

Text of White House Memo To Watergate Probe Panel

Post 6/28/73

This is the White House memorandum, written by White House special counsel ~~L. Fred Buzhardt~~, that was used by the Senate select Watergate committee in its questioning of former White House counsel John W. Dean III late yesterday afternoon.

The memo, a commentary on Dean's testimony before the committee this week, is essentially a White House statement of the involvement of Dean and others in the Watergate affair.

The notations in parentheses in the memorandum are Buzhardt's citations of previous Senate testimony and sworn depositions by various Watergate figures as authorities for his conclusions.

It is a matter of record that John Dean knew of and participated in the planning that went into the breakin at Watergate, though the extent of his knowledge of that specific operation or of his approval of the plan ultimately adopted have not yet been established. There is no reason to doubt, however, that John Dean was the principal actor in the Watergate coverup, and that while other motivations may have played a part, he had a great interest in covering up for himself.

PRE-JUNE 17

Dean came to the White House from Justice from a background of working on problems of demonstrations and intelligence. Among those working under him at the White House were Tom Houston and John Caulfield. Dean was involved in discussions in 1971 about the Sandwedge plan Caulfield proposed (Caulfield Testimony 611-612; Magruder Testimony 1880). Ehrlichman was told that the original authors of the \$1,000,000 plan were Dean and Liddy (Ehrlichman Deposition 116). Whatever the fact about this, it is clear that Dean attended the meetings that led up to adoption of the Watergate plan. Dean introduced Mitchell (who

had sponsored Dean for his White House position) to Liddy on November 24, 1971 (Id., 120; Magruder Testimony 1941). Dean introduced Magruder to Liddy in December, 1971, and suggested Liddy for the combined position of general counsel and chief of intelligence gathering for CRP (Magruder Testimony 1878, 1939-1941). He told Magruder that Mitchell had hired Liddy (Magruder Testimony 2034).

Dean, Liddy, Mitchell, and Magruder met to discuss intelligence plan of this kind on January 27, 1972, and on February 4th (Magruder Testimony 1881, 1887). Dean was not present at the final meeting on March 30 when the \$250,000 plan was approved (Magruder Testimony 1899). It is not clear whether he was not there because he disapproved or simply because he was not in Key Biscayne or because he wanted to try to keep his own record clean. He is reported as having said that he "didn't think it was appropriate for him to be in on these conversations" (Id., 121). He is also reported to have said, at a meeting in Mitchell's office, that "We shouldn't discuss this in front of Mitchell or in the Attorney General's office." (Ehrlichman Interview 20; see also Magruder's Testimony 2078). At some point during the spring Magruder phoned Dean and asked him to talk to Liddy to try and calm him down (Ehrlichman Deposition 112). At another point Dean, knowing that a bugging operation was under serious consideration, called Magruder and referred to the importance of Liddy's intelligence activities (Magruder Testimony 2078). This arose after an argument between Magruder and Liddy; Dean urged Magruder not to let personal animosity "get in the way of the project" (Magruder Testimony 1897). Also in March, 1973, Dean claimed to

Haldeman that, in the spring of 1972, he had told Haldeman that he had been to two meetings at which unacceptable and outlandish ideas for intelligence gathering had been rejected by himself and by Mitchell and that he, Dean, proposed not to attend any more such meetings. (Second Haldeman Interview 1, 12; Haldeman Deposition 183). Haldeman has no personal recollection of Dean telling him about the meetings at the time but is "willing to accept that as a possibility" (Id., 184; First Haldeman Interview 8).

POST-JUNE 17

Whatever the facts may be on the matters that are uncertain in the spring of 1972 about Dean's knowledge of specific approval of the breakin, it must have been clear to Dean, as a lawyer, when he heard on June 17th of Watergate, that he was in personal difficulty. The Watergate affair was so

clearly the outgrowth of the discussions and plans he had been in on that he might well be regarded as a conspirator with regard to them. He must immediately have realized that his patron, Mitchell, would also be involved.

It appears that Ehrlichman called Dean on June 17th to advise him of the problem and to direct him to take charge of it for the White House. Even without an instruction, this would have been his responsibility, as Counsel for the President, from the time of the occurrence and he was active in that role from the moment of his return to the city a day or two after the breakin (Ehrlichman Deposition 228).

On June 19th Dean met with Liddy, Mitchell, Strachan, Magruder, and Sloan. Dean, Mitchell and Magruder also met with LaRue and Mardian that evening in Mitchell's apartment. At these meetings the coverup plan was hatched (Magruder

Testimony 1913, 1955-1956). A series of meetings followed throughout the summer (Id., 1918). Dean and Mitchell were Magruder's principal contacts on the coverup (Id., 1919).

Dean was not merely one of the architects of the coverup plan. He was also its most active participant. Magruder correctly concluded that Dean "was involved in all aspects of this coverup" (Magruder Testimony 2053).

- It was Dean who suggested to Haldeman that the FBI was concerned that it might run into a CIA operation (Second Haldeman Interview 6).

- It was Dean who suggested to General Walters on January 26th that CIA pay the Watergate defendant while in jail (Walters Memo for Record, 6-28-72).

- It was Dean, purportedly acting on behalf of Mitchell, who came to Ehrlichman several weeks after the breakin to obtain approval for fundraising by Kalmbach for the arrested persons (Ehrlichman Interview 7).

- It was Dean who reviewed the papers found in Hunt's safe and declared that they were "politically sensitive" and should be given special treatment (Id., 6).

- It was Dean who sought unsuccessfully to have the others omit his name from the list of those who attended meetings on the Liddy plans (Magruder Testimony 1924, 2082).

- It was Dean who urged Hunt to flee the country two days after the burglary (Hall Affidavit April 13).

- It was Dean and Mitchell who prepared Magruder for his perjurious grand jury testimony (Magruder Testimony 1922).

- It was Dean who said of a memorandum Colson had prepared on August 29th stating the facts as the knew them: "For God's sake destroy the memo, it impeaches Magruder" (Ehrlichman Interview 2).

- It was Dean who suggested that Sloan take the Fifth Amendment, though Sloan was innocent (Sloan Testimony 1356).

- It was Dean who was the agent in some of the money dealings with the arrested persons (Second Haldeman Interview 6).

- It was Dean who told

Colson not to make a transcript of Colson's taped conversation with Hunt and said that he, Dean, would handle the matter (Report from federal prosecutors, *New York Times* 6-28-72).

Throughout all of this Dean was perfectly situated to mastermind and to carry out a coverup since, as Counsel to the President and the man in charge for the White House, he had full access to what was happening in the investigation. He sat in on FBI interviews with White House witnesses and received investigative reports. Dean and Ehrlichman met with Attorney General Kleindienst late in July. The Attorney General described the investigation and said that "it did not appear that any White House people or any high-ranking Committee people were involved in the preparation or planning or execution of the breakin" (Ehrlichman Deposition 173). History fails to record that at that moment Dean corrected the Attorney General's erroneous impression by pointing out that Mitchell, Magruder, and Dean had all been involved in planning of operations of which Watergate was an obvious derivative, or that Strachan had knowledge of the fruits of this kind of operation, or that all of them were suborning perjury and otherwise seeking to conceal the facts.

Dean's activity in the coverup also made him, perhaps unwittingly, the principal author of the political and constitutional crisis that Watergate now epitomizes. It would have been embar-

rassing to the President if the true facts had become known shortly after June 17th, but it is the kind of embarrassment that an immensely popular President could easily have weathered. The political problem has been magnified 1,000-fold because the truth is coming to light so belatedly, because of insinuations that the White House was a party to the coverup, and, above all, because the White House was led to say things about Watergate that have since been found to have been untrue. These added consequences were John Dean's doing.

Dean was responsible within the White House for becoming apprised of what

had happened. From June 17th on, Dean had periodic conversations with Ehrlichman "about virtually every aspect of this case" (Ehrlichman Deposition 142). Dean reported also to Haldeman (First Haldeman Interview 7; Second Haldeman Interview 3) and to Ziegler, to whom he gave repeated assurances that he had made an "intensive investigation" and had found no White House involvement (Ziegler Interview 2). Dean was "the foundation of the proposition that the White House was not involved" (Ehrlichman Interview 15).

SPRING 1973

With the election passed and public interest in Watergate on the wane, Dean may have thought that this coverup had been a success, although he purported to continue an ongoing investigation. At the same time Dean was affecting a failing memory and talking to Magruder as if Dean did not recall the pre-Watergate planning meetings in which he had participated (Magruder Testimony 1929). In February, however, with the Ervin Committee beginning its work, the President was again concerned that all of the available facts be made known. In the middle of February, 1973, Dean and Richard Moore met with Ehrlichman and Haldeman at San Clemente. Dean was assigned to reduce "to written form all of the detailed facts as they related both to the Committee to Re-Elect and the White House" (Ehrlichman Deposition 152; see also Moore Interview 6). Dean was pressed continually for that statement, particularly by Haldeman, but never produced it (Id., 154).

At this point the Gray confirmation hearings were imminent and the Ervin hearings were on the horizon. The President, who had barely known Dean, determined that Counsel to the President was the appropriate person with whom to work in formulating the President's position on executive privilege and similar legal issues that these hearings—and news conferences on March 2nd and 15th at which they would arise—would present. Between February 27th and April 16th the President met with

Dean (and usually others) 21 or 22 times and there were 14 telephone conversations between March 10th and April 22nd. It is probable that Dean helped induce the views on attorney-client privilege and on separation of powers that would have immunized Dean himself from having to testify under oath. During this period Dean was developing other problems. On March 10th there were press reports that it was Dean who had recommended Liddy to recommend Liddy to CREP. On March 22nd Pat Gray testified that Dean had lied to him during the course of the FBI investigation of Watergate. On March 23rd McCord's letter to Judge Sirica was made public. The coverup coming uncovered.

During this period the point was frequently raised by various people, including primarily the President, that the whole story of Watergate should be made public. "Dean's answer always was we can't do it while the investigation is continuing, there are conflicting versions of events and the rights of defendants might be prejudiced by a statement" (Second Haldeman Interview 4).

On March 20th the President indicated that he still did not have all the facts (Id., 9). In the preceding week Dean had begun to express to Richard Moore concern about Dean's own involvement, referring to the meetings in Mitchell's office, the plumbers' operation and the Ellsberg break-in, and the demand by Hunt, possibly on March 16th, for more money (Moore Interview 16). After the two of them met with the President on March 20th, Moore told Dean: "I don't think the President has any idea of the kinds of things that you've told me about." When

Dean agreed that the President did not, Moore told Dean that it was his obligation to advise the President and lectured Dean on this subject (Id., 17). On March 21st Dean gave the President a more complete, but still laundered, version of the facts, and so surprised the President that, accord-

ing to press accounts of what Dean is saying: "The President came out of his chair." At this meeting Dean indicated that Magruder was involved but that he did not know about Mitchell. He mentioned the Ellsberg break-in and possibly a second story job at the Brookings Institution. (Second Haldeman Interview.) He told about the attempt by Hunt to blackmail Ehrlichman over the Ellsberg break-in. He suggested that Haldeman, Ehrlichman, and Dean might all have some problem about the financial transactions with the defendants but that he thought they were more technical and political than legal. He gave no hint, however, of his own orchestration of perjured testimony by Magruder and others.

Ehrlichman suggested that everyone be made to appear before the grand jury and waive executive privilege. Dean thought this would be a good idea but only if the persons who appeared before the grand jury were given immunity. At another meeting that day Ehrlichman strongly opposed immunity (Second Haldeman Interview 9-10). On March 23rd Dean was sent to Camp David in order to complete the long-promised report. Dean was at Camp David for six days but came down on the night of the 28th and "delivered nothing" (Ehrlichman Deposition 154).

The failure of Dean's Muse while he was on the

mountain is understandable, since by this time it would have been impossible to write a believable report that would not have been self-indicting. While he was at Camp David, Dean told Ehrlichman's assistant that he was "not getting the statement done but was planning his own defense" (Ehrlichman Interview 23). Haldeman talked with him several times and felt that "Dean was not having much progress in writing his report but it became clear that he was worrying more about himself" (Second Haldeman Interview 12). On the 25th the President suggested it be announced that Dean would appear before the grand jury. On the 26th Dean agreed but said that he would do so only if given immunity.

On March 30th the President relieved Dean of any further responsibility for the Watergate investigation. He called Ehrlichman in, told him that it was evident to the President that "Dean was in the thing up to his eyebrows," and assigned Ehrlichman to look into Watergate (Ehrlichman Deposition 155). The President indicated to Ehrlichman that his conversations with Dean throughout the preceding month had given him "a growing awareness of Dean's personal involvement in this . . ." (Id., 155-156).

Relieved of his Watergate duties by the President and aware that his own complicity had become obvious, Dean decided to strike out on his own to hunt for immunity for the long list of wrongs he had committed. According to the press, it was April 2nd when he first established contact with the prosecutors and attempted to bargain for immunity. While he carried on these negotiations, Ehrlichman completed his report and advised the President on April 14th that Mitchell, Magruder, and Dean were all involved (Second Haldeman Interview 15). On the 16th Dean was asked by the President to resign but refused to do so. On the 30th he was dismissed. His increasingly shrill efforts since that date to save himself by striking out recklessly at others are too familiar and too painful to require mention.

By hand's reasoning bottom is
on what must have been to Dick as a
judge" also applies to most of the
lawyers who know that the 7/13/70
approval of book-iss & all those who
knew of the "numbers" etc

Note underlying - worked perfectly