

Conversation: 037-099
Date: March 14, 1973
Time: 8:55 – 8:59 am
Location: White House Telephone
Participants: Richard M. Nixon, John W. Dean, III

[Begin audio]

Nixon: Hello.

Dean: Good morning, Mr. President.

Nixon: I thought that before you—before Ziegler went out that maybe you and he would—that you probably ought to come over and let me—and run by your questions and answers today, don't you think so?

Dean: I think that'd probably be a good—very good idea.

Nixon: Yeah. So, that he's—he may be the [unclear]—Have you had the chance to—if—You probably talked to them last night, but you haven't had any chance to [unclear] this morning, huh?

Dean: No. I—We do have the invitation and response I've been kicking around to Eastland. That's something that, probably, Ron ought to have in hand this morning—

Nixon: Sure.

Dean: —also before he goes out.

Nixon: Sure.

Dean: They did not, as you're aware now, ask me any specific questions.

Nixon: Yeah. Well, how it stands, then, is about, about like we anticipated, isn't it? That is, it's an invitation which—Do all the Republicans, as—join this as a matter of tactics, or—what is the situation on that? Or do they mostly feel that you should be subpoenaed?

Dean: Well, I think they're in this position: They're afraid to say—and this is probably indicative of what we're going to face all along—“Why shouldn't he come up? Why shouldn't we invite him? What do we need to hide?”

Nixon: Yeah. Yeah.

Dean: “We don't want to block. We don't want to whitewash”

Nixon: Yeah.

Dean: And [unclear]—

Nixon: Well, why—You haven't got anybody that would say, “Look, let's, let's find a procedure where he could come up?” Won't any of 'em step up to that?

Dean: Well, in the response that I'm—I've drafted, and I have not—I wasn't in the meeting where they kicked it around—I thought it best [to] not be in the meeting this—to hear what, you know, somebody's—A lawyer's not always his own best counsel.

Nixon: Sure.

Dean: [Laughs]

Nixon: Oh, hell, you aren't the, you aren't the, you aren't the one that's —

Dean: But it's—

Nixon: —that's involved. [Unclear]—

Dean: No, I know, but I, I did say in the response that, after the acknowledgement of the letter, “As a matter of the President's personal staff, and consistent with the President's statement of March 12th,”—

Nixon: Um-hmm?

Dean: —“on the subject of White House testimonial appearances, I have to respectfully decline the invitation of the committee to formally appear and testify. However, as the President has stated, it’s the policy of this Administration to provide all necessary and relevant information to the Congress. And if members of the President’s personal staff can provide such information in a matter that preserves, intact, the constitutional separation of the branches, such information, such, such information will be provided. Accordingly—

Nixon: Rather than, rather than, “If members of the staff”—the way I would state that: “And members of the President’s staff will such provide that information in ways that” —I think, I think it’d be—I’d state it positively.

Dean: Right. Then I went on to say, “Accordingly, if the Senate Committee on the Judiciary believes that I can be of assistance in the providing relevant information, and wishes to submit questions to me that have a bearing on the nomination of Mr. Gray, I am pleased to respond, consistent with the President’s statement.

Nixon: You don’t want to indicate that you’re, that you’re pleased to respond in, in a—with a sworn statement. Or do you think—?

Dean: Well, I, I thought why not maintain all options at all times—

Nixon: Right.

Dean: —here and just—if they come back with a question, if they’re—even do that, then swear to them?

Nixon: Um-hmm. Don’t want to say so now?

Dean: No.

Nixon: Yeah.

Dean: Because—if—You know, there’s a possibility we could establish a precedent, here—

Nixon: Yeah?

Dean: —of a non-sworn response to interrogatories.

Nixon: Yeah. Yeah.

Dean: Just—That’s all the better for later precedents.

Nixon: Yeah. Yeah. Which means that—It’s, it’s—It probably won’t work, but nevertheless, then that’s, that’s all right, too. Then we could come to the other thing if we have to.

Dean: That’s right.

Nixon: If they [unclear]. Because they might come back and say, “Well, you’re just going to have a response. What does that mean?” All right, then we’ll make it sworn response. [Unclear] badger the witness up there in front of your committee.

Dean: That’s right.

Nixon: Um-hmm. Um-hmm. Ok, after you’ve had a chance to run it by the others, and so forth—I don’t to talk to the—You know, the difficulty there is that I don’t want to get Haldeman and Ehrlichman in the thing because they’re both parties in interest—

Dean: Um-hmm?

Nixon: —but—and you’re not. You know—

[Laughter]

Nixon: —that’s—well, that’s, that’s quite true. You see, because both of ‘em—And I think the best thing is for you to have Ziegler and I to talk about it. And then—

Dean: All right.

Nixon: —let me make a rather cool decision about it—as to what we ought to do. Don’t you agree?

Dean: I think that’d be a very—

Nixon: Now, you get the views of the others, however. You get all their views and see what they are. Have you come over whenever you're ready.

Dean: I shall do, sir.

Nixon: Fine. Bye-bye.

[End audio]