

TRANSCRIPT OF A TELEPHONE CONVERSATION
BETWEEN THE PRESIDENT AND CHARLES W.
COLSON ON MARCH 21, 1973 FROM
7:53 TO 8:24 PM

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OPERATOR: Yes?

PRESIDENT: Mr. Colson, please.

OPERATOR: Thank you, Mr. President.
(Pause)

COLSON: Hello.

OPERATOR: Mr. Colson is on the line, sir.

PRESIDENT: Oh.

COLSON: Good evening, Mr. President.

PRESIDENT: Well, how's your business coming now?

COLSON: Well, we're working hard at it, sir.

PRESIDENT: Right.

COLSON: We, uh, we, we, we're fighting 'em off,
fighting 'em off at the doors. I was --

PRESIDENT: You mean your clients?

COLSON: (Laughs) Funny that -- it's just, uh, my job
is getting, getting my own firm organized
and...

PRESIDENT: Right.

COLSON: finding enough hours in the day to do the
things I want to do.

PRESIDENT: Right, right, right, right.

COLSON: It's coming very well.

PRESIDENT: Right.

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COLSON: I had an interesting visit last night with, uh, Howard Baker's administrative assistant.

PRESIDENT: Yeah. Um huh.

COLSON: He, uh, claims and uh, -- I don't know how much truth there is in it but, uh, -- that Howard really wants to work with us, totally. Uh, and that he's just a little frustrated. He said he's, uh, he said don't pay any attention to what he has been saying on the floor or, uh, a couple of times that he said things that he said were unfortunate. He said we -- he said Howard regrets them but, uh, when it appeared that he was breaking with the President, he said he wasn't. What he's trying to do is protect his credibility with Ervin so that he can negotiate with him and, uh, he said he really just wants -- he doesn't have the votes and he said he just wants to be able to, to hold Ervin at uh, uh, at, at bay, and be able to control him and he said, therefore, he's trying, he, Howard, is trying to act like one of the Senate club so that he doesn't, uh...

PRESIDENT: Sure, um huh.

COLSON: uh, doesn't destroy his relationship with...

PRESIDENT: Yeah.

COLSON: ...uh, Ervin. He did say that he, that Howard felt frustrated because he said he, he wants uh, to be the defender of the President -- just looking at my notes -- but, but, uh, the same time appearing to be disinterested, but he said he hasn't really been able to get a channel of communication where he could work with anyone yet, though. I had, uh, I want to talk to Haldeman about this because...

PRESIDENT: Well, he has to work with Kleindienst, that's where he has to really begin.

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COLSON: Well, he's working with Kleindienst but he's not, uh...

PRESIDENT: Getting anything, huh?

COLSON: No, and he's not -- doesn't think that's a good idea. He said that's got certain dangers inherent in it to work with the Attorney General, uh, he, he'd kind of like more political counseling and, uh, I can do some of it, I think, uh, through my sources, but, uh, through George Webster, but...

PRESIDENT: He can't do it at the White House. You can see that.

COLSON: No, it can't be the White House. That's, uh...

PRESIDENT: That's right. He's got to be able to deny that totally, you see?

COLSON: I don't know, but maybe even George Bush, uh, might be able to help. I don't know, I've been trying to think today how the hell to do it.

PRESIDENT: Yeah, yeah.

COLSON: Uh, he, he just says he wants, uh, he wants someone...

PRESIDENT: Why the hell doesn't he use Mitchell?

COLSON: Well, Mitchell will be a principal in the thing which is...

PRESIDENT: Yeah, I suppose so.

COLSON: But you see, he thinks, uh, well, uh, I won't burden you with it. But the only important thing I think, Mr. President, is that, that he, he said the only reservation that -- Howard wants to help go all the way and, and work with us and wants to defend you and wants to defend the Republican Party -- took this assignment on because he felt that otherwise it might fall into someone's hands in the Senate who was not able to --

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PRESIDENT: Yeah, uh, is lie, uh,...

COLSON: Sharp and adroit?

PRESIDENT: ...aware of the fact that, uh, Ervin's rather partisan?

COLSON: Oh, he thinks Ervin is, uh, is, is, is bordering on senility and, uh, well, I'm, I'm quoting, of course second-hand through Hugh Brenson but he said he thinks that Ervin is bordering on senility, is a total partisan...

PRESIDENT: That's for sure.

COLSON: ...a phony. And he, he described, Hugh describes him as a phony and he said that, uh, Howard doesn't have any respect for him. I mean, he has respect for him but he's not...

PRESIDENT: Yeah.

COLSON: ...great constitutional lawyer, uh, that he makes himself out to be and he said that, he said Howard's under no illusions about Sam Ervin, he said -

PRESIDENT: How about, though, the counsel, he's not say, senile, that's the problem there, isn't it?

COLSON: Dash?

PRESIDENT: Yeah.

COLSON: Yeah, he's a sharp cookie according to Brenson and uh, not at all senile and sees an opportunity to make a real name for himself. Uh, they're just, uh, basically, uh, the point that Brenson, well, uh, the reason he asked to see me and this was -- well, George Webster was kind of the innovator -- but the reason he asked to see me was he said, "Jesus, somebody sit down with us and just go through the, uh, uh, the thing and coordinate with us." He said, "for example, the President put out a statement on Executive Privilege; we, we got caught by surprise. We weren't prepared, we didn't know he was gonna do it."

PRESIDENT: Oh, yes he did. I'd told him before.

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COLSON: Well, he said, anyway. But you know, he, that's probably the typical, uh...

PRESIDENT: Sure.

COLSON: ...little bit of an apology session (unintelligible)...

PRESIDENT: Right.

COLSON: ...I think he, I think he wanted to be sure that we knew that, uh, uh, that he wasn't, uh...

PRESIDENT: Right.

COLSON: getting off the reser -- well that's clear. One thing last night was very clear. He wanted me to be sure and he asked me whether I was in communication with, with you or with, uh, Haldeman and I said yes and, uh, he said well please, he said be sure they know we're not getting off the reservation. We, we want to help, we just feel like...

PRESIDENT: Yeah.

COLSON: ...we need a channel of information. And we need to know the facts and, uh...

PRESIDENT: Um huh.

COLSON: ...we need somebody to take us into confidence once in a while and keep us clued in and, uh...

PRESIDENT: Right.

COLSON: ...and give us all the facts. We mu- we'll know how to handle them. We, we'll defend you if you...

PRESIDENT: Yeah.

COLSON: ...we'll defend the Administration if we know what the facts are.

PRESIDENT: What's your judgment as to what, (clears throat) what ought to be done now. You know, there's various discussions about, uh, whether, uh, should be, uh, a uh, report made or something, you know, a, uh, report to, uh, the President or just hunker down and take it or what, what have you, and so forth, and so on.

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COLSON: Well, my feelings, Mr. President, uh, thus far, frankly, is that you're not being hurt by this at all. That this is, a, a, a Washington story still and that, that sounds incredible after all this time and all this publicity but I, I, I'm convinced that, uh, uh...

PRESIDENT: But you see, looking to the future, I suppose, Chuck, what some of our fellows that are, you know, like, uh, when Dean, who's really done a superb job here keeping all the fires out, he's, (clears throat) he's concerned about, you know, what, what bubbles out, you know.

COLSON: Yeah, well Dean has a problem also, Mr. President. I, I didn't want to say this to you, uh, Monday night when you mentioned to me that, uh, uh, that, that Dean has done a spectacular job. I don't think anybody could do as good a job as John has done. The, the problem I foresee in this is not what has happened so far -- I mean I, I think the, uh, the mystery of the Watergate, uh, I don't know whether somebody's gonna, uh, somebody else higher up in the Committee for the Re-Election is gonna get named or not but, uh, to me that isn't of very great consequence to the country if it, if it happens. The thing that worries me is that, is the possibility of somebody, uh, charging an obstruction of justice problem -- in other words that the subsequent actions would worry me more than anything and it, that's where John has, you know, he's done all the things that have to be done but, that, that makes him a little more of a participant than, than you would like if you, if you, if, uh, he's the fellow that has to, uh, coordinate it all. It's in, uh -- of course, he's got the best privilege, he's got a double privilege but, you know the, the subsequent developments would be the only ones that would worry me. I don't worry about the, uh, how the Watergate came about. I think that's been so milked out that they get someone else, well they get 'em, that's all. And if there's testimony, it'll...

PRESIDENT Um huh.

COLSON: ...it will get so God-damn confused. It's, it's may be the stuff after, uh, afterwards that...

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PRESIDENT: You mean, uh, the me-, yo-, been saving uh, the, the, with regard to the defendants? Of course, that was all...

COLSON: Yeah, that, that's, that's that area I mean, that general area.

PRESIDENT: Yeah. Of course, that was...

COLSON: I don't want to burden you with any...

PRESIDENT: ...that had to be done. (Laughs)

COLSON: Hell, yeah. No, I'm not -- no second thoughts. That's not the point.

PRESIDENT: Yeah.

COLSON: The point is that, just that, it limits the ability now to...

PRESIDENT: Yeah.

COLSON: ...to stand up to it. I don't know, uh, I've thought of several things. I've thought of trying to get a, uh, a special counsel in to you that could, uh, uh, you, you...

PRESIDENT: We could appoint, you mean?

COLSON: Yeah, that you could appoint. Not, not as an investigator but as a counsel. Just to handle the God-damn thing on the grounds that you don't want the Justice Department handling it, and you don't want the regular White House staff handling it -- they've got their work to do.

PRESIDENT: Yeah.

COLSON: And, uh, you appoint a man of...

PRESIDENT: Which has...

COLSON: ...totally impeccable uh, credentials, uh...

PRESIDENT: Um, huh.

COLSON: ...a man known for his integrity, uh, standing before the Bar, you know, that kind of thing. But, a guy who is also totally loyal or just a damned good lawyer who would be professional then. That's one thought that I've been playing with the last couple of days.

PRESIDENT: Yeap. Hum.

COLSON: We have an advantage, you see, of getting all the, the people who have been in one way or another participating out of the damn thing so that you, you've got a guy who, uh, frankly can, can deal with, uh, deal with anybody he has to deal with.

PRESIDENT: Yeah.

COLSON: Special counsel.

PRESIDENT: I think they have, of course, of course, you've got the problem of what the judge is gonna say Friday. I suppose he's gonna have quite an haranque, isn't he?

COLSON: Oh yeah, yeah, he's, he's.

PRESIDENT: He's pretty tough and then, of course, you've got the problem of, uh, the defendants, particularly Hunt. What he, what's he gonna do. That's always a problem, I know.

COLSON: Yeah.

PRESIDENT: Of course he's got problems if he does anything. You know whether he's, uh...

COLSON: Oh, that's right.

PRESIDENT: You know what I mean. He's, uh...

COLSON: Yes, sir. I, my own opinion of that is that he, uh, that he just will hang in where he is. I mean, think he, uh, that, at the moment I think that's in, in as good shape as it can be. Uh, you never know -- lot of...

PRESIDENT: There're a lot of pressures on him, lot of pressures.

Sure are

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COLSON: Yeah, hell of a lot. But it's uh, but, no -- I think what you'll get is another harangue from the judge and, uh...

PRESIDENT: Probably calling, don't you imagine, for the Grand Jury to go back into session and call everybody again.

COLSON: Yes sir, yeah, U.S. Attorney's already, uh, already indicated he was gonna do that, so, the judge is bound to use that, that ploy to grandstand that but that doesn't trouble me too much...

PRESIDENT: Well, I wo-, I don't have any problem frankly, if, I'd hell of a lot rather have everybody in the White House staff and former White House staff members called before a Grand Jury than I would before, uh, (laughs) the Committee, wouldn't you?

COLSON: Oh, absolutely. Absolutely, there's nothing, as a matter of fact, well, all, uh, everybody in the White House staff, former White House staff has been before the Grand Jury.

PRESIDENT: Right, except, except for, of course, Haldeman, Ehrlichman.

COLSON: That's right, I guess now...

PRESIDENT: See you...

COLSON: gave depositions. Uh, but there -- of course Ehrlichman talked to the, uh...

PRESIDENT: FBI.

COLSON: ...FBI. Yeah, (unintelligible)

PRESIDENT: But that, that, see that's the part that they might want to get into, which I would understand.

COLSON: Sure, well that -- that wouldn't bother me, of course, you, you do have privilege questions that, I mean, uh, there's the question of where and when you waive privilege that, uh, we'd have to worry of...

PRESIDENT: But it'd be very difficult to waive it -- to, to claim it for a Grand Jury, I think.

COLSON: That's right. For a Grand Jury, you could have...

PRESIDENT: I don't think: you can really waive it. I don't think you can really, uh, stand, stand with it, I mean. Before a Senate Committee it's one thing. Before a Grand Jury I think something else.

COLSON: That's right. Yeah, or, or, uh, in a civil proceeding in open court or in a, uh, deposition in a civil proceeding or, or in a congressional hearing you've got one set of rules, in the Grand Jury where there's secrecy...

PRESIDENT: That's a different matter.

COLSON: It's a different matter, that's right.

PRESIDENT: That's right.

COLSON: There'd be still some area that would be privileged but I think the privilege would be much narrower.

PRESIDENT: Right.

COLSON: Obviously some areas that would, national security areas that...

PRESIDENT: Right.

COLSON: ...might: be considered. I, I, I don't think really at this point in time, uh, Mr. President, that - it was interesting, I, I-- Brenson said they'd had no reaction from Tennessee, none whatsoever. Uh, and I, I just don't think another harangue by the judge or, uh, -- I just...

PRESIDENT: Well, I think the harrangue will probably have s-, you know, it will get another television story and we'll get a, uh, you know, uh, a little, a more the, that yo-, it'll, it will hit, hit the networks, it all-- it's like ITT. It sort of builds up over a period of time.

COLSON: That's right. It doesn't, th-, th-, the-- but they keep hitting at it because they just don't have anything else to use. Well, it's the...

PRESIDENT: That's quite true.

COLSON: They can make the mystery out of it and, uh...

PRESIDENT: That's right.

COLSON: ...and that's the damn, damnable part.

PRESIDENT: That's why, uh, some kind of a, even a bland statement is probably worthwhile. I don't know how we can get it out, but maybe we have to at one point.

COLSON: Well, if, if there's anything to be, anything more to be said -- I, I almost think you're in the, uh, in the right posture, right at the moment. The only question that I have in my mind, uh, Mr. President, is whether it's, whether it would be an advantage to you to have someone who, uh, has no, uh, background in this area at all, an-, and's had no involvement, has been on the outside, uh, brought in simply to, uh, to coordinate it all so that, uh -- highly respected guy who could sort of...

PRESIDENT: Well, the ideal guy would be Fortas if he, uh, hadn't been involved, huh?

COLSON: Yeah, he's uh, he's badly tarred. He would be very good.

PRESIDENT: Yeah. He's what you need.

COLSON: Yeah, that's right. Another fellow, uh, uh, that I thought about is Rankin because he's, uh, highly respected. He, he, uh...

PRESIDENT: Walsh?

COLSON: Yeah, 'cept, yeah Walsh.