

Secret Destruction of Howard Hunt's Notebooks

The question of whether John W. Dean III will be believed in the critical months ahead may depend less on what the White House tapes reveal than on how much weight is given Dean's failure to tell the whole truth to the Senate Watergate Committee last summer.

During that long, dramatic week over national television, Dean did not tell the senators that he himself surreptitiously destroyed two notebooks kept by Watergate conspirator E. Howard Hunt. The importance of this concealment is stressed in the current Atlantic Monthly by George V. Higgins, a former federal prosecutor in Boston and now a bestselling detective novelist.

Higgins writes of Dean: "He misled people about those notebooks, which will certainly oblige him to explain to some defense lawyer some day, in an actual trial, when it was, really, that this most important witness against the President started telling the truth."

In private, both the Watergate Special Prosecutor and the White House agree with Higgins. However, the prosecutors believe Dean's stunningly incriminating testimony against Mr. Nixon will be corroborated by the White House tapes in such detail as to make the Hunt notebook affair irrelevant. Whether it does well may determine

the fate not only of those indicted in the Watergate cover-up but of President Nixon himself.

Until recently, debate over Dean's credibility centered on conflicting versions of the famous March 21, 1973, Oval Office conversation with the President. The tape recordings, all sides agree, indicate Dean confused the March 13 and March 21 Oval Office meetings in his sworn testimony. Even so, the actual transcript on March 21 may prove infinitely more damaging to Mr. Nixon than to Dean. In any event, one memory lapse confusing dates is unlikely to destroy Dean's credibility.

Far worse for star witness Dean are reperussions of what the then White House counsel did and said about the notebooks found in Hunt's White House safe after it was jimmed by the Secret Service on June 20, 1972, following the Watergate burglary. While handing over the other contents of the safe to acting FBI Director L. Patrick Gray, Dean kept the notebooks without mentioning their existence to Gray. He then slipped them into a folder containing his copy of Nixon's personal papers.

Dean may have forgotten this until January 1973, when he opened the

folder and found the notebooks. Whether or not their discovery was accidental, he promptly shredded them. Dean was then wais-deep in the Watergate cover-up and wanted at all costs to keep the notebooks out of the hands of government prosecutors.

What follows is less explicable. Fearful he was being made a scapegoat, Dean started to talk. But in telling and retelling his own lawyers about the contents of Hunt's safe, he never mentioned the notebooks. Nor did he mention them to the federal prosecutors. Under oath to the Senate committee last summer, he told of righteously refusing John D. Ehrlichman's suggestion that he destroy the contents of Hunt's safe but—once more—said nothing of the notebooks.

It is inconceivable that Dean's remarkable memory had failed so completely. A more rational possible explanation: Dean, still seeking impunity from all federal prosecution in return for his testimony, was putting himself in the best possible light. To have admitted destruction of evidence before the Senate committee would have prompted hostile cross-examination from Republicans and undermined his efforts to go scot-free.

When Dean last October finally accepted a deal for a one-count guilty

plea, he was still liable to perjury charges. So, in interviews with the prosecutors in November, Dean suddenly revealed he had destroyed the notebooks—a fact immediately reported to Judge John Sirica.

The White House has privately grumbled that Special Prosecutor Leon Jaworski should have sought Dean's indictment for perjury. In fact, since Dean himself had corrected his Senate testimony, chances of a perjury conviction were slight. And so indicted were the prosecutors by Dean's testimony that they were not about to destroy their star witness on a questionable perjury charge.

But Dean's lack of candor with his own lawyers, federal prosecutor and the Senate committee does not help make him believable. It suggests that John Dean is no angel and, even after deciding to make a clean breast of it, withheld important evidence to help himself.

Indeed, if Mr. Nixon had not made his fateful decision to record Oval Office conversations, the secret destruction of Howard Hunt's notebooks could have destroyed Dean's credibility. But the secret tapes, prosecutors believe, will compensate for Dean's fol-