

Nixon Got Details Earlier, Tape Shows

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Four days before he has said he was first told of the Watergate cover-up, President Nixon was given a detailed report on the criminal "vulnerabilities" of his top aides by then White House counsel John W. Dean III.

Mr. Nixon told Dean to try to "cut her off at the pass" and keep the information from the Senate Watergate committee.

According to a previously undisclosed White House tape recording played yesterday at the cover-up trial in federal court here, Mr. Nixon instructed Dean on

March 17, 1973, to work up a "self-serving" statement blaming the 1972 Watergate bugging and break-in on excessive zeal by G. Gordon Liddy and the six other original Watergate defendants.

"I think what you've got to do, to the extent that you can, John, is cut her off at the pass," Mr. Nixon told Dean. "And you cut off at the pass, Liddy and his bunch just did this as part of their job."

Dean picked up the idea right away. "They were out on a lark," he suggested in turn. "They went beyond any assignment they ever had."

Mr. Nixon's resignation this summer was prompted by disclosure of an earlier conversation in which he personally ordered an effort to block the Watergate investigation. But he has always publicly insisted that it was not until March 21, 1973—when Dean warned him of a "cancer" growing on the presidency—that he began to suspect that his aides and campaign advisers might really have been involved in the break-in and the ensuing cover-up.

Through all the investigations that followed, Dean said he felt sure he had warned Mr. Nixon before

that. The excerpts of the March 17 tape played yesterday with Dean on the witness stand, listening intently along with everyone else in the courtroom, bore him out.

At one point during a meeting in the Oval Office that day, the recording showed, the President started reciting what his young counsel had just been telling him about the Watergate scandal and the possible involvement of aides such as former Attorney General John N. Mitchell, White House Chief of Staff H. R. Haldeman, and White

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House special counsel Charles W. Colson. There was also some discussion of the involvement of Dwight Chapin, Mr. Nixon's appointments secretary in the so-called "dirty tricks" campaign by political saboteur Donald H. Segretti.

Mr. Nixon said he was summing up where "this thing leads, I mean in terms of vulnerabilities and so forth."

Nixon: It's your view the vulnerables are basically Mitchell, Colson, Haldeman indirectly—possibly directly, and, of course, the second level is, as far as the White House is concerned, Chapin.

Dean: I'd say Dean to a degree.

Mr. Nixon voiced surprise. He was apparently thinking of possible involvement in the campaign spywork and programming that led to the break-in at Democratic National Committee headquarters here on June 17, 1972, rather than the cover-up that followed.

"You? Why?" he asked Dean, who is serving a 1-to-4-year prison sentence for trying to obstruct the government's original investigation.

Dean: Well, because I've been all over this thing like a blanket.

Nixon: I know, I know, but you know all about it, but you didn't, you were in it after the deed was done.

Dean: That's correct. I have no foreknowledge.

Nixon: Here's the whole point, here's the whole point. My point is that your problem is, you—you have no problem. All the others that have participated in the goddam thing, and therefore are potentially subject to criminal liability. You're not. That's the difference.

Dean agreed. The President seemed to be preoccupied that day not so much with possible obstruction of justice, but with those who might be blamed in some way for the Watergate bugging.

According to Watergate

prosecutors, Mitchell approved a \$25,000 espionage plan that included the bugging at a meeting in Key Biscayne, Fla., on March 30, 1972. Colson had allegedly pressed for a decision on the secret operation. After the first bug was installed at the DNC headquarters in late May, Haldeman's deputy, Gordon Strachan, and perhaps Haldeman himself, are believed to have seen the initial results of the tap. At the March 17, 1973, meeting Dean told the President of the preliminary discussions a year before about setting up an intelligence operation, but said he thought the plans had been dropped.

Nixon: . . . but you didn't hear any discussions of bugging did you, in that, your meetings? Or did you?

Dean: Yeah, I did. That's what, ah, distressed me quite a bit.

Nixon: Who raised it? Liddy?

Dean: That's right.

With hearings of the Senate Watergate committee coming up, Mr. Nixon suggested that the White House might still be able to start off "in good posture" if Dean could work up a statement saying simply that a legal intelligence operation had been planned.

" . . . you won't need to say in your statement the bugging," the President told his counsel.

Dean went on to say that he met with Liddy two days after the burglary squad was arrested and was assured that nobody at the White House knew they were going into the DNC headquarters. "With one exception, and it was a lower-level person."

Mr. Nixon did not have to be told who that might have been. "Strachan," the President said before Dean could supply the name.

"Strachan," Dean agreed. " . . . I don't really know if he—how much he knew, and I said (to Liddy) 'Well, why in the hell did this happen?' He said, 'Magruder pushed me without mercy to go in there. Magruder said I had to go in there.'"

Mr. Nixon asked, "Who

pushed Magruder? Colson?"

Dean said he wasn't sure.

"Think Haldeman pushed him?" the President continued. "I can't think Haldeman pushed Magruder . . . maybe Chapin did."

Dean answered: "No, I think Strachan did. Because Strachan just had it on his tickler (file); he was supposed to be gathering intelligence and talking to Jeb and saying what, where is it and why isn't it coming in? You haven't produced it."

The President could well visualize how it might all come out publicly, perhaps starting with disclosures by someone like the 1972 Nixon campaign treasurer, Hugh Sloan, who had questioned

the money provided to Liddy.

"Sloan starts pissing on Magruder and then Magruder starts pissing on, on, who? Even Haldeman," Mr. Nixon suggested. "I think what you've got to do, to the extent that you can, John, is cut her off at the pass."

Before his resignation, Mr. Nixon had made public only the final portion of the March 17, 1973, conversation, in which Dean told the President that it might not be long before the White House role in the 1971 burglary at the offices of Daniel Ellsberg's psychiatrist would be uncovered. All the other tape segments were kept secret.

The President seemed optimistic about keeping a lid on the scandal at the March 17 meeting. But Dean testified yesterday that fresh problems arose almost immediately.

On Monday, March 19, 1973, he said, a lawyer for the Nixon re-election committee, Paul O'Brien, came into Dean's office at the Executive Office Building with an ominous report.

Watergate burglar E. Howard Hunt was about to be sentenced by U.S. District Court Judge John J. Sirica on Friday, March 23. Now, Dean said, "Hunt had sent a message to me directly through O'Brien."

A former CIA agent, Hunt,

the jurors were told, was demanding \$70,000 for "support" and \$60,000 in attorneys fees by Thursday, March 22.

Dean said O'Brien told him Hunt had warned: "If I don't get what I asked for, I'll have to reconsider my options and I'll have some things to say about the seamy things I did for John Ehrlichman."

Then the No. 2 aide at the White House, Ehrlichman had been in overall charge of the White House "plumbers" unit that had conducted the Ellsberg burglary with Hunt and Liddy as the field commanders. Dean said he told Ehrlichman of Hunt's threat on March 20.

"He (Ehrlichman) said, 'that's very interesting,'" Dean testified. "He asked me if I'd taken this up with John Mitchell yet. I said, 'No. I had not.' He told me to raise this matter with Mr. Mitchell."

Dean said he called Mitchell shortly after that and reached him at his apartment in New York City's Essex House. But Dean thought he heard someone else on the line as they spoke and suspected that Mitchell's wife, Martha, might have picked up an extension.

"I was very guarded," Dean said. "I said I'd received a message I'd been given by Paul O'Brien . . . I asked him (Mitchell) if the Greek was bearing gifts that might take care of this problem. He said he would call me back tomorrow."

"The Greek," the jurors were told, was Thomas Pappas, a wealthy businessman and big Nixon campaign contributor. Dean said Ehrlichman had suggested Pappas in late January or early February of 1972 as a possible source of funds for the Watergate burglars' continuing demands for hush-money.

Dean said he, in turn, had mentioned Pappas' name to both Mitchell and a Nixon campaign deputy, Frederick C. LaRue, who was then in immediate charge of raising the cash. LaRue thought it was "a good idea" since he already had some business connections with Pappas involving proposed oil imports, Dean said.

LaRue said Pappas "might help," Dean testified, especially if they could supply some assurances that the imports would not be saddled with any onerous government tariffs.

Dean said he had reported all this back to Ehrlichman around Feb. 7-8, 1973. He said Ehrlichman told him, "All you have to do is call me when you find out precisely what the (tariff) problem is and I'll take care of it."

There was no indication from yesterday's testimony that this was ever done, but when Hunt's final "blackmail" demand came in, Pappas' name popped up in Dean's mind once again.

The call to Mitchell, and

perhaps Martha, completed, Dean said he was feeling disheartened. His name had already come up unfavorably at Senate confirmation hearings on FBI Acting Director L. Patrick Gray's short-lived nomination. Dean sat in his office, he said, and White House aide Egil (Bud) Krogh, who had been in day-to-day charge of the plumbers unit, came by to commiserate with him.

Dean said he told Krogh, "I frankly think the whole thing is going to blow up soon."

Finally, before leaving for

home that evening, Dean said he called Mr. Nixon. "The President spoke with me again about writing a report, a general report," that might blunt the Senate Watergate hearings, Dean testified. Dean said he asked for a meeting to lay out "the full implications" of what was going on.

Mr. Nixon told him to come to the Oval office the next morning, March 21, at 10 a.m. The recording of that famous meeting was played in court, the first time it had been heard in public, although transcripts have been available for months.

In contrast to his tones at the March 17 meeting, Mr. Nixon sounded tired and discouraged as being ticked off at the problems facing Gray's nomination, told him of Hunt's blackmail demands, and warned that "people are going to start perjuring themselves very quickly" at the new Watergate investigation coming up.

Repeatedly, the tapes showed, the President anticipated points Dean was about to make at the long meeting. At one point, in discussing LaRue's efforts to raise money for the Watergate burglars, Dean told the President that "apparently (LaRue) talked to Tom Pappas."

"I know," Mr. Nixon quickly replied.

Despite Mr. Nixon's past claims that he was just leading Dean on to find out what he knew and never really wanted Hunt's "blackmail" paid, the President sounded earnest, serious, even insistent as he told Dean: "Just looking at the immediate problem, don't you have to have handle Hunt's financial situation damn soon? . . . After all, you've got to keep the cap on the bottle that much in order to have any options."

The tone was still the same when Haldeman finally entered the room and

the President reiterated that Hunt's "price is pretty high, but at least, uh, we should buy the time on that . . . first you've got the Hunt problem. That ought to be handled."

Addressing Haldeman at another point, Mr. Nixon said that Dean, " . . . knows about everything and also what, uh, what all the potential criminal liabilities are . . ."

What the President said "about everything," the "about" sounded on the tape as if he were using it in the sense of "almost."

Hardly anything was deleted from the prosecution's transcript, which was supplied to the jury as a listening aid, but a laconic reference by Haldeman to Colson's new law partner, David Shapiro, as "that Jew" was left out.

The five defendants, Haldeman, Ehrlichman, Mitchell, former Assistant Attorney General Robert C. Mardian and Nixon re-election campaign lawyer Kenneth Wells Parkinson, all sat intently at their separate tables as the 100-minute tape ran its course. The atmosphere took a bizarre turn as Judge Sirica at the bench and Dean on the witness stand just six feet away stared straight at their transcripts while Dean could be heard saying of the judge:

"Yeah. He can be a, just a son of a bitch."

Sirica seemed to be working hard to keep an impassive face, at least until the tape ended, and the jurors ha been sent back to their downtown motel for the weekned.

Once they had left, however, the judge smiled and said: "Well, I've been called a lot worse things than that."

One of Mardian's lawyers, Thomas L. Green, protested Sirica's decision—made at a bench conference before the tape was played—to let the jury hear the reference to him.

Moving for a mistrial, Green contended that the jurors would not be infected with "extraneous consideration" and "perhaps a subconscious desire to vindicate Judge Sirica" by finding the defendants guilty.

Sirica denied the motion, noting that the unkind words had, after all, come from Dean, who is not on trial. Once again, at the outset of yesterday's session, the judge warned that he would deal harshly with any laughter as the tapes are played. Even so, there was one burst of laughter that Sirica let pass.

It came during the playing of a 10-second test early in the day to make sure the individual headsets were working properly. The first thing the announcer could be heard saying was:

"To avoid erasing this tape, never place the machine on 'record' while the tape is on the machine."