

# Excerpts From Testimony by Dean Before

Special to The New York Times

WASHINGTON, June 29—  
Following are excerpts from  
a transcript of the testimony  
of John W. Dean 3d on the  
16th day of the hearings on  
the Watergate case today  
before the Senate Select  
Committee on Presidential  
Campaign Activity:

## MORNING

### SESSION

SENATOR MONTOYA: Mr. Dean, I presume while you were counsel at the White House that you probably provided input to some legal opinions with respect to the possibility that the President might be subpoenaed before any Congressional committee.

MR. DEAN: No sir I do not.

Q. Did anyone else?  
A. Not while I was present at the White House do I recall that subject being researched by my office, certainly.

Q. Did you have any discussions pursuant to this?

A. It was the President who told me that rather than refer to the matter as executive privilege that Mr. Ziegler should start referring to it as separation of powers.

Now, when we were looking into the problems of executive privilege, there were reviews but not as far as the President vis-a-vis an appearance was ever research as opposed to staff appearances.

Q. Now, referring to the President's news conference on Aug. 29, 1972, and I will quote from that. Answer. "The President. The F.B.I. is conducting a full field investigation. The Department of Justice, of course, is in charge of the prosecution and presenting the matter to the grand jury. The Senate Banking and Currency Committee"—I presume he meant the House—"is conducting an investigation. The General Accounting Office, an independent agency, is conducting an investigation. Now with all these investigations that are being conducted, I don't believe that adding another special prosecutor would serve any useful purpose."

Now, you stated before that there was a move at the White House to try to stop the House Banking and Currency investigation.

And that was about the time that he was making this statement to the press?

### Patman Unit Hearings

A. That is correct. There was an ever-increasing effort of the White House to deal with the Patman committee hearings as I have so testified.

Q. Was it before Aug. 29th when he made the statement at the press conference or after? A. It was after, Sept. 15.

SENATOR GURNEY: I would like to go back to the Kalmbach meeting again, when you and he first discussed this cover-up money. A. On the 29th, Senator? He was staying at the Mayflower Hotel.

Q. Was there anyone else at the meeting? A. No, sir, there was not.

Q. And my recollection is that you had a short meeting in the coffee shop, is that right? A. I was to meet him in the coffee shop and I recall we sat down in the booth and it did not appear very private in the booth, so we decided to go to his room to discuss the matter.

Q. And that was there in the Mayflower Hotel? A. That is correct.

Q. Well, the committee has subpoenaed the records of the hotel. I have a letter here from the Mayflower, and also one from the Statler Hilton. The letter is from the Mayflower Hotel.

"Dear Senator Gurney, the records do not reflect a Mr. Herbert B. Kalmbach as being a registered guest during the period June 1, 1972, through July 1, 1972."

Then the other letter from the Statler Hilton, again addressed to me. "Mr. Herbert W. Kalmbach was registered in our hotel from June 29-30, 1972."

Now, you have testified three times that you met with Mr. Kalmbach in the coffee shop of the Mayflower Hotel.

A. Absolutely. That is correct.

Q. And then retired to his room in the Mayflower. How do you account for these records here?

A. The only thing I can suggest is that Mr. Kalmbach may have been registered under another name.

Mr. Kalmbach often discussed matters in a code name. For example, after our discussion, he began referring to Mr. Hunt as "the Writer." He began referring to Mr. Haldeman as "the Brush." He began referring to Mr. Mitchell as "the Pipe."

Q. If he was coming into the city under an assumed name so that no one would know he was here why in the world would he register under his own name at a nearby hotel, the Hilton, and then engage another room over in the Mayflower to meet with you? It just does not add up.

### Confusion on Hotels

A. I see what you are saying. I have testified the Mayflower and I am never sure which is the the Mayflower and which is the Statler Hilton. The hotel I recall is the one that is in 16th Street up from the White House. [the location of the Statler Hilton.]

Q. How long have you lived in Washington? A. I have

been here about 10 years.

Q. And you don't know the difference between the Hilton and the Mayflower hotel? A. I continually get them confused.

Q. Well, I must say I am reminded of your colloquy with the chairman yesterday, Mr. Dean, when you said hat an excellent memory you had right from school days. A. I might go back over one point. The name of the coffee shop at the Statler Hilton is the Mayflower.

Q. Is that what your attorney just told you? A. Yes, he did.

Q. I am interested in this meeting of March 21st with the President. I was going over that yesterday, and that there was one part of that that I must say totally confused me.

You mentioned that you talked to the President about perjury being committed, you talked about the cover-up, if it was going to continue it would require more perjury and more money and you said it was the time for the surgery on the cancer itself.

But then, you also made this statement, "After I finished I realized that I had not really made the President understand because after he asked me a few questions he suggested it would be an excellent idea if I gave some sort of briefing to the Cabinet."

I must say I overlooked that totally when the testimony was first given, and I must say it does not seem to make any sense to me at all.

If the President was not fully acknowledgeable about this whole cover-up business, and a part of it, as I think you have indicated before the committee here, why in the world would he want the Cabinet briefed?

### 'A Similar Reaction'

A. Well the conversation had tapered down and we were into a light question and answer session about some of the areas that I had gone into, and I must say that I had a similar reaction, and I said to the President, "Mr. President, I do not think this is the sort of thing that I could give a briefing on even a tailored-down briefing on," but he felt it might be important that I explained some of the parameters of the problem and the like.

I might add I never did give a briefing to the Cabinet and that was dropped immediately in the conversation. I added that because it stuck in my mind that as one of the points that I really did not feel that I had made the full implications of this thing clear.

Q. Well, now, you went before the grand jury last week, did you not? A. That is correct.

Q. Did you tell them the whole story? A. I decided to exercise my constitutional rights.

Q. What do you mean by that? A. I invoked the Fifth Amendment.

MR. SHAFFER: I hate to interrupt, Senator — I would like to defend my client's constitutional rights and by so doing I would like to call to the attention of the Chair—the fact that in 1959 our Supreme Court decided the case of United States versus Gruenwald and in that case the Supreme Court said that it is not proper cross-examination and it is not inconsistent for a witness on one occasion to take his Fifth Amendment right and on another occasion testify.

SENATOR GURNEY: I might state to the counsel that just about all of the testimony that has been presented here before this committee, whether by this witness or any other witness, would never be admissible in

# Senate Panel Investigating Watergate

SATURDAY, JUNE 30, 1973



a court of law, a good bit of it.

**SENATOR ERVIN:** The rule of law, as I understand it where you have evidence tending to show two or more people conspired either to do an unlawful act or to do a lawful act by unlawful means, then any action or statement made by one of the parties to the conspiracy in furtherance of the objective of the conspiracy is admissible in evidence, and in my judgment as a lawyer, while we have some hearsay and we have had some questions asked that were not admissible in a court of law, I think the great bulk of the testimony that has been produced here would be admissible in a court of law.

**SENATOR GURNEY:** No question has been posed that I know of to the witness at this moment that interferes with his constitutional rights. I simply asked him if he had gone before the grand jury, he said he had and said he had taken the Fifth Amendment.

#### Teapot Dome Mentioned

**SENATOR ERVIN:** I would just like to make the observation that Felix Frankfurter wrote a very interesting article at the time about the Teapot Dome and he laid great stress on the wisdom of the fact that Congressional committees should not be bound by technical rules of evidence. However I had read several articles by commentators who are not lawyers and who were criticizing the committee on the ground that it had received hearsay testimony. I am not concerned much about criticism, because I have been criticized very much over the

years but I think it is well for the general public to know that under the rules governing the admissibility of declarations of co-conspirators, the great bulk of the hearsay testimony that has been received in this case would have been admissible in a court of law for an indictment charging a conspiracy to obstruct justice.

**SENATOR INOUE:** In your memo, it says "John Whitaker has ordered the Department of Agriculture to quit dragging its heels on Big Sky." Was this a political favor?

A. There was at one point in time an effort, because of a rather hostile comment that Mr. [Chet] Huntley had made regarding the President, there was an effort that I initially was unaware of to make it as difficult as possible for him to get his Big Sky project moving. Apparently, he needed assistance from the Department of the Interior. I would receive periodic calls asking me what is happening on that and the like. I would in turn call John Whitaker, who is the person on the Domestic Council staff who had dealings with the Department of Interior.

At one point in time, apparently, there was a change in heart on Chet Huntley and there was a turnaround and Interior was given the signal that they should sign off on whatever it was he needed to get this Big Sky project accomplished.

Q. I believe this line of questioning is very impor



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Senator Edward J. Gurney, Florida Republican



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John W. Dean 3d replying to a question at the hearing

accused the White House yesterday of having tried to "intimidate" him, read into the hearing record a portion of Carl Sandburg's biography of Lincoln "The War Years." The account was of President Lincoln's dramatic, uninvited appearance before a Senate committee to declare, "It is untrue that any of my family hold treasonable communication with the enemy."

Without comment of his own, Senator Weicker read from the account of the "speechless" committee's decision to "drop all consideration" of the charges.

The third Republican member of the Watergate committee, Senator Edward J. Gurney of Florida, demonstrated again today his skeptical reaction to Mr. Dean's testimony.

Mr. Gurney, whose three-hour cross examination of the witness two days earlier was the most strenuous test of any witness yet, sought today to question Mr. Dean's credibility by shaking his recollection—with some success—of a meeting exactly one year ago to arrange for payment of "silence money" to Watergate defendants.

#### Hotel Records Produced

Mr. Dean had testified a number of times this week that he met with Herbert W. Kalmbach, Mr. Nixon's personal attorney, on June 29, 1972, at the Mayflower Hotel a few blocks from the White House.

But Mr. Gurney produced records from the Mayflower and the nearby Statler-Hilton Hotel to show that Mr. Kalmbach had been a guest that night in the Statler-Hilton and not, as

Mr. Dean remembered, in the Mayflower.

"I am never sure which is the Mayflower and which is the Statler-Hilton," Mr. Dean explained, adding that he had lived in the capital for 10 years but "I continually get them confused. I must confess."

Mr. Gurney reminded the witness that he had told the committee yesterday that his memory was so good that he hardly had to work at his studies as a young man. Mr. Dean, whose composure at the hearings has been one of his hallmarks, was visibly rattled — although in microscopic terms. His hands were clenched

happening that I had no idea on.

Now, I would again like to defer from using names in this instance, but there was a request of an audit that was commencing on somebody who was close to the President and several people got involved in this. They said, John, you have got to do something about this, because the President is just going to hit the roof when he finds out about it.

Well, I went to the Justice Department because it had already gone from Internal Revenue to the Criminal Division of the Justice Department. I spoke with Mr. Erickson about it. He said, this man is just up to his teeth in the problem.

I reported back to the people who were asking me. I said, just do not touch this, there is just no way; this man is in trouble and he has got to be told he is in trouble.

#### Audits and Congress

Q. Do you know from your personal knowledge, Mr. Dean, if any member of the U.S. Congress was ever subjected to an Internal Revenue Service audit or surveillance by the F.B.I.? A. I do know that there was extensive surveillance on Senator Kennedy, which I have testified to.

Q. Was this for political purposes? A. Yes sir, it was.

Q. Was the F.B.I. aware that this surveillance was for political purposes? A. The F.B.I. did not perform this. This was performed directly by the White House.

Q. Then, your testimony is that with the exception of this columnist [Robert Greene of Newsday] and this television commentator [Daniel Schorr of C.B.S.] and Mr. Chet Huntley and Senator Kennedy, you are not aware of how these lists were ever used?

A. No, sir. I am also aware, and I would have to again be able to look through my files on this, there were a number of requests from various members of the White House staff to see if tax exemptions and alternation of the tax status could be removed from various charitable foundations and the like, that were producing material that was felt hostile to the Administration, or their leaders were taking positions that were hostile to the Administration, and on occasions I checked this out and their activities were deemed to be perfectly proper within the provisions of the Internal Revenue Code and nothing was done on these.

Q. These files are presently available in the White House?

A. Yes, I believe they would be in my files in the White House.