

Mitchell Scapegoat Plan Told

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By George Lardner Jr.
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Top White House aides agreed on March 21, 1973, that the best way to deal with the Watergate scandal would be to get former Attorney General John N. Mitchell to "admit his guilt" for the break-in itself, a federal court jury was told yesterday.

Former White House counsel John W. Dean III testified that he and former White House aides H. R. Haldeman and John D. Ehrlichman hoped that this might head off any investigation of the cover-up that followed the June 17, 1972, break-in.

Dean said the discussion came shortly after a crucial get-together in the Oval Office that morning when he warned President Nixon at length about White House involvement in the break-in and about Watergate convicted burglar E. Howard Hunt's latest "blackmail" demands.

Under questioning at the Watergate cover-up conspiracy trial here, Dean, a prosecution witness, said he met with Haldeman, then Mr. Nixon's chief of staff, and Ehrlichman, who was the White House domestic affairs adviser, to discuss "how to deal with the problems I raised."

The three of them decided that "no investigation was likely of what happened after June 17 if Mitchell would step forward and admit his guilt for what happened before June 17," Dean testified.

The Watergate bugging and break-in here were discovered when five burglars were caught inside Democratic National Committee offices. By March 21, 1973, they and their immediate bosses, Hunt and G. Gordon Liddy, were awaiting sentencing by U.S. District Court Judge John J. Sirica. Dean has said he was afraid the long cover-up of high-level responsibility was "going to blow soon," especially in light of Hunt's demands.

Testifying calmly in his bass

See COVER-UP, A14, Col. 1

COVER-UP, From A1

voice, the 32-year-old Dean said he could not remember just who said what at the strategy session with Haldeman and Ehrlichman. He said he himself "may very well have" made the recommendation to make Mitchell the scapegoat.

Later in the day March 21, at the Executive Office Building, Dean said he had another chat with Haldeman in Mr. Nixon's outer office there while waiting for another audience with the President.

"I said to Mr. Haldeman, 'Bob, it looks like we have two alternatives,'" Dean testified. He said he told the White House chief of staff that the first was "to let it all unravel" and the other was "to draw the wagons around the White House and protect the White House."

Asked what he meant by the Wild West metaphor, Dean said he meant a strategy "to protect the White House from everyone outside . . . to protect ourselves." He said he, Haldeman, Ehrlichman and Mr. Nixon would have been "inside the circle" as he envisioned it.

Q. Would Mitchell and (Nixon campaign director Jeb Stuart) Magruder have been inside the circled wagon?

A. No sir.

Under questioning by chief trial prosecutor James F. Neal, Dean then turned to his second meeting of the day with Mr. Nixon. Haldeman, who had been present for part of the morning session, and Ehrlichman were also present.

According to the tape recording of that 31-minute meeting, the President touched very briefly on the thought of a renewed grand jury investigation without immunity for anyone.

Ehrlichman didn't like the idea. "Uh, there are awful op-



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Defendant Ehrlichman leaves courthouse for lunch break.

portunities for indictment," he said. "You end up with people in and out of the White House indicted for various, for various offenses."

The problem of Hunt, who had demanded \$75,000 in support payments and \$60,000 for attorney's fees before his sentencing, came up within minutes.

The conversation which was recorded in the President's Executive Office Building suite where the secret White House taping system had its shortcomings, was somewhat difficult to make out, but Mr. Nixon could be heard saying to his advisers:

"So the point we have to, the bridge you have to cut, uh,

cross there is, uh, which you've got to cross, I understand, quite soon is whether, uh, we, uh, what you do about, uh, his present demand."

The President emphasized the word "demand." "Now, what, what, uh, what about that?" he asked.

Dean pointed out both Mitchell and one of his deputies during the Nixon re-election campaign, Frederick C. LaRue, were aware by then of what Hunt wanted, "so they know what he is felling."

According to the transcript compiled by Watergate prosecutors, which was supplied to the jury as a listening aid, Mr. Nixon replied: "True. We have to do something."

It was the third version to be published on that particular sentence. The censored transcripts made public by the Nixon White House last spring had the President saying: "True. Are they going to do something?" The House impeachment inquiry translated it simply as: "True. (unintelligible) do something."

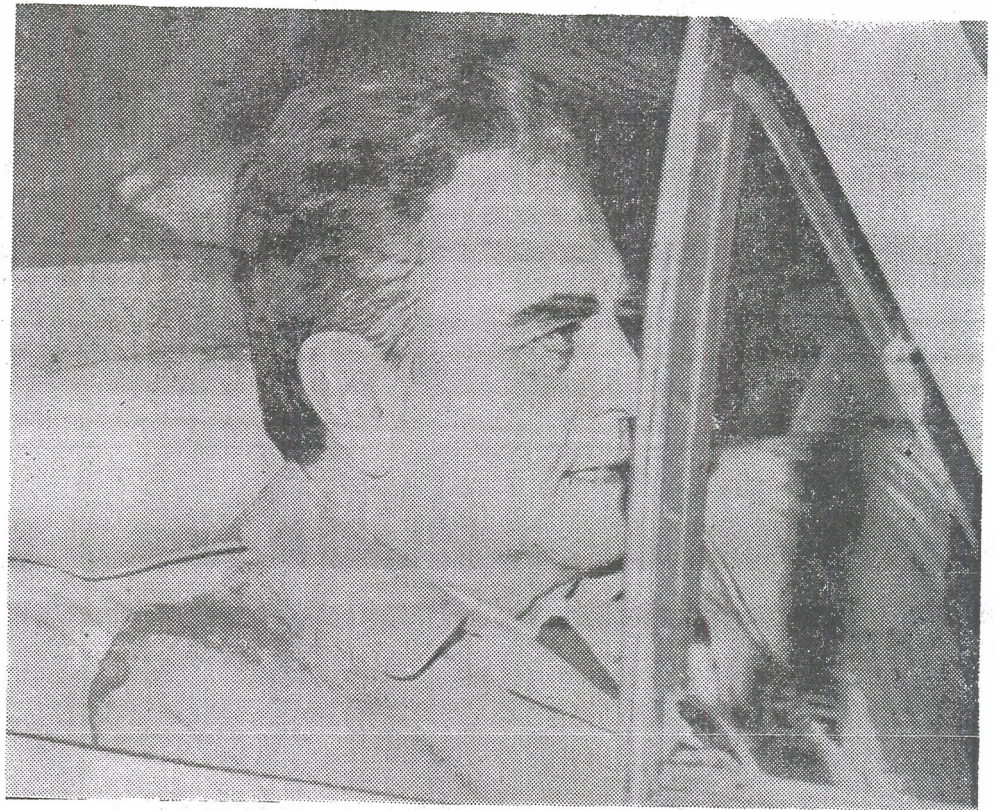
As it came through from the tape itself, it was plain that Mr. Nixon was not asking a question. By the same token, the sentence went too quickly for all of it to be made out on a single hearing.

In an instruction that has become standard since the first White House tape was played in court last week, Judge Sirica told the jurors to trust to what they heard with their own ears and to "ignore transcripts" whenever there seemed to be any conflicts.

Mr. Nixon, in any event, had been quite emphatic when he told Dean at the morning meeting in the Oval Office that Hunt's financial situation had to be handled "damn soon," and then again when Haldeman entered, "first you've got the Hunt problem. That ought to be handled."

(According to the Watergate grand jury, LaRue, after getting the high sign from Mitchell, arranged for the delivery of \$75,000 to Hunt's lawyer on the night of March 21, 1973. LaRue has testified this was about all the cash he had on hand.)

The conversation in the President's EOB suite that evening then turned to other sore points in the Watergate



Associated Press

Trial Judge Sirica is driven into courthouse garage before court session.

scandal. Dean warned that numerous individuals had tidbits of knowledge. Within that group, he said, "there are a lot of weak individuals and any one of those could cause it to blow."

Mr. Nixon said he still thought a written report by Dean, saying that an investigation by him showed no White House involvement, would be the best course. The report, the President stressed, should be "very general, understand."

"Understand," Mr. Nixon repeated with a laugh. "I don't want to get all that God-damned specific."

Ehrlichman suggested that this would have the added value of leaving Mr. Nixon free, in case embarrassing new details should pop up, to say that he had relied on Dean.

The White House counsel was not enthusiastic. Once again, he told Mr. Nixon of "what I see as a grave problem of a cancer growing around the presidency." He suggested that a generalized White House report on Watergate would just create more problems.

"Your point, John, is the, the — you really think, you've got to clean the cancer out now, right," Mr. Nixon asked him.

"Yes sir," Dean replied, apparently thinking this still could be done without implicating the President.

"We've got to do it," Dean told Mr. Nixon. "You have to do it, to get the credit for it. Uh, that, that gets you above it."

Thus both the President and Ehrlichman were skeptical about where the line could be drawn.

"I think what you could do is you could drop numbers, with names on them, in a hat, you can draw them out to see who gets hurt and who doesn't," Dean said, laughing weakly. "Well, that's about as fair as you could be."

Dean also warned that Sirica, who presided at the original Watergate trial, might cause fresh problems with the sentences he planned to hand out to pressure the burglars into talking. "Horrendous sentences," Dean predicted.

Ehrlichman suggested that Mitchell as head of the 1972 re-election campaign, might make "some kind of a disclosure," but the meeting ended with the President saying he saw no value in that.

"What the hell is (Mitchell) going to disclose that isn't going to blow something?" the President asked.

After a brief recess yesterday, Watergate prosecutors and defense lawyers got into a long wrangle over introduction of the next White House tape, a March 22, 1973, afternoon meeting between the

President, Haldeman, Ehrlichman, Mitchell and Dean. The defense lawyers pointed out that Dean had not been present for the final portion of the discussion—between Mr. Nixon and Mitchell—and objected hotly to its introduction simply on Dean's sayso.

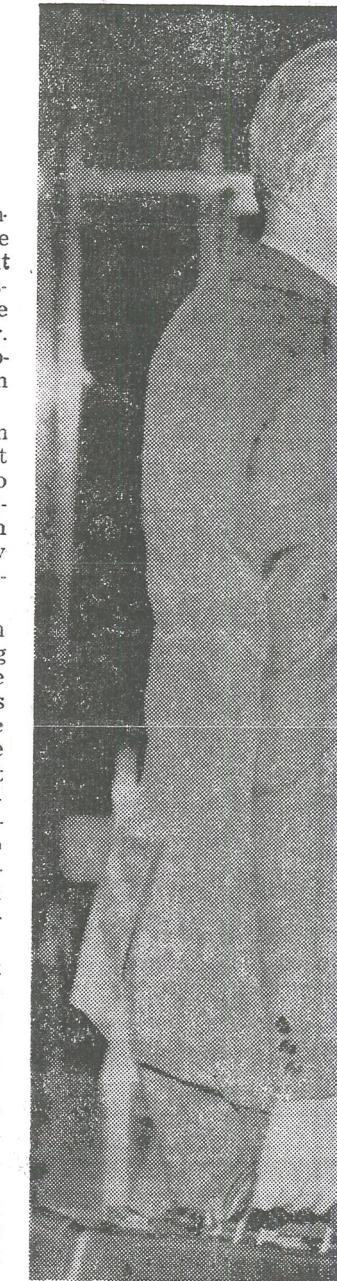
Mitchell's lawyer, William G. Hundley, maintained that Mr. Nixon should be called to the witness stand to authenticate his conversation with Mitchell before it properly could be admitted into evidence.

Haldeman's attorney, John J. Wilson, agreed, charging that the recording of the Nixon-Mitchell remarks amounted to "hearsay of the worst kind" unless someone who was present was first called to the stand. He complained that Watergate prosecutors were simply trying to lay the groundwork for introduction of still other Nixon tapes without calling the former President as a witness.

Prosecutor Neal replied that Dean was in and out of the room during the conversation at issue and could testify that both Mitchell and Mr. Nixon were in there while he waited outside. But Neal also made clear that the prosecutors intend to introduce other Nixon tapes.

In a Sept. 16 memo filed with Sirica, the prosecutors had contended they could get along without Mr. Nixon's testimony by showing three things: the circumstances of a taped conversation, the method by which the tape was made, and the chain of its custody.

Yesterday, however, Neal, borrowing a phrase from the Nixon White House, said, "The statements made in that memo are no longer operative." He maintained that a recent appellate court decision involving an FBI gambling raid in which tapes were seized had convinced Watergate prosecutors they could take some le-



Attorney General Mitchell

gal shortcuts—such as dispensing with "chain of custody" testimony.

Indicating his agreement, Judge Sirica asserted at one point that Secret Service agents who maintained the tapes kept "a very accurate log" of who used them.

Some of the Secret Service records were kept in brown wrapping paper. Watergate

prosecutors themselves had sharply attacked their reliability at hearings last year, into an 18-minute seizure of one subpoenaed Watergate tape.

The prosecutors, however, won the argument at least in the March 22 tape, after Dean testified that he had remained in an anteroom while Mr. Nixon and Mitchell were still talking.