

The Watergate CLE II

The “Cancer on the Presidency” Conversation

[Excerpts From Draft Transcript]

March 21, 1973

Time: Between 9:15 am – 11:55 am

Oval Office

President, John W. Dean and H.R. “Bob” Haldeman

Conversation 886-8

Segment 1: Introduction [01:14]

DEAN: Ah, the reason I thought we ought to talk this morning is because in, in our conversations, ah, ah, I have, I have the impression that you don't know everything I know...

PRESIDENT: That's right.

DEAN: - and it makes it very difficult for you to make judgments that, ah, that only you can make...

PRESIDENT: That's right.

DEAN: ...on some of these things and I thought that...

PRESIDENT: You've got to, in other words, I've got to know why you feel that, ah, that something...

DEAN: Well, let me...

PRESIDENT: - that, that we shouldn't unravel something.

DEAN: - let me give you my overall first.

PRESIDENT: In other words, your, your judgment as to where it stands, and where we're gonna go?

DEAN: I think, I think that, ah, there's no doubt about the seriousness of the problem we're, we've got. We have a cancer -- within -- close to the Presidency, that's growing. It's growing daily. It's compounding, it grows geometrically now, because it compounds itself. Ah, that'll be clear as I explain, you know, some of the details, ah, of why it is, and it basically it's because (1) we're being blackmailed; (2) ah, people are going to start

perjuring themselves very quickly that have not had to perjure themselves to protect other people and the like. And that is just -- And there is no assurance...

PRESIDENT: That it won't bust?

DEAN: That that won't bust.

Segment 2: Liddy's Original Plans: First Report-Up [02:18]

DEAN: ... Magruder called me in January and said, "I'd like to have you come over and see Liddy's plans."

PRESIDENT: January of '72.

DEAN: January of '72. Like, "You come over to Mitchell's office and sit in on a meeting where Liddy's gonna lay his plan out." I said, "Well, I don't really know as I'm the man, but if you want me there, I'll be happy to." [Clears throat] So I came over and Liddy laid out a million dollar plan that was the most incredible thing I have ever laid my eyes on: all in codes, and involved black bag operations, kidnapping, providing prostitutes, ah, to weaken the opposition, bugging, ah, mugging teams. It was just an incredible thing. [Clears throat]

PRESIDENT: But, ah...

DEAN: And...

PRESIDENT: - that was, that was not, ah...

DEAN: No.

PRESIDENT: - discussed at the...

DEAN: No.

PRESIDENT: (unclear)

DEAN: No, not at all. And...

PRESIDENT: (unclear)

DEAN: - ah, Mitchell, Mitchell just virtually sat there puffing and laughing. I could tell 'cause after he, after Liddy left the office, I said, "That's the most incredible thing I've ever seen." He said, "I agree." And so he was told to go back to the drawing board and

come up with something realistic. So, there was a second meeting. Ah, they asked me to come over to that. I came into the tail end of the meeting. I wasn't there for the first part of it. I don't know how long the meeting lasted. Ah, at this point, they were discussing again bugging, kidnapping and the like. And at this point I said, right in front of everybody, very clearly, I said, "These are not the sort of things (1) that are ever to be discussed in the office of the Attorney General of the United States," where he still was, "and I am personally incensed." I was trying to get Mitchell off the hook, ah, 'cause...

PRESIDENT: I know.

DEAN: - he's a, he's a nice person, doesn't like to say no under-- when people he's gonna have to work with.

PRESIDENT: That's right.

DEAN: So, I let, I let it be known. I said, "You all pack that stuff up and get it the hell out of here I 'cause we just, you just can't talk this way in this office and you shouldn't, you should re-examine your whole thinking." I came back...

PRESIDENT: Who else was present besides you?

DEAN: It was Magruder, Magruder...

PRESIDENT: Magruder.

DEAN: - ah, Mitchell, Liddy and myself. I came back right after the meeting and told Bob, I said, "Bob, we've got a growing disaster on our hands if they're thinking this way," and I said, "The White House has got to stay out of this and I, frankly, am not gonna be involved in it." He said, "I agree, John." And I thought, at that point, the thing was turned off. That's the last I heard of it, when I thought it was turned off, because it was an absurd proposal.

PRESIDENT: Yeah.

Segment 3: Colson Applies Pressure from the White House [01:14]

DEAN: ...So Liddy went back after that and was over, over at, ah, 1701 with the Committee, and I, this is where I come into having put the pieces together after the fact as to what I can put together of what happened. Liddy sat over there and tried to come up with another plan that he could sell. (1) They were talking, saying to him he was asking for too much money, and I don't think they were discounting the illegal points at this, after, you know, Jeb is not a lawyer. He didn't know whether this was the way the game was played or not, and what it was all about. They came up with, apparently, another plan, ah, but they couldn't get it approved by anybody over there. So Liddy and

Hunt apparently, came to see Chuck Colson, and Chuck Colson picked up the telephone and called Magruder and said, "You all either fish or cut bait. Ah, this is absurd to have these guys over there and not using 'em, and if you're not gonna use 'em, I may use 'em." And things of this nature.

PRESIDENT: When was this?

DEAN: This was apparently in February of '72.

PRESIDENT: That could be. Did Colson know what they were talking about?

DEAN: I can only assume, because of his close relationship with...

PRESIDENT: Hunt.

DEAN: ... with Hunt, that he had a damn good idea what they were talking about.

Segment 4: Break-In—Confrontation of Liddy [01:28]

DEAN: Now, so the information was coming over here and then, ah, I finally, after the next point in time where I became aware of anything was on June 17th, when I got the word that there had been this break-in at the Democratic National Committee and somebody from the Committee had been caught, ah, from our Committee had been caught in the DNC. And I said, "Oh, my God, that, I can only," you know, me essentially putting the pieces together [Coughs].

PRESIDENT: You knew what it was?

DEAN: I knew what it was. So, I called Liddy, ah, on that Monday morning, and I said, "Gordon," I said, "first, I want to know if anybody in the White House was involved in this." And he said, "No, they weren't." I said, "Well, I want to know how in God's name this happened." And he said, "Well, I was pushed without mercy by Magruder to get in there, get more information, and the information, it was not satisfactory. Magruder said, "The White House is not happy with what we're getting""

PRESIDENT: The White House?

DEAN: The White House. Yeah. Ah...

PRESIDENT: Who do you think was pushing him?

DEAN: Well, I think it was probably Strachan thinking that Bob wanted things, and (unclear) because I've seen that happen on other occasions where things have been said to be of very prime importance when they really weren't.

PRESIDENT: Why (unclear) I wonder? I am just trying to think as to why then. We'd just finished the Moscow trip. I mean, we were...

DEAN: That's right.

PRESIDENT: The Democrats had just nominated McG, McGovern. I mean, for Christ's sakes, I mean, what in the hell were we, I mean, I can see doing it earlier but I mean, now, let me say, I can see the pressure, but I don't see why all the pressure would have been on then.

Segment 5: Perjury Committed [01:18]

DEAN: Alright, now, we've gone through the trial. We've- I don't know if Mitchell has perjured himself in the Grand Jury or not. I've never...

PRESIDENT: Who?

DEAN: Mitchell. I don't know how much knowledge he actually had. I know that Magruder has perjured himself in the Grand Jury. I know that Porter has perjured himself, ah, in the Grand Jury.

PRESIDENT: Porter (unclear)

DEAN: He's one of Magruder's deputies.

PRESIDENT: Yeah.

DEAN: Ah, that they set up this scenario which they ran by me. They said, "How about this?" I said, "Look, I don't know. I, you know, if, if this is what you are gonna hang on, fine." Ah, but they...

PRESIDENT: What did they say before the Grand Jury?

DEAN: They said, they said, as they said before the trial and the Grand Jury, that, that, ah, Liddy had come over as, as a counsel...

PRESIDENT: Yeah.

DEAN: - and we knew he had these capacities to...

PRESIDENT: Yeah.

DEAN: - you know...

PRESIDENT: Yeah.

DEAN: - to do legitimate intelligence. We had no idea what he was doing.

PRESIDENT: Yeah.

DEAN: He was given an authorization of \$250,000...

PRESIDENT: Right.

DEAN: - to collect information, because our surrogates were out on the on the road. They had no protection. We had information that there were gonna be demonstrations against them, that, ah, ah, we had to have a plan to get information as to what liabilities they were going to be confronted with.

PRESIDENT: Right.

DEAN: And Liddy was charged with doing this. We had no knowledge that he was gonna bug the DNC. Ah...

PRESIDENT: Well, the point is, that's not true.

DEAN: That's right.

PRESIDENT: Magruder did know that...

DEAN: Magruder specifically instructed him to go back in the DNC.

PRESIDENT: He did?

DEAN: Yes.

Segment 6: Clear Instructions Not to Investigate—Containment [00:35.5]

DEAN: ... Now, [clears throat] what, what has happened post-June 17th. Well, it was, I was under pretty clear instructions [laughs] not really to investigate this. That this was something that just could have been disastrous on the election if it had, all hell had broken loose, and I worked on a theory of containment...

PRESIDENT: Sure.

DEAN: ...to try to hold it right where it was.

PRESIDENT: Right.

DEAN: There is no doubt I, I, ah, that, ah, I was totally aware what the Bureau was doing at all times. I was totally aware of what the Grand Jury was doing.

PRESIDENT: Do you mean...

DEAN: I knew-what witnesses were gonna be called. I knew what they were gonna be asked, and I had to....

Segment 7: Payment of Money [01:13]

DEAN: Alright. Now, post-June 17th: ... Ah, Liddy said, said that, you know, if they all got counsel instantly and said that, you know, "We'll, we'll ride this thing out." Alright, then they started making demands that, "We've gotta have attorneys' fees. Ah, we don't have any money ourselves, and if you're asking us to take this through the election-" Alright, so arrangements were made through Mitchell, ah, initiating it in discussions, and I was present- that these, guys had to be taken care of. Their attorneys' fees had to be done. Kalmbach was brought in. Ah, Kalmbach raised some cash. Ah, they we're obv-, ah, you know...

PRESIDENT: They put that under the cover of the Cuban Committee (unclear)

DEAN: Yeah, they, they had a Cuban Committee and they had- some of it was given to Hunt's lawyer, who in turn passed it out. This you know, when Hunt's wife was flying to Chicago with ten thousand, she was actually, I understand after the fact now, was going to pass that money to, ah, one of the Cubans, to meet him in Chicago and pass it to somebody there.

PRESIDENT: (unclear) Maybe – Well, whether it's maybe too late to do anything about it, but I would certainly keep that, [laughs] that cover for whatever it's worth.,

Segment 8: The Most Troublesome Part [01:00]

DEAN: Well, well, yes, that, that's...

PRESIDENT: (Unclear)

DEAN: - the most troublesome post-thing, ah, because (1) Bob is involved in that; John is involved in that; I am involved in that; Mitchell is involved in that. And that's an obstruction of justice.

PRESIDENT: In other words, the fact that, ah, that you're, you're, you're taking care of witnesses.

DEAN: That's right. Ah...

PRESIDENT: How was Bob involved?

DEAN: well, th- they ran out of money over there. Bob had three hundred and fifty thousand dollars in a safe over here that was really set aside for polling purposes. Ah, and there was no other source of money, so they came over here and said, "You all have got to give us some money."

PRESIDENT: Right.

DEAN: I had to go to Bob and say, "Bob, you know, you've got to have some -- they need some money over there." And he said, "What for?" And so I had to tell him what it was for 'cause he wasn't about to just send money over there willy-nilly. And, ah, John was involved in those discussions, and we decided, you know, that, you know, that there was no price too high to pay to let this thing blow up in front of the election.

Segment 9: Continual Blackmail Operation [00:55]

DEAN: But, now, here, here's what's happening right now.

PRESIDENT: Yeah.

DEAN: What sort of brings matters to the—This is the one that's gonna be a continual blackmail operation, by Hunt and Liddy and the...

PRESIDENT: Yeah.

DEAN: ...Cubans. No doubt about it. And McCord...

PRESIDENT: Yeah.

DEAN: ...who is, who is another one involved. McCord has asked for nothing. Ah, McCord did ask to meet with somebody, and it was Jack Caulfield, who is his old friend who'd gotten him hired over there. And when, when, when Caulfield had him hired, he was a perfectly legitimate security man. And he wanted to know, well, you know, [coughs] he wanted to talk about commutation, and things like that. And as you know, Colson has talked to, indirectly to Hunt about commutation. [Clears throat] All these things are bad, in, in, in that they are problems, they are promises, they are commitments, and the very sort of thing that the Senate's gonna be looking for. I don't think they can find them, frankly.

PRESIDENT: It's pretty hard.

DEAN: Pretty hard. Damn hard. It's all cash. Ah...

Segment 10: Hunt's Demands: \$122,000 [00:57]

DEAN: ... Now, the blackmail is continuing. Hunt called one of the lawyers from the Re-election Committee on last Friday to meet with him on, over the weekend. The guy came in to me, to see me to get a message directly from Hunt to me, for the first time.

PRESIDENT: Is Hunt out on bail?

DEAN: Pardon?

PRESIDENT: Is Hunt on bail?

DEAN: Hunt is on bail. Correct. Ah, Hunt now is demanding another seventy-two thousand dollars for his own personal expenses; another fifty thousand dollars to pay his attorneys' fees; a hundred and twenty, some thousand dollars. Wants it, wanted it by the close of business yesterday. 'Cause he says, "I'm gonna be sentenced on Friday, and I've got to be able to get my financial affairs in order." I told this fellow O'Brien, "You came, alright, you came to the wrong man, fellow. I'm not involved in the money. Ah, I don't know a thing about it, can't help you." I said, "You better scramble around elsewhere." Now, O'Brien is, O'Brien is, is a ball player. He's been, he's carried tremendous water for us. Ah...

PRESIDENT: He isn't Hunt's lawyer?

DEAN: No. He is, he is our lawyer at the Re-election Committee. ... So, he's safe. There's no problem there.

Segment 11: Threat to Ehrlichman [00:30]

DEAN: ... But it raises the whole question of Hunt now has made a direct threat against Ehrlichman, as a result of this. This is his blackmail. He says, "I will bring John Ehrlichman down to his knees and put him in jail. Ah, I have done enough seamy things for he and Krogh, ah, that they'll never survive it."

PRESIDENT: What's that, on Ellsberg?

DEAN: Ellsberg, and apparently, some other things. I don't know the full extent of it. Ah...

PRESIDENT: I don't know about anything else.

DEAN: I don't know either, and I [laughs] almost hate to learn some of these...

PRESIDENT: Yeah.

DEAN: ...things.

Segment 12: Soft Spots: Too Many People Know, Nixon Acknowledges Clemency Conversation Regarding Hunt [02:17]

DEAN: ... So that's, that's that situation. Now, where are the soft points? How many people know about this? Well, ah, well, let me go one step further in this, this whole thing. The Cubans that were used in the Watergate were also the same Cubans that Hunt and Liddy used for this California Ellsberg thing, for the break-in out there.

PRESIDENT: Yeah.

DEAN: So, they're, they're aware of that. How high their knowledge is, is something else. Hunt and Liddy, of course, are totally aware of, of, of it, and the fact that, ah, it was right out of the White House.

PRESIDENT: I don't know what the hell he did that for.

DEAN: I don't either.

PRESIDENT: What in the name of God, did that...

DEAN: Mr. President, there's been a couple of things around here that I have gotten wind of. Uh, there was at one time, a desire to do a second-story job on the Brookings Institute where they had the Pentagon Papers. Now, I flew to California because I was told that John had instructed it and he said, "I really hadn't. It's a misimpression, but for Christ sakes, turn it off." ... Well, who knows about this all now? Alright, you've got [clears throat] the Cubans' lawyer, a man by the name of Rothblatt, who is a no good, publicity-seeking, son-of-a-bitch, to be very frank about it. He has had to be turned down and tuned off. He was canned by his own people 'cause they didn't trust him. They were trying to run a different route than he wanted to run. He didn't want them to plead guilty. He wants to represent them before the Senate. So, F. Lee Bailey, who was the partner of one of the, of one of the men representing McCord, uh, got in and, and cooled Rothblatt down. So, that means that Lee Bailey's got knowledge. Uh, Hunt's

lawyer, a man by the name of Bittman, who's an excellent criminal lawyer from the Democratic era of Bobby Kennedy, he's got knowledge. Uh...

PRESIDENT: Do you think, do you think, that he's got some? How much?

DEAN: Well, everybody not only, all the, all the direct knowledge that Hunt and Liddy have, as well as all the hearsay they have.

PRESIDENT: I see.

DEAN: Ah, you've got the two lawyers over at the Re-election Committee who did an investigation to find out the facts. Slowly, they got the whole picture. They're, now, they're solid, but they're...

PRESIDENT: But they know.

DEAN: But they know. Ah, you've got then, an awful lot of - all the principals involved know. Ah, Hunt- Some people's wives know.

PRESIDENT: Sure.

DEAN: Ah, there's no doubt about that. Mrs. Hunt was the savviest woman in the world. She had the whole picture together.

PRESIDENT: Did she?

DEAN: Yeah, it's Ah, - Apparently, she was the pillar of strength in that family before the death, and, ah...

PRESIDENT: Great sadness. The basis, as a matter of fact [clears throat] there was some discussion over here with somebody about, ah, Hunt's problems after his wife died and I said, of course, commutation could be considered on the basis of his wife, and that is the only discussion I ever had in that light.

Segment 13: Raising Money, \$1 Million Dollars: "We could get that" [01:33]

DEAN: ... So that's, that's it. That's the, the extent of the knowledge. Now, where, where are the soft spots on this? Well, first of all, there's the, there's the problem of the continued blackmail...

PRESIDENT: Right.

DEAN: ...which will not only go on now, it'll go on when these people are in prison, and it will compound the obstruction of justice situation. It'll cost money. It's dangerous.

Nobody, and I think people around here are not pros at this sort of thing. And this is the sort of thing Mafia people can do: washing money, getting clean money, and things like that. Ah, we're, we just don't know about those things, because we're not used to, you know, (laughs) we're not criminals and not used to dealing in that business. It's, ah, it's, ah...

PRESIDENT: That's right.

DEAN: ...it's a tough thing to know how to do.

PRESIDENT: Maybe we can't even do that.

DEAN: That's right. It's a real problem as to whether we could even do it. Plus, there's a real problem in raising money. Ah, Mitchell has been working on raising some money. Ah, feeling he's got, you know, he's got one, he's one of the ones with the most to lose. Ah, but there's no denying the fact that the White House, and, ah, Ehrlichman, Haldeman, and Dean are involved in some of the early money decisions.

PRESIDENT: How much money do you need?

DEAN: I would say these people are gonna cost, ah, a million dollars over the next, ah, two years.

PRESIDENT: We could get that.

DEAN: Um hmm.

PRESIDENT: You, on the money, if you need the money, I mean, ah, you could get the money. Let's say...

DEAN: Well, I think that we're going...

PRESIDENT: What I meant is, you could, you could get a million dollars, and you could get it in cash. I, I know where it could be gotten.

DEAN: Um hmm.

PRESIDENT: I mean, it's not easy, but it could be done. But, ah, the question is who the hell would handle it?

DEAN: That's right. Ah...

PRESIDENT: Any ideas on that?

DEAN: Well, I would think that would be something I that Mitchell ought to be charged with.

PRESIDENT: I would think so, too.

Segment 14: Perjury Threat [01:25]

DEAN: Alright. Let, let me, ah...

PRESIDENT: Go ahead.

DEAN: ...continue a little bit here now. The, ah, I, when I say this is a, a growing cancer, ah, I say it for reasons like this. Bud Krogh, in his testimony before the Grand Jury, was forced to perjure himself. Ah, he is haunted by it. Ah, Bud said, "I haven't had a pleasant day on the job."

PRESIDENT: Hah? Said what?

DEAN: He said, "I have not had a pleasant day on my job." Ah, he talked, apparently, he said to me, "I told my wife all about this," he said. "The, ah, the curtain may ring down one of these days, and, ah, I may have to face the music, which I'm perfectly willing to do." Ah...

PRESIDENT: What did he perjure himself on, John?

DEAN: His, did, ah, did he know the Cubans? He did. Ah...

PRESIDENT: He said he didn't?

DEAN: That's right. They didn't press him hard on this.

PRESIDENT: He might be able to, I'm just trying to think. Perjury's an awful hard rap to prove. He could say that I, well, go ahead.

DEAN: [Coughs) Well, so that's, that's the first, that's one perjury. Now, Mitchell and, and, ah, Magruder are potential perjurers. There's always the possibility of any one of these individuals blowing. Hunt. Liddy. Liddy's in jail right now. He's serving his—trying to get good time right now. I think Liddy is probably, in his, in his own bizarre way, the strongest of all of them....

Segment 15: Options? Dean Recommends Complete Disclosure, Go to the Grand Jury, Nixon Appears to Consider [02:26]

DEAN: ... What really troubles me is, you know, (1) will this thing not break some day and...

PRESIDENT: Yeah.

DEAN: ...the whole thing...

PRESIDENT: Yeah.

DEAN: ...you know, the domino situation. You know, they just, I think if it starts crumbling, fingers will be pointing. And...

PRESIDENT: That's right.

DEAN: ...ah...

PRESIDENT: That's right.

DEAN: ...Bob will be accused of things he's never heard of...

PRESIDENT: Yeah.

DEAN: ...and then he'll have to disprove it, and it'll just get nasty and it'll be a...

PRESIDENT: Yeah.

DEAN: ...real, uh...

PRESIDENT: Yeah.

DEAN: ...real bad situation. And the person who will be hurt by it most will be you and...

PRESIDENT: Of course.

DEAN: ...the Presidency, and I just don't think...

PRESIDENT: First, because I am expected to know this, and I am supposed to, supposed to check these things, and so forth...

DEAN: That's right.

PRESIDENT: ...and so on. But let's, let's, let's come back. Go further. Sure. Yes, indeed. But what are your feelings, yourself, John? Because you know pretty well what they'll all say. What are your feelings about the options?

DEAN: I am not confident that, ah, we can ride through this. I think there are th, I think there are soft spots.

PRESIDENT: You used to feel comfortable.

DEAN: Well, I feel, I felt, I felt comfortable for this reason. I've noticed of recent, since the publicity has increased on, on this thing again, with the Gray hearings that everybody is now starting to watch out for their own behind. Ah...

PRESIDENT: That's right.

DEAN: ...everyone's pulling in. They're getting their own counsel. More counsel are getting...

PRESIDENT: Right.

DEAN: ...involved.

PRESIDENT: Right.

DEAN: Ah, you know, "How do I protect my ass?"

PRESIDENT: Well, they're scared.

DEAN: They're scared and that's just, you know, that's bad. We were able to hold it for a long time.

PRESIDENT: Yeah, I know.

DEAN: Ah, another thing is, you know, my facility now to deal with the multitude of people I've been dealing with has been hampered because of Gray's blowing me up into the front page.

PRESIDENT: Your cover is broken.

DEAN: That's right and it's with, it was...

PRESIDENT: (Unclear) cover. Alright. Now. so on, so, so what you really come down to is what in the hell will you do? Let's, let's suppose that you and Haldeman and Ehrlichman and Mitchell say, ah, "We can't hold this." What, what then are you gonna say? Are you going to put out a complete disclosure? Isn't that the best plan?

DEAN: Well, one way to do it is to...

PRESIDENT: That'd be my view on it.

DEAN: ... one way to do it is for you to in, tell the Attorney General that you, that finally, you know, really, this is the first time you're getting all the pieces together. Ah...

PRESIDENT: Ask for another grand jury?

DEAN: Ask for another grand jury. The way it should be done though, is a way that, for example, I think that we could avoid ah, criminal liability for countless people and the ones that did get it, it could be minimal.

PRESIDENT: How?

DEAN: Well, I think by just thinking it all through first as to how, you know, some people could be granted immunity, ah...

PRESIDENT: Magruder?

DEAN: Yeah. To come forward.

Segment 16: Some People Going To Jail, Obstruction, Clemency [03:15]

DEAN: ... Ah, but some people are gonna have to go to jail. That's the long and short of it, also.

PRESIDENT: Who? Let's talk about that.

DEAN: Alright. Ah, I think I could, for one.

PRESIDENT: You go to jail?

DEAN: That's right.

PRESIDENT: Oh, hell no. I can't see how you can. But I don't...

DEAN: Well, because...

PRESIDENT: ...I can't see how this, let me say, I can't see how a legal case could be made against you, J,ah, John.

DEAN: It'd be, it'd be tough but, you know, ah...

PRESIDENT: Well...

DEAN: ... I can see people pointing fingers, you know, to get it out of their own, put me in the impossible position of disproving too many negatives.

PRESIDENT: No way. (Unclear), but let me say I- not because you're here- but just looking at it from a cold legal standpoint: you are a lawyer, you were counsel, you were doing what you were doing as a counsel, and you were not, ah...

DEAN: [Clears throat]

PRESIDENT: ...doing anything like that. I mean, (unclear) go to jail on what they did?

DEAN: The obstruct, the obstruction of justice.

PRESIDENT: The obstruction of justice?

DEAN: That's the only thing that bothers me.

PRESIDENT: Well, I don't know. I think that one, I think that, I feel, could be cut off at the pass. Maybe the obstruction of justice...

DEAN: It could be a, you know, how one of the, that's, that's why [sighs]...

PRESIDENT: Sometimes it's well to give them...

DEAN: [Sighs]

PRESIDENT: ...something and they don't want the bigger fish then.

DEAN: That's right. I think that ah, I think that with proper coordination with the Department of Justice, Henry Petersen is the only man I know that's bright enough and knowledgeable enough in the criminal laws and the process that could really tell us how this could be put together so it did the maximum to carve it away with a minimum damage to individuals involved.

PRESIDENT: Petersen doesn't know...

DEAN: That's what I think.

PRESIDENT: ...the whole story?

DEAN: No, I know he doesn't now. I know he doesn't now. I'm talking about somebody who I have over the years grown to have enough faith in. [Clears throat] It's possible that he'd have to, he'd have to ah, it would put him in a very difficult situation as the

head of the Criminal Division of the United States Department of Justice, and the oath of office.

PRESIDENT: So, when we, about your obstruction of justice role, I don't see it. I can't see it. You're...

DEAN: Well, I've been a con, I have been a conduit for information on, on taking care of people out there who are guilty of crimes.

PRESIDENT: Oh, you mean like the, ah, oh, the blackmail?

DEAN: The blackmail. Right.

PRESIDENT: Well, I wonder if that part of it can't be, I wonder if that doesn't, let me put it frankly, I wonder if that doesn't have to be continued.

DEAN: [Clears throat]

PRESIDENT: Let me put it this way: Let us suppose that you get, you, you get the million bucks, and you get the proper way to handle it, and you could hold that side.

DEAN: Um hmm.

PRESIDENT: It would seem to me that would be worthwhile.

DEAN: [Clears throat]

PRESIDENT: Now, we have...

DEAN: Well, that's, that's the problem.

PRESIDENT: That's a problem. You have the problem of clemency for Hunt.

DEAN: That's right. And you're gonna have the clemency problem for the others. They all would have expected to be out and that may put you in a position that's just...

PRESIDENT: Right.

DEAN: ...untenable at some point. You know, the Watergate Hearings just over, Hunt now demanding clemency or he's gonna blow. And politically, it'd be impossible for, you know, you to do it. Because, you know, after everybody...

PRESIDENT: That's right.

DEAN: I'm not sure that you'll ever be able to deliver on the clemency. It may be just too hot.

PRESIDENT: You can't do it, till after the '74 elections, that's for sure. But even then ... your point is that even then you couldn't do it.

DEAN: That's right. It may further involve you in a way you shouldn't be involved in this.

PRESIDENT: No, it's wrong. That's for sure.

Segment 17: It Is Not Going To Go Away [00:45]

DEAN: ... You know, there've been some bad judgments made. There've been some necessary judgments made. Ah...

PRESIDENT: Before the election?

DEAN: Before the election and, in a way, and there have been necessary ones, you know, before the election. There, you know, we've, this was...

PRESIDENT: Yeah.

DEAN: ...to me there was no way...

PRESIDENT: Yeah.

DEAN: ...that, ah...

PRESIDENT: Yeah.

DEAN: ...but to burden this second Administration

PRESIDENT: We're all in on it.

DEAN: ...was something that, it's something that's not gonna go away.

PRESIDENT: No, it isn't.

DEAN: It is not going to go away, sir.

PRESIDENT: Not gonna go away. This, the idea that, ah, that ah, well, that ah, that people are gonna get tired of it and all that sort of thing...

DEAN: Anything will spark it back into life. It's got to be, ah, it's got to be...

PRESIDENT: Well, it's too much to the partisan interest of others to spark it back into life.

Segment 18: More Jousting With the President [03:15]

PRESIDENT: ... Who else uh, who else, who else do you think has, ah, problem?

DEAN: Potential criminal liability?

PRESIDENT: Yeah.

DEAN: I think Ehrlichman does. I think that, ah...

PRESIDENT: Why Ehrlichman? What'd he do?

DEAN: Because this conspiracy to burglarize the, ah, ah, Ellsberg office.

PRESIDENT: You mean, that, that is, provided Hunt breaks.

[Edited out 40 seconds with Dean explaining investigative leads making Ehrlichman vulnerable.]

PRESIDENT: So, Ehrlichman on the, ah, burglary...

DEAN: But what I'm coming to you today with is: I don't have a plan of how to solve it right now, but I think it's at the juncture that we should begin to think in terms of, of how to cut the losses; how to minimize the further growth of this thing, rather than further compound it by, you know, ultimately paying these guys forever.

PRESIDENT: Yeah.

DEAN: I think we've got to look...

PRESIDENT: But at the moment, don't you agree that you'd better get the Hunt thing? I mean, that's worth it, at the moment.

DEAN: That, that's worth buying time on, right.

PRESIDENT: And that's buying time, I agree.

DEAN: Ah, the, the Grand Jury is gonna reconvene next week after Sirica sentences. Ah, but that's why I think that, you know, that, John and Bob have met with me. They've never met with Mitchell on this. We've never had a real down and out with everybody

that ah, has the most to lose. And the most, and it's the most danger for you to have them have criminal liability. I think Bob has a potential criminal liability, frankly. I think, in other words, there are, a lot of these people could be indicted. They might never...

PRESIDENT: Yeah.

DEAN: ... might never ah, be convicted, but just the thought of...

PRESIDENT: Suppose...

DEAN: ...indictments...

PRESIDENT: ... suppose that they are indicted in this. Suppose...

DEAN: I think that would be devastating.

PRESIDENT: Suppose the worst, that Bob is indicted and Ehrlichman is indicted. And, I must say, maybe we just better then try to tough it through. Do you get my point?

DEAN: That's right. That...

PRESIDENT: If, if, if, for example, our, ah, our, say, well, let's cut our losses and you say we're gonna go down the road, see if we can cut our losses, and no more blackmail and all the rest, and the thing blows and they indict Bob and the rest. Jesus, you'd never recover from that, John.

DEAN: That's right.

PRESIDENT: It's better to fight it out instead. You see, that's the other thing, the other thing. It's better just to fight it out, and not let people testify, and so forth and so on. Now, on the other hand, we realize that we have these weaknesses, that, ah, we, we've got this weakness in terms of blackmail.

DEAN: It's, what if we, you know, there, there are two routes, you know? One is to figure out how to cut the losses and, and, and minimize the, the human impact and get you up and out and away from it, in a way ah, in, in a way that would never come back to haunt you. Ah, that's one, one general alternative. The other is to go down the road, and just hunker down, fight it at every corner, every turn, ah, don't let people testify, cover it up is what we're really talking about. Just keep it buried, and just hope that we can do it, hope that we make good decisions at the right time, and keep our heads cool, ah, we make the right moves, ah...

PRESIDENT And just take the heat.

DEAN: And just take the heat.

PRESIDENT: Now, with the second line of attack. You did discuss this, though I do want you to still consider my scheme of having you brief the Cabinet, just in very general terms, and the leaders, very general terms, and maybe some, some very general statement with regard to my investigation. Answer questions, and to, basically, on the question of what they told (unclear).

DEAN: Right.

PRESIDENT: Haldeman was not involved. Ehrlichman...

DEAN: Well, I can, you know, if, if we go that route, sir, I can, I can give a show that, you know, ah, we can sell, you know, just about like we were selling Wheaties on our position.

End March 21, 1973 Excerpts