

TRANSCRIPT OF A RECORDING OF A PORTION OF A MEETING IN THE OVAL
OFFICE BETWEEN PRESIDENT NIXON AND JOHN EHRLICHMAN FROM 9:35 TO
10:05 a.m. ON FEBRUARY 23, 1973

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MEETING IN THE OVAL OFFICE BETWEEN PRESIDENT
NIXON AND JOHN EHRLICHMAN FROM 9:35 TO 10:05
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President: (unintelligible)

Now on Kleindienst - uh, I want to talk with you later perhaps (pause) I might decide at this meeting (unintelligible/REMOVED) tomorrow (unintelligible/REMOVED) but, uh, see what I mean? (unintelligible/REMOVED) Baker's, uh, Baker's line is about what you'd expect, (unintelligible/REMOVED), he says that he would like to have his contact be Kleindienst. He and Ervin met with Kleindienst, er, Kleindienst has some great store with Ervin (unintelligible/REMOVED) I, of course, threw Dean at him (unintelligible/REMOVED) on that he didn't say anything against him but he did say that he (unintelligible/REMOVED) then, of course, Wally Johnson and uh -- The other point that he made is that

Ehrlichman: Hmm.

President: ...uh which, which, which leads me to believe and I just want to be sure that, that I get Kleindienst on our line -- our tug. And then let him be the settler. Now -- does that bother you or not?

Ehrlichman: Doesn't bother me if he'll do it. He' -- he - -uh, and here's the way to get him to do it, I think.

President: It's gonna be Goddamned (unintelligible)

Ehrlichman: Kleindienst has a kind of a metaphysical attachment to John Mitchell.

President: I don't want to scare him to death I said to him, I said, (unintelligible) I put it very hard. I put it very hard. And I'll talk too a little about this tomorrow because I put it very hard to, uh, Baker about Mitchell.

Ehrlichman: Good.

President: Because, because Baker's, you know, hinting about the White House staff and all that and I said, well, I checked 'em all over and I said unless somebody's lyin', I said my main concern however, he said what do you (unintelligible) someone of these seven or somebody that's around there at a lower level

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President: (unintelligible) guy who's not even gonna get
a

(cont.) pension (unintelligible) maybe I should talk to
him I said, "yeah you should have a private talk."
So I've gotta get Mitchell in by this coming
Monday. Uh, now, that may be, frankly, not quite
true. I mean uh, you come down to it, as we know
-- uh, the, the Magruder thing and the thing I'm
concerned about the Magruder thing is that there's
Bob.

Ehrlichman: Yeah.

President: And that Magruder is just awfully close to
Bob. And I, uh, don't think Magruder'd say
something. But he might.

Ehrlichman: If he did, he would implicate Mitchell. He
would protect Bob. I suspect, I think that's
the way now.

President: Now, all right, now on the other one, the
other one, no problem with you, as I see it.
The other thing is, of course, is Colson.

Ehrlichman: Yeah.

President: Now, the one that could do him in is Hunt.

Ehrlichman: Yup.

President: And, uh, the likelihood of that, I think, is
not so great.

Ehrlichman: And Magruder.

President: And Magruder? How does, did Magruder work with
Colson?

Ehrlichman: Magruder claims to Dean -- and, and Magruder's
playing a game -- he's telling different
people different things apparently and I've
not talked to him. But the impression I have
is that Magruder's peddling the line that
Colson is the guy who put the unmitigated
pressure on him.

President: To change the bug.

Ehrlichman: To do this.

President: To bug?

Ehrlichman: Yep

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President: Well, you see, Colson denies that completely. Thank God.

Ehrlichman: I know it, I know it.

President: I've asked both Bob and Colson.

Ehrlichman: Well --

President: Well, I don't know, I can't. You see --one thing that we'll talk about tomorrow I have really got to know whether or not --because, mainly because I, I've gotta go then I'll deny that I ever heard it.

Ehrlichman: Sure

President: I've got to know if Bob knew about it. I've gotta know whether Colson knew about it.

Ehrlichman: Yep.

President: If they both, if they did, then they're gonna play our games...

Ehrlichman: That's right.

President: 'Cause this is how we're gonna -- that's where executive privilege comes in. Now executive privilege I got very, hardly any- place on this idea (unintelligible) Here's his plan which would be a very good one. But we didn't do it. It's not bad. But he's on our side. No question about that. He, he, has uh, uh, he isn't going to go on the business of, uh, what the Democrats did to us however, unless - - He says, 'Now let's play it this way.' He says what he'd like to do is go to it with the Watergate, which is, uh,

Ehrlichman: Yup.

President: And I said to him, and I gave him a good lecture about how the Hiss case was handled, a successful investigation (unintelligible) We ruled out hearsay. We ruled out guilt by association and innuendo and so forth. I said you oughta really insist on that. I'm gonna keep hitting that line all the time --

Ehrlichman: Good, that's good.

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President: He wanted me to make, issue a statement to the effect that we would cooperate with the committee. I said, "Well, I'm gonna have a press conference one of these days," and I'll so say. I've always stated that. I, uh, I mean, I'm not going to put out any written statement to the effect, somebody's going to ask me and I'll say that it's, uh, Justice Department. Now -- he then says, however, that the way he feels, he feels the way the thing will work bad, and I think he's correct in his strategy here, would be to call a lot of pipsqueak witnesses, little, little shitasses over periods of weeks to build it up and then build up the, build up the pressure to call -- now you've gotta call, uh, Colson,...

Ehrlichman: Yeah.

President: ...you gotta call Haldeman,

Ehrlichman: Yeah.

President: ...you gotta call, uh, Ehrlichman and Chapin whoever the hell, sorry, they'll have Chapin, anyway. He says that he believes, his strategy is this: He thinks they're, they should conduct their own private investigation now and then he's gonna contact Ervin about going to send the seven guys over here -- the big fish. What's all this shuffling about? The question is whether or not it goes higher. And so let's, what he believes that they should try to call the big men right away. Prick the boil and then from then on everybody's going to be bored to death. Now that is good strategy provided you can call. I said, well now we can't do this because of executive privilege -- I said, you can't deny this.

Ehrlichman: Yeah.

President: He said, well, what he, what he's talking about, he's, uh, he has sounded Ervin and limits it to, total limitation as to the subjects and Ervin'll rule out all other questions and so forth. He said this could have one hell of a dramatic impact. I said yeah and I said you're gonna have these people dragged up. -- Now the real question, John, and you've got to -- you've got to address yourself to it and I think you're better to address yourself to it than either Bob or Colson. Who, really, are we afraid

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President: of to come out there on executive privilege --
(cont.) it's really Bob, Colson's another, I don't
think you have a problem.

Ehrlichman: I don't have the problem.

President: You worked with Hunt.

Ehrlichman: I don't have the problem.

President: (Unintelligible)

Ehrlichman: But, uh --

President: The point is that I don't want to get Bob or
Colson frankly, in the position of being up in
the public domain and, uh, going for perjury

Ehrlichman: Well, uh....

President: Of course, written interrogatories involve
perjury, too.

Ehrlichman: All right, you've got three, you, really, well
including Stans you've got four big fish --

President: Yeah - oh, incidentally that was Ervin's
thing. Evidently he didn't say that, uh, he
thought that, uh, he said that he, uh, that he
thought that Stans was the one that probably
put 'em on it and I said, 'That is utterly
ridiculous' cause I can tell that of all the
people involved here Stans doesn't know a
goddamn thing. He's outraged. He's been sick
with stress. So you see people are getting to
him about stuff.

Ehrlichman: Yeah, yeah.

President: It's wrong. So I --

Ehrlichman: The money, the money end of this is a trouble
some end.

President: Yeah.

Ehrlichman: Mitchell and Stans are involved in that.

President: Yeah, Mitchell and Stans and Kalmbach.

Ehrlichman: And Kalmbach, right.

President: Right.

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Ehrlichman: Right.

President: None of whom we can keep out of testifying.

Ehrlichman: And those, those chips are gonna have to pretty much fall where they may, as I see it.

President: What are they gonna say?

Ehrlichman: Well,...

President: They raised the money?

Ehrlichman: There's, there's a hell of a lot of money and it floated around and there weren't receipts and there was funny bookkeeping and there was a lot of hanky panky and money went to Mexico and back and there were just a hell of a lot of odds and ends of stuff over there. Now, Stans says he's clean and I suspect he is. I think he can tell a damn good story.

President: Knowing Stans, yes.

Ehrlichman: Uh, so - Mitchell was going to end up being the fall guy in that.

President: What'll Mitchell say?

Ehrlichman: I don't know what he'll say. I just don't know what he'll say. He's been puffing his pipe and looking at the ceiling and saying you, you guys got a problem and uh - we're beginning to get to him a little bit. Dean's been hammering away on him to impress on him that he's got a problem here.

President: Well, what is he, the money I don't know what can he say except to say well I just frankly didn't keep as close enough control...

Ehrlichman: Well, I think that's the best...

President: ...over the disbursement of this money. ...

Ehrlichman: ...that's his best defense,.

President: ...I didn't control it.

Ehrlichman: ...that's his best defense.

President: It's his only defense. And it may be correct.

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Ehrlichman: I was at the Justice Department and so on and so forth. Well --

President: It may be correct. And it may not be correct.

Ehrlichman: I doubt it, I doubt it.

President: You think he knew?

Ehrlichman: I think he knew and I think LaRue was sort of his agent, and uh, and kept him posted, per --

President: LaRue?

Ehrlichman: Oh, yeah, LaRue's in this thing up to his ass.

President: Has he been called?

Ehrlichman: LaRue's uh, a mysterious shadowy figure that, uh, hasn't been called and uh, uh, he --

President: But he was into it?

Ehrlichman: Oh, yeah. Yeah. Now, Bob had what we call constructive knowledge.

President: How, how could that?

Ehrlichman: Through a fellow named Gordon Strachan.

President: Yeah.

Ehrlichman: Gordon Strachan's job here was Bob's liaison with the campaign.

President: Right.

Ehrlichman: Gordon Strachan kept the most meticulous attention to the details.

President: Yeah.

Ehrlichman: But very little of it was, uh, actually imparted to Bob. What Strachan was was a sort of a data bank so that if Bob needed to know something he'd pick up the phone and say, "Gordon, what about this or that?" and he knew.

President: My point is, did Bob know that information was coming from tapped sources?

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Ehrlichman: No, but I suspect Strachan did. And it was a situation where Bob --

President: Strachan just mixed.

Ehrlichman: Well, Strachan probably never comes into it -- probably never does -- because Strachan's job was not to direct anybody to do anything. He was just to keep informed.

President: Information changer.

Ehrlichman: Right.

President: O.K.

Ehrlichman: Now, on Colson, you have two diametrically opposite stories.

President: You have his --

Ehrlichman: You have his and you have Dean's conclusions born of a, a lot of odds and ends of circumstantial evidence that he's putting together. Dean tells me privately that he thinks that Colson was in fact in meetings and that Colson probably was the efficient cause of Magruder doing this tap work. Now that's John's -- that's his conclusion based on circumstantial evidence.

President: I, uh - don't believe it, I don't think Colson I believe Colson's totally capable of it. But I would doubt if Colson would be that unintelligent, that's all.

Ehrlichman: I just I, uh, I --

President: A lotta lot of people'd love it.

Ehrlichman: Well, lemme tell ya....

President: But I don't --

Ehrlichman: ...the, the Hunt trip to Dita Beard was a bonehead play.

President: Oh it was. Silliest thing I ever heard of.

Ehrlichman: And that was a Colson operation,...

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President: I know.

Ehrlichman: ...from beginning to end, so I, I have to, I have to assume that - that Hunt was kinda intrigued with --

President: Well, maybe Colson (unintelligible) very possibly back behind this whole thing -

Ehrlichman: I think he was. I think he was cause Hunt's a cops and robbers type. Now - I'm not gonna tell you with any degree of assurance that Chuck's involved -

President: I know.

Ehrlichman: But what's important to know about this is that there are circumstances which...

President: Yeah.

Ehrlichman: ...diligent counsel could put together

President: Yeah. Yeah. Fine.

Ehrlichman: ...in the same way as John did.

President: Now, the point is, the point is then we come to the executive privilege thing ...

Ehrlichman: Yeah.

President: This is gonna be the first thing that we've got to decide.

Ehrlichman: Right.

President: And Kleindienst -- What (unintelligible) language to think about executive privilege -- that he should - should, should he insist on written interrogatories, then negotiate, uh...

Ehrlichman: Well --

President: ...from that. I think, I think or should, uh, they say all right go see what they'll work out with regard to a, limited questions, knowing in advance what they've gonna be, period.

Ehrlichman: Here's, here's, --

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President: You understand John. I'm for the written interrogatories.

Ehrlichman: Sure.

President: And I'm not, I (unintelligible) written interrogatories but if you go beyond that. Then the committee --, may, we've, we've got to realize that, that if the committee is eventually going to come down unanimous -- or -- are you going to talk?...

Ehrlichman: Yeah, yeah.

President: ...and I say no, I can't let 'em talk we're then in a bind that is impossible.

Ehrlichman: I understand.

President: I'm not...

Ehrlichman: I understand.

President: ...complaining about the heat, to the last, take the heat.

Ehrlichman: All right, here's another way. Ziegler's point is that, we were talking about this yesterday, that the damage that you take is as a result of somebody like me or Bob or somebody walking up the Capitol steps through the gauntlet of television cameras

President: Yeah.

Ehrlichman: ...regardless of what's said inside.

President: Right.

Ehrlichman: All right. Supposing you were to say to Ervin and Baker, look you and your two counsel

President: I told him that and he wouldn't buy it.

Ehrlichman: ...come on down here and talk to...

President: Uh, uh --

Ehrlichman: ...anybody you want?

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President: I went through that with them. I, I tried that on them. I, I said, uh, you can come down, you can examine, you and Ervin and so forth. Uh, now it may be that I should put that then to I should put that to, uh, them, yeah, as our concession, kinda. That we'll, that we, that he, the two counsel, he, Ervin and the two counsel and they can come down and, and, and, and have a damn session.

Ehrlichman: Kleindienst could, could carry this --

President: Yeah.

Ehrlichman: Uh, he could say we're, we're afraid of this becoming a circus.

President: Yeah, yeah.

Ehrlichman: Oh, is there some way of protecting the, uh --

President: Now, the point is -- Now, the point is, though did you realize that does not protect us Cols, Colson. That's not going to protect him from -- they, they can go right into Colson and get the same thing.

Ehrlichman: Colson will handle himself beautifully.

President: Yeah.

Ehrlichman: He's righteously indignant. He's been on the Elizabeth Drew show.

President: Yeah.

Ehrlichman: He's taken the Today Show questions and he says, hell, I haven't anything to hide and I'm fine, I'm clean and all the rest of it.

President: Right, right, right. Except he'll perjure himself.

Ehrlichman: I don't know. I, I can't tell you that's perjury. All I can tell you -

President: The only point about perjury is this -- uh, having proved it in the Hiss case. We had the son of a bitch in the first hearing. Uh, and I did not, with regard the other side of it --whether it's against Mitchell or Colson, it's a hell of a hard rap to prove.

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Ehrlichman: Oh, sure - and, and --

President: Don't you agree? As a, as a trial lawyer?

Ehrlichman: That's right and this would be a very circumstantial case.

President: (Unintelligible) And if I, I would need to prove perjury concerned. I don't believe you can convict a person on circumstantial evidence on perjury. I don't believe it can be done.

Ehrlichman: Well, well --

President: You can under the law.

Ehrlichman: Well, yes.

President: But with Hiss.

Ehrlichman: P.R.

President: You know how we did it? Oh, you mean P.R.-wise?

Ehrlichman: Well, that's what I say. It's very hard to do P.R.-wise.

President: I guess, but I just frankly want to keep out --

Ehrlichman: You have, you had confrontation. You had one man, you had the dramatic -

President: I'm not thinking -- and also we got the typewriter.

Ehrlichman: Yeah. Sure.

President: We proved it out there. That's hard evidence.

Ehrlichman: Yep.

President: But the confrontation proved it in the public mind and in this thing the public mind, they're probably going to be convinced. They're gonna believe the worst. They gonna believe the worst probably of me, about Bob and maybe about Colson.

Ehrlichman: I --

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President: Maybe not Bob.

Ehrlichman: I don't think so, I don't think so. Uh -Ron argues that you're convicted the minute you walk up the Capitol steps.

President: I see.

Ehrlichman: And that just being dragged out of the White House, dragged across town, dragged up those steps. -

President: I, would guess, of course I didn't tell you, but, and as I, I don't mean that Baker won't carry the hod for us, he said, if you've decided we'll do it, is that, uh, you know, if you decide -

Ehrlichman: Yeah.

President: But he says this is what I want you to know...

Ehrlichman: Let's take the other...

President: **RESTRICTED-"D"**

Ehrlichman: Let's take the other case, now. Let's suppose we said as a matter, a matter of longstanding policy back seven generations: The President's immediate staff does not testify, regardless of what the matter is.

President: Right.

Ehrlichman: And so in effect we take the 5th Amendment and we sit here and we just sit it out. Is that, is that worse?

President: Yeah-- it's a cover-up. It's a cover-up, I think, that's worse than what'll come out, in my opinion.

Ehrlichman: Well, I think so, too.

President: I'm afraid, John, I've, I've tried. I'd like to do that ...

Ehrlichman: I think so too.

President: ...from a personal standpoint but believe me, I've been through this. The cover-up is worse than whatever comes out. It really is.

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Ehrlichman: Uh --

President: Unless, unless somebody is gonna go to jail. I'm not going to let anybody go to jail. That I promise you. That is the worst.

Ehrlichman: The, the, uh, all right.

President: Cover-up is worse believe me than all the walking up the Capitol steps. It's worse than walking up those Capitol steps.

Ehrlichman: Let's suppose Kleindienst negotiated quietly with Ervin to try and get depositions or informal interrogations, or whatever...

President: Yeah.

Ehrlichman: ...you wanta call it, here, and comes back and says I can't get 'em. Then it seems to me the strong position for you to take is totally open-handed. Let it all hang out. Let, let -- you know -- let the, let the breath of freedom blow.

President: Right -- and everybody go up.

Ehrlichman: And everybody goes up and we saturate them.

President: Right. Right, right, at the outset.

Ehrlichman: Yeah.

President: Well, that's the Baker intent?

Ehrlichman: Yeah.

President: Well, let me say that I'll start with written, written interrogatories, written interrogatories for the beginning. I mean -- with Kleindienst. And then I'll, uh, I'll tell him the, uh, back-up position. But uh, but uh, you can go to the business of their, uh, of a deposition, depositions by the two chairmen and so forth but not under television.

Ehrlichman: Now, that would be the other, that would be the other possibility to go to the committee chambers not in a televised proceeding.

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President: But (unintelligible), well (unintelligible)
No, no, if you go to the committee chambers
you should go, the still pictures, television
up there.

Ehrlichman: In and out, the sketches and all that, yeah.

President: Yeah.

Ehrlichman: Yeah.

President: Well -- I think the written interrogatories
are a good thing. The written's the best but
I mean, I really think the compromise
position, which is an honest and decent
compromise is Ervin, the two senior men plus
the two counsel coming down.

Ehrlichman: Uh --

President: Or we can say that the four could come down.

Ehrlichman: Well, or then you can leave it this way, that
if you fellows really turn up something in the
course of this and I'm confident you won't.

President: We'll look again.

Ehrlichman: Then come on in and talk to the President.

President: Yeah, yeah, yeah, yeah.

Ehrlichman: And I'm not, uh --
(pause)

Unknown: (Unintelligible)

President: O.K., now, what do I need to know about these
with regard to how he feels about
(unintelligible) Obviously, it's, --
obviously, -- Baker -- Baker incidentally
does, he wasn't there (unintelligible) smooth
over this or that but Baker said it was a
great mistake when Korologos called and it
was. I didn't know that anybody had Korologos
call him and suggest that Webster be the
counsel. You see I mean, that's, that's,
that's what blew that.

Ehrlichman: That's silly.

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President: Who did that? Who suggested that?

Ehrlichman: I don't know.

President:

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But Korologos telephoned him and he says he likes Tom and the rest, but, uh, when I, uh, I had mentioned this -I gave him Webster's name. It may be that Bob in cases like this is a little bit too direct.

Ehrlichman: That's, uh, that's too bad.

President: You know, you know, that's --

Ehrlichman: We had better channels on Howard than that.

President: Well, I thought so, but I, I want you to check that out.

Ehrlichman: I sure will.

President: You better check that out.

Ehrlichman: I sure will.

President: To rule out such a booboo. I think some of our relations with the Congress are complicated by the fact that we departmentalize everything. Bob'll tell (unintelligible) you, go tell Timmons and Timmons'll say Korologos get to see Webster --

Ehrlichman: Yeah, yeah -- that's too bad.

President: That blew that. That's what blew it.

Ehrlichman: Well, o.k., uh --

President: He was nice about it, but I could see he was very bugged. He just thought it was stupid.

Ehrlichman: That - well, I do, too - uh Dean would be the ideal contact, but Dean

President: Suspect.

Ehrlichman: Well, he's really not.

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President: Who likes -- no, no, no. This escapes me, but
 how is he with Kleindienst?

Ehrlichman: Fine, should be fine, with Kleindienst.

President: Right, good, o.k., let me ask you two or three
 things before you go, this is on other
 subjects.