

FIFTY CENTS

JULY 9, 1973

CAN NIXON SURVIVE DEAN?

TIME



SEL74 WIS 99008H90T52 17 01
HAROLD WEISBERG
RT 8 BX 304
FREDERICK MD 21701

®



SENATE CAUCUS ROOM SCENE AS JOHN DEAN PREPARES TO BEGIN HIS WEEK-LONG WATERGATE TESTIMONY

THE NATION

THE HEARINGS/COVER STORY

Dean's Case Against the President

Now the grave charges against the President had passed a point of no return. Carried with chilling reality into millions of American homes and spread massively on the official record of a solemn Senate inquiry, the torrential testimony of John W. Dean III fell short of proof in a court of law. But the impact was devastating. As President, Richard Nixon was grievously, if not mortally wounded.

Nixon was a continent away at San Clemente, going about the business of the presidency. He reached a historic compromise with Congress on halting the Cambodia bombing by Aug. 15 (see page 14). He prepared to celebrate the nation's 197th Independence Day, a Fourth of July dimmed by deeply troubling questions (in the words of the Declaration) about the "just powers" of the present Government and by increasing doubts about the "consent of the governed." Though not present in the packed hearing room, Nixon was personally and directly confronted by the crouched figure of his youthful accuser, until lately his faithful counsel.

Leaning into the microphone, Dean, 34, spoke in a lifeless monotone that would long be remembered by TV audiences. There were just enough unexpected angles and lines in his face, including a slightly crooked grin, to rescue it from mediocrity. Thanks to a pair of glasses, he looked more owlish than his earlier, boyish pictures had suggested. With impressive poise and a masterly

memory, Dean spun his detailed web of evidence. He readily admitted his own illegal and improper acts. But he emerged unshaken from five full days of recital and cross-examination, with his basic story challenged but intact.

Clearly, without some kind of direct and detailed Nixon reply, the committee—and the country—would have difficulty believing that the President was not an active and fully aware participant in the Watergate cover-up, as Dean charged. In fact, how and when the President would reply became a decisive factor in his hopes for political survival. Chairman Sam Ervin and other committee members had already begun to ask for his appearance.

With dozens of dates, snatches of dialogue and some documents, Dean had similarly implicated Nixon's most intimate former aides, John Ehrlichman and H.R. Haldeman, in multiple actions in the Watergate cover-up. Less vigorously but still deeply, Dean had also drawn into that circle of conspirators a man he much admires, former Attorney General John Mitchell.

Focusing Blame. While Nixon's deputy press secretary quickly revealed that the President had no intention of submitting himself to senatorial questioning, a White House counterstrategy seemed to be emerging. It was to blame Dean and Mitchell for the Watergate wiretapping and its concealment. Ehrlichman and Haldeman will likely take the blame for shielding the clandestine

activities of the White House team of agents—"the plumbers"—but plead that these were separate from Watergate and necessary in the interests of national security.

The focusing of blame on Mitchell triggered speculation that he might become angry enough to lash back at the entire White House. But his attorney said last week that Mitchell will not implicate the President when he becomes the next Ervin committee witness, as scheduled. Although Mitchell talked almost daily with Nixon last year even after quitting the President's re-election committee, he has told investigators that nothing the two men discussed would indicate that Nixon knew about the wiretapping in advance or the concealment later or who had been involved. Mitchell will apparently deny, as he has all along, that he ever approved the political espionage plans.

The White House strategy showed in a harsh assault contained in a memo from one of Dean's White House successors, Special Presidential Counsel Fred J. Buzhardt, and a list of 39 White House-inspired questions. Read by Senator Daniel Inouye, they failed to rattle the accuser. Contradicting point after point in quick response, Dean easily handled the attack.

Indeed, the effort backfired, which is perhaps why the White House quickly disavowed it and said that it was merely Lawyer Buzhardt's friendly personal contribution to the proceedings.



STEVE MORTIURP

version held that the lawless efforts to conceal the political implications of Watergate were an automatic and widespread White House response intended to protect the President's re-election prospects—and Nixon as a self-interested participant. Dean admitted his own role, but said that, rather than being what Buzhardt termed “the principal actor,” he took orders, often reluctantly, from his domineering superiors, Haldeman and Ehrlichman. Claiming relatively little influence in shaping policy at the White House, Dean insisted that “my title was the best part of the job.”

More specifically, Dean contended that the Watergate wiretapping operation was known in the White House by Chief of Staff Haldeman before the June 17 arrests—and since Haldeman regularly reported fully to the President, Dean “assumed” Nixon could have known. He said that he did not know firsthand, however, whether Nixon did, in fact, have such advance knowledge.

But, as early as Sept. 15, Dean charged, the President clearly indicated his awareness that a cover-up was under way. Then and later, Dean claimed, the President talked directly to him about Executive clemency and hush money for the wiretappers, as well as about ways to prevent the potential damage of Justice Department investigations, Democratic Party civil suits and congressional hearings.

If Dean's claims are true—and his supporting details as well as some of his circumstantial documents were impressive—that would make Nixon's May 22 denials outright lies or at least

render the presidential statements once again “inoperative.” At that time Nixon said flatly that he had known nothing about offers of clemency or of any efforts to provide the defendants with funds and that he had taken no part in any efforts to cover up Watergate.

Dean's direct charges against the President still lacked corroboration. Dean's motives remained suspect, since he obviously hoped to avoid a long prison term for his admitted illegal acts. Yet even if those facts leave many unconvinced of Nixon's complicity in Watergate, Dean's dismaying description of the climate of fear existing within the Nixon White House is almost as alarming as the affair that it spawned. With little regard for the law and under repeated proddings by the President himself, Dean contended, the Nixon staff used or contemplated using almost any available tactic to undermine political opponents, punish press critics, subdue antiwar protesters and gather political intelligence, including lists of “enemies” (see story page 19).

Dean insisted that in this fortress of fear he served “as a restraining influence against many wild and crazy schemes.” Periodic surveillance of Senator Edward Kennedy was surreptitiously ordered, even when he was on a trip to India, but it turned up nothing of interest to the White House. How-

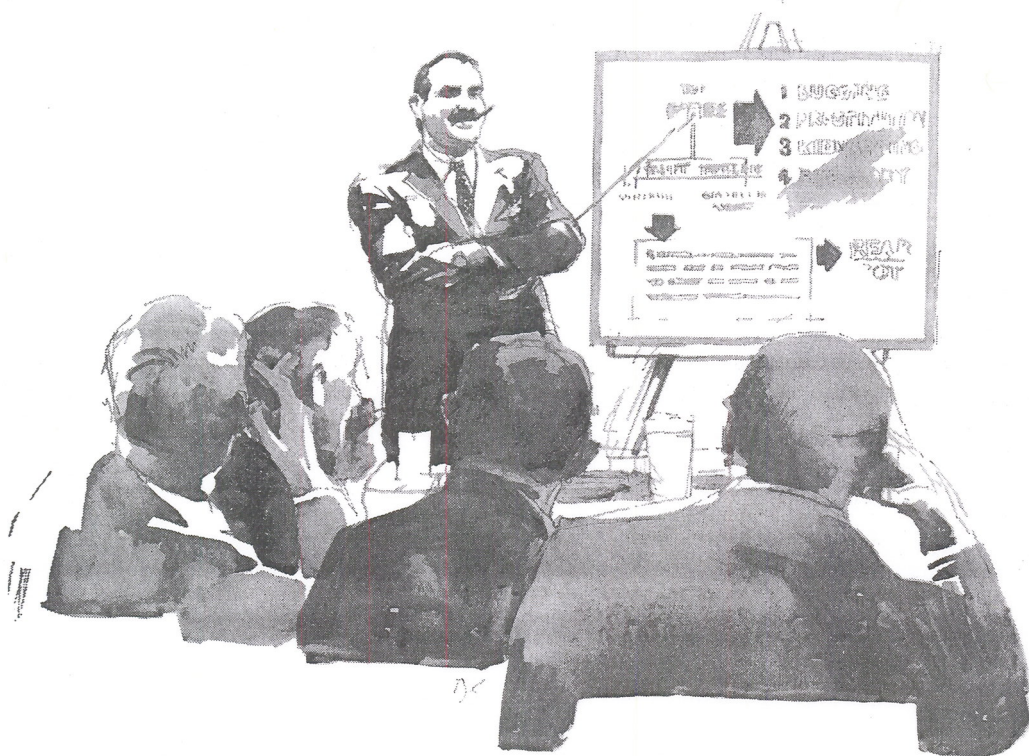
It failed by straining credulity in portraying the slender, subservient Dean, a born follower, as the “mastermind” in the Watergate cover-up, with former Attorney General John Mitchell as “his patron.” It contended, in effect, that this cunning pair participated in planning the political espionage at Democratic National Headquarters and then, to conceal that fact, they hindered the investigation by the FBI, compromised the CIA, ordered evidence shredded, and arranged for payoffs and offers of Executive clemency to the arrested burglars to ensure their silence. Creating a constitutional crisis almost alone, the Buzhardt statement in effect charged, Dean and Mitchell kept the truth of all that concealed for some nine months from such shrewd White House officials as H.R. Haldeman, John Ehrlichman, Charles W. Colson—and the President.

While White House records and future witnesses before Senator Sam Ervin's Watergate committee may yet impugn Dean's story in a convincing way, it emerged from last week's test by fire as more credible than either Buzhardt's conspiracy theory or the President's less accusatory brief of last May 22. Instead of depicting a duped President and innocent top-level aides, Dean's damning

APRIL 15, 1973: “The President began asking me a number of leading questions, which made me think that the conversation was being taped. [Later] he went behind his chair and in a nearly inaudible tone said to me he was probably foolish to have discussed Hunt's clemency with Colson.”



All week long a dark, almost novelistic quality ran through John Dean's testimony. The hushed meetings, furtive encounters in parks and on sidewalks, and the scenes of anxious, calculated conversation were, of course, kept from the eye of any photographer. TIME asked Artist Daniel Schwartz to recreate some of the more memorable and critical highlights of Dean's story. His drawings, accompanied by Dean's descriptions of the scenes, appear on these pages.



JAN. 27, 1972: "Liddy was in effect making a sales pitch. Plans called for mugging squads, kidnaping teams, prostitutes to compromise the opposition, and electronic surveillance."

ever, when a round-the-clock tailing of Kennedy was demanded by Haldeman, Dean got the project canceled on the sound theory that the tracker might be mistaken for someone posing a threat to Kennedy's life.

Although a Colson associate later claimed that it was only a joke, Dean took seriously Colson's suggestion that Washington's Brookings Institution be fire-bombed and raided to get some politically sensitive papers. In fact, Dean grabbed a military jet to California in order to persuade Ehrlichman to order Colson to forget the idea. Dean said he simply filed away many suggestions that he considered extreme and responded to them only if there were persistent pressures from his superiors.

It was Nixon's personal outrage at being exposed to demonstrators that seemed most dramatically to set the pre-Watergate White House mood. Dean told of Nixon's spotting "a lone man with a large ten-foot sign stretched out in front of Lafayette Park" within sight of his window. Soon a White House aide was rushing to round up "thugs" to take care of the protester. Dean intervened, got police to persuade the man to move. A man who broke police lines during Nixon's Inauguration but was knocked down by Secret Service agents well short of Nixon's car so angered the President that Dean was repeatedly badgered for not getting the man prosecuted. An investigation was launched, but Dean found that the trespasser had had no intention of harming the President. Dean could only explain helplessly that

crossing a police barricade was too trifling a violation for officials to pursue.

However trivial each of such incidents seemed in isolation, together they formed an ominous pattern that made Watergate comprehensible to Dean. What he called "an insatiable appetite for political intelligence" stemmed directly from Nixon, as Dean told it in his matter-of-fact manner. The President was convinced that antiwar Senators had links with U.S. radicals, who had foreign ties, and he continually demanded evidence of this. Intelligence agencies repeatedly said it was not necessarily so. "We never found a scintilla of evidence . . . this was explained to Mr. Haldeman, but the President believed that the opposite was, in fact, true." He demanded better intelligence.

Lawyer-like, Dean resisted most attempts by the committee to draw him into discussing personalities or making value judgments. He conceded that the Watergate break-in was "the first act in a great American tragedy" and said he found it "very difficult" to testify about what others, including "men I greatly admire and respect," had done. He found it easier to admit that he had obstructed justice and helped another man commit perjury in the affair. Yet Dean's story did, indeed, indict others.

HOW IT BEGAN. Dean reported having attended two meetings in then Attorney General Mitchell's office on Jan. 27 and Feb. 4, 1972, at which G. Gordon Liddy, counsel for the Nixon re-election committee, presented his bizarre intelligence-gathering plans. Dean's testimony generally agreed with that of Jeb Stuart Magruder, the Nixon committee's deputy director, who had also been present at the two meetings. Dean added some refinements: Liddy's first proposals included the use of "mugging squads" to rough up dem-

onstrators, and the employment of prostitutes—"high class and the best in the business"—to entice secrets out of Democrats at Miami Beach.

Mitchell, said Dean, "was amazed. I gave him a look of bewilderment and he winked. He took a few long puffs on his pipe and told Liddy that the plan he had developed was not quite what he had in mind and the cost [\$1,000,000] was out of the question." Dean arrived late for the second meeting, discovered Liddy was still discussing illegal wiretapping plans, objected that "these discussions could not go on in the office of the Attorney General," and cut the meeting short; "terminated" it, to use Dean's invariable terminology. Dean thought the plans were dead.

Magruder testified that a scaled-down espionage plan had later been reluctantly approved by Mitchell at a third meeting in Key Biscayne on March 30. Dean, who had not attended that meeting, said he still did not know if the plan had actually been approved. Also present was Frederick LaRue, an aide to Mitchell after the latter shifted to head the Nixon campaign; he has said his boss did not approve. LaRue pleaded guilty last week to one count of obstruction of justice—the first high-level Nixonite to do so—and he will apparently become a Government witness against others. Testified Dean: "I do not know to this day who kept pushing for these plans—whether Liddy was pushing or whether Magruder was pushing or whether someone was pushing Magruder."

HOW THE COVER-UP SPREAD. The cover-up began, said Dean, the moment it was learned that James McCord, security chief for the Nixon committee, was one of the men arrested at the Watergate on June 17 and that one of the other burglars carried a check from E. Howard Hunt Jr., a White House consultant. Apparently the first destruction of evidence was done by Gordon Strachan, who had served as liaison between the Nixon committee and Haldeman. Dean said that, on Haldeman's orders, Strachan had destroyed files from Haldeman's office, including "wiretap information from the D.N.C." (Democratic National Committee). Dean said he was then told by Ehrlichman to get word to Hunt "to get out of the country." Dean did so, but later the two reconsidered, thought it unwise, and tried to rescind the order.

Since Magruder had testified that he had passed along wiretapping plans and transcripts of some of the illegal interceptions to Strachan on the assumption they would go to Haldeman, this destruction of records seems to confirm that they had reached Haldeman. Strachan, who has been offered limited immunity by the Ervin committee, thus apparently could discredit Haldeman's adamant denials of any advance knowledge of the Watergate wiretapping.

Ehrlichman's orders to get Hunt out of the country similarly implicate Nixon's other intimate aide in the first mo-

ments of the concealment. If both Haldeman and Ehrlichman lose credibility, the President's denials of cover-up knowledge would apparently have to rest on the claim that all of his close aides had deceived him, not just Dean and Mitchell.

EHRLICHMAN'S ROLE. Dean related another significant attempt to destroy evidence, this one originating with Ehrlichman. Dean had been given custody of the material found in the safe of Hunt, who had been employed as one of the news-leak-plugging White House "plumbers." Among the contents were a briefcase containing "loose wires, Chap Sticks with wires coming out of them, and instruction sheets for walkie-talkies." The papers included a fake State Department cable linking the Kennedy Administration to the 1963 assassination of South Viet Nam's President Diem and a psychological profile of former Pentagon Papers Defendant Daniel Ellsberg. Dean considered these "political dynamite." He asked Ehrlichman what to do with them.

"He told me to shred the documents and 'deep-six' the briefcase. I asked him what he meant by deep-six. He leaned back in his chair and said: 'You drive across the river on your way home at night, don't you? Well, when you cross over the bridge on your way home, just toss the briefcase into the river.' I told him in a joking manner that I would bring the materials over to him and he could take care of them because he also crossed the river on his way home. He said no thank you." Ehrlichman, asked about this by Mike Wallace on CBS's *60 Minutes*, replied that "shredding is an activity that has been foreign to my nature. I don't think I have shredded or requested the shredding of a document since I came to Washington five years ago."

GRAY'S PARTICIPATION. Dean said he thought it would be "incredible" to destroy evidence and finally decided not to follow Ehrlichman's orders. Instead, the political documents were given by Dean and Ehrlichman to then Acting FBI Director L. Patrick Gray III, with the warning that they must "never be leaked or made public." Gray later admitted destroying them, claiming he thought he had been told to do so by Ehrlichman and Dean. That admission led to Gray's prompt resignation as acting director—although his failure to win Senate confirmation had made his departure a certainty anyway.

ENTER MARDIAN. In a move that Dean said was first suggested by Robert Mardian, former head of the Justice Department's Internal Security Division, and approved by both Mitchell and Ehrlichman, Dean tried to get CIA help in impeding the FBI's investigation in Mexico of campaign money that had financed the Watergate wiretapping. The White House hoped that the CIA could also provide covert payments to the restive defendants. Ehrlichman told Dean to work through Deputy CIA Director Vernon Walters rather than Di-

rector Richard Helms because "the White House had put him [Walters] in the deputy-director position so they could have some influence over the agency." After some hesitation, Walters proved to be unhelpful, thereby angering Ehrlichman.

ENLISTING KALMBACH. The need for hush money was growing more urgent, and Dean was told by Mitchell to get Haldeman and Ehrlichman to approve the use of President Nixon's personal lawyer, Herbert Kalmbach, in helping raise the money. Dean said the two presidential aides agreed and Kalmbach unhappily accepted the assignment. He was told by Dean to ask LaRue for details on how much to pay each of the wiretappers and to make his own arrangements for delivering the cash. Kalmbach later reported that he had performed this job. The payments of silence money thus became one of the most specific and widespread obstructions of justice, involving at that time at least Dean, Mitchell, Haldeman, Ehrlichman, Kalmbach and LaRue—if Dean's account is true.

THE DEAN "REPORT." Dean first became publicly linked with the President's defense on Watergate when, to his "great surprise," he heard Nixon announce on Aug. 29 that a report by Dean had cleared everyone then employed at the White House of any Watergate involvement. Dean insisted he had never made either an investigation or a report and, if he had been asked, would have "strongly opposed the issuing of such a statement" because he thought it was untrue. It could only be true if it was narrowly construed to mean actual knowledge of the June 17 break-in since, Dean still believes, only the wiretapping team knew that its second break-in, to repair malfunctioning equipment, was to be made on that date. For the first time, Dean began to wonder if he was being "set up in case the whole thing came crumbling down at a later time."

THE LA COSTA MEETINGS. Wary of the impending Ervin hearings, Haldeman, Ehrlichman, Dean and Nixon Aide Richard Moore met at La Costa Resort Hotel near San Clemente in February to plan how to deal with this newest threat to the cover-up. The group was puzzled about who would be friend and who would be foe on the Senate committee. Ehrlichman quipped that the name of Hawaii's Democratic Senator Daniel Inouye should be pronounced "ain't-no-way" because "there ain't no way he's going to give us anything but problems." Senator Lowell Weicker, according to Dean, "was an independent who could give the White House problems"; neither Haldeman nor Ehrlichman knew "which way Senator [Howard] Baker might go." To the White House staff, the only certain bet was Florida's Republican Senator Edward J. Gurney, who was described as "a sure friend and protector of the President's interests."

A decision was made at La Costa,

Dean said, to profess cooperation with the committee but privately attempt "to restrain the investigation and make it as difficult as possible to get information and witnesses." The group discussed means of trying to prove that Democrats had undertaken Watergate-like snooping and bugging in their campaigns. Incredibly, Haldeman suggested that the Nixon re-election committee might "hire private investigators to dig out information on the Democrats." Dean objected on grounds that "this would be more political surveillance—yet the matter was left unresolved."

But it was the critical contacts be-



JUNE 19, 1972: "I next contacted Liddy and asked him to meet with me. I suggested we take a walk. It was shortly before noon, and we walked down 17th Street toward the Corcoran Gallery."

tween Dean and the President that go to the core of the momentous controversy. Confirming a Dean claim that it had at first sharply denied, the White House last week agreed that there had been at least 22 meetings and 14 telephone conversations between the two men. The sudden increase in the frequency of communication led Dean to wonder whether Nixon might be creating a basis for claiming Executive privilege and an attorney-client relationship in order to protect himself. Dean's version of the most significant of the meetings:

SEPT. 15, 1972. The Watergate grand jury in Washington had just handed down its indictments, which reached no higher than the Nixon finance committee's counsel, Liddy. Summoned to the Oval Office in the late afternoon,

Dean found the President and Haldeman "in very good spirits, and my reception was very warm and cordial." Then, in Dean's damning recollection, "the President told me that Bob had kept him posted on my handling of the Watergate case. The President told me I had done a good job and he appreciated how difficult a task it had been and the President was pleased that the case had stopped with Liddy."

Reinforcing the point that there could be no misunderstanding of why the President was congratulating him, Dean testified: "I responded that I could not take credit because others had done much more difficult things than I had done." (Dean later explained to the Ervin committee that he was thinking of Magruder, for one, who had perjured himself, after coaching from Dean, to keep the grand jury from learning of higher involvement.) "I also told him that there was a long way to go before this matter would end, and that I certainly could make no assurance that the day would not come when this matter would start to unravel." Dean told the President that there would be a good chance to delay the Democratic civil suits against the Nixon committee until after the election because committee

lawyers were talking out of court to the judge, Charles R. Richey, who was "very understanding and trying to accommodate their problems." Said Nixon: "Well, that's helpful." Richey dismissed Dean's story as "popycock."

If accurate, Dean's account meant that the President was encouraging the cover-up in the criminal case and was approving attempts to influence the judge in the civil suits.

Later, Senator Gurney sharply probed Dean's contention that Nixon was unmistakably congratulating him for limiting the Watergate indictments. Asked Gurney: "How can you say that the President knew all about these things from a simple observation by him that 'Bob tells me you are doing a good job'?" This led Dean to shift slightly his version of the President's wording and then complain: "We are quibbling over words." Snapped Gurney: "We are talking about something very important, whether the President of the United States knew on Sept. 15 about the Watergate and the cover-up." Then the Senator summed up: "Your whole theory on saying that the President of the United States knew about Watergate on Sept. 15 is purely an impression; there isn't a single shred of evidence that came out of this meeting."

FEB. 27, 1973. The President told Dean that the Watergate affair was taking up too much of the time of his two top assistants, Haldeman and Ehrlichman, and therefore Dean could stop reporting through them and deal directly with him. Nixon gave another puzzling reason: "He also told me that they were principals in the matter and I, therefore, could be more objective than they." Dean said he was not sure later what the President had meant by calling them "principals."

Nixon, Dean testified, also told him that he "would never let Haldeman and Ehrlichman go to the Hill" to appear at the Ervin committee hearings. He would protect them with a claim of Executive privilege and would, at most, permit his aides to respond to written questions. Dean agreed that these "could be handled."

FEB. 28, 1973. Dean made his first attempt to warn Nixon of the seriousness of the affair from a legal standpoint. "I told him that I thought he should know that I was also involved in the post-June 17 activities regarding Watergate. I briefly described to him why I thought I had legal problems in that I had been a conduit for many of the decisions that were made and therefore could be involved in an obstruction of justice. He would not accept my analysis and did not want me to get into it in any detail."

The President had thus been told by his counsel that the cov-

er-up might have involved crimes, but he chose for unexplained reasons to brush this aside. Despite a public posture of seeking to get out the truth, he was privately working, by Dean's account, against full disclosure to the Ervin committee. A White House version of this meeting sharply contradicts Dean. It says he assured Nixon that there was no White House involvement.

MARCH 13, 1973. For the first time, Dean said, he talked directly to the President about the payment of hush money to the seven Watergate defendants. When Haldeman was in the room, Dean related, "I told the President that there was no money to pay these individuals to meet their demands. He asked me how much it would cost. I told him that I could only estimate, that it might be as high as a million dollars or more. He told me that that was no problem and he also looked over at Haldeman and repeated the statement. He then asked me who was demanding this money, and I told him it was principally coming from Hunt through his attorney."

Dean said: "The President then referred to the fact that Hunt had been promised Executive clemency. He said that he had discussed this matter with Ehrlichman and, contrary to instructions that Ehrlichman had given Colson not to talk to the President about it, that Colson had also discussed it with him later. He expressed some annoyance at this."

Nixon has denied authorizing or knowing anything about these two elements in the cover-up—promises of Executive clemency and payoffs to keep the conspirators quiet—both of which could be considered obstruction of justice. The White House offered a totally different version of the discussion of the \$1,000,000. Nixon was said to have dismissed such payments as "blackmail" and scoffed at paying it. Also, the White House claimed that this topic came up on March 21 rather than this date.

MARCH 21, 1973 (MORNING). Still hoping that Nixon would order all concealment efforts ended and the truth revealed, Dean said, he put the matter as dramatically as he could. "I began by telling the President that there was a cancer growing on the presidency and that if the cancer was not removed, that the President himself would be killed by it. I also told him that it was important that this cancer be removed immediately because it was growing more deadly every day."

Dean then laid out the whole story, noting the two Liddy-Mitchell-Magruder meetings he had attended before the wiretapping and adding that he had reported these plans to Haldeman. He said that both Haldeman and Mitchell had received wiretap information. After June 17, he reported, Kalmbach had paid silence money on instructions relayed by Dean from Ehrlichman, Haldeman and Mitchell. Dean said that he had helped prepare Magruder for perjured testimony. "I concluded by saying that it is going to take continued

JUNE 20, 1972: "The GSA [General Services Administration] men brought several cartons to my office, which contained the contents of Hunt's safe. The briefcase contained electronic equipment, loose wires, Chap Sticks for your lips with wires coming out of them and instruction sheets for walkie-talkies."



perjury and continued support of these individuals to perpetuate the cover-up and that I did not believe that it was possible to so continue it. Rather, all those involved must stand up and account for themselves and the President himself must get out in front."

But, said Dean, Nixon did not seem to understand, and set up a meeting of Haldeman, Ehrlichman, Mitchell and Dean. The hope was that Mitchell would take the blame for the Watergate wiretapping and that the public would then be satisfied and stop the clamor over the cover-up. (At the meeting the next day, Mitchell made no effort to do this, and nothing was decided.)

MARCH 21, 1973 (AFTERNOON). At a second meeting with the President, Haldeman and Ehrlichman provided another "tremendous disappointment" for Dean. "It was quite clear that the cover-up as far as the White House was concerned was going to continue." Dean said he thought Haldeman and Ehrlichman as well as himself were indictable for obstruction of justice and that "it was time that everybody start thinking about telling the truth." Dean said Haldeman and Ehrlichman "were very unhappy with my comments."

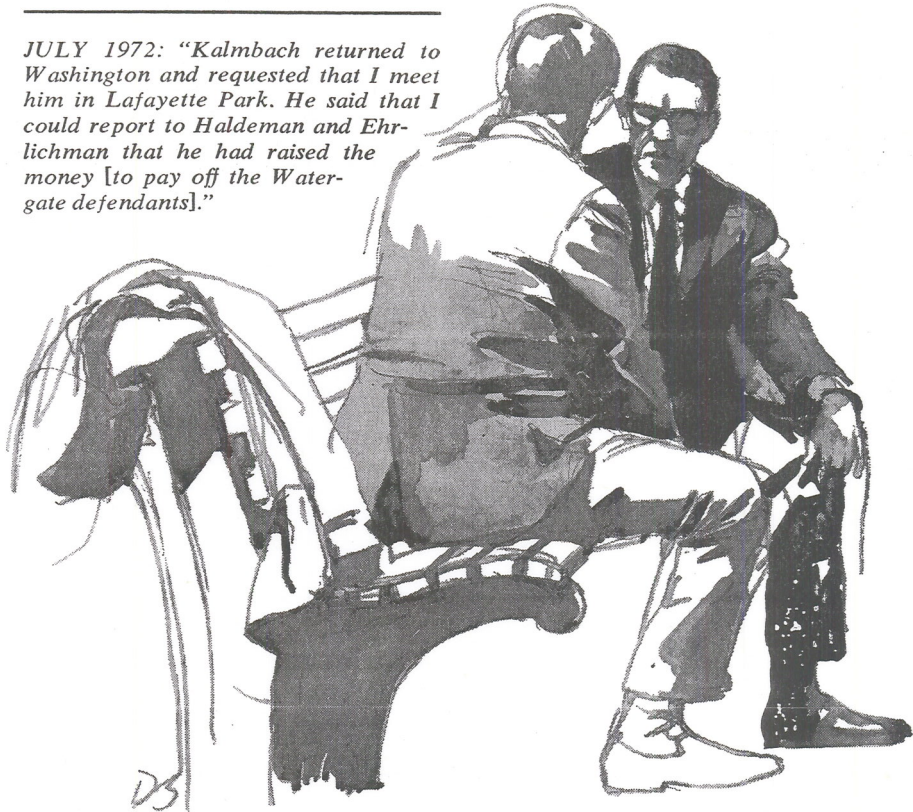
Thus the President, said Dean, had been extensively briefed on the legal implications but took no action to alter the way in which the situation was being handled. The White House version claims that a tentative decision was reached that everyone go to the grand jury, but Dean wanted immunity.

Feeling increasingly isolated, Dean was invited by the President to take his wife Maureen to Camp David for a rest. When he arrived, Haldeman was calling and asked for a full report on Watergate. Dean began writing his report. New problems lay ahead, however, as Wiretapper James McCord had written his letter to Judge Sirica charging that others were involved in Watergate. Newsmen were probing anew, another grand jury session seemed likely, and the Ervin hearings were growing closer. Dean called a lawyer for advice, came down from the mountain, found what he felt was a new and "back-pedaling" Haldeman. "He was beginning to protect his flanks." Dean decided not to turn over his report but to seek more legal advice and begin a series of secret meetings with the Justice Department prosecutors. He withheld his decision from everyone at the White House.

On April 8 Dean decided to tell Haldeman that he was going to talk to the prosecutors. Haldeman advised against it, saying: "Once the toothpaste is out of the tube, it's going to be very hard to get it back in." Dean compiled a list of 15 names of those he thought indictable; out of the 15 persons noted, ten were lawyers. He showed it to Ehrlichman—and soon got word from the prosecutors saying that further secret talks were off. The President wanted a full report from Attorney General Richard Kleindienst on the progress of the Watergate investigation.

APRIL 15, 1973. Once again, Dean requested a meeting with Nixon. The thrust of the President's questions led Dean to think the conversation was being taped. Nixon said "he had, of course, only been joking" about his earlier reference to \$1,000,000 for silence, and he told Dean that any conversations with him were privileged or covered by national security or both. But the most interesting moment, Dean said, was when Nixon "went behind his chair to the corner of the office and in a nearly inaudible tone said to me he was probably foolish to have discussed Hunt's

JULY 1972: "Kalmbach returned to Washington and requested that I meet him in Lafayette Park. He said that I could report to Haldeman and Ehrlichman that he had raised the money [to pay off the Watergate defendants]."



clemency with Colson." The conversation ended with Dean saying he hoped nothing he did would "result in the impeachment of the President." Nixon replied jokingly: "I certainly hope so also." The White House report contends that Nixon told Dean he must go before the grand jury without immunity.

APRIL 16, 1973. Nixon summoned Dean to his office, handed him two terse letters, and asked him to sign either one. One said that Dean was resigning "as a result of my involvement in the Watergate matter"; the other gave as the cause "my increasing involvement in the Watergate matter." Dean refused to sign unless Ehrlichman and Haldeman would sign the same letter. Nixon said that Dean could draft his own letter, and Dean did so, tying his request for a leave of absence to similar moves by the other two aides. Unhappily, Nixon said "it wasn't what he wanted." On April 30, Nixon announced on television that he had fired Dean and accepted the resignations of Ehrlichman and Haldeman, praising them as "two of the finest public servants it has been my privilege to know."

Through four further days of questioning, sometimes gentle but often jarring, Dean stuck stubbornly to that basic story. To support it, he submitted more than 50 documents to the committee. These ranged from memos on the illegal 1970 domestic-security plans approved for a time by the President, to a paper on how the White House could leak a news story on why the leaking of Government secrets is bad. Dean seemed to falter only under the persistent and skillful grilling of Senator Gurney.

Gurney bore into Dean's admitted

personal use of \$4,850 in campaign money that was being kept in his office safe. Dean insisted he had deposited a check for that amount to cover it. Gurney produced a Dean bank-account statement showing that the check was not good at the time it was placed in the safe and said Dean could be guilty of embezzlement. Dean's lawyer sharply objected to that interpretation of law, and Dean said he had never had any intention not to repay the money. He was later partly rescued by Senator Sam Ervin, who introduced a brokerage-account statement showing that Dean had more than \$26,000 available at the time. Yet Dean's explanation that he took the cash for honeymoon and other expenses rather than use credit cards seemed lame.

Gurney also surprised Dean on a minor confusion about the hotel in which he had discussed hush funds with Nixon's attorney Kalmbach. Was it Washington's Mayflower Hotel, as he had testified, even though Kalmbach had been registered on that date at the Statler Hilton? After some sparring, Dean, prompted by his lawyer, said that

he often confused the two and could have been mistaken, since the Statler Hilton's coffee shop is called the Mayflower.

QUESTIONS FOR DEAN. The main thrust of the critical questioning of Dean was along several lines:

Had not Dean and his lawyers waged a campaign to gain him immunity from criminal prosecution, in part by using news leaks that exaggerate the importance of what he might know? Dean was not entirely convincing in saying that he had no idea how some of his testimony had got into news reports before his appearance, but his testimony last week was a sure demonstration that he did indeed have vast and impressive knowledge of the whole conspiracy.

If Dean was so concerned about the

ident's press spokesmen have responded only by saying that Nixon will stand behind his May 22 statement. That consisted of making blanket denials rather than dealing with specific meetings and events. Nixon, for example, claimed that he had had no knowledge of the White House-ordered burglary of Daniel Ellsberg's psychiatrist's office until he made an investigation late in March of 1973. Yet Dean testified that one of the plumber team's leaders, Egil Krogh, told him that orders for the break-in had come "right out of the Oval Office." Even a White House-provided log of conversations with Dean indicates that Nixon was told about the burglary

APRIL 16, 1973: "A few minutes later, Haldeman and Ehrlichman emerged laughing from the President's office, and when they saw me their faces dropped."



cover-up activity, why, as the President's counsel, did he not warn Nixon long before he did? Dean claimed that his reporting channels were through Haldeman or Ehrlichman and that, despite his title, he could not barge into the President's office. Moreover he assumed that his superiors would keep the President fully informed of his reports on a matter as vital as Watergate.

If he considered his meetings with the President so significant, why did he not keep precise written records on the conversations? Dean's answer was reasonable: "I thought they were very incriminating to the President of the United States."

QUESTIONS FOR NIXON. A bewildering array of specific questions for the President is suggested in each of Dean's charges and interpretations of conversations between them. So far, the Pres-

ident's press spokesmen have responded only by saying that Nixon will stand behind his May 22 statement. That consisted of making blanket denials rather than dealing with specific meetings and events. Nixon, for example, claimed that he had had no knowledge of the White House-ordered burglary of Daniel Ellsberg's psychiatrist's office until he made an investigation late in March of 1973. Yet Dean testified that one of the plumber team's leaders, Egil Krogh, told him that orders for the break-in had come "right out of the Oval Office." Even a White House-provided log of conversations with Dean indicates that Nixon was told about the burglary

more than a month before the judge in the case was notified by the Administration. The Ellsberg "bag job" was similar to the illegal activities authorized under an intelligence plan that Nixon admits had his approval briefly in 1970. Dean said that as White House counsel, he never saw firm evidence that the plan had, in fact, been rescinded.

But the more significant queries for Nixon raised by the Dean testimony are these: Did he discuss Executive clemency with Ehrlichman and Colson, as Dean claims? Did he congratulate Dean on helping to limit the Watergate indictments? Did he scoff at the \$1,000,000 in payoff money, as the White House claims? Is there a tape, as Dean suspected, of the meeting in which Nixon claimed to have been joking about the \$1,000,000 in silence money?

The two most accusatory summa-

tions were drawn by Lowell Weicker and Sam Ervin. Weicker, clearly outraged at what he considered continuing Nixon Administration connivance in trying to "grossly" subvert its political foes, including himself (see page 15), erupted in the week's most impassioned oratory. Scathingly, he launched into a litany of what he called "proven or admitted" crimes committed by the Executive Branch of the Government.

The list was long: conspiracy to obstruct justice, conspiracy to intercept wire or oral communications, subornation of perjury, conspiracy to obstruct a criminal investigation, conspiracy to destroy evidence, conspiracy to file false sworn statements, conspiracy to commit breaking and entering, conspiracy to commit burglary, misprision of a felony, filing of false sworn statements, perjury, breaking and entering, burglary, interception of wire and oral communications, obstruction of criminal investigation, attempted interference with administration of the Internal Revenue laws, and attempted unauthorized use of Internal Revenue information.

Chairman Ervin built a virtual case of impeachment against the President by leading Dean through a series of questions on Ervin's most revered topic, the U.S. Constitution. "And I will ask you as a lawyer if you do not think that surreptitious entry or burglary and the electronic surveillance and penetration constituted a violation of the Fourth Amendment?"

Dean: Yes sir, I do.

Ervin noted the name of Sam M. Lambert, former executive secretary of the National Education Association, on a White House "enemy" list because he opposed federal aid to parochial schools. "Here is a man listed among the opponents whose only offense is that he believed in the First Amendment and shared Thomas Jefferson's conviction, as expressed in the Virginia Statute for Religious Freedom, that to compel a man to make contributions of money for the dissemination of religious opinions he disbelieves is sinful and tyrannical. Isn't that true?"

Dean: I cannot disagree with the chairman at all.

Ervin: Article II of the Constitution says in defining the power of the President, Section 3 of Article II—"He"—that is, the President—"shall take care that the laws be faithfully executed." Do you know anything that the President did or said at any time between June 17 and the present moment to perform his duty to see that the laws are faithfully executed in respect to what is called the Watergate affair?

Dean: I have given the facts as I know them and I don't . . . I would rather be excused from drawing my own conclusion on that at this point in time.

Ervin declared pointedly that in "the experience of the English-speaking race" the only reliable way of testing the credibility of a witness is through interrogation. The committee almost certainly cannot compel Nixon to tes-

tify, the constitutional issue of whether a President can be subpoenaed being murky (TIME, June 18). But Senator Baker pointed out that Woodrow Wilson, rather than appear before a congressional committee, invited the committee to meet with him,* and Weicker recalled that a Senate committee during the Civil War had decided to investigate whether Mary Todd Lincoln was a "disloyalist." Then Weicker read from Carl Sandburg's moving account of how that earlier committee's chairman perceived the episode.

"At the foot of the committee ta-

*Wilson submitted to three hours of committee questioning about the Treaty of Versailles.

ble, solitary, his hat in his hand, Abraham Lincoln stood . . . The President had not been asked to come before the committee, nor was it suspected that he had information that we were to investigate reports, which, if true, fastened treason upon his family in the White House. At last, the mourning corpus spoke, slowly, with a depth of sorrow in his voice: 'I, Abraham Lincoln, President of the United States, appear of my own volition before this committee of the Senate to say that I, of my own knowledge, know that it is untrue that any of my family hold treasonable communication with the enemy.'

"Having attested this, he went away

as silent and solitary as he had come. We sat for some moments speechless and, by tacit agreement, no word being spoken, the committee dropped all consideration of the rumors."

It remains to be seen whether Richard Nixon will elect to emulate the first Republican President and come before the Ervin committee, "solitary, his hat in his hand," to answer the charges about Watergate. It would certainly require more than a simple, solemn declaration of his innocence. The scene is difficult to imagine, to be sure, but in the end it may become the only way to restore any degree of public trust in his presidency.