

Dean Alleges Nixon Knew of Cover-Up Plan

6/3/73

By Carl Bernstein and Bob Woodward
Washington Post Staff Writers

Former presidential counsel John W. Dean III has told Senate investigators and federal prosecutors that he discussed aspects of the Watergate cover-up with President Nixon or in Mr. Nixon's presence on at least 35 occasions between January and April of this year, according to reliable sources.

Dean plans to testify under oath at the Senate's Watergate hearings, regardless of whether he is granted full immunity from prosecution, and he will allege that President Nixon was deeply involved in the cover-up, the sources said.

Dean has told investigators that Mr. Nixon had prior knowledge of payments used to buy the silence of the Watergate conspirators and of offers of executive clemency extended in his name, the sources said.

Dean has little or no documentary evidence to support his charges against the President and most of his allegations are based on his own recollection of purported conversations with Mr. Nixon, the sources said.

Dean, the sources reported, claims that Mr. Nixon's former principal deputies, H. R. Haldeman and John D. Ehrlichman, were also present at many meetings in which the cover-up was discussed in the presence of the President.

Dean's statements to investigators have the effect of pitting him alone against the President and Haldeman and Ehrlichman, all of whom have denied involvement in the Watergate bugging or any subsequent cover-up.

The White House, as well as Haldeman and Ehrlichman, have pictured Dean as the principal figure in the Watergate cover-up. Justice Department sources say there is ample evidence to indict Dean in the case and that the former presidential counsel appears to have been more than just a reluctant participant in the Watergate cover-up.

In contrast, Dean and his associates have pictured the former counsel as a loyal White House aide who was only following orders in the Watergate cover-up and who, as time went on, agonized over what Watergate was doing to Mr. Nixon.

Dean is still seeking full immunity from prosecution, seeking to stay out of jail and hoping to keep his law license. But Senate and Justice Department sources said Dean's charges against the President are unrelated to the question

of whether he is granted such immunity and thus are not necessarily self-serving.

One of the strongest charges against Mr. Nixon that Dean has made to investigators refers to a meeting Dean said he had with Mr. Nixon shortly before the sentencing of the seven Watergate defendants March 23. Dean said that Mr. Nixon asked him how much the defendants would have to be paid to insure their continued silence, in addition to \$460,000 that had already been paid, the sources said.

Dean, the sources reported, maintains that he told Mr. Nixon the additional cost would be about \$1 million, and Dean also claims the President replied there would be no problem in paying that amount.

On March 26, Mr. Nixon telephoned Dean from Key Biscayne in a widely publicized call during which the President has been quoted as saying he was behind Dean, and "You're still my counsel." Dean has told investigators that in

See WATERGATE, A20, Col. 1

WATERGATE, From A1

this call, the President said he had been "kidding" when he asked Dean how much it would cost to buy silence.

By this time, investigators said, Dean had made it clear that he was going his own way, and Dean felt the President was making an attempt to retract a statement that could prove damaging to Mr. Nixon.

In a later conversation, Dean told investigators, Mr. Nixon attempted to force him to sign a letter of resignation that amounted to a confession that Dean had directed the Watergate cover-up without the knowledge of the President, Haldeman or Ehrlichman.

When Dean refused to sign, the former counsel told investigators, Mr. Nixon warned him "in the strongest terms" never to reveal the covert activities and

plans of the Nixon administration, the sources reported.

Dean has also told investigators and prosecutors that Mr. Nixon, with knowledge of the cover-up, wrote out orders in the margins of daily news summaries given him last year about Watergate developments. The handwritten orders effectively directed Haldeman, who was then the White House chief of staff, to counterattack, the sources said.

In some conversations, Dean has told the prosecutors and investigators, the President gave him direct "orders" to carry out the cover-up.

According to the sources, Dean has met secretly with the Watergate prosecutors on eight occasions and twice with the chief counsel of the Senate's Watergate investigating committee.

Senate and Justice Department sources reported that, although initially skeptical of Dean's version of events, Dash and the prosecutors now take the former presidential counsel's account seriously.

According to the sources, Dean has said that he met with the President only about 10 times from July, 1970, to January, 1973, in contrast to the 35 conversations this year, Dean has told the investigators and prosecutors that he believes the President increased the number of meetings this year to establish a clear-cut attorney-client relationship that Mr. Nixon could use to insist that Dean not testify about the conversations.

One source with first-hand knowledge of Dean's statements to investigators said that "there were about 35 meetings with the President during which Dean says the cover-up was discussed . . . it might have been 33 or 39, but 35 is the best approximation."

Haldeman and Ehrlichman were present at many of those conversations, the sources said, and the main portion of several conversations was between Haldeman, Ehrlichman and Dean with the President just listening.

Most of the 35 conversations took place in the President's office, though some

were telephone conversations between the President and Dean, according to the sources' account of Dean's version of events.

Dean, who was fired as presidential counsel on April 30, attempted unsuccessfully to get some of his files and records from the White House, especially "chronologies" that he dictated at the end of each day summarizing his activity, according to the sources.

The sources said that Dean was to visit the Executive Office Building yesterday to review some of his papers. Associates of Dean said that Dean was skeptical about what records might still be in existence.

According to the sources, the "chronologies" would allow Dean to more accurately reconstruct the alleged discussions about the cover-up. The sources said Dean told investigators that the chronologies relate only to orders from Haldeman and Ehrlichman about the cover-up and do not specifically

discuss the President's alleged role.

Dean, the sources said, told investigators he never mentioned discussions with the President in the chronologies because of the danger of committing such matters to paper.

Four White House sources told The Washington Post last week that Mr. Nixon and his closest aides regard possible charges by Dean as the biggest obstacle the President will have to overcome if he is to demonstrate his innocence in the Watergate cover-up.

Two of the sources said Dean had told them before he left the White House on April 30 that the President was involved in the cover-up. They declined to discuss the specific allegations Dean made to them, but characterized them as a "circumstantial case" against the President, unsupported by any documentary evidence known to be in Dean's possession.

There is agreement among The Post's sources in the White House, Justice Department and Senate that Dean has been the dominant factor in the White House response to Watergate developments in the last two months.



H. R. Haldeman, left, and John D. Ehrlichman knew of cover-up, Dean claims.

Dean's decision to break ranks at the White House and tell his story to the prosecutors, beginning on April 6, directly led to President Nixon's decision to fire Dean and reluctantly ask for the resignation of Haldeman and Ehrlichman, the sources said.

President Nixon's three recent statements on Watergate—on April 17, announcing "major developments" in the case; on April 30, announcing the Haldeman and Ehrlichman resignations and denying his own involvement; and a 4,000 word defense of his own actions, issued on May 22—all appear to be based on staying one step ahead of Dean, the sources said.

In citing national security grounds as the reason he ordered creation of a special investigations unit in the White House, Mr. Nixon on May 22 spoke of plans for covert activities that were spelled out in the top secret documents that Dean removed from the White House.

"There would have been no presidential statement (on May 22) if Dean had not walked off with those documents—period, no statement," one White House source said last week.

Initially, Justice Department and Senate sources reported, the Watergate prosecutors and Senate investigators were skeptical of Dean's version of events and believed his statements might have been motivated by a self-serving attempt to obtain immunity from prosecution.

However, "everything we have gotten from Dean that we were able to check out has turned out to be accurate," one Justice Department source said. Senate sources commented in the same vein, and, as one example, said that Dean was the source of information that L. Patrick Gray III, the former acting director of the FBI, had destroyed items taken from the safe of Watergate conspirator E. Howard Hunt Jr.

The disclosure of the break-in at the office of Daniel Ellsberg's psychiatrist was directly attributable to information supplied to the Watergate prosecutors by Dean during an April 14 meeting, Justice Department sources said.

The next day, the sources reported, President Nixon was informed by Justice Department officials that Dean was cooperating with investigators, and on April

17, Mr. Nixon made his statement about "major developments" in the case.

In that statement, the President attributed those developments to his own investigation of the case, which he said began on March 21. Mr. Nixon announced that he had asked the Justice Department to deny immunity from prosecution to any high administration officials found to be involved in the bugging or cover-up.

Senate investigators and sources close to the Watergate prosecutors say they now feel it is possible that Mr. Nixon's position on immunity represented an attempt to keep Dean from testifying before either the Senate or grand jury about

his knowledge of the Watergate case.

Although Dean recently said he would not testify fully before either body without first being granted full immunity, he has since decided to tell his story regardless of whether such immunity is forthcoming, sources close to Dean and in the Senate said this week-end.

According to Dean's version of events, he sought a meeting with President

Nixon on March 20 and, on the following day, reviewed with Mr. Nixon details of the bugging and subsequent cover-up, the sources reported. They said Dean believed at the time that Mr. Nixon was unaware of some details relating to the case.

At the meeting, Dean contends, he told Mr. Nixon that, "to save the presidency," it would be necessary for Haldeman, Ehrlichman and himself (Dean) to fully disclose their involve-

ment in the Watergate affair to federal prosecutors.

"After seeing the President, Dean was feeling high because he finally thought they were going to do the right thing," one source said. "It was his understanding that an agreement had been reached. Then everything collapsed because Haldeman and Ehrlichman said they didn't have to drown themselves to clean up the situation."

According to Dean's ver-

sion of events, Mr. Nixon met with Haldeman and Ehrlichman almost immediately after the March 21 session with the former presidential counsel. Following that meeting with Haldeman and Ehrlichman, Dean told investigators, Mr. Nixon informed him that he would not tolerate any break in the White House ranks and warned Dean that he would stand alone if he went to the prosecutors.

Last month Newsweek magazine reported that Dean was prepared to make at least two other allegations about the President's involvement in the Watergate cover-up.

In the first, Dean reportedly told federal investigators that he was summoned to the White House oval office by Haldeman on Sept. 17, two days after the seven Watergate defendants were indicted.

Dean told investigators that he found Haldeman and the President "all grins" and in Dean's opinion they were pleased at the success of Dean's effort to keep the lid on and keep other officials in the administration from being indicted.

Dean reportedly quoted the President as saying, "Good job. Bob (Haldeman) told me what a great job you've been doing."

The second alleged incident occurred in December. Newsweek quoted Dean as saying that a lawyer for Watergate defendant E. Howard Hunt Jr. approached White House special counsel Charles W. Col-

son to say "something had to be done" to avoid a long jail term for Hunt.

Colson reportedly passed the request along to Dean and Ehrlichman, and Ehrlichman was said to have answered, "I'll check." According to the Newsweek account of Dean's statements, Ehrlichman then walked into the oval office and returned with what he said was a promise of executive clemency for Hunt.

Ehrlichman then told Colson to tell Hunt's attorney that "everything is O.K." but not to be "too specific" in relaying the offer, according to the Newsweek account. That account was independently confirmed by The Washington Post.

Dean became involved in the Watergate investigation soon after the June 17 arrests at the Democrats' Watergate headquarters.

He sat in on the FBI interrogation of more than 15 White House aides and received 82 of the FBI's basic investigative files in the case.

Dean has been implicated by CIA officials, former White House aides and former acting FBI Director L. Patrick Gray III in the cover-up of Watergate. One former White House aide, John Caulfield, testified before the Senate select Watergate committee that Dean repeatedly order him to transmit offers of executive clemency to convicted Watergate burglar James McCord in return for his silence.

One associate of Dean

said that Dean began to realize that the "house of cards" on which the Watergate cover-up was erected was about to come down during the Watergate trial in January, but more specifically in February and March during Senate confirmation hearings when Gray was nominated by Mr. Nixon to be permanent director.

On March 22, a day after Dean met with the President and reportedly urged full disclosure, Gray testified that Dean had "probably" lied when he told the FBI that he would have to check before he could say whether Hunt had a White House office.

Dean first went to the prosecutors with his story on April 6, according to the sources, and the President announced "major developments" in the case on April 17.

On April 19, The Washington Post published a story quoting federal sources as saying that former deputy campaign manager Jeb Stuart Magruder had implicated Dean in the planning of the Watergate operation and the subsequent payments to the conspirators for their silence.

That day, Dean issued a statement from his White House office saying that he would not be a Watergate "scapegoat." This was the first public break in what has been a unified position about the Watergate by White House officials. Ten days later Dean was fired as the President's counsel.