



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

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Tuesday, March 27.

The staff meeting this morning was mainly taken up with the problem of Wounded Knee, because Ehrlichman feels the time has come that the White House has got to get into it and bust up the Indian siege. Also Shultz is concerned about his need to meet the President on a lot of items sometime this week before he goes to California. The President had a few odd items first thing this morning about Julie's speech to the Jewish group and some general schedule things about trips and State Visits.

And then he shifted into the question of the Watergate again. Wanted me to talk to Dean to get Mitchell down here today and to set up a meeting with Mitchell and Magruder, as Magruder had requested. I called Dean to get the morning report on him. He said that he'd had a long conversation with O'Brien. That he's very distressed at Mitchell, because he thinks Mitchell could cut the whole thing off if he would just step forward. John feels that Mitchell very definitely did sign off on the Watergate thing and so he tends to concur with O'Brien. He says that Jeb told O'Brien and Parkinson, in his meeting with them yesterday, that he believes the whole Liddy plan was put together, that is, the super-intelligence operation, by us at the White House before it was presented to the campaign group. He thinks Dean cooked it up, probably at my instructions. Mitchell bought it, and it was an accomplished fact in December, when Liddy arrived at the Committee. Then there was a hiatus. The meetings occurred in Mitchell's office, Liddy unveiled his plan, nobody bought the first plan, so he went back. Then nobody bought the second plan, and so the whole thing just kind of lingered along. Liddy was pushing to get something done, Colson got into the act, pushing to do something, and then according to Magruder, the final step was that Gordon Strachan called Magruder, saying that Haldeman had told him to get this going, the President wanted it. Magruder told Mitchell this, and Mitchell signed off on it. Also, Magruder says that at a later point, Mitchell called Liddy in and read him the riot act regarding the poor quality of stuff they were getting.



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Dean's theory now is that Mitchell and Magruder have their ass in the sling and are mixing apples and oranges for their own protection; that is, they don't realize, for instance, how little Dean told Liddy about the need for political intelligence on the demonstrators and that sort of thing. The fact is that at the first meeting, everybody laughed at the plan because it was absurd. At the second meeting, Dean got Mitchell off the hook. He arrived late, but said that the plan still was impossible, and then came and told me afterwards that it was impossible and we had to stay completely away from it. Dean saw the problem and wanted to get ten miles away from it. The problem, then, was that Liddy was never given any guidance. Mitchell was in the middle of IT&T and didn't focus on it. O'Brien says that Magruder wants to meet and that that's his motive. He doesn't really believe Jeb, but he's not sure, and he does see the mixing of apples and oranges. He's very disappointed in Mitchell but won't tell him so.

O'Brien suggested that if we want to force this thing to a head, the two lawyers, O'Brien and Parkinson, have been retained by the Committee and they could waive their lawyer/client privilege and they could report to the President on all of the facts at the Committee. Hunt is at the grand jury today. We don't know how far he'll go. Probably he'll get into the money question, but he's not as desperate today as he was last night, but still on the brink. Bittman called O'Brien yesterday, said that Hunt was shaky, that he saw McCord walking out free and thinks maybe it's his turn. And he might reveal the fact that he was given money.

Dean feels we're not really at the crunch that we were last night. Liddy's lawyer is going to argue against immunity with Sirica. He'll probably fail. If he gets immunity, he'll stay in contempt by still not saying anything. O'Brien and Parkinson are getting very shaky themselves. They're wringing their hands. That's all for now, but there's a sort of a semi-threat to step forward. Dean has asked Liddy's lawyer for Liddy to give him a private statement that Dean knew nothing in advance about the Watergate. He thinks Liddy will do this, since he knows it's the truth. He says the Mitchell office meetings were in December and January, and that Dean heard absolutely nothing more regarding intelligence until June 17. He did see Liddy five or six times, but only on campaign matters. Nothing that got into the intelligence operation.



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Dean then volunteered that the reason that he called Liddy on June 19 was that Kleindienst told him that Liddy saw him, Kleindienst, on the 18, at Burning Tree about getting the men out of jail, which Kleindienst told him he would have nothing to do with, and at that time, Liddy told Kleindienst that Mitchell had ordered the operation.

Regarding the idea of the Warren Commission-type thing, Dean still thinks that it's possible. He's been trying to pick it apart with Dick Moore. His idea is that the President says here's what's charged of the White House and at the Committee. He puts it all into perspective in politics. This is all bad but fact and fiction are being confused. We're in an intense political situation. The press and the Senate committee have prejudged the matter. Quote Ervin and Weicker and so on. The FBI is falsely charged, Justice and the US Attorney are falsely accused. No man is above the law, but under these circumstances, there's no possibility of a fair hearing. The public is entitled to the facts, but the people involved are entitled to fair treatment, so the President creates a super-panel, with the cooperation of all investigative agencies, all the people involved agree to tell everything. They agree to waive trial by jury, etcetera.

The panel can remove Federal employees, levy fines, and pose criminal sanctions, etcetera. The defendants can also submit to this. Anyone who does not submit would be warned that all the information developed would be turned over to the Justice Department for criminal prosecution. There would be no judgment until all the facts are received and then we'll make public all the findings and the reasons for any action taken. Proceedings in secret, decisions final. Advantages are, on the long haul, twofold. One, nothing will be done until after the '74 elections, and two, the President maintains the ultimate stroke with the power to pardon at a later point. For the panel, he suggests Earl Warren, Tom Clark, some former governor, someone who knows politics. He would call Ervin down and tell him the plan, explain why, not that the present program isn't just, and that there's too much finger pointing. We'd ask him to hold his hearings in abeyance and ask him to serve on the panel. He also suggested considering the President and Mitchell have a one-on-one talk for the President to find out Mitchell's true perception of what has gone on. So that was Dean's view this morning.



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Then Ehrlichman, Ziegler, and I met with the President and discussed how to handle the Dean matter with the press today, and agreed that we wouldn't go for anything on that at this point, but we do need to establish that Dean will have an opportunity to clear his name. Ziegler then left, and we had a long review of the Dean report and general strategy. The President gave some guidance to Ehrlichman on the FBI, as to going ahead and pulling out Gray. The President agreed to have Rogers come over and see him this afternoon after I give him a briefing first. We discussed Weicker's problem and some of the other general questions. Then the President raised his idea of an alternate to the commission approach, which would be to send everyone in the White House to the grand jury, but the President talk to the judge ahead of time, and expedite it. He'd call the judge in, saying he's sending all of them down, we want you to get to the bottom of this, and then the President would go out and announce that he's done that. We'd base this on the argument that here's an honest judge, and so on, rather than a kangaroo court in Congress.

He then had me call Mitchell to try and get him to come down today, but he said he couldn't, and in the process said he was meeting with Magruder at the time, so that was set up without our knowing it.

Talked to Dean a little later in the day, and he said O'Brien talked to Mitchell today, and Mitchell asked Jeb up and Mitchell is going to tell Magruder that, "I ain't going to jail. You can make your own decision." Mitchell told Dean to stiffen up, said, "If you were to go before the grand jury, you wouldn't be believed, because your story doesn't jibe with mine." Mitchell told him yesterday that his going up would just open a can of worms. Dean thinks that Mitchell is saying obliquely that Dean should re-remember things Mitchell's way.

Jeb said that McCord did budget work for Liddy and that maybe Liddy told him that the plan was presented to Dean, Magruder, and Mitchell and they said to cut it down, which would be a way Liddy-- or that McCord I mean might feel that Dean did have advance knowledge. Dean thinks that Jeb did talk to Strachan ahead of the thing. He feels that Jeb now, in answer to my question, should first, hire a good lawyer; second, plead the Fifth; or third, seek immunity. He thinks in the



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latter case, we should beat Magruder to the punch on immunity by immunizing Dean, which is John's solution at each point now.

The problem is Jeb's perception of the truth is bad. It changes all the time, so he doesn't really know the truth. Dean thinks the Sirica idea of the President's is bad, that it would scare everyone and there'd be no chance of a fair trial. He thinks the panel is better. They can make a fair assessment of the facts out of the public eye. The President told Ehrlichman to get Kleindienst in, but John discovered later that Kleindienst is on the way to Arizona on a speaking trip.

I talked to Dean a little later. He says that Hunt is going to give a written statement at the grand jury today and then will take the Fifth on everything else, and that Petersen won't know what happens at the grand jury until later in the day but we can probably find out from him then.

He reported a new development. F. Lee Bailey called Mitchell regarding his gold reserve client. Then said that Fenstermacher [Fensterwald], or whatever his name is, had called Alch to request that Fenstermacher [Fensterwald] be present as co-counsel when McCord talks to Sirica, and he then offered the comment that we don't give a damn about McCord. We're after Richard Nixon.

Dean is thinking maybe Bailey will have a press conference. He thinks Fenstermacher [Fensterwald] has a link to Kennedy, that he was the chief counsel to the administrative subcommittee when Kennedy was subchairman and then later succeeded Long. The question is how to get the Fensterwald story out. Who's paying him, who paid McCord's bail and expenses, destroyed the witness and so on.

The President wants Dean and Moore to rethink the Sirica idea. And as a result of the President's meeting with Rogers I met with Rogers, filled him in on the whole plan. He felt that the Sirica idea was pretty good, and then when he talked to the President, they modified it on the basis of Kleindienst should meet with Sirica and say that the President, to this point, has relied on the statements of various people, but the McCord charges raised a cloud on this serious issue and the President has, therefore, asked Kleindienst to talk to Sirica. One, does he want to appoint special



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prosecutor; two, does he want to appoint a new grand jury; three, in the event of whether or not he does either of those two, there will be total cooperation from the White House with the grand jury, including testimony from the White House staff that have been named directly or indirectly. Now all the White House people who have volunteered to appear and testify, that there's no question of privilege on matters leading to the Watergate, because there was no communication with the President on this before that. Then Ziegler would go out and announce that we've done this. The President wanted me to check Ehrlichman, Dean, Moore, Kleindienst, Mitchell, and Colson on this. He feels we need a way to blunt the Committee and have to work that out.

I talked to Colson on the phone about the Sirica plan. He said he didn't like the idea, that up until now, the assumption is that we've hidden behind executive privilege. Now McCord blows, so we send the Attorney General to the judge. It appears like overreaction. We should never offer the special prosecutor. He said he'd tell me, when he saw me, why. Then I suggested that he come over, which he did right then. This was late this afternoon. I met with him. He said that the problem is that there is a case for conspiracy to commit perjury and conspiracy to obstruct justice. They can be made and sustained, so the special prosecutor or the commission idea would insure indictment and probably convictions. You can't limit the authority of a special prosecutor. The greatest danger is a runaway grand jury and our objective should be to control the grand jury. Especially regarding conversations within the White House.

The problem on obstruction is that everyone is a participant except, as Colson says, of course, Colson, who didn't say what he was told to say, and therefore, isn't a participant. This is why the President needs one independent person to advise him. A good, skilled trial lawyer. The worst thing is to overreact now.

Kleindienst's going to Sirica telegraphs to the judge the proof that the Administration is in a conspiracy. He would blast the Attorney General and he would know he had succeeded in smoking us out. A criminal lawyer would say don't give any unnecessary targets and don't grandstand, so Chuck says, first, we should get the best criminal lawyer possible, because none



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of us can render good advice. Definitely, Dean's in the soup, and he should take all the privileges he can handle. Second, don't overreact this week, especially on Sirica; third, a question of a statement over the weekend that the allegations are made public. The President says that he has instructed the staff, as he did last summer, to cooperate fully with the official investigating activity and on any charges of wrongdoing, any staff member is under strict orders to comply fully.

I reported this back to the President, and he said I should work out tomorrow morning with Colson a statement for Ziegler, if he's pressed. To the effect that all members of the White House staff have volunteered at any time to appear before the grand jury and answer questions on these matters. We should line up the statement as to what Ziegler should put out, that much and no more. How to handle the question of executive privilege at the grand jury, especially versus the Congress, and explain how the grand jury differs from the Ervin Committee. One is a separation of powers problem, the other is regarding the criminal activity and the grand jury is the proper place to investigate that, not before the television lights of a Senate hearing.

He feels that we should drop the Kleindienst-Sirica meeting, because it just won't work and would be a bad signal, as Chuck suggests. He liked my idea of trying to hit Weicker directly, since Pat Gray has now found out that Weicker's charges all relate to the Segretti matter and his thought that he's going to get me on that.

I found out from Dean late today that McCord goes to the Senate before he goes to the grand jury. He'll go tomorrow in closed session. Dean feels that within 24 hours he will have documentation proving he didn't know anything about the Watergate ahead of time. He already has Jeb's and John Mitchell's statements and Liddy will give him a good statement, too.

Regarding the post-June activity, he thinks there's a good chance to hunker down and survive. If Dean goes to the grand jury, he has to go. The President should waive privilege as it relates to Dean, personally. He then reported that Woodward, the guy who's been writing all the bad articles at the *Post*, came to Gerry Warren and said that they didn't want to be polarizers and they



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realized that maybe they were running some stuff that was unfortunate and all that, and they want to set things at rest, so they'd like to have an interview with the President, which is the epitome and all that, and they want to set things at rest, so they'd like to have an interview with the President, which is the epitome of gall.

Colson called me later with an idea, which would be that Kleindienst call in Hunt and Liddy, tell them to come clean, and if they do, Justice would consider the question of parole or commutation. They would tell Kleindienst, with a reporter, under oath, the whole story on Watergate and would get immunity from further prosecution. This would preempt the obstruction of justice issue. Colson trusts Shapiro, his partner. He tried this idea on him and he says it's brilliant. It cuts the ground from under the McCord thing. This would accomplish Dean's objective of cutting the cancer out and it's discovered by us instead of by a grand jury or Ervin. If we accept the inevitability that it's going to come out anyway, this is a good way to do it, and it extinguishes the issue of post-election-- post-Watergate problems.

End of March 27.