

# Excerpts From Dean's Testimony Before

Special to The New York Times

WASHINGTON, June 28—

Following are excerpts from a transcript of the testimony of the 15th day of hearings on the Watergate case today before the Senate Select Committee on Presidential Campaign Activity.

## MORNING SESSION

John W. Dean 3d

Senator Inouye: Mr. Chairman, before proceeding I would like to advise the committee that we have had a bit of confusion here. Statements attributed to the press office of the White House office indicated last evening that the memo which I presented to the committee might not have been an official document of the White House. However, about 15 minutes ago I had a personal chat with Mr. Fred Buzhardt, and he indicated to me that these questions were in fact prepared by his office. Mr. Dean, we have been advised that these questions have appeared in The New York Times. Have you seen those questions?

Mr. Dean: No, I have not.

Q. Mr. Dean, you quote the President as saying on Feb. 27 that Haldeman and Erlichman were principals in the Watergate matter and that therefore you could be more objective. What did you understand by this?

A. Frankly, Senator, I never understood what the President was saying when he said that they were principals. Before he said that, he told me that the involvement of their time in dealing with Watergate matters was taking them away from their other duties, and then he also added to me that they were principals in this matter and, therefore, that he thought I could be very objective in it; and that was what subsequently prompted me the next day later to make sure he understood that I felt I was also a principal.

Q. Mr. Dean, did you have any evidence then or now that Mr. Erlichman had prior knowledge of the break-in?

A. No, I did not nor I do not now.

Q. The second question: Mr. Dean, if the President was referring to the post-June 17 events, were you not equally a "principal" as you claim to have indicated to the President on Sept. 15?

A. Well, as I just mentioned in answering the last question, when the President raised this, it stuck in my mind, and I returned the next day and after thinking about what he had said, and told him that I also felt I was a principal and that he should understand that.

And then began to explain to him why I felt I was involved in obstruction of justice and he said, "You don't have any legal problem in this matter," and the discussion was terminated.

## Memory Is Cited

Q. Your 245-page statement is remarkable for the detail with which it recounts events and conversations occurring over a period of many months. It is particularly remarkable in view of the fact that you indicated that it was prepared without benefit of note or daily diary. Would you describe what documents were available to you in addition to those which have been identified as exhibits.

A. What I did in preparing this statement, I had kept a newspaper clipping file from roughly June 17 up until about the time these hearings started when I stopped doing any clipping with any regularity. It was by going through every single newspaper article outlining what had happened and then placing myself in what I had done in a given sequence of time, I was aware of all of the principal activities I had been involved in, the dealings I had had with others in relationship to these activities.

Many times things were in response to press activities or press stories that would result in further activities. I had a good memory of most of the highlights of things that had occurred, and it was through this process, and being extremely careful in my recollection, particularly of the meetings with the President.

## Response to the Press

Before I did leave the White House, well I was ultimately denied access to the logs; I called the man who was in charge of keeping the logs and asked him if he could give me a list of all my meetings with the President. He did so on an informal basis before he realized that —when I sent a formal memorandum asking for more information and a formal confirmation that then they denied me that information when I sent the formal memorandum.

Q. Are you suggesting that your testimony was primarily based upon press accounts?

A. No sir, I am saying that I used the press accounts as one of the means to trigger my recollection of what had occurred during given periods of time.

Q. Am I to gather from this that you had great faith in the reporting in the press?

A. No, I am saying what was happening is that this sequentially, many times White House activities related to a

response to a given press activity. I did not have the benefit, in fact the statement might even be more detailed, Senator, if I had had the benefit of all the Ziegler briefings where some of these questions came up very specifically in press briefings as to give events at that time, but I didn't have the benefit of those.

Q. In addition to your press clipping, the logs, what other sources did you use in the process of reconstruction?

A. Well, Senator, I think I have a good memory. I think that anyone who recalls my student years knew that I was very fast at recalling information, retaining information. I was the type of student who didn't have to work very hard in school because I do have a memory that I think is good. I might also add this: That I did have an opportunity to go through my daily chrono files which was another part of the process, plus while I was at Camp David I had sent for some files in preparation of the report I was writing up there, so I did have some documentary materials many of which have been submitted to the committee, some of the exhibits that the committee has, and from these I was very easy able to put in time sequence various specifics.

Q. The next question; have you always had a facility for recalling the details of conversations which took place many months ago?

## Recalled Conversations

A. Well, I would like to start with the President of the United States. It was not a regular activity for me to go in and visit with the President. For most Americans it is not a regular activity to go in and visit with the President. For most of the members of the White House staff it is not a daily activity. When you meet with the President of the United States, it is a very momentous occasion, and you tend to remember what the President of the United States says when you have a conversation with him.

With regard to others, some of the things, for example, the "deep six" conversation and shredding of documents was so vivid in my memory because of the circumstance that had occurred, that it was very indelibly put in my mind. Going back even while I was at the Justice Department to seeking the information on Mary Jo Kopechne, that is the sort of thing that would stick in a person's mind because of the nature of the sensitivity of the information being sought. So I would say I have an ability to recall, not specific words necessarily, but certainly the tenor of a conversation and the gist of a conversation.

I would like to give another example. I remember I referred at one point in one of the meetings I had with the President after he had, after Mr. Gray had, made the statement about, that he had jolly well proceeded with the investigation at the White House despite the fact that Mr. Dean had been sitting in on the investigations. I remember vividly when the President mimicked Mr. Gray in saying this and saying it was absurd. That sort of thing is very easy to remember, and it sticks very clearly in one's mind.

Q. Then why is it Mr. Dean, that you were not able to recall precisely the account of the meeting of Sept. 15, very likely the most im-

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to Mr. Haldeman; we have people being branded enemies whose mere offense is that they believed in enforcing the First Amendment as proclaimed by the Supreme Court of the United States just about a week ago.

I would like to invite your attention to this very short statement [from Mr. Bughardt's statement]:

"In February, however, with the Ervin committee beginning its work, the President was concerned that all the available facts be made known."

Do you know any action that the President took subsequent to the establishment of this committee and prior to the time this committee started to function, which showed his concern that all the available facts with respect to the Watergate be made known?

#### Contention Denied

A. Mr. Chairman, I must testify to the contrary.

Q. Now, isn't it true that a short time after the break-in, the news media carried information to the effect that five burglars had been caught in the Democratic national headquarters in the Watergate, and that four of the burglars had money in their pockets which came from the committee to re-elect the president? and notwithstanding that fact, was it not revealed shortly thereafter that this money had been paid to Mr. Liddy by Mr. Sloan at the instigation of Mr. Magruder and with the consent of Mr. Stans and Mr. Mitchell?

A. I believe that is correct.

Q. Do you not agree with me that these facts indicated that there were footsteps which went from the Watergate right into the office rather, right into the committee to re-elect the President. A. There is no doubt that.

Q. Yet nobody in the committee except Mr. Liddy and Mr. Hunt were indicted. And so this meeting in which the President said that Bob Haldeman had told him about your activities was held in the office of the President right after it had been announced that the indictments had stopped with Mr. Liddy and Mr. Hunt and Mr. McC

A. That is correct, and there had been discussion within the White House of this very strategy of stopping them at, or stopping the case at Mr. Liddy and there was an awareness of the fact

that Mr. Magruder was going to have to perjure himself to have that accomplished.

Q. Do you know of any action that the President took at any time between the 17th day of June until the establishment of this committee and until February that is mentioned here by Mr. Bughardt, to have the facts concerning this matter discovered?

A. I do not know that after the election there was discussion with Mr. Haldeman in his office in which Mr. Haldeman said that the President would like to lay out some of the facts and we discussed what the implications of those facts would be, and when I said that I felt that, well, I did not know everything that had happened in

advance, I did not know what happened since June 17, and I thought that as a result of those activities that Haldeman, Ehrlichman and Dean could be indicted, Mr. Haldeman's response, which I can remember very clearly because it stuck in my mind, he said, "That does not seem like a very viable option does it?"

#### Reports From F.B.I.

Q. Now the truth is that during this period of time that the F.B.I. was giving you, that is, Mr. Gray was permitting you to receive some F.B.I. reports.

A. What occurred, as I recall, there were two deliveries where I returned the first group of files that I had received back in his attache case to him, and then picked up another bunch of documents subsequently, and then returned those later.

Q. Now, at whose instances did you contact the C.I.A., that is, General Walters? A. After discussing this with Mr. Ehrlichman, he thought that I should explore the possible use of the C.I.A. with regard to assisting in supporting in dealing with the individuals who had been involved in the incident.

Q. So the C.I.A., an effort was made to involve the C.I.A. also the F.B.I., Mr. Gray, destroyed some documents which came from Mr. Hunt's safe, did he not? A. That is correct.

Q. And also, it was suggested by those I charge of things, who were concerned about these so-called enemies, that the processes of the Internal Revenue Service should be perverted and prostituted in order to harass people who were enemies as viewed by the White House and the committee to re-elect the President?

A. That is correct. I might add also in addition to the harassment through tax audits there were a number of memoranda I received from Mr. Colson regarding the tax exemptions status of groups that did have tax exemptions that were opposed to Presidential policy. Now, my files would contain those, I do not have them in my possession.

Q. Now returning to Mr. Bughardt's assertion that the President was desirous, beginning in September, to have all of the facts revealed after the establishment of this committee, will you tell us again what meetings were had in the White House with respect to this committee, and who was present?

A. Well, it was when the **Meeting on Coast** President was in San Clemente, and I arrived on the left on the 9th, was out there on the 10th and 11th for meetings, I recall that—of [in] February of this year, I recall that Mr. Haldeman departed the meeting one or twice and he finally told the President what we were meeting on while we were out there.

We left there and went down to La Costa where the meetings proceeded and there we had the remainder of the two days of discussions about how to deal with this committee. During the course of the meetings at one point in time, as I had mentioned earlier, there was an assess-

ment made by Mr. Ehrlichman, there had been disappointment that they had not been able to influence the selection of the committee, there had been disappointment they had not been able to amend successfully your resolution to have equal representation between Republican and Democrats that the floor amendments

that had been offered had been defeated.

Q. Was that one of the times you said that there was, the consensus was there should be an effort to show, to claim open cooperation with the committee but an effort to impede it from discovering the truth?

A. I would call the chairman's attention to the ex-

hibit regarding the meeting with the Attorney General where there was great concern that the committee might uncover additional criminal activity.

Q. You spoke of some meeting that the President attended in which he wondered if the committee was going to swallow the bait he had put out in the press confer-

ence about a court decision?

A. That was on St. Patrick's day.

Q. And this was about a month after Mr. Bughardt says that the President was anxious for all the facts to be revealed. So you know something about those facts? A. No, sir, I do not.

Q. I believe you discussed at that time the assertion

that I made I was not willing to accept written statements because you cannot cross-examine a written statement. A. Yes, and I had discussion with the President about that very statement.

#### Power of the President

Q. Just one other matter. Article II of the Constitution says, in defining the power of the President, Section 3 of Article II, "He"—that is the President—"shall take care that the laws be faithfully executed."

Do you know anything that the President did or said at and the present moment to perform his duty to see that the laws are faithfully executed in respect to what is called the Watergate affair?

A. Mr. Chairman, I have given the facts as I know them and I don't—I would rather be excused from drawing my own conclusion on that at this point in time.

Q. I will ask you as a lawyer if the experience of the English-speaking race, both in its legislative bodies and in its courts, has not demonstrated that the only reliable way in which the credibility of a witness can be tested is for that witness to be interrogated upon oath and have his credibility determined not only by what he says but by his conduct and demeanor while he is saying it and also by whether his testimony is corroborated or not corroborated by other witnesses?

A. That is correct.

## AFTERNOON SESSION

Q. I handed you an exhibit from your stockbrokers.

A. The document is from Shearson and Hamill and company. The date appears to be the month of October of 1972. And it indicates various transactions that occurred at that time, and indicates that the balance brought forward in the credit line at that point in time was \$26,167 and it has the new net balance of \$26,229.

Q. So it shows that at that time that you had assets to have replaced the \$4,840 that you borrowed from the funds that had been delivered to you? A. Yes, sir.

SENATOR BAKER: Mr. Chairman, thank you very much.

Some of the specific allegations that you make in your testimony are at least prima facie extraordinarily important. The net sum of your testimony is fairly mind-boggling.

As I said just a moment ago, it is not my purpose now to try to test your testimony.

It is not my purpose to try to impeach your testimony, to corroborate your testimony, to elaborate or extend particular aspects of it but rather to try to struc-

ture your testimony so that we have a coherent presentation against which we can other witnesses later to appear. The central question is simply put: what did the President know and when did he know it?

In trying to structure your testimony I would ask that you give attention to three categories of information: That information that you can impart to the committee that you know of your own personal knowledge: That type of information that we lawyers refer to as circumstantial evidence, which would include evidence given based on your opinion or on inferences you draw from circumstances in the situation and, third, that type of evidence that ordinarily would not be admitted in a court of law but is admitted here for whatever purpose it may serve, that is hearsay evidence or evidence about which you have only second-hand information.

Under the heading of what did the President know and when did he know it fall several subdivisions. The first one is the break-in at the Democratic National Committee headquarters of the Watergate complex on the morning of June 17, 1972. Do you have any information that he [the President] did know of it?

A. I only know that I learned upon my return to the office that events had occurred that indicated that calls had come from Key Biscayne to Washington to Mr. Strachan to destroy incriminating documents in the possession of Mr. Haldeman.

I can only testify as to the fact that anything that came to Mr. Haldeman's attention of any importance was generally passed to the President by Mr. Haldeman, and if Mr. Haldeman had advance knowledge or had received, advance indications it would be my assumption that that

had been passed along, but I do not know for a fact.

Q. The cover-up is the second heading. What did the President know and when did he know it, about the cover-up?

A. I would have to start back from personal knowledge, and that would be when I had a meeting on Sept. 15 when we discussed that was very clear to me in terms of cover-up. We discussed in terms of delaying lawsuits, compliments to me on my efforts to that point. Discussed timing and trials, because we didn't want them to occur before the election. That was direct conversation that I testified to.

Now, going back to the June 17 time, I believe I have testified to countless occa-

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sions in which I reported information to Mr. Haldeman and Mr. Ehrlichman, made recommendations to them regarding Mr. Magruder, I was aware of the fact that often Mr. Haldeman took notes. I know that Mr. Haldeman met daily with the President, I was quite aware of the fact that this was one of the most important and virtually the only issue that was really developing at all, and given the normal reporting channels I worked through it was my assumption, without questioning, that this was going in to the President.

### Cordial Reception

Q. Go ahead, Mr. Dean, on the Sept. 15 meeting.

A. As I tried to describe in my statement, the reception was very warm and very cordial. There was some preliminary pleasantries, and then the next thing that I recall the President very clearly saying to me is that he had been told by Mr. Haldeman that he had been kept posted or made aware of my handling of the various aspects of the Watergate case and the fact that the case, you know, the indictments had now been handed down, no one in the White House had been indicted, they had stopped at Liddy.

Q. Stop, stop, stop just for one second. Let's examine those particular words just for a second. That no one in the White House had been indicted. Is that as near as the exact language—I don't know so I am not laying a trap for you, I just want to know.

A. Yes, there was a reference to the fact the indictments had been handed down and it was quite obvious that no one in the White House had been indicted.

Q. Did he say that, though? A. Did he say that no one in the White House had been handed down? I can't recall it. I can recall a reference to the fact that the indictments were now handed down and he was aware of that and the status of the indictments and expressed what to me was a pleasure to the fact that it had stopped at Mr. Liddy.

Q. Tell me what he said. A. Well, as I say, he told me I had done a good job—

Q. No, let's talk about the pleasure. He expressed pleasure the indictments had stopped at Mr. Liddy.

Can you just for the purposes of our information tell

me the language that he used?

A. Senator, let me make it very clear the pleasure that it had stopped there is an inference of mine based on, as I told Senator Gurney yesterday, the impression I had as a result of the, of his, complimenting me.

Q. Can you give us any information, can you give us any further insight into what the President said? A. Yes, I can recall he told me that he appreciated how difficult a job it had been for me.

Q. Is that close to the exact language? A. Yes, that is close to the exact language. That stuck very clearly in my mind because I recall my response to that was that I didn't feel that I could take credit. I thought that others had done much more difficult things and by that I was referring to the fact that Mr. Magruder had perjured himself.

### Status of the Case

Q. All right. Now, tell us about the status of the case.

A. When we talked about the fact that the indictments had been handed down, at some point, and after the compliment I told him at that point that we had managed, you know, that the matter had been contained, it had not come in to the White House, I didn't say that, I said it had been contained.

Q. What was the President's or Mr. Haldeman's reaction to that word because that is a rather significant word, I think.

A. Everyone seemed to understand what I was talking about. It didn't evoke any questions and I was going on to say that I didn't think it could be contained indefinitely. I said that this is, you know, there are a lot of hurdles that have to be leaped down the road before it will definitely remain contained and I was trying to tell the even then would last indefinitely President at that time that I was not sure the cover-up even then would last indefinitely.

Q. What was his reaction to this? A. As I say, I don't recall any particular reaction.

Q. Was there any statement by him or by Mr. Haldeman at that point on this statement? A. No, not to my recollection. Then, the conversation turned to the press coverage that had been following the Watergate incident, and during this discussion he told me that I should

keep a good list of people who were giving us trouble in the press because we would give them trouble after the election.

Q. This was stated by the President? A. That is correct.

Q. What was, what else was said by him or by Mr. Haldeman or by you in that context? A. Well, this evolved into a, immediately into a conversation about the Internal Revenue Service and using the Internal Revenue Service to audit returns of people.

I went on to tell the President that we did not seem to have the clout at the White House to get this done.

### Inquiries or Audits

Q. Did you in fact initiate I.R.S. inquiries or audits as a result of suggestions from the White House staff or the President?

A. Well, the President at this time—told me to keep a good list, so that these could be—you know, we would take care of these people after the election, and we went into—I told him that I.R.S. was a Democratically oriented bureaucracy and to do something like that was a virtual impossibility. And then the conversation moved to the fact that he was going to make some dramatic changes in all of the agencies and, at this point in time, I can remember Mr. Haldeman opened up his pad and started making notes as to what the President was describing as to his post-election intentions.

Q. As you know, Mr. Haldeman will be a witness before this committee. The only other person present was the President. I am not prepared to say at this point how we may be able to gain access to the President's knowledge and perception of that meeting. But in a three-way meeting, I think it is important to this committee that we have all the information we can get.

SENATOR TALMADGE: You have testified repeatedly that even though you were counsel to the President you had no direct access to the President except going through Mr. Haldeman and Mr. Ehrlichman. Do you know who was responsible for that organizational setup?

Mr. Haldeman had basically told me who I would report to: Q. I did you every try to obtain access to the through Mr. Haldeman and Mr. Ehrlichman.

A. There is no way that would be possible, Senator.

able to command attention  
were singled out.

Q. So we have here plans to violate the Fourth Amendment, which were approved by the President, according to Mr. Haldeman; we have people being branded enemies whose mere offense is that they believed in enforcing the First Amendment as proclaimed by the Supreme Court of the United States just about a week ago.

I would like to invite your attention to this very short statement [from Mr. Bughardt's statement]:

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Do you know any action that the President took subsequent to the establishment of this committee and prior to the time this committee started to function, which showed his concern that all the available facts with respect to the Watergate be made known?

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A. Mr. Chairman, I must testify to the contrary.

Q. Now, isn't it true that a short time after the break-in, the news media carried information to the effect that five burglars had been caught in the Democratic national headquarters in the Watergate, and that four of the burglars had money in their pockets which came from the committee to re-elect the president? and notwithstanding that fact, was it not revealed shortly thereafter that this money had been paid to Mr. Liddy by Mr. Sloan at the instigation of Mr. Magruder and with the consent of Mr. Stans and Mr. Mitchell?

A. I believe that is correct.

Q. Do you not agree with me that these facts indicate that there were footsteps which went from the Watergate right into the office rather, right into the committee to re-elect the President?

A. There is no doubt that.

Q. Yet nobody in the committee except Mr. Liddy and Mr. Hunt were indicted. And so this meeting in which the President said that Bob Haldeman had told him about your activities was held in the office of the President right after it had been announced that the indictments had stopped with Mr. Liddy and Mr. Hunt and Mr. Magruder?

A. That is correct, and there had been discussion within the White House about this very strategy of stopping them at, or stopping the case at Mr. Liddy and the fact that there was an awareness of the fact



The New York Times

Mrs. John W. Dean 3d precedes husband, in dark suit, and Robert C. McCandless, one of his lawyers, as they leave Watergate hearing with guards, right and rear.

since you have said you assumed Mr. Liddy's intelligence project died after your meeting in February, what was the project of Mr. Liddy that you urged Mr. Magruder to give priority over his personal animosities?

#### Did Not Intercede for Liddy

A. I did not intercede for Mr. Liddy, in answer to that question, and I think I have described yesterday, I believe it was yesterday, yes, that what happened is I was aware of the fact of a strained relationship between Liddy and Magruder.

Mr. Strachan at one point called me and told me that there were serious difficulties between Liddy and Magruder and Liddy—Magruder wanted to fire Liddy. I said, well, that is a personnel problem for the Re-election Committee, they need a lawyer over there, that I suggested Mr. Mardian deal with the problem because I didn't think it was something worth taking to Mr. Mitchell.

Q. Mr. Dean, Mr. Magruder testified under oath that prior to his Aug. 16 grand jury appearance at a meeting in your office you told him that if the worst happened "everything would be taken care of, even executive clemency." Did you make such a promise of executive clemency to Mr. Magruder as he testified and, if so, did you have authority from anyone else to make such an offer or was it on your own initiative.

A. Well, I can recall on numerous occasions that Mr. Magruder was very worried, he was very shaky at some stages. As I alluded earlier, or discussed earlier, the fact that the strategy that had been developed, that Mr. Haldeman, Mr. Ehrlichman were quite aware of was that, stop the case with Liddy. That is why apparently they made the decision to keep Mr. Magruder on at the Re-election Committee, contrary to my recommendation that he be removed. There were a number of occasions that they asked me how was he doing and the like, and I would say, you know, he is either calm today or upset today or the like.

I do recall his having a conversation with me, "What happens if this whole thing comes tumbling down, will I get executive clemency and will my family be taken care of?" And in a manner of not serious import or serious discussion I said something to the effect, "I am sure you will."

But I wouldn't call that what I would consider a firm offer of executive clemency, and it was not in that context at all. He didn't specifically ask "will I get executive clemency." He was just saying he wanted assurances.

Q. Then your testimony, your answer to the question, did you have authority from anyone else to make such an offer is, no. A. That is correct.

Q. And was it on your own initiative, the answer is yes?

A. Yes.

#### Operation Sandwedge

Q. Mr. Dean, did I understand you to testify earlier that you had led Mr. Caulfield to believe you were assisting him in obtaining approval and funding for what he called Operation Sandwedge, but that in fact you let Operation Sandwedge die a natural death?

A. I wasn't encouraging Mr. Caulfield. Mr. Caulfield was anxious for my assistance. I told him that I would talk to Mr. Mitchell about it, which I did. Mr. Mitchell virtually rejected it out of hand. In an effort to save a man's feelings who had spent a great deal of time, he had involved a number of other good friends of his own who had major positions and had taken time off to work on the project, rather than come back and bluntly say, "You have been shot out of the water" and it had been disapproved, I realized that through a period of time he would realize the plan was going nowhere, and it did die a natural death.

Q. I call your attention to Exhibit No. 11, which is a memorandum for the Attorney General from John Dean, dated Jan. 12, 1972, and I call your attention to the first sentence of the second paragraph, which says: "Operation Sandwedge will be in need of refunding at

the end of this month, so the time is quite appropriate for such a review."

Mr. Dean, if you let Operation Sandwedge die a natural death, why did you state to Mr. Mitchell that it would be in need of refunding at the end of January?

A. Well, as I testified to this committee, after the November 24th meeting that Mr. Caulfield had had with Mr. Mitchell, he continued to do various investigative assignments. He was doing an investigative assignment with Mr. McCloskey; Mr. Mitchell was interested in that. He continued to call what had formerly been just his relationship with Mr. Ulasewicz, Operation Sandwedge.

Mr. Ehrlichman had raised with me the fact that he thought Mr. Ulasewicz could be of assistance, he would like to keep him around, and that Mr. Mitchell and Mr. Caulfield should decide what Mr. Ulasewicz's future should be. This is the result of the label that Mitchell understood all of Caulfield's operations and I think he has a mis-impression that, dating back to somewhere in 1959, I think Mr. Mitchell assumed that everything had been called Operation Sandwedge.

At least in my conversations with him, that is the way he referred to it. So rather than go into a lengthy explanation when I was communicating with him on this matter, I merely called it Operation Sandwedge.

Q. Mr. Dean, you have depicted all others in the White House as excessively preoccupied with political intelligence, use of covert methods and security, and yourself as a restraining influence on these preoccupations. Yet, your background of responsibilities at the Justice Department seems to suggest that your experience in these very types of activities might have contributed to your being invited to join the White House staff. What, precisely, were your duties in connection with demonstrations while you were at the Justice Department?

A. Well, I would like to address myself to the first part of the question before I answer the second part of the question regarding being a restraining influence.

I do believe I was a restraining influence at the White House to many wild and crazy schemes. I have testified to some of them; some of them I have not testified to. Many of the memorandums that came into my office became a joke, in fact, some of the things that were being suggested.

I think if you talk to some of the other members of my staff or if your investigators would like to talk to them, they would tell you some of the things that we would automatically just file—just like the "political enemies" project. Many of these just went right into the file and never anything further, until extreme pressure was put on me to do something, did I ever do anything. So I do feel I had some restraining influence. I did not have a disposition or a like for this type of activity.

Now, let me go to my responsibilities for the Department of Justice. And I will speak specifically with the area of demonstrators. When the demonstration situation was first developing, it was quite obvious that somebody was going to have to talk to the demonstration leaders. I can recall that the first time that I had any knowledge of being involved in this was when I was on my way, doing my normal Congressional relations work, coming up here to Congress on some project.

I had a call just as I was leaving the department, down at the gate of the 10th Street entrance. I was on my way out and they said, the deputy Attorney General wants to see you right away, would you go up to his office?

I went into his office and here was a large gathering in his conference room, many members of the military, representatives of all the different departments and agencies, the metropolitan police, and the like. At that time, the deputy attorney general said, John, you are going to be the negotiator for the Government with the demonstrators to determine who will have permits and what the parameters of those permits will be.

At that time, when I started discussing permits with demonstration leaders, I was offered F.B.I. information on all the demonstration leaders that I was negotiating with.

I said I do not want to have that information, I want to deal as one man looking in another man's eye and know that man for the reaction I get from him just dealing across the table; I do not want to know what he has been doing all his life or the like. I said, that is for others to judge rather than me. I just merely want to tell you the results of my negotiations.

So I was not involved in intelligence from the outset. Now, as I testified, I did become aware from time to time of requests from the White House, because of my proximity to the decision-making processes, for various intelligence that would relate to political figures in their

# Figures in Senate Inquiry

Special to The New York Times

WASHINGTON, June 28 — 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., North Carolina Democrat, 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

J. Fred Buzhardt, special counsel to the President.  
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 adviser.  
Fred Fielding, former assistant to Mr. Dean.  
L. Patrick Gray 3d, former acting director of the F.B.I.  
H. R. Haldeman, former White House chief of staff.  
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.  
Peter L. Maroulis, Gordon Liddy's attorney.  
John N. Mitchell, former Attorney General and former chief of the Committee for the Re-election of the President.  
Charles N. Shaffer, attorney for Mr. Dean.  
Hugh W. Sloan Jr., former treasurer of Finance Committee to Re-elect the President.  
Gordon Strachan, former assistant to Mr. Haldeman.  
Kenneth Tapman, employe of Interior Department.  
Anthony T. Ulasewicz, former New York detective, aide to Mr. Caulfield.

associations with the demonstrations and also, I was hearing complaints that the White House staff was unhappy about the quality of this intelligence.

But my role was merely a conduit from the demonstration leaders back to a major committee that would make decisions and talk about what I would report. In fact, I would often put myself, in that I could be most effective in this capacity in the role of advocating the position of the demonstrators, because many times, I thought they had a good point.

For example, one I thought that the Government was taking a terrible beating on was in the November moratorium on this big issue of Pennsylvania Avenue versus no Pennsylvania Avenue. I thought that the demonstrators got a million dollars worth of publicity or \$2-million worth of publicity out of the Government's posture on refusing to give Pennsylvania Avenue. Instead, they insisted that they go down Constitution Avenue. I did not see that it made all that much difference in the long and short of it.

## Duties of Tom Huston

Q. Immediately after you were appointed counsel to the President, did you not take over the responsibilities of Mr. Tom Huston in connection with intelligence activities?

A. I think that you would have to know Tom Huston and my relationship with Tom Huston to know that there was no way I would take over anything regarding Mr. Tom Huston.

## Political Intelligence

So I pulled the memorandum back out and realized that it is not the kind of memorandum I would send to Mr. Kleindienst. I apologized for the memorandum, because it was a rather strong and harsh memorandum for me to send to anybody.

Q. You did testify, did you

not, Mr. Dean, that political intelligence was routed to you in the White House?

A. Political intelligence? I had requests for political activities to embarrass people. I think I have turned over in exhibits 5, 6, 7 and 8 a fair sampling of the sort of things. If the committee would like to go through those at some point, I would like to explain that most of those ended up in my file with no action.

I did refer to one yesterday with regard to commencing a tax audit on Mr. Gibbons. I did not start that tax audit.

Q. Mr. Dean, I believe that you were the author of the memorandum to the Attorney General which led to the establishment of the Intelligence Evaluation Committee. Did you hold the first meeting of that committee in your office?

A. Yes, I believe that is correct.

Q. Were you not the one on the White House staff who levied requirements on and received the reports from the Intelligence Evaluation Committee?

A. That is correct—well, I didn't—I asked them to suggest areas they would like to go into. This would get into a couple of areas that they wanted to get into that directly relate to national security under the rulings of the chair, so we will have to defer from those. But they would often suggest areas that they would like to be into, and I would have to check them with others on the White House staff, particularly the foreign areas, which I didn't think was appropriate for this group, but they had domestic implications. I went to Mr. Haig and he in turn checked with Mr. Kissinger and he would decide there was nothing to be done in this area. We would receive regular calendars from them of events.

I would have a man on my staff, initially Mr. Caulfield and subsequently Mr. David Wilson, who would decide if there was a demonstration coming based on these regular calendars they would send to us, was this a demonstration that we would need intelligence on. And I would, in turn, either summarize or send a direct report to Mr. Haldeman or any other member of the staff that the I.E.C. report would relate to.

Q. In interagency meetings to plan for handling demonstrations, were you not the White House representative?

A. From the time I went to the White House, I was, yes, with some exceptions. There were some types of demonstrations that I did not go to the Justice Department on or I went with others, because they were of a particular nature that I had no expertise in the problem area. I am thinking particularly of the

Wounded Knee situation. I did go over to the meeting on how to deal with Wounded Knee, but I really was not personally aware of the Indians grievance problems, so Mr. Garment took over and dealt with that.

When there was a demonstration to occur in Washington like the Mayday demonstrations, I did participate with the Attorney General in those in finding out what the Government was going to do, because I was asked and expected to report in my summaries that the President had a great interest in as to what was going to be the Government's response in dealing with such situations.

Mr. Ehrlichman frequently maintained a continuing interest in this. In fact, I can recall another member of the staff saying that as far as demonstration goes, Mr. Ehrlichman is like a dalmatian at the fire; he just can't stay away from them. He liked to

know what was happening.

Q. In The St. Louis Post Dispatch of May 14, 1973, there is a report that you attempted to recruit a Department of Interior employe, Mr. Kenneth Tapman, for undercover work at the Democratic convention. Did you attempt to recruit Mr. Tapman or any other for undercover work and what prior experience did you have in recruiting for undercover work?

A. Well, I can't recall recruiting anybody for undercover work other than I did have a discussion with Mr. Tapman, but I have to put this in context.

Mr. Tapman had been with the Department of the Interior for a number of years. He and I had worked very closely with the demonstrators. He was with me during most of the negotiations we had on the major demonstrations.

## Rapport With Protesters

Mr. Tapman wears his hair far longer than I do; he developed an excellent rapport with many of these people. He also had rapport with the police officials, the metropolitan police and the like. When I was having no relationships at this point in time as we went down toward the planning for the convention with what the re-election committee was going to do, but I knew that there was going to be a need for the White House to be well-informed, I suggested that Mr. Tapman might like to do this, because I would be able to have a set of eyes and ears down there of somebody who I thought could assess the circumstances. Somebody who is unfamiliar with a demonstration, and a lot of people overreacted to demonstrations, would see that, you know a group was coming down the street and because one tear gas canister was thrown, they would react that a hydrogen bomb had been thrown.

Mr. Tapman was a type who had been probably through more tear gas than anybody other than Chief Wilson himself.

I thought Mr. Tapman would serve as an excellent source of information for me and I

told him that I wanted him, asked him if he was interested in going down there. I said, you can't be on the White House payroll to do this, quite obviously.

Q. Then your answer to this question, did you attempt to recruit Mr. Tapman

A. Is yes. This was for both conventions, incidentally, I might add. First of all, to go down and get an understanding of what type of demonstrations were occurring at the Democratic convention, that were the logistic problems, I wasn't really familiar with Miami because I hadn't been to the '68 convention and I didn't know the logistical problems that were confronting us, so I suggested he go, for example, to both and see how the police handled it and see what the problems were going to be and the like.

#### Conversation with Walters

Q. This is another very lengthy question: Mr. Dean, you have testified concerning your conversations on three different occasions with Gen. Vernon Walters, the deputy director of the C.I.A., beginning on the 26th of June. General Walters prepared a memorandum for the record of each of these conversations with you.

In General Walter's memorandum record for your meeting with him on 26 June, you are reported to have asked General Walters whether there was not some way that the Central Intelligence Agency could pay bail for the Watergate defendants and if the men went to prison, could C.I.A. find some way to pay their salaries while they were in jail out of covert action funds.

In your testimony, you made no mention of asking General Walters whether the C.I.A. could pay the Watergate defendants bail or salaries while they were in prison. Was this an intended omission on your part in the interest of saving them or do you deny that you made these specific requests of General Walters?

A. I recall I did make those requests and as I say, the omission was not intentional. I have never really read in full General Walter's depositions. So the answer is that, in fact, I recall that, that was discussed.

Q. Mr. Dean, I believe you testified that on March 26, while you were at Camp David, you called Mr. Maroulis, the attorney for Mr. Liddy, and asked for a statement by Mr. Liddy that you had no prior knowledge of the Watergate break-in. Is that correct? A. That is correct, and I have so testified.

Q. Now, you also testified, did you not, that it was on March 28 that Mr. Haldeman called you to meet with Mr. Mitchell and Mr. Magruder and that it was at that time you became convinced you would have to look out for yourself. Isn't that correct?

A. That isn't my interpretation. I had decided while I was at Camp David, in fact before I went to Camp David, that I didn't have to watch out for myself, but I saw what others were doing and

I realized that I ought to, well, as I say, I retained counsel up there initially and told him because of The L.A. Times story. I retained him.

At that point in time, I told him I would like to talk to him when I got back and suggested to him that he begin to think about a criminal lawyer.

Q. If on March 26, after you, according to your testimony, had admitted to making payments to Watergate defendants to obstruct justice, offering clemency to defendants to obstruct justice and suborning perjury, you were still actively trying to build your defense against having prior knowledge of the break-in on March 26, doesn't this demonstrate that throughout this affair, your motivation was to protect yourself against the criminal charge of authorizing and directing the Watergate break-in?

A. The reason I sought the statement from Mr. Liddy is, you will recall, I testified that on the 25th, I learned there was going to be a story published in The L. A. Times that I had prior knowledge. I felt that was libelous. I was trying to build what I thought would be a good defense or a good case if I decided I wanted to bring a libel action. In fact, I had mentioned that in my conversation with Mr. Maroulis also.

Q. Mr. Dean, you stated that Mr. Maroulis called you back on the 29th of March and told you he could not get you the statement you wanted from Mr. Liddy. Did you record either of these telephone conversations you had with Mr. Maroulis?

A. Yes. The first telephone conversation was recorded. It is almost inaudible, and I don't know if it is because of the form I recorded it in. I would be happy to turn it over to the committee, and if the committee can get off the tape what is on there, fine. I have been unable to.

Q. Mr. Chairman, that was the last question from the White House. However, the White House has also submitted a short statement, I presume this is the closing statement, sir. "A central credibility question is what prompted Dean's tactics in March and April of 1973. The desire to have the truth or the effort to achieve—"

SENATOR ERVIN: Senator, so the record will be correct that is a statement which White House counsel has prepared?

SENATOR INOUE: This is a statement prepared by Mr. J. Fred Buzhardt, special counsel to the President.

SENATOR ERVIN: And it is a statement of his contentions about evidence and not evidence as such.

MR. DEAN: May I ask a question? Does this represent the White House view or Mr. Buzhardt's view?

SENATOR INOUE: This was delivered to me yesterday under cover letter signed by Mr. Fred Buzhardt.

"A central credibility question is: What prompted Dean's tactics in March and April 1973 — the desire to have the truth told or the effort to achieve immunity from prosecution?"

"Dean's admitted personal connection with the offer of clemency to McCord in January (Dean to Caufield to McCord via Ulasewicz). Dean's admitted personal connection with Hunt's demand for more money on March 19 (Hunt to O'Brien to Dean).

"Dean's meeting with the President on March 21-22. On any version of this meeting it was an effort to get the President to take action on what was becoming a personal problem for Dean.

"McCord's letter to Judge Sirica on March 23."

A. May I just comment there?

Q. Please do, sir.

A. I, in the 21st meeting, had hoped that would be the truth punctuation point that indeed, the cover-up.

It was after that, that morning meeting when I saw that it was not going to end, that the period had not been placed in the story. That my whole thinking began to change and I began to think of how can I now proceed while others are unwilling to proceed, particularly Mr. Haldeman and Mr. Ehrlichman, and at that point in time I certainly wanted to try to still get the President out in front of this entire matter.

#### 'The Crucial Break'

Q. "McCord's letter to Judge Sirica on March 23. This was the crucial break in the cover-up. Dean learned via a call from O'Brien. On March 25 press comments directly linked Dean with knowledge of the Watergate break-in. He called Liddy's attorney, Maroulis, on March 27th to get a statement that he did not have prior knowledge of break-in. Maroulis called back on March 29th with word that he couldn't give him a statement. This statement might have been taped. On March 28th and March 29th he solicited names of criminal counsel. On March 20th, he decided to retain Mr. Shaffer.

"Time had run out; the cover up had come apart; Dean was centrally involved. He sent his lawyers to the U. S. attorney on Monday, April 2, and commenced his negotiations for immunity.

Mr. Chairman, this ends the statement.

SENATOR ERVIN: Do you want to respond to the statement which has just been read to you?

A. I believe I have commented through the questions and answers to most of those matters. The fact, I would just make this point. I would recall the fact that the question of clemency for Mr. McCord was a result of the fact that the issue of clemency had come up directly with the President. That was not something that I initiated. It was something that came in, Mr. Colson went to Mr. Ehrlichman, Mr. Ehrlichman, in turn went to the President, Mr. Colson also went to the President. I received word that the fact that clemency had been offered to one similar assurances should be given or could be given to all, so that is clearly in the record on the clemency matter.



The 21st meetings I have explained repeatedly what my hope in accomplishing with that meeting was, and my disappointment when I had thought I did have access to the President, I thought what I call my cancer-on-the-Prseidency speech did not result in immediate surgery but rather continued cover-up.

The 23d letter of Mr. McCord, I was asked by Mr. Ehrlichman what my assessment of it was based on, the earlier conversation I had had with Mr. O'Brien, at best it was hearsay that he had if any wanted to perpetuate the cover-up at that point through further perjury, I am sure they could have, because he had no hard evidence. This was revealed in a conversation which I have submitted to the committee and a conversation I had with Mr. Magruder who was not concerned about this, that the fact that McCord could prove nothing, he could say a lot but he could prove nothing.

Let me see here. I will recall the reason again that I was seeking to get the comment from Mr. Liddy was in a sense two-fold. First of all, the President had done a tremendous embrace of me that next morning when the story was printed.

He had said that based on conversations he had had with me, which in fact he had not had, but rather I had had conversations with Mr. Haldeman and Mr. Ziegler, both, and informed them I was prepared to file a libel suit, and I believe the White House has also admitted the fact that that phone call never took place between the President and myself on that day. But in an effort to develop what would be necessary for a libel suit, not that I was planning to file one at that point, but just in preparing for it, I thought the stongest statement I could have would be a statement from Mr. Liddy, and that was the reason I approached Mr. Maroulis to see if he could do it.

The reason that Mr. Maroulis could not get the statement was because he was concerned about his client's Fifth Amendment rights. So those are the only points I would make on that closing statement that was offered by the White House.

#### Transfer From Justice

SENATOR ERVIN: When did you transfer from the Justice Department to the White House?

MR. DEAN: July of 1970.

Q.: Was he [Tom Houston] at the White House when you arrived there? A. Yes, he was there.

Q. Do you know anything about a meeting having been held in the office of the President on or about the 5th of June, 1970, at which the President and Mr. Huston and others discussed laying plans for gathering domestic intelligence? A. I have hearsay knowledge of that, Mr. Chairman that such a meeting did occur.

Q. Now, you were informed in substance that the President assigned to Tom Charles Huston White House staff responsibility for domestic intelligence and internal security affairs? A. That is correct.

Does that not constitute a recommendation from Tom Charles Huston concerning domestic intelligence, the part you have there? Now that document, does not that document, in short, make these recommendations as to the manner or rather the technique that should be followed, in Mr. Huston's view, in gathering domestic intelligence and matters affecting internal security?

Q. Now, as a result of this meeting there was a review by the heads of the C.I.A., the F.B.I., the N.S.A and the D.I.A. of the techniques used by these information or intelligence gathering organizations to gather intelligence both domestic and foreign, was there not? A That was my genral understanding, on hearsay again.

Q. Now, I will ask you to look at the exhibit entitled "Recommendations, Top Secret, Handl via Comint Channels Only, Operational Restraints on Intelligence Collection," that you have there.

What I asked was the first recommendation, was techniques for removing limitations on electronic surveillance and penetration. Then the next, the second recommendation was for the use of the mail coverage. The third

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recommendation was a recommendation o fa technique designated as surreptitious entry. A. That is correct.

Q. Now does not the exhibit show that surreptitious entry, does it not state that, this third technique is described by Mr. Huston in that document as follows: "Use of this technique is clearly illegal. It amounts to burglary. It is also highly risky and could result in great embarrassment if exposed. However, it is also the most fruitful tool and can produce the type of intelligence which cannot be obtained in any other fashion."

A. That isn't on the document I have before me, but I do recall something to that effect in the larger report that we are referring to.

#### Undercover Military Agents

Q. Yes, the fourth technique was development of campus sources of information concerning violence prone student groups or campus groups, wasn't it? And the fifth technique recommended by this statement is the use of undercover military agents? A. That is correct.

Now, I will ask you all of these recommendations were that restrictions of use techniques be removed, was it not? A. That is correct. As I recall, the larger document that many of these recommendations had footnotes that had been placed on there by Hoover.

Q. Now, did not the original document point out in several occasions that Mr. Hoover, the director of the F.B.I., was wholly opposed to the use of any of these techniques for domestic surveillance? A. Yes, sir, it did.

Q. And I will ask you if the only, the Americans who were to be the subject of these information or intelligence gather activities were designated by such terms as subversive elements without further definition. A. It was very broad, that is correct.

Q. And second, selected targets of internal security interests. A. Yes, sir, again that was a very broad description.

Q. Now, was there anything in the document that told who was going to do the selecting? These selected targets of internal security interests? And that was left up, by the document, to the imagination or interpretation of anybody engaged in the intelligence work? A: That is correct.

Q. And I will ask you, as a lawyer, if you do not think that surreptitious entry or burglary and the electronic surveillance and penetration constituted a violation of the Fourth Amendment? A. Yes, sir, I do.

Q. Hasn't it always been a violation of the Fourth Amendment under the decisions of the court to resort to burglary for the purpose of getting information? And hasn't the Supreme Court recently held by unanimous opinion that the use of electronic surveillance and penetration to obtain information concerning persons allegedly guilty of subversive — of domestic subversive activities — is also a violation of the Fourth Amendment?

A. That is correct, Mr. Chairman.

#### Domestic Intelligence

Q. Now, I call your attention to what I designate as Document Number 3 and ask if you will read this document to the committee.

A. This is a memorandum for Mr. Huston, subject, Domestic Intelligence Review: I might add here it is from Mr. Haldeman to Mr. Huston — "The recommendations you have proposed as a result of the review have been approved by the President. He does not, however, want to follow the procedure you have outlined on Page 4 of your memorandum regarding implementation.

"He would prefer that one thing simply be put into motion on the basis of this approval. The formal official memorandum should, of course, be prepared than should be the device by which to carry it out.

"I realize this is contrary to your feeling as to the best way to get this done. I feel very strongly that this procedure won't work and you had better let me know and we will take another stab at it. Otherwise let's go ahead."

Q. Now, that letter can only be construed as a statement on the part of Mr. H. R. Haldeman to Mr. Tom Charles Huston, the aide in charge of domestic intelligence, to the effect that the President of the U. S. had approved his recommendations about removing the limitations on surreptitious, or rather, on electronic surveillance and penetration, surreptitious entry or burglary, the use of mail coverage, and of sources of information on the campuses and the military undercover agents for the purposes of gathering information upon the objectives of that.

A. That is correct, Mr. Chairman.

Q. Now, do you know that this plan was put into effect —was, rather, approved for use by the President without the prior knowledge of Mr. Mitchell?

A. I do not know that for a fact, no, sir. When I talked to Mr. Mitchell about it, it

A. That is correct.

Q. Did you ever receive any instruction from anybody to the effect that the President had rescinded these plans recommended by Mr. Huston?

A. No. To the contrary, as this document indicates, on Sept. 18, I was asked to see what I could do to get the first step started on the document.

Q. Isn't it true to say that among some of the officials in the Committee to Re-elect the President and the White House, there was a great complement of fear during 1970 and '71? A. I would say there was a great concern about demonstrators.

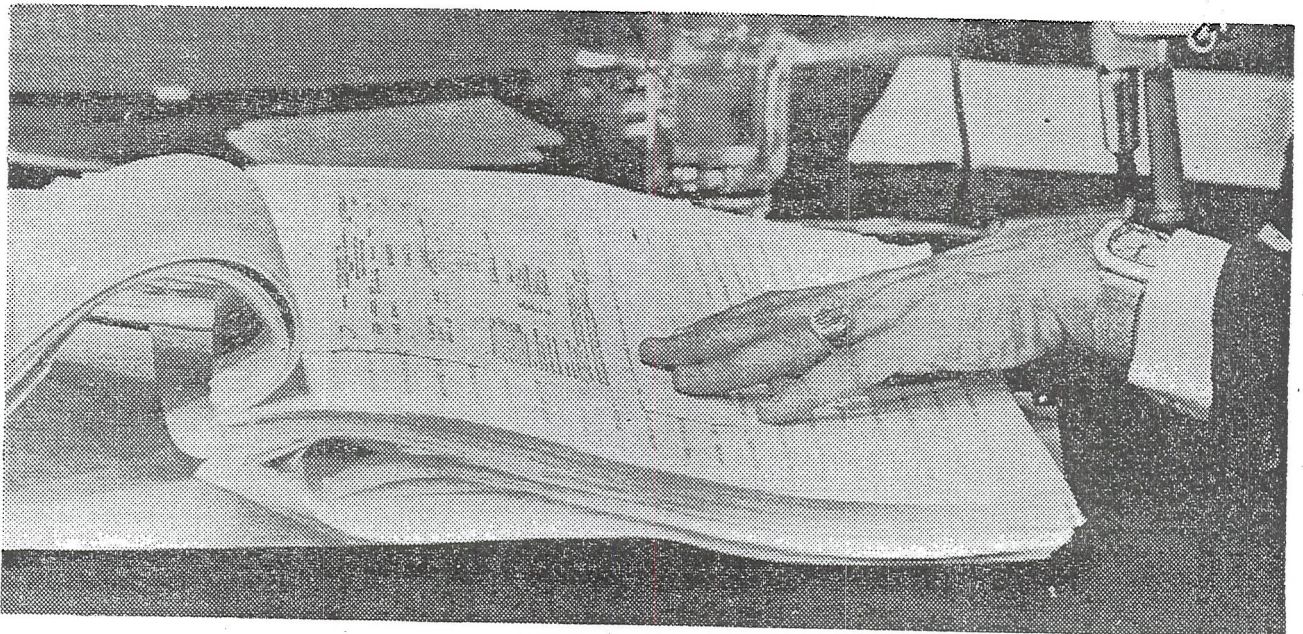
Q. Now, was not there a feeling there among some White House officials such as Mr. Colson, and perhaps among some in the commit-

tee to re-elect the President, that every person who was not backing their efforts to re-elect the President or who dissented from the program of the President was an enemy? And that was applied to a great list of people, including some of the most distinguished commentators of the news media on the national scene, was it not?

A. Yes sir.

Q. Didn't those in the White House interested in President Nixon's re-election and then the re-election committee classify among their enemies people who dissented from President Nixon's programs? A. As I say, those who were able to command audience were singled out.

Q. So we have here plans to violate the Fourth Amendment, which were approved by the President, according



The hand of John W. Dean 3d following text during yesterday's testimony before the Senate Watergate committee The New York Times

had reached the stage that they wanted to do something. Mr. Mitchell and I talked about it and we decided that the best thing to do was to create the I.E.C.

Q. Now, the I.E.C., in effect, was a proposal to set up a group representing or representatives from the F.B.I., C.I.A., N.S.A., D.I.A., and the counter-intelligence units of the Army, the Navy, and the Air Force to furnish information about the activities of all of these agencies to the White House?

A. I believe that is correct.

Q. Now, as a lawyer, you are aware of the fact that the Section 403(d) of Title 50 of the U.S. Code provides that the C.I.A. "shall have no police, subpoena, law enforcement powers, or internal security functions."

A. Yes, I was entirely aware of that.

#### Statute on C.I.A.

Q. Yet, despite the fact that the statute forbade the C.I.A. exercising any internal security functions, here was a coordination of activities of the C.I.A. in the domestic intelligence field, was there not? And notwithstanding the fact that the statute gave them no internal security functions, they were called upon to evaluate domestic intelligence-gathering by other agencies?

SUBJECT:

OPONENT PRIORITY ACTIVITY *prepared by Colson*

Having studied the attached material and evaluated the recommendations for the discussed action, I believe you will find my list worthwhile for go status. It is in priority order.

1. PICKER, ARNOLD M.  
United Artists Corporation  
529 7th Avenue  
New York, N. Y. ✓

Top Muskie fundraiser. Success here could be both debilitating and very embarrassing to the Muskie machine. If effort looks promising, both Ruth and David Picker should be programmed and then a follow-through with United Artists.

2. BARKAN, ALEXANDER E.  
National Director of AFL-CIO's Committee on Political Education  
Washington, D.C. ✓

Without a doubt the most powerful political force programmed against us in 1968. (\$10 million dollars, 4.6 million votes, 115 million pamphlets, 175,000 workers - all programmed by Barkan's C.O.P.E. - So says Teddy White in The Making of the President '68). We can expect the same effort this time.

3. GUTHMAN, ED  
Managing Editor L. A. Times ✓

Guthman, former Kennedy aide, was a highly sophisticated hatchetman against us in '68. It is obvious he is the prime mover behind the current Key Biscayne effort. It is time to give him the message.

DANE, MAXWELL

Part of a list of White House "enemies" prepared in 1971 by the office of Charles W. Colson, then special counsel, and given to Watergate committee by John W. Dean 3d.

portant meeting in the year 1972? A. Well, I think I have recalled that meeting.

Q. If I recall, in your colloquy with Mr. Gurney, with Senator Gurney, your response was, "I had an impression."

#### The Precise Words

A. Well, we were talking about the one line out of the first part of the meeting. I would recall to the Senator that after I had had the conversation, I sat down, and the President told me that "Bob had said that you had done a good job," and I turned on the fact of—I said that I could not take responsibility for this alone myself; I remember a sequence of events in the conversation ending up with something when we were discussing a book I was reading, and I remember very vividly the book I was reading at the time we discussed it.

Q. Is it your testimony that you cannot recall precisely what the President said to you? A. I cannot repeat the very words he used, no, sir. As I explained to Senator Gurney, my mind is not a tape recorder, but it certainly receives the message that is being given.

Q. Did you take any notes of this meeting?

A. No, sir, and I did not take notes of the other meetings for very specific reason. I recall at one time Mr. Moore saying to me, John, you are having a lot of meetings with the President; you ought to be recording these. Some of the things that were being discussed in these meetings I did not want to make records of. Senator.

Q. Why, sir?

A. I thought they were very incriminating to the President of the U.S.

Q. Mr. Chairman, this is not part of the questioning, but could you advise this

committee what sort of information you received?

A. Well, I have recalled most of it in my testimony regarding the conversation on clemency for Mr. Hunt, the million-dollar conversation, when the President told me that it would be no problem to raise a million dollars on the 13th. I did not think documents should be around the White House, because the White House had a similar problem as far as information getting out.

#### The Sept. 15 Meeting

Q. Did you discuss this Sept. 15 meeting with anyone at that time or at any time since?

A. I believe when I came out of the meeting, I told Mr. Fielding of my office that I had spent about 30 or 40 minutes with the President, and Mr. Fielding did not have full knowledge of my activities at this time. But I told him that fact that the meeting had occurred and that the President seemed very pleased with the job that I had been doing thus far. I think Mr. Fielding probably had a general awareness about the specifics of the fact that I was involved in assisting with the cover-up.

Q. You have indicated in your testimony that you were certain after the Sept. 15 meeting that the President was fully aware of the cover-up, did you not? A. Yes, sir.

Q. And you further testified that you believed that you had won your spurs in handling the cover-up by February 27, when you were told by the President that you would report to him directly. Is that not correct?

A. I do not believe I used the word "my spurs" I think that was another characterization. I said I thought I had earned my stripes.

Q. If that was the case, why did you feel it necessary on Feb. 27 to tell the President that you had been participating in a cover-up and, therefore, might be chargeable with obstruction of justice?

A. Because, on the preceding day, he had indicated to me that Mr. Haldeman and Mr. Ehrlichman were principals, and I was wrestling with what he meant by that. I wanted him to know that I felt also that I was a principal. So I wanted him to be able to assess whether I could be objective in reporting directly to him on the matter.

Q. If the President was aware on Sept. 15 of the cover-up, was he not aware that you were implicated also?

A. I would think so, but I did not understand his remark at the time.

Q. Then, why was it necessary on Feb. 27 to advise him that you were guilty of obstruction of justice?

#### 'I Also Had Problems'

A. Because, as I said, Senator, when he mentioned the fact that Ehrlichman and Mr. Haldeman were principals, I did not understand what he meant. I wanted to make it clear to him that I felt I also had legal problems and I had been involved in obstruction of justice. Any time I was in the Oval Office, I did not want to withhold anything from the President at any time and felt that any information that he was seeking or came out as a result of the

conversation, that I should give it to him.

Q. If you were not clear as to whether the President clearly understood, are you suggesting that on Sept. 15, he did not clearly understand what was happening?

A. I have testified that one of the reasons I sought the meeting on the 21st is because I did not think the President fully understood the implications of the cover-up, the fact that people had been involved in obstruction of justice, and I wanted to make it very clear to him that this was my interpretation of the situation. At that time, I did have access to the President. When he did call me the night before, I did raise it and felt that I should go in and tell him the implications of this entire matter.

Q. If you felt that the President of the U.S. did not fully understand the implications on Feb. 27, how did you expect the President to understand the implications on Sept. 15th of the prior year?

A. When I went in on the prior year, as I say, this was sort of a congratulations, good job, John, Bob's told me what you have been doing. At the time, we went on to discuss other aspects of the efforts to prevent the entire matter from coming out before the election. He talked about when the civil suit would proceed, we talked about when the criminal suit would be tried. The discussion at that time was very, The President was asking most of the questions and I was giving very short answers.

I might also add that I was very unused to going into the President's office. I was extremely nervous when I was before him. This was the first time I had ever really had a sort of one-to-one session with him. The other meetings I have been in, there have been many other members of the staff. I have not done most of the talking; rather, I was the man who was in there taking notes or taking people in to the meetings. So I would answer his questions and listen and do the best I could to report.

#### Question of Immunity

Q. Did you and your counsel develop a strategy for obtaining immunity from prosecution? And what were the elements of that strategy?

A. Well, I recall the chairman starting to raise that question yesterday. First of all, I do not know what is meant by a strategy for immunity. What happened is my counsel went down and began discussing, first of all, how the prosecutors could hear my testimony to make their own determination as prosecutors as to what they wanted to do with me—whether I was to be a witness, whether I was to be a defendant, and the like.

I went to counsel because I had made my determination that I was going to go to the prosecutors and tell them what I knew about the case. But there is an old saying that all lawyers know that the lawyer who represents himself is a fool. I did not feel that I could be objective about my situation. I sought out a man whose judgment I would respect in regard to the criminal law and he said, John, if I am going to represent you, you have to take

my counsel, otherwise, you do not need a lawyer if you just want to walk down there. I said, well, I think I will take counsel. I am a lawyer myself and I think to follow counsel is a good idea.

Q. I wish to follow this question with my own question, if I may.

CHARLES SHAFFER: Excuse me, Senator. I didn't want to register a timely objection to your last question, since it bears so heavily on the issue of credibility. However, for future proceedings, I would like to note for the record that when we came before you gentlemen, you took away our Fifth Amendment right by virtue of the use immunity which was conferred by Judge Sirica at your request. You have not taken away our Sixth Amendment right, and we have not surrendered it for future proceedings.



John W. Dean 3d and wife, Maureen, as his third session of testimony ended Wednesday

The New York Times

**SENATOR INOUE:** This is understood, sir. I'll return to the White House questions. Didn't your strategy include deliberate leaks of information to the media on what you had told investigators and what you might be prepared to testify about in the future?

**No Strategy on Leaks**

**A:** Senator, in any testimonial areas, I dealt directly with the appropriate investigative forum. I conceived of no strategy to leak my testimony or anything of that nature. In fact, any comments I have had with the press, I believe, were a matter of public record and I think that most of the press know that I have refused on countless occasions to give what I consider testimonial areas.

**Q:** How were these contacts with the media handled?

**A:** Well, I did have a number of inquiries that came, not directly to me, because I made myself as inaccessible to the press as possible. As I believe the Senator is aware, there were a number of attacks about my character. They have been on-going and continuous. My counsel would call and ask me questions about these and I would give them what my assessment of the given attack was.

**Q:** Who represented you and what individual members of the press were contacted?

**A:** I can't answer that, Senator, because I don't know. As I say, I am aware of the contacts I had with the press, but there were stacks of calls that came in, apparently, to my attorneys' offices and I don't believe there was an understanding of my returning those calls.

**Q:** Mr. Dean, were any of the stories or quotes attributed to you or sources close to you inaccurate? **A:** Yes, they were.

**Q:** If so, what, if any, steps did you take to correct these stories?

**A:** Well, as I said, I am in a delicate position. If I come out into testimonial areas, I can be accused of trying to generate publicity. I already as a result of my appearance up here have serious legal problems as a result of the publicity generated by this. I have not read the press with regularity at all since these hearings have commenced. I did see a Newsweek piece, for example, when they said that they attributed to me some story about a Panamanian

assassination. Now, I have no more idea what they are talking about, just none at all.

**A Lengthy Question**

**Q:** The next question, Mr. Dean, is rather lengthy.

**Mr. Dean,** one point of distinction you drew in your testimony puzzles me. You have testified that you had received and placed in your safe the sum of \$15,200 which you never turned over to anyone because you didn't want funds you had physically handled to be used for payments to the Watergate defendants. You also testified that you called Mr. Stans and asked him for \$22,000 to make the \$350,000 fund whole and that you had your deputy, Mr. Fielding, go to Mr. Stans' office, pick up the money, and later deliver it directly to Mr. Strachan, knowing that \$22,000 would probably be used for payments to the Watergate defendants.

Now, do you mean to imply that you think there is some moral basis for the distinction, or were you just being cautious to protect yourself technically from committing the criminal offense of obstructing justice at the expense of implicating your deputy?

A. Well, if you will recall my testimony on that when I spoke with Mr. Stans, I told him Mr. Fielding would be over to pick up the package. I also informed Mr. Stans that Mr. Fielding would not know what he was picking up.

I was quite surprised and, I must say, annoyed when Mr. Fielding came back and told me that he had realized that he had received cash. I did not have any desire to involve Mr. Fielding in this, because he had not been involved in it before that. I assume when he was making the trip that he would be no more than an innocent agent in the matter and he would be unknowing as to what he was doing.

I still think to this day he didn't know what the full purpose of that money was and I told him at the time, I said, "Well, don't worry about it. It is nothing for you to be concerned about."

#### Fielding's Role Weighed

Q. Mr. Dean, you have testified as to your close working relationship to your deputy, Mr. Fielding. It was he who you sent to pick up the \$2,000 from Mr. Stans, he who helped you to sort the documents from Mr. Hunt's safe and he who sent to England to retrieve Mr. Young's secretary. Did Mr. Fielding know that you were involved in a conspiracy to obstruct justice, perjure testimony, and pay defendants for their silence?

A. I have no idea what Mr. Fielding knew. I didn't discuss these things with him. To the best of my knowledge, his involvement merely was dealing with, going through the material in Mr. Hunt's safe with me and then dealing with Miss Chenow and going to England to get her and brief her. He also assisted in briefing Mr. Krogh and he also accompanied me when Mr. Ehrlichman requested that he join me in preparing himself for his interview before the F.B.I. because it related to matters with the plumbers unit.

Mr. Fielding had become

familiar with some of the problems of the plumbers unit as a result of dealing with Miss Chenow, and he had also talked to David Young, who was in the plumbers unit. So, he was more knowledgeable than I was. That is my knowledge of Mr. Fielding's knowledge.

Q. Mr. Dean, if your deputy, Mr. Fielding, who worked so closely with you and who carried out some of your missions connected with the conspiracy, had absolutely no knowledge of the cover-up conspiracy, how do you so blithely assume that others on the White House staff, and even the President, did know of your conspiracy?

A. Well, I wouldn't classify it as my conspiracy. I would say that I was involved with others in a cover-up operation. I recall, on countless occasions, Mr. Fielding complaining to me that I was leaving him out, I wasn't explaining to him what I was doing. We had had a very close working relationship. I think

today, Mr. Fielding is very happy that I did not tell him what I was doing or involve him any more than the degree he was involved in the entire matter. In fact, he has subsequently thanked me for not involving him.

Q. The question was, if I may repeat it again, if your deputy Mr. Fielding, who worked so closely with you and who carried out some of your missions connected with you and who carried out some of your missions connected with the conspiracy, had absolutely no knowledge of the cover-up conspiracy, how do you so blithely assume that others on the White House staff and even the President did know of the conspiracy?

A. Well, as I say, I don't know how many other people on the White House staff knew of the conspiracy, not my conspiracy but the general cover-up conspiracy. I certainly know that I was getting instructions from Mr. Haldeman and Ehrlichman and I know of my conversation with the President. I know that there were other people on the staff who were quite aware of the fact that the White House was not baring its soul on this matter. There were, as I said, parallel cover-up situations with regard to Mr. Segretti, where people who were not involved in other aspects become involved in that.

There was the Patman hearing, where it was quite evident that the White House did not want to have the Patman hearings. There were a series of various phases to the cover-up, and various people in the White House knew.

Mr. Dean, beginning in late May and early June there were a series of newspaper stories reporting with what you had told various investigators as quoted sources close to you as to what he had said. A number of these news reports, for example, the page 1 story in The Washington Post of June 3, alleged that you began your private meetings with the President either early in the year or, as in the case of this particular story, beginning on Jan. 1st.

According to your testimony, your first private meeting with the President in 1973 was not until Feb. 27. Did you or did you not tell investigators and/or friends that you began meetings with the President firstly, either the first of the year or beginning Jan. 1st, and were these stories an attempt to exaggerate the length of time which you had been dealing directly with the President and by implication imparting to him knowledge of the Watergate?

#### Source Is Unknown

A. Senator, where the source of that story came from I do not have any idea. It certainly was not from me. I always, in dealing with any of the investigators from either this committee or from the prosecutor's office, told them exactly what I knew. I do not know of any exaggeration at any time, any place, regarding my knowledge of this matter. So I cannot—it is obviously a loaded question, and I do not know how to answer it other than to say what I just said.

Q. Is it your testimony that the first private meeting you had with the President of the United States in the year 1973 was on Feb. 27? A. That is correct.

Q. Mr. Dean, the number of source stories containing allegations against the President attributed directly or indirectly to you over the last four or five weeks—

A. Excuse me, Senator, I do recall—was that, did you say, private meetings? In other words, after the inauguration there was a church service meeting as I recall, where I had a brief encounter with the President where he actually stopped me in the reception line as a result of an incident that had occurred during the inauguration. It may be relevant. I had not planned to discuss this, but if the committee wishes me to show my recollection of dealings with the President, this may be very well relevant. Right after the inauguration or during the inauguration apparently there was a demonstrator who ran

through the police lines and toward the President's car.

That night the head of the Secret Service detail protecting the President called me and told me the President was quite angry and anxious to do something about this man charging at the President's car. The man had made it about five feet from the curb before he had been knocked down by Secret Service agents. I do not think anybody in the whole world who was watching the inauguration on television saw it, I certainly did not. Mr. Taylor, when he called me, said "What do I do? The President wants something done."

#### 'I Will Check Into It'

"Well, you just tell the President you reported it to me and I will check into it", which I did.

The next Sunday morning when I was going through the reception line the President pulled me aside and said to me, "I want something done about that man, that fellow that charged the car". I had looked into the case. The best this man could be charged with was a collateral offense for breaking police lines. There was no assassination attempt, there was no evidence of anything like that. He was merely trying to make a point, as many demonstrators do, by being arrested in a public forum to make his protest.

I had occasion to request the Secret Service to make a full investigation of the matter. They said they, after examining the man, had released him.

I also talked to Mr. Petersen at the Justice Department, and Mr. Silbert at the Justice Department, and they told me there is no case here. They had talked to the Secret Service.

Meanwhile, I was receiving further reports from Mr. Haldeman, saying "What are you going to do with the man? We want a case made against him." That is one where I just quietly let it go away because there was no case.

Q. Mr. Dean, the number of source stories containing allegations against the President attributed directly or indirectly to you over the last four or five weeks have been most numerous. Do you deny that these stories were planted in a calculated attempt to influence Federal prosecutors to believe you had such important testimony that they should give you transactional immunity from the crimes which you have committed in return for your testimony against others?

#### 'Planted No Stories'

A. I gave my testimony directly to the prosecutors. I planted no stories at all to do that, and the prosecutors certainly would not make any decision based on what they are reading in the newspaper. They would want to hear it directly from me, and I was dealing directly with the prosecutors. As likewise with Mr. Cash when he began to interview me to find out what the scope of my knowledge was, to make a decision for this committee as to whether they wished to grant me immunity.

Q. Mr. Dean, the May 14, 1973, edition of Newsweek carried a long article about you and your prospective testimony. In this article you are quoted a number of times and instances. The quotes in that article were word-by-word identical to the testimony you have given this week. Indeed, for the most part this Newsweek article was a very accurate preview summary of the lengthy statement which you detailed before this committee.

There are, however, several very noticeable differences. One difference is an omission from the testimony you gave here. You told this committee that when the President discussed the matter of your investigation of Watergate, you did not tell him you made no investigation.

The Newsweek article, however, reports that in your meeting with the President of March 21, and I quote "Dean also bore down hard, he said, on the fact that there had never been any study clearing White House staffers. Mr. Nixon replied that he had had verbal reports of Dean's work, but the counsel insisted 'Nobody asked me for reports, Mr. President,'" he said.

"He said, 'I did not go around asking people questions in their offices. There was no report.'"

"At this point sources quoted Dean as saying 'The President came out of his chair into a half crouch of astonishment and shock.'"

#### Account Denied

If the Newsweek account is correct, Mr. Dean, the President's reaction was most inconsistent with that to which you have testified before this committee. Did you or did you not tell the President that you had never conducted an investigation, and have you made the statement previously that "the President came out of his chair into a half crouch of astonishment and shock"?

A. Well, I have testified here already that I have never seen the President come out of his chair in that manner. I recall the inter-

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view that you are talking about, and the ground rules for that interview my wife was present with me, and she will recall that well; Mr. McCandless was with me, and the rules were set that I would enter into no, what I considered testimonial areas at all of a substantive nature regarding my direct dealings with the President. I was asked if I had prepared an investigation or done an investigation into that, I merely just said, no.

As I say, the interview that was given, and that story does not meet with what I told the reporter, because I said anything I say I want it for attribution, I am not giving you any anything on background or the like and I will not enter into testimonial areas and it was very clearly understood that I would not. I would recall to the Senator again that at this time I was coming under increasing character assassination attacks.

People said, "John, you just cannot sit down and take that, you have got to come out and say at least a few words that you are living and breathing and a real human being," and that is the reason I held that interview.

Q. Mr. Dean, if I recall correctly, you testified to this committee that it was not your idea for Magruder's diary to be altered, nor were you aware before Mr. Magruder testified before the grand jury last September that Mr. Magruder would testify that the first meeting appearing in his diary had been canceled, and the second meeting had been to discuss election laws.

On both of these points, your testimony is in direct conflict with the sworn testimony of Mr. Magruder. Are we to believe that Mr. Magruder lied as to these details concerning you and, if that is your position, what could be Mr. Magruder's motive for lying about the details of the manner in which Mr. Magruder's perjury was conceived?

#### Stands by Testimony

A. Well, Senator, I will stand on my testimony and not on the conclusions drawn in the question that has been propounded by you at the request of the White House.

Q. Mr. Dean, Mr. Magruder also testified that Mr. Liddy told him that you, among others, had indicated to him that he would have a million dollars for his plans, which he had been working on before he even came to the committee. You testified, on the other hand, that you were surprised when Mr. Liddy briefed his million-dollar intelligence plan to Mr. Mitchell in your presence. To what motive do you attribute Mr. Liddy's report to Mr. Magruder that you knew about his extensive plans before you saw them in Mr. Mitchell's office?

A. Well, if the Senator will check the exhibits, there is one of the exhibits in there where I had an interview or a discussion with Mr. Mitchell. He reported to me that Magruder at that time Mr. Mitchell had made this statement to him.

My response at that time to Mr. Mitchell was that I had no recollection at all of ever making such a statement to Mr. Liddy, and I can't conceive of the statement being made for this reason: I was quite aware of the fact that a far different plan, operation Sandwedge, that had a half-million-dollar budget suggestion, had been deemed to be far more than necessary for anything to deal with even the security problems that were going to confront the campaign.

Q. Mr. Dean, just prior to taking Mr. Liddy to meet Mr. Magruder in early December, 1971 did you and Mr. Liddy not have a meeting with Mr. Egil Krogh and did you not at that time have one million dollars for intelligence gathering at the committee?

A. I recall a meeting with Mr. Krogh and Mr. Liddy when I described the job, and I don't recall specifying a dollar amount as to what the intelligence for dealing with demonstrators would be. I have no recollection of that, Senator, no sir.

#### A Matter of Recollection?

Q. This is my question: Is it a matter of recollection or did it actually happen? I am very much impressed by your power of recollection.

A. Well, as I say, I remember very well the meeting with Mr. Krogh. The meeting was at the time I was describing the job to Mr. Liddy. The thrust of the description of the job was the fact that he would be the general counsel of the Re-election Committee. I said one of the responsibilities he would have would be for dealing with the potential problems of demonstrators. I don't recall at that time any extensive discussion at all as to, you know, how this plan would operate, what it would involve, what would be the substance of it because I never did, in fact discuss this with Mr. Liddy at all.

Q. Did you discuss any sums of money?

A. I may have told him at that time whatever he feels is necessary will probably be

allotted to him after he presents his plan, but he didn't really have a plan in mind himself at that time.

Q. Wouldn't a sum of one million dollars be significant enough for you to remember?

A. I have no recollection of a million dollars, as I have repeated earlier. In fact, to the contrary, that seems like an extremely high amount.

Q. I will now return to the White House questions. Mr. Dean, Mr. Magruder testified that in March, 1972, Mr. Liddy had threatened to kill Mr. Magruder and that Mr. Magruder made a decision to terminate Mr. Liddy's employment. In this connection, Mr. Magruder testified that he received a call from you encouraging him not to become personally concerned about Mr. Liddy and not to let personal animosity get in the way of Mr. Liddy's project. Did you in March intercede with Mr. Magruder on Mr. Liddy's behalf and, if so,