

# Dean versus the transcript

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The White House-edited transcripts of presidential tape recordings allow a substantial test of the testimony of John Dean.

On the dates of the discussions, the names of the participants, and the subjects discussed, Dean's testimony last summer before the Senate Watergate Committee generally agrees with the transcripts.

His most important allegations — that the President discussed payments of hush money and clemency for some Watergate defendants — are generally confirmed in the transcripts.

However, when it comes to the specific details of each conversation, there are some significant discrepancies between his testimony and the transcripts.

He seems to have been almost completely correct in his recollection of the crucial meeting of March 21, 1973 — the meeting at which he told President Nixon that Watergate was a "cancer on the Presidency." This meeting took place less than two weeks before Dean began talking to federal prosecutors, and he would be likely to remember well the details of the conversation.

On the other hand, the transcripts show, Dean's memory was considerably less accurate about details of another, earlier, important meeting on Sept. 15, 1972 (following the first Watergate indictments), at which Dean said he first became aware that the President knew of the Watergate coverup.

Dean, who is barred by court order from making public statements about Watergate had told the Senate committee that he was forced to rely on his memory for many of the things he testified to because the White House had refused him access to many of his records.

Dean had managed to take some of the records out before he was fired and place them into a safe-deposit box for safekeeping, turning the key over to U.S. District Judge John Sirica. The materials later were given to the special Watergate prosecutor.

Dean's Senate testimony described details of 24 different meetings or telephone conversations in which he and the President discussed Watergate matters, either alone or with others.

The President last week released White House-edited transcripts of 10 of those conversations, but Dean's testimony is still the only evidence with respect to several meetings for which the White House says no tape exists — such as the April 15, 1973, conversation in which, according to Dean, the President said he was probably "foolish" to have discussed E. Howard Hunt's clemency with Colson.

What follows is a comparison of Dean's testimony and the White House-edited transcripts for these conversations:

## SEPT. 15, 1972

Dean testified that the President called him into the Oval Office on this date, after the seven Watergate indictments had been handed down.

"The President then told me that Bob Haldeman had kept him posted on my handling of the Watergate case. The President told me I had done a good job and he appreciated how difficult a task it had been and the President was

pleased that the case had stopped with (G. Gordon) Liddy. I responded that I could not take credit because others had done much more difficult things than I had done."

None of this is borne out in the transcripts. The President does not say that Haldeman had kept him posted, and nowhere in the transcript does he say that he was pleased that the case stopped with Liddy.

The closest the President ever came was a point in the middle of the conversation when he told Dean:

"... But the way you have handled all this seems to me has been very skillful, putting your fingers in the leaks that have sprung here and sprung there. The grand jury is dismissed now?"

The phrase "putting your finger in the leaks" is ambiguous.

It might, in fact, imply stopping the string of indictments with Liddy, or it might, as the White House argued in a legal brief that accompanies the transcripts, refer to "the handling of the political and public relations aspects of the matter."

Dean also testified that he told the President "there was a long way to go before this matter would end and that I certainly could make no assurances that the day would not come when this matter would start to unravel."

But the indication from the transcripts is that he told the President what he probably thought the President wanted to hear — something much more optimistic:

"Three months ago, I would have had trouble predicting there would be a day when this would be forgotten, but I think I can say that 54 days from now (election day, 1972) nothing is going to come crashing down to our surprise."

The rest of Dean's account of this meeting seems accurate in some places, inaccurate in others.

He quoted the President as saying he had learned from former FBI director J. Edgar Hoover that he (Nixon) had been bugged in the 1968 campaign. The transcripts corroborate this.

On the other hand, Dean remembered the President saying that "at some point we should get out the facts on this (1968 bugging) and use this to counter the problems we were having."

According to the transcripts, the President at first discussed this tactic, but then concluded, "It isn't worth it — the hell with it." (In later meetings, the transcripts show, the President returned to the idea of leaking information on buggings by previous administrations.)

So, too, Dean recalled telling the President about the status of civil suits filed after the Watergate break-in. The transcripts support this.

But Dean also recalled the President asking "when the criminal case would come to trial and would it start before the election."

Nowhere in the released transcripts of the Sept. 15 meeting is there such a discussion.

Finally, Dean remembered the President asking him to keep a good list of the "press people giving us trouble, because we will make life difficult for them after the election."

In the transcripts, there is no mention of the press, but the President does say, "I want the most comprehensive notes on all those who tried to do us in. They didn't have to do it..."

Dean let it be known last week that he feels the transcript of this particular meeting was edited to leave out some important sections of the discussion. There was a note at the end of the transcript that further conversation was unrelated to Watergate.

MARCH 21

This was the longest and most important of the Watergate strategy sessions.

The transcript released last week is in substantial agreement with Dean's testimony.

Dean testified that he told the President there was a "cancer" growing on the presidency. He said he reviewed the entire Watergate case from the beginning, the planning sessions of January and February, 1972, through the cover-up and cash payments to the defendants. He said he told the President that perjury had been committed and would have to be committed again. He said Hunt had just demanded \$122,000 and had threatened to tell about some of the "seamy things" he had done while working for John Ehrlichman.

On all of these matters, the transcripts confirm Dean.

At a second meeting, Dean said he told the President, Haldeman and Ehrlichman that he did not think it possible to perpetuate the coverup any longer.

The transcripts confirm this.

On the other hand, Dean remembered saying that he thought he (Dean), was indictable for obstruction of justice, as were Haldeman and Ehrlichman.

This statement does not appear in the transcript.

MARCH 22

Dean accurately recalled John Mitchell advising the President to modify his stand on executive privilege for White House aides at the upcoming Watergate hearings.

He remembers a telephone call from the President to Attorney General Kleindienst asking him to work things out with Sen. Baker.

The phone call appears in the transcripts, and the President says to Kleindienst, "I think you really have to be our Baker hand-holder, too."

APRIL 16 (morning)

By this time, one of the Watergate conspirators, James McCord, had sent his famous letter to Judge Sirica and had begun telling his story to federal prosecutors. The cover-up was falling apart; Dean himself was

alking to the prosecutors and had informed the President of this.

At the April 16 meeting, Dean told the Senate, the President showed him two letters of resignation and asked him to sign them. The transcripts show Dean remembered accurately.

Dean said he then "looked the President squarely in the eyes and told him that I could not sign the letters."

This statement does not appear in the transcripts. Rather, Dean simply tells the President, "What I would like to do is draft up for you an alternative letter."

APRIL 16 ((afternoon)

Dean remembered bringing his own draft of a letter of resignation to the President later that afternoon. He told the Senate that the President read the letter and then "handed it back to me and said it wasn't what he wanted."

The transcripts does show Dean reading his own draft, and, as he told the Senate, warning the President, in effect, that he would not allow himself to be made the scapegoat.

The transcript does not show the President saying the letter was not what he wanted. However, the transcript ends in mid-conversation with the notation, "balance inaudible."

FEB. 28, 1973

Dean testified that he and the President talked about upcoming meetings between then - attorney General Richard Kleindienst and Sens. Sam Ervin (D. N.C.) and Howard Baker (R-Tenn.) - of the Senate Watergate Sens. Sam Ervin (D.-N.C.) shows Dean to be correct.

Dean also accurately remembered the President asking about the role his brother, Edward Nixon had played in the Vesco case, which was then under investigation by a federal grand jury in New York City.

"How did they get my brother in it? Eddie?" the transcripts show Nixon asking.

According to the transcripts, the meeting ended with the President saying, "What the (Senate) committee is after is somebody at the White House. They would like to get Haldeman or Colson, or Ehrlichman."

Dean: "Or possibly Dean. You know, I am a small fish."

President: "Anybody at the White House they would - but in your case I think they realize you are the lawyer and they know you didn't have a (adjective deleted) thing to do with the campaign."

MARCH 13

Dean recalled a lengthy meeting alone with the Pres-

ident. at the end of which he said Haldeman joined them.

The transcripts show Haldeman participating at the beginning of the meeting and apparently leaving

More important, Dean remembered a discussion of money demands by convicted defendants. It was at this meeting, Dean said, that the

President asserted it would be "no problem" to raise a million dollars for the defendants. Dean remembered the President asking how the money would be delivered. He also said the President discussed Hunt's demand for clemency.

According to the transcripts, all of these conver-

sations took place not on March 13, but March 21.

Dean also told the Senate that the President "expressed some annoyance" that Colson had talked with him about clemency for Hunt.

This is not borne out in the transcripts for March 13 or March 21.

March 17

Dean recalled a brief discussion with the President about the hearings on the nomination of L. Patrick Gray as FBI director.

The edited transcripts show only material relating to the break-in at the office of Daniel Ellsberg's psychiatrist.

Dean testified that he told the President that he wanted to review the entire Watergate case with him the following day. He said the President scheduled a meeting for 10 a.m. the next morning.

The transcripts show that Dean's account was accurate.