

Text of White House Analysis of Dean's

Special to The New York Times

WASHINGTON, June 27—

Following is a draft of a White House analysis of the testimony of John W. Dean 3d submitted to the Senate Watergate committee today together with a series of questions to be asked of Mr. Dean. A revised version of the draft analysis was read at the committee's hearing today by Senator Daniel K. Inouye, Democrat of Hawaii, and commented on at various points by Mr. Dean. The transcript of the hearings, including the final version of the draft analysis and Mr. Dean's comments, was not available for publication for this edition. The questions will be asked of Mr. Dean tomorrow.

It is a matter of record that John Dean knew of and participated in the planning that went into the break-in at Watergate, though the extent of his knowledge of that specific operation or of his approval of the plan ultimately adopted have not yet been established. There is no reason to doubt, however, that John Dean was the principal actor in the Watergate cover-up, and that while other motivations may have played a part, he had a great interest in covering up for himself.

Dean came to the White House from Justice from a background of working on problems of demonstrations and intelligence. Among those working under him at the White House were Tom Huston and Caulfield. Dean was involved in discussions in 1971 about the Sandwedge Plan Caulfield proposed. Ehrlichman was told that the original authors of the \$1-million plan were Dean and Liddy. Whatever the fact about this, it is clear that Dean attended the meetings that led up to adoption of the Watergate plan. Dean introduced Mitchell (who had sponsored Dean for his White House position) to Liddy.

Dean Liddy, and Magruder met to discuss intelligence plans of this kind on Jan. 27, 1972, and, together with Mitchell, on some later date. Dean was not present at the final meeting on March 30 when the \$250,000 plan was approved. It is not clear whether he was not there because he disapproved or simply because he was not in Key Biscayne or because he wanted to try to keep his



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J. Fred Buzhardt Jr., special counsel, prepared the White House document.

own record clean. He is reported as having said that he "didn't think it was appropriate for him to be in on these conversations." He is also reported to have said, at a meeting in Mitchell's office, that "we shouldn't discuss this in front of Mitchell or in the Attorney General's office."

At some point during the spring Magruder phoned Dean and asked him to talk to Liddy to try and calm him down. Also on March 26, 1973, Dean told Haldeman that in the spring of 1972 he had told Haldeman that he had been to two meetings at which unacceptable and outlandish ideas and intelligence gathering had been rejected by himself and by Mitchell and that he, Dean, proposed not to attend any more such meetings. (Haldeman may be off on this date—compare Haldeman deposition). Haldeman has no personal recollection of Dean telling him about the meetings at the time but is "willing to accept that as a possibility."

Whatever the facts may be on the matters that are uncertain in the spring of 1972 about Dean's knowledge or approval of the break-in, it must have been clear to Dean, as a lawyer, when he heard on June 17th of Water-

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gate, that he was in personal difficulty. The Watergate affair was so clearly the outgrowth of the discussions and plans he had been in on that he might be well be regarded as a conspirator with regard to them. He must immediately have had reason to realize that his patron, Mitchell, would also be involved.

There is some indication that Ehrlichman called Dean on June 17th to advise him of the problem and to direct him to take charge of it for the White House. Even without an instruction, this would have been his responsibility, as counsel for the President, from the time of the occurrence and he was active in that role from the moment of his return to the city a day or two after the break-in.

On June 19th Dean met with Liddy and learned, among other things, of the Ellsberg break-in. (that Dean met with Liddy and others is confirmed in Magruder testimony) There was also a meeting that day by Dean with Mitchell, Strachan, Marcian, and Magruder to discuss a cover-up. A series of meetings, also including LaRue, followed throughout the summer.

Dean was not merely one of the architects of the cover-up plan. He was also perhaps its most active participant. It was Dean who suggested to Haldeman that the F.B.I. was concerned that it might run into a C.I.A. operation on behalf of Mitchell, who it was Dean, purportedly came to Ehrlichman several weeks after the break-in to obtain approval for fund-raising by Kalmbach for the arrested persons. It was Dean who reviewed the papers found in Hunt's safe and declared that they were "politically sensitive" and should be given special treatment.

It was Dean and Mitchell who prepared Magruder for

his perjurious grand jury testimony. On Aug. 29th when Colson prepared a memorandum stating the facts as he knew them, and suggested it be sent to Silbert, it was Dean who said: "For God's sake destroy the memo, it impeaches Magruder." It was Dean who was the agent in some of the money dealings with the arrested persons. It was Dean who gave Caulfield instructions on how he was to handle McCord.

'Perfectly Situated'

Throughout all of this Dean was perfectly situated to master-mind and to carry out a cover-up since, as counsel to the President and the man in charge for the White House, he had full access to what was happening in the investigation by the F.B.I. He sat in on F.B.I. interviews with White House

witnesses and received investigative reports. Dean and Ehrlichman met with Attorney General Kleindienst late in July. The Attorney General described the investigation and said that "it did not appear that any White House people or any high-ranking committee people were involved in the preparation or execution of the break-in."

History fails to record that at that moment Dean corrected the Attorney General's erroneous impression by pointing out that, however innocently Mitchell, Magruder, and Dean had all been involved in planning of operations of which Watergate was an obvious derivative, or that Strachan had knowledge of the fruits of this kind of operation, or that all of them were suborning perjury and otherwise seeking to conceal the facts.

Dean's activity in the cover-up also made him, perhaps unwittingly, the principal author of the political and constitutional crisis that Watergate now epitomizes. It would have been embarrassing to the President if the true facts had become known shortly after June 17th, but it is the kind of embarrassment that an immensely popular President could have easily have weathered.

The political problem has been magnified 1000-fold because the truth is coming to light so belatedly, because of insinuations that the White House was a party to the cover-up, and, above all, because the White House was led to say things about

Watergate that have since been found to have been untrue. These added consequences were John Dean's doing.

Dean was responsible within the White House for becoming apprised of what had happened. From June 17th on Dean had periodic conversations with Ehrlichman "about virtually every aspect of this case." Dean reported also to Haldeman and to Ziegler, to him he gave repeated assurance that he made an "intensive investigation" and had found no White House involvement. Dean was "the foundation of the proposition that the White House was not involved."

With the election passed and public interest in Watergate on the wane, Dean may have thought that this cover-up had been a success, although he purported to continue an ongoing investigation. In February, however, with the Ervin committee beginning its work, the President was concerned that all of the available facts be made known.

In the middle of February, 1973, Dean and Richard Moore met with Ehrlichman and Haldeman at San Clemente. Dean was assigned to reduce "to written form all of the detailed facts as they related both to the committee to re-elect and the White House." Dean was pressed continually for that statement, particularly by Haldeman, but never produced it.

QUESTIONS

1. You quote the President as saying on Feb. 27th that Haldeman and Ehrlichman were "principals" in the Watergate matter and that therefore you could be more objective. What did you understand by this? Did you have any evidence then or now that Ehrlichman had prior knowledge of the break-in?

2. If the President was referring to post June 17th events, were you not equally a "principal" as you claim

to have indicated to the President on Sept. 15th?

3. Your 245 page statement is remarkable for the detail with which it recounts events and conversations occurring over a period of many months. It is particularly remarkable in view of the fact that you indicated that it was prepared without benefit of notes or a daily diary. Would you describe what

documents were available to you in addition to those which have been identified as exhibits?

4. Would you tell the committee on what other sources, if any, your process of reconstruction was based?

5. Have you always had a facility for recalling the details of conversations which took place many months ago?

6. Specifically with regard to the meeting of Sept. 15, 1972, were there any notes or other documents that you used to refresh your recollection?

7. Did you discuss this meeting with anyone at that time or at any time since?

8. Would you again restate for the record your recollection of that meeting. Compare with the version in the prepared statement to see if it appears either inconsistent or memorized.

9. You indicated in your testimony yesterday that you were certain after the Sept. 15th meeting that the President was fully aware of the cover-up, did you not?

'Won Your Spurs'

10. And you further testified that you believed that you "had won your spurs" in handling the cover-up by Feb. 27th when you were told by the President that you would report to him directly, isn't that correct?

11. If that was the case, why did you feel it necessary on Feb. 27th to tell the President that you had been participating in a cover-up and therefore might be chargeable with obstruction of justice?

12. If, as you assume, the President was aware of the cover-up and you had "won your spurs," wouldn't that have been perfectly obvious?

13. Did you and your counsel develop a strategy for obtaining immunity from prosecution? What were the elements of that strategy?

14. Didn't your strategy include deliberate leaks of information to the media on what you had told investigators and what you might be prepared to testify about in the future? How were these contacts with the media handled? Who represented you and what individual members of the press were contacted? Were any of the stories or quotes attributed to you or sources close to you inaccurate? If so, what if any steps did you take to correct these stories?

15. Mr. Dean, one point of distinction you drew in your testimony puzzles me. You

have testified that you had received and placed in your safe the sum of \$15,200 which you never turned over to anyone because you didn't want funds you had physically handled to be used for payments to the Watergate defendants. You also testified that you called Mr. Stans and asked him for \$22,000 to make the \$350,000 fund whole, and that you had your deputy, Mr. Fielding, go to Mr. Stans's office, pick up the money and later deliver it directly to Mr. Strachan, knowing that \$22,000 would probably be used for payments to the Watergate defendants. Now do you mean to imply that you think there is some moral basis for this distinction, or were you just being cautious to protect

yourself technically from committing the criminal offense of obstructing justice (at the expense of implicating your deputy)?

Role of Fielding

16. Mr. Dean, you have testified as to your close working relationship to your deputy, Mr. Fielding. It was he who you sent to pick up the \$22,000 from Mr. Stans, he who helped you sort the documents from Mr. Hunt's safe and he who went to England to retrieve Mr. Young's secretary. Did Mr. Fielding know that you were involved in a conspiracy to obstruct justice, perjure testimony and pay defendants for their silence?

17. (If answer "no"): If your deputy, Mr. Fielding, who worked so closely with you, and who carried out some of your missions connected with the conspiracy, had absolutely no knowledge of the cover-up conspiracy, how do you so blithely assume that others on the White House staff and even the President did know of your conspiracy?

18. Mr. Dean, beginning in late May and early June there were a series of newspaper stories reporting with what you had told various investigators as quoted sources close to you as to what you had said. A number of these reports, for example the one story in The Washington Post of June 3, alleged that you began your private meetings with the President either early in the year, or as in the case of this particular story beginning on January 1st. According to your testimony today, your first private meeting with the President in 1973 was not until Feb. 27. Did you or did

you not tell investigators and/or friends that you began meeting with the President personally either the first of the year or beginning Jan. 1, and were these stories an attempt to exaggerate the length of time which you had been dealing directly with the President and by implication imparting to him knowledge of the Watergate?

Leaks and Immunity

19. Mr. Dean, the number of source stories containing allegations against the President attributed directly or indirectly to you over the last four or five weeks have been most numerous. Do you deny that these stories were planted in a calculated attempt to influence Federal prosecutors to believe you had such important testimony that they should give you transactional immunity from the crimes which you have committed in return for your testimony against others?

20. Mr. Dean, the May 14, 1973 edition of Newsweek carried a long article about you and your prospective testimony. In this article you were quoted a number of times and in many instances the quotes in that article were word-by-word identical to the testimony you have given this week. Indeed, for the most part this Newsweek article was a very accurate preview summary of the lengthy statement which you detailed before this committee. There are, however, several very noticeable differences. One difference is an omission from the testimony you gave here.

You told this committee that when the President discussed the matter of your investigation of Watergate, you did not tell him you made no such investigation. The Newsweek article, however, reports that in your meeting with the President of March 21, and I quote, "Dean also bore down hard, he said, on the fact that there had never been any study clearing White House staffers."

"Mr. Nixon replied that he had had verbal reports of Dean's work, but the counsel insisted, 'nobody asked me for a report, Mr. President,' he said. 'I did not go around asking people questions in their offices. There was no report.' At this point, sources quoted Dean as saying that 'the President came out of his chair' into a half crouch of astonishment and shock."

If the Newsweek account is correct, Mr. Dean, the President's reaction was

most inconsistent with that to which you have testified before this committee. Did you or did you not tell the President that you had never conducted an investigation, and have you made the statement previously that "the President came out of his chair into a half crouch of astonishment and shock"?

Operation Sandwedge

21. Mr. Dean, did I understand you to testify earlier that you had led Mr. Caulfield to believe you were assisting him in obtaining approval and funding for what he called Operation Sandwedge, but that in fact you let Operation Sandwedge die a natural death?

22. If answer is affirmative: I call your attention to Exhibit No. 11 which is a memorandum from the Attorney General from John Dean, dated Jan. 12, 1972, and I call your attention to the first sentence of the second paragraph which says, "Operation Sandwedge will be in need for refunding at the end of this month, so the time is quite appropriate for such a review." Mr. Dean, if you let Operation Sandwedge die a natural death, why did

you state to Mr. Mitchell that it would be in need of refunding at the end of January?

23. Mr. Dean, if I recall correctly you testified to this committee that it was not your idea for Magruder's diary to be altered nor were you aware before Mr. Magruder testified before the grand jury last September that Mr. Magruder would testify that the first meeting appearing in his diary had been canceled, and the second meeting had been to discuss election laws. On both of these points your testimony is in direct conflict with the sworn testimony of Mr. Magruder. Are we to believe that Mr. Magruder lied as to these details concerning you, and if that is your position, what could Mr. Magruder's motive be for lying about the details of the manner in which Mr. Magruder's perjury was conceived?

24. Mr. Dean, Mr. Magruder also testified that Mr. Liddy told him that you, among others, had indicated he would have a million dollars for his plans which he had been working on before he even came to the committee. You testified, on the other hand, that you were surprised when Mr. Liddy

briefed his million dollar intelligence plan to Mr. Mitchell in your presence. To what motive do you attribute Mr. Liddy's report to Mr. Magruder that you knew about his extensive plan before you saw them in Mr. Mitsell's office?

Meeting With Krogh

25. Mr. Dean, just prior to taking Mr. Liddy to meet Mr. Magruder in early December, 1972, did you and Mr. Liddy not have a meeting with Mr. Egil Krogh and did you not at that time tell Mr. Liddy he would have one million dollars for intelligence gathering at the committee?

26. Mr. Dean, Mr. Magruder testified that in March 1972, Mr. Liddy had threatened to kill Mr. Magruder and that Mr. Magruder made a decision to terminate Mr. Liddy's employment. In this connection, Mr. Magruder testified that he received a call from you encouraging him not to become personally concerned about Mr. Liddy and not to let personal animosity get in the way of Mr. Liddy's project. Did you in March intercede with Mr. Magruder on Mr. Liddy's behalf and if so, since you have said you assumed Mr. Liddy's intelligence project died after your meeting in February, what was the project of Mr. Liddy that you urged Mr. Magruder to give priority over his personal animosities?

27. Mr. Dean, Mr. Magruder testified under oath that prior to his August 16 grand jury appearance at a meeting in your office, you told him that if the worst happened, "everything would be taken care of, even executive clemency." Did you make such a promise of executive clemency to Mr. Magruder as he testified and if so, did you have authority from anyone else to make such an offer, or was it on your own initiative?

28. Mr. Dean, you have depicted all others in the White House as excessively preoccupied with political intelligence, use of court methods and security, and yourself as

a restraining influence on these preoccupations. Yet your background of responsibilities at the Justice Department seems to suggest that your experience in these very types of activities might have contributed to your being invited to join the White House staff. What precisely were your duties in connection with demonstrations while you were at the Justice Department?

29. Immediately after you were appointed counsel to the President, did you not take over the responsibilities of Mr. Tom Huston in connection with intelligence activities?

30. You did testify, did you not, that political intelligence was routed to you in the White House?

Memorandum Cited

31. Mr. Dean, I believe that you were the author of the memorandum to the Attorney General which led to the establishment of the intelligence evaluation committee. Did you hold the first meeting of that committee in your office?

32. Were you not the one on the White House staff who levied requirements on and received the reports from the intelligence evaluation committee?

33. In interagency meetings to plan for handling demonstrations, were you not the White House representative?

34. In The St. Louis Post-Dispatch of May 14, 1973, there is a report that you attempted to recruit a Department of Interior employe, Mr. Kenneth Tapman, for undercover work at the Democratic convention. Did you attempt to recruit Mr. Tapman, or any others for undercover work, and what prior experience did you have in recruiting for undercover work?

35. Mr. Dean, you have testified concerning your conversations on three different occasions with Gen. Vernon Walters, the deputy director of C.I.A., beginning on the 26th of June. General Walters prepared a memorandum

for the record of each of these conversations with you. In General Walter's memorandum for the record for your meeting with him on 26 June, you are reported to have asked General Walters whether there was not some way that the Central Intelligence Agency could pay bail for the Watergate defendants, and if the men went to prison could C.I.A. find some way to pay their salaries while they were in jail out of covert actions funds. In your testimony you made no mention of asking General Walters whether the C.I.A. could pay the Watergate defendants' bail or salaries while they were in prison. Was this an intended omission on your part in the interests of saving them, or do you deny that you made these specific requests of General Walters?

36. Mr. Dean, I believe you testified that on March 26th, while you were at Camp David, you called Mr. Margulis, the attorney for Mr. Liddy, and asked for a statement by Mr. Liddy that you had no prior knowledge of the Watergate break-in. Is that correct?

37. Now you also testified, did you not, that it was on March 28th that Mr. Halde-man called you to meet with Mr. Mitchell and Mr. Magruder and that it was at that time you became convicted you had to look out for yourself, isn't that correct?

38. If you were, as you testified, still a part of the cover-up team on March 26th, why were you trying to get material to absolve yourself at that point?

39. If on March 26th, after you, according to your testimony, had admitted to making payments to Watergate defendants to obstruct justice, offering clemency to the defendants to obstruct justice and suborning perjury, you were still actively trying to build your defense against having prior knowledge of the break-in on March 26th, doesn't this demonstrate that throughout this affair your motivation was to protect

yourself against the criminal charge of authorizing and directing the Watergate break-in?

40. You stated that Mr. Maroulis called you back on the 29th of March and told you he could not get you the statement you wanted from Mr. Liddy. Did you record either of these telephone conversations you had with Mr. Maroulis?

41. A central credibility question is: What prompted Dean's tactics in March and April 1973—the desire to have the truth told or the effort to achieve immunity from prosecution. The following sequence of events is important:

—Dean's admitted personal connection with the offer of clemency to McCord in January (Dean to Caulfield to McCord via Ulasevic) (p. 141).

—Dean's admitted personal connection with Hunt's demand for more money on March 19 (Hunt to O'Brien to Dean).

—Dean's meeting with the President on March 21-22. On any version of this meeting is was an effort to get the President to take action on what was becoming a personal problem for Dean.

—McCord's letter to Judge Sirica on March 23. This was the critical break in the cover-up. Dean learned via a call from O'Brien. On March 25 press comments directly linked Dean with knowledge of the Watergate break-in. He called Liddy's attorney, Maroulin, on March 27th to get a statement that he did not have prior knowledge of break-in. Maroulis called back on March 29th with word that he couldn't give him a statement. This statement might have been taped. On March 28th and March 29th he solicited names of criminal counsel. On March 30th, he decided to retain Mr. Shaffer.

Time had run out; the cover-up had come apart; Dean was centrally involved. He sent his lawyers to the U. S. attorney on Monday, April 2, and commenced his negotiations for immunity.