

Watergate Trial Prosecutors Kept Witnesses From FBI

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Prosecutors attempted to exclude the FBI from portions of the Watergate bugging probe last year, in part because FBI files in the investigation were being turned over to President Nixon's counsel, John W. Dean III, according to sources in the Justice Department.

The sources said the prosecutors were so "disturbed" by what they considered intervention by Dean that they chose to keep witnesses away from the FBI and interrogate them before the grand jury.

In investigations of white collar crimes, prosecutors generally try to avoid FBI interviews with witnesses expected to be uncooperative and instead often send them directly to the grand jury where sworn testimony can be obtained.

But that general tendency to bypass the FBI was intensified in the Watergate case, the sources said, because the prosecutors feared dissemination of the FBI information to the very people being investigated.

The delivery of FBI reports to the White House, according to the sources, was regarded by the prosecutors as "outrageous" and "an inconceivable act."

"Dean couldn't have done a more complete job of embarrassing his clients at the White House," said one source at the Justice Department, where the work of the three assistant U.S. attorneys who prosecuted the Watergate case was supervised.

"We knew at the Department that this would come back to haunt them at the White House," the source continued. "But they were so afraid or curious that they had

to have those 302s (the form number of basic FBI reports)."

During the investigation, the prosecutors were not told that the FBI reports were going to Dean but concluded that they must have been because of the detailed information Dean had about the case.

At his confirmation hearings this month before the Senate Judiciary Committee, acting FBI director L. Patrick Gray III said he turned 82

basic FBI files in the case over to Dean.

Gray also said that he told no other official in the FBI or the Justice Department that he gave the reports to Dean.

One Justice Department attorney said that it was "the worst possible judgment" for Dean to ask Gray for the files. "Look at the position Gray was put in: the President's lawyer (Dean) says he

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wants the files on White House aides who are being investigated or at least interrogated. It's unheard of."

In addition, the Justice Department sources said that the Watergate prosecutors concluded that Dean was privately interviewing White House aides before the FBI interviewed them. This may have had a "chilling effect" on the aides, and "someone certainly was putting on the chill," one source said.

It has previously been reported that White House aides were less than cooperative with the FBI in the early days of the Watergate probe.

Gray has testified that Dean was also present when FBI agents interviewed about 14 White House aides in the case. This was at Dean's insistence, Gray said. The FBI would have preferred that Dean not attend the interviews, according to Gray, but accepted the arrangement rather than conduct no interviews with White House personnel.

The prosecutors were able to limit FBI contact with one key witness, Hugh W. Sloan Jr., the former Nixon re-election committee treasurer, who testified at the Watergate trial that he made large cash disbursements to G. Gordon Liddy, one of the Watergate conspirators.

They were less successful in attempts to keep the FBI from having a detailed interview with Alfred C. Baldwin III, another key witness in the case. Baldwin testified at the trial that he monitored wire-tapped telephone calls from the Democrats' Watergate headquarters for three weeks at the direction of another of the conspirators.

The Justice Department sources said this week that the Watergate prosecutors were uncertain whether Dean's involvement actually kept them from receiving information in the case.

"But it certainly slowed them (the prosecutors) down once," one of the sources said. The reference was to Dean's decision to remove the contents of E. Howard Hunt's office in the Old Executive Office Building. Hunt, a former White House consultant, pleaded guilty in the Watergate trial.

Yesterday Gray told the Judiciary Committee in answer to questions that he felt Dean had lied to the FBI when Dean said he would "have to check" before he could say whether Hunt had an office at the White House. Gray said that statement was made three days after Dean had Hunt's belongings removed from the office.

Dean kept the contents removed from Hunt's office for about one week before turning the material over to the FBI, according to Gray.

On March 3, The Washington Post reported that a notebook and an address book that Hunt said were left in his office were never received by the FBI. Hunt's lawyer, William O. Bittman, said that both items contained information that prosecutors hoped would lead to other persons involved in the Watergate conspiracy.

"The entire circumstances of their disappearance are peculiar," Bittman said at the time.

The prosecutors told their superiors at the Justice Department that Dean had actually been helpful to them on one occasion, the sources said without identifying it.

In general, however, the sources reported that the prosecutors felt Dean was trying to get to the sources of information before the FBI or the prosecutors.

One Justice Department source said: "John Dean was hovering throughout the investigation trying to move a step ahead, ready to snatch up a piece of dirty linen before the (FBI) investigators."

Another government official familiar with the Watergate probe defended Dean's action, saying that "any institution including The Washington Post would have an attorney doing the same thing if there was a big scandal."

Immediately after the June 17 Watergate break-in, Dean was assigned by President Nixon to conduct an internal White House investigation to determine if there was any involvement of presidential aides. In late August, President Nixon said Dean's investigation showed that no White House officials "presently employed," were involved.

The Senate Judiciary Committee considering Gray's nomination to the FBI directorship has asked Dean to appear, but Dean has refused, claiming his relationship to the President gives him an executive privilege releasing him from testimony before a congressional committee.

Sen. John V. Tunney (D-Calif.), a Judiciary Committee member, has claimed that Dean was "omnipresent" throughout the Watergate probe.

Several times during the Gray confirmation hearings it has been noted that Dean recommended the hiring of Watergate conspirator Liddy by the Nixon re-election committee in December, 1971. Before then Liddy was a White House aide.