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RECORDING OF THE MEETING  
BETWEEN THE PRESIDENT AND  
MESSES. DEAN, EIRLICHMAN,  
HALDEMAN AND MITCHELL  
ON MARCH 22, 1973, FROM  
1:57 TO 3:43 P.M.

(REEL #1 OF 2)

ITEM 12.1

**SONY CORP.**  
TOKYO JAPAN

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HALDEMAN AND MITCHELL  
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ITEM 12.1

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12.1

Transcript Prepared by the  
Watergate Special Prosecution Force  
of the  
Recording of the Meeting Between  
The President  
and  
Messrs. Dean, Ehrlichman, Haldeman, and Mitchell  
on  
March 22, 1973  
from 1:57 to 3:43 p.m.

PRESIDENT: Well, John how are you? (inaudible)

MITCHELL: Mr. President, I'm just great. How are you?  
? You're a Wall Street lawyer...

MITCHELL: Yeah. I would hope that would be O.K.  
? You have to admit, have to admit you're rich.

MITCHELL: Not in front of all these people that help to collect taxes.  
(inaudible). But I, I can report to you that the firm is  
doing quite well.

PRESIDENT: Are they?

EHRlichman: I don't see any reason why it shouldn't.

MITCHELL: I would agree.

EHRlichman: (inaudible) Eastland is going to postpone any further  
hearings on Gray for, for a couple of weeks and allow things  
to cool off a little bit. He thinks Gray is dead on the  
floor.

PRESIDENT: (inaudible)

HALDEMAN: Gray's the symbol of wisdom today; he accused your counsel  
of being a liar.

DEAN: He may be dead 'cause I may shoot him.  
[Laughter]

PRESIDENT: How's that?

HALDEMAN: He said, "yes"; he thinks John, he thinks John Dean did lie  
to the FBI when he said he wasn't sure whether Hunt, whether  
ah, Howard Hunt had an office in the White House.

DEAN: I said I had to check it out. What happened, the agents asked  
me if they could see the office when it occurred--right  
after an interview. And I said I would have to check that  
out. And now it has been interpreted that I was lying to

the FBI about the fact that he had an office or didn't have an office here. Which, which, which wasn't the question.

HALDEMAN: (inaudible). But the headline for tonight will be GRAY SAYS DEAN LIES.

PRESIDENT: Gray (inaudible). Gray apparently didn't know what the testimony was, is what uh...

DEAN: He never really sought to find out the facts on the question.

PRESIDENT: (inaudible) the question without checking on it.

HALDEMAN: The leading question, the question (inaudible)

MITCHELL: I think another factor will be (inaudible)

DEAN: That's right.

HALDEMAN: Gray says (inaudible) FBI interview with Dean positively establishes he said "I will have to check it out" when asked if Hunt had a White House office -- he wasn't asked that -- he was asked if they could see, see the White House office.

PRESIDENT: (inaudible) Listen: "Did Dean lie to the agents," Byrd asked Gray

HALDEMAN: Looking back I would have to conclude that you were absolutely correct in what you said.

PRESIDENT: Yeah, but uh...

DEAN: It's such an irrelevant point even, that is the funny thing about the matter actually.

PRESIDENT: But, uh, my point is it's such a thing that...

DEAN: They are working on it right now.

PRESIDENT: (inaudible) next hour. (inaudible) wasn't Gray (inaudible). Wasn't Gray responsible for (inaudible)?

DEAN: (inaudible) about it right now. (inaudible) quite frankly sit down right in front of you and talk to you right now because, uh, uh, Byrd has indicated the fact that all the records, all the conversations we have had since the hearings started. Now, it seems to me if you had called me, initiated the calls, to report on the hearings, (inaudible).

? (inaudible)

DEAN: He's a very down man right now, I might say also.

MITCHELL: Did you check the specific FBI reports?

DEAN: Uh, they are trying to find it over there right now. They are trying to find a copy.

EHRlichman: They don't have the transcript, originally.

DEAN: But you know, he didn't have to come to the worst conclusions about, you know, my trying to cut off the FBI (inaudible).

? That's right.

? True.

MITCHELL: That's a fact (inaudible).

DEAN: In fact that's a good point for Ziegler to say. That's what it reminds me of too.

? (inaudible)

? (inaudible)

PRESIDENT: Well he may be feeling sorry for himself (inaudible).

MITCHELL: (inaudible)

DEAN: He, he, he sounds down. He realized after our conversation -- he sounded down -- he said uh, (inaudible) and I said, "Well, I will talk to you later Pat" and, uh, you know, "I'm trying to go to lunch." I suspect that my voice (inaudible) lunch he had a conversion. He sort of paused and said "Alright, just keep the faith."

HALDEMAN: [laughter] Has he been coached? (inaudible).

DEAN: I don't think so. Dick Moore is talking with him right now (inaudible).

PRESIDENT: What did Dick, uh, Dick, uh, have to say about it? (inaudible).

? Sure. (inaudible)

HALDEMAN: (inaudible) they all get on the wire right quick.

MITCHELL: (inaudible)

DEAN: Ah, they got material, was what they wanted. The information was in the office.

PRESIDENT: It was in the office? (inaudible) Hunt?

DEAN: (inaudible). Now to this day I don't really know where Hunt's safe was hidden.

HALDEMAN: I don't think there was one -- was there?

? (inaudible)

HALDEMAN: John's been over to...John's been with Ziegler this morning.

DEAN: Yeah, I left them to come over here and...

PRESIDENT: You did? What are they working on?

DEAN: They are, they're working on a (inaudible).

? (inaudible)

DEAN: Well, they are trying to get all the facts right now. (inaudible) transcript. I came up with the transcripts and the hearings, and then the frame up.

[strange tone]

PRESIDENT: (inaudible). Is that true? I never should have spoken to him, but then I... Hunt?

EHRlichman: You mean Hunt or the Grand Jury?

? You mean...?

HALDEMAN: (inaudible).

PRESIDENT: Right. (inaudible).

? Hunt?

DEAN: Well, maybe in the next 20 minutes I ought to shoot back over there and, and give her a call.

? Shoot back (inaudible).

DEAN: Right.

? (inaudible).

PRESIDENT: About how long will it be?

DEAN: Uh, 15 minutes.

HALDEMAN: John had Howard Baker's, he had, uh, uh (inaudible) this afternoon. He just had lunch with Howard Baker's Administrative Assistant at the Administrative Assistant's request.

PRESIDENT: The same one that, uh, called Colson?

? Ehrlichman.

HALDEMAN: Uh, I don't know that it was (inaudible). But this fellow, uh, wanted to get guidance from, uh, Timmons as to what the President was expecting out of the hearings and, uh, what, uh, he wanted to talk to him about this executive privilege business and, uh, where are we going to stand on that. He expressed the personal view that the President couldn't waive executive privilege, uh, which (inaudible). He didn't think Ervin would accept the written...

DEAN: (inaudible) minorities.

HALDEMAN: (inaudible) and that they would probably go to the subpoena route.

PRESIDENT: (inaudible)

HALDEMAN: Uh, but, uh, nothing was raised about Baker being concerned that he didn't have contact -- nothing on that other part of (inaudible) was raised at all. But he did say that, uh, Baker was a little pissed off at Kleindienst because, uh, uh, he had not met with him at all. He had one meeting scheduled first thing Wednesday he said, but, uh, Kleindienst cancelled it. And it has not been rescheduled, and so Baker has had no communication with Kleindienst. The day it was scheduled was the day you had your press conference and announced your executive privilege (inaudible) that President with Dean and nobody would go up, which, uh, caught Baker unawares. Uh, and (inaudible) in that respect (inaudible) the view that, uh, Kleindienst (inaudible).

MITCHELL: Plus the fact they have convened that committee to impeach...

HALDEMAN: Oh, yeah.

MITCHELL: and all Weicker does is (inaudible) Howard (inaudible) Justice Department (inaudible)

HALDEMAN: Well he's objecting to the agreement that they made with Kleindienst, that Ervin made with Kleindienst that, uh...

MITCHELL: Yeah, well (inaudible).

HALDEMAN: (inaudible) demanding that they, he, he's going to demand that they, they subpoena the, uh, Attorney General and the Director of the FBI to produce all the files, the materials and so forth.

DEAN: I talked to Kleindienst last night and he raised that. And said that he worked this out with, with Weicker and Weicker was now dissatisfied (inaudible). So I don't think the Chairman of the (inaudible) minority (inaudible).

PRESIDENT: (inaudible) a letter to (inaudible).

DEAN: The letter (inaudible).

HALDEMAN: That would be good, the (inaudible).

PRESIDENT: I, uh, (inaudible) Baker told me he wanted to talk with Kleindienst about it, didn't want to talk to anybody else. That's the way we left it.

? (inaudible)

DEAN: I think that Kleindienst ought to be aware of the fact that Baker is distressed that he hasn't made any greater effort to see him.

? (inaudible)

DEAN: I will.

? (inaudible)

PRESIDENT: Follow through and pick up on that idea. I just want...I think you'd better do it yourself. (inaudible).

EHRlichman: Could I suggest that, that you call Kleindienst? You had the other conversation with him. Could you call him and say you've gotten a rumor that Baker is unhappy? Because (inaudible) nobody else can do it.

HALDEMAN: I think he's not really standing on his tippy-toes completely.

? (inaudible)

PRESIDENT: (inaudible) communicate back and forth.

EHRlichman: Well, (inaudible) to think Baker is now going to be in a position to talk to (inaudible) in the White House.

PRESIDENT: He does want to talk (inaudible) to collaborate. He does want to...

HALDEMAN: He wants to collaborate -- this guy Abrams was saying he wants to be helpful, he wants to work things out. He told the President he wanted to do that through the...

PRESIDENT: Yep.

HALDEMAN: Attorney General.



PRESIDENT: That's right but he does want to talk to Kleindienst.

DEAN: Does Kleindienst know that?

PRESIDENT: Yes, of course.

HALDEMAN: Well then, call Kleindienst.

? (inaudible). Were you there? (inaudible)

MITCHELL: Collaborate, huh? Well, what are they going to try to collaborate on?

PRESIDENT: Well, I suppose on such matters, uh, you recall that Gray wants to, uh (inaudible) wants the FBI (inaudible) Kleindienst (inaudible).

HALDEMAN: Well, again, I...

PRESIDENT: (inaudible) O.K. (inaudible) all done. (inaudible) what you're doing. (inaudible).

HALDEMAN: Baker said that Kleindienst cancelled (inaudible).

PRESIDENT: (inaudible). I would think (inaudible).

HALDEMAN: [something about broadcast]

? Well, that's another thing...(inaudible) said to Timmons Baker was inspecting all the lawyers to try to get in the habit of Sam Ervin that, uh (inaudible).

HALDEMAN: Yeah, but we needn't be concerned about Baker's (inaudible) an agreement with Ervin. (inaudible)

? Well, he said (inaudible)

? (inaudible). He's a little bit stupid, frankly.

? (inaudible) he'd better (inaudible) Gray (inaudible) talk to Kleindienst.

PRESIDENT: Frankly, I think too, I think maybe, maybe Kleindienst ought to talk to him. (inaudible).

DEAN: He has, uh (inaudible). John Ehrlichman talked to Kleindienst last night and asked if Gray was getting any guidance.

HALDEMAN: The trouble, the trouble is that Dick gives him guidance which is very general. Something like this comes up and Gray overreacts -- it's almost a spasm reaction. We had to (inaudible) not to give them access to the FBI files.

? Yeah.

HALDEMAN: It was, it was the opposite of what Kleindienst told him.

PRESIDENT: I know it.

HALDEMAN: And, uh...

PRESIDENT: You shouldn't have even needed that, in fact.

HALDEMAN: Of course.

PRESIDENT: (inaudible) in the FBI should not have (inaudible) should have known second nature that, uh, you never turn over raw files to a full committee.

? That's right.

EHRlichman: I talked to Dick Saturday night and he was beside (inaudible). And he said, "Hell, we covered this (inaudible) real session on it." (inaudible)

PRESIDENT: O.K. I'll (inaudible).

? (inaudible) Kleindienst put it (inaudible).

PRESIDENT:(?) Well, where're we, uh, what words of wisdom do we have from this august body at this point?

EHRlichman: Our brother Mitchell brings us some wisdom on executive privilege which, I believe...

MITCHELL: Technically, Mr. President, I think the only problem which (inaudible) Byrd is coming out and stating, he's going to (inaudible) come out and say...uh, and I would believe, uh, it would be well worthwhile to (inaudible). Certainly the (inaudible) people in Washington, and (inaudible)

[Ring]

MITCHELL: (inaudible)

[Ring]

MITCHELL: (inaudible)

[Ring]

MITCHELL: (inaudible)

[Telephone call taken by the President.]

PRESIDENT: Hello.

Oh, Dick, I wanted to tell you that, oh, uh, on, uh, on Baker that, uh, his Administrative Assistant was talking to Timmons and, uh, Baker has, uh, indicated (inaudible). He has, uh, has not been able to, uh, have them, uh, discussion

(inaudible). What I just wanted to tell you is that, uh, you know, nobody here (inaudible) conversation in fact any discussion at all with Baker without the proper (inaudible). Now the point is I'm learning that, that Baker wants (inaudible) be contacted, and it really depends, so...

I see.

Really? Uh-huh.

Uh-huh.

Today?

Yeah. (inaudible)

So, uh, I guess that the point is that, which we could count on you to be the man there, uh, Dick, and, uh, I want to keep everybody else out of this and so -- and, uh, and I told Baker -- I said (inaudible) "Alright, now who do you want to talk to?" And he said Kleindienst and I said fine, he's the man, (inaudible) so he's, he's running down here -- Yeah.

Yeah.

How about this -- why don't you get him on the phone, get him down there. (inaudible). It is sort of a line with Baker saying he doesn't have any contact with the White House officials, he didn't want that, that's not his fault, that's our fault. (inaudible) accept that it would not be the right thing. Uh, on the other hand, one thing to do, it is essential for you to give him guidance. I get it he wanted everybody to come down in public session.

Yeah.

No way, and so forth.

Well, we'll keep in touch with you, Dick, uh, basically through the uh, what would be the best way, in terms of, uh, in terms of, uh, of what, of what we worked out with the committee (inaudible) and in our guidelines. But then I think you, you really got to be our Baker handholder you know. That's a hell of a tough job, but I -- you have, you have to have him move in with you (inaudible) Yeah, better keep his wife out of the way. Yeah.

Yeah, yeah.

Yeah, I understand. Postponed -- for two weeks? (inaudible)

Yeah.

Right, I know.

Right, right.

Yeah.

Yeah.

Yeah, Mitchell's down here today making the point that, uh  
(inaudible)

Yeah, some of them have opened -- I, I understand you were  
as shocked as I was that raw files had already been made  
available to the Committee.

Yeah.

Did he?

Oh, he said so?

Yeah. Well, do what you can.

Incidentally, with Weicker did you work that thing out with him?

Uh, he, he said (inaudible) still (inaudible) written a letter,  
you know -- yeah.

When did you talk to him?

Yeah.

I expected that.

That's right.

Yeah.

No, you don't, you never had done that before. I'll tell you,  
if those birds are right, the fact that they're doing it in  
order that (inaudible) the Attorney General. Alright, now,  
let's leave it this way -- you will handle, uh, you'll, you'll  
handle Baker now, you will babysit him starting in like, like  
about 10 minutes?

Alright. O.K.

[END OF TELEPHONE CONVERSATION]

? (inaudible)

PRESIDENT: (inaudible) I don't know. He said he's called Baker about, oh, dozens of times, and Baker, he is (inaudible) out of town making a speech (inaudible) said I will try, I'll call him right away. He said he talked with Weicker for about an hour and a half. (inaudible).

? (inaudible)

PRESIDENT: Well, anyway, he said he talked to him for an hour and a half.

? (inaudible).

PRESIDENT: When I talked to Kleindienst (inaudible). Maybe it's not Kleindienst, maybe it's Baker.

HALDEMAN: I would guess that there's truth to that. I have always said, they are always in here bitching about nobody calling them, nobody giving them anything and all that.

? (inaudible)

? (inaudible) pass the word (inaudible)

? That's right (inaudible.)

PRESIDENT: His Administrative Assistant called Colson -- or that's what Colson informed me.

? (inaudible)

HALDEMAN: Well, that is a casual pitch.

DEAN: Maybe they're looking for some, Baker's looking for some, some sort of a link with the White House.

? (inaudible)

PRESIDENT: It's got to be Kleindienst. (inaudible) Go ahead on executive privilege, I suppose... How would you, uh, how would you handle it?

MITCHELL: All I have worked out was...

PRESIDENT: Work out the arrangements.

MITCHELL: was the formula that we've discussed...

PRESIDENT: Well, I guess under the, under the, uh, under the situation that you... under the statement that we have, we're in a position to, to (inaudible) we could, we're in a position to negotiate with the Committee on the how, but we are not in a position to have, uh, to, uh, to cross the bridge

in terms of saying that Hunt and Liddy will go down and testify and that members of the White House staff will testify in open, in public session. In fact, but you've got a lot of other things...

? (Inaudible)

? Apparently (inaudible).

PRESIDENT: (inaudible) Uh, and incidentally, that's what I told Baker too. I said (inaudible)

MITCHELL: On executive privilege...

PRESIDENT: We begin with my proposition (inaudible) and see what you can get. I...

MITCHELL: On executive privilege, Mr. President, they already have (inaudible) waived. (inaudible).

? There is?

? Yes.

HALDEMAN: It can't hurt. The more you do it, the more you...

MITCHELL: (inaudible) worked out?

? Yeah.

MITCHELL: The, uh, the point being that this is the only way which you should be involved (inaudible).

? You do.

MITCHELL: I would, uh, lay out a formula and negotiate it with Sam Ervin or either through Baker or however else (inaudible). And I would also put together a damn good PR team. (inaudible). The facts can be produced but how (inaudible). What about this -- what about the President's team? The team is important.

EHRlichman: O.K., I've written it.

PRESIDENT: I can see that Chapin, for instance, could appear...

HALDEMAN: Without it in any way being germane to the President.

EHRlichman: So I'm going to decide right now...

? Baker

EHRlichman: that...

PRESIDENT: Not Baker (inaudible). I don't see who else you can talk to.

EHRlichman: Uh, I've got a report here and I think I see where the danger points are and where they aren't. I would want to observe obviously if there're any questions that might be asked.

? Right.

EHRlichman: I can pinpoint some people now that (inaudible) wouldn't make any difference.

HALDEMAN: John, if you admit you're seeing danger points, if you admit that any one member of the White House staff can testify because it's no danger point for him, but the danger...

? (Inaudible)

HALDEMAN: can because it's a danger point with him, then what you are saying...

? (inaudible)

HALDEMAN: then you're saying the President's involved.

EHRlichman: No, I didn't say danger in the sense of being (inaudible) provocative (inaudible).

MITCHELL: Well, gentlemen, for the sake of (inaudible) discussion (inaudible) the normal (inaudible) on the Segretti matter and the like, based on the (inaudible) that the FBI has made (inaudible) FBI (inaudible) is concerned, in other words based on...

? Transcript.

MITCHELL: the grand jury, what we know, we're not aware...the trial is over (inaudible) as far as that's concerned, however, the record, uh, could have been available to me pursuant to my investigation of...we had the memorandum with the fact that obviously the FBI after all (inaudible) and so forth would indict him. Couldn't find anything more which might've affected you, Mr. President, but, uh, (inaudible) two memorandum from Dean is important (inaudible) appropriate time (inaudible) all the public records (inaudible).

PRESIDENT: We'll try that move, John. (inaudible). The problem... you still have grave doubts about it...

DEAN: Well, I don't know.

MITCHELL: I did too before, Mr. President. I had grave doubts about it. The, uh, now that, now that the facts have come out we have (inaudible) we have the documentation behind it.

DEAN: I think the, uh, proof is in the pudding, so to speak -- it's how this document is written and until I sit down and write that doc-- I, I've done part "B" so to speak. I've done the Segretti thing...

? Uh-huh

DEAN: Uh, and I am relatively satisfied that we don't have any major problems there. Now as I go to part "A" -- the Watergate -- I haven't written -- I haven't gone through the exercise yet in any real effort to write such a report, and I really can't say if I can do it. That's where we are, and I, I think it's certainly something that should be done, though.

PRESIDENT: Yeah.

DEAN: And, uh, but you see...

? You never know...

DEAN: you never know until you sit down and try to do it.

PRESIDENT: Let me say on the Watergate (inaudible)

DEAN: We can't, we can't be complete if we don't know, all we know is what, is whether...

PRESIDENT: (inaudible) It's a negative setting of course, in setting forth your general conclusion based on (inaudible) questions. You are based on all of your consideration, uh, all of your analysis, and so forth. (inaudible) you have found and very carefully put down that this (inaudible) and so forth were not involved in any (inaudible). Rather than going into every news story and every charge, et cetera, et cetera, et cetera, and not this, this, this, -- put it down -- I don't, I don't know...

DEAN: Yeah, well that's right, that's right. I don't think I can do it until I sit down (inaudible) this evening and start drafting.

PRESIDENT: Exactly.

HALDEMAN: I think you ought to hole up (inaudible) for the weekend and do that.

PRESIDENT: Sure.

HALDEMAN: Let's put an end to (inaudible) and get it done.



PRESIDENT: I think you need a, that's right. Why don't you do this? Why don't you go up to Camp David? And, uh...

DEAN: I might do that, I might do that. (inaudible).

PRESIDENT: Completely away from the phone and so forth. Just go up there and (inaudible) once you have written it (inaudible).

EHRlichman: That would be my scenario, is that he presents it to you at, at your request. Uh, you then publish it. How about that?

MITCHELL: (inaudible) problem (inaudible) trial and appeals which...

EHRlichman: I know, I know that, but I don't care.

DEAN: Well, you see (inaudible)

HALDEMAN: You are not dealing with the defendants on trial. You are only dealing with the White House involvement. You are not dealing with the campaign.

DEAN: That's where I personally...

PRESIDENT: That's right. You could write, you could write it, it in a way (inaudible) you could write it in a way that you say this report was not (inaudible) comment upon and so forth and so forth, but, "I have reviewed the record, Mr. President, and without at all compromising the rights of defendants and so forth, some of whom are on appeal, here are the facts with regard to members of the White House staff, et cetera, et cetera, et cetera, which that you have asked me about. I have checked the FBI records; I have read the grand jury testimony and this is it -- these are my conclusions, et cetera, et cetera."

EHRlichman: As a matter of fact you could say, "I, I will not summarize some of the FBI reports," you can say (inaudible) "because it is my understanding that you may wish to publish this." Or, or you can allude to it in that way without saying that fact. You can say that "I do not summarize all the FBI documents..."

DEAN: Or I could say that all of the FBI -- it is my understanding that all the FBI reports have been turned over to the Ervin Committee. Another, another (inaudible)

HALDEMAN: (inaudible). And he has only seen half of them.

? Oh, yeah.

DEAN: Another vehicle might be, take the report I write and give it to Ervin and Baker...

? Yeah.

DEAN: uh, under the same terms that, uh, they're getting FBI reports. (inaudible) "Now, this has innuendo in it which (inaudible) the press would be permitted to assume things that shouldn't be assumed. But I want you to know everything we know." And publicly state that you've turned over a Dean Report to the Ervin Committee. And then begin to say that (inaudible) "I think that you can see that various people have various ingredients where they may be of assistance in testifying. But it is not worth their coming up here to be able to repeat really what is here in, in some forum where they are going to be, uh, treated like they are in a circus. But I am also willing, based on this document, to set some ground rules for how we have these people appear before your committee."

EHRlichman: You see, the point -- the issue of whether or not I had a phone call reporting the break-in.

DEAN: Right.

EHRlichman: That's all I know about the damn thing is that the Secret Service, that some policeman phoned.

DEAN: And that could go on forever with you on that...

PRESIDENT: Exactly.

DEAN: and I could draw these things like that in this report and it might be, you know, get, give it to Ervin in confidence -- I am not talking about documents you see. I am talking about something we can spread as facts. You could even be able to write a (inaudible) novel (inaudible)...

PRESIDENT: (inaudible)

DEAN: I think it, I think it's (inaudible)

PRESIDENT: The only purpose (inaudible)

DEAN: I do.

EHRlichman: My thought is...

PRESIDENT: In other words, rather than fighting it, we're not, we're not fighting the Committee, you know, we aren't -- but, we're fighting (inaudible) down.

EHRlichMAN: And I am looking to the future, assuming that some corner of this thing comes unstuck at some time, you're then in a position to say, "Look, that document I published is the document I relied on, that's the report I relied on and it... That was why... I think we can all see (inaudible)."

PRESIDENT: This is all we knew.

HALDEMAN: That is all the stuff we could find out --

EHRlichMAN: And now this new development is a surprise to me -- I am going to fire A, B, C, and D, now.

DEAN: John, let me just raise this. If you take the document publicly the first thing that happens is the press starts asking Ziegler about it, inspecting the document each day. "Well, why did Ehrlichman receive the call? How did they happen to pick out Ehrlichman (inaudible)? Uh, what did he do with the information after he got it?" Uh, well, I think, each, every item can be a full day of quizzing. They'll just go through the document day after day after day.

MITCHELL: (inaudible) be a concerted judgment about when and under what circumstances...

PRESIDENT: Another thing...

? (inaudible)

PRESIDENT: let me say, that while Ziegler should be in on the discussion, I would say, I think, I think Ziegler should cut them off (inaudible) just give them (inaudible) regardless of (inaudible). I'm not going to comment on the basic question of (inaudible) the full committee (inaudible).

DEAN: Well, you, you've said you are going to cooperate with a proper investigation.

PRESIDENT: Yeah, but I'm not going to comment on it while it is proper.

DEAN: That's right.

PRESIDENT: While it is proper.

DEAN: But why, why not put ourselves in a framework where you are way out above it? You are cooperating with this Committee, you've turned over the materials...

PRESIDENT: and then, no further comment.

DEAN: and no further comment.

PRESIDENT: You see, I think you could get off of it with Ziegler. But I mean, I don't want Ziegler...I, I was trying to pull Ziegler off of that with my own statement, too. (inaudible) with the Committee, give full cooperation, but we are not going to comment while the matter is being considered by the Committee...

? Not...

PRESIDENT: unless the Committee does this and that --

HALDEMAN: As John says for that reason don't give, don't release, don't publish the, uh, Dean report. Only hand it over...

DEAN: To the proper investigative committees.

? Right.

PRESIDENT: Well, then if you turn over, if you do that, though, then can we get anything out about the, uh, Republicans putting out that much of a report.

? Uh-huh.

PRESIDENT: Uh, get a statement out (inaudible) in fact...

EHRlichMAN: The President...

PRESIDENT: The White...

EHRlichMAN: has been given a report in which only...

PRESIDENT: The White House...

EHRlichMAN: which bears out the President's...

HALDEMAN: Ron can make the statement.

EHRlichMAN: That's right, that the President (inaudible)

? (inaudible) statement.

EHRlichMAN: Another way to do this would have, would be to have a meeting with Ervin and Baker.

PRESIDENT: Yeah. That would, I don't, I've already thought of that, we've already thought of that and we've discussed it.

EHRlichMAN: Well, we would have a reason for the meeting. This would be for the purpose of turning over the document and

discussing the ground rules and before you did that you would want to have it all agreed in advance as to what the ground rules would be -- namely, you've got quid pro quo here because you could come to Baker, you could come to the Committee (inaudible) direct and say, "look, I will turn over the Dean report to you, providing we can agree on, uh, how witnesses will be treated up there." I can, I can even construe, uh...

PRESIDENT: Right.

EHRlichMAN: executive privilege.

PRESIDENT: John, for example, if you were, uh, talking about executive privilege this really gets down to the specifics and then the question what do you do when they say "What about Colson?" Does he go or not?

EHRlichMAN: Sure.

MITCHELL: I think Colson does.

PRESIDENT: He has to go?

? Right.

? I think so.

HALDEMAN: Everybody goes under John's plan including Ehrlichman and me -- everybody except John Dean, who doesn't go because he's, he's got the lawyer privilege.

MITCHELL: I think, I think you and John and so forth, could be negotiated out of the contents of the report.

PRESIDENT: Should we negotiate it now?

MITCHELL: I think the report will show that the -- a very simple thought -- the people involved were -- it was Liddy and Caufield. (inaudible)

HALDEMAN: That would show it more a (inaudible).

DEAN: Well, they'll show, they'll show -- one problem (inaudible)...

HALDEMAN: (inaudible) let us go John -- I don't see any argument against our going if you are going to let anybody go.

DEAN: That's right.

HALDEMAN: Well, let's go. If we're going to -- you've got less trouble with us than you have with some of the others. And if it's not -- sure if you get, if you get the big fish up there in

front of the television cameras, then I think that would be tough. I think Strachan going up wouldn't get them nearly as excited as, as John and me going up.

PRESIDENT: That's Strachan and Chapin.

HALDEMAN: Well, Chapin wouldn't have to appear, have to go before them.

PRESIDENT: That's right.

HALDEMAN: I think, if you could do it in Executive Session, uh...

? (inaudible)

HALDEMAN: Then why hold us back?

PRESIDENT: The Executive Session thing has always appeal to me. Now of course, you could say "Look, these people have nothing (inaudible) Executive Session (inaudible) the Committee feel constrained under Executive Session...

DEAN: Maybe we could invite the Committee down to the Roosevelt Room or the Blair House.

? Yeah.

MITCHALL: (inaudible)

PRESIDENT: Yes, you could say different things, that's true (inaudible) you could say you could push...

MITCHELL: (inaudible) that would be hard to negotiate (inaudible).

HALDEMAN: Maintain informality.

? (inaudible)

HALDEMAN: Yeah, I don't know why (inaudible).

? (inaudible)

PRESIDENT: Would Executive Session help?

EHRlichman: Executive Session I suspect it would at this point -- This, yeah, I, I, I really think these guys are concerned about this Mexican standoff (inaudible) and I think they're all...

PRESIDENT: (inaudible)

EHRlichman: I think that, that Ervin's crack on television about arresting people (inaudible) cross the lines (inaudible)

MITCHELL: In addition to that you have the question of the long lengthy litigation...

PRESIDENT: That could go on for a hell of a long time.

HALDEMAN: Sure it'd be a long time.

DEAN: Better take on a counsel, then...

HALDEMAN: That's what he doesn't want is...

DEAN: I know, but that...

HALDEMAN: (inaudible) that's what he needs and that's the easy one for him.

? Yeah.

? Good.

HALDEMAN: Somebody who had no contact with this (inaudible)...

PRESIDENT: (inaudible) it's quite clear to me that (inaudible) Dean (inaudible) but they didn't test it. We asked them to (inaudible) find out. They didn't bite that one very fast did they John?

HALDEMAN: Chapin is the guy to ask on. You try to go privilege on Chapin and that's one they'd go to Court on. They, they'd...

PRESIDENT: Probably...

HALDEMAN: You might do pretty well on Chapin. Here's a former employee, that had no policy role, and no, he had no major contact with the President, and (inaudible)...

? (inaudible) we'll have to discuss it (inaudible).

PRESIDENT: Chapin?

MITCHELL: I take it he is no longer employed.

HALDEMAN: Well, Chapin's the object of the subpoena. He's been called to testify regarding (inaudible) and what not.

? That's the question.

HALDEMAN: But he doesn't, he doesn't seem to (inaudible)...

MITCHELL: They could say "get him up here."

EHRlichman: Well, the precedent...

PRESIDENT: I, I, well

EHRlichman: on this thing (inaudible)

? I think there's (inaudible).

? (inaudible)

PRESIDENT: We have a precedent problem. In the case of a permanent White House employee it's not that there's any kind of an obligation. The President could get him up, but then he could, then he would have to go in front of the cameras and say "I will not because of executive privilege."

? (inaudible)

EHRlichman: It's your privilege (inaudible)

? (inaudible)

EHRlichman: And, and first we have the anomaly of Clark Mollenhoff running up and, and trying to give testimony in a civil service area over here now -- he's running up saying, "ask me a question, ask me a question, this is a Kangaroo Court, and, and I wait"-- the hearing examiner is telling him to sit down and shut up, and what's happening is, is that the government is asserting the executive privilege.

MITCHELL: No, they are not. (inaudible) that's not executive privilege.

EHRlichman: Yeah, alright.

? (inaudible) executive (inaudible)

EHRlichman: It is the closest thing to it. The point is, who's privilege is it to assert? What do you do with Chapin, I think. I don't know want you to think that's the reason I called you here to figure out what the scenario is, but I (inaudible) that immediately the subpoena issues, that, that on behalf of the President a letter would go to the Committee saying that the Executive asserts privilege.

PRESIDENT: Let me ask this. This question is for John Ehrlichman and John Dean. You're the two who felt the strongest on the executive privilege thing (inaudible). If I am not mistaken, you thought we ought to draw a line here.

? Yeah.

PRESIDENT: Have you changed your mind now?

DEAN: No, I think it is a terrific statement. It, it puts you just where you should be. It's got enough flexibility in it. But now the question...

PRESIDENT: Well, all John Mitchell is arguing then, is that now we, we use flexibility...



DEAN: That's correct.

PRESIDENT: in order to get off the coverup line.

EHRlichman: And as I told him, I am, am so convinced that we're right on the statement that I have never gone beyond that. He argues that we are being hurt badly by the way it is being handled. And I told him, let's see --

HALDEMAN: I think that is a valid evaluation on that point that we...  
?  
(inaudible)

HALDEMAN: that's where you look like you are covering up right now. The only thing, the only active step that you have taken to cover up the Watergate all along.

PRESIDENT: That's right.

DEAN: What is?

HALDEMAN: Was that the executive privilege...

PRESIDENT: Even though we have offered to cooperate.

HALDEMAN: to the extent that -- on the legal grounds, and precedents, tradition, constitutional grounds and all that stuff you are just fine, but to the guy sitting at home who watches John Chancellor say that the President is covering this up by this historic review blanket of the widest exercise of executive privilege in American history and all that -- he says "what the hell's he covering up, if he's got no problem why doesn't he let them go and talk."

MITCHELL: And it relates to the Watergate, it doesn't relate to Henry Kissinger.

HALDEMAN: That's right.

MITCHELL: Foreign affairs.

HALDEMAN: That's right. The precedent and all that business they don't know what you're talking about.

PRESIDENT: Well, maybe then we shouldn't have made the statement.

HALDEMAN: I think we should have because it puts you in a much better position to get Baker over here. That's what Ervin wanted. He wanted all of us up there with unlimited, total, wide open. We -- the statement in a sense puts us over here. Now you move back to about here and probably you can get away with it.

EHRlichman: Well, you can get away with it in the Watergate context. The -- you said executive privilege would hurt and then, then you applied it in the first instance to Gray. You said this fellow can't go.

PRESIDENT: That's right.

EHRlichman: And, I would only...

HALDEMAN: I'd change...

? I'd correct...

PRESIDENT: That's right.

? (inaudible)

PRESIDENT: That's exactly right.

EHRlichman: At the same time (inaudible) Dean and so on...

PRESIDENT: Chuck.

EHRlichman: Ah...

PRESIDENT: With Colson...

MITCHELL: (inaudible) plan this whole thing.

EHRlichman: At the same time you are in a position to say, "Oh, now there is this other case and what I'm going to do there consistent with my statement is so, and so, and so."

HALDEMAN: Because it's very clearly -- the questions that the Committee properly wants to ask don't have any bearing on these people's relationship to the President. Which they don't. The President had nothing to do with it.

PRESIDENT: I don't know (inaudible).

EHRlichman: And there again, it would be hard to get proof. It would be hard to...You're right, we are going to need some kind of a PR campaign.

HALDEMAN: Yes, that's true.

PRESIDENT: That's true, go on.

EHRlichman: (inaudible) The argument will be that the President has backed off his rock solid position on executive privilege and is now letting, uh, Chapin, Colson, Haldeman, and everybody testify.

PRESIDENT: Has the President said that that (inaudible).

DEAN: It is. And I think that...

EHRlichMAN: They're saying that there are PR problems.

PRESIDENT: But people don't think so. Ah, that's right.

DEAN: Sure.

PRESIDENT: (inaudible).

EHRlichMAN: Oh, yeah. They don't think the...

PRESIDENT: I agree, I understand.

HALDEMAN: They think you clamped down an iron curtain and won't let anybody out of here ever.

? (inaudible)?

HALDEMAN: Covering everyone up. It was my understanding -- I talked to you or maybe someone else -- that the Committee's operating rules do not permit witnesses to have counsel.

DEAN: That's grand jury. I've never heard that about...

HALDEMAN: About the committee?

DEAN: about the committee, no, I can't believe...

PRESIDENT: The Committee, on the contrary, on the contrary, committees, ever since the day I was there, they have always allowed counsel.

? (inaudible)

MITCHELL: I really can't imagine their not (inaudible).

PRESIDENT: No sir, committees, committees allow counsel.

HALDEMAN: If that's...it seems to me if we are going to do this then it becomes a question that any White House staff members who testify should not only have private counsel, they should have personal counsel, but the President's Counsel should be there because you're under a limited waiver of executive privilege and the President's Counsel should be there to, to uh, enforce the limitation and the witness should not have to be in the position of saying, "That is one I can't answer because it is outside the bound." You are appealing that someone should be there in that forum.

PRESIDENT: How would it be with the Executive Session thing?

HALDEMAN: They would probably bitch about that, too. What are you going to hide? If you let them come up when, when the point is that's in secret.

PRESIDENT: Yeah, yeah. How do you handle that PR wise?

MITCHELL: You don't have (inaudible), uh, another Roman holiday like we have had with Kleindienst and Gray. (inaudible) a fact-finding operation is there to get the facts and not to put on a political, uh, circus as they have in the past.

DEAN: If there were no cameras up there, there would be no reason to have the Executive Session because --

HALDEMAN: Well, then you come back...they argue an open session (inaudible) no television coverage.

PRESIDENT: They won't do that. (inaudible) I forgot about the formal session. (inaudible) It's, it is a formal session. (inaudible) Correct?

DEAN: That's correct. We have said that's no point of debate...

PRESIDENT: (inaudible).

MITCHELL: Well, that won't wash.

EHRlichMAN: Yeah, I probably think it would.

PRESIDENT: We ought to see about it. I think (inaudible). I think it is arguable that, that all they are really interested in is information and I (inaudible).

HALDEMAN: Is there an executive session of a Senate Committee where other Senators can (inaudible) where any Senator has the privilege of submitting, uh, questions? Say, Kennedy could come in and sit there.

PRESIDENT: Sure, he can't ask questions.

HALDEMAN: He can't?

DEAN: Not unless (inaudible)  
[Several voices - inaudible]

PRESIDENT: Other members cannot (inaudible) that should be worked on too, alright? Normally the practice is that no one can ask questions except members.

HALDEMAN: Course, Teddy could still sit there in the audience and then go up to the TV camera and say look (inaudible).

DEAN: Wouldn't it be wonderful if he would?

PRESIDENT: Probably we're going to have that.

DEAN: I think if he did that, that would be terrific.

HALDEMAN: I was just thinking that in the membership of the Committee, we're in reasonably good shape in that the people we have on the Committee are not as bad as most, as some Senators who would turn the use of TV afterwards for their own (inaudible).

PRESIDENT: Not as spectacular.

? What?

? You know, there's no way I'll understand  
[Several voices - inaudible]

? Well, I would say this.  
[Several voices - inaudible]

HALDEMAN: When do they start hearings now?

PRESIDENT: Excuse me?

DEAN: There's no time set. I would say (inaudible)

PRESIDENT: Well, the topic -- here is, we have plenty of time for those hearings, but what, uh, John's concerned about...the PR. We don't have much time. Well, (inaudible) don't have much.

DEAN: PR is going to stop right away with, with the termination of the Gray hearings for ten weeks that will let some steam out of that --

PRESIDENT: Your PR.  
[Several voices - inaudible]

PRESIDENT: What I meant is, and any, any, anyway the main thing is to do the right thing.

MITCHELL: Don't rush too fast with the PR but (inaudible) take your time to write, (inaudible).

PRESIDENT: John's got to have time to write this report.

MITCHELL: (inaudible)

PRESIDENT: I guess we don't, we don't breach, we don't broach or do we broach this whether we have a report or not?

MITCHELL: (inaudible)

PRESIDENT: Let me ask you this: On the broaching of that, should we let Kleindinst be the broacher? The point is, who else? I can't.

DEAN: That's right. Well, Kleindienst in his conversations with Ervin and Baker -- Ervin indicated that he would like to talk with Kleindienst about the executive privilege question. Uh, maybe it's now time to get that channel re-opened again. Is that right?

MITCHELL: Let me make this suggestion.

HALDEMAN: Well, you know that when he said that both chapter and verse -- on this, without any question.

MITCHELL: Well, first, for our first step, for our first step, we're going to have to have a meeting (inaudible) going to have everybody certain (inaudible) Committee. (inaudible) It might be well before the Committee meeting is held (inaudible) with the Chairman. And don't discuss (inaudible) make out. At least this advises them that it is a discussion of the subject matter so they don't come out (inaudible)

EHRlichman: And then ask him not to take a Committee vote on the subject either until --

HALDEMAN: (inaudible)

PRESIDENT: Well is this the time to inquire (inaudible) -- Who's going to talk to him? Who's going to be there? (inaudible)

MITCHELL: Kleindienst talks...

PRESIDENT: Talks to, in other words to Baker and Ervin. (inaudible) That conversation should occur like tomorrow. We've got to move in this direction, regardless of the report. We've got to move in this direction (inaudible) start the negotiation.

MITCHELL: Well, I think there is too much lead time. (inaudible) before the Committee meeting (inaudible). Now, what is Wally Johnson's status?

DEAN: That's funny -- because he is still here, hasn't gone up yet (inaudible) he has been announced apparently, because he'll (inaudible) Attorney General. What I was thinking is maybe to preserve my counsel role with Ervin and Baker that I ought to be present with Kleindienst.

PRESIDENT: I agree.

DEAN: And the four of us sit down and talk about executive privilege -- we won't get into any of the substance.

PRESIDENT: Well, the thing about your being at this (inaudible) with, with Kleindienst (inaudible) skeptical...

DEAN: I must say they were dealing with me as counsel -- that's another reasons I am not, you know, one of the final (inaudible) drawn (inaudible).

MITCHELL: It'd be appropriate for the President's counsel to be present when this is discussed (inaudible).

DEAN: That's right.

PRESIDENT: Alright. Now what, let's get down to the thing (inaudible)

DEAN: I would think that possible Kleindienst, uh, ought to call today, uh, and let Ervin and Baker know that he would like to meet with them early next week to talk about executive privilege, uh, indicate that I would be present to see if we can find...

PRESIDENT: A formula.

DEAN: A formula to...

PRESIDENT: to release the information that they desire.

DEAN: That's right.

HALDEMAN: This would be an unpublicized meeting.

DEAN: Unpublicized.

PRESIDENT: That seems to me to be a sensible (inaudible)

HALDEMAN: (inaudible) I would say early in the week, you better say Monday so you can get them before they (inaudible)

PRESIDENT: (inaudible) What is your position on letting Dean testify? (inaudible)

HALDEMAN: He might.

PRESIDENT: We'd have to draw a line there, wouldn't we John?

MITCHELL: I would agree wholeheartedly (inaudible)  
[Several voices - inaudible]

HALDEMAN: Well, what you do on the Dean thing -- you simply say well that's out. Dean has made this report and here is everything Dean knows.

? That's right, that's right. (inaudible) Dean's report...

EHRlichman: I think John on Monday you could say to Ervin if the question comes up, "I, I know the President's mind on this and he is adamant about my testifying as such. At the same time he has always indicated that the fruits of my investigation should be known." And just leave it at that for the moment.

DEAN: One issue that may come up as the hearings go along is the fact, when the focus is, what Dean knew, uh, as you all know I was all over this thing like a wet blanket. I was everywhere -- everywhere they look they are going to find Dean.

PRESIDENT: Sure.

DEAN: Uh, (inaudible)

? That's perfectly proper.

HALDEMAN: I don't think that is bad.

EHRlichman: I don't know. You were supposed to be.

PRESIDENT: You were my investigator. First, you were directed by the President to get me all the facts. Second, as White House Counsel you were on it for the purpose (inaudible) people in the Executive Branch who were being questioned. Then you were there for the purpose of getting information. That was your job. Correct?

DEAN: That's right.

PRESIDENT: (inaudible) But the main point is that you can be certain that Dean had absolutely no operational (inaudible). The wonderful thing about your position is, I think, as far as they're concerned (inaudible) -- your position's not, not truly (inaudible) never, never been as a operator.

HALDEMAN: (inaudible) in the private sessions then -- you volunteered to give them a statement on the, the whole question of your recommendation of Liddy which is the only possible point of substantive culpability that you could have and now you can (inaudible)...

? (inaudible)

HALDEMAN: ...not even if you wanted to.



PRESIDENT: At the, at the President's direction you've never done anything operational, you have always, always acted as counsel.

HALDEMAN: Well, we've got to keep our eye on this Dean thing...

? (inaudible)

HALDEMAN: Just give them some of it -- not give them all of it.

PRESIDENT: I don't suppose they'd say John -- no -- we won't take it. (inaudible) Just take the heat of being (inaudible) on the other hand you've got Chapin going and you've got Colson going.

HALDEMAN: No, he doesn't.

PRESIDENT: You've got (inaudible) and (inaudible)

MITCHELL: You can't keep them out of all these sessions (inaudible) Chapin on the basis of Chapin talked to Segretti last weekend.

DEAN: Well, they can subpoena any of us. There is no doubt about that. Uh, if, if they don't serve us here because they can't get in. They can serve you at home or somewhere. They can always find you.

HALDEMAN: We move to Camp David and hide! They can't get in there. [Several voices - inaudible]

PRESIDENT: Well, go ahead. (inaudible)

DEAN: Well, the question is once you are served and you decline, then you've got a defense situation. Now, I would say that it, it's it's get very difficult to believe that they'll go to contempt on people who...

PRESIDENT: Present White House staff.

DEAN: are present White House employees.

PRESIDENT: What about Colson? They wouldn't do that, would they?

DEAN: That would be a good test case for them to go on. Uh, the other thing is though they could subpoena Colson to come up there and Colson could then say, "Well, I, I decline to testify on the basis that I think it is privileged communication, uh, or privileged activities." And again you get, uh, a little fuzzier.

MITCHELL: (inaudible) questions -- (inaudible)

DEAN: Yes, that's right, that's right. Then it, then it will get

much fuzzier as, as to whether or not they (inaudible) would cite him for contempt or not. .

PRESIDENT: Suppose the Judge tomorrow orders (inaudible) grand jury (inaudible) grand jury (inaudible).

DEAN: Send them all down.

[Several voices - inaudible]

DEAN: Now are you saying?

PRESIDENT: Suppose the Judge opens up the grand jury and says "I want," says "I want them to call Haldeman, Ehrlichman and everybody else they didn't call before." What do you think of that?  
? Then do you still go on this pattern with the Ervin Committee?

PRESIDENT: The point is - if the grand jury, uh, decides to go into this thing, uh, what do you think of that?

EHRlichman: I think you say, "Based on what I know about this case, I can see no reason why I should be concerned about what the grand jury process is about." That's all.  
? Then they would have to do both.

PRESIDENT: Appear before the grand jury and the committee?

DEAN: Sure.

EHRlichman: You have to bottom your defense, your position on the report.

PRESIDENT: Yeah.

EHRlichman: And the report says nobody was involved...

PRESIDENT: Yeah.

EHRlichman: and, and you have to stay consistent with that.

MITCHELL: Well, theoretically, I think you will find the grand jury is not about to get (inaudible)

HALDEMAN: (inaudible) Is there danger in a grand jury (inaudible)

DEAN: Well, there are no rules.

PRESIDENT: (inaudible) Grand juries are not really fair.

DEAN: That's right.

MITCHELL: (long inaudible)

HALDEMAN: Well, what would happen? Would Silbert be the, be the prosecutor on this?

DEAN: Unless the, the court appointed a special prosecutor.

HALDEMAN: Which he could do.

PRESIDENT: We better see tomorrow on that -- but, uh, if that, if that's the case (inaudible) move now on the first one? Now who is to call, uh, Kleindienst?

DEAN: I am to follow through (inaudible).

PRESIDENT: (inaudible)

DEAN: I am going to tell him to call Baker first and then Ervin and tell them that you would like to meet with them on Monday, uh, to discuss and explore -- a formula for providing the information they need in a way that does not cause a conflict with the President's general policies on executive privilege.

PRESIDENT: Yet meets, yet meets their, uh, meets their need for information. Right?

DEAN: Right.

PRESIDENT: Have they requested, they have requested that kind of a talk already, haven't they?

DEAN: Yes.

MITCHELL: Will you sit down with Dick, Mr. President?

PRESIDENT: Yes, yes. (inaudible)

DEAN: Well, I'll work on that over the weekend (inaudible) down the road.

HALDEMAN: Also write out a thing for Kleindienst so that...

PRESIDENT: I think you can talk to Kleindienst. I think you can do most of the talking. (inaudible) You can do it. (inaudible)

DEAN: I don't think we ought to read anything in this first session but I think we ought to let them know that we are thinking about reaching some sort of...

PRESIDENT: Say (inaudible) What would you think here?

HALDEMAN: Stay loose.

PRESIDENT: I'd say, I'd say, now (inaudible) with regard to this (inaudible) with regard to, uh, uh (inaudible) talk about informal sessions? Is Ervin's position been he insists on formal sessions? Is that his position?

DEAN: Well, we don't know. We have never really (inaudible).

HALDEMAN: His response to your position -- naturally what you just now, Ervin's response (inaudible) position and that is, written stuff isn't any good, "I want the body, you, you can't ask paper, you can't ask a piece of paper questions." O.K. Now, what we're saying is that (inaudible)

PRESIDENT: The written, the written thing was in which?

EHRlichman: That was a, that was a, uh, Ziegler I believe, (inaudible) it's not in a statement (inaudible).

HALDEMAN: (inaudible) it is a general thing. It was in your press conference. Where you said they will provide written, uh, I think you said it...

PRESIDENT: I may have said it.

HALDEMAN: in the press conference and I think Ervin's response was to that.

PRESIDENT: Right.

HALDEMAN: Your statement, uh, would have been, "these people will be happy to provide, uh, written answers to questions, appropriate questions."

PRESIDENT: Are you sure it wasn't in a statement?

EHRlichman: No, no, I am sure we used formal, informal...

DEAN: It, it came up the first time when I responded to, to Eastland's, I responded to Eastland's invitation to...

PRESIDENT: (inaudible) furnish information (inaudible)

DEAN: (inaudible) and then it was repeated after that -- that we would be happy to supply information and, uh, (inaudible).

HALDEMAN: But, then Ervin responded -- he specifically rejected that only on the grounds that you can't ask questions of a piece of paper. (inaudible questions. So we are giving him that opportunity. He hasn't said that the processes of the Senate require that those questions be answered in (inaudible).

PRESIDENT: What is, what is the argument that you give, John, to people as to why Executive Session rather than an open session?

DEAN: Well, I...

PRESIDENT: You can't really give...

DEAN: I think...

PRESIDENT: I can't really attack the Committee's (inaudible)

DEAN: (inaudible)

PRESIDENT: What do you say?

DEAN: I think what I'd do is to talk a little about the -- with the position which he took so vocally in the Gravell case.

PRESIDENT: That's right.

DEAN: 'Course, he came out and said that a Legislative Aides can not be called to question for advice they give their Senator or Congressman. He just went on at great length and cited executive privilege, etc.

PRESIDENT: (inaudible) this is not advice to the President. Go ahead.

DEAN: Well now, they, and I'll say this that these are men who do advise the President.

PRESIDENT: And that's, that's the principle involved.

DEAN: And we have to draw the line.

PRESIDENT: And to have that principle discussed, uh, in open session, (inaudible) the kind of thing where you ought to, you got to go off to the Bench so the jury doesn't hear it. That's the thing.

DEAN: Well, I...

HALDEMAN: I don't think John or Dick, if they're in a Monday meeting have to offer to appear in Executive Session and get them on to the Executive Session wicket. It seems to me...

DEAN: Now...I agree.

HALDEMAN: They should openly indicate a willingness to listen to, uh, ideas as to what would be done...

PRESIDENT: Yeah.

HALDEMAN: and an open-mindedness in trying to work something out.

PRESIDENT: Yeah.

HALDEMAN: So if you get to that, if that's going to become the issue...

PRESIDENT: Yeah.

HALDEMAN: it seems to me that, that's an issue we could win publicly where we may not be able to win it with the...

DEAN: I think, I (inaudible).

HALDEMAN: Senate.

EHRlichMAN: (inaudible) I was expressing the President's concern about the protection of his people is expected.

? That's fine.

PRESIDENT: I'm, I am also concerned about, about frankly, the, uh, having, having, uh, matters that really are a matter of executive privilege debated publicly. That's a matter that ought to be debated privately.

DEAN: That's right.

PRESIDENT: Uh, other matters, we have no, and, and, and, without, and, and, and, and the fact that it's raised does not indicate guilt.

DEAN: That is part of his argument on Gravell, too.

PRESIDENT: The fact that it is raised does not indicate guilt. That's what we are really talking about here. But having it in public session, those, uh...

DEAN: I will work out a complete negotiating scenario and have thought it through before I go up.

HALDEMAN: Your meeting, your, your objective in that meeting is simply to indicate to them a willingness to discuss. It is not...

DEAN: That's right.

HALDEMAN: to have a proposal...

DEAN: I...

HALDEMAN: for them...

DEAN: I agree.

HALDEMAN: to accept or reject.

DEAN: I...

MITCHELL: (inaudible) the President's present scenario and so forth (inaudible).

DEAN: Very true, Ah...

PRESIDENT: There, it's the record for the future. That's...Maybe

you can tell Ervin, maybe on a mountaintop, that, that, this, that that's a good way to set up a procedure from his point for the future, and all. You know what I mean?

DEAN: Uh-huh.

PRESIDENT: Where future cases of this sort are involved. We're, we're making a lot of history here, Senator, And, ah...

MITCHELL: And the Senator can be a great part of it. (inaudible)

PRESIDENT: And a lot of history. And we're setting a historic precedent. The President, after all, let's find out what the President...you know, we bitched a lot about this case (inaudible).

DEAN: Ervin away from his staff...

PRESIDENT: Huh?

DEAN: Ervin away from his staff is not very much, and I think he might just give up the store himself right there and lock himself in. I, you know, I have dealt with him for a number of years, and have seen that happen and have reached accord with him on legislation (inaudible).

HALDEMAN: If he holds out for anything you may get an answer from him...

DEAN: That's right.

HALDEMAN: (inaudible).

PRESIDENT: Suppose now he just takes the adamant line? Nothing.

HALDEMAN: (inaudible) anything about that.

DEAN: That's right, that doesn't sound like Richardson's information -- sounds like him sitting and saying nothing.

PRESIDENT: (inaudible) he says, "we are just going to have public sessions. It's got to be that or else."

MITCHELL: Then "we've got a law suit Senator and it is going to be a long while before expedite your hearings."

PRESIDENT: Yeah. "If you want your hearings" -- and that's the other thing. The other point is would it not be helpful to get Baker enlisted some way in advance. If that could be done by not begging him (inaudible). If we... Could we put Kleindienst to that thing?

MITCHELL: On the second step -- not on the opening.

PRESIDENT: Well, even on the opening step the problem that I have here... if Baker sits there and just parrots Ervin's adamant thing, saying "Hell no, there can't be anything except the public sessions," you have nothing to do.

MITCHELL: If I'm right in (inaudible) how these Senators act, Baker will lay the whole thing out on the table.

PRESIDENT: Yeah, I guess you are right.

MITCHELL: (inaudible)

PRESIDENT: Baker, on the other hand, Kleindienst should at least talk to him and say "Look Howard, why don't you try to work something out here?"

DEAN: Baker could say that.

HALDEMAN: He could say "We're concerned, we want to work something out. If ...

? (inaudible)

PRESIDENT: You can't. You can't. You gotta do it, say "Right now, Howard, right now, Howard is just going for a law suit." (inaudible)

HALDEMAN: "Give us a hand and try to open this up," et cetera, et cetera. Baker could find that much ahead of time.

DEAN: And he...

HALDEMAN: Be positive this time around.

DEAN: Don't lock yourself in -- we will every opportunity...

HALDEMAN: Right.

DEAN: to have another session or so on it.

PRESIDENT: Yeah, the other point is this (inaudible), then, then, then it becomes essential, then that this be forgotten, this. And say, and then have the law suit.



EHRlichman: You can say (inaudible). You say, "Well O.K., then, why don't we now discuss how do we frame the legal issue here?" And, ah, and ah, "Perhaps we can at least agree on how to frame the legal issues, so that instead of taking three years it will only take a year and a half."

HALDEMAN: Get it settled before this Administration (inaudible).

DEAN: They know it is...depending on who they are going after and the circumstances...that they've got a tough law suit ahead of them. They've got to hire counsel to... It's going to cost money to freeze it on their side. They don't have the government representing, they don't have the Department of Justice to handle their case; they've got to bring in special counsel who probably knows nothing about executive privilege, has to get educated. Ah, get the Library of Congress clanking away at getting all the precedents out and the like. We've got all that. Of course it's, it's a, a major operation for them to bring in and they have...

EHRlichman: The other way...

DEAN: get a resolution of the Senate.

EHRlichman: to do it, ah...Of course, Ervin is a Constitutional expert himself.

? (inaudible)

PRESIDENT: The ah...Now (inaudible). Have you considered any other, have you considered the other, all other possibilities? John, you are the one who is supposed to...

DEAN: That's right. I think we...

PRESIDENT: You know the bodies.

DEAN: I think we've had a good go-round on...

PRESIDENT: Yeah. Do you think we want to, want to go this route now? And that means let it hang out so to speak?

DEAN: Well, it, it isn't really that...

HALDEMAN: It's a limited hang out.

DEAN: It's a limited hang out. It's a modified limited hang out.

PRESIDENT: Well, some of the questions look big hanging out publicly or privately.

DEAN: What it is doing, Mr. President, is getting you up above and away from it. And that's the most important thing.

PRESIDENT: Oh, I know. I suggested that the other day and they all came down, ah, they came down negative on it. Now what has changed their minds?

DEAN: The lack of alternatives or a body.  
[Laughter]

MITCHELL: We, we went down every alley. (inaudible - laughter).

PRESIDENT: Well, I feel that at a, I feel that this was, I feel that at the very minimum we've got to have this statement. Let's look at it, whatever the hell it is. If it opens up doors, it opens up doors -- you know.

HALDEMAN: John says he is sorry he sent those burglars in there, and that helps a lot.

PRESIDENT: That's right.

? You are very welcome, sir.  
[Laughter]

HALDEMAN: Just glad the others didn't get caught.

PRESIDENT: Yeah, the ones he sent to Muskie and all the rest; Jackson; and Hubert, (inaudible)

EHRlichman: I get a little chill sitting over there now thinking (inaudible).

PRESIDENT: Yeah.

EHRlichman: (inaudible)

PRESIDENT: Incidentally, we don't plan to have a, we don't plan to have a press briefing (inaudible)?

HALDEMAN: We hadn't planned it. It wouldn't hurt.

PRESIDENT: (inaudible) 3:30 with John (inaudible)

EHRlichman: Alright, he is going to top our press tomorrow.

PRESIDENT: Yeah, let's let it go.

EHRlichman: O.K.

? (inaudible)

PRESIDENT: Suppose you take it, you take care of it now (inaudible) and I won't come over there. I...you might, if you get any more soundings, let me hear Friday. It would be my thought then that I would then break it off at 4:30 or 5:00 p.m.

MITCHELL: Four o'clock will have to be the minimum (inaudible).

PRESIDENT: (inaudible). Yeah, I understand. Bye. Bob, what time is the...is my take-off schedule for Florida already?

HALDEMAN: Yes, sir.

PRESIDENT: Well, we won't, we won't rush.

? (inaudible)

PRESIDENT: Sure, sure, sure. I understand. (inaudible) That's so true. (inaudible).

MITCHELL: (inaudible)

PRESIDENT: (inaudible)

HALDEMAN: (inaudible). Let me tell you, you've done a hell of a job here.

MITCHELL: (inaudible)

PRESIDENT: Well, if you, eh, John, eh, carry a very, very heavy load. Both Johns as a matter of fact, I was going to say, uh, uh, John Dean is (inaudible) got the damn thing (inaudible) and so forth. We all know what it is. Embarrassing goddamn thing (inaudible) and so forth. But my view is some of it will come out; we will survive. That's the way it is. That's the way you've got to look at it.

DEAN: It's probably gonna come out (inaudible).

HALDEMAN: The point is, get the goddamn thing over with.

DEAN: That's right.

PRESIDENT: That's the other thing (inaudible). But you really would draw the line on...But we can't make a complete cave and have the people go up there and testify. You would agree on that?

MITCHELL: I agree.

PRESIDENT: You agree on that, John?

DEAN: If we're in the posture of everything short of giving them a public session. (inaudible)

PRESIDENT: Particularly if, particularly if we have the Dean statement that may have been given out. And your view about the Dean statement is to give that to the Committee and not make it public, however.

DEAN: That's correct, I think that's...

MITCHELL: Say it's of interest to the Committee for the purpose...

HALDEMAN: The purpose of their investigation...

MITCHELL: (inaudible) limit the number of witnesses...

? Yup.

MITCHELL: which are called up there (inaudible) pot-shot operation...

HALDEMAN: and also state that this may help you in your investigation. "This is everything we know, Mr. Senator."

PRESIDENT: That's what I was prepared to say. This is everything we know, I know nothing more. This is the whole purpose in a nutshell. If you need further information, my, our counsel will furnish it. This is my view. (inaudible). This is all we know. Now in addition to that, we will also have, have people, you've got to have.... I think that the best way to have it is in executive session, but after that, you say executive session for those out of government as well as in?

HALDEMAN: That's right.

PRESIDENT: Chapin and Colson should be (inaudible)

DEAN: No I'm sorry, he's not...

HALDEMAN: I don't think so.

? Sure.

MITCHELL: Because you have the same problem.

PRESIDENT: You see we act...

? But you might...

PRESIDENT: We act for, uh, the President, I take it, you know, we, we, our statement says it applies to former as well as present and so forth.

DEAN: Now, I take it that that leaves a lot of possibilities that you normally...for one thing, taking the chance appearing and encouraging informal relations with all these people working out (inaudible).

? Informal relations.

? That's right.

MITCHELL: You have to think Baker...

PRESIDENT: When I, when I say (inaudible)...the written interrogatory thing established clearly (inaudible) aid the Ervin Committee. (inaudible) I think that's based on what maybe, (inaudible) I don't think I said... We would normally (inaudible) the President, written interrogatories...

DEAN: I don't think...

PRESIDENT: I didn't say that at all.

DEAN: Ervin just jumped to that conclusion as a result of my letter.

PRESIDENT: I think that's what it was.

DEAN: I think that's what happened.

PRESIDENT: Not that your letter was wrong -- it was right. But the whole written interrogatory...we didn't discuss that as a possibility.

MITCHELL: With respect to your ex-employees, you have the same problem of objecting in the area of privileged communications.

PRESIDENT: (inaudible)

MITCHELL: You certainly make a good case (inaudible) confession.

PRESIDENT: That's right. (inaudible) And that this present President (inaudible) implication for the future (inaudible) executive session, then the privilege can be raised without having, on a legal basis, without having the guilt by the Fifth Amendment, not like pleading the Fifth Amendment, that implication always being raised.

MITCHELL: (inaudible)

PRESIDENT: What? Yeah.

? They're gonna go before the grand jury, don't you think?

DEAN: That's right.

? (inaudible) pleading the Fifth Amendment.

MITCHELL: (inaudible) eventually turn it around. (inaudible)

PRESIDENT: Alright, fine Chuck. How long were you in Florida?

MITCHELL: I was down there overnight. I was four hours on the witness stand testifying for the government in these racket cases involving wiretapping. The goddamn fool judge down there let them go all over the lot -- let them ask questions that weren't material. That's ridiculous. All it had to do with was the discretionary act of signing a piece of paper that I'm authorized by the statute. There were 27 hood lawyers questioning me.

PRESIDENT: You know, uh, the uh, the new (inaudible) I called (inaudible) in Washington. I've since (inaudible). Can you get me Prime Minister Trudeau in Canada, please? I was just going to say that Dean is really hung out on this (inaudible).

MITCHELL: That he has, Mr. President. There's no question about it, he's a very unprofessional type.

? (inaudible)

MITCHELL: He's not a very solid guy to handle this kind of thing (inaudible) says these lawyers (inaudible) thinks John spends his time (inaudible)

PRESIDENT: Dean? (inaudible) very high.

MITCHELL: Parkinson, O'Brien.

PRESIDENT: Yes, he said he was grateful. Well, you know how he deals with a lot of people (inaudible). That's why we can't let you go down. John? That's alright. Come in, 'dyou find out anything?

DEAN: I've, I've been over at Ziegler's office. They have an office over there. Paul O'Brien'll be down here in a little while to see you. I've been over at Ziegler's office setting this up now.

MITCHELL: Are you coming back?

DEAN: Yuh, we'll coming back over here then.

PRESIDENT: Yuh, well, when you come back...he can, uh, is that office open for John now?

DEAN: Yes.

PRESIDENT: Then he can go over there. But, uh, the, uh, the one thing I don't want to do is to...Let's make this clear. I, I thought, uh, very, uh, very, cruel things which I know at the time (inaudible) rob (inaudible) in what happened. I don't want it to happen with Watergate, the Watergate matter. I think (inaudible) made a mistake, but he shouldn't have been sacked, he shouldn't have.... For that reason (inaudible) everything else (inaudible) a statement, a statement from you (inaudible). On the other hand, uh, I would prefer, as I said to you, that you do it the other way. I would particularly prefer to do it that way if it's going to come out that way anyway. My view is that with the number of jackasses (inaudible) they've got that they can call they're going to (inaudible) story'll get out through leaks, charges, and so forth, and innuendos will be a hell of a lot worse than the story they're going to get out by just letting it out there.

MITCHELL: Well, I don't know.

PRESIDENT: But that's the way it has to be. Up to this point the whole theory has been containment, as you know, John.

MITCHELL: Well, I wish it...

PRESIDENT: As far as I'm concerned, acting from a personal standpoint, you aren't making a personal sacrifice (inaudible) that's what I had been told the theory was. Bryce could be assured he was going to (inaudible) dumb thing (inaudible) but I don't look at it that way (inaudible). That's the thing I was concerned...We're going to protect our people if we can.

MITCHELL: Well, sir, the important thing is to get you up above it. (inaudible) then maybe when the chips fall (inaudible) grand jury thing up here. The Ervin Committee is another question. [Ring] what we oughta have is a reading of the vote [Ring] coming out of the Committee and we can handle the course of the (inaudible) [Ring]

PRESIDENT: But anyway, we'll survive. I think in order to come to terms with the (inaudible) of being in the position of, even though it hurts for a little while and, you know, you can say "the President's (inaudible)," and so forth. Nothing is lasting. You know people get pretty scared about it. (inaudible). Now a good move would be, would be to go right ahead...

MITCHELL: Ask the Committee.

PRESIDENT: That's the proper way.

MITCHELL: With regard to controlling evidence before the Committee, the other thing he has to remember is that this stuff is going to come out of that Committee, whether...

PRESIDENT: That's right.

MITCHELL: It's going to come out no matter what.

PRESIDENT: As if, as if I, (inaudible) I couldn't keep it out from coming out. (inaudible)

MITCHELL: That's quite an important event. (inaudible). I really think it...

PRESIDENT: Hello. I don't want to talk. Sure. Alright. Sure.

MITCHELL: Like these Gray, Gray hearings. They had it five days running that the files were turned over to John Dean, for five days running, the same story.

PRESIDENT: Same story, right.

MITCHELL: The files should have been turned over...

PRESIDENT: (inaudible)

MITCHELL: You should have demanded them.

PRESIDENT: I demanded them. I don't know what the hell he's doing as counsel to the President. (inaudible) I told him to conduct an investigation and he did. Well...

MITCHELL: (inaudible)



PRESIDENT: If Baker, Baker is, in my conclusion (inaudible) partner.

MITCHELL: Howard (inaudible) better carry him. I think he has and I've been puzzling over a way to have a liaison with him and, uh, (inaudible) he won't talk on the phone, Mr. President, because he claims that his phone is tapped.

PRESIDENT: He does? Who tapped his phone?

MITCHELL: I don't know.

PRESIDENT: Let me think. Who do you think would tap his phone?

? I guess maybe we would.

MITCHELL: I don't know about that.

PRESIDENT: We'd better speak to Ervin. Who are these people?

MITCHELL: (inaudible) Democratic Party is (inaudible) liaison with Kleindienst to get in the position (inaudible) the full knowledge from (inaudible)

PRESIDENT: Steve, why don't you take Wally Johnson this tape recording.

MITCHELL: (inaudible)

PRESIDENT: You might throw that out to Dean. Dean doesn't want to be in the position (inaudible) whole position (inaudible) Attorney General (inaudible) to Wally Johnson.

MITCHELL: If he goes into the Ervin Committee and talks (inaudible)

PRESIDENT: Mansfield's gonna...

MITCHELL: Everything else under control?

PRESIDENT: Yeah, we're all doing fine. I think though that (inaudible)

MITCHELL: All of Washington is (inaudible)

PRESIDENT: The Committee demanding legal actions (inaudible) worry the shit out of me. (inaudible) There's no need for him to testify. (inaudible) Because you really have to protect the President if you testify.

MITCHELL: Well this (inaudible) purpose of it all?

PRESIDENT: (inaudible) that's what I mean, for the purposes of this scenario (inaudible). Here's the report, we cooperate with this Committee and so forth and so on. (inaudible) And that should be a goddamn satisfactory answer John.

MITCHELL: It certainly should. It answers all of their complaints of that Committee.

PRESIDENT: They get cross-examination.

MITCHELL: Right. They get everything but a public spectacle.

PRESIDENT: Public spectacle. And the reason you don't have that is you have to argue, they've go to argue, on legal matters. You don't want them to be used as, uh, uh, for unfairly, but you have somebody charged in a proper manner.

MITCHELL: Is to have somebody charged with not acting (inaudible) Ervin Committee (inaudible) areas of doubt (inaudible) areas of dispute.

PRESIDENT: I really think though, I don't know why they're yaking about this. It'd be awful close (inaudible). Those bastards are really, really something. Where is their leadership?

MITCHELL: They don't have any leadership. They're leaking in every direction.

PRESIDENT: (inaudible) You know, that, that was a hell of a big issue in '72. (inaudible). After the McGovern nomination.

MITCHELL: (inaudible) maybe now is a good time to have it (inaudible).

PRESIDENT: Much better now than later. Let's try everything (inaudible).

MITCHELL: (inaudible) Mitchell (inaudible).

PRESIDENT: You're damn right. I want, I want to try to get this thing, to take a little, little heat now and then (inaudible)

MITCHELL: But as far as the budget and tax structure (inaudible) public statement with a proposal (inaudible).

PRESIDENT: Well, we're going to fight that too. The hell with them. After all, that's part of the reason for the 1972 election, was to turn the goddamn country around. (inaudible). Actually, the big thing about the doves (inaudible), they have taken a body blow on these POWS (inaudible). That was something that nobody ever dreamed would happen. (inaudible). Does anybody now question the bombing of (inaudible) back then or we wouldn't be out (inaudible) everybody talks about (inaudible). Isn't that true.

MITCHELL: Everybody's talking about (inaudible).

PRESIDENT: Did you hear anybody question, for example, that morally the President did the right thing in Vietnam and all that. Now it looks, looks as if...and they all let Jane Fonda and the rest that they, they prolonged the war because they couldn't understand the tactics of North Vietnam -- that they kept us in captivity. Those bastards are really in a hell of a spot.

MITCHELL: They'll never learn.

PRESIDENT: Now they want to cut the budget, I mean the military budget, which would be a hell of a thing. Don't forget the Russians want it too.

MITCHELL: All that talk of a mutual force reduction (inaudible).

PRESIDENT: (inaudible). Personalities (inaudible) that's what it was. (inaudible).

MITCHELL: How are things (inaudible)?

PRESIDENT: Well, I (inaudible). That's all it was (inaudible) I think when I said (inaudible) George Christian's statement (inaudible).

MITCHELL: (inaudible).

PRESIDENT: A splash (inaudible). Personally, I'd hate it but it's gonna make a splash. And it'll stir up things on our side, which is good too. Agnew -- it'll all be Agnew, Rockefeller, Reagan up (inaudible) it'll pretty much have to. (inaudible) You know it's gonna be, if Connally shifts, it'll be Connally or Agnew, possibly Rockefeller.

MITCHELL: Ed (inaudible) John Connally (inaudible).

PRESIDENT: Yup. That's right. That's what I meant. Yes.

MITCHELL: I'm not sure John's ready for that long haul.

PRESIDENT: Yuh. Let's get away from making money and showing off.

MITCHELL: (inaudible) Before the '74 election we work like hell and then we go all the way from there.

PRESIDENT: I think he wants it. But, shit (inaudible). He doesn't have a good future. The Democrats don't (inaudible). And there really isn't. They could never accept the man.

MITCHELL: Not (inaudible) John Connally.

PRESIDENT: They can't, John, it's Rockefeller's information (inaudible) Republican Party. The thing, that's true (inaudible) Rockefeller was not for Goldwater, he didn't come out against him publicly, however.

MITCHELL: (inaudible)

PRESIDENT: He never did, he didn't lead, he didn't lead Republicans for Johnson.

MITCHELL: No sir, that's the difference.

PRESIDENT: And yet, by his not supporting Goldwater, he destroyed his chances of ever being nominated for President. And so it is that Connally, or whoever (inaudible) was finished just like Goldwater was finished. No way that Barry will ever be nominated again. No way Goldwater could have been. They have the kind of people that are for them can stop somebody else. Don't you think that's a reasonable analogy?

MITCHELL: That's true. In the first place, the basic fact about the Republican Party when you get to your convention a majority of the delegates (inaudible).

PRESIDENT: And the Democratic Party, a majority of it (inaudible) will continue (inaudible) the liberals will advocate (inaudible)

MITCHELL: (inaudible)