

Conversation: 044-027
Date: March 27, 1973
Time: Unknown time between 4:20 pm and 4:57 pm
Location: White House Telephone
Participants: H.R. Haldeman, John W. Dean, III

[Begin audio]

Haldeman: John?

Dean: Yes, Bob.

Haldeman: What is our status on getting a report from grand jury activity, now?

Dean: I was just raising that with Dick Moore—to call—ask him if he would call Henry Peterson.

Haldeman: Ok.

Dean: I used to do that, but I don't think I ought to do it right now.

Haldeman: All right, will Peterson talk tomorrow?

Dean: I'm sure he will.

Haldeman: Ok. We're trying to reach Kleindeinst now. He's gone to Arizona, and we're ordering him back.

Dean: Good.

Haldeman: Ehrlichman is. But we ought to know what happened today. We have to find out what Hunt did.

Dean: Well, I would—I'll tell you what I was told. After we talked the last time, it was planned [that] Hunt was going to give a written statement, answer some questions they'd ask him, and take the Fifth [Amendment] on everything else.

Haldeman: Well, what is the written statement regarding?

Dean: Nothing particularly sensitive.

Haldeman: [Unclear] taking the Fifth on everything else, huh?

Dean: Yeah.

Haldeman: Ok.

Dean: Now, it's going to be hard to get a report out of counsel as to what occurred down there until 5 or 6 o'clock, or so. 'Cause they'll have been in court—they had a 2 o'clock meeting in court—counsel were to be present.

Haldeman: Oh. So, the grand jury didn't meet this afternoon?

Dean: Hmm—Yes, they did, but it after that meeting. All counsel were present in the courtroom, and then [unclear] Hunt was to go before the grand jury after that, that situation.

Haldeman: Um-hmm. So, it's going to be going on now?

Dean: [Unclear].

Haldeman: Probably. Ok.

Dean: We have a terrible breakdown in communication with both the committee, and now, the grand jury. I used to be able to stay plugged-in with the grand jury, but I'm too hot to do it now.

Haldeman: Um-hmm.

Dean: I should call Dick right away and see if he's gotten a report, or—

Haldeman: Could Fielding step in and do that? The point being [unclear] takes fast enough to handle your communication stuff for you.

Dean: I agree. Let me talk to Fred. Press Henry to know his position—relationship with him.

The—Here's [what] the other thing is: He just probably won't know, right know, what's

happened. [Unclear] don't report to him hour by hour. He is—has not injected himself into it, so—

Haldeman: Um-hmm.

Dean: —probably it won't be until this—and you wouldn't get a report from him anyway.

Haldeman: Ok. He doesn't expect anything, anyhow, though.

Dean: No. Let me tell you another development, though.

Haldeman: Ok?

Dean: F. Lee Bailey called Mitchell. He called him initially to raise that thing that he, apparently—you know, that Mitchell raised down here.

Haldeman: [Unclear].

Dean: [Unclear]. He called on this thing that—you know, he's quiet regarding the gold reserve thing, and all—

Haldeman: Oh, yeah.

Dean: And then they went on from there and revealed this: That Fensterwald has called F. Lee or Alch—one of the two, I'm not clear on which it was—to ask that they be present in the court when McCord appears on Thursday or Friday. Ask that [unclear] will be present. And—

Haldeman: And to request that Fensterwald be present.

Dean: Yeah, along—and join as co-counsel with Bailey's firm. And, in the course of the conversation, Fensterwald said to Bailey, "We, we don't give a damn about McCord. We're after Richard Nixon."

Haldeman: Really?

Dean: Um-hmm. Now, Moore, that's what he's working on right now. He's getting some of the facts back from, from—some additional information back from Mitchell, and maybe Mitchell have F. Lee Bailey step forward. We should have a conference on this.

Haldeman: Yeah.

Dean: Fensterwald up his [McCord's bond] for one thing.

Haldeman: Yeah.

Dean: And the more I think about Fensterwald, the more I think that could be a [unclear] link to Kennedy. [Unclear] that was raised: Fensterwald served as the chief counsel to the Administrative Practice and Procedures sub-committee, which was run by Ed Long, as chairman. Kennedy was the second-ranking member of that committee, and then became chairman. I've—It's possible that Fensterwald was even on awhile after Kennedy came on. Obviously, they have a relationship.

Haldeman: Um-hmm.

Dean: It's very, very possible.

Haldeman: Ok.

Dean: Plus the fact that Fensterwald suddenly put up \$40,000 for McCord.

Haldeman: Ok.

Dean: Ok?

Haldeman: Yup.

Dean: Good.

Haldeman: Thanks.

[End audio]