

Understanding Nixon and March 21 Meeting

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On March 21, 1973, President Nixon and White House counsel John W. Dean III met in the President's Oval office for 103 minutes—from 10:12 until 11:55 a.m.—according to White House documents.

That meeting has become central to the Watergate affair and to an examination of President Nixon's possible criminal involvement in the Watergate cover-up. Accounts of that landmark meeting and the events that followed it, however, are a tangle of disputed accounts and conflicting interpretations. President Nixon's own statements about the meeting over the past six months are in conflict with each other.

According to Mr. Nixon, the meeting was an eye-opener, his first introduction to the Watergate cover-up. According to Dean, the meeting was his last-ditch effort, after previous subtler attempts had failed, to persuade President Nixon to "get out in front" on the Watergate affair, end the cover-up and tell the truth about it to the American public.

President Nixon has since said that regardless of the interpretation that others may put on that meeting after listening to a tape of it, "I know what I meant and I also know what I did." But if the House Judiciary Committee does not see the same meaning in his words and actions on March 21 and the days that followed, Mr. Nixon could be the second President in United States history to be impeached.

The March 21, 1973, meeting occurred in a time of turmoil for the White House. Acting FBI Director L. Patrick Gray III was on Capitol Hill testifying before the Senate Judiciary Committee, which was considering his nomination to be permanent director. As Gray's hearings wore on, he made damaging admissions about how he had managed the original Watergate investigation and about Dean's role in monitoring and perhaps limiting the investigation. Several committee members were insisting that Dean be called to

testify.

The Senate select Watergate committee also was gearing up for hearings that posed a political, if not a legal, threat to the White House.

Chief U.S. District Judge John J. Sirica was scheduled to sentence the seven original Watergate burglary conspirators on March 23. The seven men, who had been receiving secret Nixon re-election campaign cash, had up to that time maintained a stoic silence about their role in the Watergate affair.

As soon as Sirica pronounced sentence on them, however, the way would be clear legally for the prosecutors to bring the seven men before the federal grand jury and compel their testimony about where their orders had come from and why the break-in was conducted.

On March 20, Watergate conspirator James W. McCord Jr. delivered a letter to Judge Sirica's chambers alleging perjury and political pressure during the trial. When Sirica read the letter in the privacy of his chambers, his face flushed. When he read the letter in public three days later, it created an uproar that has not ended.

Dean later testified that shortly before March 21 he learned that Watergate conspirator E. Howard Hunt Jr. wanted \$122,000 and that if he did not receive it, "he would reconsider his options and have a lot to say about the seamy things" he had done while at the White House.

Among the "seamy things" that Hunt could reveal was the Ellsberg break-in and the fabrication of cables attempting to link President Kennedy to the assassination of South Vietnamese President Ngo Dinh Diem.

"I felt that I had to lay the facts out for the President as well as the implication of those facts," Dean later testified. At 7:29 p.m. on March 20, according to the records or logs of Presidential meetings and phone calls maintained by the White House, Mr. Nixon called Dean.

They spoke for 14 minutes. Dean said he told Mr. Nixon that they

should talk about the Watergate affair. An appointment was made for 10 a.m. the following day.

"On that occasion," President Nixon said in his press conference last March 6, "soon after his arrival, (Dean) said that he wanted to tell me some things that he had not told me about the Watergate matter.

"And for the first time on March 21 he told me that payments had been made to defendants for the purpose of keeping them quiet, not simply for their defense.

"If it had been simply for their defense, that would have been proper, I understand, but if it was for the purpose of keeping them quiet—you describe it as hush money—that of course would have been an obstruction of justice."

That description of what he learned March 21, 1973 is at variance with other statements President Nixon had made earlier about the meeting.

In a prepared statement released on Aug. 15, 1973, President Nixon said of the March 21 meeting: "I was told then that funds had been raised for payments to the defendants, with the knowledge and approval of persons on the White House staff and at the (Nixon) re-election committee.

"But I was only told that the money had been used for attorneys' fees and family support, not that it had been paid to procure silence from the recipients."

A week later, during a press conference on Aug. 22, President Nixon gave another version of what he learned:

"Basically, what Mr. Dean was concerned about on March 21 was not so much the raising of money for the defendants, but the raising of money for the purpose of keeping them still—in other words, so-called hush money."

Dean's account of the March 21 meeting gives no indication that Mr. Nixon said anything was "wrong" or improper about paying the money.

Dean said he told President Nixon "that there were money demands being made by the seven convicted defendants." Dean said he told Mr. Nixon that it might take as much as \$1 million to meet the demands.

"He told me that that was no problem," Dean testified, "and he also looked over at (White House chief of staff H. R.) Haldeman and repeated the same statement. (Dean testified initially that this discussion occurred on March 13, but later told the Senate committee staff that it could have occurred on March 21 as Haldeman testified.)

In his Aug. 15 statement, President Nixon makes no mention of his telling Dean that anything was "wrong" or improper. That statement, however, contends that Mr. Nixon was not told that the money was "hush money."

On Aug. 22, Mr. Nixon gave another

account of the conversation with Dean. "My reaction, very briefly was this," he told reporters. "I said, 'Isn't it quite obvious, first, that if it is going to have any chance to succeed, that these individuals aren't going to sit correct?'"

"He said, 'Yes.'"

"I said, 'We can't give clemency.' He agreed. Then, I went to another point. I said, 'The second point is that isn't it

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also quite obvious, as far as this is concerned, that while we could raise the money, . . . the problem was, how do you get the money to them, and also how do you get around the problem of clemency, because they are not going to stay in jail simply because their families are being taken care of. And so, that was why I concluded, as Mr. Haldeman recalls perhaps, and did testify very effectively, one, when I said, 'John, it is wrong, it won't work. We can't give clemency and we have to get this story out.'"

On March 6, 1974, Mr. Nixon gave another version of his conversation with Dean: "I examined at great length, we examined all of the options at great length during our discussion. And we considered them on a tentative basis, every option, as to what the defendants would do, as to who in the White House might be involved and other information that up to that time had not been disclosed to me by Mr. Dean.

"Then we came to what I considered to be the bottom line. I pointed out that raising the money, paying the money was something that could be done. But I pointed out that was linked to clemency, that no individual is simply going to stay in jail because people are taking care of his family or his counsel, as the case might be, and that unless a promise of clemency was made that the objective of so-called hush money would not be achieved. I am paraphrasing what was a relatively long conversation.

"I then said that to pay clemency (sic) was wrong. In fact, I think I can quote it directly. I said, 'It is wrong, that's for sure.' Mr. Haldeman was present when I said that. Mr. Dean was present. Both agreed with my conclusion."

Mr. Nixon did not explain on March 6 what he meant by "we examined all the options," and whether the decision was made on moral, legal or pragmatic grounds.

Haldeman had testified last summer before the Senate Watergate committee, as President Nixon noted, that Mr. Nixon had told Dean on March 21 that it would be no problem raising \$1 million, "but it would be wrong."

Haldeman was asked by Sen. Howard H. Baker Jr. (R-Tenn.) vice chair-

man of the committee, if he was sure that a tape recording of the meeting, to which Haldeman said he had listened, shows Mr. Nixon saying "but it would be wrong."

"I am absolutely positive that the tapes . . ." Haldeman began to reply.

"Did you hear it with your own voice?" Baker interrupted.

"With my own ears, yes," Haldeman replied.

The federal grand jury investigating the Watergate affair was given access to the March 21 tape. One of the counts it included in the Watergate cover-up indictment returned last March 1 charges that Haldeman perjured himself when he said the tape shows Mr. Nixon saying "but it would be wrong."

President Nixon commented indirectly on the perjury charge against Haldeman during the March 6 press conference. "Now," Mr. Nixon said, "when individuals read the entire transcript of the 21st meeting or hear the entire tape where we discuss all these options, they may reach different interpretations. But I know what I meant and I know also what I did. I meant the whole transaction was wrong."

Nevertheless, the indictment returned March 1 charges that after the meeting, at about 12:30 p.m. on March 21, Haldeman talked by telephone with former Attorney General John N. Mitchell and that Mitchell then had C. LaRue, an official of the Nixon re-election committee. That same evening, the indictment states, LaRue "arranged for the delivery of \$75,000 in cash" to Hunt's lawyer.

LaRue testified before the Senate committee: "I got a phone call from Mr. Dean. Mr. Dean stated that he had—I think he had had a conversation with Mr. O'Brien (Paul O'Brien, a lawyer for the Nixon re-election committee) in which Mr. O'Brien had told him that there was a need for \$75,000 asserted that by Mr. Bittman (William O. Bittman, Hunt's lawyer) for attorney's fees. I asked Mr. Dean if I should indeed make a delivery of this money. He said that he was out of the money business, that he was no longer going to be involved in it and that he would not, you know, I would have to use my own judgment as to whether to make the payment or not."

How was the payment ordered? Did President Nixon give any explicit orders to Haldeman concerning payment or nonpayment of funds to Hunt on March 21? What did Haldeman discuss with Mitchell?

Some of these questions may be answered when Haldeman, Mitchell and the five other accused Watergate cover-up conspirators are tried.

President Nixon said at his March 6 press conference that he ordered a meeting of Dean, Mitchell, Haldeman and top presidential domestic adviser John D. Ehrlichman to discuss "the

best way to get the story out" concerning the Watergate affair.

On March 22, these men met twice—first without Mr. Nixon and then later, with him. Dean later testified that the meeting with Mr. Nixon "did not accomplish anything," that it "was almost exclusively on the subject of how the White House should posture itself vis-a-vis the (Watergate) committee hearings" and "there was absolutely no indication of any changed attitude . . ."

Haldeman said that the meeting with Mr. Nixon "was a discussion of how to handle the situation rather than any further exploration of the facts" Mitchell, Haldeman testified, "very strongly recommended that the President drop his claim of executive privilege contending that was a bad contending that was a bad position for position for him to be in."

All of the participants in the meeting on March 22 have agreed in their public testimony that the discussion was not about the facts of the cover-up but rather on where the story should be told—the grand jury, the Senate committee or some other forum—and how it should be presented.

Yet during his televised speech on the Watergate affair on April 30, 1973, Mr. Nixon said, "On March 21 I personally assumed the responsibility for coordinating intensive new inquiries into the matter and I personally ordered those conducting the investigations to get all the facts and to report them directly to me, right here in this office."

Noting in the public record indicates that any "intensive new inquiries" were undertaken, however. None of the persons who were responsible for handling the Watergate investigation—Attorney General Richard G. Kleindienst, Assistant Attorney General Henry E. Petersen and acting FBI director Gray—recalled any order from Mr. Nixon "personally" to report to him "directly."

Indeed, none of those officials testified—nor has Mr. Nixon claimed—that he ever told them what he learned on March 21. President Nixon comments at his March 6, 1974 press conference make clear that he understood the legal implications of paying money to keep the defendants silent. Why did he fail to tell Justice Department officials of the hush money?

"I felt it was my responsibility," Mr. Nixon said during his March 6 press conference, "to conduct my own investigation with all of the assistance I could get from those who could provide information before moving to what would be a proper way of getting this story out to the country."

That statement does not explain Mr. Nixon's failure to communicate to the Justice Department what Dean had

told him, but it does reiterate his assertion that he saw the need to get "all of the assistance I could get from those who could provide information . . ."

In searching the public record, three examples can be found of Mr. Nixon seeking outside assistance for his investigation.

Mr. Nixon said during his Aug. 22 press conference that he communicated to Kleindienst, through Ehrlichman (not "personally" as Mr. Nixon said earlier) "to report to me directly anything that he found in this particular area." He said the contact was made March 27 — six days after the meeting with Dean.

Mr. Nixon said during the same Aug. 22 press conference that on March 29, 1973, he told Ehrlichman to "continue the investigation that Dean was unable to conclude." Ehrlichman, while testifying before the Senate committee, declined to call his effort an investigation, saying that it was merely an "inquiry."

The third example Mr. Nixon has cited of an investigation was his renewal of a request to Dean to complete a report on the Watergate affair.

Dean testified that Mr. Nixon suggested on March 23 that Dean go to Camp David to relax. When he arrived there, Dean said, Haldeman called him to tell him to write a report on "everything I knew about Watergate."

Haldeman, however, testified that Dean was told during the March 22 meeting to conclude." Ehrlichman, while testifying to write the report in order to avoid a "piecemeal" release of infor-

mation. It was decided, Haldeman said, "there should first be a complete report put out by the White House prepared by Dean covering all of the facts, so that what all of us would say would already be known in one place rather than having bits and pieces out over a period of time."

Dean was told, Haldeman said, "to prepare a full written report for public release regarding the facts as they were known to him and as they in any way involved anyone in the White House."

Dean testified that he returned from Camp David on March 28, at Haldeman's insistence, to meet with Mitchell and with former deputy Nixon campaign manager Jeb Stuart Magruder. Dean returned from Camp David with a draft report, but avoided turning it over to Haldeman, Ehrlichman or President Nixon.

"When I came down from Camp David," he testified, "there was no doubt in my mind that I wasn't going to give them any further information with which they could play the covergame."

Mr. Nixon has failed to explain why on March 29 he selected Ehrlichman — whom Dean had included as one of the White House aides who could be indicted — to conduct what he called the "investigation."

Ehrlichman testified that he concluded his "inquiry" and gave Mr. Nixon an oral report on April 14. The next day, Attorney General Kleindienst and Assistant Attorney General Petersen briefed Mr. Nixon on new evidence that the Watergate prosecutors had gathered indicating a massive cover-up.

Kleindienst told the Senate Watergate committee that Mr. Nixon, when he heard the news, "was just very upset about it and he was very concerned about it and he was very hurt by it and he was very troubled by it."