

TRANSCRIPT OF A RECORDING OF A MEETING AMONG
THE PRESIDENT, H.R. HALDEMAN AND
JOHN EHRLICHMAN IN THE EXECUTIVE
OFFICE BUILDING, APRIL 14, 1973,
FROM 8:55 TO 11:31 A.M.

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PRESIDENT: Jack, uh, do, uh, did you reach any conclusions as to, uh, where we are, recommendations?

EHRlichMAN: No, no conclusions.

PRESIDENT: Uh -problems?

EHRlichMAN: Dick Wilson, I think, is -has an interesting column this morning.

PRESIDENT: (Unintelligible).

EHRlichMAN: Ah, yeah, it's, uh, uh, (noise) money problem. He's been analyzing this money problem (unintelligible).

HALDEMAN: (Unintelligible).

EHRlichMAN: Oh, yeah, last night.

PRESIDENT: Wilson is in the Star.

EHRlichMAN: Well then it is twice he made this point.

PRESIDENT: So what?

EHRlichMAN: (Unintelligible). Argues that really the, the essence of this whole thing is too much money, too easily spent, and so on. And then he, uh...(Unintelligible)

HALDEMAN: That's his great underlying, uh

PRESIDENT: Yeah. That's what everybody -that's what--

HALDEMAN: No, not everybody. That's a, uh, one par...

PRESIDENT: Well, Reston lies.

HALDEMAN: ...one group thesis...

PRESIDENT: Yeah.

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HALDEMAN: ...that, uh, Reston...

PRESIDENT: That's right.

HALDEMAN: ...Reston has on that side and point out (tape noise). And, the, the you know, his he, he, he carries it beyond -he says solving Watergate-doesn't take care of it, but, uh, then there's, uh, all the money in

PRESIDENT: Dick wants the President to speak out on the whole general issue of money and campaign and that sort of

EHRlichman: Basically that's -generally, but he, he gets specific on this. He says also (unintelligible).

PRESIDENT: Is that what you think, go out and make a speech?

EHRlichman: No, I'll tell you what I think. I think that the President's personal involvement in this is important. And I don't...

PRESIDENT: Yeah.

EHRlichman: ...I don't think it's a speech.

PRESIDENT: Well, that's the point. I think it's -there're other ways you can get at it. Now, I was thinking of the, uh -before we get into that though, let's get back -that's something we can get into later -I'd like to get -I'd like to go in, if I could, to what your conversation with Colson was and, uh, in essence. What, what was yours, what did he and the lawyer come to tell you about?

HALDEMAN: Hunt's visit.

EHRlichman: That visit was to tell me that Hunt was going to testify on Monday afternoon.

PRESIDENT: How does he know that?

HALDEMAN: um hmm.

PRESIDENT: How does, how does he get such information?

EHRlichman: Uh, undoubtedly through Bittman.

PRESIDENT: Right.

EHRlichman: Or Bittman through Shapiro.

PRESIDENT: Now why, why is Hunt testifying? Did he say? Or, uh, what...

EHRlichman: He didn't say.

PRESIDENT: ...(unintelligible) about the --

EHRlichman: He said -I'll tell you what he said and then I'll tell you what I think the fact is -he said Hunt was testifying because there was no longer any point in being silent. That, uh, uh, so many other people were testifying that there was no -he wasn't really keeping any secrets.

PRESIDENT: Yeah. Yeah.

EHRlichman: Couldn't add much. Uh, my, my feeling is that Bittman got very antsy when this grand jury started focusing on the aftermath...

PRESIDENT: (Unintelligible) know what was involved

HALDEMAN: That's it exactly.

EHRlichman: and that he went to the U.S. Attorney and he said, "Maybe I can persuade my client to talk."

PRESIDENT: What does, uh, what do Colson, et al, Colson and Shapiro think we ought to do under these circumstances? Get busy and nail Wilson and, uh, nail Mitchell in a hurry? Is that what he means?

EHRlichman: Yes.

PRESIDENT: How is that going to help?

EHRlichman: Well, they feel that...

PRESIDENT: (Unintelligible) I just want to get the best effort.

EHRlichman: ...they feel that after Hunt testifies that the whole thing's going to fall in, in short order.

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PRESIDENT: Right.

EHRlichman: That Mitchell and, uh, Magruder will involuntarily be, uh, uh, indicted

PRESIDENT: Right.

EHRlichman: (Unintelligible) say...

PRESIDENT: Right.

EHRlichman: ...that you have lost any possibly of initiative, so -for participation...

PRESIDENT: So, what does Colson

EHRlichman: (Unintelligible).

PRESIDENT: ...want us to do?

EHRlichman: He wants you to do several things. He wants you to persuade Liddy to talk.

PRESIDENT: Me?

EHRlichman: Yes, sir. That's his -I didn't bring my notes, but basically --

PRESIDENT: Oh. Last night you didn't mention this,,but that's alright.

EHRlichman: Oh, I thought I had.

PRESIDENT: Maybe you did, maybe you did.

EHRlichman: -I didn't, I didn't...

PRESIDENT: (Unintelligible).

EHRlichman: in any event, he didn't

PRESIDENT: I would bring, he-, le-, let Liddy in and tell him to talk?

EHRlichman: You can't bring him in. He's in jail. But, uh

PRESIDENT: Oh.

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EHRlichman: You would send, you'd send word to him, and of course wanting him to make full disclosure or in some way you would be activist on this score.

PRESIDENT: Yeah.

HALDEMAN: There's no, there's -that isn't -doesn't involve any real problem. As Dean points out, uh, Liddy is not talking 'cause he thinks he's supposed not to talk. If he is supposed to talk, he will. All he needs is a signal, if you want to turn Liddy up.

PRESIDENT: Yeah, oh -yeah. But the point that...

HALDEMAN: Face it, he believes --

PRESIDENT: ...Colson wants is a public signal. Is that right?

HALDEMAN: No, he (unintelligible).

PRESIDENT: A public signal (unintelligible) what the hell do you do?

EHRlichman: (Unintelligible) he wants to be able to -he wants you to be able to, to say afterward that you cracked the case.

PRESIDENT: Go ahead. What else?

EHRlichman: Well, I forget what else. Do you remember, Bob? Uh, uh

HALDEMAN: Well, that was basically (unintelligible)

EHRlichman: Basically, basically, uh, he, he feels that the next forty-eight hours are the, are the last chance

PRESIDENT: Mmm-huh.

EHRlichman: ...for the White House to get out in front of this and that once Hunt goes on, then that's the ball game.

PRESIDENT: But you've got to be out in front earlier.

EHRlichman: Well--

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PRESIDENT: But, I mean, sorry, not earlier, but publicly.

EHRlichman: Uh. either...

PRESIDENT: (Unintelligible)

EHRlichman: ...either publicly or with provable, identifiable steps which can be referred to later as having been the proximate cause.

PRESIDENT: He's just not talking because he thinks the President doesn't want him to talk? Is that the point?

EHRlichman: He's -according to them...

PRESIDENT: (Noise)... Mitchell... (Noise) Mitchell's given him a promise of a pardon (tape noise) Bittman?

EHRlichman: Yeah, uh, no, according to, uh, uh, Colson and Shapiro. And I don't know where they get that.

PRESIDENT: Mitchell has promised Liddy a pardon?

EHRlichman: Yes, sir. Other points that Colson may not have mentioned, uh, uh, -(tape noise)

PRESIDENT: I have an uneasy feeling that, that Magruder story may have been planted.

HALDEMAN: No.

PRESIDENT: Or is it true?

HALDEMAN: There, there's a third Magruder phone call which I haven't heard that, uh, uh, says...

PRESIDENT: Says he did talk to the press?

HALDEMAN: ...says he did talk to a reporter on Monday- did not say any of the things he's, he's reported to have said, that what he, that -he said it wasn't an important conversation. He said the same -he gave the reporter the same line.

PRESIDENT: Yeah.

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HALDEMAN: That, you know -but in listening to Magruder's thing...

PRESIDENT: Alright.

HALDEMAN: ...I was convinced he wasn't completely telling the truth that he -in what he was saying. As you get into it, I'm convinced that his (unintelligible) that part was pretty much...

PRESIDENT: Yeah.

HALDEMAN: ...(unintelligible).

PRESIDENT: Uh, but you come to this -all these pieces must be put together now. But you come to Magruder, uh, where the hell does Colson get such a thing?. Uh, or is Colson a liar or --

EHRlichman: Shapiro, Shapiro says he has a very good press contact who has proved very reliable to him and he says his, his practice in this town depends on his knowing what's going on. And he's (un intelligible) press contact. This is one of the -and he's always found it to be -

PRESIDENT: He says that he's talked to Magruder and Magruder said that, that -?

HALDEMAN: Yeah. What they've now told us is we'll never .get the transcript. That he

PRESIDENT: Magruder, think Magruder may have done this?

EHRlichman: I think Magruder may have talked, talked to somebody in the press and that, that was...

SEVERAL VOICES: (Unintelligible).

PRESIDENT: But, but in the great detail that Colson went into, that he nailed Bob Haldeman, I mean the way Colson did, he says he, he had Colson in the tube

EHRlichman: Yeah.

PRESIDENT: ...but, but not in any way that was particularly, ah, bad. Right?

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EHRlichman: Well, I think, I think like so many things this got, this got planted as a little seed by Shapiro with Colson and that it grew and, uh, uh, uh

PRESIDENT: Oh yeah?

EHRlichman: Uh-huh. I'd, I'd just

HALDEMAN: I would guess what's happened is he's got this report from -Colson does -from Danny Hofgren that at the bar in the Bahamas with (unintelligible) or something (tape noise) one night said to Hofgren, "Jesus, everybody was involved in this." He didn't use the

PRESIDENT: Uh hmm.

EHRlichman: Everybody knew about it.

HALDEMAN: Mitchell, Haldeman, Colson, Dean, the President

PRESIDENT: Magruder...

HALDEMAN: He, he specifically said the President.

PRESIDENT: ...Magruder doesn't It believe that, though, does he?

HALDEMAN: No. Ya know, I've got it, I've got...

SEVERAL VOICES: (Unintelligible).

PRESIDENT: I just wonder if he believes it. I'm curious because -do you think he believes it, John?

EHRlichman: No. This tape's very convincing and Higby handled it so well that Magruder has closed all those doors now, with this tape.

PRESIDENT: What good will that do, John?

(Tape noise)

EHRlichman: Uh, sir, it beats the socks off him if he ever gets off the reservation.

PRESIDENT: Can you use the tape?

EHRlichman: Well, no. You can use Higby.

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HALDEMAN: Why can't you use the tape?

PRESIDENT: Well

EHRlichMAN: It's an illegal tape.

HALDEMAN: No, it's not.

EHRlichMAN: Yeah.

HALDEMAN: It is not.

PRESIDENT: That you tell somebody

HALDEMAN: No, sir.

EHRlichMAN: No beeper on it.

HALDEMAN: There is no beeper required. You check the Washington law.

PRESIDENT: Yeah.

HALDEMAN: District of Columbia is under federal law and the federal law does not require disclosure to the other party of the recording of phone conversations. The phone call was made to Magruder's lawyer's office which is also in the District of Columbia so both ends of the conversation were in the District of Columbia and there is no law requiring disclosure.

EHRlichMAN: Well, that's interesting.

HALDEMAN: It's perfectly legal.

PRESIDENT: Well, anyway, anyway

HALDEMAN: it cannot be admissible, but it's legal.

PRESIDENT: That's interesting. That's a new one. (Unintelligible) beep every, every while then, now and then. I thought it was. However, I never heard anybody beepin', and hell-didn't you?

HALDEMAN: No. It all depends on where you are. Some -the basic law in most States is that you must disclose to the other party that you're recording the conversation.

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PRESIDENT: Yeah. What is the situation -I might -I'll get past this in a hurry -what is the situation, John, in your opinion on what was Colson's and/or Shapiro's motive in building up the Magruder story? Maybe they believe it.

EHRlichman: Their, their innuendo is that, that Mitchell has put Magruder up to this.

PRESIDENT: I guess not. Okay. There's the motive. Now, let me come to something else.

HALDEMAN: I don't believe that Magruder's

PRESIDENT: I don't either. Not at all.

HALDEMAN: I don't believe Mitchell has tried to

PRESIDENT: Huh?

HALDEMAN: I don't believe Mitchell tried to Magruder's faith 'cause he refers to Mitchell and now that I have decided to talk I am going to tell Mr. Mitchell and he's gonna be very unhappy with me 'cause he's told me not to.

PRESIDENT: -(Unintelligible) tape, uh --

HALDEMAN: I did

PRESIDENT: And he's an emotional fellow who's ready to crack.

EHRlichman: I, I really, I have no doubt that he's ready to talk.

PRESIDENT: What is he -he hasn't been subpoenaed yet, has he?

EHRlichman: Well, he won't be. But he's already been there.

SEVERAL VOICES: (Unintelligible).

EHRlichman: Dean doesn't think they'll give him a, a chance back unless he comes running at them and just and, uh, spills it.

HALDEMAN: 'Cause (A) they don't call the suspects and (B) they don't recall perjury witnesses.

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PRESIDENT: Right. What would you do if you were his lawyer? Wouldn't you advise him to go in and try and purge himself, at least -get rid of one charge, doesn't he?

EHRlichman: I'm not sure he's rid of it, but it certainly reduces it when he comes in voluntarily.

PRESIDENT: The way I understand it under the law, John, if he were to come to the...

EHRlichman: But he's hooked.

PRESIDENT: ...Grand Jury.

EHRlichman: Yeah, but he's hooked, see. There's contrary evidence already...

PRESIDENT: Oh, I see.

EHRlichman: ...before the Grand Jury.

PRESIDENT: In other words

EHRlichman: If he did that

PRESIDENT: Strachan -Strachan got in before there was (unintelligible) evidence.

EHRlichman: Exactly,

HALDEMAN: (Unintelligible)

PRESIDENT: Strachan?

HALDEMAN: No, (unintelligible)...

PRESIDENT: (Unintelligible)

HALDEMAN: ...Magruder.

EHRlichman: And, and you take the circumstances, now

PRESIDENT: They better have

EHRlichman: Yeah. If it's known, if it's known, for instance, that Hunt is going to come in and testify, then Magruder comes rushing in and says I want to tell all, it's, uh, you know-

PRESIDENT: Magruder's stuck on both counts.

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EHRlichman: Yeah, but I think he could improve it. I think he, he really could help to purge himself.

PRESIDENT: (Unintelligible). I've come to the -may I come to the other things that, uh, that you, uh, you talked to Colson about, uh? Hunt going to talk -what is Hunt going to say? Do we have any idea?

EHRlichman: Yes.

PRESIDENT: He says, for example, will he say that Colson promised him clemency?

EHRlichman: No. Apparently not.

PRESIDENT: And, uh, you see the, the only, the only possible involvement of the President in this is that. Now apparently, John, either you or Bob or Dean, somebody told me they said Colson-, told Colson not to discuss it with me.

EHRlichman: I did.

PRESIDENT: You did. How did, bar-, how did it get to you then, John? How did you know that the, the matter had to be discussed with Bittman or something like that?

EHRlichman: Well, I...

PRESIDENT: When did this happen?

EHRlichman: I had...

PRESIDENT: I remember a conversation this day, it was about five thirty or six o'clock, that Colson only dropped it in sort of parenthetically. He said, "I had a little problem today," -and we were talking about the defendants-and I said, I sought to reassure him, you know, and so forth. And I said, "Well, that's-told me about Hunt's wife -he said, "It's a terrible thing," and I said, "Obviously we'll do just, we will take that into consideration." And that was the total of the conversation.

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EHRlichman: Well, I had, uh, we had had a couple of conversations in my office --

PRESIDENT: With Colson?

EHRlichman: With, or, I had with Colson. Yeah.

PRESIDENT: Well, how was...

EHRlichman: And I, uh --

PRESIDENT: ...who was getting, who was, Was Bittman getting to Colson?, Was that the point? Who, who

EHRlichman: Now Hunt, Hunt had written to Colson.

PRESIDENT: Oh?

EHRlichman: Hunt wrote Colson a very I've-been-abandoned kind of letter.

PRESIDENT: Yeah. When was this, John?

EHRlichman: I am sorry, I

PRESIDENT: After the election?

EHRlichman: Oh, yes. Yeah.

PRESIDENT: Oh, and Chuck Colson -you knew about this letter?

EHRlichman: Colson come in to tell me about it. And he said, "What shall I do?" And I said, "Well, uh, better talk to him, I think somebody'd better talk to him -the guy is obviously very distraught...

PRESIDENT: Right.

EHRlichman: ...and, uh, feeling abandoned."

PRESIDENT: Right. Good advice.

EHRlichman: And, uh, he said, "Well, what can, what can I tell him about, uh, clemency or pardon?" And I said, "You can't tell him anything about clemency or a pardon." And I said, "Under no circumstances should this ever be raised with the President."

PRESIDENT: Yeah. Told him not to raise it with me. Well, he raised it, I-must say, in a tangential way. Now he denies that, as I understand it, that he said that he'd be out by Christmas. He says --

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EHRlichman: I never, I've never talked to Chuck about that, have you.

HalDEMAN(?) Yes and no.

PRESIDENT: What did he say he said?

Well, I'll tell you what I, what Dean, or somebody tells me he said he said. He said that he didn't I t -he just talked to, saw, saw Bittman casually, or on the phone or something of that sort.

EHRlichman: Bittman?

PRESIDENT: That was it.

EHRlichman: Oh.

PRESIDENT: And he said to Bittman

EHRlichman: oh.

PRESIDENT: ...he said, "I," he said, "I

EHRlichman: Well, now that...

PRESIDENT: ...he said, "I...

EHRlichman: ...a difference.

PRESIDENT: Listen, I have written it. He said, "I, uh, I, uh, I, I know that, uh, I know about Hunt's concern about clemency. I, Chuck Colson, feel terrible about it, 'cause I knew his wife." And, uh, he said, "I will, will go to bat for him and I have reason to believe that my views would be, ah, listened to." Well it's the last part, part that, uh, might in any way remain, although...

EHRlichman: He says he talked to Bittman and that he was very skillful...

PRESIDENT: That's right.

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EHRlichman: ...in avoiding any commitment. He says Bittman...

PRESIDENT: (Unintelligible).

EHRlichman: ...Bittman was pitching 'em, but that he wasn't catching 'em. And...

PRESIDENT: (Unintelligible).

EHRlichman: ...he either has a tape of that meeting or a tape of the conversation or some such thing.

HALDEMAN: That's where he lost his thread, then. Yes, said you and Dean told him you, two promised clemency, and that he was smarter than you and, and didn't.

PRESIDENT: You haven't said you and Dean promised?

HALDEMAN: -That Ehrlichman and Dean told him to promise...

PRESIDENT: Shit.

HALDEMAN: ...(unintelligible).

PRESIDENT: Well, anyway, whatever the case might be, uh, let me ask a question...

HALDEMAN: (Unintelligible) a little strange.

PRESIDENT: ...does, does Hunt -well, just so that he, uh -does he, does, does, does he indicate that they, that Hu-, Hunt's going to talk to that subject for example -the promise of clemency?

EHRlichman: Uh, he didn't say that. He didn't say that. I didn't ask him.

HALDEMAN: Well, going back to the basis, John -as I recall, they don't have anything to indi we don't know how they know Hunt's going to testify. We assume that Bittman told them...

EHRlichman: Right.

HALDEMAN: ... (A). (B) we don't, they don't have any indication, based on their knowledge that Hunt's going to testify, of what Hunt is going to testify to, except on the basis of Shapiro's meeting with Hunt...

EHRlichman: The other day.

HALDEMAN: ...the other day. And they're assuming that what Hunt told Shapiro is what he will tell the Grand Jury, but I don't know why they'd have any reason to assume that.

EHRlichman: I don't, uh, uh, -Shapiro's general comment was that Hunt would corroborate a lot of McCord's hearsay

PRESIDENT: Yeah.

EHRlichman: ...but that it also would be hearsay.

PRESIDENT: Alright. Hunt, however, and this is where Colson comes in, right? Hard. Hunt could testify on Colson's pressure.

HALDEMAN: Yeah. But what they, what they've said he's gonna test

PRESIDENT: Right.

HALDEMAN: ...on the coverup, what he is gonna testify...

PRESIDENT: Now wait a minute

HALDEMAN: (Unintelligible).

PRESIDENT: ...I'm talking about something entirely different...

HALDEMAN: (Unintelligible)

PRESIDENT: ...you're talking about when Colson...

HALDEMAN: (Unintelligible).

PRESIDENT: ...Colson and Liddy were in the office and Colson, Colson picked up the phone and called Magruder.

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HALDEMAN: That's right. Sure.

PRESIDENT: Now, there, uh, now Colson says that, uh, that they didn't discuss bugging at that point. Hunt could say, "I went in and I showed this whole plan to Colson and Colson phoned -picked up the phone...

EHRlichman: That's right.

PRESIDENT: ...and talked to Magruder."

EHRlichman: True.

PRESIDENT: ...does, does, does, does Colson realize his vulnerability there?

EHRlichman: Well, course Colson claims he has no vulnerability, because when Hunt and Liddy come in to talk to him they talked in very general terms.

PRESIDENT: I understand that.

EHRlichman: So, he...

PRESIDENT: I -_

EHRlichman: ...doesn't acknowledge...

PRESIDENT: I

EHRlichman: ...he doesn't acknowledge that there's any possibility

PRESIDENT: I, I understand that, but I'm just simply saying, its...

EHRlichman: I think he's right.

PRESIDENT: ...that Hunt and Liddy could

EHRlichman: That's true.

PRESIDENT: ...could, could, could charge that -that's the point. They, they, they -if they talk, I would assume they would get into that point with them, any, any cross-examiner.

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EHRlichman: I, I've asked Colson specifically about that conversation and he maintains that they were talking, uh, in general terms about intelligence and when they said intelligence he meant one thing and apparently they meant another.

PRESIDENT: Question, uh, for example, uh, is, is Hunt preparing to talk on other activities that he engaged in?

EHRlichman: Well, I couldn't, I couldn't derive that...

PRESIDENT: -Umhmm.

EHRlichman: (Unintelligible) at all.

PRESIDENT: For the White House and for the -you know?

EHRlichman: I, I couldn't, I couldn't get that at all.

PRESIDENT: The U.S. Attorney, I would assume, would not be pressing (unintelligible).

EHRlichman: ordinarily not.

PRESIDENT: (Unintelligible).

EHRlichman: Now, McCord, McCord volunteered this Hank Greenspun thing, gratuitously apparently, not, not

PRESIDENT: Could, can you tell me, is that a serious thing? Did, did they really try to get into Hank Greenspun's?.

EHRlichman: I guess they actually got in.

PRESIDENT: What in the name of Christ, though, does Hank Greenspun got with -anything to do with Mitchell or anybody else?

EHRlichman: Nothing. Well, now, Mitchell

PRESIDENT: Hughes?

EHRlichman: Here's -yeah, Hughes. And these two fellows, Colson and Shapiro, uh, uh -Colson threw that out.

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PRESIDENT: Hughes on whom?

EHRlichman: Well, you know the Hughes thing is cut into two factions...

PRESIDENT: I don't --

EHRlichman: (A) and then the...

PRESIDENT: Uh, fighting --

EHRlichman: ...and then the other, and they're fighting.

PRESIDENT: Right.

EHRlichman: Bennett, Senator Bennett's son, for whom Hunt worked...

PRESIDENT: Oh?

EHRlichman: represents one of those factions.

PRESIDENT: Yeah. So he ordered the bugging?

EHRlichman: I don't know.

HALDEMAN: (Unintelligible).

EHRlichman: ...I know the

SEVERAL VOICES: (Unintelligible).

EHRlichman: it's a bag job.

HALDEMAN: They busted his safe to get something out of it.

EHRlichman: Now

HALDEMAN: Wasn't that it? They flew out, broke his safe, got something out

EHRlichman: (Unintelligible).

HALDEMAN: ...got on the airplane and flew away.

EHRlichman: Now, as they sat there in my office...

PRESIDENT: There're others...

EHRlichman: What?

PRESIDENT: ...other delicate things, too. You've got, apart from my poor damn dumb brother, which unfortunately or fortunately was a long time ago but, uh, more recently, you've got Herbert Humphrey's son works for him, and, of course, they're, they're tied in with O'Brien, I suppose. But maybe they were trying to get it for that reason.

EHRlichman: I don't know why. The, the two of them put on a little charade for me in the office...

PRESIDENT: Shapiro and Colson?

EHRlichman: ...as we -yeah -as we talked about this, and it may have been genuine and it may not. But...

PRESIDENT: But they didn't know anything about it?

EHRlichman: ...but they -no -they said, one said to the other, "Say, that may have something to do with the New York Grand Jury," meaning the Vesco Grand Jury which is a runaway and which is into

PRESIDENT: You think Colson knew about that?

EHRlichman: I don't know. I don't say he knew about it. I said, he says he doesn't know even who Hank Greenspun is.

PRESIDENT: He should. Everybody knows he's the editor. His son, for Christ's sakes

EHRlichman: I, I'll take him at face value on that one, uh, uh, it isn't any other evidence.

PRESIDENT: You didn't know that either?

EHRlichman: I, I know very well who he is.

PRESIDENT: Alright. Uh, let me just take a minute further and run out the Hunt thing, and then the Grand Jury. I just want to get all the pieces in my mind...

EHRlichman: Sure.

PRESIDENT: ...if I can.

EHRlichman: Sure.

PRESIDENT: Uh, Hunt's testimony on pay-off, of course, would be very important.

EHRlichman: Right.

PRESIDENT: Is he prepared to testify on that?

EHRlichman: I think so, that's what they say, that he will, and that he will implicate O'Brien and Parkinson. And, uh, then, of course, ah --

PRESIDENT: O'Brien and Parkinson?

EHRlichman: The lawyers.

PRESIDENT: Were they the ones that talked to Hunt?

EHRlichman: Well, he says they were and that they handed him the money, He in turn handed it to his wife and she was the, uh, go-between for the...

PRESIDENT: Yeah.

EHRlichman: ...Cubans.

PRESIDENT: For what purpose? That's the key to it all-.

EHRlichman: Well, I think, uh, he'll, he'll hook, hang 'em up on obstruction of justice.

PRESIDENT: Can Hunt do that?

HALDEMAN: How can he do that? Why would he simply -why doesn't he accomplish his purpose simply by saying they gave the money to handle their legal fees?

EHRlichman: They're -all hang out there apparently.

PRESIDENT: Now this is...

HALDEMAN: I don't think

PRESIDENT: ...this, this is what Colson tells you guys?

HALDEMAN: That's right. I don't...

PRESIDENT: (Unintelligible).

HALDEMAN: ...have any other information on this.

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PRESIDENT: Uh, Hunt's testimony on pay-off, of course, would be very important.

EHRlichman: Right.

PRESIDENT: Is he prepared to testify on that?

EHRlichman: I think so, that's what they say, that he will, and that he will implicate O'Brien and Parkinson. And, uh, then, of course, ah

PRESIDENT: O'Brien and Parkinson?

EHRlichman: The lawyers.

[Irrelevant portion omitted]

PRESIDENT: Now this is...

HALDEMAN: I don't think

PRESIDENT: ...this, this is what Colson tells you guys?

HALDEMAN: That's right. I don't

PRESIDENT: (Unintelligible).

HALDEMAN: ...have any other information on this.

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PRESIDENT: That, Hunt, that Hunt then is going to go. Well, now that, that, that raises the, the problem on, -with regard to Kalmbach. He has possible vulnerability as to whether he was aware, in other words, the motive, the motive

EHRlichman: This doesn't add anything to the Kalmbach problem at all.

PRESIDENT: What happened...

EHRlichman: (Unintelligible).

PRESIDENT: ...what happened on that?

EHRlichman: Dean called Kalmbach.

PRESIDENT: And what did Dean call Kalmbach about?

EHRlichman: And he said we have to raise some money in connection with the, the, uh, uh, aftermath, and I don't know how he described it to Herb. Uh, Herb said how much do you need, and, uh...

PRESIDENT: It was never discussed then?

EHRlichman: ...presumably Dean told him and Herb went to a couple of donors and got some money and sent it back.

HALDEMAN: Dean says very flatly that Kalmbach did not know the purpose, uh, for the money and has no problem.

PRESIDENT: -Dean does know the purpose...

UNIDENTIFIED: Right.

PRESIDENT: however. Hunt testifies -so, so basically then Hunt will testify that it was so-called hush money. Right?

EHRlichman: I think so. Now that again, my water can't rise any higher than source.

PRESIDENT: I understand.

EHRlichman: But that's that...

PRESIDENT: What is your, what is your...

EHRlichman: ...that's, that

PRESIDENT: What does that serve him, let me ask, just to try to, uh

EHRlichman: Gen...

PRESIDENT: ...I mean, would it serve him?

EHRlichman: The only thing it serves him is to, uh, uh...

PRESIDENT: Would it reduce his sentence?

EHRlichman: ...have his sentence remitted, that's all.

HALDEMAN: Held be serving the same purpose by not saying it was hush money -by, by saying he gave it to "these guys that I had recruited for this job and I

PRESIDENT: I know. of

HALDEMAN: ...felt badly about their family and," you know, "a great deal about it."

PRESIDENT: That's right, that's what it ought to be and that's got to be the story that, uh, and that

HALDEMAN: (Unintelligible).

PRESIDENT: ...that will be the defense of, uh, the people, right?

EHRlichman: (Unintelligible) the only defense they have and so forth.

HALDEMAN: But that

PRESIDENT: (Unintelligible).

HALDEMAN: here that was the line that he had used around

PRESIDENT: What?

HALDEMAN: That was the line that they used around here. That we've got to have money for their legal fees and family sup-...

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PRESIDENT: Support them. Well, I heard something about that at a much later time.

HALDEMAN: Yeah.

PRESIDENT: And, frankly, not knowing much about obstruction of justice, I thought it was perfectly proper.

EHRlichMAN: Well, it's like the...

PRESIDENT: Would it be perfectly proper?

EHRlichMAN: ...the defense of the...

PRESIDENT: Berrigans?

EHRlichMAN: ...the, uh, Chicago Seven.

PRESIDENT: The Chicago Seven?

HALDEMAN: They had a defense fund for everybody.

PRESIDENT: Not only a defense fund, Christ, they, they take care of the living expenses, too...

UNIDENTIFIED: Was there any --

PRESIDENT: ...despite what all this crap about just legal fees, they take care of themselves. They raise -you remember the Scottsboro case? Christ. The, uh, uh, the Communist front raised a million dollars for the Scottsboro people. Nine hundred thousand went into the pockets of the Scotts-, er, uh, Communists.

HALDEMAN: (Laughs).

PRESIDENT: ...so it's common practice.

EHRlichMAN: Yeah.

PRESIDENT: -Nevertheless, that's Hunt then saying about the payoff. Alright -Hunt, on other activities: uh, Hunt then according to Colson was not, uh -(tape noise) get into. What Colson meant about the door of the Oval Office.

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EHRlichman: Uh, I'll have to get back to you on that, 'cause Shapiro was there and I didn't want to get into it.

PRESIDENT: Right.

HALDEMAN: (Unintelligible).

PRESIDENT: He --

HALDEMAN: No, but it wasn't, it was in connection

PRESIDENT: No, not it was in an earlier conversation...

HALDEMAN: Your instructions said

PRESIDENT: ...about the Magruder conversation...

HALDEMAN: Yeah.

PRESIDENT: ...when Colson was, uh -I think on the Magruder conversation, from what I have seen

EHRlichman: (Unintelligible).

PRESIDENT: ...it seems to me that

EHRlichman: ...'cause Magruder doesn't got to the door of the Oval Office. He doesn't even come to visit me...

PRESIDENT: -I know that.

EHRlichman: ...in the White House.

PRESIDENT: But he, he -it is Colson's, it is Colson's view that Magruder's talking would have the effect of bringing it there because of the -I think what he's really referring to, John, is that by reason of Colson, uh, by reason of Magruder nailing Haldeman and, er, and Colson, that that's the door to the Oval Office. I don't know what else because...

HALDEMAN: (Unintelligible).

PRESIDENT: ...there's nobody else around, nobody physically around.

HALDEMAN: Magruder isn't going to nail Haldeman.

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PRESIDENT: Well, let's see. I don't think so either, but

HALDEMAN: (Unintelligible)

PRESIDENT: Well that is, that tape is, is invaluable, is it not?

EHRlichman: Yeah, I suggest to Bob that he keep it.

HALDEMAN: And I disregard that as (unintelligible).

EHRlichman: (Laughs)

PRESIDENT: Let me just say a couple of things that we have to get there. We, we, uh...

HALDEMAN: Well, when we come to that, we'd take (unintelligible).

PRESIDENT: ...in regard to your, regard to your, uh, uh, your, your views and so forth and so on, now, uh I was told the other day, uh, last night, John, you and Bob or somebody -I guess you and I were talking about, uh, somebody going to see Mitchell. And you suggested Rogers. Got any other better names? Why did you...

EHRlichman: Well, I've been up and down the list, and uh

PRESIDENT: ...why did you suggest Rogers?

EHRlichman: Well, I suggested Rogers because

PRESIDENT: First let me tell you -purpose of mission tell me what it is, now.

EHRlichman: The purpose of the mission is to go and bring him to a focus on this and I'd say, "The jig is up. And the President strongly feels that the only way that this thing can end up being even a little net plus for the Administration and for the Presidency and preserve some thread is for you to go in and, and, uh, voluntarily, uh, make a statement.

PRESIDENT: A statement that Haldeman, uh, has prepared.

EHRlichman: Uh, uh, a, a sta-, statement that basically says...

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HALDEMAN: No. He's got to go beyond that.

EHRlichman: "I am, I am both morally and legally responsible."

PRESIDENT: Yeah.

EHRlichman: Now, the reason for Rogers is that he's clean, number one...

PRESIDENT: Yeah.

EHRlichman: ...uh, he has been both, uh, Attorney General and has this other investigatory...

PRESIDENT: Right.
[Irrelevant portion omitted]

EHRlichman: Now, the other, the only other alternative, going up and down the list --

HALDEMAN: Also, it from a public viewpoint Rogers is the dean of the Cabinet...

PRESIDENT: Yeah.

HALDEMAN: ...and is the logical man as, n as an attorney, and former Attorney General.

PRESIDENT: From a public viewpoint, that may be but, also

EHRlichman: Fifty reasons not to do this.

HALDEMAN: You've thought of those?

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HALDEMAN: No. He's got to go beyond that.

EHRlichMAN: "I am, I am both morally and legally responsible."

PRESIDENT: Yeah.

EHRlichMAN: Now, the reason for Rogers is that he's clean, number one...

PRESIDENT: Yeah.

EHRlichMAN: ...uh, he has been both, uh, Attorney General and has this other investigatory...

PRESIDENT: Right.

EHRlichMAN: ...and Senatorial background and so forth. And there isn't anybody that Mitchell trusts, except Haldeman.

PRESIDENT: He hates Rogers.

EHRlichMAN: I understand.

HALDEMAN: Doesn't, doesn't trust Rogers but he would know if Rogers came...

EHRlichMAN: That it was...

HALDEMAN: that it was you.

EHRlichMAN: Now, the other, the only other alternative, going up and down the list

HALDEMAN: Also, it from a public viewpoint Rogers is the dean of the Cabinet...

PRESIDENT: Yeah.

HALDEMAN: ...and is the logical man as, n as an attorney, and former Attorney General.

PRESIDENT: From a public viewpoint, that may be but, also

EHRlichMAN: Fifty reasons not to do this.

HALDEMAN: You've thought of those?

PRESIDENT: Oh, yeah. Yeah.

EHRlichman: There, there, and ther, there have consistently been -you go back through the history of this

PRESIDENT: I know, but now is the time to do something. I agree with you.

EHRlichman: Now is the only time, probably, and I'm, I'm persuaded by that argument.

PRESIDENT: Oh, I am too. I'm, I'm not, -I'm not arguing about not doing it...

EHRlichman: I understand.

PRESIDENT: ...I'm just trying to talk about the names

EHRlichman: Okay. Uh, in, in going down the list, John Alexander is the only other one that I have come to that, that in any way could, could bridge it. Garment can't do it.

PRESIDENT: Now, let me give you another name...

EHRlichman: Alright.

HALDEMAN: (Unintelligible) President.

PRESIDENT: ...let me give you another name. Ken Rush. (Unintelligible). He's a fine lawyer, utterly clean. Uh, a long-time friend of Mitchell's -not a close friend, but he's known him, you know, in New York, uh, and that grew up there, they are, they, you know, they sort of -Rush would understand it all. Uh, Mitchell does not hate him -does trust him.

EHRlichman: I don't know how able Rush is. I'd, uh -he's got -uh, I just don't know. Uh, another name -uh, two other names that have occurred to me that I'll throw out, uh, one is Eliot Richardson and the other is, uh, uh, Kleindienst. There is another possibility and that's Henry Petersen. Well, that of course...

PRESIDENT: Well

EHRlichman: ...but he's in the prosecutorial end.

PRESIDENT: That's right.

EHRlichman: And so is Kleindienst.

PRESIDENT: Yeah.

EHRlichman: Well, that's the trouble.

PRESIDENT: Kleindienst, Kleindienst revealing to Mitchell the contents of the Grand Jury and all the rest...

EHRlichman: Yeah.

PRESIDENT: ...is wrong.

EHRlichman: I, I must say I am impressed with the argument that the President should be personally involved in it at this stage.,

PRESIDENT: Right. I agree.

EHRlichman: Uh, old John, uh, Dean had a, had an interesting -got a phone call from him about 12:30.

PRESIDENT: (Unintelligible).

EHRlichman: Oh, no. I was working on something I'll tell you about here.

PRESIDENT: What did you do?

EHRlichman: Uh, well, not much last night.

PRESIDENT: You mean another subject?

EHRlichman: Oh, no. No, this --

HALDEMAN: There is no other subject. (Laughs)

EHRlichman: This week there's no other subject.

PRESIDENT: Yeah.

EHRlichman: That, uh, no, I'll tell you. Last night when I got home I decided that, that, uh, I would sit down and try to put down on paper a report to you about what I have been doing since you asked me to get into this.

PRESIDENT: Right, right.

EHRlichman: Uh, I am concerned about the overall aspect of this and then -I want to talk about that before we --

PRESIDENT: Yeah.

EHRlichman: I don't know what your timing is like.

PRESIDENT: No problem.

EHRlichman: We'll probably get back to it.

PRESIDENT: Uh, got plenty of time.

EHRlichman: But, Dean called and he said, "Alright, here's a scenario." He said, "We've all been trying to figure out

PRESIDENT: Yeah.

EHRlichman: how to make this go." He says, "The President calls Mitchell into his office on Saturday. He says, 'John, you've got to do this and here are the facts: bing, bing, bing, bing.' And then that's -you pull this paper out here. And you'd better go do this. And Mitchell stonewalls you. So then, John says, 'I don't know why you're asking me down here. You can't ask a man to do a thing like that. I need my lawyer. Uh, uh, I don't know what I'm facing?' He says, 'You just really can't expect me to do this?' Uh, so the President says, 'Well, John, I have no alternative.' And with that, uh, uh, the President calls the U.S. Attorney and says, 'I, the President of the United States of America and leader of the free world want to go before the Grand Jury on Monday.'"

PRESIDENT: I won't even comment on that.

HALDEMAN: That's a silly (unintelligible).

EHRlichman: What I mean is, we're -typical of the thinking of -we're running out every, every line. So that was 12:30 this morning. I, uh, uh, but, but I

PRESIDENT: I go before the Grand Jury -that's...

EHRlichman: ...I

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PRESIDENT: That's like putting Bob on national television uh...

HALDEMAN: With Dan Rather.

PRESIDENT: What?

HALDEMAN: With Dan Rather.

PRESIDENT: ...well, well by putting it on national television period. When, uh, your, uh, when your, -when your audience basically is not that big.

EHRlichman: Well, let's, let's take it just as far as you calling Mitchell into the Oval Office, as a, as a
(Tape noise)

EHRlichman: ...essentially convinced that Mitchell was -linchpin in this thing...

PRESIDENT: Right.

EHRlichman: ...and that if he goes down, it can redound to the administration's advantage. If he doesn't then we're --

PRESIDENT: How can it redound to our advantage?

EHRlichman: That...

PRESIDENT: There's others

EHRlichman: ...That. You have a report from me based on three weeks' work, that when you got it you immediately acted to call Mitchell in as the, as the provable. . . .

PRESIDENT: I see.

EHRlichman: ...wrong-doer...

PRESIDENT: I see.

EHRlichman: ...and you say, "My God, I've got a report here. And it's clear from this report that you are guilty as hell. Now, John, for Christ's sake go on in there and do what you should. And let's get this thing cleared up and get it off the country's back and move on." And, uh, uh --

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HALDEMAN: Well, plus the given side of it is that that's the only...

PRESIDENT: Even way to--

HALDEMAN: ...way to beat 'er down.

PRESIDENT: Well --

HALDEMAN: Now, from John Mitchell's own personal viewpoint that's the only salvation for John Mitchell. -Can you see another way? And, obviously, once you have it, you've -he's got to admit it.

PRESIDENT: He's, he's not gonna make it, anyway.

HALDEMAN: Another factor in that to consider for what it's worth, is the point Connally made to me in that conversation we had on this.

PRESIDENT: I ought to talk to Mitchell?

HALDEMAN: I don't know whether he said this to you or not. He made the point that you had to get this laid out and that the only way it could hurt you is if it ultimately went to Mitchell. And that, that would be the one man you couldn't afford to let get hung on this.

PRESIDENT: -Even worse than Hughes talk.

HALDEMAN: He thought so. Seemed to be...

PRESIDENT: (Unintelligible) That's true. Yeah.

HALDEMAN: ...seemed to be, because he's the epitome of your...

PRESIDENT: Yeah.

HALDEMAN: ...your hard line.

PRESIDENT: I think he's wrong about that. I think this is the the worst one, well, due, due to the closeness to the President at the time of the crime.

HALDEMAN: But

PRESIDENT: Would you agree, John?

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HALDEMAN: Well, what's bad

EHRlichman: That's the way I see it.

HALDEMAN: But, what Connally also said was unless it's the President himself who nails Mitchell, then the President is (unintelligible).

EHRlichman: Can I pull up this into the larger, in a larger picture? We've gotta live day to day through these things...

UNIDENTIFIED: Yeah.

EHRlichman: ...and forget, uh, the, uh, perspective that will be put on this period...

UNIDENTIFIED: Yeah.

EHRlichman: ...three months later.

PRESIDENT: The point is whether or not -I think I've got the larger picture -I think, I mean I, and I, in this regard, the point is this that the -we need some action before, uh -in other words, if, if it's like my, my feeling about having the Grand Jury do it and the court system do it rather than Ervin Committee -now we want the President to do it rather than the Grand Jury.

EHRlichman: No.

PRESIDENT: And I agree with that.

EHRlichman: Well, you're doing it in aid of the Grand Jury.

PRESIDENT: No. No. I didn't mean it. I didn't mean rather than the Grand Jury, but I mean to, to, to worm the truth -now look, 1, 1 -the Grand Jury doesn't drag him in, he goes in as a result of the President's asking him to go in.

HALDEMAN: Okay. But while you're at that point could I argue a contrary view for a minute? 'Cause I don't agree with that.

PRESIDENT: Yeah.

HALDEMAN: I strongly feel, thinking it through, with all the stuff we talked about last night, that you don't want to rush in and that the solution here, if we can find it -maybe it's impossible, is...

PRESIDENT: Is for Mitchell to come voluntarily?

HALDEMAN: Well, or for Magruder to come voluntarily and nail Mitchell. But if the solution is -I agree that some sort of

PRESIDENT: Where does Magruder come to? Me?

HALDEMAN: No. The, the U.S. Attorney. That--

PRESIDENT: Well, why does -why don't I urge Magruder to I mean let me, let me look at this. The urging of Liddy to testify, the urging of Magruder to testify and Mitchell. John run those by, by -I didn't mean to stop your...

EHRlichman: No, that's alright.

PRESIDENT: ...your whole analysis but I think, I think I know what you're, what, what, what -isn't that really the essence of it?

EHRlichman: I'm trying to write the news magazine story for next Monday...

PRESIDENT: Right.

EHRlichman: a week, Monday a week. And, if it is that "Grand Jury Indicts Mitchell"...

PRESIDENT: Right.

EHRlichman: ..."The White House main effort to cover up, uh, finally collapsed last week when the Grand Jury indicted John Mitchell and Jeb Magruder,

PRESIDENT: Right.

EHRlichman: ...and uh, "Cracking the case was the testimony of a, a number of, uh, peripheral witnesses who -each of whom contributed to developing a, a uh, cross-triangulation and permitted the Grand Jury to analyze it,,," and so on and so forth. And then "the final, the final straw that broke the camel's back was, uh, an investigator's discovery of this and that and the other thing." That's one set of facts. Uh, uh, and then the tag on that is "The White House Press Secretary Ron Ziegler said that the White House would have no comment."

PRESIDENT: I know, I know. It can't be done.

EHRlichman: The other one, the other one goes: "Events moved swiftly last week, after the President was presented with a report indicating that, uh, uh -for the first time -that, uh, uh suspicion of John Mitchell and, uh, Jeb Magruder as ring-leaders in the uh, Watergate break-in were in fact substantiated by, uh, considerable evidence. Uh, the President then, uh, uh, dispatched so and so to do this and that and it"-maybe to see Mitchell or, or something of that kind and, uh, uh --" these efforts, uh, resulted in Mitchell going to the U.S. Attorney's office on Monday morning at nine o'clock, uh, asking to, uh, testify before the Grand Jury. Uh, uh, charges-of cover-up, uh, by the White House were, uh, uh, materially dispelled by the diligent efforts of the President and his aides in, uh, moving on evidence which came to their hands in the in the closing days of the previous week." Ah

PRESIDENT: I, I'd buy that.

EHRlichman: Okay.

PRESIDENT: -You want to -so, we get down to the tactics.

EHRlichman: Now, I've been concerned because since the end of March, I have turned up a fair amount of -hearsay evidence that, that points at this guy. Now, just take

PRESIDENT: And so did Dean...

EHRlichman: And, and so did John.

PRESIDENT: ...so did Dean.

EHRlichman: Now, taking this

PRESIDENT: Yet we've tried, very honestly, we've tried to, tried to look at it the best way we could. Maybe he couldn't, maybe he really didn't know.

EHRlichman: Well, it's hearsay. And so, he...

PRESIDENT: That point.

EHRlichman: ...you don't hang a guy, you don't hang a guy necessarily

PRESIDENT: And also, we are going to remember, Mitchell has denied it.

EHRlichman: But I was, I st-, stood over there in Bob's office and listened to that tape of one of the co-actors saying, flat out on the tape, that he-was guilty -and that Mitchell was gonna, was going to fall and all that and I said to

PRESIDENT: Did he say that? Did he say that?

HALDEMAN: Yeah.

PRESIDENT: Well, we can't

EHRlichman: ...and, and I said to myself, "My God ! I'm a, you know, I mean, I'm a United States citizen. I'm standing here listening to this, what is my duty?"

PRESIDENT: Well the point is you've now told me. That's the problem.

EHRlichman: That's correct, that's correct.

PRESIDENT: You see, the differ uh, uh, the uh, the problem of my position up to this time has been, quite frankly, nobody ever told me a God-damn thing...

EHRlichman: That's right.

PRESIDENT: ...that Mitchell was guilty

EHRlichman: That's right.

PRESIDENT: I mean, uh --

HALDEMAN: Well, we still don't know.

PRESIDENT: I, I...

HALDEMAN: I don't...

PRESIDENT: must say--

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HALDEMAN: I, I will still argue that I think the scenario that was spilled, uh, spin, spun out, that Dean spun out to Mitchell is basically the right one. ...

PRESIDENT: Yeah.

HALDEMAN: ...I don't think Mitchell did order the Watergate bugging and I don't think he was specifically aware of the Watergate bugging at the time it was instituted.

PRESIDENT: Well, let me --

HALDEMAN: I honestly don't.

PRESIDENT: That may be. Now

[Short irrelevant portion omitted]

HALDEMAN: Okay. I still think that technically that may be correct.

EHRlichman: I think so -'cause that's what he told Moore. And he believes that.

PRESIDENT: What did he say? Could he tell Moore?

EHRlichman: Well, remember, 1, he, I asked Moore to find out what Mitchell had testified to.

PRESIDENT: Yeah. Oh, yeah. That's right. And Moore heard the testimony and-said well you're not--

EHRlichman: He, he was never asked the right questions. Now, uh, uh, as far as he's concerned...

HALDEMAN: He probably didn't in the Grand Jury either.

EHRlichman: That's right. As far as the quality of the evidence is concerned

PRESIDENT: May I just, uh, digress for one point, that has nothing to do with this except that you've got to fight what's going on damn soon. It is essential that, uh, Roger's departure be delayed until this is over. Now, the hell with Henry on this. The point is, any member of the-cabinet, except Kleindienst, leaving during this -there's no way that Dick is gonna leave anyway -and, uh, now you gotta talk to Hen-, you gotta just "And Henry it's not appealable." You just gotta say that, "Henry, there are bigger things here." With Rogers

EHRlichman: (Unintelligible).

PRESIDENT: Huh?

EHRlichman: There's just gonna leave

PRESIDENT: You're just gonna say -alright fine, then drop that and just say Rogers is gonna stay 'til this thing's over. Right John, you agree?

EHRlichman: Absolutely.

PRESIDENT: Ya see, Rogers is gonna leave on the first of June, and, uh, but, uh, uh, he must

EHRlichman: We may be, we may be out of the woods by...

PRESIDENT: May be...

EHRlichman: ...it might be over by then.

PRESIDENT: ...out of the woods? No.

HALDEMAN: I don't know.

EHRlichman: Well, uh, to go back to...

PRESIDENT: Alright. We won't

EHRlichman: the quality of the evidence

PRESIDENT: ...I only mentioned Bebe because
(unintelligible) let me -let's get -go ahead
with your --

EHRlichman: Well, all I was going to say is that --

PRESIDENT: Alright. I now have evidence, I am
convinced...

EHRlichman: But you, you don't have evidence if, uh, uh,
if I

PRESIDENT: I'm not convinced he's guilty.

EHRlichman: That's it.

PRESIDENT: ...but I am convinced that he ought to go
before a Grand Jury,

EHRlichman: Exactly. Uh, and, and, and it -what I did
last night, or this morning, was to write
out what would, uh, would in effect be a
report to you...

PRESIDENT: Right.

EHRlichman: ...of, of this, of this...

PRESIDENT: Let me ask you wheter--

EHRlichman: (unintelligible) deliver it to you.

PRESIDENT: John (pause) Go see Mitchell.

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HALDEMAN: (Laughs).

EHRlichman: Uh, all I know about my relationship with Mitchell from his side is what others tell me. He has never, he's never, uh, never (unintelligible).

PRESIDENT: The Mitchell problem, the Mitchell problem with Rogers has been totally created.

EHRlichman: I see.

(PRIVILEGED MATERIAL DELETED)

PRESIDENT: ...Let's come around, let's come around again though. You know the case. You've conducted the investigation for me. You have reported to me and I have asked you to go up and lay it on the ground to Mitchell and to tell Mitchell, look, there is only one thing that could save him. I think John's got to hear that kind of talk and I think he's got to hear it from somebody that doesn't have -I was thinking of bringing Rogers in and telling him all this stuff, but God-damn it, Mitchell will wind him around his finger.

EHRlichman: Yeah, yeah.

PRESIDENT: ...well, there's our probnem.

EHRlichman: If you want me to go, I'll go.

PRESIDENT: I think the message...

EHRlichman: I don't know what he thinks

PRESIDENT: ...but the message to Garcia has got to be carried -

EHRlichman: Bob, Bob has a pretty good feel of Mitchell's attitude toward me that I don't have.

PRESIDENT: Well, Mitchell's attitude toward you is not going to be personal -it isn't going to be any better for Rogers. It would be toward Rush...

EHRlichman: Yeah, but how in the name of God can --

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PRESIDENT: ...Rush is smart and he is tough. He's a good man. And, uh, he's a man, incidentally that we can consider

EHRlichman: He can't argue the facts of this case, that's the point.

PRESIDENT: The point is, Rush is a man that I would cons if you need a special man in the White House I was thinking last night that he is the best man I can think of...

EHRlichman: (Unintelligible).

PRESIDENT: ...to bring over to advise the President on this God-damn thing and -no, and examine all the White House things, to look at all the FBI files, to looker your report, Dean report, the FBI files and give me a report. He's articulate, he's, he's, uh, before television he's, uh, respected among, uh -he's one of the towering figures in the Ambassadorial world and in the bar. He is, he's no slouch.

EHRlichman: Bobby?

PRESIDENT: And an outsider's -good God, it's going to take so long to -Rush, I trust. Rush is a friend. He's a total White House man and yet he is not, not tied into this.

EHRlichman: He's exactly the kind of guy we need. Now, I don't know how he, he is in person -he hasn't practiced law for a long time. That's not, that's not an immediate drawback but, but, *uh

PRESIDENT: He has the lawyer's mind.

EHRlichman: ...you got to get him somebody to help him, like, uh, uh --

HALDEMAN: Haven't though, haven't events overtaken that project?

PRESIDENT: Oh, no. No. No. No. No. Bob, for Christ's sake, will you -look, the point that I make is let's suppose they get Mitchell. Then they're going to say now what about Haldeman and what about Chapin, and what about Colson and the rest? I've got to have a report indicating -in other words, you've got all that whole Segretti crap in there. I want somebody to say, now look, here are the facts. None of the White House people were involved. There are no other higher-ups. The White House was not involved. Put a cap around it. And, and second...

EHRlichman: More than that

PRESIDENT: ...and then face the Segretti crap.

EHRlichman: I, I, in, in forcing this out, Dean remains a problem and, and, uh, here's -uh, let me just read you what I've come to on that...

PRESIDENT: Alright.

EHRlichman: "John Dean has not involved himself in this matter as your counsel for several months and properly so. I should not continue to fill in for him," meaning me, "for several reasons, including the impermissible demands on my time that are involved.

REEL 2 BEGINS

You need a full-time special counsel to follow these related problems who can advise you of the legal niceties from his experience in constitutional, criminal and governmental practice. I'll be happy to continue to consult with him, and soon. I do not recommend that Dean take a leave. That is neither in nor out. He has involved himself to the extent described above. Either that

REEL 1 ENDS

requires dismissal or it does not. And that choice should be made at once. If he is discharged, the U.S. Attorney and the Grand Jury should treat him differently. But I think he's, he -you've got to bite the bullet on Dean, one way or the other, pretty quick.

PRESIDENT: Alright. But...

EHRlichman: But recognize, uh,

HALDEMAN: What did Dean say to...

EHRlichman: ...but recognize...

HALDEMAN: ...what did Dean say to...

EHRlichman: that kills him.

HALDEMAN: Dean's.

EHRlichman: Yeah basically he says that kills him.

PRESIDENT: (Unintelligible).

HALDEMAN: Yeah.

PRESIDENT: (Unintelligible) and he got off with plea bargaining for a misdemeanor.

HALDEMAN: Sure.

PRESIDENT: A misdemeanor.

HALDEMAN: Yeah.

PRESIDENT: That's all the God-damn thing ever was.

HALDEMAN: Yeah. And he got an undetermined sentence that was suspended Friday.

PRESIDENT: That's right.

HALDEMAN: He never served an hour in jail.

PRESIDENT: Didn't serve in jail and then, but, but, not only -you see, Bob

HALDEMAN: He was indicted on a felony

PRESIDENT: He did not -indicted on a felony...

HALDEMAN: Pled to a --

PRESIDENT: Plea, plea-bargained to a misdemeanor, gets off with, uh, no sentence and so forth and, and Dash defends him and says that -and Lipschitz. goes out and the Post prints reams of stuff that he...

HALDEMAN: (Unintelligible).

PRESIDENT: ...is an honorable man and so forth. Now what really --

HALDEMAN: He had already been indicted on two other

PRESIDENT: How in the hell, who got the, got that story out (unintelligible).

HALDEMAN: Well, they, apparently, the two or three papers got wind of it, but the interesting thing is that Dash had made the moral judgment...

PRESIDENT: Earlier.

HALDEMAN: ...that, that didn't disqualify him, he knew about it.

PRESIDENT: Right.

HALDEMAN: And Dash has a beautiful statement on the front page of the paper which is a man wouldn't be as good an investigator if he hadn't been in

PRESIDENT: Unless he knew how to bug.

HALDEMAN: ...(unintelligible). No, unless he had been in trouble a couple of, one or two times.

EHRlichman: Ervin must have looked at that and...

SEVERAL VOICES: (Unintelligible).

HALDEMAN: ...and he talked about...

EHRlichman: (Unintelligible).

HALDEMAN: ...man wouldn't have been a true campaigner if he hadn't had a prank or two once in a while.

PRESIDENT: Well, what I'm getting at is this, that uh, we're just talking here, not with Dean -we're talking about Dean naturally -you call my attention to Lipschitz' thing only I don't give a damn about the part of this with Hunt, Liddy, and the Cuban...

UNIDENTIFIED: True.

PRESIDENT: ...(Unintelligible) are in this thing. It would be my (tape noise) a reasonable time had expired after the thing (unintelligible, with tape noise) and before I leave office and they'll get off. You get them full pardons. That's what they have to have, John.

EHRlichman: Right.

PRESIDENT: Do you agree?

EHRlichman: Yep, I sure do. Well, you haven't asked me how I'd come out on this. I just, I just brought it to a focus. I think if you have to decide up or down on Dean now...

PRESIDENT: What do you think about that? Oh, let's see. What, what does Dean say when you tell him that?

EHRlichman: He doesn't agree with that.

PRESIDENT: I know he doesn't agree, but what does he do?

EHRlichman: He wants to stay and just disconnect himself from this case. And he says, "Yes, that's right, make your decision now, but make your decision that I should stay." He needn't decide that right this minute and I would encourage him not to...

PRESIDENT: I mean.

EHRlichman: ...but in talking about Rush, that relates to this general subject. I think I would pass it for the moment.

PRESIDENT: But the only thing that I was -yeah, I agree you should

EHRlichman: And, and, uh, get back to, get back to the Mitchell thing which really is, uh...

PRESIDENT: Like today. I know.

EHRlichman: ...uh, like this morning.

PRESIDENT: I don't think there's anybody that can talk to Mitchell except somebody that knows this case. Now, there's one or two people, I mean I versed myself in it enough to know the God-damn thing, but I'm not sure that I want to know. I want to say Mitchell, "Now, look, I, I think that, I think that you're -the attorneys for the Committee, O'Brien -and I found out this, and I found out that, and I found out that, and the Grand Jury has told me this th-th-th-th-th dee." I just don't know. I just don't -you know what I mean. They talk about my going out is, uh -but really, I am not trying to duck it. I, I don't mind, I've done unpleasant things and I'll take this in one minute. Uh, the thing, John, is that there's nobody really that can do it except you.- And I know how Mitchell feels. But you conducted this investigation. I would -the. way I would do it, Bob, you, you critique this, is I'd go up, and I'd say,...

HALDEMAN: Alright.

PRESIDENT: ..."The President's asked me to see you." That you have come in today with this report; these are the cold facts indicating; of course, that this does not indicate that, but the Grand Jury is moving swiftly, Magruder will be indicted, you think. Under the circumstances, time is of the essence. You can't be in a position of having you (tape noise) the Grand Jury and (tape noise) (unintelligible) "I am responsible, I did not know it. But I assume the responsibility. Nobody in the White House is involved," and so forth, and so on. "We did try to help these defendants after wards, yes." He probably would not deny that anyway. He probably was not asked that at an earlier time. But the, just as the def-, just as any, the defendants are entitled to that sort of

EHRlichman: Well now you're, you're glossing it. Uh, I don't think he could do that.

PRESIDENT: All right.

EHRlichman: I wouldn't want to, I wouldn't want to...

PRESIDENT: All right.

EHRlichman: ...have you...

PRESIDENT: Oh all right.

EHRlichman: (unintelligible).

PRESIDENT: Fine, fine., What would you say to him?

EHRlichman: I'd say (unintelligible)...

PRESIDENT: Let me, let me hear your speech (unintelligible).

EHRlichman: I'd say, "The jig, you know, basically, the jig is up, John, and uh, I've listened to, uh, Magruder and, and, uh, uh, uh, he's gonna, he's in my opinion he's about to blow, uh, uh, and that's, that's the last straw." Uh --

PRESIDENT: And, also, Hunt is going to testify, Tuesday, Monday, we understand.

EHRlichman: "We've got to, we've got to think of this thing from the standpoint of the President and I know you have been right along and that's the reason you've been conducting yourself as you have."

PRESIDENT: Right.

EHRlichman: "It, it's now time, I think, to rethink what best serves the President and also what best serves you to

PRESIDENT: Right.

EHRlichman: in the ultimate outcome of this thing,"

PRESIDENT: Right.

EHRlichman: "And we have to, have to, recognize that you are not going to escape indictment. There's no way and

PRESIDENT: Because yeah. Yeah,

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EHRlichman: ...the far better, far better that you should be prosecuted on an information from the U.S. Attorney based on your conversation with the U.S. Attorney, than on an indictment

PRESIDENT: We're right on the door of the White House and we're trying to protect you.

EHRlichman: "If, if the Grand Jury goes this way, you've been dragged in by the heels. Uh, if you go down first thing Monday morning, or yet this afternoon...

PRESIDENT: This afternoon.

EHRlichman: ...and talk to the U.S. Attorney, and say, "Okay I want to make a statement," then two things happen: one, you get credit for coming forward two, you serve the President's interest. And, uh, I'm here in behalf of the President --"

HALDEMAN: Well, and three, you have the dignified opportunity to discuss this in, in the, office of...

EHRlich14AN: Yeah.

HALDEMAN: ...of Earl Silbert instead of in the third Washington jail.

EHRlichman: "And, and I'm here at the President's request to ask you to do that

PRESIDENT: Yeah.

EHRlichman: "He has reviewed the facts now

PRESIDENT: Right.

EHRlichman: "He has no alternative, John...

PRESIDENT: Right.

EHRlichman: ...but...

PRESIDENT: Right.

EHRlichman: ...the far better, far better that you should be prosecuted on an information from the U.S. Attorney based on your conversation with the U.S. Attorney, than on an indictment by a Grand Jury of, of 15 blacks and 3 whites, uh, after, uh, uh, this kind of uh, this kind of an...

PRESIDENT: Right.

EHRlichman: "...investigation."

PRESIDENT: We're right on the door of the White House and we're trying to protect you.

EHRlichman: "If, if the Grand Jury goes this way, you've been dragged in by the heels. Uh, if you go down first thing Monday morning, or yet this afternoon..."

PRESIDENT: This afternoon.

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HALDEMAN: of Earl Silbert instead of in the third Washington jail.

EHRlichman: "And, and I'm here at the President's request to ask you to do that

PRESIDENT: Yeah.

EHRlichman: "He has reviewed the facts now

PRESIDENT: Right.

EHRlichman: "He has no alternative, John..."

PRESIDENT: Right.

EHRlichman: ...but...

PRESIDENT: Right.

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EHRlichman: ...to send me here and...

PRESIDENT: Right.

EHRlichman: ...ask you to do this."

PRESIDENT: Right, well, then, if you want to hear it personally, he, he, he, uh...

EHRlichman: Pick up the phone.

PRESIDENT: No. Come down and see him.

HALDEMAN: I have a couple of modifications to that. One, a minor ques-not to what you say, but in setting it up. It would be helpful, in doing that, if I called Mitchell and said that the President wants you to talk with him. Then there's no question. . . .

PRESIDENT: Right.

HALDEMAN: ...in his mind...

PRESIDENT: That's right.

HALDEMAN: ...that you're, you're operating

PRESIDENT: Right.

HALDEMAN: ...unilaterally.

EHRlichman: Absolutely.

PRESIDENT: Right, right.

HALDEMAN: And, secondly, that if at all possible, he should come down here.

EHRlichman: Why is that?

HALDEMAN: Well, my reason for it is, A, you get him here under your circumstances. B if you make your case, which you may (unintelligible) at this point...

PRESIDENT: That's right.

HALDEMAN: ...'cause he may be on the same track.

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PRESIDENT: Yeah.

HALDEMAN: ...maybe at the same point.

PRESIDENT: Yeah.

HALDEMAN: If he is, you might be able then to swing a "let's get Silbert right now and go on over." Ah, he may say, I've got to talk to the President before I do this.

PRESIDENT: That's right.

HALDEMAN: And then run him in to do it.

PRESIDENT: Um, well, let me say, let me say this, uh, I've, I've run, run through my mind, uh, the, the thoughts. And believe me the idea of Rogers, as you, John, as Bob will tell you, is not, is not one that, uh, that I don't think is, is potentially good. I was hoping to get him in, in a bigger but I, I know Rogers like the back of my hand and Rogers does not fight real, mean tough problems and he will not go.

HALDEMAN: The trouble with Rogers is that Mitchell will overrun him. Mitchell will say, "Bill, you're out of your fucking mind. If you knew what I knew -I mean those kids over at the White House I are, are looking at me and, uh, and, uh

PRESIDENT: What if you knew what I knew, what about them?

HALDEMAN: Well, he'd roll his eyes and, and Rogers wouldn't know one way or the other.

PRESIDENT: You see, John, somebody has to talk to him who knows the facts. That's the point.

HALDEMAN: And as I mentioned (unintelligible, with tape noise) thing in your scenario that really worries me when you say I've listened to Magruder

EHRlichman: Well, all, all right, I can't say it quite that way

SEVERAL VOICES: (Unintelligible)

HALDEMAN: ...what Magruder's gonna do.

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EHRlichman: I can say...

PRESIDENT: We have learned from...

EHRlichman: I can, I

PRESIDENT: ...we have learned that Magruder is going to testify.

EHRlichman: I can say, well, I can start out by saying, look, I can't vouch for any of this first hand. A tremendous amount of what I know is second-hand, like my conversation with Paul O'Brien, but I have every reason to think that Magruder is in a frame of mind right now to go down there and tell every thing he knows.

PRESIDENT: That Hunt's going to go Monday (unintelligible)...

EHRlichman: Hunt's going to go Monday.

PRESIDENT: and Liddy, well, you can't say Liddy

EHRlichman: Well

PRESIDENT: maybe Mitchell has a feel--

EHRlichman: I have, I have reason to think Liddy has already talked.

HALDEMAN: You know Rothblatt knows who (unintelligible) Rothblatt. So they're obviously moving on the cover-up.

PRESIDENT: Yeah.

HALDEMAN: See, if Mitchell went in, that might knock that whole week into a cocked hat.

PRESIDENT: Why?

HALDEMAN: Well, what do they care about the cover-up any more? They

PRESIDENT: Humph.

EHRlichman: Well, they might, but they, but, you see, Mitchell if Mitchell gave them a complete statement...

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PRESIDENT: I wish they wouldn't, but (unintelligible) they would, Bob.

EHRlichman: ...if Mitchell gave them a complete statement

PRESIDENT: They shouldn't, I mean, you're right. I mean, the, the, the cover-up, he said that, uh -said well that basically it's a separate crime. Isn't that right, John?

EHRlichman: Yes.

PRESIDENT: Do you think they would keep going on the cover up even if Mitchell went in?

EHRlichman: Well, I would assume so. I would certainly assume so. You see, they're got to explain to the Ervin Committee some day why they do things and they've got a hell of a lead. They're really not in shape to stop at this point. They would certainly be diverted.

HALDEMAN: (Unintelligible with tape noise) is this, that everything relating to this and all the fringes of it and all the, well, any other --

EHRlichman: I think they're in a position to uh -I, I just don't know (unintelligible)

HALDEMAN: Yeah, that's right.

EHRlichman: (Unintelligible)

PRESIDENT: But the point is what, what they have that -they, their relations have been primarily with Dean.

HALDEMAN: I don't know about Colson.

EHRlichman: I don't either.

HALDEMAN: Well, Dean is

PRESIDENT: I have to bite the Dean bullet today.

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EHRlichman: I didn't say that. I didn't say that, but I think it, it is, it is a dependent question. And, uh, if you are in a situation where Mitchell stonewalls you...

PRESIDENT: Yeah.

EHRlichman: ...and walks out and says you know, to hell with you guys, I've got to, I've got to live my own life.

PRESIDENT: Well, let's say, uh, we could uh, uh, what, uh, I want to look at my watch, not because of an appointment.

EHRlichman: You've got a dentist appointment.

PRESIDENT: (Unintelligible) I've been here since eight o'clock this morning.

EHRlichman: That's why?

SEVERAL VOICES: (Unintelligible)

PRESIDENT: Don't worry about that. No, that's no problem. I could have got Haig to--but, uh, John Dean out of the Grand Jury.

EHRlichman: Let me get around that by sug-, suggesting what I think his response would be.

PRESIDENT: Yeah.

EHRlichman: His response will be, "Look, Ehrlichman, you're supposed to be a lawyer. You know better. To go to somebody who is a target in an inquiry of this kind and try to pressure into giving up his rights is very antithesis of what rights I would have if I were a defendant..."

PRESIDENT: That's right.

EHRlichman: "Uh, you're supposed to, you're in the executive branch, and a government official, you're supposed to tell me what, what all the chips are."

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PRESIDENT: Uh, that, that chair's gone.

HALDEMAN: oh.

SEVERAL VOICES: (Unintelligible)

HALDEMAN: ...a couple and fall on the floor which would not be --

PRESIDENT: Go ahead Steve.

EHRlichman: Uh, "you're supposed to tell me, uh, that I have a right to counsel and, uh, you know, read me the, the uh, Supreme Court thing (unintelligible) and so forth. Instead of that, you just suggested that I, uh, I divest myself of all my rights, and, uh, and uh, you, uh, asked me down here for a highly improper conversation. You haven't even suggested that I bring my attorney. And I take it what you are doing, is, uh, you're acting as the, uh, prosecutor in this case." How do you come off doing that?

PRESIDENT: He won't do that, in my opinion. Uh I think he's more likely to say, "well God-damn it, look, John, we -don't you know that there are people in the White House that are deeply involved in this. Don't you know that Colson and Haldeman..."

HALDEMAN: He may say this, yeah.

PRESIDENT: ...pressured this poor boy over here. I think Mitchell will take the offensive. Don't you agree? Bob?

HALDEMAN: You see, I'm not at all sure but what Mitchell may think I am involved. I'm sure he probably thinks Colson's involved, because Magruder has used that. I would guess that the line Magruder has used with Mitchell -and you might have to play Magruder's tape recording for him (unintelligible)

EHRlichman: Well I don't think, I don't think that'll happen. I just don't.

HalDEMAN: Well, I just

PResIDENT: Is Magruder planning to go see Mitchell?

HalDEMAN: Yes, sir, and it's -if he decides to go, if he decides to talk.

PResIDENT: If he decides to talk, he's convinced.

HalDEMAN: And he's about on the verge,--his I, I assume from that conversation that what he has decided, he is either going to talk or he's going to take the Fifth. He's not going to lie, over and over.

PResIDENT: But, they're not calling him they may not call him back, that's always

EHRlichman: That's correct. (Unintelligible) Liddy will never try it.

PResIDENT: Well the Fifth (unintelligible)

HalDEMAN: Yeah.

EHRlichman: He says, I know I'm going to be arrested. I know I'm on my way to jail. All right, if, if Mitchell comes back with a line like that, you're not serving the President, well, if you have made any kind of investigation surely you know people in the White House are involved.

PResIDENT: What do you say?

EHRlichman: I say, look, John, we're past the point where we can be concerned about whether people in the White House are involved. We're not protecting the President by hoping this thing is going go away."

PResIDENT: The people in the White House are going to testify.

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EHRlichman: The thing is not going to go away, John, and by your sitting up there in New York and pretending that it is, it's just making it worse. And it's been getting steadily worse on account of your sitting up there for the last couple of months. We're at the point now where we have no choice but to ask you to do this.

HalDEman: We have a whole, and you could say, we have a whole series of people who have remained mum in order not to create problems for you, who, it's now clear, can no longer remain mum. They don't intend to create problems for you, but, I mean...

PRESIDENT: Like Hunt, Liddy?

HalDEman: No. I mean like Haldeman, Dean

EHRlichman: I could say that when I got into this I discovered that there were all kinds of people sitting around here who had bits of information. They were hanging on to them, because they didn't know where they led...

PRESIDENT: Well -

EHRlichman: ...and because they were afraid they would hurt John Mitchell. And I've had to put this whole thing together. And now, having put it together...

PRESIDENT: Yeah.

HalDEman: (Unintelligible) you guys received word he comes down

EHRlichman: it, there's just no escape from it, just no escape.

HalDEman: And it's got to be proved whether, uh, any...

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PRESIDENT: The adversary type. There's nobody that can do it --

HALDEMAN: He will be able to persuade anyone else there is a way.

PRESIDENT: But, there is nobody else that can do it. Also (pause) let me digress a moment before we get to the (unintelligible) of Mitchell. Another indication of the, the problem we've got here, uh, is -which is related to what we talked about last night -is to just to keep a, a posture vis-a-vis the Committee on this. Uh, I just think we are in an impossible position frankly, with regard to White House people not appearing before the Committee. Now you've gone over that with Ziegler and he still thinks we should stonewall it on those grounds.

HALDEMAN: That's right.

EHRlichman: And I've, I have not talked with him at length for days.

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PRESIDENT: (Tape noise) we came full circle on the Mit-, on the Mitchell thing.

UNIDENTIFIED: Who?

PRESIDENT: On the Mitchell thing (unintelligible) must come first...

HALDEMAN: Yeah.

PRESIDENT: ...(tape noise) something today. We've got to make this move today. If it fails, uh, just to get back on position, I think you ought to talk to Magruder.

HALDEMAN: I agree.

PRESIDENT: And you tell Magruder, "Now Jeb, this evidence is coming in, you ought to go into the Grand Jury. Purge yourself if you're perjured, and tell this whole story."

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EHRlichman: I agree.

HalDEMAN: (Unintelligible, with tape noise)

PResIDENT: The, we'll go -Bob, you don't agree with that?

HalDEMAN: Oh, I do.

PResIDENT: Because I think we do have to. Third, we've got the problem

HalDEMAN: Maybe you should talk to Jeb first, though.

PResIDENT: (Unintelligible)

HalDEMAN: (Unintelligible) John?

EHRlichman: Doesn't really matter, Bob, eh, either way...

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PRESIDENT: Yeah.

EHRlichman: ...who is ever coming first.

PRESIDENT: But then, you see, you see the point is--

HALDEMAN: For God's sake, then don't use Jeb as a basis for the conversation.

PRESIDENT: Yeah. Say that the evidence is not Jeb. I'd just simply say that just a lot of other people with (unintelligible) Jeb...

HALDEMAN: -although (unintelligible).

PRESIDENT: ...although he may blow (unintelligible)

EHRlichman: I can say, I can say that the the uh, uh, that I have, I have come to the conclusion that it is both John and Jeb who are liable

PRESIDENT: Yeah.

EHRlichman: ...and, uh--

PRESIDENT: But no, I meant...

EHRlichman: Yeah, go ahead.

PRESIDENT: I was going to say that we are not talking to you, John, just because Jeb is going to crack...

UNIDENTIFIED: Or that--

PRESIDENT: ...or that Dean is going to the Grand Jury. It's past that point. They've got the case made.

HALDEMAN: That's right.

PRESIDENT: He'll say, "well I think they're bluffing here." What'll you say?

EHRlichman: Uh, it isn't a question of bluffing. Uh, nobody's made any representations to us at all. Nobody's tried to bluff us...

PRESIDENT: Right.

EHRlichman: Uh, it, it's just a question of putting together all the facts and that any time someone--if the U.S. Attorney's office goes through the process that " I've gone through, he'll have all the facts. And there it'll be. And ya-, you don't get it all from any one person. It's it's some from this one, some from that one. It's a typical, it's a typical case, Bob.

HalDEman: (Unintelligible)

PResident: How does Dean's incidentally what is the, what is the, what is the liability or, uh, Hunt, or, uh--I'm thinking of the payoff thing...

EHRlichman: Yeah.

PResident: ...in this business,--somebody in, uh, Dean, Dean, uh, Dean asked, told me about the problem of Hunt's lawyer, uh, wanted--had gotten--this was a few weeks ago--needed, uh, needed sixty thousand or forty thousand dollars or something like that. You remember? He asked me about it and I said I, I don't know where you can get it. I said I would, uh, I mean, I frankly felt he might try to get it but I didn't know where. And then he left it up with Mitchell and Mitchell then said it was taken care of--am I correct? Is my recollection...

EHRlichman: Yes, sir. (unintelligible)

PResident: Is that approximately correct?

EHRlichman: Yes, you could (unintelligible).

PResident: Did he talk to you about that?

EHRlichman: He talked to me about it. I said, John, I wouldn't have the vaguest notion where to get it.

PResident: Yeah--

EHRlichman: I saw him later in the day. I saw Mitchell later in the day...

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PRESIDENT: Yeah.

EHRlichman: ...Wednesday(unintelligible)

PRESIDENT: What happened?

EHRlichman: And he just said it's taken care of.

HALDEMAN: Mitchell raised the topic. He turned to Dean and said, "what have you done about, uh, that other problem?" And Dean said--he kind of looked at us--and then said, "well, uh, you know, I, I don't know." And Mitchell said, "Oh I guess that's been taken care of. (tape noise) said apparently through LaRue.

PRESIDENT: (Unintelligible)

HALDEMAN: (tape noise) LaRue. Where you the one who told me?

EHRlichman: Who told you?

HALDEMAN: ...Oh, Dean told us. LaRue. He had, Dean had a long talk with LaRue and LaRue said, "this whole thing is ridiculous now" and said (unintelligible, with tape noise) said, "yeah," he said, "If I were in charge of this now what I would do is I'd get a large bus and I'd put the President at the wheel and I'd throw everybody we've got around here in it and I'd drive up to the Senate and I'd have the President open the door and I'd say, you all get out and tell everything you know and I'll be back to pick you up when you're through." He said, "It's all out now and there's nothing we can do about it." And he, he said, "I can," he said LaRue also said, you know, I can't figure out how I got into this, uh, to begin with, but I, I, it seems to me all of us have been drawn in here in trying to cover up for John."

PRESIDENT: For Mitchell?

HALDEMAN: Yeah, which is exactly what's happened.

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PRESIDENT: LaRue said that?

HALDEMAN: Yes.

PRESIDENT: He's right. (unintelligible)

HALDEMAN: And if LaRue is called, LaRue is, is--intends to tell the truth about it.

PRESIDENT: Is he?

HALDEMAN: Yeah. Now, I

PRESIDENT: Well, what will be his defense...

HALDEMAN: I don't know.

PRESIDENT: ...about obstruction?

HALDEMAN: I don't know.

EHRlichman: I don't think he has one.

HALDEMAN: If he doesn't intend--

PRESIDENT: No, well, no. His obstruction will be LaRue'll, uh, that I was helping to get --

EHRlichman: Ah, the way Dean talks LaRue wasn't even thinking about the message.

HALDEMAN: I don't think LaRue cares. I think LaRue's figured that the jig is up.

EHRlichman: (Tape noise) I--a bit of incidental intelligence that (unintelligible) dropped yesterday with regard to Mardian. Just a small matter--went out to Phoenix (tape noise).--elaborate cover story, which he fed to the New York Times, which would lay it all back in the White House.
(unintelligible with tape noise) Just gonna know that if they do (unintelligible) get screwed.

UNIDENTIFIED:--Yeah, they've gotten to--

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EHRlichman: It will only stand so long as Mitchell stands.

PRESIDENT: Why lay it at the White House?

EHRlichman: That's all that--but I just don't know any other fact and, uh

PRESIDENT: Well, he could lay it to the White House?

EHRlichman: But bear in, bear in mind Shapiro was giving me this in a whole litany of things that were, that were persuasive and which...

PRESIDENT: Yep, yep.

HALDEMAN: I'm still afraid of Shapiro.

EHRlichman: ...what he said to me (unintelligible) he's a scary guy.

HALDEMAN: (Unintelligible) don't believe we can--

REEL 3 BEGINS

PRESIDENT: Uh, but what I meant on the Mardian, the point that, uh,--let me say, I don't think that Mardian or LaRue or Mitchell, uh, or Magruder or anybody want to hurt the President in this thing.

REEL 2 ENDS.

EHRlichman: (Unintelligible)

HALDEMAN: I'm sure that's right.

PRESIDENT: Do you feel that way?

HALDEMAN: Yes sir.

PRESIDENT: Colson? How, how about Colson?

HALDEMAN: He, he--I (unintelligible) said he'll do everything he can not to hurt the President.

PRESIDENT: Yeah. That has got to be the attitude of everybody because it isn't the man, it's the Goddamn office.

HALDEMAN: Sure. Sure.

PRESIDENT: But also it happens to be tr-, true. I mean I (unintelligible) I knew about the son-of-a-bitch.

HALDEMAN: You don't have a, that doesn't apply and they didn't-I think rationalize to themselves that hurting or getting anybody else could be...

PRESIDENT: That's right.

HALDEMAN: ...good for the President rather than bad. And that...

PRESIDENT: In other words--

HALDEMAN: ...includes Ehrlichman, Haldeman, ..

PRESIDENT: Yeah.

HALDEMAN: ...Dean...

PRESIDENT: Yeah.

HALDEMAN: ...certainly Colson. Colson'd be at the top of that list. Colson first, then Haldeman, then Dean, then Ehrlichman.

[Irrelevant portion omitted]

PRESIDENT: You can make, you see, you can make a hell of a circumstantial case on Colson. He's the guy that, you know, he's Dean's buddy, and uh, Liddy, he knew well, apparently knew well

HALDEMAN: Wasn't Dean's buddy.

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PRESIDENT: But also it happens to be tr-, true. I mean I (unintelligible) I knew about the son-of-a-bitch.

HALDEMAN: You don't have a, that doesn't apply and they didn't-I think rationalize to themselves that hurting or getting anybody else could be...

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PRESIDENT: In other words--

HALDEMAN: ...includes Ehrlichman, Haldeman, ..

PRESIDENT: Yeah.

HALDEMAN: ...Dean...

PRESIDENT: Yeah.

HALDEMAN: ...certainly Colson. Colson'd be at the top of that list. Colson first, then Haldeman, then Dean, then Ehrlichman.

PRESIDENT: You see I think a Mardian story to the Times will be, frankly, that Colson put the heat on.

HALDEMAN: Well, maybe, but he's gonna last. That could be where you

PRESIDENT: Maybe Haldeman?

HALDEMAN: Mardian. No, Mardian, I don't think has any personal desire to get me. I think he would -I know he hates Colson.

PRESIDENT: Does he?

HALDEMAN: They all do. And any Mitchell person does, 'cause Mitchell did.

PRESIDENT: You can make, you see, you can make a hell of a circumstantial case on Colson. He's the guy that, you know, he's Dean's buddy, and uh, Liddy, he knew well, apparently knew well

HALDEMAN: Wasn't Dean's buddy.

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PRESIDENT: I'm sorry--I meant Hunt's buddy.

HALDEMAN: Yeah, right.

PRESIDENT: Of course, right. But you know, but, I mean, Colson is closer to this group of robbers than anybody else. That's the problem with Colson. Colson's got a very

HALDEMAN: He has no tie to Liddy.

PRESIDENT: Oh, no, no. Okay.

HALDEMAN: You know, that is the (unintelligible) he has no, no string to it. His string is to Hunt.

PRESIDENT: Well, then Hunt

HALDEMAN: Hunt is the, Hunt is the central, uh, background figure that

PRESIDENT: Is, uh, Hunt, uh, Hunt takes this money? (Unintelligible) he took it for what? To cover up?

HALDEMAN: Immunity. Bet Bittman's given immunity.

PRESIDENT: They're going to give Hunt immunity?

HALDEMAN: I don't know, maybe, I suppose.

EHRlichman: I think that would be their deal.

PRESIDENT: Well, that's the standard--(Unintelligible) give him immunity for additional crimes?

EHRlichman: He's convicted now, you see, so it would be for additional

HALDEMAN: They haven't sentenced him.

EHRlichman: That's right.

PRESIDENT: So they could give him immunity--
(Unintelligible)

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PRESIDENT: ...they could, they could, cut his sentence and give him -immunity for the cover-up; the hush money; clemency. How do you handle the problem of clemency, John?

EHRlichman: You'd have to stonewall that--it's, it's, it's-a cold fact, cold denial (unintelligible)

HalDEMAN: Well, you don't handle it at all. That's Colson's main point because that's where it comes from.

EHRlichman: That was the line.of communication--

PRESIDENT: Colson to Bittman? Well that's the only thing that we have on that, except Mitchell, apparently, had said something about clemency to people.

HalDEMAN: To Liddy.

PRESIDENT: And Mitchell has never, never disc--has he ever discussed clemency with you, Bob?

HalDEMAN: No.

PRESIDENT: Has he ever discussed it with you?

EHRlichman: No.

PRESIDENT: Needless to say, not with me. The only terms (unintelligible) we were all here in the room.

HalDEMAN: I think--

EHRlichman: The only time--

HalDEMAN: ...he may have said, well, you know, we've got to take care of these people, and, uh

PRESIDENT: Yeah. Well I understand that. But he's never said, "Look you're gonna get a pardon for these people when this is over." Never used any such language around here, has he, John?

EHRlichman: Not to me.

HalDEMAN: I don't think so.

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PRESIDENT: With Dean has he?

EHRlichman: Well, I don't know.

HALDEMAN: That's a question (unintelligible)

PRESIDENT: 'Cause Dean's never raised it. In fact, Dean told me an interesting thing I said, Dean I said, "John," I said, uh, where's it all lead?" He said, "uh." I said "what's it going to cost? Now you could continue this of course." He said about a million dollars. I said facetiously, "Have you thought of this at all?" (Unintelligible) That's the point. That's the foul-up in the whole Mitsel arg-, Mitchell argument. Unless I could just up and say, "Look fellows, it, it's too bad and, and, and 1, I, I could, I could give you executive clemency, like tomorrow. %bat the hell do you think, do you think, Dean, I mean do you think that, that--the point is, Hunt and the Cubans are going to sit on their. ass in jail for four years and their families not taken care of? That's the point. Now where the hell to you get the money for that?" That's the reason this whole thing falls. I mean, uh,uh, it's, it's that, that, I mean, uh, that astonishes me about Mitchell and the rest.

EHRlichman: Improbable.

PRESIDENT: Not only improbable, there's no way to get the money is there? Who was-it, Tom Pappas they had to see me?

HALDEMAN: (Unintelligible) about the money.

PRESIDENT: Huh?

HALDEMAN: You didn't talk to him about the money?

PRESIDENT: I don't remember. You told me to see him. In fact, you said that he was helping on the

HALDEMAN: But, yeah, but you were seeing him and you were seeing a number of contributors.

PRESIDENT: I know, I know and I said hell, I appreciate the work you're doing for us and I didn't mention what it was.

HALDEMAN: (Unintelligible)

PRESIDENT: Good old...

HALDEMAN: He was Mitchell's contact.

PRESIDENT: Good old Tom is raising money apparently, he's doing this, this thing

HALDEMAN: That's right. I doubt that he is--

PRESIDENT: (Unintelligible) the word, the word never came up, but, uh, I said I appreciate what you're doing. I do, I do for--the purpose of help ing the poor bastards through the trial, but you can't after that, John. You can't or could you? I guess you could. Attorneys' fees? Could you, could you get a support-program for these people for, for four years?

EHRlichman: I haven't any idea. I have no idea.

PRESIDENT: Well, they've supported other people in jail...

EHRlichman: (Unintelligible)

PRESIDENT: ...for years.

EHRlichman: The Berrigans or somebody.

PRESIDENT: Huh?

EHRlichman: I say, I don't know how the Berrigan brothers and some of those...

PRESIDENT: They all have funds.

EHRlichman: ...operate. I think those they use--

PRESIDENT: Yes, there are funds, (unintelligible) are developed. I guess that's true.

EHRlichman: So that they---

PRESIDENT: But not to hush up.

EHRlichman: That's right.

PRESIDENT: That's the point. All right. One final thing: Dean. You, you don't think we have to bite it today?

EHRlichman: Well, I'm not so sure. Uh, I'd, I'd be inclined-say you are (unintelligible). When you say bite it it's simply a matter of making a decision, in, in my opinion, uh

PRESIDENT: Well, I've made a decision. I think he has to go.

EHRlichman: Well, I'm not sure that's the right decision. It's uh, uh, uh, by, by framing the issue, I;:doh`'t mean to imply that...

PRESIDENT: Oh, I see.

EHRlichman: ...that's the (unintelligible).

PRESIDENT: I thought, no, no, I thought...

EHRlichman: Uh, (unintelligible)

PRESIDENT: When, when you said you didn't address it, I, I'm sorry, I thought that was one of the recommendations you had made.

EHRlichman: No, no, my recommendation is that you recognize that, there's a go-no go decision that has to be...

PRESIDENT: Oh, I see.

EHRlichman: ...made right away.

PRESIDENT: Oh, alright, yeah.

EHRlichman: You see, here's your situation as I--Look again-the big picture--You now are possessed of a, body of fact.

PRESIDENT: That's right.

EHRlichman: And you've got to, you can't just sit here.

PRESIDENT: That's right.

EHRlichman: You've got to act on it.

PRESIDENT: Right.

EHRlichman: ...You've got to make some, you got to make some decisions and the Dean thing is one of the decisions that you have to make. Now you may decide

PRESIDENT: [on telephone] Bull, please. Steve Bull. [To Ehrlichman] (unintelligible) Alright, fine, John.

EHRlichman: Eh, eh--

PRESIDENT: ...Then you're not...

EHRlichman: Then you've got to dispose of it one way or the other. Uh, uh, there may be and, and, I'm, I'm--

(Phone rings)

[on telephone]

PRESIDENT: Yeah, put the, uh, that, uh, thing with, uh, uh, Haig, uh, back. What time you got now? Quarter after (Hangs I'll be there a few minutes late at the EOB.

[Hangs up telephone]

EHRlichman: I'll tell you, I am still heavily persuaded,"that we affect the Grand Jury and U.S. Attorney,treatment of Dean favorably by keeping him on.

PRESIDENT: Okay.

EHRlichman: Uh, and that that's important. Now--

PRESIDENT: Why, why, do you say that? Because they like him?

EHRlichman: No, no, not at all.

HALDEMAN: Because they can treat him differently as the President's counsel than--

EHRlichman: As the dismissed President's counsel

HALDEMAN: Exactly.

PRESIDENT: Yeah.

EHRlichman: it's just that it's a very heavy psychological factor.

PRESIDENT: Well, this will be done, because there is another reason? too. It isn't like, it--Dean is not like Mitchell, now let's face it.

HALDEMAN: That's right.

PRESIDENT: Dean is not like Mitchell in the sense that Dean only tried to do what he could to pick up the Goddamn pieces and...

HALDEMAN: Certainly.

PRESIDENT: ...everybody else around here knew it had to be done.

EHRlichman: Certainly.

PRESIDENT: Uh, let's face it. I'm not blaming anybody else how.

HALDEMAN: I understand.

PRESIDENT: That was his job.

HALDEMAN: I understand.

EHRlichman: I have, I have great trouble in (unintelligible) that you could be involved in the light of the known involvement that he had...

PRESIDENT: After the?

EHRlichman: ...in the aftermath.

PRESIDENT: Right, but--

EHRlichman: But--

HALDEMAN: The known involvement in the aftermath was for, uh, what was understood here to be the proper (unintelligible)

EHRlichman: That's half--

PRESIDENT: The question is motive.

HALDEMAN: That's right.

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EHRlichman: That's number one. Number two, there is nothing new about that.

PRESIDENT: That's right.

EHRlichman: As I have developed, in this thing--I'd like you to read this.

PRESIDENT: Yeah.

EHRlichman: There were eight or ten people around here who knew about this, knew it was going on.

PRESIDENT: Yeah.

EHRlichman: Bob knew, I knew, all kinds of people knew.

PRESIDENT: Well, I knew it. I knew it.

EHRlichman: And it was not a question of whether--

PRESIDENT: (Unintelligible) I knew I must say though, I didn't know it, but I must have assumed it though, but you know, fortunately--and I thank you both for arranging it that way and it does show why the isolation of the President, isn't a a bad position to be in.

EHRlichman: (Laughs)

PRESIDENT: But the first time that I knew that they had to have the money was the time when, uh, Dean told me that they needed forty thousand dollars. I hadn't been rege-, I didn't, I just didn't, I closed my eyes, I couldn't read the Goddamn papers on those little envelopes. I didn't know about the envelopes and the (uninte2144ible) and all that stuff.

EHRlichman: Well, the, the...

PRESIDENT: But others did know.

EHRlichman: ...the point is that, that if Dean's, if the wrongdoing which justifies Dean's dismissal is his knowledge that that operation was going on...

PRESIDENT: Yeah.

EHRlichman: ...then you can't stop with him. You've got to go through the whole place wholesale.

PRESIDENT: Fire the whole staff,

EHRlichman: That's right. It's, it's a question of motive. It's a question of role, and I don't think Dean's role in the aftermath, at least from the facts that I know now, achieves a level of wrongdoing that requires that you terminate him.

PRESIDENT: Nah.

EHRlichman: ...And, and, that, and this other thing

PRESIDENT: I think you've made a very powerful point to me that, that -of course, you can be pragmatic and say, "Well, Christ, in fact Dean" and so forth -in other words cut your losses and get rid of 'em. I mean, give 'em an hors d'oeuvre and maybe they won't come back for the main course. Go out, John Dean. On the other hand, uh, it is true others did know, they did know.

EHRlichman: But more than that -we've made Dean a focal point in the Gray process

PRESIDENT: Right.

EHRlichman: ...And he will become a focal point in the Ervin process.

PRESIDENT: Well, we'll have -yes, except if

HALDEMAN: Yeah, if, if goes on.

PRESIDENT: Yeah.

HALDEMAN: And if you dismiss him he'll still be a focal point.

EHRlichman: He'll be a focal point. (Unintelligible)

HALDEMAN: He'll be a defrocked -with a less, with less protection, that's right.

EHRlichman: And with less incentive.

PRESIDENT: Well, the point that I think, I think Dean--

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PRESIDENT: Dean's--

HALDEMAN: What Dean did was all proper...

PRESIDENT: Yeah.

HALDEMAN: ...in terms of the higher good.

PRESIDENT: Dean--you've gotta have a talked with Dean. I feel that I should not talked to him.

EHRlichman: I have talk to him.

PRESIDENT: But--I mean about motives.

EHRlichman: I have talked to him.

PRESIDENT: What's he say about motives? He says it was hush up?

EHRlichman: No. He says he knew, he, he had to know that people were, uh, trying to bring that result about...

PRESIDENT: Right.

EHRlichman: ...and he says, you know, the way I got into this was I would go to meetings in, in...

PRESIDENT: Right.

EHRlichman: ...campaign headquarters, uh, and, uh,uh, we'd get through the meeting and uh, Mitchell and LaRue would say to, to, uh,uh, I mean Mardian and LaRue.would say to Mitchell, "Mitch, you've got to do something about this." And Mitchell's stock answer was to turn to John Dean.

HALDEMAN: Say what are you gonna do?

EHRlichman: "What are you going to do?"

PRESIDENT: Jesus Christ.

EHRlichman: And, uh, so John said, I got to be a kind of, kind of a water carrier. I'd come back from those meetings and I'd come in to see Bob, or me or somebody else...

PRESIDENT: Right.

EHRlichman: ...and say well, Mitchell's got this big problem. And then he'd say they'd say to me, well I don't know what I'll do about it.

PRESIDENT: When he came in to see Bob and you what would he say was the problem?

EHRlichman: Uh, held say, these, these guys, uh,uh, Hunt's getting, uh, jittery and, uh, and says that he's got to have umpty-ump thousand dollars, and uh, Mitchell's terribly worried about it, and uh, uh-it, it was never expressed, but it was certainly understood...

PRESIDENT: Okay, on the question of motive then, though, (unintelligible) those conversations to keep up (unintelligible) that motive was never discussed.

EHRlichman: Never discussed with me in those terms.

PRESIDENT: Right?

UNIDENTIFIED: Uh, right.

PRESIDENT: The motive was to help defendants who were, by golly, who had worked for the...

EHRlichman: Well...

PRESIDENT: ...campaign committee--

EHRlichman: ...it never really got that far because, uh, we uh, at least my, my conversation with John always was, well, you know that's, that's interesting--I just don't know what to do for you."

PRESIDENT: Yeah. And, he may have gone further with you, Bob Did he?

HALDEMAN: No.

EHRlichman: He, we referred him to Kalmbach.

HALDEMAN: You aimed him at Kalmbach.

EHRlichman: Yeah.

HALDEMAN: I aimed him at Mitchell. I said, "John you can't come here and ask for help, we don't have any."

PRESIDENT: Yeah.

HALDEMAN: The one thing where it did go further, if you want to argue about it, it was in the sense that th-, the 350...

PRESIDENT: At the end--

HALDEMAN: ...which was not our money, we did move back over there.

PRESIDENT: For this purpose?

EHRlichman: (Unintelligible) what it was.

HALDEMAN: Yeah, yeah.

PRESIDENT: Who asked for it?

HALDEMAN: Nobody.

PRESIDENT: I mean, eh, how did, who...

HALDEMAN: (Unintelligible) asked for that.

PRESIDENT: ...who took the move on the 350?

HALDEMAN: I did.

PRESIDENT: How did you know that (unintelligible)

HALDEMAN: Gordon Strachan...

PRESIDENT: ...came to you?

HALDEMAN: ...Gordon Strachan came to me after the election and said you have three hundred and fifty thousand...

PRESIDENT: Yeah.

HALDEMAN: ...dollars in cash...

PRESIDENT: oh...

HALDEMAN: ...What do you want to do with it...

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PRESIDENT: ...this was not requested by LaRue?

HALDEMAN: No.

PRESIDENT: or Gordon?

HALDEMAN: No, the problem was getting them to take it back. They wouldn't take it.

EHRlichman: 'Cause they didn't know how to (unintelligible)

PRESIDENT: That money...

HALDEMAN: 'Cause LaRue didn't know what to do (unintelligible)

PRESIDENT: ...that, that money--

HALDEMAN: (Unintelligible) let him take it. LaRue wanted it...

PRESIDENT: Yeah.

HALDEMAN: ...but Mitchell wouldn't let him take it.

PRESIDENT: Oh.

EHRlichman: They just didn't know how to account for it.

PRESIDENT: Well, just frankly, he wouldn't have to account for it, in my opinion.

HALDEMAN: Well, but he didn't, he, he was--

PRESIDENT: 1970 money, for Christ's sakes.

HALDEMAN: (Clears throat) He said I have to account for it now because he's--Fred LaRue is in personal receipt after Grand Jury knowledge of three hundred and twentyeight thousand dollars in cash delivered to him at night at his apartment by Gordon Strachan. Key witnesses to that transaction are Strachan and LaRue.

PRESIDENT: LaRue tells you, huh?

HALDEMAN: And Strachan just testified that that's what happened. Well, LaRue's got a problem. What did he do with it? At that point, it's income to him. He's got an IRS problem if he can't get it, get it--it's unaccounted.

PRESIDENT: He'll use it, what, what does he say? He says I used it for hush money?

HALDEMAN: I don't know what he'll say. He'll probably (tape noise) packaged it up

PRESIDENT: Does that help any? That certainly doesn't help us.

HALDEMAN: Doesn't help anybody, but, uh, but, uh, you know--

PRESIDENT: The other thing he says, "Well I just, I, I've retained it in a fund for future campaigns."

HALDEMAN: No, can't show it, doesn't have it. I'm sure he doesn't have it.

EHRlichman: I don't, I'm not sure either, but I assume that it went right out to, to pay these people, I, uh, that's, that's my assumption.
(Unintelligible)

EHRlichman: Now Dean says this. He says we have only two problems with the aftermath in the White House. One is the fact that we made a referral to Kalmbach, but he said that can be explained. And, that's, that's no major problem. The other is the \$350,000 and that can be explained and need not be a major problem if it's clearly explained. And we have no, no problem with the aftermath.

HALDEMAN: I'm running the three-fifty into my statement, but the question of whether we want it in.

PRESIDENT: Oh, yes, Put it in there.

HALDEMAN: Nobody knows about it--that's another bombshell.

PRESIDENT: (Unintelligible) I think it's been, there's been something written about it.

HALDEMAN: Well but, yeah, but not that I had it.

EHRlichman: It is eleven o'clock.

PRESIDENT: All right. Eleven o'clock, that's when the armistice was signed, so off we go.

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EHRlichman: Uh, Mitchell is roughly two hours away at, at best. I could

PRESIDENT: I think he's going to come down and do it today. I think--what--Bob, I think you have to go out and call him, now. And, uh, ask him if he can come down.

EHRlichman: We'll send an airplane for him.

HALDEMAN: That'll take longer than his coming (unintelligible)

PRESIDENT: Yeah.

HALDEMAN: And by the time we get a plane mobilized and up there, it takes longer. We'll send it (tape noise) play golf or something.

PRESIDENT: I know, I know. He may be gone. But the point that I make is this, if, if he's out to play golf, we say we have, uh, we, we, have an urgent message for him and we say there've been some (tape noise) there have been some (unintelligible with tape.noise) on the Watergate thing.

HALDEMAN: And that hurry and come immediately.

PRESIDENT: (Tape noise) should come down.

EHRlichman: I think Bob's right.

PRESIDENT: Okay. Can you come down? If he says I can't come, then Ehrlichman should go up

HALDEMAN: Then say to him well, John will come up. Where can you be re

PRESIDENT: Yes. If he says well I've got a dinner tonight and I've got that, uh, say John.-I mean this is the thing--John, this is very important. The President considers this of the highest urgency that you be aware of these developments. How's that sound to you?

UNIDENTIFIED: (Unintelligible)

EHRlichman: Something that just can't be postponed any longer.

PRESIDENT: Can't be postponed and, uh, we, uh, have a problem.

(Walking noise)

Harder than firing Hickel.

EHRlichman: Oh, about the same.

PRESIDENT: Eleven?

HALDEMAN(?): Yes, sir.

[Haldeman leaves, Ehrlichman dials telephone]

EHRlichman: Call me? Oh, OK. Anything new?...Yeah, I'm... Our last conversation? ...Can you give it to me now?...Well, Okay. I, 'I'll see you in a little while. Alright.

PRESIDENT: Colson?

EHRlichman: No, that was Dean.

PRESIDENT: What'd he say?

EHRlichman: (Unintelligible)

PRESIDENT: I, I think there's, there are other reasons-

EHRlichman: Well, you can, you can put--

PRESIDENT: He did not cover up, though, that's just what we, that's what (unintelligible) that's what we

EHRlichman: (Unintelligible) to go testifv.
(Unintelligible)

[Irrelevant portion omitted]

EHRlichman: Uh--

PRESIDENT: ...Because if he's, if, if that's the case then hell, wouldn't you say, half the staff is guilty.

EHRlichman: That's it. He's, he's guilty of really no more, except in degree.

PRESIDENT: That's right.

EHRlichman: Uh, and uh...

PRESIDENT: Then others.

EHRlichman: ...then, then a lot--

PRESIDENT: And frankly, than I have been since, uh, a week ago

EHRlichman: Well...

PRESIDENT: Two weeks ago,

EHRlichman: ...you see, that isn't--that kind of knowledge that we had was not action knowledge, like the kind of knowledge, that I put together last night. I hadn't known really what, what's been bothering me this week...

PRESIDENT: Yeah.

EHRlichman: ...But what's been bothering me is--

PRESIDENT: That with knowledge, we're still not doing anything.

EHRlichman: That's right. That's exactly right.

PRESIDENT: The law and order--Goddamn it, that's the way I am. I, you know, it is a pain for me to do anything. The Mitchell thing is Goddamn painful.

(Unintelligible with noise)

[Haldeman enters room]

PRESIDENT: Is he coming?

HALDEMAN: Yes, sir.

(Noise)

I said do you want to let us know what you're, what plane you're on so we can pick you up? And he said, no let me (unintelligible) over his, uh

PRESIDENT: Should you delay your meeting with Magruder until you see him?

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EHRlichman: I don't think it really matters. It's just, it comes under this whole heading of having knowledge and having to act on it.

PRESIDENT: Well, my point is that I think that you better see Magruder before you see him. No, no I guess you'll

EHRlichman: It doesn't matter, in my opinion.

PRESIDENT: You should see Magruder today. That's the main thing.

EHRlichman: I think we ought to make a similar call to Magruder.

HALDEMAN: I think the way to do it then--I should call Jeb...

PRESIDENT: Yeah.

HALDEMAN: ...and say that things have developed and all this and, and, uh

PRESIDENT: Yeah.

HALDEMAN: (Unintelligible)

PRESIDENT: Yeah.

HALDEMAN: I didn't say that to Mitchell.

EHRlichman: It doesn't matter.

PRESIDENT: Oh, Mitchell, he knows better. (Tape noise) gotta ,say that to Jeb.

HALDEMAN: Well, I tell you, when I--the thing is when I say it to Jeb, it'll take probably thirty-seven seconds for him to turn up on your doorstep.

EHRlichman: Well, that's alright.

PRESIDENT: That's alright.

EHRlichman: It won't--

PRESIDENT: I think we should do it before you see Mitchell. Or you, do you feel uncomfortable about telling him?

EHRlichman: No. As I say, I, I think it's almost immaterial as to which I see first. It's the fact of doing it rather than any particular sequence.

PRESIDENT: Well--

HALDEMAN: Mitchell won't be here, he can't be here 'til...

PRESIDENT: Yeah.

HALDEMAN: (Unintelligible)

PRESIDENT: I think, in my view, in my view, John, you can't wait to act. I think you should see Jeb Magruder and say now Jab, you're to testify.
(unintelligible)

EHRlichman: I wouldn't quite say it that way. I'll say, I don't know if you know what I've been doing here, the last three weeks. I have been ranging over this whole subject matter trying to bring to the President something more than John Dean has charged.

PRESIDENT: Can you--tell him as you talk to him that what he says is attorney-client or no? You can't tell him. Okay.

EHRlichman: I, I, I'll simply say that, as, as you know Dean did an investigation which determined whether or nor the White House was involved. My responsibility was greater than that. It was to range over the whole thing and try and bring to the President a new (tape noise) of information on what actually happened, (tape noise) uh, uh, version of what transpired. And from what I have been able to put together, I have advised the President and he has--this morning-and he has directed me immediately to contact you (tape noise) uh, uh, having accepted a point of view in all of this (tape noise) people should not disclose what they know, because it somehow serves the President. (Tape noise) apparently, considerable criminal jeopardy. (Tape noise) what to do from your own standpoint. What I want you to have is the message from the President. (Tape noise) in any way view it as serving his-interests for you to remain silent. Decide what to do from your own personal standpoint and (unintelligible) any right to interfere in that decision. if there-ever was an impediment to your coming forward by reason of your impression of, uh, uh, assumed or otherwise, of what the President wanted you to do I think it's my job...

PRESIDENT: Right.

EHRlichman: ...to impart to you what is actually the case.

PRESIDENT: I would, also, though I'd put a couple of grace notes in and say, Jeb, let me just start here by telling you the President's own great affection for you and for your family--real affection--my mind was thinking last night of his poor little kids in school...

HALDEMAN: Yeah, beautiful kids.

PRESIDENT: ...and his lovely wife and all the rest. And just, just put--it breaks your heart. And say this, this, is a very painful message for me--for, for him to-I, I've been asked to give you, but, but, but I must do it and that's that. Let's put it right out that way. And also--I'd just put that in so that he knows that I have personal affection. That's the way to, that's the way the so-called clemency's got to be handled. Do you see, John?

EHRlichman: I understand.

HALDEMAN: Do the same thing with Mitchell.

PRESIDENT: Yeah--oh, Mitchell? Well, you could say to Mitchell, I think you've got to say...

HALDEMAN: (Unintelligible)

PRESIDENT: ...you're got to say that this is the toughest decision he's made. It's tougher than Cambodia, May 8th and December 18th put together. And that he, uh, just can't bring himself to talk to you about it. Just can't do it. And he's directed that I talk to you. Frankly, what I am doing, John, is putting you in the same position as President Eisenhower put me in with Adams (unintelligible) But John Mitchell, let me say, will never go to prison. I agree with that assumption. I think what will happen is that he will put on the Goddamnedest defense that--the point, you have, your suggestion is gonna be he not put on a defense. You're suggesting he go in and say look I am responsible here. I had no knowledge but I am responsible. And uh, I uh, I, and nobody else had, and uh, that's it. I myself. That's it. And I want to plead, uh, this, this has got to stop--innocent people are being smeared in this thing.

EHRlichman: He will understand...

PRESIDENT: (Unintelligible)

EHRlichman: ...that once you are possessed of a reasonable body of knowledge, (unintelligible) you have an obligation to do something and, rather than simply to turn it over to the U.S. Attorney, the thing that you are doing, in the first instance is giving him an opportunity to come forward.

PRESIDENT: Or, rather than having a special prosecutor, say that he comes a special prosecutor. The President rejects that. Uh, the idea that, uh, we turn it over to the U.S. Attorney, call him in, which I could do, and uh, or call in the Attorney General which I could do, but I think it's--obligations to do, do this because I cannot have this. Now, of course, he's going to ask, well, now John what knowledge do you really have except hearsay. Answer.

EHRlichman: I don't have any knowledge except hearsay, John, uh, but

PRESIDENT: But I do know that Magruder---

EHRlichman: ...in other words, I don't have, I don't have documents and I...

PRESIDENT: (Unintelligible) Events are moving very speedily...

EHRlichman: ...but, but...

PRESIDENT: There is no question-about-what is going to happen.

EHRlichman: ...there can be--that's right. That's right. Tha-, tha-, that

HALDEMAN: You won't have to appeal to him on that because he's made the point, you know, that if Dean testifies, it's going to unscramble the whole-omelet.

PRESIDENT: Well, I'm sorry--I don't want to leave it at the point that Dean's or Magruder's testimony is essential to Mitchell(unintelligible)

EHRlichman: That's right. That's right.

PRESIDENT: You see that's the point of that. On the Dean thing I, I wouldn't say that the President has stood, frankly, John, on, on the executive privilege thing, (unintelligible) and so forth.

EHRlichman: It, it, it isn't my purpose to prove to your satisfaction your guilt or that you're going to be indicted, but-

HALDEMAN: It's my purpose to say that the President now is in possession

PRESIDENT: That I believe you should come-What are you going to suggest that he do, John?

EHRlichman: Well, if he asks me, what do you want me to do? I am going to say I if, if you would do what I ask you, what I would suggest, you would pick up the phone or you would allow me to pick it up and call Earl Silbert and make an appointment today, and go over, and talk with the U.S. Attorney about this case, with counsel.

PRESIDENT: "I'll see the President and tell him you're going to do it.

EHRlichman: No.

PRESIDENT: Okay.

EHRlichman: Uh, well you're asking me in effect to go down and enter a guilty plea. And I would say, look John, you're the only one who knows the basic (unintelligible) and to decide whether there's any room between what you know and the ultimate action of the jury through which you might pass unpunished. I can't make that judgment for you and I don't have any right to make it for you. All I'm saying is that you're looking at this thing from the standpoint of the Presidency. Today is probably the last day that you can take that action, if you're ever going to take it. Uh, do the President a bit of good.

PRESIDENT: "Do you realize John, uh, that uh, that uh, that uh, uh,uh, (tape noise) on the White House? I mean Colson, maybe Haldeman, are going to get involved in this thing too."

EHRlichman: Well, here again, we're looking at this thing not from the standpoint of any other individual. We're looking at it from the standpoint of the Presidency and that's the only way I think you and I can approach this.

PRESIDENT: And I'd, I'd go further and say the President has said let the chips fall where they may.

EHRlichman: Yeah.

PRESIDENT: We are not gonna cover for anybody. I think you ought to say that.

EHRlichman: That's right.

PRESIDENT: Don't you agree, Bob? That isn't it? We've a--

HALDEMAN: He may go, he may get Chuck. He may get you (unintelligible) to ask him to do (unintelligible)

PRESIDENT: (Unintelligible) on the whole House.1-'Fine. But we on the other hand, have to do something else. Fine. I think he would take the latter. He thinks

HALDEMAN: He thinks (unintelligible) and that's the thing we've worried about all along, haven't we. That's uh, if somebody gets hit what will we do. But we can't worry about what we will do if he does anything. We'll have to deal with that. It's gonna expire.

EHRlichman: And this is one that will permit him--and it might help the Presidency, rather than damage it.

PRESIDENT: Uh, Bob, do you think there's something to be said for having John wait to talk to Magruder until after he's seen Mitchell? (Tape noise) something. Suppose you get stonewalled with Mitchell.

HALDEMAN: Well, I think John's in a stronger position if he's talked to Magruder than if he hasn't, but I, maybe,

EHRlichman: I tell you, it is not what Mitchell says that matters today. It is the fact that you have acted on information today.

PRESIDENT: Yeah.

EHRlichman: Now, let's suppose Mitchell turns us down cold, and says I'm going to preserve all my rights. I'm going to make, uh, fight every inch of turf and so on and so forth. Okay. That's that, alright. But at least you, having accumulated all this knowledge this week, have tried to get this thing out, so that sometime two months from now, three months from now, a year from now when there's an accounting, you can say, "on the 14th of April

PRESIDENT: It's the 13th.

EHRlichman: It's where? Uh, on the 14th day or the 14th?

PRESIDENT: This is the 14th, yeah.

EHRlichman: Yeah, we had Friday the 13th yesterday.

PRESIDENT: (Unintelligible) the 13th.

EHRlichman: On, on the 14th...

PRESIDENT: No, seriously (unintelligible) as I have told both of you, the boil had to be pricked. That's--in a very different sense--that's what December 18th was about. We have to prick the Goddamn boil and take the heat. Now that's what we are doing here. We're going to prick this boil and take the heat. Am I, am I overstating?

HALDEMAN: No.

PRESIDENT: (Unintelligible)

HALDEMAN: No, I think that's right. And uh, (unintelligible)

EHRlichman: The history of this--

HALDEMAN: ...and this will prick the boil.

PRESIDENT: Yeah.

HALDEMAN: It may not.

EHRlichMAN: The history of this thing has to be, though, that you did not tuck this under the rug...

PRESIDENT: Right.

EHRlichMAN: ...yesterday or today, and hope it would go away.

PRESIDENT: Now, uh, let me give the scenario -uh has Ehrlichman go out and tell people that I have done this.

EHRlichMAN: I don't know. It depends on how it all turns out. If he does not go to the U.S. Attorney 0

PRESIDENT: Yeah.

EHRlichMAN: ...if Magruder decides to stay clammed up

PRESIDENT: Right.

HALDEMAN: Then what'd you do?

EHRlichMAN: ...then I'd take, uh--

PRESIDENT: Well, let's...

HALDEMAN: Would you do it again?

PRESIDENT: ...let's suppose, let's suppose, let's suppose they still indict. You don't want them to indict and then have to say that on s-, on, on s-, on Saturday, the 14th of April, that you, John Ehrlichman--

HALDEMAN: Yeah, but you see yeah, but you see--

EHRlichMAN: The problem there is

HALDEMAN: ...do you support the President

EHRlichMAN: ...these things, at least you've got the record --

HALDEMAN: Yeah.

EHRlichMAN: The problem is that if you were to go out on this kind of hearsay and say we know who did it, then you've prejudiced their rights, the, the, uh --

PRESIDENT: Then your, then your thought is to get out beforehand.

EHRlichMAN: No, no, not at all.

PRESIDENT: Your thought is, just to make a record of the (unintelligible)

EHRlichMAN: When somebody comes to uh, uh (unintelligible) indictments, what the hell was the White House doing all this time? Then you're in a position to say well, we began to investigate personally and, and the external circumstances and we came to some conclusions and we acted on those conclusions.

PRESIDENT: John Ehrlichman conducted an investigation for the President.

EHRlichMAN: And we made un--

PRESIDENT: John Ehrlichman's -uh, now the 13th of -uh --

EHRlichMAN: It may be that what should happen here is that if they both stonewall, I ought to sit down with Silbert and just say now I don't have a lot of evidence...

PRESIDENT: I agree with that. I agree with that.

EHRlichman: ...but I have an accumulation of hearsay

PRESIDENT: And the President wants you to go forward on this.

EHRlichman: And I'll turn over to you that...

PRESIDENT: (Unintelligible)

EHRlichman: ...the report that I made for the President, for whatever it's worth. And I want to tell you that I had con-, uh, had contact with two of your targets to make clear to them nobody in the White House wanted them in any way to be reticent. Beyond that, I don't have anything to say to you.

PRESIDENT: (Unintelligible)

EHRlichman: Well

HALDEMAN: See what happens.

EHRlichman: Let's, let's see what these guys go. But, uh, uh, I think maybe like tomorrow I ought to see Silbert.

PRESIDENT: I agree. I think the record should be made we have talked to him so that he knows that the President has moved on this (unintelligible).

EHRlichman: And that's, a, that, that, puts a th-, uh, uh--

PRESIDENT: And that we saw the U.S. Attorney and turned over our information to him. All the information we had.

EHRlichman: I would like a record of my conversation with both Magruder and Mitchell. I personally think that maybe I ought to get my office geared up so that I can do that.

PRESIDENT: (Unintelligible) here, or do you remove that equipment?

EHRlichman: Yeah.

PRESIDENT: (Unintelligible) my meetings with Henry, but I don't know.

EHRlichman: I, I think it's better if I do it over there.

PRESIDENT: Why don't you just gear it up and, uh, you can, do you know, do you have a way to gear it up?

EHRlichman: Yeah. I've done it before.

PRESIDENT: Well, go gear it.

EHRlichman: (Unintelligible)

PRESIDENT: No, no, no, no, no, Well, wait a minute. No, I think that's too...

HALDEMAN: (Unintelligible)

PRESIDENT: . . . too little. I would just, I would just have it so that you'll know that, uh -what we've got here. I don't want to hear the record, let me say. (Unintelligible)

HALDEMAN: Raise a question and I don't know if it's a good idea or not but does it serve any purpose for me to sit in on the meeting?

EHRlichman: I think you should come.

HALDEMAN: That's, maybe that's

PRESIDENT: Or --

HALDEMAN: ...it's -that would give you a witness, for one thing, If either of those people were questioned and you (tape noise unintelligible) anybody else in, you've got a problem.

PRESIDENT: And then when Mitchell says, Bob, you know, you were in this too. What's Bob Haldeman say?

EHRlichman: (Unintelligible) well he won't. He won't.

PRESIDENT: I think Bob should sit in...

EHRlichman: That's good.

PRESIDENT: because Haldeman is, uh

EHRlichman: (Unintelligible)

PRESIDENT: No, no. I think so. That gives you the witness. And also...

EHRlichman: (Unintelligible)

PRESIDENT: Mitchell feels he's got a friend there. And he knows that you're not just doing this on your own, freewheeling it. Bob says we talked it all over. The President said we can't sit on information that's (unintelligible) of this nature. (Unintelligible) information from the members of the White House staff, it's gonna be exactly the same procedure. I think we ought to move on the Jeb thing, Bob.

HALDEMAN: We'll get him in my office.

PRESIDENT: of course, and give your report to me on, uh, as soon as you finish your conversation with Jeb...

UNIDENTIFIED: Okay.

PRESIDENT: ...I'll be (unintelligible)

HALDEMAN: (Unintelligible)

PRESIDENT: Incidentally--