

TRANSCRIPT OF A RECORDING OF A
TELEPHONE CONVERSATION BETWEEN
JOHN EHRLICHMAN AND HERBERT KALMBACH
APRIL 19, 1973

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CONVERSATION BETWEEN JOHN EHRLICHMAN AND
HERBERT KALMBACH, APRIL 19, 1973

EHRLICHMAN: 'Lo!

KALMBACH: Hi!

EHRLICHMAN: How are you?

KALMBACH: I'm, I'm pretty good.

EHRLICHMAN: Good.

KALMBACH: I'm, I'm, uh, scheduled for two tomorrow
afternoon.

EHRLICHMAN: Where, at the jury or the U.S. Attorney?

KALMBACH: At the jury.

EHRLICHMAN: Uh-huh.

KALMBACH: ...and I'm scheduled at 5:30 this afternoon
with, uh, with Silbert.

EHRLICHMAN: Oh, are ya?

KALMBACH: Yeah. I uh, just wanted to run through quickly

EHRLICHMAN: Sure.

KALMBACH: ...several things, John, in line with our
conversation. I, I uh, got in here and, uh,
last night and there's a telephone call from
O'Brien. I returned it and went over there
today. And uh, he said the reason that was--
for the call-- was La Rue had told him that to
ask him to call me to say that he'd had to
identify me...

EHRLICHMAN: Uh--hm

KALMBACH: ...in connection with this, and, uh, and he
wanted me to know that, and so on.

EHRLICHMAN: Did he tell you about Dean?

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KALMBACH: No.

EHRlichman: Well, Dean has, uh, totally cooperated with the U.S. Attorney in the hopes of getting immunity.

KALMBACH: Um hum.

EHRlichman: Now what he says, or how he says it, nobody seems to be able to divine.

KALMBACH: Yeah.

EHRlichman: But he's...

KALMBACH: The whole enchilada?

EHRlichman: He's throwing off on Bob and me heavily.

KALMBACH: He is?

EHRlichman: Yeah.

KALMBACH: He is?

EHRlichman: And taking the position that he was a mere agent.

KALMBACH: Um hum.

EHRlichman: Now, on your episode...

KALMBACH: Yes, sir.

EHRlichman: ...he told me before he left, so to speak, -- he, Dean--told me that really my transaction with him involving you was virtually my only area of liability in this thing. And I said, "Well John, what in the world are you talking about?" He said, "Well I came to you for Mitchell and I said, uh, Mitchell needs money. Uh, could we call Herb Kalmbach and ask him to raise some?" And I said--and, and, Dea-- says to me--and you said yes.

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EHRlichman: And I said, "Yes, that's right." And he said,
(CONT.) "Well, that does it." And I said, "Well,
that's hard for me to believe. I don't
understand the law

KALMBACH: Um hum.

EHRlichman: "...but I don't think Herb entered into this
with any guilty intent...

KALMBACH: I know

EHRlichman: "...and I, I certainly didn't." And so I said,
"I just find that hard to imagine." Now since
then I have retained counsel.

KALMBACH: Oh, you have?

EHRlichman: Who is very good and who agrees with me that
it is the remotest kind of nonsense.

KALMBACH: Yeah.

EHRlichman: But uh, the, the, point that I think has to be
clarified, that I'm going to clarify if I get
a chance, is that the reason that Dean had to
come to me and to Bob where you were concerned
is that we had promised you that you would not
be run pillar to post by Maury Stans.

KALMBACH: And also, and, and also that you knew -- I was
your friend--and you knew I was the
President's attorney

EHRlichman: Sure.

KALMBACH: ...and never do anything improper

EHRlichman: Sure.

KALMBACH: ...illegal, unethical, or whatever.

EHRlichman: Right.

KALMBACH: And uh ...

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EHRlichman: But the, the point is that rather than Mitchell calling you direct, Mitchell knew darn well that you were no longer available.

KALMBACH: Yeah.

EHRlichman: Now this was post-April 6th, was it not?

KALMBACH: Yeah.

EHRlichman: Yeah.

KALMBACH: April 7th.

EHRlichman: Yeah. So that, uh, Mitchell and Stans both knew that there wasn't any point in their calling you direct because we had gotten you out of that on the pretext that, uh, you were going to do things for us.

KALMBACH: That's right.

EHRlichman: And so, uh, uh, it was necessary for Dean to come to me and then in turn to Bob, and, and plead a very urgent case without really getting into any specifics, except to say you have to trust me, this is very important. And, uh, Mitchell is up his tree, or you know, I mean is really worked up" he didn't. use that phrase--"but is, is really exercised about this."

KALMBACH: Um hum.

EHRlichman: I said, "Well, John, if you tell me it's that important, why yes."

KALMBACH: You know when you and I, when you and I talked, and it was after John had given me that, that word, and I came in to say--ask you, uh, "John, is this an assignment I have to take on", and you said, "Yes, it is." Uh, period. And uh...

EHRlichman: Um hum.

KALMBACH: ...go forward. Then that was all that I needed to be assured that I wasn't putting my family in jeopardy.

EHRlichman: Sure.

KALMBACH: And I would, I would just understand that, uh, you and I are absolutely together on that.

EHRlichman: No question about it, uh, Herb, that I would never knowingly have put you in any kind of a spot.

KALMBACH: Yeah. Well, and when you and--when we talked, you knew what I was about to do, you know--to go out and get some dough for this purpose. I mean the humanitarian and

EHRlichman: Exactly.

KALMBACH: And uh...

EHRlichman: It was a defense fund.

KALMBACH: ...and a defense fund.

EHRlichman: Yeah, Yeah.

KALMBACH: ...and to, to, to support the families.

EHRlichman: That's it.

KALMBACH: Now, uh, the thing that was disquieting about this thing with, uh, with O'Brien was that, uh, he said, "there is a massive campaign evidently underway to indict all the lawyers, including, including you, Herb." And I just was a little shocked at

EHRlichman: Mmm.

KALMBACH: ...that. And I guess what, what I need to get from you, John, is assurance that this is not true.

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EHRlichman: Well, I don't know of any attempt to target you at all.

KALMBACH: Yeah.

EHRlichman: My hunch is that they're trying to get at me. They're trying to corroborate. See, what they've said to Dean is that he gets no consideration from them unless they can corroborate Haldeman and my liability.

KAUMBACH: God, if I, I can just make it plain that uh, the--it was the humanitarian and no nothing else.

EHRlichman: Yeah. And, and the point, uh, uh--that I undoubtedly never expressed to you--that I continually operated on the basis of Dean's representations to me.

KALMBACH: Yeah.

EHRlichman: And I had the, uh

KALMBACH: It was not improper.

EHRlichman: Right.

KALMBACH: And there, uh, was nothing illegal about it.,

EHRlichman: Right. See he's the house lawyer.

KALMBACH: Yup. Exactly. And I just couldn't believe in--you would--you and Bob and the President's just too good, too good friends to ever put me in the position where I'm putting my family on the line.

EHRlichman: Why of course.

KALMBACH: And, uh, it's, it's just unbelievable, un--unthinkable. Now, uh, shall I just--I'll just, uh--if I'm asked by this Silbert, I'll just lay it out just exactly that way.

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EHRlichman: Yeah. I wouldn't haul the President into it...

KALMBACH: Oh, no, no, no

EHRlichman: If you can help it.

KALMBACH: I will not. No.

EHRlichman: But uh, I think the point that uh,uh—which I will make in the future, uh--if I'm given the chance that, uh, you are not under our control in any sort of a slavery sense...

KALMBACH: No, but

EHRlichman: ... but that we had agreed that, ah,you would not be at the beck and call of the Committee.

KALMBACH: And, and, of course too, that I respond only on orders and, you know, on direction, and uh, if this is something that you felt sufficiently important and, uh, that-you were, that you were as-,as-, assured was altogether proper, then I would take it on because I always do it, and always have. And you and Bob and the President know that.

EHRlichman: Yeah. Well, uh, uh, as far as propriety is concerned, I think we both were relying entirely on Dean.

KALMBACH: Yep.

EHRlichman: I made no independent judgment...

KALMBACH: Yep. Yep.

EHRlichman: And I am sure Bob didn't either.

KALMBACH: No. And, I just--I'm just--I just have the feeling, John that, it, uh--I don't know whether this is a weak reed. Is it?

EHRlichman: For who, Dean?

KALMBACH: No. I mean this--for--I mean are they still going to say, "Well, Herb, you should have known?"

EHRlichman: I don't know how you could. You, you didn't make any inquiries.

KALMBACH: Never. And the only inquiries I made, John, was to you

EHRlichman: Yeah.

KALMBACH: after, after I talked to, to John Dean.

EHRlichman: And you found that I didn't know just a whole hell of a lot.

KALMBACH: Yes, but you said this is something T, I have to do, and I

EHRlichman: Well, yeah. And the reason that I said that, as you know, was not from any I personal inquiry, but was on the basis of, uh what had been represented to me.

KALMBACH: Yeah. And, and to, uh provide the defense fund and to, to take care of the families of these fellows who were, uh, then

EHRlichman: Indigent.

KALMBACH: ...who had not then been found neither guilty or not guilty.

EHRlichman: But, and the point being here, without attempting them--to induce them to do a damn thing.

KALMBACH: Absolutely not. And that was never--that was exactly right.

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EHRlichman: Okay.

KALMBACH: Now, can I, can I get in to see you tomorrow before I go in there at two?

EHRlichman: If you want to. Now they'll, they'll ask you.

KALMBACH: Will they?

EHRlichman: Yep.

KALMBACH: Well, maybe I sho-, maybe I shouldn't.

EHRlichman: They'll ask you to whom you've spoken about your testimony. And I would appreciate it if you would say that you talked to me in California, because at that time, I was investigating this thing for the President.

KALMBACH: And not now?

EHRlichman: Uh, well, I wouldn't ask you to lie

KALMBACH: No, I know

EHRlichman: Uh, but the point is...

KALMBACH: Not --- but the testimony was in California?

EHRlichman: The point is --- well, no. I mean your recollection of, of, facts and so forth?

KALMBACH: Yes, I agree.

EHRlichman: See, uh, uh, I don't think we were ever seen together out there, but, but at some point I am going to have to say that I talked to O'Brien and Dean and, uh, Magruder and Mitchell and you, and a whole lot of people about this case.

KALMBACH: Yeah.

EHRlichman: And so, uh, uh, uh, it, it would be consistent

KALMBACH: Now,--do you, do you feel, John--calling a big shot here -- do you, do you feel, assured, as you did when, when we were out there that, that there's no culpability here?

EHRlichman: Yes.

KALMBACH: And nothing to worry about

EHRlichman: And Herb, from everything I hear, they're not after you.

KALMBACH: Yes, sir.

EHRlichman: From everything I hear...

KALMBACH: Well, I (unintelligible) Barbara, you know, I just

EHRlichman: They're out to get me and they're out to get Bob.

KALMBACH: My God. All right. Well, John, I'll-it'll be absolutely clear that there was no -- there was nothing, uh, looking towards any cover-up or anything.

EHRlichman: Right.

KALMBACH: It was just strictly from humanitarian and,uh, and I just wanted you, I just--when I talked to you--I just wanted you to advise me that it was all right on that, on that basis

EHRlichman: On that basis.

KALMBACH: to go forward.

EHRlichman: That it was necessary...

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KALMBACH: And that will be precisely the way it is.

EHRlichAMAN: Okay.

KALMBACH: Alright.

EHRlichAMAN: Thanks, Herb.

KALMBACH: Okay.

EHRlichMAN: Bye - bye.