

TRANSCRIPT OF A RECORDING OF A MEETING AMONG THE PRESIDENT,
JOHN EHRLICHMAN, RONALD ZIEGLER, AND H.R. HALDEMAN, IN THE
OVAL OFFICE ON APRIL 17, 1973, FROM 3:50 TO 4:35 P.M.

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EHRLICHMAN: (Noise) This is John Ehrlichman for Bill Timmons. (45 Second Pause). Uh, I'm in the President's Office, uh, uh, because uh (unintelligible) (Pause). Bill, uh, uh, can you call Ervin and read to him the first page, plus the first two lines of the second page (unintelligible), that's a copy--I've got it written down. All right.

ZIEGLER: (unintelligible)

EHRLICHMAN: Uh, pardon me? No. Just tell him that's the statement that's gonna be made. Uh, hold on just a minute.

ZIEGLER: Shouldn't he also cover on Baker? (Noise)

EHRLICHMAN: Pardon? Uh, no, just go ahead and do it. Thanks.

PRESIDENT: Uh, we have, uh (unintelligible) how we think we can interpret that (unintelligible). He said (Noise-Sound of Something Being Dragged across Desk). (Pause) I'd, I'd like to (unintelligible) route with Petersen and, uh, he said he completely agreed on Dean and he's been arguing that, with the U.S. Attorneys.

EHRLICHMAN: He's in total control.

PRESIDENT: He says that they're--the problem is, he says that, they're supposing that's the only way to get evidence on Haldeman and Ehrlichman. I said, "Well", I said, uh., "You're going to corroborate it aren't you?" He said, "Yes. of course." (Noise). (Unintelligible) I said, but I said, "No", I said, but I put it bluntly, I said, "Nobody (unintelligible) from the Committee (unintelligible)." Yeah?

APRIL 17, 1973, FROM 3:50 TO 4:35 P.M.

2

ZIEGLER: Yeah, I just want to check, are we set to go?

PRESIDENT: I don't know whether I could really make it. How late can I go by, uh, four thirty?

ZIEGLER: Four thirty.

PRESIDENT: All right. Do-don't tell them anything yet, I got to do something, all right, fine, thank you. I'll let you know. But qui-quickly the new evidence, new leaks, first, uh, I said, (Noise). I let it (unintelligible) I said (unintelligible). I also said Rogers and I talked about it and Rogers thought it was totally wrong for the Grand Jury to dare impeach the President Is counsel and it wasn't really him. Rogers just said that. So I got him to (unintelligible). However, uh, I talked about the leaks in the Grand Jury which I of course felt (unintelligible). Mitchell was aware of the fact Dean had put it (unintelligible). I said to Mitchell, I said, you should (unintelligible) I just want you to know that you're vulnerable on this point and I don't want this. He said, "Well", he said, "I never gave the substance, I always gave an area of how they did it, so forth, so on and so on." He said, "After all, it's. it's my responsibility to do something here in the White House." But anyway, I don't know, I didn't get far with that. But I, I put it across with Mitchell--I'm sure he (unintelligible). Third, he's talked to Pat Gray and Pat Gray is now holding the short end of the racket--believe that--the short end. He just shakes his head and says they're gonna bring that out. Silbert (unintelligible).

HALDEMAN: Why did Gray do that?

PRESIDENT: Gray was told it was political. He must not believe the story, apparently. I don't know why, but I'm just saying, I mean, Gray didn't say it was official. (Noise). He's withholding something (unintelligible). Well, he was told apparently, Gray, Gray, Gray, now tells him he was told to "look it--?" It was material which has had absolutely nothing to do with Watergate (unintelligible) (Noise). But, uhs needless to say that (Noise) (unintelligible). Here's the situation. To, to basically (unintelligible). He says what they're gonna do is end up giving me the news with maybe twelve hours notice on it. He says it won't be today--probably, may not be tomorrow. -Basically unintelligible) (Pause). They're gonna haul him in court and have him plead guilty and then they're gonna put a statement out because Sirica always questions the witnesses who plead guilty. The statement they're gonna make as broad as they can and as narrow as they can at the same time. By being broad as they can they're going to say that, they're gonna indict, that they're gonna--that he has named certain people and they're gonna name a group of people as nonindicted, uh, co-conspirators. Non-indicted co-conspirators.

HALDEMAN: Uh, huh.

PRESIDENT: They're going to include everybody on that list. I said, "Is Dean gonna be on that list?" He said, "Yes". I said, "Well--". He said, uh, he said, "Frankly, somebody needs to be quite candid, that we are--ought not to include Haldeman and Ehrlichman on that list." Which gives you an option. I said, "Are you telling me that, if, if Haldeman and Ehrlichman, uh, decide to take leave, that, uh, that you, you will not then, uh, proceed with the, uh, prosecution?"

UNIDENTIFIED: And leave them there?

APRIL 17, 1973, FROM 3:50 TO 4:35 P.M.

4

PRESIDENT: "No", he said., "I don't mean that." He said, "What I mean is that they are not going to-appear on that list and-they, they're I mean, that, uh, they will appear before the Grand Jury and make a case there to determine whether they should be indicted." So there's the gun, up ahead.

HALDEMAN: (unintelligible) trial (unintelligible).

EHRlichman: Well, whether we take leave or not doesn't affect the list that they read off.

PRESIDENT: Yes.

EHRlichman: Oh, it does?

PRESIDENT: Yes.

EHRlichman: They will put us on the list if we don't take leave?

PRESIDENT: That's what he (unintelligible).

EHRlichman: Well, the bastard.

PRESIDENT: Yes, because otherwise, otherwise, he says, here's what...he says Sirica is going to question Magruder.

EHRlichman: Yeah.

PRESIDENT: ...and he's going to question him about Haldeman and, uh, it will appear that they were on a golf course, because 'even though he said it innocently enough (unintelligible) hearsay which Magruder can certainly resolve. And he says he, he does that then it will appear that the Justice Department again is covering up the truth--not White House people that did it, but that's where he stands. (Pause). Two questions: One, should we go forward with the, uh, with an announcement today or not, or shall I, uh

APRIL 17, 1973, FROM 3:50 TO 4:35 P.M.

5

EHRlichman: Well, from your standpoint, you must--

PRESIDENT: I just don't know how to 'r6spond. (Noise)

EHRlichman: Even so. I, I think this thing will get away from you otherwise.

PRESIDENT: Well, the real question, I suppose, John, is this I, I'm I'm now, I'm really concerned about the, the vulnerability. I think the both of you think you can, cans, (unintelligible). I don't --think I don't think they can make a case on what's here. I don't think they-can. And, uh-so I--here's the whole point, what I think he's really-saying in effect is that if, if there--your names will probably be.on the list. That's what they're saying unless, you decide not to, decide that your not going to--(Pause)

HALDEMAN: It isn't just the sentence, we have-to resign. 'Cause the sentence doesn't accomplish anything does it?

PRESIDENT: All we have to be sure of is giving Dean immunity, any token. I'm, I'm sure the sentence will fit the crime.

HALDEMAN: What does he mean from-that? I don't understand.

EHRlichman: Well, the guy who gains from that is Dean.

HALDEMAN: Yeah, they're putting us in the same bag with him.

EHRlichman: Yeah.

APRIL 17, 1973, FROM 3:50 TO 4:35 P.M.

6

PRESIDENT: Now, we got--however, Dean's in there enough. He said, however, he said, in the presence of Dean's lawyers, we're cognizant of Dean's going to make, make a case against this Administration. God damn I if he'll get immunity. They're going to try this Administration. That's what he says. So. I guess that's where we stand with Dean. Now on the other hand--(Pause)

EHRlichman: Well, it's as broad as it is long as far as I'm concerned, uh, if, if, I'm, if I'm to take leave, you think I should? That has the same effect...

PRESIDENT: As resigning?

EHRlichman: ...as being..

PRESIDENT: Yeah (unintelligible) (Sound of something being dragged across the desk) you're taking leave (unintelligible) you couldn't come back (unintelligible).

EHRlichman: Well, I'll never, yeah, I'll never come back.

PRESIDENT: Of course not. I understand that, John.

EHRlichman: Now, on the other hand, if I'm indicted and take leave, and then I'm acquitted (Noise) I, I could come back.

PRESIDENT: Right.

EHRlichman: But, ya see, to take leave...

PRESIDENT: Right.

EHRlichman: ...and then not appear on the Magruder list...

PRESIDENT: Yeah.

APRIL 17, 1973, FROM 3:50 TO 4:35 P.M.

7

EHRlichman: ...is a good confession. It's a confession.

PRESIDENT: That's right. That's right. So I think their their domino approach just doesn't work.

HALDEMAN: Well, then you look worse by that than you do the other way. You're better off to have us on the list than to have us take leave and not be on the list.

EHRlichman: 'Cause that looks like you're covering up...

PRESIDENT: I think so too.

EHRlichman: ...something that hasn't come out.

PRESIDENT: I think so too.

HALDEMAN: If we're going to be on the list, so be it!

PRESIDENT: That's right. I think you're right.

HALDEMAN: I, I think we're in a terrible (unintelligible) These guys are working in a most bloodthirsty way. They--I just head how they worked Strachan. They've lied to Strachan. They've told him they had, uh, all this stuff. They've told, they've not told him what his rights are properly. I'm not sure his lawyer has gotten it straightened out, but it's, it's really, really something. They're trying to get him to, uh, trying to get him to take a cop-out and they won't make a deal. They won't make deals with, I don't think any of them.

PRESIDENT: I told them that they could do anything they want with other people (unintelligible) on the top people.

APRIL 17, 1973, FROM 3:50 TO 4:35 P.M.

8

HALDEMAN: They told Strachan if he covered everything that he had, everything he knows, and he, they assured him they already had it anyway

PRESIDENT: (Unintelligible) that's a tactic.

HALDEMAN: He said then you and Strachan have a chance of getting out because you'll become a witness and not a defendant...

PRESIDENT: Yeah, that's right, that's right.

HALDEMAN: ...but they will not give him immunity.

PRESIDENT: Well, that, that is immunity, however.

HALDEMAN: Well, unless they-it keeps it-their options open and his closed.

PRESIDENT: Right. Strachan' a got this, got a purpose...

HALDEMAN: God, I hope so.

PRESIDENT: Yeah.

HALDEMAN: ...and the bastards, you know, Strachan made that mistake on the 350...

PRESIDENT: Yeah.

HALDEMAN: ...called Silbert...

PRESIDENT: That's right.

HALDEMAN: ...the next day and said, "I would like to correct that. (Noise) I made a mistake-" They said, "Fine, come up Monday morning and we'll straighten it out." He went up Monday morning and they laughed at him and said, "We're not going to put you before the Grand Jury," that's when they kicked him around--hard.

APRIL 17, 1973, FROM 3:50 TO 4:35 P.M.

9

PRESIDENT: Yeah, yeah.

HALDEMAN: ...yesterday morning.

PRESIDENT: Yeah.

HALDEMAN: Then today when he went in they said, "We will not let you correct your statement on the 350, you, we've got you on a perjury count."

PRESIDENT: That's not true.

HALDEMAN: That's what they told him.

EHRlichman: It's certainly not fair.

HALDEMAN: Well, it's also (unintelligible).

EHRlichman: By the law.

PRESIDENT: I think under the law if you go forth and volunteer something

EHRlichman: I would sure think so.

HALDEMAN: But they wouldn't let him go in. So he didn't volunteer, but he didn't get called, but he sure did it constructively as far as--

PRESIDENT: Well, that's the end of it. Shall we, uh, we get to work on this thing?

EHRlichman: Sure.

PRESIDENT: In your view, should I just go out and read it?

EHRlichman: I think so. Don't try to, don't try to, uh-(15 Second Pause). I'm having Timmons just read this first part to, uh, Ervin (Pause).

PRESIDENT: Let's get, uh, (unintelligible) the White House staff. All, all the members of the White House staff will appear voluntarily when requested by the Committee, uh, and will testify under oath and answer fully all proper questions. The staff (Noise) as far as I'm concerned--Are you getting all this or should I get a girl in?

EHRlichman: Voluntarily, when requested by...

PRESIDENT: By the committee.

EHRlichman: ...the Committee...

PRESIDENT: To testify under oath and answer fully all questions. (Noise.)

EHRlichman: OK.

PRESIDENT: I--the next part--I'm concerned about parts of it that are

EHRlichman: All right.

PRESIDENT: Several weeks ago, I began new inquiries, shall we say?

EHRlichman: Mmm-huh, well, I don't know.

PRESIDENT: I began--I , uh, I, uh (Pause) (unintelligible) I began looking into this matter as a result and I don't want to say in the press--privately, (unintelligible) just doesn't fit. They'd say "What the hell is that?" Several weeks ago I began new inquiries in this matter, as a result of, serious charges--which were reported-, publicly and privately. I mean, should we say that? Isn't that (unintelligible).

EHRlichman: Publicly, comma, and privately in a...

PRESIDENT: Uh, wait a minute.

EHRlichman: ...which in some cases...

PRESIDENT: No, yeah, no...

EHRlichman: ...were reported publicly.

PRESIDENT: Several weeks ago we began new, several weeks--Why don't we say on,, on--shall we set a date?. March twenty-first? That sounds a hell of a lot stronger if we set a date.

EHRlichman: All right.

PRESIDENT: On March twenty-first, on March twenty-one, I, uh, (Pause) began new inquiries, strike that--(Noise) I can't say it was an investigation., I ordered an investigation. 'I., uh, new inquiries throughout the government, uh, new inquiries...

EHRlichman: How about saying, on March twenty-first, as a result of serious charges...

PRESIDENT: Yeah (Pause) as a result of, uh, serious charges, uh...

EHRlichman: ...serious charges which were reported publicly and....

PRESIDENT: ...uh, some of which were reported, uh, some of which were reported publicly and some of which were reported privately to me.

APRIL 17, 1973, FROM 3:50 TO 4:35 P.M.

12

EHRlichman: Some of which were reported...

PRESIDENT: Publicly, some of which...

EHRlichman: ...some, some of which...

PRESIDENT: ...were...

EHRlichman: ...of which I...

PRESIDENT: ...began.

EHRlichman: ...caused to be developed, some of which I subsequently...

PRESIDENT: That's (unintelligible).

EHRlichman: Uh, well now, let's see you can't say--

PRESIDENT: (unintelligible) as a result of serious charges reported publicly in the press...

EHRlichman: Some of which were reported publicly.

PRESIDENT: Some of which were reported...

EHRlichman: ...and then not say about the rest of 'em, uh, I--(Noise)

PRESIDENT: However, on March (unintelligible) we started an investigation because of the public charges.

EHRlichman: That's right.

PRESIDENT: Yeah.

EHRlichman: So you can leave all that--

PRESIDENT: As on March, as, as a result, as a result of serious, uh, uh, charges, uh, reported publicly, which were publicly reported, I made, uh, serious charges--and get this down--which were publicly reported. I instituted, no, I began-intensive new inquiries, I began intensive new inquiries into this whole matter, that's it.

EHRlichman: Let's not be concerned--is that our (unintelligible).

PRESIDENT: I think we better get Petersen back in.

EHRlichman: Name him?

PRESIDENT: Yeah, after all, this, this, this Kleindienst thing is very, very general and we won't make him as a specialized counsel--it'll be very narrow.

EHRlichman: And Assistant Attorney General Petersen.

PRESIDENT: Assistant Attorney General Petersen and I have met. -And I would say something to the effect--In view of the facts at length--at length, due to the facts that have come to me, in my investigation and the progress of the Department of Justice investigation. How's that?

EHRlichman: In my investigation..

PRESIDENT: In my investigation.

EHRlichman: And...

PRESIDENT: And the, uh...

EHRlichman: ...the progress of--

PRESIDENT: ...progress of the Department of Justice investigation (Pause) I can report today, I can report today, that there have been major new developments, (noise)uh, uh, major new developments, uh, in the, uh, investigation or in the case. Right? That sound all right? The new developments in the case?

EHRlichman: Uh, how about saying, just saying, have been major developments in the case.

PRESIDENT: I'd rather say major new developments...

EHRlichman: I know, but, uh--

PRESIDENT: ...major developments...

EHRlichman: ...in the case.

PRESIDENT: ...in the case.

EHRlichman: Concerning a. and--then tie back to that sentence maybe--"Concerning which I should not be more specific now., except to say that real progress has been made."

PRESIDENT: Uh, there have been major new, major developments in the case, uh, concerning which I, I cannot, cannot be more specific, that ties that--cannot be--which would be improper, improper for me to be more specific now, except to say that real progress has been made in getting to the bottom (unintelligible), in getting to, in getting to the bottom of this matter? What do you say? Is that it or what?

EHRlichman: Has been made in exposing the truth.

PRESIDENT: The truth--in, in-find the truth...

EHRlichman: All right.

PRESIDENT: ...infinding the truth--in this whole matter.

EHRlichman: Well, we said matter, so...

PRESIDENT: Well--

EHRlichman: ...I can report today there have been major developments in the case concerning which it would be improper to be more specific now, except to say that real progress has been made in finding the truth,

PRESIDENT: Real progress has been made in finding the truth. That's it, and then you you go into this Executive Branch thlng--Anyone want a cigarette?

EHRlichman: If you don't mind, uh--

PRESIDENT: If anything I do, I don't (unintelligible). I don't want to put the immunity thing in unless -publicly. As I said privately to him I don't think there's a hell of a lot to be gained by saying it publicly.

EHRlichman: Except this, except that in Congress.

PRESIDENT: Allright fine. If any person in the Executive Branch is indicted by the Grand Jury, my policy would be to immediately suspend him. (Pause). Uh, should we say, if we let, in view of what we know is going to happen, should we say, "is indicted?" Or we just leave it "indicted", uh, and not indicate that charges were made? Don't you agree?

EHRlichman: I think so. I think "indicted" ought to be the test.

PRESIDENT: "Indicted by the Grand Jury". My policy is immediately suspension. "If he is convicted" and then I would say and I would say, "and of course if he was convicted he would be automatically discharged." (Noise) And then the way I could put it is that, I expressed (pause) to the appropriate, I, uh, expressed to the to uh, to the appropriate authorities my view, I'm sorry, I'm putting it basically, to, to get at something--. "I expressed to the appropriate authorities my view that, uh, no individual-uh, holding a position of major importance (pause), past or present in the Administration, (pause) should, uh, be given immunity from prosecution." How does that sound? (Pause) I don't want, ya see, then that, if I say no person can expect immunity that means that I

EHRlichman: Yep, yep-

PRESIDENT: ...(unintelligible).

EHRlichman: This is fine.

PRESIDENT: I expect, uh, I don't think I want to say I'm "satisfied with a case of serious wrongdoing and a scope broader than we were led to believe." I--do we have to say that? Is that, uh--

EHRlichman: No, I was just trying to get you off the hook and, and say, uh, ya know, well this, uh, How about going on then with that next sentence? "The judicial process is--"

PRESIDENT: The judicial process is, uh, is, the judicial process is moving--moving (Pause) to--uh, finding a lever or something like that and it shouldn't.--is~moving to., uh., to uh, get all the facts, uh, is moving...

EHRlichman: Just is moving ahead as it should.

PRESIDENT: ...is moving ahead as it should. I believe, however, (Noise) as I have said before, all government employees, especially members of the White House staff are expected to fully cooperate (unintelligible) Grand Jury with the the prosecution. (Pause) Is that all right? Or do you want to say with the Grand Jury?

EHRlichman: What about "with this process" -you prefer judicial process.

PRESIDENT: Uh, well, why don't--

EHRlichman: How about just saying, "I expect you to fully cooperate" period.

PRESIDENT: F-f-fully cooperate, uh--

EHRlichman: Period.

PRESIDENT: Are expected to fully cooperate in, in this investigation outside of our-

EHRlichman: Well, that's the whole context.

PRESIDENT: Well, in this matter, are expected, are expected to fully, ya see, it sort of hangs there--all of them are expected to fully cooperate with the law enforcement authorities. How's that? Is that all right? (unintelligible)

APRIL 17, 1973, FROM 3:50 TO 4:35 P.M.

18

EHRlichman: Thank you. (Pause)

PRESIDENT: Can you use it?

HALDEMAN: It's all right--no problem.

EHRlichman: Now, Ervin and Baker are out of pocket.

PRESIDENT: Fine. I don't want to use the next sentence, John.

EHRlichman: All right.

PRESIDENT: I, I, I get hung up and who the hell (unintelligible) (Pause) Now, I think the last sentence should be, "I condemn any attempts to cover up this case, no matter who's involved." 'To cover up this case no matter who's involved. That sound all right to you? Obviously, I take it to be quite a step for a lot of you, Mitchell too. Might cover any attempts--to cover up in this case no matter who's involved.

EHRlichman: That's fine.

PRESIDENT: Period. I'm not going to (unintelligible) nation's history, so forth and so on. You want to get somebody (unintelligible).

(Reel 1 ends)

(Reel 2 begins)

PRESIDENT: I think if he puts that in -there he's. going to have a hell of a tough time, (unintelligible)

HALDEMAN: I think if he'll cover the truth

PRESIDENT: Yep.

HALDEMAN: That's what he's got to do. Answer their questions truthfully.

PRESIDENT: Why didn't he say, "Sure I'll be a witness." Why didn't he just say that, take their offer? Maybe that's what he said. "I'll take your offer."

HALDEMAN: I think that's what we want him to do.

PRESIDENT: I think what he should do is Just say, "I don't have anything to hide. I'll take your offer, "and just make the point that...

HALDEMAN: Wo--given that offer, he doesn't have to volunteer anything. All he has to do is answer their questions.

PRESIDENT: That's right, Bob, he should just take their offer. Believe me, we don't have to have Strachan ah, you know, say, he isn't trying to hide anything.

HALDEMAN: I'd feel fine with his doing that, cause--so he says some things that are damaging. In fact only slightly damaging, and we've had plenty of damaging things already.

PRESIDENT: That is right. Yep. Bob, just tell him to take it. All right? If he says "I'll take it, but I'm, but I'm going to tell you only the truth", then, ah he -tells the truth. You see, they think it is worse than than it is. They think he is covering up and they Ire wrong. That's really what it gets down to.

HALDEMAN: They are trying to confuse him. That's the, what's got him bothered. The poor guy. You see, what's really worried him is that he's

HALDEMAN:

CONT: covered everything with Dean, every step of the way. Everything he has done, he's talked with Dean about it over the last year and he's scared to death Dean will make up something or take something that is partly right and twist it, which is what Dean is doing, and hang him on it. And I think-what he's got to do is just go with what he believes is correct and hang with it.

PRESIDENT: Don't you think we are right in telling the U.S. Attorney, "Fine, you want to name Haldeman and Ehrlichman, fine, then you just--they put you on as non-indictable coconspirators, then they've got a case to prove. Now they aren't going to do that unless they, they figure they can prove the case, so that would give them the problem.

HALDEMAN: That's the part.

PRESIDENT: I think his arg--, his argument is, and I mean, I must say, and I don't know what the hell Petersen is up to. It's hard to know, I'm sorry (unintelligible) the President always looks so much better if people just (unintelligible). I think, on the other hand, it looks like. Let's look at that. I mean, let's look at that, that --

HALDEMAN: That makes his case for him. That makes his case for him.

PRESIDENT: Maybe you're right. I was gonna suggest that we will get back to you, if we get Rogers over here. And I think in this instance, you and Ehrlichman be with Rogers, and we sit down and talk about this specifically and let him say --

HALDEMAN: I think so. Yes.

PRESIDENT: You don't have any other lawyer?

HALDEMAN: I think no.

PRESIDENT: Would you mind getting him over at five o'clock.

HALDEMAN: We're meeting with our lawyer at 4:30, 4:30 to 5:30, which is the only time we could get him. Would you want me to get him in at 5:30?

PRESIDENT: Sure, sure, Bob, my time is your time.
HALDEMAN: Well, I don't want to screw up your time.
PRESIDENT: You're not screwing it.
HALDEMAN: (Unintelligible) We, we've only got this guy the only time he could take us. He's taking time out of a deposition (unintelligible)
PRESIDENT: I understand. I hope he can learn part of it by that time...
HALDEMAN: Well, we'll give him a quick fill and get him started on it. That's all we can do now but we want, we need to get/him started.
PRESIDENT: I guess Garment may resign.

RESTRICTED-"D"

HALDEMAN: That would be a very foolish thing for him to do.
PRESIDENT: Hmm?
HALDEMAN: That would be a very foolish thing for him to do.
PRESIDENT: He didn't say that. But I meant, you know how strongly he feels. He's wrong. He's wrong, Bob. Look, the point is, just so we're not throwing you to the wolves with Dean.
HALDEMAN: What does that accomplish?
PRESIDENT: I don't know what it accomplishes. Except that the President learned the facts and as a result of learning the facts (unintelligible) as a result of learning the facts. I'd say, "Fellas, you've been charged, yeah, I know that Dean has made some charges." Right?
HALDEMAN: Right. There's another way you could do it maybe. Now John won't buy this, I doubt But another way you can do it...I won't do it if John won't. We've got to do it together Because I, (unintelligible).

PRESIDENT: Yeah.

HALDEMAN: Either one of us hangs together when we're playing games.

PRESIDENT: Yeah.

HALDEMAN: But, maybe, maybe we request of you a leave of absence on the basis of the information you have, which we have, because we've been involved in the investigation too.

PRESIDENT: Right.

HALDEMAN: Now if we're going to be on that list, we're going to have to ask for a leave of absence anyway, (unintelligible) if he puts the list out, and has us on it.

PRESIDENT: Well, it's going to be out. And I don't know that you'll be on it or not.

HALDEMAN: See, that's the point. We've got to see.

PRESIDENT: Nevertheless, you will be called.

HALDEMAN: But we've always talked about being called to the Grand Jury.

PRESIDENT: That's right.

HALDEMAN: And said that we would appear. Hell, you made a statement weeks ago saying that anybody in the White House would welcome the opportunity to testify, at the Grand Jury. Ah. Do you automatically suspend any witness who's called before a Grand Jury? Of course not.

PRESIDENT: Well, now, if you come on that list,--

HALDEMAN: On that list, then you have to

PRESIDENT: The only problem is here, is that (unintelligible) The problem we've got here is, is as John and I were just saying, Dean (unintelligible) then I guess I don't-know. They are going to try,

PRESIDENT

CONT: they are going to try this administration.
I don't know.

EHRlichman: Believe me, everybody is going to try this
Administration regardless of what happens.

PRESIDENT: Sure.

EHRlichman: Ervin's going to try this administration.

PRESIDENT: Sure.

HALDEMAN: You run through your statement. Why don't
we go see the lawyers? Why don't we regroup
at 5:30 and decide then.

EHRlichman: You have the first page intact?

(Pause)

PRESIDENT: Did she use the speech typewriter? I don't
want to go through this.

EHRlichman: Take this back and put it on the speech
typewriter.

(Long pause, voices heard in background)

EHRlichman: That's the first page. Do you have the
other? (Pause) That's all right. She'll run
it off on the typewriter now.

PRESIDENT: Well, maybe it's too soon for Rogers.
(Unintelligible)

HALDEMAN: Want to get together with, us, and Rogers,
to determine this question of our
suspension?

PRESIDENT: Well, I want to, I guess you're right, we'll
have to let Dean go ahead and try the
Administration.

EHRlichman: Well, he's going to do his worst anyway,
with or without immunity. Ervin is going to
get him up there if he has immunity or not

PRESIDENT: Um huh.

APRIL 17, 1973, FROM 3:50 TO 4:35 P.M.

24

EHRlichman: ...and will take him over the jumps.

PRESIDENT: (Unintelligible)

EHRlichman: What you've done here is to lay a ground rule for Ervin on immunity that's going to be very tough for him to live with if there are Ervin hearings. Right. But eventually there will be Ervin hearings. Bob, I don't think there's much

HALDEMAN: I do. I do.

PRESIDENT: Sure.

EHRlichman: The more battles the President wins, like that economic stabilization performance, (voices heard in background, all inaudible) the more, the more urgent the Ervin hearings become. (Voices in background, unintelligible). It's the only thing they have left

HALDEMAN: Further and further into a corner.

EHRlichman: It's the only thing they have left now. You're winning all the big ones. And ah

HALDEMAN: (Unintelligible) It's 4:30.

EHRlichman: Right, ya.

HALDEMAN: if you want to see Bill at 5:00, ahead of us, we'll come down at 5:30.

PRESIDENT: You may not be ready by then.

EHRlichman: (Unintelligible) He can only stay an hour.

PRESIDENT: Fine. All right. I'll see him at five. And the situation that you have here is a--Well Dean (unintelligible) Administration if I'm wrong? God damn, no, it can't.

EHRlichman: I'll tell you as we lay this out, and I'll be interested to see what this lawyer has to say, Dean's testimony may not be admissbile.

PRESIDENT: On what grounds?

EHRlichman: That, ah, his communication to us was a communication to you, and vice versa. It all applies as an alter ego to the President.

PRESIDENT: I don't have any separate existence.

EHRlichman: But you might have to ah, you have to assert privilege, in a sense, but ah, then I don't know what are, you know, I don't know what kind of political problems that makes -

HALDEMAN: Then you go to the Solicitor General.

EHRlichman: Looking at it as a disability, maybe I'm just strictly from that standpoint (unintelligible)

PRESIDENT: Would you discuss with your lawyer the legal practices, and let's think about this business, about whether the--Ron?

ZIEGLER: Ya, ya.

PRESIDENT: Come on in.

ZIEGLER: Len needs the ground rules before he calls, and he's in my office. Could you fill him in on it?

EHRlichman: All he has to do is read that to them. Period. He doesn't have any comment, he doesn't have any reflection. (Unintelligible) Okay?

PRESIDENT: Who is this?

EHRlichman: Len Garment. He's going to call back. He's just reading the first page now, since we can't get Ervin. Look, I don't want, ah...

ZIEGLER: Okay.

EHRlichman: ...to get into an argument with them.

ZIEGLER: All right, fine. Then John, afterwards when they ask me what the ground rules are, I'll just say--

EHRlichman: That it's up to the Committee
(unintelligible)

ZIEGLER: Where is that. They are waiting.

PRESIDENT: I know, I'm just trying (unintelligible)

ZIEGLER: Oh, I see. We have plenty of video tape,
video tape recorders, so there's no film
problem.

(Very long pause, unintelligible
conversation, and tapping noise)

PRESIDENT: They got it yet? Why don't you tell her just
tell her to bring it in, bring me in a pa"ge
(unintelligible)

ZIEGLER: (long unintelligible) Did John raise with
you the couple questions about the terms of
-

PRESIDENT: You shouldn't take any questions.

ZIEGLER: No., no, no. I mean in terms of the next
day or so, and afterwards they'll say "Is
Dean still in charge of the investigation?"

PRESIDENT: No.

ZIEGLER: John suggests we say no.

PRESIDENT: No, that's right, no we ah, we've discussed
it and no ah, that the President, that the
President is dealing directly in this
matter, that, that, that the, ah, that the
Assistant Attorney General, Mr. Petersen, is
in charge of this investigation...

ZIEGLER: Right.

PRESIDENT: ...(unintelligible) and that Mr. Dean and
all, all, and all members of the White House
Staff have moved to

ZIEGLER: As of two or three weeks ago.

PRESIDENT: Yeah.

ZIEGLER: Good, then secondly ah, they'll say "Does the President stand by the August 29th statement that no one presently employed in the White House had knowledge and so forth?" There, I think, someone suggested to John, "Gentlemen, this is the operative statement, this is the position as it stands now which would, it classes

PRESIDENT: That was certainly -you could say the August 29th statement, that was, that was the ah, that was the report that was made to the President by the White House Counsel at that time and he based that on a report made at that time, and ah, we, ah, we're not going to--

ZIEGLER: This is the operative statement now, and there is nothing --

PRESIDENT: And that (unintelligible) the facts will determine whether that statement is correct or not.

ZIEGLER: Good.

PRESIDENT: And now it would be interfering with the judicial process to comment further. But the facts, uh, but that was the statement made at that time, I wouldn't say -Because then you would be commenting on what evidence we've got.

ZIEGLER: That's correct. I'll have to say "This is the operative statement now, this is the statement" then the President

PRESIDENT: You're not going to answer any questions today are you?

ZIEGLER: No, no, but--gads no--but'I mean if I walk through the Press Room...

PRESIDENT: I see.

ZIEGLER: ...they'll be pounding on my door.

PRESIDENT: Of course, Ron. Go ahead. Don't piss on me (unintelligible)

ZIEGLER: No, I'm not going to.

PRESIDENT: (Unintelligible) Just say "No, that ah, that he is, ah, he is, ah -thay's not it-.

ZIEGLER: I'll try and avoid it altogether, but I just want to get guidance. Then I could give the wires some background about how aggressively and how much time you've spent on this for the last three weeks, and so forth. Should do a little of that?

PRESIDENT: Just say that "The President's been spending half of his time on this and half

ZIEGLER: "Been talking to staff members--"

PRESIDENT: "Talking to the (unintelligible) and personally, personally, frankly, personally, there are members of this staff -every member of the White House staff who had any knowledge on it--I mean, I mean, that Haldeman and his staff--he has been making his own personal inquiry into it. He has, has, he did that before, he had -but due to the new revelations he was faced, because of the interview"--What revelations were these?

ZIEGLER: The McCord statements.

PRESIDENT: I'm not going to say (unintelligible). We can't go into that now. Obviously the McCord thing was a major thing publicly.

ZIEGLER: Right.

PRESIDENT: But that was a new method, a new --The President is personally making -Why don't you come in with me after (unintelligible)

ZIEGLER: I'll just say you'll be out shortly and make (unintelligible)

PRESIDENT: (Unintelligible). I'll read a statement.

ZIEGLER: Read a statement.

(Pause)

ZIEGLER: Is that all of it?