

TRANSCRIPT OF A RECORDING OF A MEETING AMONG
THE PRESIDENT, H.R. HALDEMAN, JOHN
EHRlichMAN, AND RONALD ZIEGLER ON MARCH 27,
1973 FROM 11:10 A.M. TO 1:30 P.M.

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EHRlichman: This story and, uh, this one, uh, this, this
Watergate thing is potentially very
debilitating around. but we have to devote
a large part of our time to keeping people
busy in, uh

PRESIDENT: I know.

EHRlichman: affirmative kinds of (unintelligible)

PRESIDENT: (Unintelligible) because it involves people
we know.

EHRlichman: Yeah.

PRESIDENT: It involves, frankly, people who don't
(unintelligible) guilty. This and that.

EHRlichman: Yeah.

PRESIDENT: And, and, also for, you, you don't want
anybody guilty, or, it isn't the question.
We know that everybody in this thing did it
whatever they did with the best of
intention. That's the sad thing about it.

EHRlichman: Sure.

PRESIDENT: I told them all this morning, I don't want
people on the staff to divide up and say,
"Well, it's this guy that did it, or this
guy that did it," or th-th-th-th

EHRlichman: Yeah.

PRESIDENT: The point is what's done is done. Do the
very best we can, and cut our losses and so
forth, best you could ever do.

EHRlichman: Did he talk to you about this, uh, this
thing, uh, uh... Commission ... Commission
thing?

PRESIDENT: No, uh, I, uh, I (unintelligible) I, I don't know what you can do. I don't think, though, I don't think that I, even though it's moving along, that story and so forth. I don't believe, that I should go out on national television like tonight or tomorrow and go out on the Watergate Commission and then come on the next day on national television on Vietnam. I don't like the feeling of that. I, uh, I, I don't think you get it ready by that time? My view would be to, get the Vietnam out of the way, and maybe get this right if you could. I think that gives you time.

EHRlichman: The, the, the picture of the Congress having an inquiry going on...

PRESIDENT: Yeah.

EHRlichman: ...and the Grand Jury having an inquiry going on in the Judicial branch...

PRESIDENT: Right.

EHRlichman: ...it seems to me give s you, ah, ah, opening, thinking about it after a while...

PRESIDENT: Step in.

EHRlichman: ...and say well, step in and say there doesn't seem to be anybody except me in the position to resolve this. I have talked with the, ah, ah, Chief Justice of the United States and I have talked with Senator Ervin and Senator Baker-and, uh, I, uh, uh, after that consultation, uh, have proposed this, uh, three branch, uh,...

PRESIDENT: Well.

EHRlichman: ...board of inquiry.

PRESIDENT: To start with the proposition of Ervin and Baker, where you don't come across right there at the beginning on whether you can get the three men. I'm not sure you can get the three branch, John.

EHRlichman: Well, I'm not sure you could get it either.
It, it, ah--

PRESIDENT: But, but, just suppose you couldn't. Then
still think that it is good, possibly a good
idea I mean, ah, but we've got to have
somebody other than me that could broker it.
The problem you've got, to recognize, you
see, is that Haldeman. can't you can't, Dean
can't Mainly because, you possibly could,
but it's, it's also that I don't want to put
out the whole White House. You're the
only One who could do it.

EHRlichman: The, ah--

PRESIDENT: I have to do, this is why I told you,
(unintelligible), but I might have to use
Rogers on the Job to be the broker.

EHRlichman: Fine.

PRESIDENT: Uh, he'd be good, uh (unintelligible). I
don't know whether you could get a--
(Knocking on door)

PRESIDENT: Come in. Oh, hi. How are you?

ZIEGLER: Thought we'd just check, in.

PRESIDENT: Sure, sure. Right.

ZIEGLER: The reason...

PRESIDENT: In position, righ-

ZIEGLER: ...we have, uh, the, uh, patient
rehabilitation veto today and the uh, uh, we
hope it's a return shipment to Thieu in
South Vietnam, preparations, uh, that, uh--

PRESIDENT: Right.

ZIEGLER: Describing.

PRESIDENT: Right.

ZIEGLER: (Unintelligible)

PRESIDENT: Right.

ZIEGLER: Then tomorrow we should, uh, send statistics and so forth. Uh, I talked to, uh, Dean and to Moore this morning in terms of whether or not we say anything (unintelligible)

PRESIDENT: Right, right.

ZIEGLER: The Grand Jury's stuff, and, uh, Dean's feeling is that we should not today.

PRESIDENT: That is my feeling.

ZIEGLER: And, uh, Moore's feeling is that we should not today, and I concur in that (unintelligible).

PRESIDENT: Yeah. My view is today, unless you've got something more to say...

ZIEGLER: That's right.

PRESIDENT: ...I would simply say I have nothing to add to what they said yesterday.

ZIEGLER: That's right.

PRESIDENT: I, I think that would be better (unintelligible).

ZIEGLER: The, uh--

PRESIDENT: Just get Out there and act like your usual cocky, confident self.

ZIEGLER: Then the, uh, if, if I am asked a question about whether or not, uh, Dean would appear before the Grand Jury, if I'm asked that question...

PRESIDENT: Yeah. It's, uh--

ZIEGLER: ...how should I handle that? (Unintelligible). I could -- two options: One would be to say that,uh (unintelligible); the other would be, (unintelligible)

PRESIDENT: (Unintelligible) I'm just saying, uh, what if this charge is wrong (unintelligible) the charge. Well, if you say (unintelligible) permission (unintelligible). What do you think, John?

EHRlichmn: You tell him.

PRESIDENT: Well it's easier to get out of, because it's, that.'s not a matter (unintelligible), this, this point (unintelligible).

ZIEGLER: I`m inclined to think, (unintelligible), I'm inclined to think that today my best position is just to say that, that this was discussed yesterday, uh, I've said all along (unintelligible).

PRESIDENT: Yeah.

ZIEGLER: We are willing to cooperate (unintelligible)

PRESIDENT: Don't you think that we`ve indicated cooperation.

UNIDENTIFIED: (Unintelligible).

PRESIDENT: And when we see the form of the, the form of the request, or whatever it is--

ZIEGLER: These matters must proceed, this matter must proceed in an orderly and judicious manner and, uh, I'm not going to get up here, uh, on the podium-- and listen to that.

PRESIDENT: Right.

EHRlichman: The other, the other thing you might do is say you know a fellow like John Dean is in a very tough spot when somebody levels an accusation against him, uh, he's really in the poorest position to defend himself of anybody in the government.

(Privileged material deleted)

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

PRESIDENT: I know.

EHRlichman: ...inhibits him, from, stepping (unintelligible).

PRESIDENT: I wonder if it is very difficult for John or for Ron to get into that?

EHRlichman: Well, but it is in the setting of, would he appear before a Grand Jury? Uh--

PRESIDENT: That`s the thing Why don't we, why don't we just say, "Well, that's, that's the matter, that, that, that, this is a matter that is not before us." We should point out that, uh, that, uh, uh, that, uh, he, he, he, is Counsel to the President, uh Counsel, uh, to the, to the White House, uh, counsel to the uh, he's the White House Counsel, uh, to uh, uh, uh, and, and, therefore, uh, the, his, his appearance before any political group, therefore, uh, is, is on a different basis from, anybody else, which is basically what I, you know, when I flatly said Dean would not appear but that others would. You know, I, I, I did say that, of course he--

EHRlichman: It was on a, it was on a different basis. At the same time...

PRESIDENT: the same time he...

EHRlichman: ...a man, uh, in, in any position ought to be given a chance to, uh, defend himself...

PRESIDENT: Yeah.

EHRlichman: against groundless charges.

PRESIDENT: That's it. Mr., Mr. Dean certainly wants the opportunity to defend himself against these charges. He would welcome the opportunity, welcome, would welcome the opportunity and what we have to do is to work out a procedure which will allow him to do so consistent with his unique position of being not just a member of the President's staff, but also the Counsel. That is a: lawyer, Counsel, uh, not, not lawyer, but, the responsibility of the Counsel for confidential.

ZIEGLER: Could you apply that -- to the Grand Jury?

PRESIDENT: Yeah, Yeah.

EHRlichman: The Grand Jury is one of those occasions where a man in his situation can defend himself.

PRESIDENT: Yeah.

EHRlichman: Clearing himself.

PRESIDENT: Yeah, yes. The Grand Jury, uh, that, well, actually, if called, look we're not going to refuse to, for anybody called before the Grand Jury to go, are we, John?

EHRlichman: can't imagine it.

PRESIDENT: No, well, he was called, uh, he was called, he will be, he will be cooperative, consistent with his, uh, responsibilities as Counsel. How do we say that?

EHRlichman: That lie will be cooperative.

PRESIDENT: He'll fully cooperate.

EHRlichman: You better check that with Dean. I know he's got certain misgivings on this.

ZIEGLER: He did this morning.

PRESIDENT: Yeah. Well, then, don't say that.

EHRlichman: Well, uh, uh, uh, I think you could pose the dilemma without...

PRESIDENT: Yeah.

EHRlichman: ...saying flatly what you're going to do.

PRESIDENT: Yeah. We, uh, but maybe you just don't want to (unintelligible). You better not, you better not try to break into it, John.

ZIEGLER: You get into posing the dilemma.

PRESIDENT: Then you're gonna, you're gonna break into questions. I'd simply, I'd stonewall them today.

ZIEGLER: I think so.

PRESIDENT: That is not before us at this time, uh, but let me emphasize, he will coop--as the President has indicated, there will be complete cooperation consistent with the responsibilities that everybody has on, uh, the separation of powers. Fair enough? And, of course, and consistent with, uh, Mr. Dean's responsibilities is uh, uh, uh, is, is, is, other responsibilities as a Counsel. See? How about just saying it that way? Well, John, do you have doubts, uh?

EHRlichman: No. Why don't we--

PRESIDENT: f Ziegler opens--Ziegler has to answer something.

EHRlichman: Uh, no. The only, uh, uh thing that occurred to me is, when I read this stuff yesterday, was that somehow or another, uh, we, we should be introducing the fact that, that, uh, Dean's going to get a chance to clear his name.

PRESIDENT: Yeah.

EHRlichman: Uh, but, but, eventually that's gonna, that
Is gonna, there's gonna be, uh, an
opportunity for that in some forum, at some
time, in some way. But maybe you get into
the business of saying, uh, you don't--

PRESIDENT: I don't 'think this is the day to do it.
This is the day (unintelligible).

EHRlichman: (Unintelligible).

PRESIDENT: Yeah.

ZIEGLER: I think so

PRESIDENT: Yhea.

ZIEGLER: Give more than a--

PRESIDENT: Say.

ZIEGLER: (Unintelligible) how we approach the whole
matter instead of moving (unintelligible).
The President's expressed confidence
(unintelligible)

PRESIDENT: You can also say that the President is
talking, uh, (unintelligible) staff today
regarding the Dean situation, I
think we should say that--

EHRlichman: There was a meeting here this morning..

PRESIDENT: That's right.

EHRlichman: ...involving Deputy...

PRESIDENT: Yeah.

EHRlichman: ...Attorney General...

PRESIDENT: Yeah.

EHRlichman: ...Under Secretary of Interior...

PRESIDENT: That's right.

EHRlichman: ...Ivers...

PRESIDENT: That's right.

EHRlichman: ...on the, uh, on the, Ivers reservation (unintelligible).

PRESIDENT: Yeah. And that we're, and the, and the (unintelligible) it doesn't matter if the President is (unintelligible).

EHRlichman: That White House is following--

PRESIDENT: The White House, the White House is following and we are (unintelligible) the President's uh, uh, the President's direction, uh, the, President's dir-- uh, a meeting was held here, the White House is now, uh, uh, uh, examining the situation to see what action can be taken to resolve it.

EHRlichman: Uh, uh, I think you may be able to hang it on the, on the deplorable, uh--

PRESIDENT:

ZIEGLER:

RESTRICTED-"B"

PRESIDENT:

ZIEGLER:

PRESIDENT: All right. Let it go.

EHRlichman: (Unintelligible) because if we--

PRESIDENT: Fine, well, when, when we are ready to do something, I'll hold your meeting. Let it go.

EHRlichman: Okay, let me know.

PRESIDENT: Okay, You go ahead.

EHRlichman: (Unintelligible) Ron, with me until we have a final uh, just keep all this stuff together.

ZIEGLER: Okay.

PRESIDENT: Also say that I met with the Japanese the, the, uh...

ZIEGLER: Yes sir. Finance Minister.

PRESIDENT: ...Finance Minister.

(ZIEGLER EXITS)

(Privileged Material Deleted.)

EHRlichman: On the FBI, we'll start moving some names to you, uh.

PRESIDENT: I hope you'll look into that guy that Dean mentioned.

EHRlichman: Yeah, I've got (unintelligible) John's uh, we're to get a resume and some background.

PRESIDENT: The judge, uh, with a prosecuting background claimed that to put him on would be a hell of a good thing.

UNIDENTIFIED: Well, uh--

PRESIDENT: I have decided that when we move on it, it must be simultaneous. Gray cores in and says, "I'm sorry we can't put you, you can't, "he says, "I can't get confirmed and I, I don't want to be confirmed in way that I, that, in which there is any division. There must be unanimous support for whoever is, and support for and trust in the Director of the FBI. As a result of the hearings to date, it is obvious that I am not going get that kind of support, in the Senate, even though I believe that I may be confirmed. Under the circumstances, I respectfully request you withdraw my name."

and send somebody else down. That's a very sound basis. I'm thinking of doing that. I would hope next week right after Thieu.

EHRlichman: Ah, well, what do you think about doing that simultaneous with the appointment of a Commissioner. We could...

President: Oh yeah.

EHRlichman: ...it could be written up in the same announcement. Say, "here's a fine man who's been unfortunately splattered by this thing. It is a case study in, uh, how..."

Unidentified: (Unintelligible)

EHRlichman: Yeah, and how bystanders can get splashed, with this sort of thing."

President: Right.

EHRlichman: It's now to the point where he can't even (unintelligible).

President: You think, also, John, or at least you thought somewhat of the idea, that we should get Kleindienst out, too, at this point?

EHRlichman: Yeah, yeah.

President: How do we do that?

EHRlichman: Well, I'm going to see him today, and Bob's going to talk to him, and we will hit him from two directions on this. And uh, that's and uh--

President: Get Kleindienst to resign?

EHRlichman: Oh, no, no, no, no, no, oh...

President: Get him out front. (Unintelligible) get him, out of the office.

EHRlichman: Oh, oh, no. I hadn't, uh, we hadn't talked about, that.

HALDERMAN: That`s Bill. Rogers.

PRESIDENT: Well, I'm sorry, John.

EHRlichman: No. I, uh, uh, we talked this morning about getting him out front. I'm afraid it`s--

PRESIDENT: (Unintelligible) of 'canning him right away. Uh, let's see. Let's see about that. Maybe we can. Well, whatever, what have you got to report. John and I have just started a (unintelligible).

HALDEMAN: All I have is Dean's report. I did not talk to Mitchell, because this thing changed (unintelligible) want to be from Mitchell. Uh, he had a long conversation again today with Paul O'Brien, who's the guy he's been - - talked with yesterday. . .you know, this, that, and all that, and uh, he says O'Brien is very distressed with Mitchell. The more he thinks about it, the more O'Brien comes down to Mitchell could cut this whole thing off, if he would just step forward and cut it off. That the fact of the matter is as far as Gray could determine that Mitchell did sign off on it. And if that's what it is...

PRESIDENT: You mean as far as O'Brien is concerned.

HALDEMAN: Yeah.

EHRlichman: You said, "Gray."

PRESIDENT: What's that?

HALDEMAN: I'm sorry. O'Brien not Gray. As far as O'Brien can determine, Mitchell did sign off on this thing and, uh, that's, and Dean believes that to be the case also. He can't, Dean doesn't think he can prove it, and apparently O'Brien can't either, but they both think that that...

PRESIDENT: That's my intention.

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

PRESIDENT: Yeah.

HALDEMAN: Really, Dean, that Dean cooked the whole thing up at Haldeman's instruction. Uh, the whole idea of the need for a super-intelligence operation. Now there's some semblance of, of, uh, validity to the point, that I did talk, not with Dean, but with Mitchell, about the need for intelligence activity and--

PRESIDENT: And that Dean recommended Liddy?

HALDEMAN: Yeah, but not for intelligence. Dean recommended Liddy as the General Counsel.

PRESIDENT: Yeah, but you see this is where Magruder might come--Well, go ahead. Okay.

HALDEMAN: Uh, that Mitchell bought the idea that was cooked up in the White House for a super-intelligence operation, and that this was all set and an accomplished fact in December of '71 before Liddy was hired by the Committee. But then, Liddy was hired by the

Committee to carry it out and that's why Dean sent Liddy over to the Committee. Then there was a hiatus. There were these meetings in Mitchell's office, uh, where Liddy unveiled his plan. And the first plan he unveiled, uh, nobody bought. They all laughed at it. Cause it was so bizarre So he went back to the drawing, board and came back with a second plan and the second plan didn't get, bought either. That was at the second meeting and everything just kind of lingered around then. It was sort of hanging fire. Liddy was pushing to get moving on his plans. And at that point, he went to Colson and said, "Nobody will approve any of this, uh, uh, and, you know, we could, we should be getting,...

PRESIDENT: Yeah.

HALDEMAN: ...getting going on it." And Colson then got into the act in pushing to get which, which started with the Colson phone call to Magruder saying, "Well at least listen to these guys." Then the final step was--all of this was rattling around in January. The final step was when Gordon Strachan called Magruder and said Haldeman told him to get this going, "The President wants it done and there's to be no more arguing about it." This meaning the intelligence activity, the Liddy program. Magruder told Mitchell this, that Strachan had ordered him to get it going on Haldeman's orders on the President's orders and Mitchell signed off on it. He said, "Okay, if they say to do it, go ahead."

PRESIDENT: Uh, was that this is the bugging?

HALDEMAN: The whole thing including the bugging.

PRESIDENT: Shit.

HALDEMAN: The bugging was implicit in the second plan. I, Dean doesn't seem to be sure whether it was implicit or explicit.

PRESIDENT: Well, anyway--

HALDEMAN: He doesn't think that particular bug was explicit, but that the process of bugging was implicit and, as I didn't realize it, nor did he, but it was also in the Sandwedge going way back--the early plan. That, incidentally, is, a potential source of fascinating problems in that it involved Mike Acree, who's now the Customs Commissioner or something, Joe Woods, uh, a few other people.

PRESIDENT: Nothing happened?

HALDEMAN: It, wasn't done, that's right, but there-- at some point, according to Magruder, after this was then signed, off and put way, Mitch--Magruder--Mitchell, Mitchell, called Liddy into the office and read him the riot act on the poor quality of stuff they were getting. (Pause) Uh, that's basically the scenario or the summary of, of what Magruder told the lawyer. Dean's theory is that both Mitchell and Magruder realize that they now have their ass in a sling, and that they're trying to untangle it, not necessarily working together again, at least he doesn't think they are. But, in the process of that they are mixing apples and oranges for their own protection. And that they're remembering various things in connection others, uh, (unintelligible) like Hunt and Liddy (unintelligible).

PRESIDENT: You don't have another (unintelligible) do you?

HALDEMAN: No, sir.

(Privileged material has been deleted)

HALDEMAN He says, for example, Magruder doesn't realize how little Dean told Liddy. He thinks that Dean sent Liddy in. Liddy said...Frankly, now as far as Dean screening to Liddy was that, uh, you as General Counsel over there

HALDEMAN: can also take as a side activity the, the
(Cont'd) political intelligence question because we
do need some input on demonstrators and
stuff like that. That, that, that
they're not doing anything about, but he
never got, into any setting up an elaborate
intelligence apparatus.

RRESIDENT: Okay

HALDEMAN: Dean, Dean says that as a matter of fact, in
contrast to Magruder`s opinion, at the first
meeting where a Liddy plan was presented,
everybody at the meeting laughed at the plan
on the basis that it was just, it was so
bizarre that it was absurd and it would be
funny.

PRESIDENT Yeah

HALDEMAN The second meeting, Dean came into the
meeting late. He was not there during most
of the presentation, but when he mace in he
could see that they were still on the same
kind of a thing. And he says in effect, I
got Mitchell off the hook because I
said, I took the initiative in saying, "You
know it`s an impossible, uh, proposal and we
can`t, we shouldn`t even be discussing, this
in the Attorney General`s office, "and all
that. Mitchell agreed, and then that's when
Dean came over and told me that he had just,
had seen this wrap-up on it, and that they,
still it (unintelligible) was impossible,
and then we, that they shouldn`t be doing
it; that we shouldn`t be involved in it and
we ought to, uh, drop the whole thing. Then
as Dean said, "I say a problem there and,
uh, I thought they had turned it off and in
any event I wanted to stay ten miles away
from it, and did." He said the problem from
then on, starting somewhere in early January
Probably, was that Liddy was never really
given any guidance after that. Uh, Mitchell
was in the midst of the I T and T and all
that stuff, and didn't focus on it...

PRESIDENT: Martha.

HALDEMAN: ...and Magruder was running around with other things and didn't pay much attention, and Liddy was kind of bouncing around loose there, uh.

EHRlichman: Well, now, how do you square that with the allocation of money to it?

HALDEMAN: Well, that, presumably was the subject in focus by somebody else...

EHRlichman: Magruder.

HALDEMAN: ...Who signed off on that.

EHRlichman: Magruder, uh, possibly Mitchell, possibly Stans, certainly, uh-- (unintelligible).

PRESIDENT: I suppose they could, say the allocation of money was just for intelligence operations generally. I think (unintelligible). That's what my guess is. That's what Magruder said is true.

EHRlichman: Some was paid to focus on, somebody--

HALDEMAN: Yeah, someone, someone focused and agreed that there had to be some intelligence and that Liddy should get it.

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

HALDEMAN: Yeah.

EHRlichman: So that doesn't put anything together.

PRESIDENT: Well, it doesn't hang together, but it could in the sense that the campaign--

HALDEMAN: Well, what he, what he thinks, he thinks...

PRESIDENT: My guess--

HALDEMAN: ...that Mitchell did sign off on it.

PRESIDENT: That's the point. But uh, my, my guess is Mitchell could just say, "Look," I, he says, he has this and that and the other thing," and. I said, "all right go ahead, but there was no buying of this da, da, da--"

HALDEMAN: He says if, you heard Dean's opinion (unintelligible)

PRESIDENT So--

HALDEMAN: Now O'Brien says that Magruder's objective or motive at that moment is a meeting with Mitchell and me. And, uh, that what he has told some of the lawyers, may well be a shot across the bow to jar that meeting loose. Uh, O'Brien doesn't really believe Jeb, but he's not sure. O'Brien is shook a little bit himself as he hears all this. But he does see very definitely and holds also to the theory of mixing of apples and oranges. He's convinced that Jeb is pushing together things that don't necessarily fit together in order to help with a conclusion. And, again, he's very disappointed in Mitchell. He feels that Mitchell is the guy that's letting people down. O'Brien made the suggestion that if you wanted to force some of this to a head, one thing you might consider is that O'Brien and Parkinson, who are getting a little shaky now themselves, are retained by the Committee. That is by Frank Dale, who is the, the Chairman of the Committee.

PRESIDENT: Does it still exist?

HALDEMAN: Uh, the...They, did they're--

PRESIDENT: They aren't involved in the damn thing are they? O'Brien and Parkinson?

HALDERMAN: Yes.

PRESIDENT: They ran this all from the beginning?

HALDERMAN: Oh, no.

PRESIDENT: Well, that is what I thought.

HALDERMAN: But they are involved in the post-discovery, post-June 17th.

HALDEMAN: (Unintelligible)

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

PRESIDENT: I've been, I, I've been informed. For me to sit down and talk to them and go through, uh--

HALDEMAN: I don't know, he, he says, he doesn't mean necessarily personally talk to you, but he means to talk to Dean or whoever you designate as your, your, uh, man to be working on this. Uh, now--other facts. Hunt is at the Grand Jury today.

(Unintelligible) We don't know how far he is going to go. The danger area for him is on the money, that he was given money. Uh, he's reported by O'Brien, who has been talking to his lawyer, Bittman, not to be as desperate today as he was yesterday, but to still be on the brink, or at least shaky. What's made him shaky is that he's seen McCord bouncing out there and probably walking out scot free.

PRESIDENT: Scot free, - a hero.

HALDEMAN: And he doesn't like that. He figures it, it's my turn. And that he may go--

PRESIDENT: That's the way I, that's the way I would think all of them would feel.

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

PRESIDENT: (Unintelligible)

HALDEMAN: The U.S. Attorney has, is going to Sirica seeking immunity for Liddy so Liddy can be a witness. Liddy's lawyer will argue against immunity for he does not want it. Uh, Dean's judgment is that he'll prob- he'll probably fail. Sirica will grant it given Sirica's clear disposition--

PRESIDENT: Then he gets , if he doesn't talk, then he gets contempt. Is that it?

HALDEMAN: If Liddy is in, if he gets immunity, his intention, as of now at least, is to refuse to talk, and then he in contempt. The contempt is civil contempt and it only runs for the duration of the Grand Jury which is of a limited duration. And as long ah he's in jail anyway, it doesn't make a hell of a lot of difference to him.

PRESIDENT I, I would almost bet that's what Liddy will do.

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

PRESIDENT: I, I would, I would, uh, the reason I would totally agree, that, that I would believe Dean there (unintelligible) say would be lying to us about that

EHRlichman: Well he said --

PRESIDENT: But I would believe for another reason--that he thought it was a stupid God damned idea.

EHRlichman: There just isn't a scintilla...

PRESIDENT: Yeah.

EHRlichman: ...of hint that Dean knew about this.

PRESIDENT: (Unintelligible)

EHRlichman: Dean was pretty good all through that period of time in sharing things, and he was tracking with a number of us on --

PRESIDENT: Well, you know the thing that, the reason I told Bob--and this incidentally also covers Colson--and I, uh, and I, I don't know whether, ah--I know that most everybody except Bob, and perhaps you, think Colson knew all about it. But I was talking to Colson, remember exclusively about it--and maybe that

was the point--exclusively about the issues. You know, how are we going to do this and that and the other thing. Everything from, uh, mainly, uh, the, uh, the, uh, the, uh, (unintelligible) how do we get the labor thing, how do we get this, how do we get, uh the Catholic school (unintelligible).

HALDEMAN: Yeah, the Cath--the aid to Catholic school on the new, you know, the uh, Ehrlichman's, uh, I mean, Colson's fight with the parochial.

PRESIDENT: Right. That's what it is, that's what started it. But in all those talks he had plenty of opportunity. He was always saying, "Hey, we gotta do this," but Colson in that entire period, John, I think he would have said, that there was, say, "look we've gotten some information," but he never said a word. Haldeman, in this whole period, Haldeman, I am sure--Bob and you, he talked to both of you about the campaign. Never a word. I mean now maybe that all of you knew and didn't tell me, but I can't believe that Colson--well (unintelligible).

HALDEMAN: Maybe Colson is capable of--if he knew anything out of that, of not telling you what we were at least--

PRESIDENT: Well, at least, at least...

HALDEMAN: We were--

PRESIDENT: ...nothing, of that sort because as a matter of fact, I didn't even know--I didn't know frankly that the, uh, the Ellsberg thing and so forth, er, electronically thing, you know what I mean?

HALDEMAN: Yeah.

PRESIDENT: You (unintelligible) report (unintelligible) on that.

PRESIDENT: And I guess there you deliberately didn't tell me-

EHRlichman: Well, sir, I didn't know, uh, uh. I didn't know what...

UNIDENTIFIED: (Unintelligible)

EHRlichman: ...Dean and his crowd were up to until afterwards.

PRESIDENT: Right.

EHRlichman: And I told you, afterwards we stopped it stopped it from happening again.

PRESIDENT: Right.

EHRlichman: In that setting, but, uh--

PRESIDENT: That was in the national security..

EHRlichman: That was in the national security--

PRESIDENT: Leak thing.

EHRlichman: That's right, but the, the, uh, interesting thing about Colson, corroborates what you say, is that when I got a phone call from Secret Service saying, there had been this burglary..

PRESIDENT: Yeah,

EHRlichman: ...the first guy I called was Colson.

PRESIDENT: Yeah. Course.

EHRlichman: And his response, as I recall it, was one of total surprise and there was just and, uh, and, and, he could have said then, "Oh, those jerks, I should have, you know, they shouldn't have," or "I, I knew about it earlier." . "He could have inferred that he know about it in a way that woulda meaningful to me but he didn't. He was totally nonplussed..

PRESIDENT: Yeah.

EHRlichman: ... the same as the rest of us.

PRESIDENT: Well, the thing is too, that I know that, you know, when they talk about, uh, this, this business of Magruder's saying that Haldeman had ordered it, the President had ordered it to go forward, of all the people who were surprised was, I mean, on the 17th of June-- I was in Florida--was me.

EHRlichman: Yeah.

PRESIDENT: Why? Were you there?

EHRlichman: No, I was here. Me and Colson.

PRESIDENT: Who was there?

EHRlichman: I called Colson--I called Ziegler and I said--. In this order, I called Colson, Haldeman, and Ziegler...

PRESIDENT: Yeah.

EHRlichman: ...and, uh, alerted them to this.

PRESIDENT: Yeah. And I read the paper and I said what in the name of God is this?

EHRlichman: Yeah.

PRESIDENT: I just couldn't believe it.

EHRlichman: Yeah.

PRESIDENT: So you know what I mean is that, uh, I mean I, I believe in playing politics hard, but I'm I'm also smart. What I can't, what, what I can't understand is how Mitchell would ever approve (unintelligible) signs it off-- That's the thing I can't understand here. Well, Magruder I can understand doing things. He is not a very bright fellow. I mean he is bright, but not--he doesn't think through to the end. Jesus Christ. But Mitchell knows the consequences of such.

HALDEMAN: Yeah, but I'll tell you what could have happened very easily there. Mitchell was Attorney General. He was using, legally, and sometimes (unintelligible) and using his very great capacity to wiretap and do other kinds of things every day and you got into a mind set and you get used to that.

PRESIDENT: Could be. Could be.

HALDEMAN: And it doesn't , uh, you don't regard it with the same kind of, of, uh, feeling that-

PRESIDENT: Yeah. Could be. Could be. Well, anyway.

HALDEMAN: Dean says--he says--I did see Liddy, roughly five or six times during that period of January to, to June, and it was always on campaign legal matters. You know.

PRESIDENT: Well, I know, Dean was--remember you always said Dean was, remember you told me, making all these studies of it..

HALDEMAN: Yeah.

PRESIDENT: ...and all.

HALDEMAN: Yeah.

PRESIDENT: I believe that.

HALDEMAN: He said at one of those meetings at one time, you know, (unintelligible), I said to Liddy something about how is it going? He said he started to say I'm having, a hell of a time getting approval on the intelligence operation. I says, and, and Dean says, "You know Gordon, uh, Gordon, uh, I told you that's something I know nothing about and don't want to know anything about, and he said that's right. Okay.

PRESIDENT: Yeah.

EHRlichman: January to June of '72. Right?

HALDEMAN: Now, here`s another factor, (unintelligible) know he is following up that point. He says as a matter of fact, the reason I called Liddy on June 19-- I said, "Now wait a minute. You called Liddy on June 19?" "Yes and the reason I did is because Kleindienst told me that Liddy had come to see him on the 18th at Burning Tree." That was the day after the discovery on Sunday the 18th, ah, and the purpose of that was to tell Kleindienst he had to get his men out of jail and all that. Kleindienst said, "I wish that God damned Liddy would quit talking to me about this stuff." At that time, Liddy told Kleindienst that Mitchell had ordered it.

PRESIDENT: Oh.

HALDEMAN: And you don't know that that's true. All you know is that Liddy was using that as his means for trying to get to the (unintelligible).

PRESIDENT: You know Mitchell could be telling the truth. Liddy could be too. But Liddy would just assume he had constructive

EHRlichMAN: That's right.

PRESIDENT: ...approval. Mitchell could say, "I, I ordered intelligence. I know I never approved this God damned plan." You, you've got to figure the lines of defenses that everybody's going to take here, uh, that's Mitchell's, right? What's Haldeman's line of defense? Haldeman's line of defense, "I never approved anything of this sort. I just "--you know that--What's Ehrlichman's? Ehrlichman, there's no doubt he knows nothing about it. The earlier thing, yes. We did have an operation for, for leaks, and so forth. Uh, what would you say if they said, "Did you ever do any wiretapping?" What would you say? There is a question on that. Were you aware of any wiretapping?

EHRlichINIAN: Yes.

PRESIDENT: Then you would say, "Yes." Then, "Why did you do it?" You would say it was ordered on a national security basis.

MARCH 27, 1973 FROM 11:10 A.M. TO 1:30 P.M.

28

EHRlichiman: National security. We had, we had a series
of very serious national security leaks.

(Telephone rings)

PRESIDENT:

RESTRICTED-"B"

MARCH 27, 1973 FROM 11:10 A.M. TO 1:30 P.M.

29

RESTRICTED-"B"

PRESIDENT: As you were saying on the--

EHRlichman: Uh, let me go back and pick up this business about taps, 'cause I, I think--I, I've I've done some checking and I want you to get a feel for what I would say if this Hunt thing, slopped over on me, uh.

PRESIDENT: Incidentally, my view is--I don't know Hunt. I don't think Hunt will do that.

EHRlichman: I don't think he will either, because--

HALDEMAN: You don't think he is going to have to take..

PRESIDENT: Right.

HALDEMAN: ...a fall for a very heavy burglary?

PRESIDENT: Right.

HALDEMAN: If he does--

PRESIDENT: Right.

EHRlichman: The, the, the line of, of a response would be this as I see it. Starting back in the days when I was Counsel to the President, we were very concerned about national security leaks and we undertook at that time a whole series of steps to try and determine the source of leaks. Uh, some of this involved na--national security taps duly and properly authorized and conducted, Now, we had three very serious breaches, and, and, after I left the office of Counsel, I continued to follow this..

PRESIDENT: Yeah.

EHRlichman: ...at your request. We had three very serious breaches. Uh, one was the whole Tad Szulc group; uh one was the Pentagon Papers and the other was the Pakistan, uh, India, uh, uh, set, but there were others all through there and so we had a,

we had an active and on-going White House involvement using the resources of the Bureau, the Agency and the various departmental security, uh, arms, uh, with White House supervision. Uh, in this particular instance, Hunt, Hunt became involved, uh, because at the time of the Pentagon Papers break we had, we had dual concerns. We had the concern about the integrity of other documents and we had concern about the relationship of this particular leak to other security leaks that we had across the government--Rand and, and so forth--and so we moved very vigorously on the whole cast of characters in the Pentagon Papers thing. Some of our findings have never come out. Uh, it was an effort to relate that incident to the other national security breaches that we had, and also to find out as much as we could about this. We threw a number of people into this that we had at work on other things. Among them Hunt, uh, and, uh he in turn Liddy. Uh, I didn't know and this is, this is fact. I, I checked this two or three ways. I didn't know what they were doing about this, this uh, operation in Los Angeles until after it occurred and they came to me and told me that it had been done and that it was unsuccessful and that they were intending to make a re-entry to try and, uh, secure papers that they were after. Uh, I said no, and, and stopped it at that point. Interestingly enough, Colson called me several times and remonstrated with me and tried

(Reel Two Begins)

to persuade me that they should go back in and I said no and I (unintelligible).

PRESIDENT: So Colson and Hunt, then were in contact?

EHRlichman: Obviously, in contact and I (unintelligible)--

PRESIDENT: Makes you wonder whether Colson and Hunt were in contact later.

EHRlichman: Well, that, that's an inference that arises. Now I have some memos from Colson to me about the Pentagon Papers problem and, uh, things that ought to be done.

MARCH 27, 1973 FROM 11:10 A.M. TO 1:30 P.M.

32

PRESIDENT: Yeah.

EHRlichman: That indicate to me that he was programming
Hunt at that point in time.

PRESIDENT: Yeah, yeah.

EHRlichman: Now, that he did later, I don't know.
(Reel One Ends)

EHRlichman: Now, I never had the slightest information that Colson (unintelligible).

PRESIDENT: Well, I knew that, uh, the, uh--

EHRlichman: Remember the Diem business?

PRESIDENT: Yeah.

EHRlichman: And., uh, and uh--

PRESIDENT: Yeah. I said let's get some facts.

EHRlichman: Right. And so Colson and I both were involved in finding this fellow Coneen, the CIA and getting his story on it.

PRESIDENT: Oh, yeah, yeah, yeah.

EHRlichman: And that's when Hunt first came in the picture because he was a go-between between us and Coneen.

PRESIDENT: Yeah, I see.

EHRlichman: And--

PRESIDENT: Oh, yeah.

EHRlichman: And that when--

PRESIDENT: I heard about that.

EHRlichman: First brought him forward.

PRESIDENT: I heard about that.

EHRlichman: Uh, then we kept Hunt on to do various things.

PRESIDENT: But, you know, as far as the whole thing that, uh, it, it was not Colson, but you that I was talking, to.

EHRlichman: That's correct.

PRESIDENT: In that case--

EHRlichman: That's correct. And I had no occasion to tell you anything about Colson's involvement...

PRESIDENT: That's my point.

EHRlichman: Ah, Young and Krogh operated that, the whole operation. From the beginning as a matter of fact with the other leaks, the Tad Szulc leaks and so on and they carried on through and, and Krogh is very frank in saying, "I authorized this, ah, this operation in Los Angeles, no two ways about it." He says, uh, "If I am asked, uh," he says, "that's what I'll say and I'll resign and leave the Department of Transportation and get out of town." He said, "I, uh, thought at the time we were doing the right thing and..."

PRESIDENT: Should he?

EHRlichman: ...and so forth. I don't think he'll have to. Number one, I don't think Hunt, uh, I don't think Hunt will strike him. If he did, I would, I would put the national security tent over this whole operation.

PRESIDENT: I sure would.

EHRlichman: And say, "Look, there are a lot of things that went on in the national interest there that involved taps, they involved entry, they involved interrogation, they involved a lot of things and I don't, I don't propose to open that up to scrutiny."

PRESIDENT: Right.

EHRlichman: Then just hard line it.

PRESIDENT: I think that's what you have to do there. But I wanted to get that one out. Okay. Go ahead.

HALDEMAN: Right. Now, on the Commission idea, uh, get Dean on that, uh, thing he proposed last night, cause I still think--he says he still thinks it's possible and, and has a good possible approach. He's been trying to pick it apart. Can't do it at this point. (Unintelligible), Uh he says the approach, as he sees it, is that the President says here's what's been charged

about the White House and about the Committee to Re-Elect the President. He puts it all in perspective in terms of political, you know, this kind of stuff goes on, this is all bad, without any--

PRESIDENT: Yeah.

HALDEMAN: But we are now at a point where fact and fiction are becoming badly confused. We are involved in an intense political situation with the press, with the Senate Committee, you know, and others are prejudging this case both Ervin and Weicker and others who are. (Unintelligible)

PRESIDENT: That various people will, defendants that are guilty, known to be guilty, are making charges.

HALDEMAN: Right.

PRESIDENT: Which, uh, should, should of course, be--

EHRlichman: The FBI is being falsely charged with, uh, inadequate, uh, uh...

PRESIDENT: That's right.

EHRlichman: ...activity and duplicity and so forth.

PRESIDENT: Yeah.

EHRlichman: The Justice Department and the U. S. Attorney's office are being, uh, uh--

PRESIDENT: They're...

UNIDENTIFIED: Question.

PRESIDENT: (Unintelligible) questionable.

HALDEMAN: Now, no man is above the law and that is a basic principle we must operate on, but under these circumstances, there's no possibility of a fair hearing and every man is

entitled to the protection of the law, and the public is entitled to the facts in this matter. But the people who are in charge and are involved are entitled to, fair treatment. People who are involved, or were then accused to be. So, I'm creating a super panel which will have the cooperation of all investigative agencies. All the people who have been charged in this matter, have volunteered to submit their entire, their facts, to this panel.

PRESIDENT: Be questioned by it.

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

PRESIDENT: What (unintelligible) is that.

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

PRESIDENT: (Unintelligible).

HALDEMAN: Anyone who does not submit to the proceedings of this committee under these conditions...

PRESIDENT: Resign.

HALDEMAN: ...will be faced with the fact that all information developed by the committee from all other sources will be turned over to the Justice Department for criminal prosecution. There will be no judgment until all the facts are received by the commission and then the commission will make public all of, its findings and the reasons for all actions taken. They will proceed in secret and their decisions will be final and not subject to appeal. And the people appearing before them will voluntarily submit to that. Right (unintelligible).

PRESIDENT: What kind of an appeal? How`s that (unintelligible).

HALDEMAN: Uh, I don't know.

EHRlichMAN: That`s--that sounds like a little bit simpler than that, than what I originally thought he had in mind. He says, uh

PRESIDENT: Wonder if the President has the power to set up such a thing. Can he do that sort of thing? I know that the main point. I don't think so.

EHRlichMAN: Executive process.

HALDEMAN: By voluntary (unintelligible).

EHRlichMAN: You get the (unintelligible).

EHRlichMAN: Yeah, but it isn't, it isn't that guy. It's the fellow who doesn't submit, who in effect is being denied due process.

PRESIDENT: Uh, you--you're right.

HALDEMAN: The information on him will be turned over to the criminal--might be he`d be subpoenaed.

PRESIDENT: No, then, you sort of condemned him by...

EHRlichMAN: Negative inference.

HALDEMAN: Yeah.

PRESIDENT: ...negative inference.

HALDEMAN: We're all condemned by negative inference right now.

EHRlichMAN: I, I appreciate that, but that's--

PRESIDENT: You're not condemned by a court.

EHRlichman: Uh, it's a little different. Well, I, that isn't, that isn't a sine qua non on this thing. No.

HalDEMAN: He feels that there are a lot of advantages on this, uh, and two major internal ones. It will take the panel a long time to get set up, get its processes worked out, get its hearings done and make its findings and then you'll probably be past the '74 elections which'll be desirable (unintelligible). Secondly, is the, the President maintains the ultimate stroke on it, because he always has the option on January 19 to pardon anybody who needs a pardon. So the potential ultimate penalty anybody that would get hit in this process could be about two years. His view would be to put--you need to get someone on the panel who knows politics. Former Governor, or something like that. But, uh, if you would want Earl Warren, if he'll do it, but he's down in Florida. What could that matter to the people? So what are you gonna do about Ervin? Well, you call Ervin down. You tell him the plans and explain why you're doing it, that justice is not being carried out now, there's a finger pointing and a lot of problems. And you ask him to hold his hearings in abeyance until the panel serves its purpose.

PRESIDENT: Ervin would say, "Well, I'll hold my hearings in abeyance on Watergate, but not on other things?"

HalDEMAN: I'm guessing.

PRESIDENT: That's their problem.

HalDEMAN: Then you ask--

PRESIDENT: Oh, that`s not-

HALDEMAN: Then, what about asking Ervin to serve on the panel. You see he thought that was a very good idea. He said he probably wouldn't do it, (unintelligible) stand on a sticky position.

The only other idea Dean comes up with is he said, "One thing you might want to consider is the President calling Mitchell in for a one-on-one talk. The President now has all the facts on this (unintelligible) tell us. But I, Dean, don't know the facts on Mitchell." He said, "I thin think that Mitchell would not pull any punches with the President and if the President--that, that would be a way to find out what Mitchell's true perception of what did and didn't happen was."

HALDEMAN: And that's probably the only--supposing you had (unintelligible).

PRESIDENT: Suppose now, the fact that (unintelligible) too, my time. Suppose you call Mitchell and say to him, "Will you--what do you, what do you learn, and uh, for what?" And Mitchell says, "Yes, I did it." Then what do we say?

HALDEMAN: It's knowledge than we possess right now. If he would only confess (unintelligible).

EHRlichman: I was just going to say, uh, maybe if Rogers said it to him (unintelligible).

PRESIDENT: Mitchell?

HALDEMAN: I don't think (unintelligible).

PRESIDENT: Mitchell? Mitchell despises Rogers.

HALDEMAN: Yeah, I know he does. Now for all it is. I didn't call Mitchell because I-- Dean thinks that we should go ahead with Magruder. Find out--

HALDEMAN: Well, Magruder--

PRESIDENT: Oh, I agree too.

HALDEMAN: (Unintelligible) and maybe (unintelligible) He thought maybe we want to approach this problem, basically behind a conference table. I think that ought to wait until after we've had this meeting and decide--

PRESIDENT: Shit, I mean...

HALDEMAN: (Unintelligible) and Mitchell.

PRESIDENT: ...Dean did the job (unintelligible).

EHRlichman: Well, I say, I think any idea of a meeting between you and Mitchell ought to wait until the Magruder, Haldeman, Mitchell meeting.

PRESIDENT: Oh, really?

EHRlichman: And., ah, and see what transpires there. Maybe the idea is that Magruder says his piece and leaves and then you talk to Mitchell.

PRESIDENT: What about the other way around?

EHRlichman: (Unintelligible)

PRESIDENT: Seeing about me getting Mitchell in and say, "Look, (unintelligible) you've got to (unintelligible) uh, tell us what the story is, John. You have to face up to where we are here. What did this guy say? What are you gonna say? How do we handle it and so forth."

HALDEMAN: My guess is Mitchell would stonewall. I think Mitchell would say, "Mr. President, if it will serve any useful purpose for you I would come--" (Unintelligible).

PRESIDENT: Isn't it as well, for me though to give a call (unintelligible) and ask him to meet

with Magruder? Or what do you think, John?...

EHRlichman: I have had from --

PRESIDENT: I have not really had from Mitchell, but I've had from Haldeman, I've had from Ehrlichman, and I've had from Colson cold, flat denials. I have asked each of you to tell me, and also from Dean. Now the President, therefore, has not lied on this and I, I don't think that yet has been charged. A lot of others have been charged, but they haven't charged the President with any offense. They are not, uh, in trying to protect his people who are lying. But I don't, uh, does, does anybody suggest that I probably did this whole damn thing?

HALDEMAN: As of now it is all saying that you're...

PRESIDENT: Yeah.

HALDEMAN: ...being ill-served by (unintelligible).

PRESIDENT: By my people. But I don't know about Mitchell. I never asked him.

HALDEMAN: Stick him. It can't hurt anything. (Unintelligible)

PRESIDENT: Get Mitchell down. What do I ask him?

HALDEMAN: Yeah.

PRESIDENT: What I've got to do is think in terms of my own plans. I've got to, I'll spend my day today on this, but I'll have to clear the deck for tomorrow (unintelligible/**REMOVED**).

EHRlichman: Uh, you say, uh, I've just had to make an assurance on John Dean. They tell me that I'm going to eventually have to make some assurances where you're concerned. What do I do?

PRESIDENT: Here is what, uh, Magruder is saying, uh--

EHRlichman: Magruder is saying?

PRESIDENT: Uh, I know, I think I will tell him here what Magruder is saying. I don't know really know what he is saying about the White House, but I understand he`S saying, he is saying that you signed off on it. Is that what Magruder is saying?

HALDEMAN: (Unintelligible) goes public on this, then you know--

PRESIDENT: Incidentally, if Magruder doe's that, let's see what it does to Magruder.

EHRlichman: It depends on how he does it. If he does it under immunity, it doesn't do anything to him.

PRESIDENT: All right, except ruin him.

HALDEMAN: Well, yeah.

PRESIDENT: He's got--oh, yes.

HALDEMAN: It ruins him in a way he becomes a, he becomes a folk hero to the media.

PRESIDENT: He becomes a hero with the media. Let me tell you in terms of--I know how these things work.

EHRlichman: But, but...

PRESIDENT: (Unintelligible)

EHRlichman: ...Mike Wallace will get him and he will go on "Sixty Minutes," and he will come...

PRESIDENT: Right.

EHRlichman: ...across as the All American Boy who was doing his, uh, who, who...

PRESIDENT: Yeah.

EHRlichman: ...just doing his thing--

HALDEMAN: His President.

EHRlichMAN: And his Attorney General and they misled him.

PRESIDENT: Yeah.

EHRlichMAN: And, uh, he can do it.

PRESIDENT: So--

HALDEMAN: And look at the alternative that he now sees. It is either that or he goes to jail on perjury.

PRESIDENT: How are they going to prove it?

EHRlichMAN: Well, that's the other thing. With other witnesses, not through his own mouth.

PRESIDENT: What other witnesses?

HALDEMAN: Beats me. I don't know how they can prove perjury.

PRESIDENT: Hunt?

HALDEMAN: He has to be a afraid they can because he knows--let's assume--he knows he did perjure himself..

PRESIDENT: Right.

HALDEMAN: ...and if you know that you are guilty, you have to be pretty concerned about someone's ability to prove it.

PRESIDENT: That's right.

EHRlichMAN: And Liddy and McCord and Sloan. Now that, that little thing in McCord's letter about Sloan has to worry him.

PRESIDENT: Yeah.

HALDEMAN: If it's about Sloan. Well, that's another thought. It may be about Barker, uh--

EHRlichman: Is he (unintelligible).

PRESIDENT: Yeah.

HALDEMAN: And it is more likely because Barker worked for him.

EHRlichman: I see. Yeah.

HALDEMAN: Uh, Barker said he couldn't remember who he delivered the tap reports to.

EHRlichman: I don't know whether he ever talked to Mitchell about this but the one thing about Mitchell, that really worries me is that his wife is gonna get up someday and say something on that her...

PRESIDENT: Ervin.

EHRlichman: ...husband. She's rattling the cage again apparently (unintelligible) whether Ervin will subpoena her...

PRESIDENT: (Unintelligible)

EHRlichman: ...what are you doing, what's happening?
Uh, the other thing that can happen is that either the Grand Jury or the Committee will subpoena him.

PRESIDENT: Her,

EHRlichman: Yeah.

PRESIDENT: She, she doesn't know anything.

EHRlichman: Well, I'm not so sure.

PRESIDENT: You think Mitchell could have told her?

EHRlichman: Either that or she listens on the phone. We know she listens on the phone.

PRESIDENT: Well.

EHRlichman: She can put two and two together and she can go in on pure hearsay.

EHRlichman: Just say, well I know what they were doing. She..

PRESIDENT: (unintelligible) can't testify against Magruder, against her husband, but, uh--

EHRlichman: Uh, but no, but, uh, she could go in. She wouldn't want to. She go and testify against everybody else, including you. She hates Kleindienst with a purple passion well, see, uh, he took her husband's job away from him.

PRESIDENT: Shit.

EHRlichman: She'd better start now.

PRESIDENT: It's her husband that wanted to leave.

EHRlichman: But you can't persuade her of that.

PRESIDENT: I see.

EHRlichman: She bad mouths him up one side and down the other every chance she gets. So..

PRESIDENT: Oh, I agree that's part of it when you really come down to it, but a woman is more responsible than anything else for the problem we've got here. Without her, John would have tended the store a little better. I really think so.

EHRlichman: Well, she's, uh, she's a wild card in this whole thing.

PRESIDENT: Yeah.

EHRlichman: And, uh, I think, uh you -- talk to him about that. I can't talk to him. I think he stonewalls me, but, uh, I think it's worth talking to him about, uh, if he really is going to try to tough this through and, uh--

PRESIDENT:

EHRlichman:

RESTRICTED-"D"

EHRlichman: And that's a terrible thing. I, uh, I think if he were faced with that reality, uh, he would, uh-

PRESIDENT: Well, what is Mitchell's option though? You mean to say, uh let`s, see what he could do. Does Mitchell come in and say, "My fault...My memory was faulty. I lied?" No. He can't say that.

EHRlichman: He says, uh, uh--

PRESIDENT: "That I may have given a-- without intending to, I may have given, been responsible for this, and I, I regret it very much, but I did not intend that, I did not realize what they were up to. They, they were talking, we were talking about apples and oranges." That's what I think he would say. Don't you agree?

HALDEMAN: I think.

EHRlichman: Yeah.

HALDEMAN: He authorized apples and they bought oranges. Yeah

PRESIDENT: Mitchell, you see, is never, never going to go in and admit perjury. I mean you can, uh, talk about immunity and all the rest, but he's never going to do that.

HALDEMAN: They won't give him immunity anyway, I wouldn't think, unless they figure they could get you. He is as high up as they've been.

EHRlichman: He's the big Enchilada.

HALDEMAN: And he's the one the magazines zeroed in on this weekend.

PRESIDENT: They did? Uh, what grounds? That he knew?

HALDEMAN: Well, just a quote that they maybe have a big fish on the hook.

PRESIDENT: I think Mitchell should come down. (Unintelligible).

EHRlichman: To see you, me, Magruder.

PRESIDENT: Yeah. We'll have him come down at 5:30. Tell him that there's, there`s, tell him that Magruder's (unintelligible). Come down I'd like to talk to him (unintelligible). I would like to talk with him, with you, Magruder and he -- is that who you mean? -- and Dean -- no, no.

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

PRESIDENT: Alright, well alright, (Unintelligible) Sit down and have it (unintelligible) then we should have my talk.

HALDEMAN: I would think so. I think that would be very constructive.

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

EHRlichman: I think that, I think that the stroke Bob has with him is that the, in the confrontation to say, "Jeb, you know that just plain isn't so," and, uh, uh, just stare him down on some of this stuff and it's a golden opportunity to do that and I mean, uh, and I think you will only have this one opportunity to do it.

HALDEMAN: Course he`s told me it isn't so before.

EHRlichman: That's all the better, but I, in his present frame of mind I'm sure he`s rationalized himself into a, into a fable that hangs together and--But if he knows that you are going to righteously and indignantly deny it, uh--

PRESIDENT: Say that he's trying to lie to save his own skin.

EHRlichman: It'll, it'll bend, uh, it'll bend him.

HALDEMAN: Well. then I can make a personal point of view in the other direction, and say, "Jeb, for God's sake don't get yourself screwed up by..."

EHRlichman: Yes.

HALDEMAN: ...solving one lie with a second."

EHRlichman: That's right.

HALDEMAN: "You've got a problem. You ain't going to make it better by making it worse."

PRESIDENT: Yeah, he'll be a hero for the moment, but, ah, in the minds of --

HALDEMAN: Well then you've got, then you've got Magruder facing all...

PRESIDENT: Let me tell you something...

HALDEMAN: ...the choices.

PRESIDENT: ...let me tell you something. Uh, I have been wanting to tell you this for some time (unintelligible) always dealing with the informer, good causes are destroyed. Chambers is a case in point. Chambers told the truth, but he was an informer, obviously it was because he was informed against Hiss, that they made it worse for him, but it didn't make any difference if he (unintelligible). First of all, he was an (unintelligible) informed and, uh, Hiss was destroyed because he lied--committed perjury. Chambers was destroyed because he was an informer, but Chambers knew he was going to be destroyed. Now, they've got to know--Magruder's got to know that this whole business of McCord going down this road and so forth. . Uh, I don't know what, I don't know what the (unintelligible):

EHRlichman: McCord is a strange bird.

PRESIDENT: He's trying to get out. I have never met him. Ever meet him?

EHRlichman: No. But, uh, Dean--

PRESIDENT: Tell me about him.

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

PRESIDENT: But, is Dean going to finger, uh, Magruder?

HALDEMAN: No, sir.

PRESIDENT: There's the other point.

HALDEMAN: Dean will not finger Magruder but Dean can't either. "Likewise, he can't defend Magruder.

PRESIDENT: Well--Alright.

HALDEMAN: Dean won't, Dean won't (unintelligible) Magruder. But Magruder then says, "Okay, if Dean goes down to the Grand Jury and clears, clears himself, there's no evidence against him except McCord's statement, which won't hold up, and it isn't true."

PRESIDENT: Right.

HALDEMAN: "Now, I go down to the Grand Jury, because obviously they are going to call me back

PRESIDENT: That's right.

HALDEMAN: "...and I go to defend myself against McCord's statement which I know is true. Now I've a little tougher problem than Dean has. You're saying to me don't make up a new lie to cover up the old one. What would you recommend that I do do? Stay with the old

lie and hope I would come out, or clean myself up and go to jail?"

PRESIDENT: What do...

HALDEMAN: Or what?

PRESIDENT: ...you advise? What would you advise him to do?

HALDEMAN: I, I'd advise him to go down and clean it up.

PRESIDENT: And say "I lied?"

HALDEMAN: Say, "I lied." I would advise him to seek immunity and do it.

PRESIDENT: Do you think...

EHRlichman: If he can get immunity?...

HALDEMAN: Absolutely.

PRESIDENT: Then what would he say?

EHRlichman: Say, "I thought I was helping. Uh, it's obvious that, uh, there is no profit in this route, uh, uh. I did it on my own motive. Nobody asked me to do it. I just did it because I thought it was the best thing to do from everybody's standpoint and I was wrong to do it." That's basically it.

HALDEMAN: Magruder's viewpoint that to be ruined that way, which isn't really being ruined, is infinitely preferable to going to jail. Going to jail for Jeb will be a very, very, very difficult...

PRESIDENT: Well, if it's a --

EHRlichman: Well Magruder doesn't seem to be (unintelligible)

PRESIDENT: Magruder is a very unusual person.

HALDEMAN: (Laughs) Yep.

PRESIDENT: (Unintelligible)

EHRlichman: The question is whether the U.S. Attorney will grant immunity under the circumstances.

HALDEMAN: Well, he would if he thought he was going to get Mitchell.

HALDEMAN: The interesting thing is, would be, would be to watch Mitchell's face at the time I, I recommend to Magruder that he go down and ask for immunity and confess.
(Pause)

PRESIDENT: Go on with this, uh, go on with this Commission.

EHRlichman: Step on that it seems to me is to sell Bill Rogers on the idea, if it's a good idea.

HALDEMAN: The, the other, first thing is to talk with Bill Rogers and see whether he comes up with a decent committee.

EHRlichman: Well I'd say first we've got to be convinced that it's a good idea. If the President's satisfied that it is a good idea, then we'll get Bill Rogers to (unintelligible).

PRESIDENT: Well you see, to make it is--the problem that we've got here as, we've gotta, we've gotta, uh, everybody (unintelligible) felt that the time and energy put into this thing (unintelligible) the amount of time that I should spend with Bill and Mitchell and so forth (unintelligible) necessary Rogers uh, how do we open that. Do you want to open it (unintelligible)

EHRlichman: ...glory in this for Bill (unintelligible). This is his idea (unintelligible) clean.

HALDEMAN: You see you're, you're saying Bill would publicly be the father of this.

EHRlichman: Bill would be the father of this. He'd go to Ervin and say, "I'm terribly concerned about...

PRESIDENT: He'd be the broker

EHRlichman: ...this whole business, uh, uh."

HALDEMAN: He came to the President and said this is what you must do.

PRESIDENT: Go to Warren?

EHRlichman: He`d go to Ervin and say I see this, this impasse developing between the Grand Jury and (unintelligible).

HalDEMAN: Might go to Judge Sirica?

EHRlichman: I don't think he would. Sirica`s smart.

HalDEMAN: I., I've heard of that.

EHRlichman: But why not ask him?

HalDEMAN: Sure.

EHRlichman: That's fine. Either that or go to Burger or go to, uh, somebody in the, in the Judicial Branch and, uh, have them designate two, uh, senior Judges from around the country who are retired, uh, trial judge types. And just designate them at random. It takes it out of your hands. Ah, they represent the judicial and., uh--

PRESIDENT: Yeah, and not have Warren?

EHRlichman: And, and not have Warren. No, no.

PRESIDENT: Warren is so old, you see.

EHRlichman: He scares me to death.

HalDEMAN: Then you'd have to ask the uh...

PRESIDENT: The War...

HalDEMAN: ...the speak...

PRESIDENT: ...the Warren thing.

HalDEMAN: ...the speaker and the Majority Leader.

PRESIDENT: No.

EHRlichman: No, they've already done that.

PRESIDENT: The Congress--

EHRlichman: They've already done that. I think you are off the hook on that.

HALDEMAN: You mean invite Ervin and Baker?

EHRlichman: You invite Ervin and Baker and if they decline, then that's the whole story of the Congress.

PRESIDENT: Then just have the two con--, uh, the two senior Judges.

EHRlichman: The two senior judges and, uh--

PRESIDENT: Why not just have a panel of senior judges rather than try to get--you talk about the former Attorneys General and so forth, you've got them (unintelligible) their problem.

HALDEMAN: I would take your, take senior judges.

PRESIDENT: You see, if, uh, we asked, uh, the Chief Justice if he would designate a panel of three, a panel of three senior judges, or four, --Clark.

EHRlichman: Maybe Clark, Clark as the chairman.

HALDEMAN: Clark as chairman.

EHRlichman: Yeah.

PRESIDENT: Clark is a Democrat and a former Attorney General. He'd be the Chairman.

HALDEMAN: (Unintelligible),

PRESIDENT: Right

HALDEMAN: And then you, uh--

PRESIDENT: A panel of three I think would make a lot of sense. Now they have to have a staff. How do we finance that? The Justice Department? the Justice Department (Unintelligible).

EHRlichman: Clark's (unintelligible) lawyer all over. He's got an office over here in the Federal Building, and, uh--

PRESIDENT: They would, they would hire, uh whatever, their own counsel (unintelligible).

EHRlichman: What that does is to tend to one up...

PRESIDENT: Ervin.

EHRlichman: ...Ervin and the Grand Jury with yet a third investigatory group.

PRESIDENT: Yeah.

EHRlichman: It seems to me, that, if it is just senior judges, you miss the genius of the thing and that its got to be executive, legislative, and judicial.

PRESIDENT: Speaking of (unintelligible).

HALDEMAN: Why executive? Executive is what's on top.

EHRlichman: Well, executive in a sense that, uh, uh, you have citizen members. You know, the public is represented. It's the government, the whole, the whole question of integrity (unintelligible).

PRESIDENT: I think that if you get Congress, if you, better if you get just judges. I think a panel of judges isn't all that bad either. A good standing (unintelligible) panel of three judges.

EHRlichman: I don't think it sells, though.

PRESIDENT: Yeah.

EHRlichman: That's the trouble.

PRESIDENT: Yeah.

EHRlichman: I mean, it, it, then you, all you look like you're you look like you're dragging a red herring across the trail. Uh, you have to have some kind of a ration, uh, uh, (unintelligible) Bill.

HALDEMAN: Bill, might now, now does undoubtedly-- some ideas on it, too.

EHRlichman: Maybe we, uh--

PRESIDENT: Prominent Americans.

HALDEMAN: But then it has a reason for being and has a reason for pre-empting.

PRESIDENT: What about making Clark chairman?

HALDEMAN: The former, both executive and legisla-- and judicial type, and then have two senior judges plus Ervin and Baker. There's the thing.

PRESIDENT: Well, anyway let's, let's talk about this, uh, (unintelligible).

EHRlichman: I think in principle, though, getting a line around this whole subject is terribly important at this point rather than just bleeding this every day for hours at a time.

HALDEMAN: Sending John Dean to the Grand Jury--

PRESIDENT: Oh, I understand that, I understand that. My point is, John, I don't think we could get it. People say, you gotta get it out tonight for example. It isn't going to be done tonight or tomorrow night. We just, we just, we can't get it done that fast.

HALDEMAN: I don't think you want to anyway. I think you want to end the war and freeze...

PRESIDENT: Uh, (unintelligible).

HALDEMAN: ...food prices first, and then do this.

PRESIDENT: I wish it were Friday.

HALDEMAN: Friday is the time to do it.

PRESIDENT: That means we've gotta get going today. All right, whose talks to, uh, who talks to, uh, should, uh, should John Ehrlichman and you talk to Bill Rogers, or is that a waste of time?

HALDEMAN: As of now John should not, because Bill is very concerned about not talking to people about it. I already have, and I think I should.

PRESIDENT: Right. Fine. All right, you get John--

HALDEMAN: he may--

PRESIDENT: You get, you get Bill to come over. Say you want to talk to him first and that I want to talk to him. Fair enough? But you will say he comes over to see me. The second point is that, uh, call Mitchell. Maybe you better make these calls now so I will know what the hell my schedule is this afternoon.

EHRlichman: I'm going to be seeing Kleindienst on this, uh...

PRESIDENT: Yeah.

EHRlichman: ...on other subjects.

PRESIDENT: All right.

HALDEMAN: This is Haldeman. Will you get me John Mitchell?

PRESIDENT: What do we want Kleindienst to do?

EHRlichman: Do you want me to raise this thought with him in a hypothetical way?

PRESIDENT: Kleindienst's judgment isn't worth a darn. Alright. **RESTRICTED-"D"** Uh, the only thing I would say on Kleindienst at the moment is, uh, uh, tell him, because we, because we're going to have to break with Gray who's killing us (unintelligible).

EHRlichman: That's one thing, I think whether or not--

PRESIDENT: (Unintelligible) know what Gray's going to do. Can you really, can we really handle it that way?

EHRlichman: And how we run the Bureau and, uh--

PRESIDENT: Yeah, who runs it (unintelligible) the other thing is, uh, I don't know what Kleindienst

knows or believes about this damn case.

HALDEMAN: Right.

PRESIDENT: I once said to John or to Kleindienst, I said, "You know the man they're really after here is, uh, is John Mitchell." He said, "Oh, no, they are not after John Mitchell." I said, "Did you ever talk to him about it?" He said he has never discussed the damn thing with Mitchell.

HALDEMAN: Well, God damn it, he talked to Weicker. Now Weicker's out today with another statement of, of, uh--

PRESIDENT: What did he say today?

HALDEMAN: He has absolute proof that it goes to the White House staff and, uh, he's not going to name names until he gets his evidence in hand but something will turn up any day.
(Noise)

PRESIDENT: Well, what--Kleindienst--uh, well, raise that with him again.

EHRlichman: Well, Weicker (unintelligible)

HALDEMAN: (Unintelligible) Weicker (unintelligible).

PRESIDENT: Yeah.

HALDEMAN: He ought to say--

PRESIDENT: He ought to say (unintelligible)--ask for this information

HALDEMAN: (Unintelligible) the Senator told me he didn't have any. Now he is back out in the press again. I don't understand that.

PRESIDENT: Well, who is, who does Weicker? Who does he think he's been talking about?

HALDEMAN: I haven't any idea. Uh, I don't know. I don't know who it can be.

PRESIDENT: Maybe it's this, uh, maybe, uh, Magruder talked to Weicker. You think so, you think. Huh?

HALDEMAN: I don't think so.

PRESIDENT: I don't know how he's getting it.

HALDEMAN: I don't think Magruder's talking to anybody yet. I don't think so.

PRESIDENT: Then where's Weicker getting (unintelligible).

HALDEMAN: McCord's talked to everybody he can, including Mary McGrory, uh, uh.

PRESIDENT: McCord, McCord at the present time only fingers. His present finger is pointed only at two people, Dean and Magruder...Correct?

EHRlichman: So far.

PRESIDENT: So far.

EHRlichman: And of all people, McCord would be in a position, I would think, to involve Mitchell. He spent all that time with Mitchell and Martha.

PRESIDENT: But the question is, the question is whether McCord has got anything on the White House staff.

EHRlichman: Hell, no. Hell, no.

PRESIDENT: That is--Have you talked to McCord? (Unintelligible) I, I do think that Kleindienst has got to take up the (unintelligible) on this...

EHRlichman: Right.

PRESIDENT: ...business of, uh, Weicker right away. Again, he's out again today, uh, uh, uh.

EHRlichman: Did Weicker have much to do with Gray?

HALDEMAN: Yes. He's a friend of Gray.

PRESIDENT: Huh.

EHRlichman: Might have come from Gray. I don't know.

HALDEMAN: Weicker has very much to do with Gray. Weicker is Gray's sponsor. Weicker was against the White House before they sunk Gray and Weicker has issued a very vicious statement about us that this doesn't reach to the President, but it sure gets to those sons-of-bitches around him, and I think he almost uses the words sons-of-bitches. It's a, it's as close to it as he could get.

PRESIDENT: Weicker says that?

HALDEMAN: Terrible people around him, evil men.

PRESIDENT: Have you thought about Colson?

HALDEMAN: Could be. That's what Dean thinks.

PRESIDENT: Dean thinks Weicker is talking about Colson?

HALDEMAN: Yeah, I think he does. He thinks it's Chuck. (Unintelligible).

PRESIDENT: Do you think Gray could be talking to Weicker? John, does Gray have a problem with Colson?

EHRlichman: Not that I...

HALDEMAN: I don't think he has.

PRESIDENT: John, uh, you'd have no problems in calling Pat Gray and asking him what the hell Weicker is up to. Do you mind? You mind?

EHRlichman: Not at all.

PRESIDENT: I think you should, uh, we got, uh, we gotta say, "Look, we can't understand what you're, what you're doing on this thing. We, uh, if there is anybody, the President wants to know."

HALDEMAN: Why the hell does he tell the newspapers instead of telling somebody else?

PRESIDENT: And, and ask, ask him, as the Director of the FBI, to ask Weicker what it, what it is. He's, uh, he's, uh, he's, he, he, as the Director of the FBI, is supposed to get all the information he can now. If there's anybody. And the President wants the information. I wanna put it, let's try to get to Weicker through Gray. Uh, would you, would you mind trying that, and trying that? I think, I'd like you to try that very soon...

HALDEMAN: (Unintelligible)

PRESIDENT: ...like, like on the phone.

EHRlichman: Right away.

PRESIDENT: You go try that out on Weicker. What time do you go to see Kleindienst?

EHRlichman: I don't know. They were setting it...

PRESIDENT: Right.

EHRlichman: ...up when I came over here.

PRESIDENT: Alright. You're going to set up a meeting with (unintelligible) right now.

HALDEMAN: Mitchell first. Get him first.

PRESIDENT: Alright.

HALDEMAN: Fine.

PRESIDENT: Uh, you know John, let me add that, let me go by one other thing here that, uh, (unintelligible). I was pointing out that, uh, (unintelligible) and so forth (unintelligible). Of course, of course you've got to change Gray. You know that. Kleindienst, I don't want you, I don't, I think you got to ride with that a while. I don't think you can just kick the Attorney General out like that, you know. He was going to go anyway at a certain time, so he can go. Beyond that, I think, I think the point is to say that

members of the White House staff who are called in and so forth, they wouldn't have to, Dean would have to take a leave of absence, uh, suspended leave of absence. (Unintelligible) You would have to, or Bob would have to in the event you were named. I think they'd have to mention cutting off at the pass some place here and let me, uh, uh, let me put it this way and the spectacle of just taking the whole God damned White House staff on. If this goes too far (unintelligible). There's some place where you've got to set them off.

HALDEMAN: Well, once you establish it, that you are following that route, if they were smart, they would just start naming everybody just so you'd, you'd..

PRESIDENT: (Unintelligible) except that.

EHRlichman: What, what I'm getting at here and, maybe that isn't the way to do it, I don't know, is to insulate you, number one..

PRESIDENT: Right.

EHRlichman: ...from these people to make you appear to be ahead of the power curve mounted and also to have some symbolic act of absolution after the thing is over, by being able to take, taking them back on. And say, "All right, we've been through the whole thing. They fired the worst they had, but didn't make the case. I'm taking this guy back and re-instating him with full status. " Uh, so that was the, that was the reason that I just, I, I can see the, the practical problems you would be faced (unintelligible) you've got an awful lot of guys around here who are--

SEVERAL VOICES: (unintelligible)

PRESIDENT: That isn't the problem. The problem is not the fact that we can't run the shop. We can run the shop, as well, we can run it. But on the other hand, uh, you

say, like, uh (telephone rings) let's use,
let's--let's use--

(Haldeman picks up telephone)

PRESIDENT: Haldeman,

HALDEMAN: Yeah.

PRESIDENT: Haldeman could (unintelligible) beat these charges. Say Haldeman wanted to leave (unintelligible).

HALDEMAN: Hi, John. Fine, yeah. Where are you--New York. Any chance of your coming down? That's okay. Can't do it today? Uh, could you come down first thing in the morning?

UNIDENTIFIED: (Unintelligible)

HALDEMAN: Tonight? You rather come? Yeah, yeah. Okay. Yeah, uh, to see me and also the other fellow. Good. I think we should check back out a couple things again. You mean that Commission thing? Yeah. What's your feeling on that?

UNIDENTIFIED: (Unintelligible)

HALDEMAN: She goes a little far on this thing about (unintelligible) and all that sort. And not necessary. Just set up the Commission and let them report on their findings with the idea that criminal, uh, prosecution will evolve. It's a, it's a blue ribbon, four star grand jury. That's really what it is. Uh, one other thing that, uh, delays your coming down, is, is, uh. Did he tell you that Jeb wants to meet with you and me? Oh, he is? Okay. That's, that's the, I thought, well--the last I heard was he wanted to get together with the two of us and now it is the next thing we're going to take a stab at down here. Uh, if he is there, you will have covered that ground with him. Ervin? Full Committee. No, no. That's, uh, a (unintelligible) Nothing. Yes. Well, (unintelligible) do it. -There has been specific follow up on specific items, but, he, he does. If you can and say, "Call

somebody and say this," he calls somebody and says it exactly that and calls back says, "Well, I didn't get any answer." And that's the end of that. There is no initiative and there's no stuff beyond the (unintelligible). But Dean says we aren't getting that either. I'll, I--do you think I should talk to Kleindienst? You do? Okay, okay. On a) of the Committee and b) the Grand Jury. Uh, what will you do, have the office call what time you're gonna be here? Okay. Right. Thanks. Yes, sir. Sure, sure. Okay.

(Hangs up telephone)

HALDEMAN: Magruder is with him right now.

PRESIDENT: (Unintelligible).

HALDEMAN: (Unintelligible).

PRESIDENT: Don't wait. What I meant is, I'd like to get a report on his conversation with Magruder. Would you call him back on that?

HALDEMAN: Sure.

PRESIDENT: (Unintelligible).

HALDEMAN: It's worth a try.

PRESIDENT: Okay, but, uh, keep trying. It is now one o'clock, so probably--

HALDEMAN: Secretary of State, please, (unintelligible) yes, please.

PRESIDENT: Will he do it?

EHRlichman: Yeah.

PRESIDENT: What did he say?

EHRlichman: He said the only thing he knew was that, uh, Kleindienst had reported to him briefly that he had had a very amicable meeting with Weicker...

PRESIDENT: Aah.

EHRlichman: ...and that, but he didn't know any of the details of the meeting and I suggested to him that he talk to Kleindienst first to find out what Weicker had said to Kleindienst before he, Gray, contacted him.

PRESIDENT: I don't know. Did he.

EHRlichman: Then I suggested to him (unintelligible).

HALDEMAN: (Unintelligible) this afternoon to meet the President? What's your time? We ought to get together for a few minutes ahead -- let me give you some background on what we have done, uh. What's, what's the earliest convenient time for you. Uh, two o'clock? Is that all right? Is it? Okay. When, when make it that you have an appointment with the President.

PRESIDENT: (Whispering) I've got Boggs at three.

HALDEMAN: Oh, wait a second.

PRESIDENT: Bob, I've got Mrs. Boggs at 3, so make it 2:30 so that I see him at 2:30.

HALDEMAN: How about 2:30? Good. With me, and, and, because the President is tied up for a few minutes at three and we could go over at 3:15. I think you ought to say with the President. Yeah, and then just, just, just stop by my office on the way. I think your record ought to be a meeting with the President. Okay. All right.

(Hangs up telephone)

EHRlichman: So Gray's going, Gray's gonna do this. He's going to check with Weicker and then I left it with him that he would either report through me if it were appropriate, or if not, to you direct, so that, uh, you'll hear one way or the other.

HALDEMAN: He's going to call Weicker?

EHRlichman: He's going to see Weicker, see
(unintelligible).

PRESIDENT: That's good.

HALDEMAN: Yep.

EHRlichman: Today (unintelligible).

PRESIDENT: Weicker. I don't know Weicker
(unintelligible) but, uh, but mostly he
(unintelligible) here--

HALDEMAN: (Unintelligible) (Laughs)

PRESIDENT: What the hell makes Weicker kick?

EHRlichman: Nobody's been able to figure that out.

HALDEMAN: He sure must be mad at one of us. I don't
know who or why.

PRESIDENT: (Unintelligible) report. You know what I
mean.

(Reel Three Begins)

EHRlichman: I don't know of any specific...

SEVERAL VOICES: (Unintelligible)

EHRlichman: ...down here at all, uh--I've heard that he's
just establishing his independence at this
point against the upcoming Committee
hearings.

(Reel Two Ends)

HALDEMAN: Undoubtedly he's meeting with Jeb Magruder.

EHRlichman: Oh, really?

UNIDENTIFIED: (Unintelligible)

HALDEMAN: That isn't why he's been at Weicker's office, too. He says he could come down later.

PRESIDENT: He says at the market house?

HALDEMAN: I think he said market house. I don't know. I think--

EHRlichman: I know what he means.

PRESIDENT: I really think I should not try to do that speech Thursday night. (Unintelligible) more important things.

HALDEMAN: No, sir.

EHRlichman: That's the most important thing is to keep the momentum of the presidency going...

HALDEMAN: That's right.

PRESIDENT: ...I know, I know, I know, I know, I just meant though--I'm just thinking--there's uh, having this long seance with Mitchell tomorrow and it's going to be very difficult. Well uncomfotable, not difficult. At least let's not have me scheduled on Thursday. (Laughs) Keep one day open. It takes a little preparation. Although I've been doing reasonably well.

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PRESIDENT: Anybody else that you can think of, to mull over this plan? Rogers is coming in at three. Well, well--

EHRlichman: I will see Kleindienst. That's...

PRESIDENT: You'll see Kleiridienst?

EHRlichman: ...settled.

PRESIDENT: When?

EHRlichman: This afternoon at three o'clock.

PRESIDENT: Three o'clock, and then I think--

HALDEMAN: Should I also see Kleindienst?

PRESIDENT: Huh?

HALDEMAN: Yeah. Should I--or should John be the only one?

PRESIDENT: John you do it. That's what Mitchell, Mitchell was asking.

HALDEMAN: Mitchell is very distressed that Kleindienst isn't stepping up to his job as the contact with the Committee, getting Baker programmed and all that, A, and B, that he isn't getting, you see Dean got turned off by the Grand Jury. Dean is not getting the information from Silbert on those things said at the Grand Jury. And Mitchell finds that absolutely incompetence and says it is Kleindienst's responsibility (unintelligible) He's supposed to be sending us (unintelligible).

PRESIDENT: John, put it on the basis that you're not asking, so it doesn't look like the White House is asking; that John Mitchell says--you've got to have this information for the Grand Jury (unintelligible). Put it right on that basis, now, so that he--everybody can't then say the White House raised hell about this, because we are not raising hell. He shouldn't Kleindienst shouldn't--where are you going to see him, there or here?

EHRlichman: In my office.

PRESIDENT: Explain with him about how much you want to tell him about everything.

EHRlichman: Uh, I, I--

PRESIDENT: I think you've flatly got to say, "Look, look--" I think you flatly got to say, "Look, Dick, let me tell you--Dean was not involved--had no prior knowledge--Haldeman had no prior knowledge; you, Ehrlichman, had none; and Colson had none. Now, unless--and they're--all told that the president and if you have any information to the contrary you want to know. You've got to know it, but you've got to say too, that there is serious question here being raised about Mitchell. Right? Now that's about all...

Ya see, Magruder is playing--the game, the game is interesting here. McCord is throwing off on Magruder and Dean. Why he picked Dean, I don't know.

Why did he pick Dean? Except that Dean was in the news I guess.

Now wait a minute. All right, now what is Magruder's doing? Magruder. What's shocking to me is that he's playing off against the one area that I wouldn't think he would play off--against Haldeman.

HALDEMAN: Yeah. Yeah. Because he had thought about--

PRESIDENT: He didn't pick Strachan. Nobody gives a shit about Strachan, but they care a hell of a lot about Haldeman.

HALDEMAN: You'd think he'd--

PRESIDENT: And then Magruder, Magruder was made by Haldeman.

EHRlichman: Yeah.

PRESIDENT: And he knows and he also knows it's not true.

EHRlichman: Uh, I--I--

PRESIDENT: I can't figure it out.

EHRlichman: Well, I wouldn't be surprised if, uh, McCord had been led by Committee Counsel. All the stuff about--

PRESIDENT: Dash?

EHRlichman: Uh, yeah. All the stuff about Dean comes in the LA Times story. Yeah, it doesn't come in the Mc Cord letter.

PRESIDENT: Yeah.

EHRlichman: And Dean is the logical target of the, of the Committee.

PRESIDENT: How do you analyze Magruder, uh, tossing it off to you rather than to Mitchell? I mean did that surprise you?

HALDEMAN: Well, he hits Mitchell too. I think he's trying to wrap me because he wants to get you in. I think, uh, my view is that what Magruder was doing here was firing a threat rather than an intent to say it--I don't think he intends to use that so much as he intended--he's trying to get. people shook up.

PRESIDENT: He isn't asking to see me is he?

EHRlichman: Oh, no. He's trying, he's trying to get the line around you for his own protection.

HALDEMAN: (Unintelligible)

In other words, if all Magruder is going to do is take the dive himself, then we aren't going to care about it, if he makes, if he makes us worry that he's going to get...

PPRESIDENT: John...

HALDEMAN: ...Mitchell, you and me.

PREESIDENT: ...do you see any way though, any way, that Magruder can stick to his story? No.

EHRlichman: Yes, because he's an, he's an ingenious ...

PRESIDENT: Stick to the story? Yeah.

EHRlichman: ...He is an ingenious witness, uh, uh--I think. I'm told. If he is really as good as he is, uh, as they say he is as a witness, its possible he could get away with it. Uh, it's, it's arguable.

PRESIDENT: So, that its his word against McCord.

EHRlichman: And, and he is flowing with the stream, you see, he's, he's saying the things they want him to say.

PRESIDENT: No. No. No. NO. No. No. No. No. I don't mean if he says, if I, I mean--

EHRlichman: Oh, if he sticks to his old story--I see, I see.

PRESIDENT: No.

EHRlichman: I thought you meant the story he's laying out here.

PRESIDENT: Oh, no. No. This story. No. No. No. No. No. No. No. They'd take that in a minute.

EHRlichman: I tell ya I am, I`m to the point now where I don`t think, this thing is going to hold together, and my hunch is that anybody who tries to stick with a story that is not susceptible to corroboration is in, going to be in serious difficulty.

PRESIDENT: So, what do you feel then?

EHRlichman: Well, that is why I said I thought he ought to move to a, a real and immune confession of perjury if he can do it. There's too many crosscurrents in this thing now.

PRESIDENT: Yeah. This is my view that (unintelligible), I'm sure he checked it out. If Magruder is going to say that--then what the hell is in it for him?

EHRlichman: Immunity.

PRESIDENT: Well, if he gets immunity—Good..

EHRlichman: Yeah.

PRESIDENT: ...Good God! Can't--Do we have--can't the U.S. (unintelligible).

EHRlichman: We've not enough influence.

PRESIDENT: Who grants immunity? The judges?

EHRlichman: Sirica grants immunity in the Grand Jury proceedings.

PRESIDENT: Yeah.

EHRlichman: Uh Ervin grants it in Congressional proceedings and the Attorney General can grant it in anything.

PRESIDENT: Could the Attorney General grant it in the Congressional?

EHRlichman: No. No, but what he does there is informally work out with the Congress..

PRESIDENT: Yeah

EHRlichman: ...the tendency of Justice Department action.

PRESIDENT: I see.

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PRESIDENT: (Unintelligible) anything new at this point. You've got (unintelligible). You inform me if you got something on Gray, uh, Weicker--

EHRlichman: Yeah..

PRESIDENT: Inform me as soon as you got something on Kleindienst, alright?

EHRlichman: Alright.

PRESIDENT: I have a real woodshed (unintelligible) Mitchell God damned disappointed. you know, he'll just jump up and down and shout (unintelligible). Let's level, I'm gonna level with him. This is, this is a bad rap here. We're not going to allow it. Our real problem is Mitchell. Now what about this? What are you going to do about it? What are you going to get out of it? He knows God damn well,

Mitchell is right. Of course, we ought to know, Can't the Attorney General call in, uh, Silbert, or is that too dangerous for him?

EHRlichman: Well, he doesn't have to do that--ah, Henry Petersen follows that thing on a daily basis.

PRESIDENT: Henry. Petersen?

EHRlichman: Henry can let Dick know, and that's all there is to it.

PRESIDENT: Alright. You just tell Dick. Alright. You see the problem is, there, that Dick thinks I am - if he says he has furnished the Grand Jury things to the White House that there's a problem.

EHRlichman: It's a tender, it's a tender point. I think what he has to do--(Unintelligible).

PRESIDENT: No, you could say this. What does he need now that--our interest here--you could say is whether any White House people are involved...

EHRlichman: That's right.

PRESIDENT: ...and we will move on them.

EHRlichman: That's right. And the President wants to know--

PRESIDENT: That he, that that's what he, that, that's the purpose. We're not interested in protecting anybody. We want to know what the hell they're saying.

EHRlichman: Absolutely. That's the only basis on which to negotiate.

PRESIDENT: We get that today?

EHRlichman: Yeah.

PRESIDENT: Get it every day so that we can move one step ahead here. We want to move. We're not going to wait til a Grand Jury drags them up there.

EHRlichman: OK. I'll let you know as soon as that's done.

PRESIDENT: I wonder if we aren't, if we're in a position to, to talk with Rogers and, so forth and all the evidence.

EHRlichman: Judge Sirica. What the, that's, in effect, what you would do if you sent everybody down to the Grand Jury

PRESIDENT: I see,

EHRlichman: I think the judge does not have--

PRESIDENT: You don't think sending them to the Grand Jury is a viable option?

EHRlichman: This idea doesn't...

PRESIDENT: I mean, I'm just thinking. I, I know setting up these commissions are so difficult so-- Well, we'll see, see what Weicker says.

EHRlichman: Well, think about it in these terms. If you came out Friday and said, "OK, I wanta, I'll get this thing cleared up, so I'm going to send every man jack in this White House staff down to the Grand Jury--

PRESIDENT: To hang (unintelligible) terrible, terrible. Sure. Sure, (unintelligible).

EHRlichman: ...Anybody who knows anything about this, either directly or indirectly. And, uh, I'm calling on the judge -- I've talked to the judge and he assured me it will be done very expeditiously and, uh--

PRESIDENT: What I was thinking, you see, as, as, as an alternative. The judge is now coming out as a white knight here. The judge is a, is, is and incidentally, he, we can say in a sense that the judge has given a sentence of 55 years to somebody who, who had no former, former offense and so forth and so on...

HALDEMAN: Ridiculous. (Unintelligible)

PRESIDENT: ...but the reason the judge is going into this much deeper, is because he thinks there is a cover.

HALDEMAN: Certainly.

PRESIDENT: Uh--

HALDEMAN: Sure.

PRESIDENT: I don't think you can hold that against the judge. You know, I, I, I do in a way, but you know

EHRlichMAN: He's the proprietor of a court room and he...

PRESIDENT: Right.

EHRlichMAN: ..tries to...

PRESIDENT: Right.

EHRlichMAN: ...to, to conduct a good trial to get (unintelligible). That`s what it is.

PRESIDENT: Yeah. The point is, is while I've--another (unintelligible) what we're doing here tonight is the problem--I'm going to try to set up another procedure, call the judge in and say, "Judge, we'll, we'll, we'll, we'll, we'll, we'll, we'll will carry out this investigation by sending them all down here and, uh, you can question them. I want everybody here and I want, I want you to get to the bottom of this thing. You will have my total backing." Now that is another way to do that.

EHRlichMAN: That's OK. As long as you then get out in front.

PRESIDENT: No. I didn't say--

EHRlichMAN: You say to the country...

PRESIDENT: No.

EHRlichMAN: "I`ve now had this conversation...

PRESIDENT: Yeah.

EHRlichMAN: "...with the judge--"

RRESIDENT: Yeah.

EHRlichMAN: The thing that I got, that...

PRESIDENT: Well, that's what I mean.

EHRlichMAN: ...that's what I would say. The thing that I get over, over and over again from just ordinary folks...

PRESIDENT: Alright.

EHRlichman: ...on this subject is, "Why doesn't the President," so and so and so and so.

PRESIDENT: Say something what's he done on it?

EHRlichman: Yeah. So symbolically you've got to do something.

PRESIDENT: That's right. Do something so that I'm out front on this every--

EHRlichman: That's right.

PRESIDENT: They don't think the President is involved but they don't think he'd doing any--doing anything to clean it up.

EHRlichman: That's it. That's it.

PRESIDENT: No matter how often we say we will cooperate--the FBI (unintelligible).

EHRlichman: That's right.

PRESIDENT: They're not going to believe that at all.

EHRlichman: It's not getting through. Ziegler is not sufficiently credible on this.

PRESIDENT: That's right.

EHRlichman: In a sense, because--

PRESIDENT: What about the judge business? Let's look at it that way, rather than at the commission.

EHRlichman: Well, then, then what you've got is you've said, "I'll send John Dean; I'll send Haldeman; I'll send everybody to the Grand Jury. No immunity. Just send them down there to testify. Let it all, let it all come out."

PRESIDENT: (Unintelligible) Grand Jury?

EHRlichman: It's up to him to grap them where, people(unintelligible).

PRESIDENT: You're, not -- No.

EHRlichman: That's right.

PRESIDENT: No. I mean, I'm not going to--

HALDEMAN: You grant executive privilege; you say, I am waiving, executive privilege?

EHRlichman: I think you do.

PRESIDENT: Yeah.

HALDEMAN: I think you do.

PRESIDENT: Now Colson disagrees with that one.

HALDEMAN: He says you're nuts.

PRESIDENT: No. I can say, consistent with him, I can say definitely, uh, uh -- when you say executive privilege.

HALDEMAN: You instructed us to be as forthcoming as we can.

PRESIDENT: Yeah. All the facts that have to do with any of this thing, this thing here, there is no--

HALDEMAN: I consider...

PRESIDENT: No. No.

HALDEMAN: ..waiving executive privilege.

PRESIDENT: Yeah. No. No privilege will be claimed unless it is, uh absolutely necessary or something like that, or we'll work, we can work out something.

EHRlichman: 'Cause that will be the following question, the minute, the minute that you say (unintelligible).

PRESIDENT: On all, for me to say that on all matters-- that all the matters that relate to this particular matter, "Yes--

HALDEMAN: That is what I would say, "Executive Privilege is waived."

PRESIDENT: I think you've got to say that, Bob.

EHRlichman: You could say this. You could say I have never had a communication with anybody on my staff...

PRESIDENT: Yeah.

EHRlichman: ...about this burglary...

PRESIDENT: Therefore--

EHRlichman: ...or about Segretti, prior to--

PRESIDENT: Prior to--Segretti is not in this court so that's no problem.

EHRlichman: Well, I think, then I think then--

PRESIDENT: I have never had any--I've had--

EHRlichman: Since I had no communication with anybody on the White House staff about this burglary or about the circumstances...

PRESIDENT: Yeah.

EHRlichman: ...leading up to it...

PRESIDENT: That's right.

EHRlichman: there is, there is no occasion for executive privilege in this matter.

PRESIDENT: With regard to this, I want you to get to the bottom of it. Period. So there will be no executive privilege on that. On other matters--

HALDEMAN: And that takes you up to the June 17th--What do you do after June 17th?

PRESIDENT: Use the executive privilege.

EHRlichman: (Unintelligible/**REMOVED**) use questions like, uh, "Did you ever discuss with the President, Mr. Haldeman, uh, a matter of executive clemency for any of these uh...

PRESIDENT: Well--

EHRlichman: ...uh, defendants?" (Unintelligible).

PRESIDENT: Both of them say no.

HALDEMAN: For, or the payment of money. Or, or, the payment of, a,--

PRESIDENT: Haldeman and Colson would both say no, there's no question.

HALDEMAN: Well, since you want to waive privilege so that we can say no, rather than invoking it, uh--

PRESIDENT: You think you can say that? I think you've got to say it because basically, uh, basically their situation...

HALDEMAN: Well, Colson would be very disturbed by, that and he must have a reason why he would.

PRESIDENT: Well, why don't we get, why don't you get his arguments so that I can hear it clearly and I will know. What is it, Bob, I mea-- and as you recall at the moment, and then I will let you go. Colson says don't give anything away that you don't have to, cause you don't know what the hell is going to happen (unintelligible).

HALDEMAN: His, his thing is don't do any blanket waiver of privilege, because, because if you get, hit the point where I think you may want it

PRESIDENT: Well, don't use my blanket waiver. Why don't we just say, uh, uh-- That there's--"with regard to this"(unintelligible)?

HALDEMAN: And then get a John Dean problem. What about all your lawyer/client privilege?

PRESIDENT: Lawyer/client with me? Or with other members of the staff?

HALDEMAN: Other members of the staff.

PRESIDENT: That's a problem. I said that's a matter that has to be decided on (unintelligible). That looks like it was covered up.

HALDEMAN: Ya see, the lawyer/client with other members of the staff only pertains to his role as your lawyer and us, our role as your agents.

PRESIDENT: Well, we can prepare, we can work some--I think we can work something out. John, consider for a moment though, the uh, play that does not to, to, uh, uh, basically, uh, big big thing. Er incidentally, I got to get this thing--or I would just say, "The place that this should be--"

EHRlichman: You see the argument that should be made.

PRESIDENT: I know the judge is tough and all that sort of thing. The argument could be made. There's an honest judge. He will get the facts. The argument could also be made. The prop-- when criminal charges are involved, the proper place for those to be considered is not in a, not in a kangaroo court in this Congress that drags on an on and on, on television, but in, in a, before a Grand Jury. And indictments, indictments would be heard before a criminal court and under the circumstances (unintelligible)

EHRlichman: Ervin's answer to that will be. "The President is trying to fight this battle on his battleground. It's obvious that he wants his FBI, his Justice Department, his prosecutor--"

PRESIDENT: But not his judge. You see the one, the one strong point that Rogers had raised, not in this connection, but Bob, the, the judge is out of this, is the, is the big white knight now.

EHRlichman: Okay.

PRESIDENT: He's as clean as a hound's tooth.

EHRlichman: OK.

PRESIDENT: He's as clean as anybody you can find.

HALDEMAN: (unintelligible) you ask the judge or direct the judge or request the judge--You can't direct a judge.

PRESIDENT: No.

HALDEMAN: Request the judge and highly recommend to the judge that he appoint a special prosecutor.

PRESIDENT: That's right. (Noise) (Pause)

HALDEMAN: The President's Justice Department...

PRESIDENT: Let me say...

HALDEMAN: ...or the President's FBI, the President's special prosecutor...

PRESIDENT: ...the same thing is going to happen before a Commission in the long run. Let's face it.

HALDEMAN: (Unintelligible) It's the President,

PRESIDENT: They'll have special prosecutors, who'll want to make a name for himself. Everybody wants to make a name for himself (unintelligible). They'll drag it on and on and on. The idea that a Commission might go through the '74 Election and so forth. My view is I can't. I just think this, that you, John (unintelligible). I think the God damn thing is going to come out anyway and I think you better cut the losses now and just be a little, just better get it over much, frankly, sharper. Perhaps just say, "Alright, judge, let's go."

HALDEMAN: Well, come out or not come out, you're not quite committed to this route. You are not necessarily forcing it all to come out. Magruder can stay with his own position if he wants to.

PRESIDENT: (Unintelligible).

EHRlichMAN: We're not telling anybody what to say, or-- (unintelligible),

PRESIDENT: What they don't--what I mean is, what I meant is, John, if you called the judge in and say, "Look judge, you're it, I recommend that, I strongly commend the special prosecutor. If you, you will have confidence in the present prosecutor, but you can take anybody you want." Now I've added that I will serve up our people.

EHRlichMAN: I think that is something to talk to Kleindienst about. I'll, I'll talk to him.

PRESIDENT: You talk to him and I think you should talk to Rogers about this.

EHRlichman: Special prosecutors, as Rogers points out, is a slam at the Justice Department, which is already in trouble.

PRESIDENT: I think it needs to be slammed. The judge, in other words, the idea of killing--

HALDEMAN: It's the popular route--

PRESIDENT: The idea, the President gets the judge and says, "Now, you're an honest judge. You're doing your job, with a special prosecutor. We've got nothing to hide here. Alright, let's go.

EHRlichman: I don't think the judge appoints him. I think the Attorney General appoints him, as a matter of fact.

PRESIDENT: Well, I will. We can say, "If you want a special prosecutor, the Attorney General will appoint one. Kleindienst insists he's a good friend of Sirica's or whatever.

EHRlichman: Yeah.

PRESIDENT: So, uh--

EHRlichman: He could work that out.

PRESIDENT: He'll--then he will appoint a special prosecutor if you request what you want.

HALDEMAN: Well, it-- will it be acceptable to you even though he told you he wanted one? So that you get it out of the--

PRESIDENT: I am inclined to think that, I like, I, I feel, I feel that that kind of a move first it could be made stealing. You, you could do that like tomorrow.

EHRlichman: Uh-huh.

PRESIDENT: You could.

EHRlichman: Uh-huh, (Pause) But would you want to go on television tomorrow?

PRESIDENT: No. But the way I would do the television. I am not planning to do this before--at nine o'clock, on prime time.

EHRlichman: No.

PRESIDENT: I would do this in the (Clears Throat). No make up at all. In other words, that's enough, right there. What the hell (unintelligible) I could say I have done this. I find its--I want this to get to the bottom of this or that and it'll ricochet around for a few days. OK, gentlemen--

EHRlichman: Alright...

PRESIDENT: I'm sure all of you are certainly (unintelligible).
(Reel Three Ends)