

Dean: 'The Cover-Up...

During questioning of former White House counsel John W. Dean III by the Senate select Watergate committee yesterday, Dean's charges against President Nixon were summarized and his actions and motives as White House counsel were examined. These are excerpts of some of this questioning.

Dean was first questioned by Samuel Dash, the lawyer for the Senate committee's Democratic majority.

Dash: . . . I understand (there) was an overall intelligence plan developed by the time you had already arrived at the White House in July of 1970 by White House leadership or including White House leadership, to deal with internal security and domestic dissent which included such activities as illegal break-in and wiretapping . . .

Then there was the so-called plumbers operation set up in the White House in 1971 under Mr. (John) Ehrlichman and Mr. (Egil) Krogh (Jr.) utilizing Mr. (E. Howard) Hunt (Jr.) and Mr. (G. Gordon) Liddy to investigate leaks such as the Pentagon paper leaks, which utilized such tactics as break-ins, photographing and bugging, and then there was Operation Sandwedge recommended by Mr. (John) Caulfield but never finally approved, which had covert features to it such as the use of bag men and wiretapping.

Dash: . . . recognizing that some of these earlier plans had the approval of such things as break-ins and wiretapping and things of that, covert activity, the break-in at the Democratic National Committee headquarters was not extraordinary in context of those plans, would that not be true?

Dean: That is correct, sir.

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 of the President 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.

Dash:

Now, in your statement, you have described a number of meetings and activities occurring immediately after the arrest of the CRP 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. H. R. Haldeman, Mr. Ehrlichman, Mr. Charles Colson, Mr. Robert Mardian, Mr. John N. Mitchell, Mr. Fred LaRue, Mr. Jeb Stuart 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 FBI, and the public from learning of the involvement of high White House or CRP officials, either in the Watergate break-in or embarrassing earlier illegal activities of a similar nature such as the Daniel Ellsberg break-in?

Dean: That is correct, Mr. Dash.

Dash: And did not this cover-up require a number of strategies such as perjury and subornation of perjury and the undermining of the judicial process, payoffs to indicted defendants to maintain their silence, limiting the FBI inquiry so they would not stumble on other illegal intelligence activities of the White House?

Dean: That is correct.

Dash: And is it not true that you played a role in all of these cover up activities?

Dean: That is correct.

Dash: Did you do these things on your own initiative, Mr. Dean, or at any direction of anybody else?

Dean: 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 and I participated in that and engaged in these activities along with the others.

I was taking instructions.

Dash: From whom were you taking instructions?

Dean: 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.

Dash: Mr. Dean, I don't think the record is clear from the statement. 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

Became the Instant Way of Life

your position with the White House?

Dean: 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, making sure that the i's were crossed—or that the i's were dotted and the t's were crossed on certain documents, to examine questions on timing, on pocket vetoes, to work with the Department of Justice in making sure that they were preparing even legal positions on issues that were of importance to the White House. I had a number of dealings with the persons who were working on the Nixon foundation and did some personal work on the President's San Clemente properties and other personal things like that for the President, where I was the conduit to the law firm that was handling this for the President.

I would not say that it was a policymaking position, by any means.

Dash: And to a large extent, you were in fact reporting to either Mr. Ehrlichman or Mr. Haldeman?

Dean: That is correct.

Dash: Now, 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?

Dean: Mr. Dash, I think it is unfair to ask me opinions. I can surmise from the way I know the White House operated. I will say this, that in my statement, I indicated that I had reached a conclusion in my own mind when I went to the Attorney General (Mitchell), for example, that this thing might well go right to the President. I would say that that evidence is an opinion, that I was concerned that it did, knowing how the White House operated, knowing how the reporting information went up to the President.

Dash: Well, the question was put to you just on the basis of your knowledge, your intimate knowledge, I take it, of how the White House operated and what Mr. Haldeman's relationship to the President was as you have already testified.

But actually, according to your own statement, in fact, you learned firsthand, did you not, that the President did know about the cover-up when you met with him on Sept. 15, 1972, the day the indictments came down cutting off the involvement of Liddy. Is that so?

Dean: That is correct.

Dash: When the President told you on Sept. 15, as you say in your statement, 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 expressed his appreciation on the difficulty of your tasks, did you have any doubt in your mind what the President was talking about?

Dean: No, I did not.

Dash: ... 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?

Dean: I think this is true.

Dash: 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?

Dean: No, I did not.

Dash: Is it not true, Mr. Dean, that based on the statement you have given this committee, that not only did the President express his approval to you on Sept. 15 of your cover-up activities leading to an indictment of no one higher than Liddy but after Sept. 15 the President took an active part in the cover-up? Or let me briefly summarize and very briefly, your statements concerning this and please tell me if this is an accurate summary of what you have stated in your long statement.

One, after telling the President on Sept. 15 that you could not assure that the cover-up would not unravel it, in fact did begin to unravel in January, 1973, when Hunt pressed for a promise of executive clemency; and that you learned from Mr. Ehrlich-

man in January and from the President himself on March 13, 1973, that the President, when apprised of Hunt's pressure, authorized giving Hunt assurances concerning executive clemency.

In your meeting with the President on March 13, (1973) when you apprised the President of increasing pay-off demands from Mr. Hunt, which you estimated would cost as much as \$1 million, the President, according to your statement, responded that that amount of money would be no problem, and inquired as to how such payment could be made, leading to a discussion by you in the presence of the President, of laundering money and secret drops.

And despite your lengthy explanation to the President when you met with him on March 21 concerning the criminal involvement of var-

ious White House and CRP officials including Mr. Haldeman, Mr. Ehrlichman, Mr. Colson, yourself, Mr. Magruder, and the increased demands for pay-off money requiring more cover-up activity on the part of the White House, the President took no affirmative action to end the cover-up. And that, indeed, the President made according to your statement, specific plans to deal with this select committee of the Senate to prevent it from being effective, and sought to further the cover-up by attempting to have Mr. Mitchell acknowledge his guilt in approving the Liddy plan with the hope that this would satisfy the various investigating bodies.

And, finally, when you would not continue to participate in the cover-up, according to your statement, but retained counsel and went to the United States attorney's office and began to tell what you knew about the Watergate case, the President sought to protect Mr. Haldeman and Mr. Ehrlichman, who had been clearly implicated by you and asked that you submit to him a letter of resignation. Is that a fair summarization or brief though it may be in terms of your long statement of your meeting you had with the President and the information you had with him?

Dean: Yes, it is.

Dash: Why is it you waited until April 15 before you told the prosecutors of your knowledge of the President's involvement.

Dean: I didn't tell them on—it was after April 15 that I did. Preceding that time my lawyer and I had first of all had discussions about matters of executive privilege, attorney-client privilege, and national security matters. We saw there were legal problems, although we had resolved in our own mind these were not problems as far as preventing the necessary disclosures of the contents of some of these conversations. However, I must be very candid, I was hopeful that the President himself would step forward and tell of his involvement in some of these things...

Dash: ... Is this the first time (Monday's Senate hearing), Mr. Dean, you have told your story about your involvement and the involvement of others, including the President under oath?

Dean: That is correct.

Dash: Including, of course, the executive session at which you appeared before this committee?

Dean: That is correct.

Dash: . . . Mr. Dean, you have made serious charges before the committee.

Do you have any special motive in making these charges such as a 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?

Dean: 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.

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 on your statement?

Dean: Yes, I do.

The Senate committee's minority counsel, Fred Thompson, pressed Dean to account for his own actions in the cover-up of the Watergate affair.

Thompson: Mr. Dean, let me ask you a few questions about your actions after the Watergate incident and 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.

Dean: 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.

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

. . . When you turned over the documents from Hunt's safe to Mr. Gray, L. Patrick Gray, then active chief of the FBI, I believe you stated that you did not tell him to destroy them but that they were politically sensitive?

Dean: That is correct . . . I think I described them as political dynamite.

Thompson: Did you ever tell him to destroy those documents?

Dean: No sir.

Thompson: On any subsequent occasion, did you not in fact call Mr. Gray subsequently and ask him whether or not he had in fact destroyed those documents?

Dean: No, Mr. Gray and I discussed the documents at one of the meetings in his office in, I think, early July or sometime of that nature, in which he told me that he had taken the documents to Connecticut and he had them there, and either indicated to me that he was planning to read them or had read them, I am very unclear on that. At that time he had mentioned nothing about destruction of the documents, and it was not until after I had my meeting in January, early January, with Mr. Petersen, (Henry Petersen of Justice

Department) and subsequently met with Mr. Gray that he told me he had destroyed the documents.

Thompson: In your discussions with (Gen. Vernon) Walters of the CIA, what was the purpose of your discussions with Mr. Walters?

Dean: Well, to the best of my recollection there was a meeting as a result of a meeting that had occurred in Mitchell's office . . . the decision had been made that there was some need for some sort of support, and there was a discussion in Mitchell's office about the fact that the CIA would have the facilities to do this and the fact that these were CIA people and the CIA should have an interest in doing this sort of thing. It was from there I went to discuss this with Mr. Ehrlichman.

Mr. Ehrlichman told me he thought it was a good idea that I explore this and that he told me I should talk to Gen. Walters. I told him at that time I didn't know the people at the CIA, I didn't know Richard Helms, I didn't know Walters. He told me, "Well, you tell Walters to call me if you have any problems." So the purpose of that meeting was for me to explore if there was any possibility that the CIA could be of assistance in dealing with these problems.

Thompson: Was it not the purpose of that meeting to get the CIA to help you in the cover-up?

Dean: Yes, it was.

Thompson: I believe you also delivered a message to Mr. Hunt through Mr. Liddy to tell him to get out of the country, is that correct?

Thompson: . . . All right, Mr. Dean, let me move now, if I can, to why you have talked about your involvement in the cover-up, why you participated in the cover-up. In any way was it because of the fear that you had about your own personal involvement up until that time? When you heard about the break-in at the DNC, what went through your mind? Did you have fear for your own personal, concerning your own personal involvement in the matter up until that time?

After all, you had introduced Liddy* to Mitchell, had you not? I believe—you had in fact recommended, or sent, anyway, Mr. Liddy over to the Committee to Re-Elect. You explained how all these things came about—start from the standpoint of somebody investigating the matter from outside—that you sent Mr. Liddy to the Committee to Re-Elect. You did, at the March 1972 meeting with Liddy when these matters were discussed, you did at the Feb. 4, (1972) meeting when these matters were discussed. Very possibly when somebody talked about these meetings, very possibly that a conspiracy of some kind was in the making, could get out.

You know the law of conspiracy, generally; if a person involves himself in a conspiracy and one of his co-conspirators subsequently commits an overt act, you very well may be held responsible for what one of your co-conspirators does. You are a lawyer. I am sure you realize that.

Liddy did come to you after those meetings in February and March to solicit your help in getting this plan approved and you said you turned him off at that time.

(Gordon) Strachan and Magruder did call you when they were having trouble with Liddy to get you to help them on one of their problems with Liddy. Evidently, Strachan (who was Holdeman's assistant) or Marguder or Liddy himself felt that you had some involvement in there . . .

Thompson: Did you not, at one point, say to yourself, it looks like I am possibly involved in this thing or very much involved in this thing, therefore, I am going to participate in a cover-up?

Dean: When I learned, for example, talking to Mr. Strachan, that he had been instructed to destroy records, that was my greatest concern at that time. If it had been merely John Dean, we would have had far fewer problems, because I would have been willing to step forward as I did with Ehrlichman. I told him exactly what my involvement was when I was first asked by him what it was. The stakes were too high regarding any personal feelings that I had regarding myself. I had no criminal problem. If they wanted to fire me on the basis of the involvement I had, fine. If we could re-elect the President, fine. John Dean certainly would not stand in the way of that. People were removed from the White House for far less . . .

Thompson: Why did you not tell the federal prosecutors when you first made contact with them, when you had decided that either you or your attorneys, I be-

lieve on April 2 of this year when your attorney first made contact with the federal prosecutors. I am still not quite sure in my own mind why you did not, evidently, relate then the nature of the President's involvement or the fact that the President was involved to some extent.

Dean: Well, of course, it was not my presence at the meetings, so I am not aware of what was discussed. My lawyer and I did discuss it.

We were aware of the fact that there were attorneys-client privilege problems, there was executive privilege, there were national security matters and I frankly was hopeful that at some point, when the President returned, 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, expect him to come forward and explain his involvement the way I thought he would.

Thompson: When were you terminated at the White House, Mr. Dean?

Dean: My resignation was requested and accepted on the 30th of April.

Thompson: Without your involvement?

Dean: Without my involvement.

Thompson: So you had from April 2, 1973, to April 30 in which to do what you are talking about, meet the President and try to get him to step forward.

Dean: Let me get this straight. I am talking about the period from April 2 to April 15, there were no discussions with the President. From April 15 on, I began inferentially, because it was impossible to explain things, explaining the highlights of some of the things that involved the President without getting terribly specific with him, but giving him very broad ideas of some of the areas that were involved.

Thompson: If you were interested in his coming forward, why did you not tell him that you were talking to the prosecutors or you made some contact with the prosecutors?

Dean: Well, I met with him on the 21st (of April). I met with him again on the 22d, called again on the 23rd. I had given him what I thought was the most dramatic way I could tell him what the situation was. Nothing happened as a result of that.

I was getting signals from Haldeman in my meetings with him. He directed me to come down, really, from Camp David. He said, you just cannot hole up up there.

I said I do not want to talk to Mitchell.

He said, I think you have to come down and talk to Mitchell.

It was very clear to me Mr. Haldeman wanted me to come down and talk to Mitchell and Magruder. I saw a very different Bob Haldeman than I had dealt with over the last year. That was clear to me that there was a new concern and I had become a concern. It was for that reason that I did not turn over the report I had written at Camp David. The whole atmosphere changed after—really, after I had gone to Camp David. Probably the greatest change occurred in the meeting on the afternoon of the 21st or the 22nd, when Ehrlichman, Haldeman, and I met with the President, and I said in front of the President for the first time ever that I thought I had kept this agreement, everything was being said, because I said Ehrlichman, Haldeman, and Dean are all indictable.

Thompson: Let us consider your motivations would be at a time . . .

Thompson: Mr. Dean, is it your testimony that you were not in effect bargaining for immunity or seeking immunity?

Dean: My law years were very heavily discussing immunity with the prosecutors at that time.

Thompson: . . . And then contact was made (by Dean) with Mr. Dash (of the Senate committee).

Dean: Mr. Dash made contact with us.

Thompson: Well, either way you want to put it, you discussed the matter with Mr. Dash, who very properly, of course, was seeking any information he could get and talked with you about these matters.

Then after, for the first time, as far as I know—you correct me if I am wrong—after that, some time after that, the stories started appearing quoting sources close to you to the effect that you had met with Nixon more than 40 times to discuss the cover-up, that Nixon had substantial knowledge about what the White House people were doing and all those things.

Now, I do not want to leave an unfair implication if I am wrong about this, but the obvious question is whether or not you went to the prosecutors, gave them what you thought might be enough 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?

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Dean: I believe that is not correct.

Thompson: In what points does that thesis break down?

Dean: . . . the discussions with the prosecutors had gone into abeyance by the time Mr. Dash contacted us, because we were giving them so much information so fast and the thing was tumbling so quickly that they were in pursuit of it

and it became more and more difficult for me.

There also was the increasing demand for a special prosecutor. The prosecutors didn't know their own status.

Meanwhile, Mr. Dash asked to discuss it with my attorney and he said, you are going to be called, you are going to be called soon and I want to know what it is all about. So he was given the story.

Thompson: Of course, you did get immunity from this committee, (limited) use immunity.

One last question, Mr. Dean. The reason I ask this, of course, is your statement is replete with references about your desire to uncover the cover-up and your desire to tell the truth in all these matters. Why, before you were forced out of the White House, and as you stated, you started making contact with the prosecutors on April 2 of that year, that you had substantial difficulty with Mr. Haldeman and Ehrlichman, their desire to get Mitchell to take the rap and get them off the hook. Why didn't you resign, call a press conference, and tell the entire truth about the matter if you wanted it to come out, substantially before you—

Dean: When I was at Camp David—I went up on the 23d (of April 1973). On the 25th, I talked to a lawyer and I told him I wanted to take some steps. He cautioned me, said, for gosh sakes, don't do anything until you do talk to a lawyer.

So it was when I came back from Camp David on the 28th that I again began calling to obtain a criminal lawyer. He told me—he said, John, he said, I know you want to get the truth out, and that was the first thing we told the prosecutors. He said, you don't have to run in a machine gun to do it. You have a Constitution, you can protect your rights, you can go forward, and if I am going to represent you, I am going to represent you the best way I know as a member of the Bar and I will give you the best counsel I can. I have tried to follow his counsel and simultaneously get the truth out.

Finally, Sen. Herman Talmadge (D-Ga.) questioned Dean about his actions.

Talmadge: Now, after (the Watergate bugging and the beginning of the cover-up) occurred, why did you not, as counsel to the President, go to him at that time and tell him what was happening?

Dean: 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, one of the reporters sitting in this



By James K. W. Atherton—The Washington Post

Sens. Baker, Ervin listen to Dean testify as two committee counsels confer. Standing at right is Sen. Gurney.

room, Mr. (Clark) Mollenhoff, memorandums he tried to send in to the President and they are just blocked when you try to send information in.

Talmadge: You mean you were counsel to the President of the U.S., and you could not get access to him if you wanted to, is that your testimony?

Dean: 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.

Talmadge: It seems like to me after finding evidence of a conspiracy of this magnitude it was incumbent upon you as counsel to the President, to make every possible effort to see that he got that information at that time.

Dean: Senator, I was participating in the cover-up at that time . . .