

TRANSCRIPT OF A RECORDING OF A MEETING
BETWEEN THE PRESIDENT, H.R. HALDEMAN,
AND JOHN EHRLICHMAN IN THE OVAL OFFICE
APRIL 16, 1973, AT 10:50 TO 11:04 A.M.

(Noise)

HALDEMAN: The scenario works out pretty well. Yeah
(unintelligible)

PRESIDENT: Well, John, let me fill you in quite briefly
here. Uh, when we, uh, first talked to him
I said, uh, we talked about the work you did
before this began, I said I would suggest
that I wanted (unintelligible). I said,
"Have you told anybody about it?" He said,
"No, and I don't intend to." He said, "I
don't intend to say a thing more than I need
to say in answering questions with regard to
this, matter, and I will not comment on
anything else. Of course, I will not
comment on any conversation I have ever had
with the President, and so forth and so on."
So as far as he is concerned, that operation
will not be discussed. Of course, the
problem I suppose is as far as others are
concerned or were involved. But if they do,
John, I would play it straight out. God
damn it, of course we do this.

EHRLICHMAN: Well, I have been thinking about this a
little bit. If I ever got a question like
that at the Grand Jury...

PRESIDENT: Yeah.

EHRLICHMAN: ...I would have to step out, ask the U.S.
Attorney to step out, and tell him that
under executive privilege, since it is a
national security matter...

PRESIDENT: Right.

EHRLICHMAN: ...I can't answer; that I would be happy to
refer it, uh, to the President...

PRESIDENT: Fine.

EHRLICHMAN: ...for his decision as to whether I should
answer that.

PRESIDENT: Sure.

EHRLICHMAN: ...or not, but that I am in no position to respond to it.

PRESIDENT: If you are asked, you are to say that.

EHRlichman: And then...

PRESIDENT: Unintelligible)

EHRlichman: ...if he says, "Why, well then we will have to go talk to the Judge," I'll say, "I think that is what we should do."

PRESIDENT: Fine. And then you get to the Judge and you say this involved-uh...

EHRlichman: ...a highly sensitive national security...

PRESIDENT: Highly sensitive national security investigations involving leaks. Would you say that?

EHRlichman: No. I- I wouldn't, wouldn't tell them what...

PRESIDENT: Nation-, national security information.

EHRlichman: And I'm just not at liberty,...

PRESIDENT: That's right. That's right.

EHRlichman: ...and, uh, the procedure we have in government for a thing like this, is for the witness, uh, who is put a question like that to refer it to the President for his personal review.

PRESIDENT: That's right.

EHRlichman: And I would like an opportunity for that to be done.

PRESIDENT: I can see you being asked the question.

EHRlichman: I think, think, that's right...

PRESIDENT: (Unintelligible).

EHRlichman: ...but that is the process that I think I would have to follow.

PRESIDENT: I, uh, I just, I told him I would like to have that and he said, "What about Haldeman and Ehrlichman?" I said "Well they, they both really told me that they will resign, uh, you know what I mean, in case--and I said, and I'm sure nothing, nobody's going to resign around here until somebody's-- until I get further information, until I, uh, satisfy myself with Petersen, and so forth and so forth and, uh, so on. And, uh, he said, "Well', he said, "do you mind if I take the letters that I prepared?" I told him I'd discreetly consider it. "I would like to prepare them so in the event I have to go to trial this won't prejudice me in any, you know, in that." I said, "Fine, fine." I said, "Pre-, prepare me what you think your, your letter of resignation should be." So there it is. So he is thinking in both terms, apparently. I, I am just guessing, and I think that's altogether proper, that he should have a letter of that sort of thing. But I told him, as I said, "Look, as far as Haldeman was concerned late last night, there is no question about resigning around here." I said, "I've got their resignations in hand anytime I want them." But, what do you think? Wasn't that the proper thing to say to him?

EHRlichman: That's fine.

HALDEMAN: He doesn't give you any indication how he is going to plead, or what, what his re...?

PRESIDENT: No, I, I said when are you gonna t--, uh go-- He said well my lawyers would, uh, would work that out. But he also--get this again, John-- that, that his lawyers think that the, that his, uh, possible criminal liability is limited, you know, and I think that's damn hard to prove. Now maybe he said basically, and, and I, and I see what, what is involved here, as he was sort of conduit basically, whatever that means, but, I said (unintelligible) he says it is the same, he didn't use the word conduit,

PRESIDENT: but he said it is tangential in both cases.
(CONT.) He said, "It's a God damn hard case"--and he said what he and what his lawyers tell him that the Justice Department could well come out of this without bringing in any indictments against anybody on the White House staff. And I said, "What about Colson?" And on that he said, "Well, there are three areas, and again, I don't recall which ones where he's involved. He mentioned Bittman, the call (unintelligible) and so forth.

EHRlichman: Call to Magruder.

PRESIDENT: Call to Magruder? Oh, yeah, that. But that's previous.

EHRlichman: Yeah, yeah.

PRESIDENT: I, I hit him hard and I said, "Now look here, John. I asked you for a report and you said nobody was involved. Was that true?" And he said, "Yes." I said, "Do you still believe that?" He said, "Yes." As far as anybody on the White House staff, nobody had any pre-knowledge. He said yeah, the vulnerability is in terms of the after effect. As for the legal side of this, I think he's got us some sharp lawyers, John, they think this is a God damn hard case to prove.

EHRlichman: For the, for the government to prove?

PRESIDENT: Yes sir, a very hard case to prove.

HALDEMAN: Government thinks so, too, don't they?

PRESIDENT: Yeah. I told you that, that, that--Petersen didn't think they...

HALDEMAN: That's right.

PRESIDENT: ...uh, he said that the legal thing is just terribly difficult. He said...

HALDEMAN: It is a moral question and, uh, impression...

PRESIDENT: Yes, Petersen's thinking it's basically, let's face it, a PR and it's not my job not his.

HALDEMAN: Yeah.

PRESIDENT: And I'm--So, ah, so I told him. We have to decide this and, decide this and, try to look at (unintelligible), and so forth. But I, at least, uh, felt, a little better about that than I did last night.

EHRlichman: Apparently.

PRESIDENT: Well, now, when do I see Rogers? Uh...

HALDEMAN: Anytime you want. He's on standby. I talked to him.

PRESIDENT: How about four o'clock? Get him over here.

HALDEMAN: That's fine. Whatever you want.

PRESIDENT: Well, I will just call him and tell him to be on standby this afternoon. It may be earlier. Well, no, it's just as well. Have him, have him over here at four o'clock.

HALDEMAN: Four o'clock.

PRESIDENT: E.O.B.

EHRlichman: He's helping us to find counsel.

PRESIDENT: Good, good. (Unintelligible) how does the scenario work out may I ask? Is there something that you...

HALDEMAN: Well, it works out very good. We had that, that, uh, you became aware sometime ago that this thing did, did not parse out the way it was supposed to and that there were some discrepancies between what you had been told by Dean in the report that there was nobody in the White House involved, which may still be true.

PRESIDENT: Let me say that, I don't want to...I don't think it, it is gaining us anything by pissing on the Dean Report as such.

EHRlichman: No.

PRESIDENT: What I mean is I would say that I was not satisfied that the Dean Report was, was complete, uh, and I also, I felt that I ought to, I ought to go--it was my obligation to go beyond that to people other than the White House.

EHRlichman: Well, Ron has an interesting point. Remember you had John Dean go to Camp David...

PRESIDENT: I know...

EHRlichman: ...and write it up, and he came down and said, "I can't."

PRESIDENT: Right.

EHRlichman: That's the tip off and right then you started to move.

PRESIDENT: That's right. He said he could not, could not write it.

HALDEMAN: Then you realized there was, there was more to this...

PRESIDENT: Right.

HALDEMAN: ...then you had been led to believe. (Unintelligible)

PRESIDENT: Then how do I get credit for getting Magruder to the stand?

EHRlichman: Well, I, uh, it is very simple. You took Dean off the case right then--two weeks ago...

PRESIDENT: That's right.

EHRlichman: ...the end of March. (Unintelligible)

EHRlichman: The end of March. Remember that letter you signed to me?

PRESIDENT: Uh, huh.

EHRlichman: 30th of March.

PRESIDENT: I signed it to you? Yes.

EHRlichman: Yes sir, and it says, "Dean's off of it. I want you to get into it. Find out what the facts are. Be prepared to--"

PRESIDENT: Why did I take Dean off? Because he...

EHRlichman: Because he was involved.

PRESIDENT: ...he became involved: I did it, really, because he was involved with Gray.

EHRlichman: Well there was a lot of stuff breaking in the papers, but at the same time...

HALDEMAN: The scenario is that he told you he couldn't write a report so obviously you had to take him off.

PRESIDENT: Right, right.

EHRlichman: ...and so then we started digging into it and we went to San Clemente. While I was out there I talked to a lot of people on the phone, I talked to several witnesses in person, kept feeding information to you...

PRESIDENT: Right.

EHRlichman: ...and as soon, and as you saw that the, that the dimensions of this thing from the reports you were getting from the staff--who were digging into it--Moore, me, Garment and others.

HALDEMAN: You brought Len Garment in?

PRESIDENT: Len Garment, yeah.

EHRlichman: You began to move.

PRESIDENT: Yeah.

EHRlichman: You began to move.

PRESIDENT: I want the dates of all those...

EHRlichman: I've, I've got those.

PRESIDENT: (Unintelligible) Go ahead, right, and then--

EHRlichman: And then, uh, uh, it, it culminated last week...

PRESIDENT: Right.

EHRlichman: ...in your decision that Mitchell should be brought down here; Magruder should be brought in; Strachan should be brought in.

PRESIDENT: Shall I say that we brought them all in? can.

HALDEMAN: I wouldn't name them by name. Just say I brought a group of people in.

EHRlichman: ...have witnesses personally come to the White House. I don't want to prejudice their rights before the, before the, uh, (unintelligible).

EHRlichman: Exactly. But I heard enough that, that I was satisfied that it was, it was time to precipitously move. I called the Attorney General over, in turn, uh, Petersen..."

PRESIDENT: Well, uh, the Attorney General, actually, you made the call to him on Saturday.

EHRlichman: Yes.

PRESIDENT: ...after you. But this was after you heard about the Magruder strategy.

EHRlichman: No, before.

PRESIDENT: Oh.

EHRlichman: We didn't hear about that until about three o'clock that afternoon.

PRESIDENT: Why didn't you do it before? This is very good now, how does that happen?

EHRlichman: Well--

PRESIDENT: How do you n- Why wasn't he called in then? John, you had made a report.

EHRlichman: Well...

SEVERAL

VOICES: (Unintelligible)

HALDEMAN: John's report came out of the same place the Mitchell, the Magruder report did--

PRESIDENT: No, my point is...(unintelligible)

EHRlichman: I called him to tell him that I had this information.

PRESIDENT: Good. But, why was that? That was because we had heard Magruder was gonna talk?

EHRlichman: No. We did it...Oh, I will have to check, I'll have to check my notes again.

HALDEMAN: We didn't know whether Magruder was going to talk.

EHRlichman: That's right.

HALDEMAN: Magruder was still agonizing on what he was going to do.

PRESIDENT: Well on Dean--but you remember you came in and said you've got to tell him about it politely.

EHRlichman: Well, now let's see.

PRESIDENT: (Unintelligible)

HALDEMAN: I'll tell you the reason for the hurry up in the timing was that we learned that Hunt was gonna testify on Monday afternoon.

EHRlichman: Yeah.

SEVERAL

VOICES: (Unintelligible)

EHRlichman: All right, the President's, the President's right. The President is right. I didn't talk to Kleindienst. Remember, I couldn't get him.

PRESIDENT: Yeah.

EHRlichman: I didn't talk to him until he got home from Burning Tree, which was the end of the day, and I had already talked to Magruder.

PRESIDENT: Right. But my point is when did we decide to talk to Kleindienst? Before Magruder?

EHRlichman: Oh, yes. Remember, early in the morning I said, "I'll see these two fellows but I've got to turn this over to the Attorney General."

PRESIDENT: Who, who--which two fellows were you going to see?

EHRlichman: Mitchell and Magruder.

PRESIDENT: Because your conclusions are--yeah.

EHRlichman: I mean because, uh, I had this report and I tried all day long to get the Attorney General who was at the golf course and got him as soon as he got home for...

PRESIDENT: Do we want this report out sometime?

EHRlichman: I am not sure you do, uh, as, as such.

PRESIDENT: I could say it was just a written report.

EHRlichman: The thing, the thing about that...

SEVERAL

VOICES: (Unintelligible)

PRESIDENT: (Unintelligible) what have you got here?

EHRlichman: That's it.

HALDEMAN: It was not a formal report. It was a set of notes.

EHRlichman: Yeah, handwritten notes.

PRESIDENT: Handwritten notes?

EHRlichman: Yeah.

PRESIDENT: I gave it to (unintelligible)

EHRlichman: There are seven pages, or eight pages. Plus all my notes of my interviews.

HALDEMAN: And then Magruder came over. Well, you don't want to put that out. You don't want to, to specify who came, but th-, then you called in the other, other individuals. Then the President met with the Attorney General and the, and the Prosecutor and, uh, got the head of the Criminal Division on Sunday. You met with him twice actually, didn't you?

PRESIDENT: No, I met, uh, yeah (unintelligible) on Sunday, Sunday at one o'clock, and then at four o'clock and I also talked to...twice on the phone to, uh...I met with Dean...

HALDEMAN: You met with Ehrlichman and me.

PRESIDENT: ...I met with Dean, Ehrlichman, you, and I also talk, talked, talked to the, uh, to the, uh, Henry Petersen on three different occasions, three different occasions, that night on the phone.

HALDEMAN: Yeah.

(Noise)