

Dean Hardens Charges, Says Nixon Not Truthful

Fights Off Credibility Challenge

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Former White House counsel John W. Dean III, facing the first challenge to his credibility by the Senate select Watergate committee yesterday, hardened his accusations against President Nixon, asserting that the President had not told the truth in his public statements about the Watergate affair over the past year.

Under five hours of questioning by the committee and its staff, Dean repeated his charge made on Monday that President Nixon knew about the cover-up of the Watergate affair as far back as last September.

"I believe the President was aware of the effort to cover up the Watergate," Dean said after one senator read statements in which Mr. Nixon denied such knowledge.

Dean told the senators he was willing to submit to a polygraph test to prove his credibility and the truthfulness of his charges.

He said he has recently been the target of a public campaign to discredit him and that "every conceivable inch of my life has been gone over." Dean did not say who was conducting the campaign, which he said included damaging news leaks, rumors about his marriage, and visits by private investigators to his friends, his neighbors, stores he patronizes, and his bank.

During other testimony, Dean mentioned two instances in which the White House previously moved or was prepared to move out of vindictiveness. As one example, Dean said he had a White House list of "enemies" as well as a plan of how the White House intended to attack them. Dean said he would turn the documents over to the committee.

After an article appeared in Newsday, a Long Island, N.Y., newspaper, about Bebe Rebozo, one of Mr. Nixon's closest friends, Dean said, "I got some instructions that one of the persons who wrote the article should

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have some problems." He said he could not recall the name of the person or how an Internal Revenue Service audit ordered on the person came out.

The newspaper issued a statement yesterday stating that the tax returns of senior editor, Robert Greene, and editor David Laventhol were audited in the spring of 1972. Greene was in charge of the paper's investigation of investments of Rebozo, former Sen. George A. Smathers (D-Fla.) and their relationship to Mr. Nixon. The articles appeared in October 1971.

In response to reporters' questions about Dean's two days of testimony about the President, a spokesman at the San Clemente White House said yesterday that the President stood by his lengthy May 22 statement on the Watergate affair.

Throughout the five hours of questioning yesterday, Dean held the ground that he staked out on Monday when he read his 245-page version of the Watergate affair. At one point, the committee's minority counsel, Fred Thompson, told Dean he wanted to ask questions about Dean's personal involvement in the affair.

"I hope I am not appearing to be badgering you in any way, but I am sure you understand that your actions and motivation are very relevant."

Dean appeared to throw Thompson off guard with his reply: "In fact," Dean said with a slight smile, "if I were still at the White House, I would probably be feeding you the questions to ask the person who is sitting here."

"If I were here as I am," Thompson responded, "I would have responded as I have responded that I do not need questions to be fed to me from anybody."

Thompson's questioning, however, did not shake Dean from the charges he has made publicly, under oath concerning President Nixon's involvement in the Watergate cover-up.

During questioning by Sen. Joseph M. Montoya (D-New Mexico), Dean told the committee that he was motivated to tell the truth by his reservations over whether the cover-up could continue. "I just didn't have the constitution internally to keep going on," Dean said.

Referring to his meetings with President Nixon in late March and April 1973, Dean said, "It was a very difficult thing to hide and as I explained to the President it would take perjury upon perjury upon perjury to sustain . . . I knew my day of being called (to testify before the grand jury) was not far off."

Montoya read to Dean a series of statements made by Mr. Nixon beginning last Aug. 29 concerning the Watergate affair. Citing an investigation that the President said Dean had conducted, Mr. Nixon stated then: "I can say categorically that his (Dean's) investigation indicates that no one in the White House staff, no one in this administration, presently employed, was involved in this very bizarre incident . . ."

Asked by Montoya if he participated in forming that statement, Dean replied, "No, sir. Not at all. I did not participate at all." Dean said that he never conducted such an investigation. "I felt he (Nixon) must have been aware of the fact that I had never conducted such an investigation for him because he never received a report from me on it."

Montoya read an excerpt from a statement by Mr. Nixon April 17, when he announced "major developments" in the Watergate case. The portion of the Nixon statement Montoya quoted was: "I condemn any attempts to cover up in this case, no matter who was involved."

"Do you believe he was telling the truth?" Montoya asked.

"No, sir," Dean replied, adding that White House chief of staff H. R. Halde- man and special assistant to the President John D. Ehrlichman still were on the White House staff even though Mr. Nixon "knew the full implications of the case" and of their involvement in the cover-up.

Montoya also read Dean a series of assertions Mr. Nixon made in his May 22 statement concerning Watergate. Mr. Nixon had said he had no "prior knowledge of the Watergate operation," that he "took no part in" or knew about subsequent cover-up activities, that he did not authorize any offer of executive clemency for the Watergate defendants and that he did not

know "until the time of my own investigation, of any effort to provide the Watergate defendants with funds."

Dean responded, "Well, in totality, I think there are less than accurate statements in that statement," although Dean added that he had no "first-hand knowledge" if Mr. Nixon had prior knowledge of the Watergate operation.

Dean reiterated his testimony of Monday that he had discussed the cover-up at meetings with the President dating back to Sept. 15, 1972.

Dean also repeated that he had first learned in January, 1973, from special counsel to President Charles W. Colson that Colson had discussed executive clemency for a Watergate conspirator with Mr. Nixon. Dean repeated that Mr. Nixon later confirmed this discussion in March and again in April in meetings with Dean. (Colson once again denied this charge yesterday during an appearance on the morning Today television program.)

Dean told the Senate committee that the White House has made his (own) files available to him, and he has checked them for documents to corroborate his story. But he said that arrangements to see the files are "rather awkward." According to Dean, the files are in the White House basement, where there is no table or desk. Copies may not be made of anything in the files, he said, and a Secret Service agent is always present when the files are examined.

Sen. Daniel K. Inouye (D-Hawaii), told reporters during a recess in yesterday's session that the White House had submitted to the committee questions to be asked of Dean. Calling the questions "perfectly appropriate," Inouye said he will ask them if no one else does. "If you follow the questioning," Inouye said, "it would appear they would like to prove that Mr. Dean was the brains of it all, and that he gave bad advice."

Dean told the committee that the recent campaign to discredit him included the false rumor that he and his second wife, Maureen, whom he married less than a year ago, had separated. Mrs. Dean, sitting behind him as he told the committee about the rumor, smiled broadly.

Dean termed "absurd" a newspaper story, which he said was another part of the campaign to discredit him, that he was afraid to go to prison because of the possibility of homosexual attacks on him.

In the morning session yesterday, questions focused on Dean's credibility, particularly concerning his version of Mr. Nixon's involvement in the Watergate affair; Dean's motivation for speaking out now and why he had waited so long, and the atmosphere at the White House that led first to the Watergate break-in and then allowed the cover-up.

"What makes you think," Sen. Herman Talmadge (D-Ga.) asked, "that your credibility is greater than that of the President, who denies what you have said?"

"Well, Senator," Dean replied, "I have been asked to come up here and tell the truth. I have told it exactly the way I know it. I don't say that I — you are asking me a public relations question, really, in a sense why I would have greater credibility than the President of the United States? I am telling you what I know. I am telling you just as I know it."

At another point, Dean was asked by Sam Dash, the committee chief counsel, whether he fully grasped the seriousness of the charges he had leveled in his statement Monday:

Dash: I guess you are fully aware, Mr. Dean of the gravity of the charges you have made under oath against the highest official of our land, the President of the United States?

Dean: Yes, I am.

Dash: And being so aware, do you still stand by your statement?

Dean: Yes, I do.

Dash: Mr. Chairman, I have no further questions.

Dean: I might add this, Mr. Dash, I realize it is an almost impossible task, if it is one man against the other that I am up against and it is not a very pleasant situation but I can only speak what I know to be the facts and that is what I am providing this committee.

As for Dean's motives in coming forth with his account of the Watergate, Dash pressed Dean about whether he still hoped to win immunity from prosecution, despite his unsuccessful efforts over the past three months to strike a bargain with the prosecutors.

"Mr. Dash," said Dean, "I

have been asked to give testimony. That testimony happens to involve the President of the United States. I don't plan to use . . . I have no motive in giving that testimony to try to obtain immunity from the prosecutors, no sir."

Fred Thompson, minority counsel to the committee, questioned that explanation, particularly after Dean conceded that he and his lawyers had a two-phase plan for dealing with the prosecutors and the Senate committee.



By James K. W. Atherton—The Washington Post

Sen. Herman Talmadge directs question to Dean.

"The obvious question," Thompson said, "is whether or not you went to the prosecutors, gave them what you thought might be enough (of his version of the Watergate affair) to get immunity; having failed there, came to this committee and offered a little more in order to get immunity from this committee. Was that or was that not your strategy?"

"I believe," said Dean, "that is not correct."

Dean did receive limited immunity from the Senate committee for his testimony at the hearings, but Watergate Special Prosecutor Archibald Cox last week turned over sealed evidence to U.S. District Court Judge John J. Sirica that can be used against Dean in any future indictment because it was obtained independently.

Once they did come forward with Dean's story, Dean and his lawyers withheld from the prosecutors details about the alleged involvement of the President until April 15 or later, more than two weeks after their first approaches to the assistant U.S. attorneys — a delay that Thompson suggested was part of Dean's effort to gain immunity.

Dean said they wanted to first resolve matters of attorney-client privilege, executive privilege and national security and in addition, Dean said:

"I frankly was hopeful that at some point, when the President returned, (from San Clemente), I would have a chance to go in and tell the President, this is the way I saw it; this is what I have done, and ask him, based on that, to come forward and explain his involvement the way I thought he would."

The questioning opened yesterday morning with a summary by Dash of Dean's statement Monday concerning the "obsession" at the White House over antiwar demonstrators and newsleaks and how that gave rise to covert activities aimed at surveillance and intelligence-gathering.

When the Watergate conspirators were caught at the headquarters of the Democratic National Committee, Dash asked, "this really was not an extraordinary action from the standpoint of the White House which had approved or engaged in similar missions for a period of at least two years prior to the Watergate?"

Dean: Well, as I believe I described in my statement yesterday, the preceding things that had occurred in a sense were precursors but I think that the fact that the break-in occurred was not as a result of conscious design as much as an accident of a culmination of many of these elements . . .

Dash: Therefore, on the basis of your own statement would it be fair to say that

the true concern of those who approved such tactics in the past, such as Mr. Haldeman, Ehrlichman, as you have stated, would not be that there was a break-in but that the Committee for the Re-election burglars had been caught at it? The concern really was that they had been caught rather than they had broken in.

Dean: I think that is correct.

Dean sought yesterday to exonerate at least two leading spokesman for the Administration—White House press secretary Ronald Ziegler and Mitchell's successor at the re-election committee Clark MacGregor—who consistently denied newspapers' stories about the Watergate that have since turned out to be true.

As the pace of the disclosures in the Watergate case quickened this spring, Ziegler found himself under increasingly harsh questioning from newsmen. On April 17, Ziegler said that all his previous White House statements on the Watergate were thereafter "inoperative."

Did Ziegler know the truth, Thompson asked?

"No he did not," Dean replied. "In fact, that was a very difficult situation. Mr. Ziegler on countless occasions asked me to brief him. I on several occasions asked Mr. Ehrlichman if I could brief Ziegler. I was given very specific instructions that I was not to brief Ziegler."

Dean said that Ziegler could "sort of wade through a story without being factual—without actually going out and lying on a given matter . . . he could hedge and bob and weave . . . he would take, you know, an offensive approach rather

than to really admit a given set of facts. Because he could not, you know, I would tell him he could not admit the facts."

Citing as an example one of last fall's stories about a secret campaign fund at the White House, Dean said he told Ziegler:

"I said, well this is a matter of interpretation. It is a secret to some people, but since we knew of it, it obviously is not a secret, so you don't need to say it is a secret fund."

Dean said that on at least one occasion—a Time magazine story in February concerning wiretaps of White House staff and newsmen—Ehrlichman told Ziegler to "deny it." "Now that," said Dean, "was a flat-out lie."

As for MacGregor, who also was pushed forward to vigorously attack the press for printing Watergate stories, Dean said MacGregor was never, as far as Dean knew, aware of what was truly taking place.

During the Republican National Convention last August, Dean said, MacGregor was "very desirous of knowing the facts . . . One time he called me to his room and he said, I have to have the facts."

"Well I called Ehrlichman and said—I had known Mr. MacGregor for a number of years going back to my time on the House Judiciary Committee and I felt very awkward. I said, I will have to check this out with Mr. Ehrlichman. I called Mr. Ehrlichman and he told me I could not brief MacGregor."

The hearings resume at 10 a.m. today with Dean again as the witness.