

TRANSCRIPT OF A RECORDING OF A MEETING BETWEEN THE
PRESIDENT AND JOHN EHRLICHMAN, ON APRIL 18, 1973, AT 3:05
TO 3:23 P.M.

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PRESIDENT: I talked to (unintelligible) before I talked to Petersen. He said there was nothing new today. Strachan's coming in with Fred Vinson, Jr., his lawyer.

EHRLICHMAN: I'll be darned.

PRESIDENT: God damn it. And, uh, he said that, he said that he hadn't had been able to deal with Magruder, and, uh, there's still, he said I, I said, "Well, I'll tell him when I see him." He said, "All Right." I said, "Well (unintelligible) getting him for that, and uh, so I don't know, Dean's probably still, uh, he said they're struggling there, there's someone there that's talking to Dean at the moment and they're trying to make up their minds what to do.

EHRLICHMAN: They're not talking to him or they are?

PRESIDENT: At the moment he indicated that they, were not. So we should just trying to figure out what our line should be today. I said, "That's fine." You still think it's to our interest not to have Dean get the, be given immunity?

EHRLICHMAN: (Sighs) Uh, he has immunity, he's got to deliver.

PRESIDENT: Yeah. Yeah. It's a veritable piece of, it's an incentive for him to lie.

EHRLICHMAN: But, the, the problem here is that he has one incentive to deliver against Bob and me. He has another incentive, on the other hand, if he doesn't take immunity to deliver against you.

PRESIDENT: That's right.

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EHRlichman: Now, Bob and I parsed out pretty carefully, what his, what his, Bob's recollection of the meeting that you had with Dean was, the blackmail bits of stuff.

PRESIDENT: Yeah.

EHRlichman: And, it's Bob's recollection that there's nothing in that meeting, even if it were tape recorded and, and published, that could harm you in the sense of you appearing to obstruct justice.

PRESIDENT: Well, the way I suppose you could have it was that, uh, he got that information and that set my mind agoing, but we talked about blackmail and the cost and so forth, and then I just set up on our own doing our (unintelligible) and so forth. Now,--

EHRlichman: You had, according to the records, and we were, we've been back in trying to reconstruct the stuff from records, you had a series of meetings with Dean --

PRESIDENT: Yeah.

EHRlichman: Eight or nine of them.

PRESIDENT: Oh, that many?

EHRlichman: Bing, bing, bing, bing, bing, all in a row, oh, well that may be five or six, but anyway, quite a few, several of them running over an hour...

PRESIDENT: Yeah.

EHRlichman: and --

PRESIDENT: Well, some of those are not more than one minute each.

EHRlichman: That's correct. That's correct, and I don't, I don't have any way of knowing what was said in there, or what he was giving you through that whole process. Moore's at the Grand Jury today.

PRESIDENT: That's fine.

EHRlichman: I don't know why. Uh, he just called to say that held been called in. But, uh, uh, a lot will depend, I guess, on what took place in those meetings that neither Bob nor I were in, where you talked to Dean and he talked to you, as to whether there's any vulnerability from the standpoint of...

PRESIDENT: Oh, hey Bob, tell him I'm sorry, but I had something come up.

UNIDENTIFIED: Right, fifteen minutes?

PRESIDENT: It'll be about 3:15, and put in Kissinger at 3:45 now.

UNIDENTIFIED: Right, sir.

PRESIDENT: Fine. I'm sorry.

EHRlichman: In other words, if, if he doesn't get immunity and he seeks to do the Presidency damage, which I don't think he would do, I, I, thinking more about it, I just don't think he's made that way, but, assuming he did...

PRESIDENT: His lawyers are made that way.

EHRlichman: you, you have to ask yourself what took place in those private meetings that might have given him any ammunition. 'Cause he would have...

PRESIDENT: I can begin that, if I remember what was said.

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EHRlichman: Yeah. It's awful hard to know.

PRESIDENT: I don't know, I mean ---

EHRlichman: But, that was a period of time, uh,

PRESIDENT: You're talking about the Dean report, uh, --

EHRlichman: that was a period of time before you sent him to Camp David to write it.

PRESIDENT: Right.

EHRlichman: And, I think it's reasonable to assume that the blasts in the newspapers, the Mc Cord revelations, the Gray Hearings, and the charges against Dean, all took place along in that period of time. You were trying to figure out what to do about Pat Gray...

PRESIDENT: Yeah.

EHRlichman: You were trying to find out from Dean what the circumstances of his contacts with Gray may have been...

PRESIDENT: Right.

EHRlichman: uh, about the raw files, the raw FBI files.

PRESIDENT: (unintelligible), or else we're talking about this case, and, uh, ---

EHRlichman: Well, --

PRESIDENT: What do you do, uh, why I had, particularly with regard to the rest, and if, if he's certain he brought in information of that kind with regard to the obstruction of justice

EHRlichman: Good.

PRESIDENT: The fact that I did not ask, act on it then, is --

EHRlichman: Well, but you did, you began to act on it, you see, and your course of conduct took you over the, uh, uh, trip to San Clemente, and back, and then all that week after you were back --

PRESIDENT: When did I put you in charge?

EHRlichman: 30th of March.

PRESIDENT: And, why? What did I say?

EHRlichman: Well, according to the notes, uh, Mc Cord had made his charges...

PRESIDENT: Right.

EHRlichman: and, uh, Gray had made his charges that Dean had lied...

PRESIDENT: Right.

EHRlichman: and you said to me, "look, Dean has to step out of this..."

PRESIDENT: Yeah.

EHRlichman: "...and you'll just have to get in it and take it over because I've got to have somebody to talk to and somebody who can advise me."

PRESIDENT: Right. Right.

EHRlichman: So, that was at noon, we left for California at three, and between noon and three, if you remember, I went upstairs and drafted a letter from you to me...

PRESIDENT: Right.

EHRlichman: that set that out...

PRESIDENT: Right.

EHRlichman: and I handed that to you on the airplane and you dated and signed it

PRESIDENT: Okay. Right.

EHRlichman: and I have that in the files.

PRESIDENT: Now, what report did-you make to me? What was that report you made that you were supposed to say that you got hold of, uh,

EHRlichman: I had a handwritten

PRESIDENT: Yeah, what, yeah, you didn't have any, what in, what in, what in essence was it? Did it indicate that Mitchell was involved?

EHRlichman: Yes.

PRESIDENT: Magruder?

EHRlichman: Yes.

PRESIDENT: Based on what, what Magruder --

EHRlichman: Based on what O'Brien told me and what, uh, Magruder had, had, Magruder and not yet talked to me, you see.

PRESIDENT: Right.

EHRlichman: But, based on what Paul O'Brien had told me, based on what, uh, Dean had told me ...

PRESIDENT: what did it have for obstruction?

EHRlichman: Uh, it had that there were a number of people involved, that it was, that they included, uh, uh, Mitchell, uh,

PRESIDENT: Mardian.

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EHRlichman: Mardian

PRESIDENT: La Rue.

EHRlichman: La Rue, Magruder and Dean...

PRESIDENT: Uh, huh.

EHRlichman: although I, I, it was not possible for me to say whether Dean's culpability was criminal or not.

PRESIDENT: And that was all in your report?

EHRlichman: That was in there.

PRESIDENT: Have you got those notes?

EHRlichman: Yes, sir, I sure do.

PRESIDENT: Good.

EHRlichman: They're still in long hand.

PRESIDENT: That's right. That all right

EHRlichman: Okay.

PRESIDENT: that's all right.

PRESIDENT: Leave them in longhand

EHRlichman: All right.

PRESIDENT: Leave them in longhand.

EHRlichman: All right. There's eight, eight, it's four pages both sides.

PRESIDENT: Than you called, uh, Kleindienst, and told him about that?

EHRlichman: Well, if you remember, I talked to you, you had me see Mitchell, you had me see Magruder, and then I called Kleindienst from your office, and said that, what I had

PRESIDENT: You said--

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EHRlichman: ...was largely duplicated by what Magruder had told me.

PRESIDENT: Oh. You called him after Magruder

PRESIDENT: had talked to him?

EHRlichman: Yes, sir.

PRESIDENT: But, uh, you were planning that before?

EHRlichman: That's right.

PRESIDENT: You never had talked to him,

EHRlichman: That's correct.

PRESIDENT: you told me you had talked to him...

EHRlichman: 'At's right.

PRESIDENT: By the time you saw me tomorrow. So, basically, we both came to the wire at the same time?

EHRlichman: That's, that's about it.

PRESIDENT: That's pretty good.

EHRlichman: That's about it.

PRESIDENT: No, I think what Dean is referring to, John, must be that, that they stuck with that and then prior to the Watergate and the national security

EHRlichman: Well, uh, --

PRESIDENT: On that, we just have to be stonewalling, of course.

EHRlichman: That's, that's in the laps of the gods as I see it, and, uh, --

PRESIDENT: Dean and Hunt and all were --

EHRlichman: I tell you the, again, the, uh, authorization for that, I've been going through my old files up there.

PRESIDENT: Yeah.

EHRlichman: The way that project was finally represented to me was that it was a covert look at some files, which could be read to be that they walked in when the nurse wasn't looking and they flipped through the file. Uh, -

PRESIDENT: This the Ellsberg case?

EHRlichman: Yes. It wasn't until much later that we learned that they had actually conducted a burglary.

PRESIDENT: What about the other thing, the wire, the, wiretapping?

EHRlichman: The wiretapping, in most cases, uh, was conducted under the statute by

PRESIDENT: The Bureau.

EHRlichman: leave of the Attorney General by the Bureau.

PRESIDENT: What about the, but we did some private wiretapping?

EHRlichman: Well, except it never came off, you see. It was never conducted, they could never do it. We had the idea --

PRESIDENT: Dean had told me he thought it was done.

EHRlichman: He may, he may have, but, uh, uh, the only, the only private one that I know of that was not actually conducted by the Bureau under proper sanction was one that was gonna be attempted, in Georgetown,...

PRESIDENT: (Unintelligible)

EHRlichman: and they were, they were never able to do it.

PRESIDENT: That's pretty good.

EHRlichman: Yep.

PRESIDENT: Third point, uh, should I get Dean in sometime and talk to him about my various --

EHRlichman: I tell you, Ziegler's got a pretty good thing going with him.

PRESIDENT: That's difficult.

EHRlichman: And, they talk, and Ron seems to keep him calmed down. Now, there is one problem, uh, Fred Fielding called me this morning...

PRESIDENT: Yeah.

EHRlichman: ...and said, "What shall I do with all these notification of subpoena and so forth when they come in here" Fred, and I said, "Fred, I can't advise you what to do." And he said, "well shall I talk to?" And I said, "Well, I can't tell you, why don't you talk with the President." And, uh, (Laughs) he looked sort of non-plussed but, uh, there is a problem there, they have no leadership in that office. Dean's hiding out at home and, uh,

PRESIDENT: Right.

EHRlichman: just a question of getting somebody in there to take that over

PRESIDENT: The problem with Dean's office is not too difficult. He didn't want to be down there.

EHRlichman: Apparently, apparently, is it, do you have that arrangement with him, that he's -

PRESIDENT: No, no. I didn't get him on that.

EHRlichman: He just left?

PRESIDENT: No. I didn't, I never thought it would, uh, I didn't think Dean would want to stay away from things.

EHRlichman: Well, I'm just going to make a note that we've got to figure out something to do about continuity in that office.

PRESIDENT: Uh, if you don't think it ought to be done, tell me.

EHRlichman: Uh, uh, the, the routine stuff maybe, 'member we said yesterday what we would do is have him check everything with Moore, but if Moore's going to be out of pocket, uh, then that isn't going to work.

PRESIDENT: God damn it, it'd been marvelous.

EHRlichman: It could, and, and, in terms that, uh, --

PRESIDENT: of knowledge.

EHRlichman: In checking back in my records, it's fascinating. I have had no more than two meetings a month with Dean over a period of a year, uh, in, alone. I have had several meetings involving Dean and Moore. I have had several meetings involving Dean and Bob. Uh, he, he, couple of months, maybe. And, uh, -

PRESIDENT: I was thinking that, uh, after this meeting today, I might go up to Camp David and try to see if I can break my sleeping pattern, but,...

EHRlichman: Good, --

PRESIDENT: Do you think it'd be all right if you go up?

EHRlichman: If you'd like me to, sure.

PRESIDENT: And Bob might go up

EHRlichman: Be happy to.

PRESIDENT: You have a little rest on your hands.

EHRlichman: Okay.

PRESIDENT: It's necessary as hell.

EHRlichman: Fine.

PRESIDENT: You don't think that would present any-aw, the hell with it, we're gonna go ahead and act as if we're

EHRlichman: doing business sure.

PRESIDENT: They'd figure we're talking, maybe get, get Henry to go-no he's a pain in the ass (unintelligible). Uh, well, the Dean trick, let's put it in basic terms of charges and so forth, was shocking, God damned Dean, but, uh, it was my mistake, I was just trying to find out what to do and he seemed to be working toward the same end. But, let me ask you this, John, the only problem that I see is whether or not the conversation that occurred in Dean's reporting to me, whether or not he interpreted that, and you, and and, we, sort of a concerted plan here at the White House to see how we could absolve the White House and others, (unintelligible) this is part of the cover-up.

EHRlichman: Well, you know, I've been giving that a lot of thought, trying to parse it out, I, I had a talk with Clark Mc Gregor today, because right after the convention...

PRESIDENT: Yeah.

EHRlichman: uh, I wanted to see us make a clean breast of

PRESIDENT: I know

EHRlichman: to 1701 situation...

PRESIDENT: Right.

EHRlichman: and I called Clark to get his recollection...

PRESIDENT: Right.

EHRlichman: of that whole thing. He said Dean provided him with a scenario at that time, uh, typed out.

PRESIDENT: Right.

EHRlichman: And he said it was such a phony...

PRESIDENT: Bit.

EHRlichman: ...thing, that that's what turned him off.

PRESIDENT: Yeah.

EHRlichman: And I'm finding out all the way through here, John was a guy that, that always put blocks. That he...

PRESIDENT: He's a clever fellow like that son of a bitch (unintelligible) Mitchell.

EHRlichman: (Unintelligible) that's that's, you see the thing I'm telling you, he was downfield blocking for Mitchell the whole time.

PRESIDENT: Then our, then we can just brush him (unintelligible) .

EHRlichman: Yeah, and he's got a conflict of interests, because he's not looking out for you,

PRESIDENT: Yeah.

EHRlichman: ...he's looking out for Mitchell, and somehow or all an other, I imagine, in his mind, he ver, sincerely thought there was a coincidence of interest.

PRESIDENT: That's right.

EHRlichman: But, it's a fatal flaw. And I can remember very vividly Bob coming in seven or eight months ago and saying, "Do you know what we're doing?" He said, "We're saving Mitchell's ass."

PRESIDENT: Bob Haldeman, you mean?

EHRlichman: Yeah.

PRESIDENT: Before the election?

EHRlichman: To me.

PRESIDENT: Before the election?

EHRlichman: Yes, sir. Well, I don't know,

PRESIDENT: Yeah.

EHRlichman: Before or around that time, it was six, eight months ago. He said, everthing we're doing around here, all the heat we're taking, all the gas we're taking, he said, "I think Mitchell's behind this thing, and I think that if we went to disclose this whole thing, that's who would fall." Well, quite honestly, I suspected the same thing...

PRESIDENT: Yeah.

EHRlichman: ...without having any evidence of it and that's the reason I wanted to open it all up after he was gone.

PRESIDENT: Now Dean, now Dean tried to keep you (unintelligible)?

EHRlichman: Yeah. Yeah. It's a tough one well, uh, as I get into these -

PRESIDENT: Well on the immunity thing, let me say, I'm, uh, I'm leaving it, frankly, that I put that chart across the table,

EHRlichman: Yeah.

PRESIDENT: ...now they've got to make up their minds. I think I've, that is the right thing to do in any event.

EHRlichman: It, it certainly read right.

PRESIDENT: Yeah.

EHRlichman: You know, from the standpoint --

PRESIDENT: I think more than that part of reading, I told the Assistant Attorney General I thought it, it was wrong to, uh, I thought it was, so they'd probably come in and ask Dean to keep his (unintelligible) shut. I don't think his --

EHRlichman: Yeah. Yeah.

PRESIDENT: He obviously can't believe that from talking to Ziegler (unintelligible) that during this time the U.S. Attorney was forecasting this, that and the other, and so forth. I think at that time, they were sucking him in.

EHRlichman: Yeah. Yeah.

PRESIDENT: Sucking him in.

EHRlichman: Or he was sucking us in, I don't know which.

PRESIDENT: Well, the idea being, well, I can get these big fish for you.

EHRlichman: Yeah. They're going to bring the things he was saying to us.

PRESIDENT: Yeah. Right.

EHRlichman: All the time we're lulling and, uh, saying, you know, that they're not after all of us--

PRESIDENT: Well, when I talked to him, John, I said this, now I think that, John let me tell you this, I said to Dean, I said "Any conversation you have with me is privileged. You understand?" He said, "Yes, I understand." I said, "Any conversation in the national security area, even if you're there, is privileged. You understand that?" He said, "fine." "Everything else is not privileged," so I went through all the whole thing. But that, that doesn't necessarily restrict the President, does it?

EHRlichman: Well, our fellows, our lawyers are trying to figure out how that privilege is asserted. You might, it might be an interesting thing to put Petersen to work on that. Ask him to give you a brief on how your Executive Privilege is asserted in a criminal case of this kind to keep a witness from making the national security disclosures.

PRESIDENT: (Sighs)

EHRlichman: Let him run a brief out for you.

PRESIDENT: What other (unintelligible). Uh, the, uh, oh, the, the, he didn't tell me about Moore coming down and discussing things with him, so, and uh, -oh, he said the Ervin Committee, they're having problems with Senator Ervin's Committee, but the Counsel has defeated, uh, the, if you ask me, kind of, that silly thing Kleindienst worked out to subpoena the records on

Mc Cord and, uh, LaRue, I don't know, there were a couple others he mentioned, but they

EHRlichman: The FBI reports?

PRESIDENT: Yeah.

EHRlichman: Huh.

PRESIDENT: And, of course, this just drives Petersen up a wall. The Prosecutors (unintelligible) threatened to go on.

EHRlichman: Sure.

PRESIDENT: They'll be all right. (Unintelligible)

EHRlichman: Hum, hum, hum. Well, they can fight with a cadaver.

PRESIDENT: I think they're, I just, I virtually thought the, the, uh, Committee, and the Prosecution, I don't think there so God damn sure there of their ground on you and Bob. I just don't think it's true. I don't know whether or not you'll analyze it after you think about it a couple of days, but, --

EHRlichman: I fell better about it after getting into the facts under the, --

PRESIDENT: Well, apart from the facts, the way it is John, why don't you circle around and get that Hunt and (unintelligible).

EHRlichman: Fine.

PRESIDENT: What?

EHRlichman: Burns has got a couple of personality (unintelligible).

PRESIDENT: I, I (unintelligible) straighten that out.

EHRlichman: Good.