- I [unintelligible] have to resolve it.

PRESIDENT: I don't have any time. I'm sorry. I'm going to have to leave. What is there -- What have you got here [unintelligible]. Well, uh, you meet what time tomorrow?

HALDEMAN: I am not sure. In the morning.

DEAN: Morning.

HALDEMAN: [Unintelligible] we will brood this out.

PRESIDENT: Fine. Well, sure. You come here
(unintelligible). We're going around.
That's the way you have to do. Right.