

Guerrilla Warfare at Credibility Gap

D (for Dean) Day was at hand. With the best of motives, Senate Majority Leader Mike Mansfield called time out in the Watergate hearings for the duration of Soviet Party Boss Leonid Brezhnev's visit to the U.S. But coming on the very brink of the TV appearance of John W. Dean III, the President's former counsel and now most dangerous accuser, the sudden and unexpected pause in public testimony did little to keep Watergate from crowding Brezhnev for press attention.

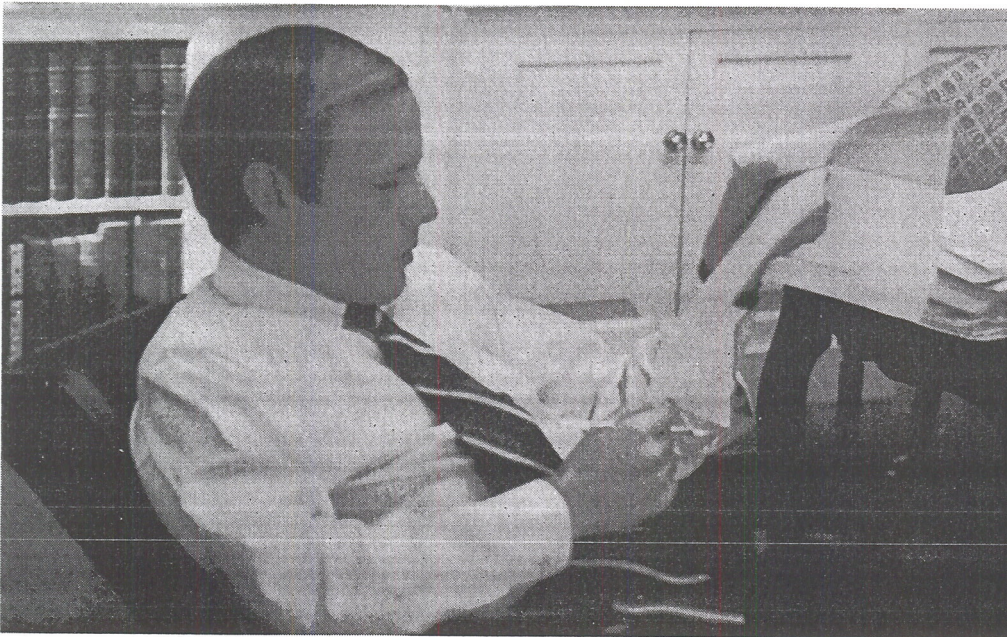
Something very close to guerrilla warfare at credibility gap erupted, as both critics and defenders of Nixon and

him before hearing him out, while the sketchy advance revelations of his charges could reduce their impact. Stung by all of the leaks, Chairman Ervin turned uncharacteristically harsh. "Some people," he said crisply, "don't have enough restraint to keep their mouths shut."

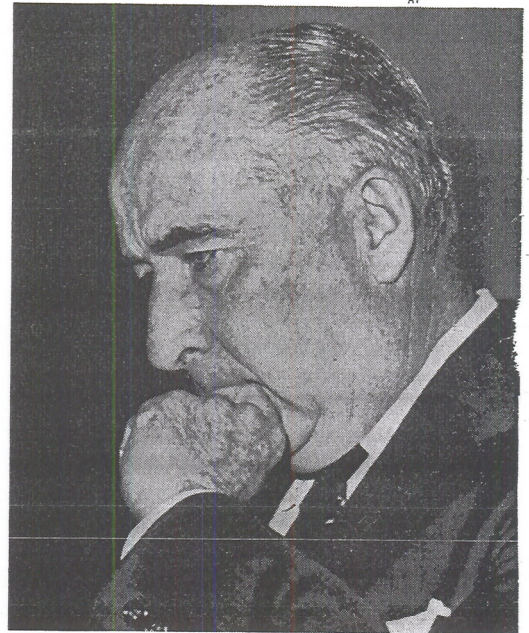
In that bitter backstage struggle to influence the public's view of Dean, the White House fed some 50 questions to the staff of the Ervin committee—questions that Dean would presumably have difficulty handling. One of them, sprung on Dean in his private staff grilling, was whether he had used Nixon campaign

vious leaks, Dean's testimony indicated his belief that Nixon had direct knowledge of the Watergate cover-up activities long before the President finally admitted in April—ten months after the Watergate arrests—that his own investigation had turned up new evidence of possible White House involvement.

Moreover, Dean's refusal to talk further to the committee staff left vast areas of his account still untouched and therefore largely unknown. The staff was unable to question him, for example, about the precise substance of his multiple conversations with the President pending a committee decision on



JOHN DEAN AT HOME BEFORE GIVING HIS PUBLIC WATERGATE TESTIMONY
The delay was damaging, but the statement shaped up as devastating.



SCHEDULED WITNESS JOHN MITCHELL

Dean joined in nasty combat over the character and believability of the witness before he could take the stand. Testifying to the staff of Senator Sam Ervin's committee in private, Dean found that his words—some self-damning, some damaging to the President—leaked out and were carried across the nation. That was exactly what Mansfield had hoped to avoid, and it infuriated Dean. He refused to talk further until he could tell his story fully and carefully this week on TV.

That indignation ill-fitted a man who, with his lawyers, had earlier used the calculated news leak prolifically and adroitly in his struggle to gain immunity against criminal prosecution. His adamant position also tempted the Ervin committee to cite him for contempt of the Senate. But the committee, in rare agreement with a balky witness, conceded that Dean had every right to object. Dean felt that the unfavorable leaks could influence people to doubt

funds to finance his honeymoon last fall. He conceded that he had—and this was promptly leaked to the press. Nixon associates also supplied the committee with a White House summary of conversations between Dean and Nixon that conflicted with Dean's account; this too was quickly conveyed to newsmen. Still apparently unwilling to abandon its discredited snooping tactics, the White House, *TIME* has also learned, has hired private detectives to probe Dean's background further. Claimed a source friendly to Dean: "They can't call on the FBI any more, so they've gone out and hired their own private eyes."

Secret Summary. Concerned that the White House was still trying to conceal high-level involvement in the Watergate conspiracy, committee sources secretly released a summary of some of the major points Dean had made in five hours of testimony behind closed doors. While not as sensational as anticipated, and already diluted by pre-

whether this would violate attorney-client privilege. Before the committee could come to a decision, the White House declared that it no longer was making any such claim against divulging Dean's talks with the President, and that point—once strongly stressed by Nixon himself—is now moot.

Thus there were no longer any strings to retard a free-wheeling exposition by Dean or a thorough examination by the committee, which also hopes to get John Mitchell on camera before this week is out. Dean was to first spin out his story in a 156-page statement that could take up to six hours to read. From his standpoint, the only advantage in the week's delay and the White House-inspired leaks was that his memory of some talks with the President had been refreshed, his presentation further honed. "It's an even more devastating paper now than it would have been a week earlier," claimed a Dean associate. Perhaps so, but only

after the Senators and the staff counsels put Dean through a grueling televised questioning can any sound assessment of his testimony be made.

Dean's story is still to be tested under fire, and a fuller accounting may well shift the entire perspective. But what was known of his story on the eve of his testimony directly assailed the past public positions of the President and also of Nixon's chief former aides, H.R. Haldeman and John Ehrlichman, both of whom were Dean's superiors in the White House.

Counseling. One startling claim Dean was ready to make, TIME has learned, is that Nixon told him he had discussed the possibility of granting Executive clemency to a Watergate wiretapper with one of his former aides, Charles W. Colson (see box following page). This was at a time when Dean and Nixon were on friendly professional terms, counseling each other about their own culpability in the Watergate scandal. Dean recalls Nixon saying: "I shouldn't have seen Colson regarding Executive clemency for Howard Hunt." If true, this is an outright admission of the President's willingness to consider cover-up activity.

In a similar context, Dean was set to claim, he expressed concern about his own role in the cover-up to Nixon and was relieved when the President reassured him that he had nothing to worry about. Thus Dean continued to help keep the facts of White House involvement under wraps. Nixon told him he "had every right" to sit in on FBI interviews with White House personnel on Watergate and read all FBI reports on the affair—actions actually undertaken to aid the cover-up.

After convicted wiretapper James McCord wrote a letter to Federal Judge John Sirica claiming that higher officials were involved, the cover-up began to come apart, and Nixon, according to Dean, was troubled. It did not help when Dean told the President last spring that Haldeman and Ehrlichman, as well as Dean himself, might be indicted. The President then discussed with Dean the possibility of his own impeachment—a damaging indication of how seriously Nixon took his own involvement.

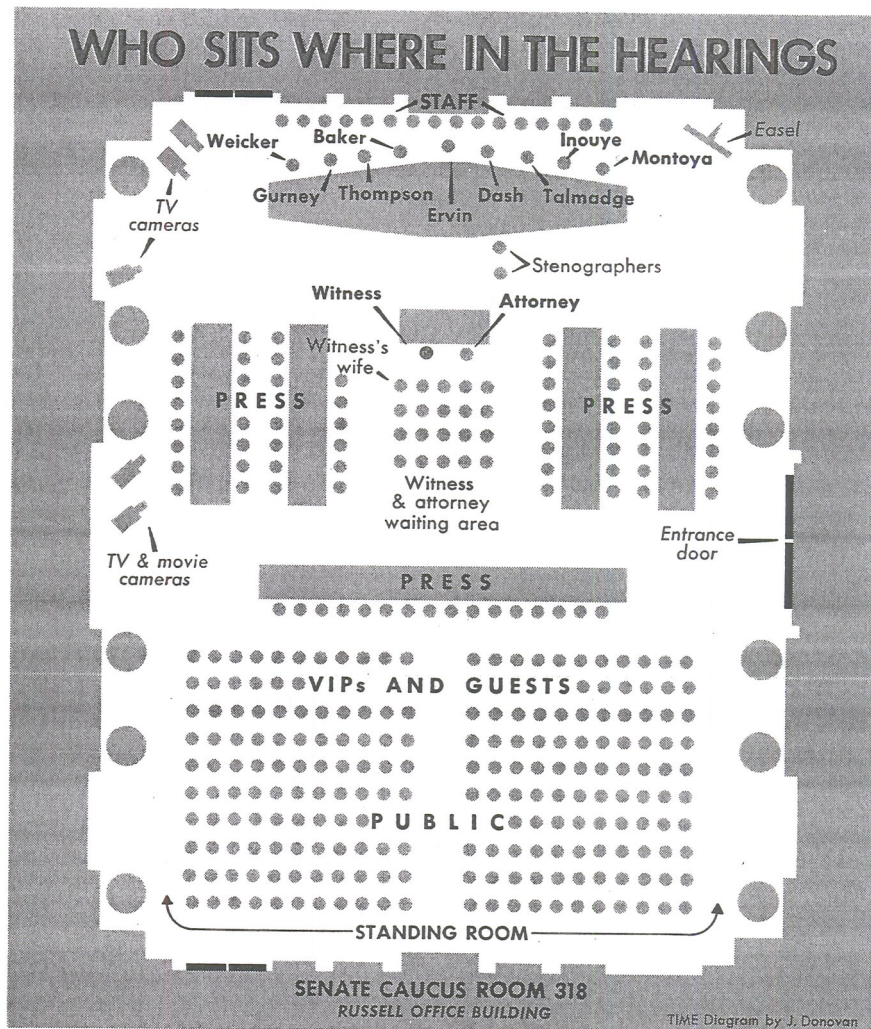
In his private testimony, Dean claimed that Nixon knew of the cover-up "at least" as early as Sept. 15, 1972. That was the day the Watergate indictments were announced. They were limited to the low-level men arrested for the break-in. At this time, according to Dean, Nixon praised him, and Dean assumed this was because he had helped keep the investigation confined to those functionaries. About the same time, Dean said, the President ordered his staff to apply pressure to the House Banking and Currency Committee to abort its plans to hold Watergate hearings. The hearings were canceled when the committee voted against seeking subpoena power to compel testimony.

Dean gave an appalling account of

the Watergate mentality afflicting the White House. He claimed that Nixon asked him to keep a list of reporters who were "giving them trouble" and said that after the election the Administration "would take care of them," possibly through audits of their income tax returns. Dean said that he has documents showing that the President's political use of the Internal Revenue Service included incidents in which Nixon "requested that tax audits be turned off on friends of his." But Dean either does not have or will not reveal the names of the reporters or the "friends."

As for Haldeman and Ehrlichman,

Ehrlichman who had ordered him "to lean on" Deputy CIA Director Lieut. General Vernon Walters to try to persuade the FBI to limit its Watergate investigation. This was attempted through Walters rather than then CIA Director Richard Helms, Dean said, because "Walters owed his allegiance to the White House." Walters temporarily helped stall the FBI, then refused to cooperate further in the cover-up. According to Dean, Ehrlichman told him that he ought to take some espionage equipment found in Hunt's Executive Office Building safe after the burglary and throw it into the Potomac River.



who have consistently denied that either they or the President had any knowledge of the political-espionage plans or the post-Watergate obstruction of justice, Dean told the committee staff that he fully briefed both of these intimate Nixon aides within two weeks after the arrests at Democratic headquarters. At that time, Dean said, he knew that former Attorney General John Mitchell and the Nixon re-election committee's deputy director, Jeb Stuart Magruder, had been aware of the wiretapping plans, and held strong suspicions that Colson had been as well.

Dean also contended that it was

Dean will fully admit his own participation in all of these illegal or unethical activities—in fact he has no choice but to do so. Unlike some of the past committee witnesses, he will not claim that he acted out of misguided loyalty to the President. He was prepared to say that he acted out of "stupidity" in persisting even though "he knew better."

If Dean's pre-TV testimony suggests a damning indictment of top level White House misconduct in the whole Watergate affair, counterleaks last week by Nixon associates tended, at the least, to confuse and cast doubt on the Dean

allegations. The most substantive rebuttal was a terse and obviously incomplete accounting of what White House attorneys now handling Watergate (presumably Leonard Garment and J. Fred Buzhardt) contend had been discussed by Dean and the President in 18 conversations between last Sept. 15 and Nixon's dismissal of Dean in April.

Although billed as strictly a White House version, the summary was actually prepared by the Ervin committee's Chief Minority Counsel Fred Thompson for the use of the committee—and after Dean had begun his staff testimony. Thus the document appeared to be partly a response to Dean's words rather than an entirely independent White

House recollection of the events.

Rather than the cordial discussions of two lawyers mulling over mutual Watergate problems, as Dean described, the Thompson summary depicts Dean as continually assuring the President that no one on the White House staff had any Watergate involvement. The summary cites six conversations between Feb. 28 and March 20 in which Dean was said to have told Nixon this. The only doubt Dean was said to have raised in this period was in a talk on March 13 when he suggested that Gordon Strachan, an aide to Haldeman who served as liaison between Haldeman and the Nixon re-election committee, "could be involved."

It was not until March 21, according to this version, that Dean finally told Nixon all he knew about Watergate. He then claimed "that Magruder probably knew, that Mitchell possibly knew, that Strachan probably knew, that Haldeman had possibly seen the fruits of the wiretaps through Strachan and that Ehrlichman was vulnerable because of Kalmbach's fund-raising efforts." That was a reference to Nixon's personal attorney, Herbert W. Kalmbach, who has admitted raising large sums of money that were used to buy the silence of the arrested burglars. This would explain why Nixon first admitted in a television speech April 17 that as a result of new information received on March 21

White House Intrigue: Colson v. Dean

One fascinating factor in the John W. Dean III case involves his cat-and-mouse relationship with Charles W. Colson, the shrewd former colleague of Dean's at the White House and now one of the most vociferous advocates of the President's—and his own—innocence in the whole Watergate affair. Chuck ("Chuckles" to some newsmen) Colson had hired E. Howard Hunt Jr. as a special White House investigator and "plumber." He insists he had nothing to do with the former CIA agent after Hunt left the White House on March 29, 1972, to become a Nixon committee wiretapper.

Yet it became known last week that Hunt has told Ervin committee investigators that Colson called him last year on May 15, the day Alabama Governor George C. Wallace was shot, and just two weeks before the first Watergate break-in. Hunt said Colson asked him to burglarize the assailant's Milwaukee apartment to see if anything could be found to connect Arthur H. Bremer with leftist causes. Hunt refused on the ground that official investigators already would be examining Bremer's quarters and might catch him.

The Ervin committee and other investigators have also learned that before Hunt pleaded guilty in the Watergate burglary, he telephoned Colson to demand money—even though he had then already received some \$200,000. Colson recorded the conversation. As Dean described it, investigators now suspect this was done by Colson in an attempt to clear himself. Colson said distinctly: "This is all very interesting, Howard, but I can't understand why you're telling all this to me. As you know, I don't know anything about the Watergate incident." Hunt kept right on asking for money.



COLSON IN HIS WASHINGTON LAW OFFICE

Colson then gave the recording to Dean, who says he passed the Hunt demands along to John N. Mitchell, H.R. Haldeman and John Ehrlichman. Colson later asked for the tape back, but Dean stalled, contending he had misplaced it. He finally returned it—after making a copy that has now been turned over to the Ervin committee.

Dean's use of the tape, according to Watergate prosecutors, implicates him in the attempts to keep Hunt quiet, while some committee investigators believe it is evidence of Colson's involvement.

Colson earlier had sent Dean a memo describing a visit from Hunt and G. Gordon Liddy in which they had complained that their "security activities" for the Nixon committee had not yet been approved by Mitchell. Colson said in the memo he did not know what the proposal was but nevertheless had called Jeb Stuart Magruder to urge prompt consideration of it. Dean, knowing the plan was the Watergate bugging, sent the memo back to Colson, urging its destruction. The prosecutors consider this more evidence that Dean was obstructing justice. Some Ervin committee investigators, however, consider it a Colson move to entrap Dean.

Late last week Colson sat down with TIME Correspondent Simmons Fentress. Bitter about the press, Colson charged that newsmen were "playing the game of innuendo to try to get after the President." He called it "bloody outrageous." He was especially angry at Washington Post Reporters Bob Woodward and Carl Bernstein, who first reported Hunt's claim that Colson had suggested a Bremer burglary.

What actually happened, Colson contended, is that after the Wallace shooting, "the President was concerned that the FBI wasn't moving quickly or massively enough," so Colson was directed to keep prodding the agency. He claims he instructed the FBI to guard the Bremer apartment about 7 p.m. "It's patently inconceivable that I'd send Hunt out there after 7 p.m.," Colson protested. "I'd had the apartment cordoned off. Christ, I'm not stupid." Referring to a memo he had written to himself for the record about his call to Hunt, Colson said he had only asked Hunt, "Howard, who do you think is behind this? Is he left or right? Why did he do it?"

Colson has been consistently critical of Dean and Mitchell, and to a lesser degree of Haldeman and Ehrlichman (he calls them "Hans and Fritz"). He admits that he began writing memos to protect himself as soon as Hunt's snooping became known. "The headline was out, COLSON AIDE TIED TO WATERGATE, and I figured I'd be the guy to take it up to the ass. So I dictated all I could remember. If I had been up to some skulduggery, why would I admit the [Hunt] call and put it into a memorandum?" Added Colson: "It's a self-serving memo, obviously. I said, 'Christ, I'm going to be made the culprit,' so I wrote down every contact I'd had with Hunt."

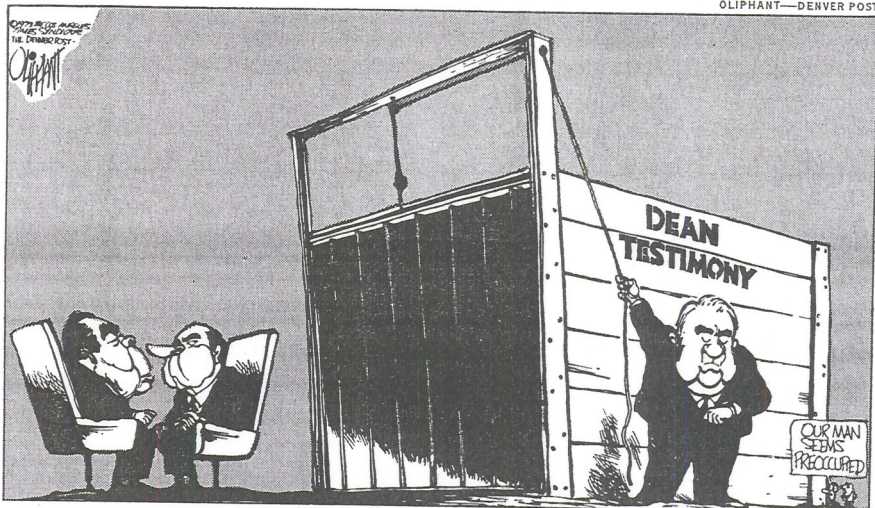
he began to suspect that White House personnel—despite all his own past denials—might have been involved.

The Thompson-White House summary does concede, as Dean has claimed in the past, that on April 16 Nixon asked Dean to resign and prepared two documents for his signature. The summary does not explain the need for two papers. Dean contends that one was a resignation, the other a confession of his sole role in the Watergate cover-up—papers Dean would not sign because he claimed that Ehrlichman and Haldeman were deeply involved as well and must share the blame. Thus it was that Nixon announced on April 30 that Dean had been fired and Ehrlichman and Haldeman had resigned.

The White House-inspired version also set up a counter to Dean's well-publicized contention that Nixon had discussed with him raising as much as \$1,000,000 in hush money and had said that it could be paid to the men arrested for the break-in. The Thompson paper put this in different perspective. It claims that Conspirator Hunt was threatening to reveal his past spying activities as a White House leak-plugging "plumber" unless he was paid up to \$1,000,000. The President, by this account, told Dean: "What makes you think he would be satisfied with that?" Nixon "stated it was blackmail, that it was wrong, that it would not work, that the truth would come out anyway." Dean, on the other hand, told the Ervin staff that Hunt had demanded \$72,000 in hush money, plus \$50,000 in legal fees—and that Ehrlichman assured him that John Mitchell had arranged for paying the money to the blackmailer.

Even the pro-Nixon summary contains the admission that the President was told by Dean on March 17 about the burglary of a Los Angeles psychiatrist's office to seek information about Pentagon Papers Defendant Daniel Ellsberg. This was more than a month before the Administration informed the judge in the trial about it. The White House—ordered bag job contributed to dismissal of the case. Nixon had implied in a May 22 statement that he learned of this burglary on April 25 and then had "immediately" informed the court.

Personal Use. The week's most damaging development to Dean was his admission before the Ervin staff that he had taken \$4,850 to finance his honeymoon from a leftover 1968 Nixon campaign fund of \$15,200. He had been given the money to hold while determining whether there were any legal restrictions on its use in the 1972 campaign. According to one committee source, the question of whether Dean had taken the money was asked by Minority Counsel Thompson "out of the blue." Dean was said to have readily admitted using the money, placing either a personal I.O.U. or a personal check in the safe until he could repay it. He said that he did cover the check later



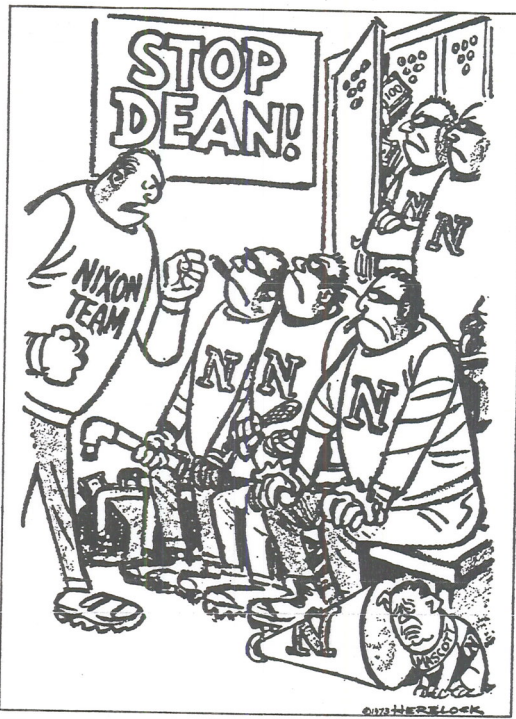
and then put the entire \$15,200 in a trust account pending its disposition.

Nevertheless, the possibility that Dean may have personally benefited from the huge amounts of campaign money handled by the Nixon campaign workers in the tempting form of cash was a far easier allegation of criminality to understand than all of the conflicting claims about possible perjury, cover-up and obstruction of justice. It moved Senate Minority Leader Hugh Scott to condemn Dean as "a turncoat" and an "embezzler" and claim that "a man who can embezzle can easily tell lies. It's a very short step down."

The whole miserable Watergate affair contains a cast of characters who have repeatedly lied to investigators and grand juries—as well as the public. The problem is to determine at what point, and to what extent, Dean and the other involved officials have decided to stop lying and tell the truth. Not to be a turncoat, in this sense, is to continue the deception. Magruder, for one, openly admitted his perjury but proved a highly credible witness before the Ervin committee, apparently convinced that further lying was both wrong and pointless. Dean, directly challenging the President and his top aides, would seem foolhardy indeed if he is now accusing them with false testimony.

Those who heard Dean last week in the private sessions were impressed by his command of specifics and his candor. Testing him, Senator Baker asked pointed questions about three incidents in which Baker had dealt with the White House—and found Dean's version of the events precise and accurate. Whether he stands up equally well under the long ordeal of his televised testimony this week remains a question of profound significance to the whole course of the Watergate investigation—and to the political future of Richard Nixon.

Yet even if the Dean testimony proves inconclusive, Watergate clearly is not going to fade away quickly. Stirred only in part by Dean's admission of, at best, borrowing from campaign funds, the Ervin committee revealed last week that it will investigate the personal finances of many of the



"Remember, men—this is the one that counts."

major Watergate figures who handled large amounts of cash. The committee is obviously suspicious that some of those \$100 bills may have been skimmed off into private pockets.

An equally ominous new area of investigation was reported to be under way by the increasingly active staff of Special Watergate Prosecutor Archibald Cox. The *New York Times* claimed that a special grand jury may be convened to explore the possibility that the Nixon fund raisers employed "extortion" tactics in soliciting money from individuals and corporations in various kinds of trouble with the Federal Government. The problems coerced contributors had, the *Times* said, ranged from income tax cases to disputes with the Securities and Exchange Commission and disputes about cost overruns on Federal contracts. Among the fund raisers expected to be quizzed are Kalmbach and Stans.

In response to questions at a press

conference, Cox conceded that his staff is also studying the legal considerations involved in the impeachment of a President. This includes questions about whether a President could be indicted preceding impeachment and whether he could be subpoenaed to testify before a grand jury. Cox quickly cautioned, however, that it was "wrong to draw any inferences" from this and that "it's a possible avenue of legal inquiry and therefore one that I have to be informed on."

Moving forward in its consideration of new criminal indictments in the Watergate case, the Cox group also acted to protect its emerging case against Dean. Although he has been granted limited immunity by the Ervin committee, Dean can still be prosecuted as long as any indictment is not based on evidence gathered from his committee testimony. Thus Cox last week gave Judge Sirica a two-inch-thick sealed envelope containing evidence against Dean that Justice Department prosecutors had gathered prior to Dean's testimony to the Senate committee. It is to be opened only if Dean claims that he is later be-

ing prosecuted because of his public statements. The contents of the envelope presumably would refute this.

Yet it is of course the President's fate rather than that of his former aides that most concerns the nation. Even before Dean's public testimony began, one of the President's most loyal and sympathetic former advisers told TIME that he sees, sadly, only a fifty-fifty chance that Nixon can remain in office. This insider considers it conceivable, though unlikely, that Nixon was so isolated by his Berlin wall of Ehrlichman and Haldeman that he did not know about either the espionage plans or the later concealment. "The White House was like a prophylactic sac," he says. "Everything was artificially inseminated." The former official believes that Nixon insisted on this kind of protection because he had developed an unrealistic distrust of others; thus the aides around Nixon could have kept the reality of Watergate from him.

This same former adviser considers it far more probable that John Mitchell, for one, told Nixon about the wire-tapping plans in advance, or if not that,

certainly about what had happened immediately after the Nixon committee was linked to the arrested men at the Watergate, and that Mitchell resigned. Yet Mitchell has too high a regard for the President to admit this, if true, and in this experienced politician's judgment, Haldeman is too tough and loyal to change his testimony. Ehrlichman, in this view, is the weakest of the trio.

All three of those key figures are expected to follow Dean into the klieg-lit Senate Caucus Room. So too will such also potentially damaging witnesses as the mysterious Kalmbach, who handled so much payoff money, Gordon Strachan, who can discredit Haldeman, and David Young, a member of the White House plumbers staff, who could undermine Ehrlichman. If Ehrlichman and Haldeman are discredited in testimony, Nixon might have to argue that even these most trusted aides deceived him. On the other hand, that future lineup of witnesses could reinforce Nixon's claims of non-involvement, and he could emerge relatively clean. But first, he must hear out—and deal with—the words of John Dean.

Will the Real Martha Mitchell Please Hang Up?

One Martha Mitchell has always been earful enough, but for a few bizarre hours last week there seemed to be two Martha Mitchells at work, and neither of them was at a loss for words.

The bogus Martha was elusive because she used only the most celebrated Martha Mitchell weapon—the telephone. At 10:30 a.m. last Tuesday, TIME Washington Correspondent Bonnie Angelo received a call from a woman who identified herself as "Martha Mitchell." The caller apparently was a wily impersonator. She claimed to be in Washington with John Mitchell and phoning from a booth. Airplane noises could be heard on the line as she spoke. Earlier she had phoned Washington Post Managing Editor Howard Simons, and later she would call Washington Star-News Editor Newbold Noyes. In a familiar Martha-like diatribe, she declared that "Magruder, Dean, everybody at the White House and Mr. Nixon are all liars," and denounced Senate Watergate Committee Chairman Sam Ervin as a "country hick from North Carolina—I could ask better questions than he does."

Telltale blunders, however, gave the caller away. Though the accent sounded Southern, the voice was too gravelly with whisky, and the speech too ungrammatical, for Martha. The impostor went on to confess: "I am half drunk—I do drink a little bit. Why shouldn't I drink a little bit?" Anyone who has received a call from Martha Mitchell knows that she consistently denies having downed a drop of alcohol before get-

ting on the phone. The impersonator said she had attended the state dinner for Soviet Leader Leonid Brezhnev the night before (actually, Martha was at her Manhattan apartment), and expressed genuine fondness for Pat Nixon (who, in point of fact, has infuriated Martha). Strangest of all, the woman offered this defense for John Mitchell's innocence: "My husband is so stupid he hasn't got sense enough to know whether it is raining or snowing outside. He couldn't have done all these things."

Mitchell's attorneys have since

RICHARD CORKERY—NEW YORK DAILY NEWS



MARTHA LEAVING FIFTH AVENUE APARTMENT

vowed that they were meeting with both Mitchells in their apartment at the time of the call to Correspondent Angelo. The real Martha was inimitable herself last week, as always. Irked by the hordes of newsmen frequently hovering outside her Fifth Avenue apartment, Martha emerged twice from the building Tuesday night, and was met both times by Associated Press Reporter Judy Yablonky. The second time she grabbed the doorman's hat and threw it, striking Reporter Yablonky in the face. She then struck the newswoman twice on top of the head and threatened to "thromp the hell" out of the reporter if she set foot on the building doorstep. The encounter ended when the Mitchells' twelve-year-old daughter Marty arrived home, took her mother by the hand and led her back upstairs.

Doubtless fed up with journalistic prying into her private life, Martha got on the line to U.P.I.'s Helen Thomas (who is certain that this was the real Martha) and announced that she and Marty were "going South." Before leaving, she merely wanted to reiterate her view that Nixon should resign. "I don't like Agnew, but my God, I think he's better than Nixon. I've told my husband repeatedly that I may not be here many years, but Marty will be, and his grandchildren." For good measure, she telephoned NBC and spoke to Newsman Peter Hackes, insisting yet again that Nixon "knew all about" the Watergate cover-up. It all had a familiar and increasingly sad ring.

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