

Conversation: 037-134  
 Date: March 16, 1973  
 Time: 8:14 - 8:23 pm  
 Location: White House Telephone  
 Participants: Richard M. Nixon, John W. Dean, III

[Editor's note: the blue text below denotes overlap with Stanley Kutler's *Abuse of Power: The New Nixon Tapes* (New York: The Free Press, 1997). Kutler took the blue text below and combined it with the blue material noted in [the transcript for conversation 881-003](#), creating a fictitious conversation that appears in his book on pages 230-232.]

**Nixon:** Hello?

**Dean:** Yes, sir.

**Nixon:** Any report on the meeting with [Richard] Kleindienst?

**Dean:** There was a report, a good report, a very successful meeting. He laid it out—

**Nixon:** Who'd he meet with?

**Dean:** —exactly what he would do, and he said they didn't balk an inch.

**Nixon:** Who'd he talk to? Ervin and, uh—?

**Dean:** Ervin, and Baker, and both counsel.<sup>1</sup>

**Nixon:** Um-hmm. Um-hmm.

**Dean:** And they, they bought it. That, one, there would be a summary report, a synopsis report, which would be issued to them only; not for any other members of their committee.

**Nixon:** Um-hmm.

**Dean:** It would be for investigative purposes only; it could not be put in the record; it could not be displayed publicly any way. And, if they had any questions about that, the synopsis report, then they could come down to the Bureau—those four—and look at the raw file they wanted to look at, if they contested something that was in the synopsis.

**Nixon:** Um-hmm.

**Dean:** That was it. Zero.

**Nixon:** In other words, this is a report that would be given by [L. Patrick] Gray?

**Dean:** By Gray. Right.

**Nixon:** Um-hmm.

**Dean:** They put out—In fact, there's a press release that Ervin put out that said they had worked out a satisfactory arrangement with the Department of Justice to receive the necessary information from the FBI in a way that would protect any innocent persons from damage.

**Nixon:** Um-hmm. Hmm—

**Dean:** And that's the—That went out this afternoon, and—

**Nixon:** Um-hmm.

**Dean:** —we got a question—Ziegler got a question, the press office, “Was that—was the arrangement satisfactory with us?” “Absolutely.”

**Nixon:** Um-hmm.

**Dean:** So that—Again, that's the spirit of cooperation of turning over information, and—

**Nixon:** Um-hmm.

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<sup>1</sup> Samuel Dash and Fred D. Thompson.

**Dean:** —no problem at all.

**Nixon:** Well, you should go forward, and working with Dick Moore and others, with regard to the matter of getting sort of a general statement that might be prepared—I mean to be given to me after the court sentences. You see?

**Dean:** Right, I—

**Nixon:** I don't know whether we will want to use it or not, but we, in order to know, we've got to see what it could be. You see?

**Dean:** I just learned late this afternoon that Sirica is going to, definitely, sentence on Fri—a week from today.

**Nixon:** Um-hmm.

**Dean:** He plans to give a speech from the bench at that time—

**Nixon:** Um-hmm.

**Dean:** That the government is recommending no specific term in years for any of the defendants. Rather, prison sentences for all of them, but not a specified term of years. But the whole thing is up to him—

**Nixon:** Up to the jury? Then, how—who determines the term of years?

**Dean:** Sirica himself will.

**Nixon:** Oh. Um-hmm. Then, when will he announce that?

**Dean:** That'll be on Friday. At least for the five that pleaded. They may not sentence the two that are on appeal.

**Nixon:** Um-hmm. And, so he'll announce the sentences a week from Friday?

**Dean:** That's correct. A week from this—today.

**Nixon:** A week from today. Um-hmm.

**Dean:** I had a—I had a long conversation with Dick Moore just this evening. I just arrived home and Dick and I really have been talking all this time about—

**Nixon:** Sure.

**Dean:** —this whole thing, and there is a degree of impossibility in writing a sort of let's-hang-it-all-out report without creating problems that would open up a new grand jury—

**Nixon:** Um-hmm.

**Dean:** —without creating problems that would cause difficulty for some who've already testified.

**Nixon:** Um-hmm.

**Dean:** I've caveated some of these to Dick. Dick doesn't have—possess all the knowledge I have.

**Nixon:** Um-hmm.

**Dean:** Particularly this [fellow assigned with Dick.]

**Nixon:** Yeah. [laughs]

**Dean:** And, in fact, it might—I told him, I said, “It might be to your attorneys, Dick [laughs] to write from your place —”

**Nixon:** Yeah. Yeah.

**Dean:** And, so we've planned to—

**Nixon:** And then you could look it over. [laughs]

**Dean:** Right. We plan to meet tomorrow and see what—

**Nixon:** Right.

**Dean:** —we can [frank] out, and—

**Nixon:** Well, that's something is worth, perhaps, doing in terms of the of, of—well, frankly, what is, what could be helpful if it could be worked out, or just something that where, in the most general terms, the—is virtually saying what I might even say in answer to a press conference question, but in more general terms, that an investigation has been conducted, and we find this, and that, and the other thing. And whack. Just like that. You see what I mean?

**Dean:** Um-hmm.

**Nixon:** Rather than going into the specifics of who did what to whom. You see what I mean?

**Dean:** I do.

**Nixon:** So that—so that people could say, “Well—”

**Dean:** Not a total stonewall.

**Nixon:** Oh, no, no. And not a total—and not supposed to be a total answer.

**Dean:** Right.

**Nixon:** But, simply saying, “Well, the President has finally said, ‘Now, that it's over this is it.’ And the—after this is over we can now say that this person—these people were not involved, and et cetera; these were, and—And, I don't know. But at least think, think in those terms to see if something could be worked out. *In very general terms, I realize the problems of getting too specific, because then—then you do open up the possibility of, oh, ‘Why didn't you say that? Why didn't you say that?’ But you just put it [a report] in very general terms, you see?*”

**Dean:** Um-hmm.

**Nixon:** I don't know. Do you think that's possible?

**Dean:** It's going to be tough, but I think—I think it's a good exercise and a drill that is absolutely essential we do, uh, to go through—

**Nixon:** Yeah, that's the point. The exercise is important.

**Dean:** It, it sharpens thinking and it, as I, as—

**Nixon:** Find out what our vulnerabilities are and where we are and so forth and so on.

**Dean:** Right. I would there's [chuckles]—maybe there will be some time when, when I should possibly report a little fuller than I really have, so you really can appreciate in full some of the vulnerable points and where they, they lead to.

**Nixon:** That's right.

**Dean:** I don't think that should be a written document right now.

**Nixon:** Oh, by no means. No, by—I don't want any damn written document about any of that.

**Dean:** No.

**Nixon:** I'm just speaking of a document that is put out.

**Dean:** A public document.

**Nixon:** Yeah.

**Dean:** Right.

**Nixon:** Which you, as sort of a report, perhaps, which we could then deliver to Ervin. You know?

**Dean:** That might—It's gonna be tough, but I'll tell you, it's certainly worth the effort—

**Nixon:** Yeah. Just sort of a general thing, and very general, very general. You know?

Without—by all means, laying off of—don't get into the, ‘Well, we investigated this. We investigated that. We saw this. We deny this. We support this. And so forth.’ Lay off of all that. I have in mind a sort of—Basically, so that it can be said that something was presented that I have seen, or that—You know what I mean? So that they—So that my reiterated statements from time to time, ‘That, well, no one on the White House staff is involved,’ have some basis, you see.

**Dean:** A lot of the—a lot of my conclusions were based on the fact that there was not a scintilla of evidence in the investigation that led anywhere to the White House.

**Nixon:** Um-hmm.

**Dean:** There's nothing in the FBI file that indicates anybody in the White House was involved.

**Nixon:** Um-hmm.

**Dean:** There's nothing in what was presented before the Grand Jury indicating—

**Nixon:** Um-hmm.

**Dean:** —White House involvement.

**Nixon:** Well, just saying some of those things could be helpful.

**Dean:** That's right.

**Nixon:** See? It could be helpful—

**Dean:** [Unclear]—

**Nixon:** And then we just put it out and then let, let the Committee try to prove otherwise.

**Dean:** And, I understand that they will not get the Grand Jury minutes, which is good because the Grand Jury is more thorough than the FBI.

**Nixon:** Uh-huh.

**Dean:** The Committee's starting ten paces behind, and Ervin does not, I'm told, have a total disposition for what he's doing. He just doesn't relish it. He wants to find out things. He's—

**Nixon:** Why not?

**Dean:** He's more excited about the confrontation on executive privilege, I think, than he is about what else he might find.

**Nixon:** He would welcome that, wouldn't he?

**Dean:** Oh, he'd love that.

**Nixon:** Well, so would we.

**Dean:** Um-hmm.

**Nixon:** I mean, let's have it. Particularly if it's on you—Oh, no, he won't have it on you. He'll—

**Dean:** No, I don't think he'll [chuckles] bite for that—

**Nixon:** On Chapin, huh?

**Dean:** Chapin or Colson.

**Nixon:** Uh-huh. Hmm.

**Dean:** I, I think that the other part of the report that we can probably put out with even greater detail than, say, Watergate is Segretti. And that—

**Nixon:** That I would like.

**Dean:** And that—You see, that would put us in a very forthcoming posture.

**Nixon:** Uh-huh.

**Dean:** Here's—

**Nixon:** We could point out that the one case has now been determined by the courts, and that we have nothing to indicate that the White House was involved. Now, second, with regard to Segretti, let's lay all this—let's lay it all out. Here it is.

**Dean:** Now, sure it's a little embarrassing—

**Nixon:** The problem there—

**Dean:** [Unclear] nothing, uh—

**Nixon:** Well, it's less embarrassing than what's been charged, and the innuendo.

**Dean:** That's right.

**Nixon:** Of course, I realize the major problem there is the financing, but even that.

**Dean:** That—that's going to have to be answered well before Ervin—

**Nixon:** That's gonna come out. That's right, so you—

**Dean:** —so we might as well leave it out—

**Nixon:** Yeah. That's right. So, you can think about it. Ok?

**Dean:** All right, sir. Well—

**Nixon:** Fine.

**Dean:** We will win. [laughs]

[End audio]