

Dean Admits Destruction Of Evidence

By George Lardner Jr. 1/23/74
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Former White House counsel John W. Dean III admitted yesterday that he tried to conceal his own destruction of evidence in the Watergate scandal right after urging President Nixon to put an end to the cover-up. Testifying under cross-examination at the cover-up trial here, Dean said he destroyed documents from

*Watergate burglar E. Howard Hunt's safe during the Watergate break-in trial and then disclaimed any knowledge of them in notes he jotted down two months later when the cover-up was starting to crumble.

Dean said he was trying to keep the White House-sponsored "Ellsberg burglary" from coming to light in January, 1973, when he found two notebooks in a pop-up address book that Hunt had kept in his safe at the Executive Office Building. Dean shredded the notebooks and put the address book in a White House "burn bag."

"I didn't give it much thought at the time," Dean said in his first public explanation of the incident. "I was destroying something I didn't know how to handle. I just threw it in the shredder and hoped the problem would go away."

Dean said he did no more than thumb through the documents himself and found they contained various addresses. But he said that Paul O'Brien, the lawyer for the Nixon re-election committee, told him "they related to Mr. Hunt's earlier activities at the White House" before the June 17, 1972, Watergate break-in.

Under questioning by John J. Wilson, former White House chief of staff H. R. (Bob) Haldeman's chief defense lawyer, Dean said he had learned in either April or May, 1972, that the White House "plumbers" squad—of which Hunt had been a member—had broken into the offices of

Ellsberg's California psychiatrist the year before.

Hunt's safe was emptied and the contents delivered to Dean's office shortly after the Watergate bugging and break-in at Democratic National Committee headquarters was discovered. Dean has testified that former White House domestic adviser John D. Ehrlichman told him to destroy some of the materials and "deep six" others in the Potomac River. But eventually, he said, all but the notebooks and the address book were turned over either to FBI agents or to acting FBI director L. Patrick Gray III.

It was not until January, 1973, and after Hunt had pleaded guilty at the original trial, Dean said, that he discovered the leftover documents in his office. By then, Gray had destroyed what had been handed to him.

"I knew Mr. Hunt had pleaded guilty," Dean said. "I knew Mr. Gray had destroyed materials. I just went along and did the same thing, conscious that I was destroying material that related to an-

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other problem at the White House."

Some two months later, on March 21, 1973, with Hunt pressing for more "hush money," Dean warned Mr. Nixon of the "cancer" growing on the presidency but Mr. Nixon told both Dean and Haldeman he wanted Hunt's demands taken care of to "buy

time" while a new strategy was devised.

Dean has said he wanted the President to end the cover-up, but instead, according to the Watergate prosecutors, \$75,000 was delivered to Hunt's lawyer that night. Two days later, however, on March 23, 1973, new problems arose when U.S. District Court Judge John J. Sirica made public Watergate burglar James McCord's charges that a cover-up had taken place.

That afternoon Mr. Nixon sent Dean up to the presidential retreat at Camp David, Md., where Dean tried to come up with a report on the Watergate scandal. Dean said he was never able to complete it, but he did jot down lengthy notes in making the effort.

Under prodding by Wilson, Dean read one extract from the witness stand. It said:

"I must state, however, that I was only aware that everything found in Hunt's office was turned over to the FBI. I had no knowledge of a missing Hermes notebook or other address book." The baldish, 73-year-old Wilson asked Dean if he had not, in fact, destroyed those documents just two months earlier.

"Yes sir," Dean acknowledged. He said he kept the notes and an incomplete draft of the so-called "Dean report" to himself until he turned them over to the Senate Watergate committee in the summer of 1973. However, Dean said he never disclosed his destruction of the evidence until he told Watergate prosecutors last fall after pleading guilty to taking part in the Watergate cover-up.

Cross-examination signaled the start of a concerted defense effort to discredit Dean's testimony about the complicity of the five defendants—Haldeman, Ehrlichman, former Attorney General John N. Mitchell, former Assistant Attorney General Robert C. Mardian and Nixon re-election committee lawyer Kenneth Wells Parkinson. All are standing trial for conspiracy and all but Mardian face related charges as well.

Dean's accusations against them, however, remained unshaken by the day's end. Leading off for Haldeman, Wilson treated Dean cautiously, apparently without much hope of shaking the main account of the prosecution's star wit-

ness.

Just as cautious in his reply, Dean, who is now serving a one-to-four-year prison term for his role in the cover-up, acknowledged that he had hoped to win immunity from prosecution when he started talking with government prosecutors in "off-the-record" discussions on April 8, 1973, shortly after his return from Camp David.

The witness said, however, that this was a hope that had been fostered by his lawyer, Charles N. Shaffer, rather than a condition he himself laid down. Dean said he hired Shaffer on March 30, 1973, and told him simply "that I wanted to go forward, meet with the prosecutors and tell all I know."

"He [Shaffer] said to me, 'John, you're going to have to run into machine guns to get your story out . . . I think you should be a witness, not a defendant.'" He said Shaffer insisted that he follow that advice.

"Did you cooperate 100 per cent with the prosecutors?" Wilson asked.

Dean: "I did, but I did not



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... reported chosen

receive immunity. The arrangement my lawyer worked out was that there be off-the-record discussions between the prosecutors [Earl Silbert, Seymour Glazer and Donald Campbell] and myself that would not be used against me. They subsequently decided they could not make an arrangement for immunity and so informed my attorney."

Dean said he admitted various crimes, "principally obstruction of justice," in the off-the-record talks, but with

the understanding that charges would be brought against him only if independent evidence of his culpability could be secured.

The 32-year-old witness admitted that he did not tell the original government prosecutors he had destroyed the Hunt documents but he insisted that "I told them everything at that time that I could think of."

The talks tapered off in early May of 1973 amid talk of appointment of a special prosecutor and plans of the Senate Watergate committee to call him as a witness for its hearings.

Dean was granted immunity for his Senate testimony, but finally pleaded guilty in October of 1973 to a single count of conspiring to obstruct justice after plea-bargaining with Watergate prosecutors.

Chief trial prosecutor James F. Neal emphasized that Dean was still subject to perjury charges if his testimony should prove untruthful.

Yesterday's session began with Dean still under direct examination by the prosecutor for the fifth straight day.

Relying on his computer-like memory, the former White House counsel started off with a phone call he got from Nixon re-election committee lawyer O'Brian on the morning of March 23, 1973, when the original Watergate defendants were scheduled to be sentenced by Sirica.

Sirica jolted the courtroom that day by making public the letter he had gotten from McCord, the former security chief for the Nixon campaign. He charged that the defendants had been pressured to plead guilty, that perjury had been committed, and that "others were involved" in the scandal.

As soon as O'Brain had filled him in Dean said he called Ehrlichman only to be told that Ehrlichman already had a copy of McCord's letter in hand. Shortly after that, Dean said, Mr. Nixon called him.