

Dean Firm on Nixon Cover-Up Knowledge

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Former White House counsel John W. Dean III completed more than 25 hours of testimony over five days yesterday before the Senate select Watergate committee, still maintaining that he is "convinced" President Nixon knew about the Watergate cover-up in September, 1972.

Mindful that some witnesses scheduled to testify next month are expected to contradict his charges against the President, Dean told the committee:

"I am quite aware of the fact that in some circumstances, it is going to be my word against one man's word, it is going to be my word against two men, it is going to be my word against three men, and probably in some cases, it is going to be my word against four men.

But I am prepared to stand on my word and the truth and the knowledge and the facts I have," Dean said. "I know the truth is my ally in this and I think, ultimately, the truth is going to come out."

The two senior members of the committee, Chairman Sam J. Ervin Jr. (D-N.C.) and Vice Chairman Howard H. Baker (R-Tenn.), again suggested that Mr. Nixon find some way to give testimony himself to the committee. They also cited historical precedents for a President testifying before a congressional body.

The White House Thursday rejected the possibility that Mr. Nixon would appear either voluntarily or under subpoena to answer the committee's questions.

From the opening gavel at 10 a.m. on Monday until 5:47 p.m. yesterday, when the hearings recessed until July 10, Dean insisted that President Nixon knew about and discussed the Watergate cover-up last September and again in a series of meetings in March and April, 1973.

During yesterday's questioning, Dean appeared to have made his first factual error while discussing a meeting he had in a Washington hotel with attorney Herbert W. Kalmbach to discuss paying for the silence of the convicted Watergate defendants. Moments later, however, Dean offered an explanation to resolve the apparent error, prompting applause from the spectators crowded in the Senate Caucus Room.

After a week of tension and close questioning, the committee also tied itself into a momentary knot in a lawyerly debate over the role of Dean's lawyers at the hearing and over the admissibility of hearsay testimony.

Ervin finally broke the tension, as he has done periodically throughout the hearings, with a folksy anecdote that produced an interlude of humorous storytelling by the committee.

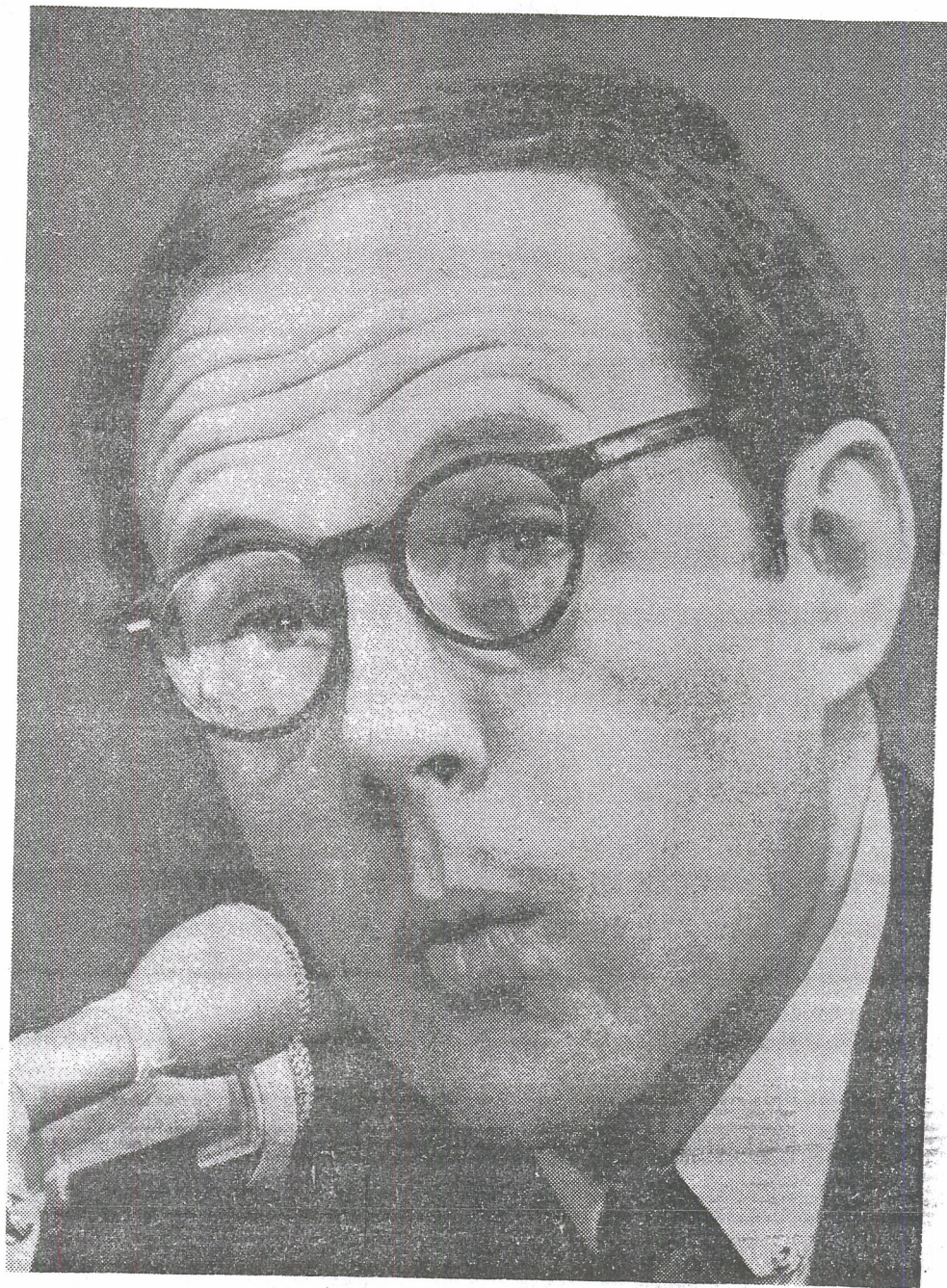
Sen. Edward J. Gurney (R-Fla.), who had grilled Dean for more than three hours on Wednesday, questioned him again further yesterday about a meeting Dean said he had on June 29, 1972, with Kalmbach, Mr. Nixon's former personal attorney, in the Mayflower Hotel. Dean said the meeting was held so the two men could discuss raising the money to buy the silence of the Watergate defendants.

Gurney focused on whether the meeting was held in the Mayflower Hotel. Dean said it had been, starting in the hotel coffee shop and then moving to Kalmbach's room in the Mayflower when they were unable to speak privately in the coffee shop.

Dean told Gurney that if any doubt existed about Kalmbach's having stayed at the Mayflower, the committee could subpoena the hotel's records.

Gurney then produced records from the Mayflower Hotel and the Statler-

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United Press International

John Dean, in his fifth day: "I know the truth is my ally in this . . ."

HEARING, From A1

Hilton. The records showed that Kalmbach had been registered at the Statler-Hilton on June 29 but that there was no evidence of his having registered at the Mayflower.

The point was particularly important since Dean told the committee he prides himself on his "good memory," which he said accounted for his being able to reconstruct several past conversations with President Nixon.

Gurney: Now, as I recall, you have testified three times very positively that you met with Mr. Kalmbach in the coffee shop of the Mayflower Hotel.

Dean: Absolutely. That is correct.

Gurney: And then retired to his room in the Mayflower. How do you account for these records here?

Dean: The only thing I can suggest is that Mr. Kalmbach may have been registered under another (name.) Let me elaborate on that. Mr. Kalmbach often discussed matters in a code name. For example, after our discussion, he began referring to Mr. (E. Howard) Hunt as "The Writer." He began referring to Mr. (H. R.) Haldeman as "the Brush." He began referring to Mr. Mitchell as the Pipe." These would be the nature of our discussions and this might explain the fact that he decided not to use his own name in registering in the hotel.

I think the person that can answer that best is Mr. Kalmbach, because I have a very clear recollection of walking into the coffee shop, meeting in the coffee shop, going to his room. It was a small room. He had not really had a chance to get a good night's sleep because he had been flying all night. To maintain further privacy, I recall him also turning on the television next to the adjoining door and we sat on the other side of the room and had the conversation in which I relayed to him everything I knew at that point in time. So I think Mr. Kalmbach will have to answer that question as to why his name does not appear on the register.

Gurney: Well, it also occurred to me that that could be the case, that he was using an assumed name, but then we ran into this other record at the Statler-Hilton Hotel, is just does not make sense. If he was coming into the city under an assumed name so that no one would know he was here and no later record could be found, why in the world would he register under his own name at a nearby hotel, the Washington Hilton (Gurney apparently meant the Statler-Hilton — the Washington Hilton is several blocks away), and then engage another room over in the Mayflower to meet with you. It just does not add up.

Dean: I see what you are saying. I have testified the Mayflower and I am never sure which is the Mayflower and which is the Statler-Hilton. The hotel I recall is the one that is on 16th street up from the White House (the Statler-Hilton). I know I walked up from the office to his room.

Gurney: How long have you lived in Washington?

Dean: I have been here about 10 years.

Gurney: And you don't know the difference between

the Washington Hilton (Gurney again apparently confused the Washington Hilton and the Statler-Hilton) and the Mayflower Hotel?

Dean: I continually get them confused, I must confess.

Gurney: Well, I must say I am reminded of your colloquy with the chairman yesterday, Mr. Dean, when you said what an excellent memory you had right from school days right on down; that is why you were able to reconstruct—

Dean: That is right, my memory is good, but I confuse some names often. I don't pretend to have a perfect memory. I think I have a good memory, Senator.

Dean went on to insist, despite Gurney's doubts, that the meeting had taken place as Dean described it.

Moments later, as Gurney paused while questioning Dean on his personal finances, Dean interjected a

point after his lawyer, Robert C. McCandless had passed a note to him.

"I might go back over one point," Dean said. "The name of the coffee shop at the Statler Hilton is the Mayflower." The audience then erupted in sustained applause, prompting Ervin to rap his gavel and call for order.

"Is that what your attorney just told you?" Gurney asked.

"Yes, he did," Dean replied with a broad smile. Dean concluded the point by saying that "To the best of my recollection, (the meeting was held in) the Mayflower, but . . . if I am incorrect, I will stand corrected."

Later, Gurney clashed with another of Dean's lawyers, Charles N. Shaffer, and with Ervin, after Gurney asked Dean if he had testified before the grand jury. Dean said he had but, when Gurney asked if Dean had told the grand jury "the whole story," Dean said, "I decided to exercise my constitutional rights at that point in time."

"What do you mean by that?" Gurney asked.

"I invoked the Fifth Amendment," Dean said.

"You did not tell them anything, did you? Gurney asked.

Dean replied, "No sir, I did not."

Shaffer then cut in to cite a Supreme Court ruling that it is improper to compare a witness's invocation of the Fifth Amendment on one occasion with his testimony on the same matters at another time.

Gurney then cited a provision of the committee's rules limiting the role of a witness' lawyer at the hearings, but Ervin countered with another rule that he interpreted as permitting Shaffer to record any objections.

Ervin, a former judge who has clashed on a number of occasions with Gurney, summed up by saying: "The Supreme Court has held the fact that if a witness can be impeached by testimony that on the previous occasion he pleaded the Fifth Amendment that the value of the Fifth Amendment to the witness would be virtually destroyed."

The committee members later had an extensive discussion of whether some of the testimony it has heard would or would not be admitted in a trial because it is hearsay—the testimony of a witness about which he



By James K. W. Atherton—The Washington Post

John Dean escorts his wife from the Senate hearing room after his testimony on Watergate Friday.

does not have first-hand knowledge.

Baker said, "This committee is too far gone to start worrying about hearsay and we are too deep into the business of finding the facts to try to second-guess what a court will admit or will not admit."

Baker concluded: "I might say, Mr. Chairman, that by explaining my point of view, I have fallen into the trap the Chairman just warned me against. He and I had a brief conversation a moment ago, and I am sure he will not think it a breach of confidence to repeat it. He said, 'Howard,' he said, 'Do not try to explain. Your friends do not require it and your enemies will not believe it.'"

Ervin then enthralled the audience with a story that he said came from his native Watauga County, North Carolina. The 76-year-old Senator has a seemingly endless supply of didactic stories, Biblical quotations and old saws and is never above telling a tale on himself.

At the end of the morning session, Ervin read a letter from a North Carolina Republican lauding his integrity.

During the long week of testimony, virtually every aspect of Dean's 245-page opening statement was examined time and again, but the central issue throughout was Dean's contention that at a series of meetings beginning on Sept. 15, 1972, and ending in mid-April, 1973, he discussed the Watergate cover-up with Mr. Nixon.

The senators and committee lawyers differed in putting greater and lesser emphasis on certain meetings and Dean's recollection of what went on there. Dean, however, did not alter in any significant respect, his version of what took place

at each of those sessions.

What follows is a brief recap of Dean's account of the most important meetings or conversations with Mr. Nixon, based primarily on his response to questions yesterday:

On Sept. 15, 1972, the day on which the federal grand jury handling the original Watergate case indicted seven men, Dean met with Mr. Nixon and Haldeman in the Oval office.

Dean testified that Mr. Nixon told him he had been kept posted by Haldeman on Dean's handling of the Watergate case during last summer. He said the President expressed pleasure that no one at the White House had been indicted and said he understood how difficult a task Dean had faced.

Sam Dash, counsel for the committee's Democratic majority, summarized the Sept. 15 session this way:

"After the President having told you how Bob Haldeman had kept him posted on your handling of the Watergate case and that he appreciated how difficult a job that was and your own statement to the President that you had only contained it and that some day it might unravel, and your own statement to the President that in a civil case, an ex parte relationship had been established to influence the judge and then the discussion of the Patman case (congressional hearings that Dean said had been blocked by the White House)—frankly and honestly, Mr. Dean, when you left the President on Sept. 15, did you just have an impression as to his knowledge of the cover-up or did you have a conviction concerning that?"

Dean replied: "Mr. Dash, there was no doubt in my mind that the President was aware of it and I would have to, to use your language, say

I had a conviction, or I was convinced."

On February 27, 1973, Dean's next meeting with the President, Mr. Nixon told Dean to report directly to him on the Watergate matter because Watergate was taking too much of Haldeman and Ehrlichman's time and, according to Dean's opening statement, "he (Nixon) also told me they were principals in the matter and I therefore could be more objective than they."

The next day, Feb. 28, Dean said in his statement and again yesterday, he met with the President again and told him "why I thought I had legal problems in that I had been a conduit for many of the decisions that were made and there fore could be involved in an obstruction of justice."

On March 13, Dean testified, he discussed the cover-up with the President again—focussing this time, he said, on silence money and executive clemency being sought by the Watergate conspirators.

"I told the President," Dean testified yesterday, "that the individuals who had either been convicted or pleaded guilty were continuing to make their demands on the White House and it would be some time in the not-too-distant future that these individuals would be up for sentencing and the demands were at this point growing toward a crescendo point."

"The President asked me, 'Well how much are they demanding and how much is it going to cost?' And I said, 'Well to the best of my estimation it will cost a million dollars or more to continue the payments.' At that point, the President, I recall this very vividly, leaned back in his chair and he sort of slid his chair back from the desk and he said to me that a

million dollars was no problem at all."

Then, according to Dean, the President said that then special counsel Charles W. Colson had raised with Mr. Nixon the matter of executive clemency for Watergate conspirator E. Howard Hunt even though Colson had been told not to discuss that with Mr. Nixon.

"From there," Dean said yesterday, "he (Nixon) asked me 'How is this money handled?' and I said, 'Well I don't know all the details but I know there is a laundering process so the money cannot be traced to any source. . . . I said 'I am learning about things I never knew about and next time I will know better how to handle these matters' and I do remember very vividly at this point Mr. Haldeman commenced with a rather good belly laugh. He thought this was quite funny and that was that, the meeting really ended on that note."

On March 21, Dean testified, he met with Mr. Nixon again and for the first time gave him what he described yesterday as "a broad overview."

In his statement Dean said:

"I did not know if he (Mr. Nixon) realized that he himself could be getting involved in an obstruction of justice situation by having promised clemency to Hunt."

Yesterday, Dean said:

"I wanted to explain (to the President) how the continued support would be necessary, how continued perjury would be necessary to perpetuate the cover-up."

"Did you use those terms?" Sen. Baker asked.

"Yes," Dean replied, "I did use those terms."

Later Dean added: "I tried to make it as dramatic as the fact that this type of

cancer was going to kill him and kill the presidency if this type of thing was not stopped by surgery and ending that type of activity.

It was at that meeting that Dean told Mr. Nixon of the full scope of former Attorney General John N. Mitchell's involvement in the affair, along with that of Ehrlichman, Haldeman, Mr. Nixon's personal lawyer Herbert W. Kalmbach, deputy campaign director Jeb Stuart Magruder and others.

"After I finished," Dean said in his opening statement, "I realize that I had not really made the President understand because after he asked a few questions, he suggested that it would be an excellent idea if I gave some sort of briefing to the cabinet and that he was very impressed with my knowledge of the circumstances, but he did not seem particularly concerned with their implications.

That afternoon, Dean testified, he again met with Mr. Nixon and told him that Haldeman and Ehrlichman, who were also present, "are indictable," along with himself. Haldeman, Dean said yesterday, gave him "kind of a pained expression" and Ehrlichman "got into a little discussion with me about obstruction of justice laws."

Dean added that he could not recall what the President said. "I thought I had dropped a bomb, which I obviously had, in front of the President," Dean went on, "and certainly the explosion was still going on in my ears and I was not listening . . ." (to the President).

On March 22, in another meeting with Mr. Nixon, Haldeman and Ehrlichman, Dean testified: "Nothing was accomplished." But he said, the session indicated "there would be no effort to stop the cover-up from continuing."

Dean's final major meeting with Mr. Nixon came on April 15—two weeks after Dean's lawyers had first approached the prosecutors about the Watergate affair

and a week after Dean himself had gone.

"I was a little rattled by the fact that I had not been to the President to tell him that I had been to the prosecutors when I went in," Dean said yesterday. The meeting was in the President's office in the Executive Office Building, and Dean said the only other person there was a valet who brought him a soft drink.

At that session, Dean testified, Mr. Nixon told him that "he had, of course, only been joking when he made the comment on March 13 about raising the \$1 million to maintain the defendants' silence."

As he was leaving, Dean recalled yesterday, "I remember I had the door open and I turned to the President, who was standing not 10 feet away from me, and I told the President that I certainly hoped the fact that I was going to come forward and tell the truth did not result in the impeachment of the President. And I told him I hoped the thing would be handled right and he assured me that it would be handled."

On April 16, Dean said he met with the President twice—they were the last meetings—and Mr. Nixon asked him to resign, but Dean said he would only do so if Ehrlichman and Haldeman resigned also.