

# Excerpts From Testimony by Dean to Senate

Special to The New York Times

WASHINGTON, June 26—  
Following are excerpts from a transcript of the testimony on the 13th day of hearings on the Watergate case today before the Senate Select Committee on Presidential Campaign Activity:

## MORNING SESSION

John W. Dean 3d

Mr. DASH: Mr. Dean, you stated, did you not, that well before the so-called Liddy plan spelled out in meetings on Jan. 27 and Feb. 4, 1972, that there was an atmosphere in the White House conducive to the bugging and break-in of the Democratic National Committee headquarters. Is that true?

Mr. DEAN: That is correct.

Q. Let me very briefly summarize the key plans and activities which you state in your statement created such an atmosphere. The first I understand was an over-all intelligence plan developed by the time you arrived at the White House in July of 1970, including White House leadership, to deal with internal security and domestic dissent which included such activities as illegal break-in and wiretapping?

A. That is correct, and I believe that was indicative of a concern that existed regarding that particular area of problem.

Q. Then there was the so-called plumbers operation set up in the White House in 1971 under Mr. Ehrlichman and Mr. Krogh utilizing Mr. Hunt and Mr. Liddy to investigate leaks such as the Pentagon paper leaks, which utilized such tactics as break-ins, photographing and bugging?

A. I think, Mr. Dash, you have capsulized some of the high points of the concerns I expressed yesterday.

Q. Therefore, Mr. Dean, when Liddy, Hunt, McCord and their crew, broke into the Watergate in May and June of 1972, 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, was it? A. That is correct, sir.

### "The True Concern"

Therefore, 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 of the President burglars had been caught at it?

A. I think that is correct.

Q. Is it not true that although you expressed amazement at the mind boggling, as you described it, Liddy plan in the Attorney General's office on Jan. 27, 1972, you, along with Mr. Mitchell, and Mr. Magruder did encourage Liddy to scale down this plan and budget and you didn't tell him to stop the activity?



The New York Times

Spectators at the Watergate hearing in the Caucus Room of the Old Senate Building

JUNE 27, 1973

## Committee Investigating Watergate

A. That is correct. With hindsight, I probably should have been much more forceful in trying to stop the plan when I realized it was something that should not occur.

Q. Well, Mr. Dean, after the scaled-down Liddy plan presented in Mitchell's office on Feb. 4, '72, which did not include the activity of mugging, kidnapping, or prostitution, but primarily electronic surveillance or break-ins although you say you disassociated yourself from it, as the White House representative you did not, in fact, tell Liddy to stop it. A. That is correct.

Q. And although you say that you told Haldeman that the White House should not be involved with the plan you did not recommend that Haldeman put a stop to it, which you knew he could if he wanted to?

A. Given the circumstances that were existing at the time, I felt that someone wanted this. I knew I had put those on notice involved that I was going to have no part in it.

Q. But so far as Liddy was concerned, Mr. Dean, your actions were consistent, were they not, with his getting the impression that you were merely establishing deniability for the Attorney General and the White House should the plans go forward, is that not true? A. I don't know if Mr. Liddy had that impression or not.

### Impression of Liddy

Q. Would it be consistent with his having that impression? A. He could have well had that impression, yes.

Q. Now, during January and June of 1972, did you, in fact, know that Mr. Magruder, who has testified before this committee, was giving Gordon Strachan full reports of the Liddy plan, including the break-in and the fruits of the break-in? A. No, I did not.

Q. Now, in fact, after the June 17 break-in and more specifically on June 19, I think your statement indicates that you were told by Mr. Strachan that he destroyed at the direction of Mr. Haldeman certain intelligence reports that came from the C.R.P., is that not true? A. That is correct.

Q. So that at that time you did have some knowledge of Mr. Strachan's knowledge? A. That is correct.

Q. Well, if Strachan did, in fact, receive reports from Magruder in the Liddy operation, do you have an opinion as to whether he would have forwarded these reports to Mr. Haldeman? A. My opinion is that he would report everything he knew in some form to Mr. Haldeman.

Q. In your statement, you have described a number of meetings and activities occurring immediately after the arrest of the C.R.P. burglars in the Democratic National Committee headquarters in the Watergate on June 17, '72, and continuing for several months thereafter, involving such persons as Mr. Haldeman, Mr. Ehrlichman, Mr. Colson, Mr. Mardian, Mr. Mitchell, Mr. LaRue, Mr. Magruder, yourself, and others.

Isn't it your testimony that this flurry of activity represented a massive cover-up operation to prevent the prosecutors the F.B.I., and the public from learning of the involvement of high White House or C.R.P. officials, either in the Watergate break-in or embarrassing earlier illegal activities of a similar nature such as the Ellsberg break-in?

A. That is correct, Mr. Dash.

Q. And did not this cover-up require a number of strategies such as perjury and subornation of perjury of Magruder, Porter and others, and the undermining of the judicial process, payoffs to indicted defendants to maintain their silence, limiting the F.B.I. inquiry so they would not stumble on other illegal intelligence activities of the White House? That is correct.

#### Dean's Role Defined

Q. And is it not true that you played a role in all of these cover-up activities? A. That is correct.

Q. Did you do these things on your own initiative, Mr. Dean, or at any direction of anybody else? A. I would have to say that to describe it, I inherited a situation. The cover-up was in operation when I returned to my office on Monday, the 9th, and it just became the instant way of life at that point in time.

Q. From whom were you taking instructions? A. I was taking instructions from Mr. Haldeman, Mr. Ehrlichman, I was taking instructions and suggestions from Mr. Mitchell and Mr. Mardian.

I was a conveyor of messages back and forth between each group and at times, I was making suggestions myself.

Q. Mr. Dean, you held an impressive title, Counsel to the President, and I understand had quite a big office. But could you tell us just what in fact was your relationship with Mr. Haldeman and Mr. Ehrlichman in your position with the White House?

A. Well, I learned before I went to the White House that the title was probably the best part of the job. My reporting relationship was directly to Mr. Haldeman, but because Mr. Ehrlichman had formerly been the counsel, he maintained a very active interest in many of the things of the counsel's office. So that most of the work of the counsel's office was really related to technical legal problems.

Q. Given such a massive cover-up operation that was under way with the approval and with the direction at times of Mr. Haldeman, Mr. Ehrlichman, and Mr. Mitchell, do you have an opinion—and I am asking you at this point for just an opinion—as to whether the President would have been informed of this cover-up operation from its inception?

A. Mr. Dash, I think it is unfair to ask me opinions I can surmise from the way I know the White House operated. I had reached a conclusion in my own mind that this thing might well go right to the President.

#### First-Hand Knowledge

Q. According to your own statement, in fact, you learned first-hand, did you not, that the President did know about the cover-up when you met with him on

1 Sept. 15, 1972, the day the  
1 indictments came down cut-  
1 ting off at the involvement  
1 of Liddy. Is that so? A. That  
1 is correct.

Q. When the President told you on Sept. 15, that Bob Haldeman had kept him posted on your handling of the Watergate case, and complimented you on the good job you had done and on the difficulty of your tasks, did you have any doubt in your mind what the President was talking about? A. No, I did not.

Q. Indeed, Mr. Haldeman not only knew how you handled the Watergate case but, in effect, he had directed the operation, did he not, which included pay-offs to defendants, perjury and limiting the F.B.I. investigation? A. The Kalmbach payments had been involved so I would say, yes, that he had, as well as being aware of the perjury.

Q. Now, if the President had been kept posted by Mr. Haldeman as to how you were handling the Watergate case he would have known of these illegal acts and according to your statement was, did in fact congratulate you for your successful performance of these acts, would that not be true from your point of view? A. I think that is true.

Q. Now, even further, Mr. Dean, you say in your statement that you told the President on that occasion, Sept. 15, with regard to the civil suit filed by the Democratic National Committee, that the lawyers for the Committee for the Re-election of the President had been making ex parte contacts with the Federal judge handling the case and the judge was understanding and trying to be accommodating. Now, putting it bluntly, Mr. Dean, were you not telling the President that you understood that the C.R.P. had a "fix" in with the judge?

#### Disagreement on Word

A. I do not think, Mr. Dash, I would use the word "fix." I think I was indicating to the President that the lawyers had some influence on the handling of the case and that they could slow down the case so that it would not be an embarrassment before the election. When I think of the word "fix" I think that means the outcome of the case is going to be influenced.

Q. All right. Now, according to your statement, did the president not say to you on being apprised of this special influence with the judge, "well, that is helpful"? A. He said something to that effect, yes, that is correct.

Q. Therefore, Mr. Dean, whatever doubts you may have had prior to Sept. 15 about the President's involvement in the cover-up, did you have any doubts yourself about this after Sept. 15? No, I did not.

Q. Mr. Dean, you opened up your statement when you first began to testify before this committee yesterday by purporting to soften the blow concerning the President by stating that you do not believe the President realized the full implications of his involvement. Now, if you have told the truth before this committee about what the President said to you on Sept. 15th and what you said to him, and as to the subsequent meetings you had with the President, can you honestly believe that the President, as a lawyer, and a sophisticated man in politics was not aware of the full implications of the cover-up activities?

A. Mr. Dash, I think my opening remarks were more directed at the human side of the situation than the legal side to the situation, that he had—he didn't realize the implications as far as what this would mean to people he had worked with for a number of years, people he was very fond of and I was not necessarily referring to the full legal implications of some of his activities.

Q. Well, do you have a belief as to whether or not he did have knowledge of the implications, the legal impli-

cations of this cover-up activity?

A. I would think the President would certainly have some appreciation of the legal problems involved, yes indeed.

Q. Mr. Dean, You have made serious charges before the committee. Do you have any special motive in making these charges such as hope for immunity before the prosecutors? You have already received immunity before this committee which is only use immunity and does not prevent your being prosecuted for any crimes that the prosecutors have evidence against you.

Do you have any motive in making these charges against the President based on the fact that this may lead to giving you immunity from the prosecutors?

A. Mr. Dash, 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.

Mr. Thompson: I would like to ask you a few questions based upon some of your testimony yesterday concerning your contacts with Mr. Petersen. A. The first time I had contact with Mr. Petersen is when the Attorney General called Mr. Petersen to his office and that was either on the 19th or the 20th.

Q. Do I recall your testimony correctly that you told him that you did not believe the White House could stand a wide open investigation? A. I told him, we discussed the implications of a wide open investigation and how embarrassing that could be in an election year, that is correct.

#### A Fair Investigation

Q. Well, did he indicate to you in any way that he would carry out anything less than a wide open investigation of this matter? A. I left the meeting with an impression that Mr. Petersen would be fair in an investigation of the White House and that that interpretation of fairness would mean that we wouldn't have an investigation of everything that occurred in the White House for four years.

Q. Do I understand your testimony that you were only concerned that he not go back into the prior four years to bring up unrelated matters that had nothing to do with this particular incident? A. The highlights of my recollection at that point are that we discussed what this would mean if this investigation led all the way to the President.

Q. Did you have the impression when you talked to Mr. Kleindienst and Mr. Petersen that Mr. Ehrlichman was depending upon you to take care of the situation or to get them to take care of the situation so that the White House would not be hurt?

#### Call From Ehrlichman

A. At this point, I was merely a messenger. I was being sent to different assignments to find out information. When I talked to Ehrlichman and he asked me to find out what the Justice Department was doing he wanted to find out how extensive their investigation was.

As time evolved, there was frequent criticism of the scope of the investigation by Mr. Ehrlichman.

There was, very clearly, the concern at the White House that the investigation would come right back into the White House.

Q. You mentioned a telephone call from Mr. Ehrlichman to Mr. Petersen about Stans having to go down and testify before the grand jury, something to the effect that Silbert was acting like a local prosecutor and Mr. Stans should not be treated this way. Do you know what Mr. Petersen's response to Mr. Ehrlichman was during that conversation?

A. I do not know, but I can only speculate that Mr. Petersen isn't the type of man who is easily pushed around.

Q. As I understand your statement now, just based upon your knowledge, you know of no impropriety in conducting his part of the investigation on Mr. Petersen's part?

A. I know of no impropriety. I think he tried to be very fair with the White House in dealing with the White House and the fact that he had an investigation going on in a political year, that it could result in embarrassment.

Q. You mentioned also Mr. Ziegler, and of course, we all know the statements that he continuously made during this matter. Who was supplying Mr. Ziegler his information?

A. I would say that basically, I supplied a large amount of it. I think that Mr. Ziegler would check many times with Mr. Ehrlichman, sometimes with Mr. Halde- man, and often with the President himself, he would check out a given statement.

Q. Did Mr. Ziegler know the truth?

A. No, he did not. 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. In fact, this briefing of other people occurred on a number of occasions. It occurred with Clark Macgregor before he went to, actually, while he was at the Republican National Convention.

He was very desirous of knowing the facts. He was having intense press inquiries at that point in time. One time, he called me to his room and he said, I have to have the facts.

#### Briefing of Ziegler

Q. Would it be fair to say, then, that on occasion, on numerous occasions, you misinformed Mr. Ziegler?

A. I would not say misinformed him as much as to tell him how to take the offensive so that he could save a given situation. I can think of one occasion where we talked about the secret fund that was at the White House and he said, how do I handle that? I said, well, that is a matter of interpretation. It is a secret to some people, but since we know of it, it obviously is not a secret, so you don't need to say it is a secret fund. So that is the way that was handled.

On, for example, the leaking to Time magazine of the story regarding surveillance of the White House staff and newsmen, that did present a real quandary to me, so I called Ehrlichman for guidance. I was aware what happened. I asked Ehrlichman for guidance on how to handle it. He said, just flat out deny it. Now, that was a flat out lie.

Q. Mr. Dean, by asking questions about your own personal involvement, I hope I am not appearing to be badgering you in any way, but I am sure you understand that your actions and motivations are very relevant? A. In fact, if I were still at the White House I would probably be feeding you the questions to ask the person who is sitting here.

Q. If I were here as I am, I would have responded that I do not need questions to be fed to me from anybody. After the break-in on the 15th I believe that you had a meeting in Mr. Mitchell's apartment with Mr. Mitchell, Mr. Mardian, Mr. Magruder, on the 19th after you returned to Washington.

In your listening between Mr. Mitchell and Mr. Magruder, did not your mind go back to those previous meetings? Did you not wonder whether or not in fact Mr. Liddy had been given the go-ahead?

#### Liddy Action Assumed

A. That had already occurred to me. Magruder had told me this was all Liddy's fault. It was very clear to me then that Liddy had proceeded, either with or without authorization. It was after I talked with Liddy that I was very clear in my understanding that Liddy had been given authorization to proceed.

Q. You never talk to Mr. Mitchell about it. A. No sir.

Q. What had been your professional relationship with Mr. Mitchell while you were at the Justice Department? A. I would have to say it was sort of a father-son relationship in many ways.

Q. Were you concerned about his personal involvement after you heard about the break-in?

A. I indeed was but, to this day there has been only one indication that he had any involvement in this thing at all and that was when I hypothesized to him what I thought had happened and he said something to the effect, "Well, yes, it was something like that but we thought it was going to be two or three times removed from the committee."

SENATOR TALMADGE: Mr. Dean, you realize, of course, that you have made very strong charges against the President of the United States that involves him in criminal offenses, do you not? A. Yes sir, I do.

Q. What makes you think that your credibility is greater than that of the President, who denies what you have said? A. 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 just as I know it.

Q. Did you see an article in one of the Washington papers that you were kicked out of a law firm here for violation of the canon of ethics? A. I did, sir.

Q. Would you like to comment on that?

A. Yes, I would. I was operating on the advice of counsel when I was involved in this investment, while I was still at this law firm, and I believe we had really a question of personalities rather than a question of ethics involved.

I would be happy to submit to the committee for its record the letter of counsel that I was operating on at the time this incident occurred, that I had sought legal advice as to whether this was proper or improper because I did not want to engage in it if it was improper.

Q. I believe you testified that you met with the President in March of this year and informed him fully about your participation and the participation of others in the cover-up of the Watergate incident. What was the President's reaction when you told him about the complicity of the individuals in the White House?

A. Well, I felt he had not gotten the message that I was trying to convey through to the President, and I think that the subsequent meeting that afternoon and the meeting the next day with the President indicated to me that there was more concern about this committee and its hearings than doing anything affirmative about what I told the President.

Q. What did the President say when you told him about you and Ehrlichman and Haldeman all being subject to indictment.

A. I don't recall the President's reaction as much as I recall Mr. Ehrlichman's reaction when he expressed displeasure. There was a general discussion, and I was just amazed at the discussion going on and I just kept shaking my head because the President would say to me, "Do you agree with this?" And I would say, "No, I don't," and finally I said, "The reason I don't agree with this is because I think that Mr. Haldeman, Mr. Ehrlichman and I are indictable for obstruction of justice."

#### Surprise Not Registered

Q. Did the President seem surprised when you gave him this information. A. No sir, he did not.

Q. Let us see if I have the sequence on the immediate aftermath of the break-in correct now. After the break-in in June, you saw Mr. Liddy.

A. Well, sir, I will give you the sequence. As I arrived back on Sunday night, the 18th, I was informed by my assistant that McCord had been one of the individuals arrested and that one of the Cubans had a check from Mr. Hunt. The next morning, I had a call from Mr. Magruder who told me that this whole thing is Liddy's fault. I then had a call from Mr. Ehrlichman who said, "I think you ought to meet with Liddy." I then met with Mr. Liddy about noon and he gave me his report. It was in that afternoon that Mr. Strachan came into my office and told me that he had been instructed by Mr. Haldeman to destroy documents.

Q. Mr. Strachan told you that Mr. Haldeman ordered him to go through Mr. Haldeman's files and destroy materials which included documents relating to wiretap information from the Democratic National Committee, is that correct? A. That is correct.

Q. Then shortly thereafter Mr. Ehrlichman told you to throw the contents of Hunt's safe in the river, is that correct? A. Well, he told me I should throw the briefcase in the river and he told me to shred the documents.

Q. Now, after all of those facts occurred, were available to you why did you not, as Counsel of the President, go to him at that time and tell him what was happening?

A. Senator, I did not have access to the President. I never was presumptuous enough to try to pound on the door and get in because I knew that just did not work that way. I know of efforts of other White House staff to get in. I have seen, for example, Mr. Mollenhoff, memorandums he tried to send in to the President and they are just blocked when you try to send information in.

#### 'Presumptuous of Me'

Q. You mean you were counsel to the President of the United States, and you could not get access to him if you wanted to, is that your testimony? A. No, Sir, I thought it would be presumptuous of me to try, because I felt, I was told my reporting channel was Mr. Haldeman and Mr. Ehrlichman and I was reporting everything I knew to them.

Q. When you met with Attorney General Kleindienst on the 19th and 20th of June, did you tell him about the meetings of Jan. 27 and Feb. 4, 1972, with Mr. Liddy and Mr. Magruder and Mitchell during, when buggings were

considered? A. No, sir, I did not.

Q. Why did you not tell him at that time? A. Because I knew that would put him in a position that he would have to pursue his investigation, and Mr. Kleindienst had told me when we talked generally about the thing that he said he would never sit in the Attorney General's office and prosecute Mr. Mitchell and I did not want to put this on Mr. Kleindienst at this point in time.

Q. Now, will you look at Exhibit No. 43 that you inserted in your testimony yesterday. It is a list of all of the people that you thought had violated the law and what the laws may be that they violated, is that correct? A. That is correct.

Q. What is the significance of the letters in the top left-hand part of that sheet? A. The list is broken down into two parts, Senator. One says "Pre" and the other is "Post."

Q. By "Pre," you mean prior to the Watergate break-in? A. That is correct.

Q. The planning and discussion of those events? A. That is correct.

Q. What is the significance of the letters in the top left-hand part of that sheet? A. The list is broken down into two parts, Senator. One says "Pre" and the other is "Post."

Q. By "Pre," you mean prior to the Watergate break-in? A. That is correct.

Q. The planning and discussion of those events? A. That is correct.

Q. Now, you have a star by Mr. Mitchell's name and no star by Mr. Magruder.

A. Maybe if I explain the whole list, it would save some questions for you. I have listed for Pre: Mitchell, Magruder, Strachan. Post: Haldeman, Ehrlichman, Dean, LaRue, Mardian, O'Brien, Parkinson, Colson, Bittman, Kalmbach, Tony, Stans.

Now, beside several of the names, after I did the list—just my first reaction was there certainly are an awful lot of lawyers involved here. So I put a little asterisk beside each lawyer, which was Mitchell, Strachan, Ehrlichman, Dean, Mardian, O'Brien, Parkinson, Colson, Bittman and Kalmbach.

Then I put, as we were discussing the development of the list, the evidence that I knew sort of first-hand or had reason to believe that others has first-hand evidence of, that I thought that a very strong case might be made against. The ones that I was not as sure about were ones I put a question mark on. This was just something I was working out in my own mind in a discussion I had with my lawyer as a result of discussions he had also had with some of the prosecutors.

Q. Any significance to the star? That they are all lawyers? A. No, that was just a reaction myself, the fact that how in God's name could so many lawyers get involved in something like this?

Q. What do the checkmarks indicate on the left-

hand side of the pper? A. I do not know.

Q. What is that language on the right? A. That is because I had earlier discussions with Ehrlichman and Haldeman about his and they asked me, what is the obstruction of justice? So I dug out the obstruction of justice statutes, which were Sections 371, which I believe is the conspiracy statute, 1503, and put the asterisk beside them—five years \$10,000, five years and \$5,000 for potential obstruction of justice.

When I took this list to Mr. Ehrlichman and Mr. Haldeman, Mr. Ehrlichman said, well, I may have a take—he said, I do not think this sounds like an obstruction of justice.

I said, well, you may want to look at the statute. I said, particularly read the annotations of the statute, because I think you will find some case law which indicate that obstruction of justice is as broad as the imagination of man to obstruct justice.

#### Penalties and Statutes

Q. So your significance, then, was that those gentlemen had violated those statutes and were guilty of those particularly offenses which carried either a 5-year sentence and \$10,000 and five years and \$5,000, is that correct? A. That is correct, senator.

#### AFTERNOON SESSION

SENATOR WICKER: Thank you, Mr. Chairman.

Now, Mr. Dean, would you be good enough then to read to the committee the memorandum from you to Mr. Mitchell dated September, 1970.

A. "Memorandum for the Attorney General:

"Pursuant to our conversation yesterday, Sept. 17, 1970, I suggest the following procedures to commence our domestic intelligence operation as quickly as possible.

# Figures in Senate Inquiry

Special to The New York Times

WASHINGTON, June 26 — Following are the names of individuals who figured today in hearings by the Senate select committee on the Watergate case:

## COMMITTEE MEMBERS

Sam J. Ervin Jr., Democrat of North Carolina, chairman.

Herman E. Talmadge, Democrat of Georgia.  
Daniel K. Inouye, Democrat of Hawaii.  
Joseph M. Montoya, Democrat of New Mexico.  
Howard H. Baker Jr., Republican of Tennessee.  
Edward J. Gurney, Republican of Florida.  
Lowell P. Weicker Jr., Republican of Connecticut.

## COMMITTEE COUNSEL

Samuel Dash, chief counsel and staff director.  
Fred D. Thompson, chief minority counsel.  
Rufus L. Edmiston, deputy counsel.

## WITNESSES

John W. Dean 3d, former counsel to the President.

## PERSONS NAMED IN TESTIMONY

William O. Bittman, attorney for E. Howard Hunt Jr.  
John J. Caulfield, former employe of the Committee for the Re-election of the President.

Charles W. Colson, former counsel to the President.  
John D. Ehrlichman, former White House domestic adviser.

H. R. Haldeman, former White House chief of staff.  
J. Edgar Hoover, former director of the Federal Bureau of Investigation.

E. Howard Hunt Jr., former Central Intelligence Agency agent and White House consultant; pleaded guilty to spying in the Watergate case; in jail.

Herbert W. Kalmbach, President Nixon's former personal attorney.

Richard G. Kleindienst, former Attorney General of the United States.

Egil Krogh Jr., former chief assistant to John D. Ehrlichman.

Frederick C. LaRue, former White House aide and chief deputy to Mr. Mitchell at the Committee for the Re-election of the President.

G. Gordon Liddy, former White House aide, convicted in the Watergate break-in; in jail.

Jeb Stuart Magruder, former deputy director of the Committee for the Re-election of the President.

Robert C. Mardian, official of the Committee for the Re-election of the President.

James W. McCord Jr., convicted participant in the Watergate break-in; free on bail while awaiting sentencing.

Clark MacGregor, former director of the Committee for the Re-election of the President.

John N. Mitchell, former Attorney General and former chief of the Committee for the Re-election of the President.

Clark Mollenhoff, former White House assistant.

Paul O'Brien, an attorney for the Committee for the Re-election of the President.

Kenneth W. Parkinson, an attorney for the Committee for the Re-election of the President.

Henry E. Petersen, an Assistant Attorney General who was in charge of the Watergate prosecution until last month.

Herbert L. Porter, scheduling director of the Committee for the Re-election of the President.

Charles G. Rebozo, personal friend of President Nixon.

Johnnie Walters, former Commissioner of Internal Revenue.

Daniel Schorr, Columbia Broadcasting System newsman.

Maurice H. Stans, former Commerce Secretary and former chairman of the Finance Committee to Re-elect the President.

Gordon Strachan, former assistant to H. R. Haldeman.

William C. Sullivan, former associate director of the Federal Bureau of Investigation.

Ronald L. Ziegler, White House press secretary.

"1. Interagency domestic intelligence unit. A key to the entire operation will be the creation of an interagency intelligence unit for both operational and evaluation purposes. Obviously, the selection of persons to this unit will be of vital importance to the success of the mission. Hoover has indicated a strong opposition to the creation of such a unit. I believe we agreed that it would be inappropriate to have any blanket removal of restrictions; rather, the most appropriate procedure would be to decide on the type of intelligence we need, based on an assessment of the

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recommendations of this unit and then to remove the restraints, as necessary.

"2. Housing. We discussed the appropriate housing of this operation and, upon reflection, I believe that rather than a White House staffer looking for suitable space, that a professional intelligence person should be assigned the task of locating such space. Accordingly, I would suggest that a request be made that Mr. Hoover assign an agent to this task. In connection with the housing problem, I think serious consideration must be given to the appropriate Justice Department cover for the domestic intelligence operation. The I.D.I.U. cover would eliminate the problem of discovering a new intelligence operation in the Department of Justice. However, I have reservations about the personnel in I.D.I.U.

"3. Assistant to Attorney General. We also discussed the need for you to have a right hand man to assist in running this operation. It would seem that what is needed is a man with administrative skills, a sensitivity to the implications of the current radical and subversive movements within the United States, and preferably, some background in intelligence work. To maintain the cover, I would think it appropriate for the man to have a law degree in that he will be a part of the Department of Justice. You suggested the possibility of using a prosecutor who had had experience with demonstrations or riot type cases.

"Bob Haldeman has suggested to me that if you would like him to join you in a meeting with Hoover he will be happy to do so."

Q. So, after this memorandum was written, you then proceeded to set up the I.E.C. insofar as the structure, the placing of it in the Internal Security Division [of the Justice Department], is that correct?

A. I believe that Mr. Mitchell did have a conversation with Mr. Hoover and reached some agreement as to their participation. I don't know how the decision was made to place it in the internal security unit, but I did learn about it at some point because they told me they had space set aside in the internal security unit's office.

There was a continual request for information regarding demonstrations and particularly information that would embarrass individuals in connection with their rela-

tionship with demonstrators or demonstration leaders.

Q. Outside of the area of demonstrations, did any information come to you from the Internal Security Division which could have a political value? A. I am sure it could have, but without looking at my files, it is impossible for me to remember.

Q. Did you have any direct contact with Division 5 of the F.B.I.? A. Division 5 of the F.B.I.?

Q. That is Mr. Sullivan's division. A. I know Mr. Sullivan, but I do not recall having any contact with him when he was at the Internal Security Division.

Q. All right; with the C.I.A.? A. No.

Q. With the metropolitan police? A. I talked to them in connection with demonstrations.

Q. Did you receive any information from these entities which was of a political nature—and I do not con-

sider information on demonstrations to be of a political nature. A. I cannot recall.

Q. All right. Let us move on to where you refer to your conversation with Mr. Mardian.

"It was not until almost a year or more later that I learned the reason for Mardian's trip to see the President. Mr. Mardian later told me, in a social conversation, that he had gone to see the President to get instructions regarding the disposition of wiretap logs that related to newsmen and White House staffers who were suspected of leaking."

Can you expand on your conversation with Robert Mardian?

A. He said, well, there were some wiretaps and I had gotten the logs from Sullivan and I had to get instructions on what to do with them and I was told to give them to Ehrlichman.

There had been on the

rumor mill at the White House for sometime that the White House had instructed a surveillance of White House staff members and newsmen in dealing with leaks.

Q. Then comes Feb. 22d or 23d of this year, and to paraphrase your testimony I gather you were placed in position of trying to find out about the leaks with the F.B.I. relative to a potential Time magazine story?

A. That is right. I said that I had this inquiry from the press office regarding this and I had some information that in fact it had happened, and I wondered what the facts were. Mr. Sullivan told me that he had at one point gotten the most trusted people in the Washington field office to undertake the function.

Q. Mr. Dean, let me very clear here so we try to put this story together. You were informed earlier in '72 by

Mr. Mardian that he had in his possession the logs of the Kissinger taps, is that correct? A. That is correct, that he had turned them over.

Q. And then in 1973 in an interview with Mr. Sullivan, Mr. Sullivan indicated to you that in fact the taps were accomplished by the Washington field office of the F.B.I. A. Yes.

Q. He indicated to you that Mr. Hoover disapproved of these particular set of taps, is that correct? A. That is the impression I had. I had been told that something had to be done for Bill Sullivan. I was never clear on exactly what it was that Mr. Sullivan had done that the White House owed him some favor for.

Q. In your talk with Mr. Sullivan, or in your contacts with him, was he ever requested to prepare a memorandum relative to F.B.I. involvement with other Presidents in so far as the politi-

did a sort of a full field wide open investigation, and this became very apparent. So this put the White House in a rather scrambling position to explain what had happened. The long and short of the explanation was that Mr. Schorr was being considered for a post and that this was a part of a preliminary investigation.

Q. All right. Any other instances that you recollect as to the use of the F.B.I. by the White House that either involved the F.B.I. or the Internal Revenue Service, C.I.A., military intelligence, alcohol, tobacco and firearms Secret Service.

A. At one point, one of the top officials at the Secret Service brought me a small intelligence print out regarding Senator McGovern.

It had to do with Mr., with Senator McGovern attending a fund-raising function, I believe in Philadelphia, and apparently there were some references in the intelligence statement to the fact that either Communist, former Communist supporters were going to attend the fund-raiser.

I took the document to Mr. Colson and I said, "Are you interested in this? I assume it was given to me not to bury in my files."

He said, "I am very interested in it." He took it and later told me he had made arrangements to have it published.

Now, with regard to the A.T.F., Mr. Caulfield was at A.T.F. after he left the White House and from time to time would send our tidbits of information regarding individuals.

I do not recall receiving anything that we might call politically embarrassing from the C.I.A. about any individual. The memoranda I received from the C.I.A. were straight classified documents regarding activities of some antiwar demonstrators or people traveling to Hanoi and things of this nature. Also, foreign funding of domestic radical groups and things of this nature which I would forward generally to Dr. Kissinger or General Haig.

With regard to the I.R.S., after an article was published on Mr. Rebozo I got instructions that one of the authors of that article should have some problems. I did not know how to deal directly with the situation. I discussed it with Mr. Caulfield. I was reluctant to call Mr. Walters, who was the head of the Internal Revenue Service and suggest that he do anything about this. Mr.

Caulfield apparently had friends in Internal Revenue Service and I believe he told me he was able to accomplish an audit on the individual. What the consequences of the audit was I do not know.

Q. Who is the individual?

A. I do not recall for certain. It was one of the, I think it was one of the Newsday persons who worked on a rather extensive article on Mr. Rebozo.

Q. I think it has become clear here this afternoon that another step has been taken, another step further along the road, the plan of 1970, which plan included bugging, breaking in, burglary and the like, that the first step was taken; and also, that even though that particular unit did not involve itself in any illegal activities, certainly the security arms of the United States Government were in various instances which you have cited utilized for purposes not intended.

A. I do, of course, know and as I have submitted in documents, other agencies were involved in seeking politically embarrassing information on individuals who were thought to be the enemies of the White House.

There was also maintained what was called an "enemies list," which was rather extensive and continually being updated.

Q. I am not going to ask who was on it. I am afraid you might answer. I wonder, are these documents that are in the possession of the committee? A. No, but I would be happy to submit them to the committee.

SENATOR MONTROYA: Now, let's go into the statements made by the President. On Aug. 29, 1972, the President made this statement:

"In addition to that, within our own staff, under my direction, Counsel to the President, Mr. Dean, has conducted a complete investigation of all leads which might involve any present members of the White House staff or anybody in the Government. I can say categorically that no one in the White House staff, no one in this Administration presently employed, was involved in this very bizarre incident."

Was the President telling the truth when he made that statement?

A. If that were to be a literal statement as to somebody being involved in the very particular incident which occurred on June 17, that would have been a true statement.

I think it was a little broad.

cal aspects were concerned?

A. Yes, he was. The President was very interested and asked me to obtain the information from Mr. Sullivan. He himself typed out a memorandum that contained his best recollection of some of the political uses that have been made of the F.B.I. by preceding administrations.

Q. All right. Is there any other use that you made or the White House made of the F.B.I. on matters such as that.

A. I can recall again, after the fact, getting involved in a situation that involved an F.B.I. investigation that was made of Mr. Daniel Schorr. Mr. Higby, who was Mr. Haldeman's assistant, had received a request from Mr. Haldeman when he was traveling with the President, to direct the F.B.I. to do an investigation of Mr. Schorr. Mr. Hoover proceeded with the investigation but, to the dismay of the White House, he



Members of the Senate Watergate committee shuffling papers as they looked for items under discussion as Samuel Dash, third from left, questioned John W. Dean 3d yesterday. From the left are Fred D. Thompson,

chief minority counsel; Howard H. Baker Jr. of Tennessee; Mr. Dash; an aide to Sam J. Ervin Jr. during his temporary absence; Herman E. Talmadge of Georgia; Daniel K. Inouye, Hawaii, and Joseph M. Montoya, New Mexico.

The New York Times