



H. R. Haldeman Diaries Collection, January 18, 1969 – April 30, 1973

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Saturday, March 24.

I made the phone call to Rogers at the President's request, to raise the question with him, first, of where he feels we now stand in the public eye, and, second, what his advice is on our general Watergate approach. And I covered the background with him and so on. He said he felt that until recently we looked all right, that this whole thing hadn't had much impact, but in the last couple of weeks it was starting to look like a cover-up that it was not widespread yet but it could develop. First, that we have the matter of Gray focusing attention on the FBI, which is unfortunate because it appears not to be beyond reproach now, and also the position he's taken with Dean puts a cloud over the institution. Especially the McCord statement, where he says he doesn't trust the FBI or Justice. Second, the Kleindienst problem will be revived, on the theory that you can't trust Justice and the development of the idea that Kleindienst was close to Mitchell, and Mitchell's name now is recurring in the subject. Third, the Judge, who appears, now, to be a man of integrity, fighting everybody, so it's no longer a political battle. Before, it was the Democrats fighting us, and so it was political, but now it's the Judge and the forces of righteousness, and that concept will gradually sink into the public mind. Fourth, there's the continuing possibility, actually certainty, of judicial and Congressional investigations, which will keep the public interested. Especially since there's not much else in the news now.

An accumulation of all these things, especially the McCord letter, brings the thing into a new focus. The McCord letter is very significant just in itself, regardless of what it does or doesn't develop. Also you have the added danger that the press is just gloating over this whole thing, obviously, as Roger Mudd showed on TV last night. He felt that the executive privilege question wasn't much of a problem. But it's starting to become one. The thing is, it makes sense and the public accepts it, if it's related to communications between the President and his advisors. But it's very tough to hang on executive privilege in other areas and the blanket exercise just doesn't wash. The fundamental problem regarding the grand jury is that now the suspicion is cast on the Justice Department and the FBI. So you might have to appoint a special prosecutor. But that would be a real slap to the Attorney General. As long as there's a cloud on the FBI, everything



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else is clouded, because there's no pillar of integrity to rely on. If Gray goes down the drain, we should get someone else in, like a Federal judge, that everyone will trust, but that's too late for the immediate problem. Also the Kleindienst problem because of his closeness to Mitchell.

Sending the White House assistants to the grand jury would relieve the pressure about refusing to send them to the Hill. He thinks there is validity to the idea, basically Ziegler's, that we should not allow the senior White House staff to go to the Senate, because that might be just the hypo that's needed to really throw this thing over. The point being that it would be a complete circus and would be very hard for us to have to live with. He thinks that we should go very slow on the idea of bringing in special counsel. That it's a bad idea, he has a very negative viewpoint on it, because it would be construed as if the President is in a jam and he has to hire a lawyer, but it is important, he thinks, to get a special prosecutor. Someone like Walsh, because of the suspicions that are raised. You don't want to appear that the President is worried about his position. The right impression is that the President wants to be sure there's no cloud over the White House or over Justice.

Maybe we should have the Attorney General retain special counsel, since he's the President's lawyer. That's his job. Maybe Kleindienst should bring Griswold in for this purpose. The main issue is still there though. Do you reverse your field and turn over everything to the prosecutors and let the chips fall where they may, or do you still want to keep some control? If you try to retain control, it's very difficult, because it's hard to stop the thing from unwinding. If we're thinking about people for the special job, Walsh would be much better than Rankin. He's had a lot more experience, great integrity, but once you turn him loose, you could never pull him off. You could consider him, first, as a special prosecutor before the grand jury. But that breaks the china that you can't put back together. Second, as counsel to the Attorney General regarding executive privilege. Third, as counsel to the President on a quiet basis, which would be very hard to do. He feels we have some time and we shouldn't rush. We can take the first step of Walsh talking privately to the President, but you'd almost have to decide first whether to A) stay where we are and hunker down or B) change position radically. Have an independent prosecutor and go



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all-out and whoever is hurt, gets hurt. The in-between position, to say we're pretty clean, but we've got to hold back a little, is not tenable. We couldn't bring someone else in without his becoming part of it, unless you hire a lawyer and do what he says. If you do bring one in, you should make him a special assistant to the Attorney General. You'd have to clearly define "what for", in the public sense. That is, he's to deal with the question of executive privilege and the court cases regarding that. Then, in that capacity, he can be used by the President for general advice. He feels that using anyone else as the President's lawyer undercuts the Attorney General totally, and we shouldn't do that.

The President had me check with Dean on the phone to get a progress report, and he says that Colson's concerned about the phone call to Magruder and our overreacting to that. He, Dean, is going over all the options and reviewing them. He's holed up at Camp David. He thinks that one alternative would be for the President to direct Dean to go to the grand jury and tell everything, and then let them decide if they want anyone else. The problem is that we've been bailing out everybody else, and it's gotten out of hand and compounded the problem. Now we have to protect ourselves. The problem is that Dean, as they pointed out in the case, Dean was everywhere. He feels that his testimony before the grand jury won't hurt anyone in the White House. He thinks the only problem for the White House is post-June 17. We did things to hold it down before the election that are right on the border. If Dean is immunized when he goes to the grand jury, then those things will go no further. But then he would have to be canned if they came out of the grand jury's secret coverage. Dean says that he's devoted to Mitchell and has great loyalty to him, but he has a higher loyalty to the President than to Mitchell, and he's concerned about his own ass, so he thinks he ought to go for informal immunity and try to get this cleared up at the grand jury.

The President also wanted me to call Rogers on the phone this afternoon while I was over there, and I tried, but he was out playing golf, as one would expect him to be on a Saturday afternoon when the weather is beautiful in Washington.



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The President got into a discussion of the FBI. Wondered about Walsh as head of the FBI or Jerry Wilson. The problem is that Walsh is involved in-- was involved as IT&T's lawyer and that would be a problem in appointing him to the FBI. Told me to tell Ehrlichman that we now have to bite the Gray bullet fast, and we should move on it this week.

Wants me to move with Rogers on getting him as the inside advisor. Give him the whole story. Use him instead of Walsh or someone like that. Also discuss with him the question of Dean going to the grand jury and whether he ought to go before the sentencing this week. Said to tell Ehrlichman that he's decided Gray has to go and that Ehrlichman should talk to him. That we can't get the votes, and that even if we did he still wouldn't have confidence, and for political reasons he's been irreparably damaged. So we should appoint Jerry Wilson. The President won't go the Kleindienst-Mitchell route regarding their reluctance on Wilson. He has the best crime-cutting record in America. We'll have to brace Eastland. LaRue should get Eastland sold. Maybe Rogers could also talk to Eastland.

The President raised the question of whether Dean should suspend himself as counsel if he does go to the grand jury. Also we need a statement for Dean to cover in a briefing with the Cabinet and leaders to assure them that the President and the White House are not involved, and that we're doing all we can to cooperate. We have to say that the President is not involved, nor is the White House staff, and that we're vigorously following up. He also wanted to pursue the question of the tactics on releasing the Segretti statement.

I did later get a hold of Rogers this evening. He said he doesn't know Jerry Wilson, so he can't give a view on that. His thought would be for the FBI that we should get a young Federal judge who's had prosecutor experience like Genew from Maine. He thinks it's very important for us not to let the FBI go downhill.

Regarding getting Rogers into it, he agrees that he's probably the one that should do it. But initially at least, it should just be between Rogers and the President. Then he could decide on maybe bringing me or someone else in. But it has to be very closely held. On the idea of



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reassuring the Cabinet or briefing them, he thinks that's not good, at least now. And on the leaders, he thinks it's a very bad idea. The point being that we can't answer all their questions and it doesn't do any good to tell them everything is okay and then hold back some things. On the-- the real problem on this is what's been done after the event, not the Watergate event itself. That, we don't really have any problem with, but we do have a problem on why it's been covered up. I talked to Dean on the phone and his candidate for the FBI is Bill Webster, a former US Attorney who's now in the district court in St. Louis. He agrees with Rogers' idea of getting a Federal judge.

End of March 24.