

TRANSCRIPT OF A RECORDING OF A MEETING BETWEEN THE
PRESIDENT AND JOHN EHRLICHMAN ON APRIL 19, 1973, FROM 1:03
p.m., TO 1:30 p.m.

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EHRLICHMAN: Mr. President.

PRESIDENT: John, John, how are you?

EHRLICHMAN: Fine, sir.

PRESIDENT: The, (pause) did you see that piece?

EHRLICHMAN: Yes, I did.

PRESIDENT: I told Ron that obviously the secretary, I've run down the background.

EHRLICHMAN: Yes, good.

PRESIDENT: (Unintelligible) I guess Dean has really been shot across the bow there (unintelligible) he's the scapegoat.

EHRLICHMAN: Yeah.

PRESIDENT: Yeah.

EHRLICHMAN: Have they made a deal with him of any kind?

PRESIDENT: No, sir, no, sir, not yet. So. Discuss that one through.

EHRLICHMAN: All right. (Unintelligible).

PRESIDENT: But you know on the other hand what the -I just don't know what the hell Dean can talk about, he knows a hell of a lot, but uh,

EHRLICHMAN: Well, we're going over that now.

PRESIDENT: I see.

EHRLICHMAN: Taking time to kind of spin it all out, but it's pretty hard to, uhh...

PRESIDENT: Yeah.

EHRLICHMAN: but it's pretty hard to see how

PRESIDENT: I understand he's still in the White House staff, where there's a problem as to whether...

EHRlichman: Yeah.

PRESIDENT: We're going to fight that (unintelligible).

EHRlichman: Yeah, well, I'm sure if he were not, he would not have been as restrained as that.

PRESIDENT: Yeah, I figure it's best to keep him here.

EHRlichman: Yeah.

PRESIDENT: I had Ron call him and check and say that, 'we're going to say that there's not going to be any statement, we're trying to get the truth and my question (unintelligible) whether or not (unintelligible/**REMOVED**) the lawyers (unintelligible).

EHRlichman: Well, they're going to go right over there, this afternoon.

PRESIDENT: They are, fine, and...

EHRlichman: (Unintelligible).

PRESIDENT: That's what I went through (unintelligible) I told him about Hunt and the S.C. thing, the investigation, and, I mean, our investigation, why we had to do it, and how we're going to do the other thing and so forth and so on (unintelligible) the Department of Justice (unintelligible). I said, "What else did Hunt do?" (unintelligible) I said, I think he did, I think he was working in other fields regarding leaks to this matter.

EHRlichman: Right.

PRESIDENT: And I said, unless, but I don't want anything involving eavesdropping, which was carried on (unintelligible), is that correct?

EHRlichman: Yes, as far as I know.

PRESIDENT: Yes, fine, but Dean, was Dean in charge of this?

EHRlichman: No, no.

PRESIDENT: This was ours, okay. But Dean must know about it, is that right?

EHRlichman: I think he must.

PRESIDENT: Ah, he was concerned about the Grand Jury, he was very concerned.

EHRlichman: Good.

PRESIDENT: I said (unintelligible). He said it's just terrible. He didn't know what to do.

EHRlichman: Our-, our attorneys think that may be fatally defective.

PRESIDENT: Fatally defective.

EHRlichman: May be an illegal Grand Jury.

PRESIDENT: Well, don't you think you'll get another Grand Jury?

EHRlichman: I suppose they could, but, it may just it just may screw up this whole process.

PRESIDENT: Would you do that? This Grand Jury is, uh, for anybody.

EHRlichman: The prosecutors have a tough decision whether to go forward with these cases, these new cases with this Grand Jury or go right out and reprocess everybody through another one. (Pause)

PRESIDENT: I asked Bob Haldeman, I said, "Look, suppose I use him as an example, such as to postpone (unintelligible), would it affect our (unintelligible) much stress on that?" (Unintelligible) I put it to him, I said, "Dean inferred to me that if Haldeman and Ehrlichman left, uhh, that, uhh, that would be you," meaning if Petersen could grant immunity. He said that's not true. He said it would have much effect on the immunity (unintelligible) of the corroboration. I suppose Dean's theory, I suppose that is basically he carried out the orders of others. I said, "Does that put -what effect does that have?" He says only in litigation, now, you can't an agent committing a crime, so, you can't do that, so Dean rebutted the situation, what he's going to get, he's going to get total immunity, or whether he's (pause) and I suppose, the way I look at it, all we've got to consider is if we really got this thing (unintelligible).

EHRlichman: ...with the facts coming out and whether giving him total immunity is going to make him act better. Your view is to have him hold it over us for the rest of our lives -is that your point? That would be my theory. These fellows don't seem to think Dean can get immunity at this point, but they're going to go down and talk to Glanzer and see what's going on.

PRESIDENT: Good, the second point with regard to the cases, uh, the case, are you (unintelligible) much of a case, the deep six thing and they said that (unintelligible), Bob, I said, it looks to me if you get the contents to Gray, Gray could do that on that much, and he said (unintelligible) Ehrlichman and Dean...

EHRlichman: That's arguable, I was there.

PRESIDENT: All right, fine. That's all. But, I said did either of those things occur, and I said I didn't raise the point did it all occur before (unintelligible).

PRESIDENT:

(Continued) The other thing is, I suppose, how else do you get Ehrlichman in on the conspiracy thing, you know. Well, I simply say perhaps the only way you could possibly would be that Dean (unintelligible) Ehrlichman with regard to the need for bugs for the defendant, now he did put you at one point, did he not?

EHRlichman: Right.

PRESIDENT: And including, of course, this last time, did he about this last...

EHRlichman: Bittman? Yes, I expect he lied.

PRESIDENT: What did you do with the earlier point?

EHRlichman: The early one I told him it was all right to call Kalmbach.

PRESIDENT: Now, how do we... there I suppose that's a defense vulnerability.

EHRlichman: These fellows say, they're not completely finished, we're right in the middle of this right now, but their tentative view is that we have to look at it as you're doing, from two standpoints, the illegal and the apparently, ah, doubtful

PRESIDENT: Let's get the illegal first.

EHRlichman: Okay, well, they say there's nothing illegal about that.

PRESIDENT: Why not?

EHRlichman: Cause I wasn't an actor. See, the reason he had to come to me in order to call Kalmbach is that Kalmbach didn't want to work for Sta-ns any more. And we used a pretext with blark that Kalmbach was going to be under Bob and my aegis from now on to do special projects, and so he couldn't be a fund raiser any more.

PRESIDENT: I see.

EHRlichman: It was effective the sixth of April.

PRESIDENT: Right.

EHRlichman: And so, Mitchell and Stans had been told that the only way they could use him is if we okayed it. And that was to protect her from having all kinds of demands made on his time by the committee.

PRESIDENT: So he came to you and asked you...

EHRlichman: Dean said, "Would you

PRESIDENT: (Unintelligible) nothing but illegal in that case but what about the conspiracy thing there, they, they (unintelligible) that's why I was digging, that we've got him as far as the the conspiracy.

EHRlichman: Well, that's, that's, that's arguable, these fellows seem to think that there's a legitimate defense in that, that doesn't elevate, that doesn't get up to the level of being an actor in a conspiracy.

PRESIDENT: That's all involved in the case. The case involved is harder. He said that basically it gets down to a conflict in testimony which they cannot resolve, between Strachan and Magruder into letting into thinking of asking you to take a lie detector test. Don't like that but maybe we have to do that, I don't know. Not going to get into that. Strachan in effect says that Haldeman did not receive the specifics the budget, you know, and I don't know what Haldeman says on that or not. I think he says he can be either, and that, that Haldeman did not receive Watergate stuff that was recognizable as such. Magruder, he says, said Haldeman received the budget. I don't know what Magruder has gone far as to to say he received the specifics.

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EHRlichman: (Unintelligible) synopsis.
PRESIDENT: Got it?
EHRlichman: Yeah.
PRESIDENT: (Unintelligible) huh?
EHRlichman: He does.
PRESIDENT: Magruder said that?
EHRlichman: Yeah, he said that to me.
PRESIDENT: But, and the , and the, uh,, of the budget?
EHRlichman: Yes.
PRESIDENT: But did it indicate that bugging was involved?
EHRlichman: That Strachan got it. He says he doesn't know if Bob got it.
PRESIDENT: Then Strachan way have committed perjury.
EHRlichman: No, Strachan devoutly, sincerely, and with every fiber of his being says he never got it, that he would remember if he ever got a budget that said anything like that, he'd know.
PRESIDENT: And Magruder says that he received the budget here.
EHRlichman: They sent it over.
PRESIDENT: Right. And Magruder's also saying that the information.
EHRlichman: The transcript of the synopsis...
PRESIDENT: Yeah, the synopsis.
EHRlichman: I see.

PRESIDENT: The other thing is that Haldeman's apparently are ordering or anticipating the order to rehire Liddy, now, I don't know he didn't mention this, but very important(unintelligible). They are far from having this case nailed down.

EHRlichman: Did he say anything about timing?

PRESIDENT: No, nothing this weekend they haven't made their deal with Magruder yet.

EHRlichman: So, he's not going in this week.

PRESIDENT: No, sir. (Unintelligible). Well, he said, I said, look I might take off for Easter, he said, "Yeah," so apparently...

EHRlichman: Will they recess the jury for Easter? Well, anyway, he won't go, before Monday, is that what your

PRESIDENT: (Unintelligible) no, I got time, yeah. And of course Haldeman ordered the three fifty to be paid. Knowing that it would be paid to the defendants. Nowt Haldeman agrees on that, does he?

EHRlichman: Uhh, no, uhh, we've gone into that in elaborate detail with the lawyers this morning.

PRESIDENT: What do they say on that?

EHRlichman: John Wilson says there's nothing illegal about what you did, Mr. Haldeman. The President has to decide whether the appearance of it regarding...

PRESIDENT: (Unintelligible). I hope there isn't anything on it.

EHRlichman: He said, he said not, because of Bob's state of mind at the time.

PRESIDENT: Bob was not intending to try to keep the...

EHRlichman: He was attempting only to get rid of money that he had that didn't belong to him, and what the recipient did with it, he didn't have any control, intent, design.

PRESIDENT: Yeah, but if he knew

EHRlichman: Or contemplation.

PRESIDENT: (Pause) (Unintelligible) if... he knew.

EHRlichman: Well, what he, he's told Wilson everything he knows what he knew then...

PRESIDENT: Yeah, when Bob handed the money over Bob knew that it was going to the defendants.

EHRlichman: Not of a certainty, not of a certainty, he did not, and that's something Wilson bared in on very hard this morning. He said, "Now, Mr. Haldeman, in effect, would you have been surprised to learn that instead of using that money for the defendants, they had used it to pay printing bills?" and Bob, says, "Well, I didn't have that strong a conviction about what they were going to use it for. I knew they needed money over there, "but, uhh, he said, "No, it wouldn't it wouldn't have surprised me," so then Wilson bared in on him two or three different ways.. This old boy is good, he's uhh, he's quite something. When we got all done, he said, "Well," he said, "I know the questions in the President's mind," and he said, "I, I want to reserve, get all done today," but, he said, "You must bear in mind the difference between a criminal act...

PRESIDENT: Yeah, and what else did he say?

EHRlichman: "...and the problems presented to the President by the mere appearance."

PRESIDENT: Yeah, which basically incidentally that I, it isn't that I trust this fellow Petersen in a way, he's trying to do his best, he just all (unintelligible).

EHRlichman: Sure.

PRESIDENT: He lost Mitchell...

EHRlichman: Sure.

PRESIDENT: He lost the White House.

EHRlichman: Yeah.

PRESIDENT: But you know that's the way it is.

EHRlichman: I understand.

PRESIDENT: (Unintelligible) he got Dean, too.

EHRlichman: Yes, I know he did.

PRESIDENT: Now, the only thing that I, that comes to the back of my mind is that you got to do that the last conversation of Dean about that one hundred and twenty

EHRlichman: With Bittman.

PRESIDENT: Uhh, with somebody.

PRESIDENT: Did Dean tell us about that...tell me about that.

EHRlichman: About Hunt demanding it?

PRESIDENT: That Bittman said that Hunt needed \$120,000 for attorney's fees et cetera.

EHRlichman: Right, right.

PRESIDENT: And, the way Dean's going to tell it or he's going to blow the whistle, right?

EHRlichman: Ah, yeah, now blow the whistle on the national security operation. That was the threat.

PRESIDENT: Was it?

EHRlichman: Yes, sir. And, you'll remember our response to that was, you cannot defend blackmail, in that kind of a situation.

PRESIDENT: That's right.

EHRlichman: And that's all that is, is pure blackmail.

PRESIDENT: Huh.

EHRlichman: And we said, "No dice." and I could be just as flat out on that as that's the honest to God truth.

PRESIDENT: Now let me put one other question to you right very painful, I know it's very painful for you to think of this, and it is for me too, but anyway, but, uhh...

EHRlichman: (Laughs).

PRESIDENT: I think it would be helpful if you had this (unintelligible) when you talk the rest of the day, this and that, bother you the rest of the day. I think the separation problem has to be considered. I want you to look at it very coldly in terms of, uh, in terms of the President. (Unintelligible)-the needs that we have and an atmosphere, Mr. So and So, look at this thing, in terms of your, about how you're involved in terms of whether it's going to be (unintelligible) I don't know how you were involved but Dean may say. The son-of-a-bitch is unsafe. I don't know what you do with the Dean (Unintelligible) he's obviously very upset. He's just lashing out. Goddammit, I don't know what we've been told. I just don't know what (unintelligible). Frankly, I'm at a loss. We were all talking frankly, that's why the counsel was sworn.

EHRlichman: Well, as I said...

PRESIDENT: That goddamn Dean.

EHRlichman: As I said this morning, I think you can very truthfully and logically and properly say that...

PRESIDENT: I was trying to bury, I was trying, I was really trying to probe his thought processes. I went down every road we possibly could...

EHRlichman: Exactly right.

PRESIDENT: and see where we were.

EHRlichman: And it paid off. You see, you're the one who then came back and said, "I've got to have that all written down. Send that man to Camp David if necessary and have him take as much time as necessary and let's get it all down." That's when he was uncovered.

PRESIDENT: I suppose that really isn't true.

EHRlichman: Well...

PRESIDENT: Not that he was uncovered, it was simply the fact that he said, "By God, this thing is such a cancer and so forth, that I can't write it and there's no way we make a statement," and I said to you, John, "You better get into it." Take

EHRlichman: Yes, but I happen to be...

PRESIDENT: Well...

EHRlichman: This may be some measure of hindsight, but I really don't think it is because my very conscious contemporary reaction when Dean came back and didn't have anything for us, was, whoops, there's something more here, because Dean could have constructed some kind of an artful ah, ah, evasion if he hadn't been so pervasively involved.

PRESIDENT: (Unintelligible)

EHRlichman: For the, for the campaign committee or the White House, or whoever he wanted to protect, but, uhh, the thing that occurred to me when, when Bob told me what Dean said that he couldn't, he couldn't write it. I just had a mental image of the guy sitting there with big piles of paper saying, " I've just written a confession, and I would be nuts to deliver this to anybody."

PRESIDENT: Well, that's what we have to say.

EHRlichman: Well, I think, I think that's very very probable.

PRESIDENT: (Unintelligible).

EHRlichman: Yup.

PRESIDENT: Dean's got Shaffer and the rest. I don't know that he can't be, we may be able to exert privilege on Dean before the Grand Jury but we can't before the press. I (unintelligible).

EHRlichman: You can at the trial. And you certainly can in the press. Uh, uh

PRESIDENT: (Unintelligible).

EHRlichman: I'd send, I'd send a fellow around to talk to Dean if this is a problem. Just say, "Look here, you are going to be liable, separately liable, for breach of confidentiality and, ah,

PRESIDENT: Is that a case?

EHRlichman: ...Well, I think you ought to get Petersen to advise you on this, but there certainly is, there certainly is a statutory protection, and I think you could invoke it.

PRESIDENT: (Unintelligible) breach of confidentiality of a conversation with the President?

EHRlichman: Well, no, not as such, but on various national security bases, I, I'm just not that familiar with the statutes. I don't know what all you have in the way of statutory protection, but you remember that our CIA case...

PRESIDENT: Yeah.

EHRlichman: ...where the guy was enjoined by the court...

PRESIDENT: Yeah.

EHRlichman: ...we fell back on that body of law.

PRESIDENT: Incidentally, the other point he says that Dean obviously knows all of these and that's why he says Bittman is gravely concerned about the matter of the "120 because that gets him involved.

EHRlichman: Sure.

PRESIDENT: So, we may not, just Dean may talk about this but Bittman is not likely to. I would say, "What the hell is in it for Bittman to say that we asked for that." I just ask you, does that (unintelligible) the lawyer?

EHRlichman: Boy, put him in the soup. Put him in the soup, sure.

PRESIDENT: That he came and said, "I want 120 for..."

EHRlichman: You bet.

PRESIDENT: "...for, or otherwise you're going to blow the whistle or something."

EHRlichman: Yeah, yeah, you're right.

PRESIDENT: So here you've got a --

EHRlichman: So this is good information. Would be helpful, this fits right into our conversation in there. I will talk, I'll tell you what I think I would do

PRESIDENT: Yeah.

EHRlichman: ...if you don't mind, I will take John Wilson aside and talk to him about' this separation business.

PRESIDENT: Right, that's right.

EHRlichman: He's very wise and very...

PRESIDENT: I don't know how and we've got to get his judgment on it -But Bob said this morning (unintelligible) We have to (unintelligible) ourselves. We generally are hurting ourselves in this case. I guess we just haven't been hard enough, have we? In a sense though, let's face it, John Mitchell lurks in the back here -isn't that what it really gets down to? But God Almighty, we weren't protecting the White House now, right?

EHRlichman: That's correct.

PRESIDENT: We weren't protecting that, we're protecting John Mitchell.

EHRlichman: Yes sir.

PRESIDENT: All the way through.

EHRlichman: In the first instance we were protecting your your re-election in a sense. We didn't know what from.

PRESIDENT: That's right.

EHRlichman: Afterwards, though, this cover up business was pure Mitchell.

PRESIDENT: Sure, now. Bob says that, you know, you're, you're going to look bad if he goes.

EHRlichman: Well, there are two ways of looking at that, obviously--

PRESIDENT: Yeah, but the point is, there is that strong argument that people are making that somebody is the President, who, no, I suppose, I (unintelligible) let's look at it this way, let's suppose I (unintelligible) it. The Dean argument will be that he told me all these things about Haldeman and that I didn't move on it. Correct?

EHRlichman: Sure, and that, that Dean's being made a scapegoat.

PRESIDENT: He's been made a scapegoat. And then, so all this about Haldeman comes out. Haldeman would probably have to go, wouldn't he? To be quite candid.

EHRlichman: Yeah, cause actually they'd drive him out.

PRESIDENT: Yeah.

EHRlichman: You know.

PRESIDENT: With this much in his case.

EHRlichman: It could be played a lot of different ways and back and forth.

PRESIDENT: You've got--

EHRlichman: You've given me some stuff here-.

PRESIDENT: Yeah.

EHRlichman: ...as a worry for him that we didn't have before that may add to this.

PRESIDENT: Like what?

EHRlichman: Oh, this business about the dispute between Strachan and Magruder.

PRESIDENT: Yeah.

EHRlichman: Uh, I think what I'll, what I'll do... Bob and I, Bob and I talked about this at breakfast, it was his idea...

PRESIDENT: Yeah. What I was thinking was that Bob goes in the way of simply, I'm going out to fight this battle, I will use my, my...

EHRlichman: Yeah.

PRESIDENT: ...my situation has been made untenable and I will fight this battle and so forth and so on.

EHRlichman: You know what he said?

PRESIDENT: Yeah.

EHRlichman: He said, "I'm gonna get Six Crises and I'm gonna read the chapter about the fund," and he said, "That's going to be my guide."

PRESIDENT: Separability is there, but then you've got to think back as to what the hell Dean is up to with regard to you.

EHRlichman: Yeah, and that's what we were doing when you called. We were going into everything and anything that I could remember, that had anything to do with this.

PRESIDENT: Let me come down to the final point. As I look at it at the present time, looking at this evidence, the U.S. Attorney would have a helluva time proving you were in the conspiracy (unintelligible).

EHRlichman: Well, see, they're going over there when they get finished with this.

PRESIDENT: I see, fine. Looking at this evidence I think there is a very strong possibility that Haldeman will be (unintelligible).

EHRlichman: Yeah.

PRESIDENT: Do you agree with that?

EHRlichman: Well, they seem to think so.

PRESIDENT: They think so?

EHRlichman: Yeah. Yeah.

PRESIDENT: Looking at this evidence, too, however, I think there is a very little possibility that you would be if you would-ever be indicted -that you would be criminally indicted.

EHRlichman: Well, now, they say, though, that the prosecutor like this Kleinzer (phonetic), Gleazer (phonetic) or whatever (unintelligible) is, will sometimes indict somebody that he doesn't expect to get a conviction on.

PRESIDENT: Yeah.

EHRlichman: Just to get a big name into the case.

PRESIDENT: Well, he's going to have enough big names this time.

EHRlichman: Well, that's another thing that they're going to probe.

PRESIDENT: Sure.

EHRlichman: That they said to look after that. Don't take much comfort from the fact that...

PRESIDENT: Well, if you're indicted, that's it.

EHRlichman: Yeah.

PRESIDENT: (Unintelligible). Let me put it this way. I do not see you (unintelligible).

EHRlichman: Well, I don't either.

PRESIDENT: The second point on Bob, on the conspiracy is there a chance he'd be convicted? Do you think so?

EHRlichman: Well, they say so far not from what they've heard. They think not, that it is not, that it is not actionable in the ultimate sense. But, they're being very guarded, obviously, because we're just now giving them the facts and they haven't tested what we're telling them.

PRESIDENT: (Unintelligible)...have to do is to start to build a web that Bob was involved in all this...

EHRlichman: Sure.

PRESIDENT: He rehired Liddy, who received the budget, he received the information...

EHRlichman: Yeah.

PRESIDENT: ...and he ordered the three hundred and fifty G's. That's really the case on Bob, in a nut shell, isn't it?

EHRlichman: It would be, it would be a whole elaborate as you say, a web, of no one fact of which would do it.

PRESIDENT: But I think even there, Bob, with a good attorney, can beat it,

EHRlichman: Well, I think we've got the best in the town in there.

PRESIDENT: Well, that's all I ask.

EHRlichman: Thank you. That was very helpful.

PRESIDENT: If its at all useful, let me say that I feel that I -when you've finished with your lawyers and so forth, maybe you and Bob would like (unintelligible).

ERHLICHMAN: All right, fine.

PRESIDENT: You know, when you've got something like this on your mind, you would just as soon talk about it. It's very helpful.

EHRlichman: Thank you

PRESIDENT: The other thing too, that I'm trying desperately to keep, uh -the problem is, of course, John, as you know everybody (unintelligible) has come in (unintelligible) last night, talked to me about it, -I mean they all forgot things that I had thought over a million times. I don't need to talk to Garment. I don't need to talk to Henry. I don't need to talk to Safire. Ziegler is worth quite a few. But don't you agree

EHRlichman: Ron is great. Ron has been terrific in this...

PRESIDENT: Ron is really innocent. Talk about separability. O.K. give them the judgment.