

# MEMOS TO PANEL SAY NIXON SOUGHT SECOND COVER-UP

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Aide's Analysis Is Based on  
Transcripts Made by the  
Judiciary Committee

ADDED DATA DISCLOSED  
NYTimes  
President Reportedly Acted  
to Contain Watergate  
as Scandal Spread

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WASHINGTON, June 12—Confidential memorandums prepared for some Democratic members of the House impeachment inquiry have stated that President Nixon took an active part last year in attempts to develop a second Watergate cover-up plan when the first one went awry.

According to the memorandums, drafted by a member of the House Judiciary Committee staff, the President reacted to disclosures of the Watergate scandal in March and April of last year by counseling close associates to seek new ways to prevent the scandal from touching the White House.

The staff analyses, two of which were obtained today by The New York Times, were based in part on Judiciary Committee transcripts containing sections of taped White House conversations that were omitted from the edited transcripts made public on April 30 by Mr. Nixon.

## Conversations Cited

Among the conversations cited in the two staff studies, but either absent from the White House-edited transcripts or different from the versions published by the White House, were the following:

On March 17, 1973, four days before Mr. Nixon has contended that he first learned of the scope of the alleged cover-up, the President urged John W. Dean 3d, then the White House legal counsel, to try to prevent officials of the 1972 re-election committee from implicating H. R. Haldeman, who was the White House chief of staff at the time, in the scandal.

"We've got to cut that off," Mr. Nixon was quoted in the committee transcript of the meeting. "We can't have that go to Haldeman."

In a long meeting with Mr. Dean and Mr. Haldeman on March 21, the President chuckled and insisted, despite Mr. Dean's statement that it was not true, that the White House cite a committee of Cuban-Americans in Miami as the source of large cash payments to the Watergate burglars.

One day later, at the President's first meeting with John N. Mitchell, the former Attorney General, after learning of Mr. Mitchell's alleged role in the cover-up attempt, Mr. Nixon told him to continue trying to contain the scandal.

The staff memo quoted Mr. Nixon as having said:

"I don't give a ——— what happens. I want you to (unintelligible) stonewall it, plead

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the Fifth Amendment (unintelligible) else, if it'll (unintelligible). That's the big point."

Mr. Nixon was also said to have told Mr. Mitchell, "Even up to this point, the whole theory has been containment, as you know, John."

In a series of comments at the meeting on March 22 of last year, Mr. Nixon described his order to Mr. Dean to write a publishable report on the Watergate case as a device to mask the involvement of White House and campaign officials in the cover-up.

The memo said that Mr. Nixon had stated at one point that if the Senate Watergate committee should call Mr. Dean as a witness, the White House would reply:

"Now that's out. Dean has — he makes the report. Here's everything Dean knows. That's where, that's why the Dean report is critical."

## A Missing Sentence

The last sentence, describing the Dean report as "critical" was missing from the White House version of the meeting.

It could not be determined how widely the memos were distributed among members of the Judiciary Committee. The studies were drafted by William P. Dixon, a lawyer on the committee staff, at the request of various Democratic members. They were made available today by a Congressional official who favors the impeachment of the President.

In one of the memos, dated June 7, Mr. Dixon wrote that the material he had digested for the analysis bore on "pos-

sible direct Presidential involvement in the cover-up of the cover-up of the Watergate burglary and other illegal activities."

The second memo, dated June 4, stated that the committee transcripts could be "interpreted to support the assumption that the President never asked Dean to write a report for the purpose of giving him additional facts, but merely so it could be relied on as an excuse in the event things came "unstuck" and the President needed justification for inaction."

## Possible Use of Memos

Committee members need no adopt the conclusions reached in the memos, but the staff documents and others like them could ultimately play a role in guiding the panel members toward some understanding of the voluminous evidence presented to them.

Moreover, the documents contain the first substantive information about significant differences between transcripts published by the White House and transcripts made by the Judiciary Committee from the same recording.

President Nixon has refused to honor committee subpoenas and requests for more than 100 White House tapes but has given the panel the same 19 recordings made available to the special Watergate prosecutor.

Some of the differences between the two versions of the transcripts were slight, but potentially significant.

For example, the White House transcripts contained only a partial comment by the President at one point in his

March 21 discussion of the Cuban-American committee with Mr. Dean:

"(Unintelligible) but I would certainly keep that cover for whatever it is worth."

In the Judiciary Committee transcript, as recounted in the June 7 memo, the following exchange occurred:

Mr. Nixon: Well, whether it's maybe too late to do anything about it, but I would certainly keep that (chuckles) that cover for whatever it's worth.

Mr. Dean: I'll—

Mr. Nixon: keep the committee.

Later, in the same meeting, Mr. Nixon was quoted in the White House version as having said the following to Mr. Dean about the Watergate burglars:

"These fellows, though, as far as what has happened up to this time, are covered on their situation, because the Cuban committee did this for them during the election?"

In the Judiciary Committee transcript, a small change gives the President's remark more meaning:

"As far as what happened up to this time, our cover there is just going to be the Cuban committee did this for them up through the election?"

## Dean's Response the Same

In both transcripts, Mr. Dean asponded, "Well, yeah. We can put that together. That isn't, of course, quite the way it happened, but—"

Mr. Nixon cut Mr. Dean off, saying, "I know, but it's the way it's going to have to happen."

Mr. Dean then agreed, "It's going to have to happen."

In the Judiciary Committee transcript, but not in the White House transcript, there is a notation that Mr. Dean "laughs" in making the statement.

In the June 4 memo, portions of which were published in today's editions of The Los Angeles Times, Mr. Dixon noted another difference in the transcripts for the March 21 discussion of Mr. Nixon's order to Mr. Dean to draft a Watergate report.

In that discussion, John D. Ehrlichman, the former domestic adviser to Mr. Nixon, told the President that the report would say nobody in the White House "has been involved in a burglary, nobody had notice of it, knowledge of it, participated in the planning, or aided or abetted it in any way."

## -Comment by Ehrlichman

Mr. Ehrlichman then commented, "Well, that's what we could say and it happens to be true—as for that transaction."

In the Judiciary Committee transcript, but not the White House account, Mr. Nixon reacted by laughing and agreeing, "As for that transaction."

The June 4 Memo also cited several exchanges that were not contained in the White House transcript of the March 22 meeting. The meeting was attended by the President, Mr. Mitchell, Mr. Ehrlichman and others. One such exchange was as follows:

Mr. Ehrlichman: You have to bottom your defense, your position on the report.

Mr. Nixon: Yeah.

Mr. Ehrlichman: And the report says, "Nobody was involved."

Mr. Nixon: Yeah.

Mr. Ehrlichman: And, and you have to stay consistent with that.

Subsequently, according to the memo, the President discussed the purposes of a Dean report in terms of its usefulness in blocking testimony of key officials before the Senate Watergate committee. The memo contained this exchange:

Mr. Nixon: We can't have a complete cave and have the people go up there and testify. You would agree on that?

Mr. Mitchell: I agree.

Following intervening remarks, not contained in the memo, the discussion picked up as follows:

Mr. Nixon: Particularly if, particularly if we have the Dean statement that may have been given out.

Mr. Mitchell: Give it to the committee for the purpose (unintelligible) to limit the

number of witnesses which are called up there, instead of a buckshot operation.

Mr. Ehrlichman: Say, "here," and also say that "this might help you in your investigation. This is everything we know Mr. Senator."

Mr. Nixon: That's what I was preparing to say. "This is everything we know, I know nothing more." This is the whole purpose in that sense.

#### Added Nixon Remark

In the June 7 memo, Mr. Dixon placed great stress on additional remarks of the President that were contained in the edited White House transcripts.

The memo noted that, on April 14, Mr. Nixon encouraged Mr. Ehrlichman to find out what Jeb Stuart Magruder, the former deputy director of the President's 1972 re-election committee, was preparing to tell Watergate prosecutors.

As the memo recounted it, Mr. Nixon stated:

"We would like to get what the hell he is going to say . . . I would particularly like to get what the hell he [Magruder] is going to say about Strachan."

Gordon C. Strachan was then a staff aide to Mr. Haldeman and the liaison between the White House and the re-election committee. The memo noted that Mr. Nixon had returned again to the point, saying:

"You've got to find out what the hell he is going to say. (unintelligible) which is frightening to me (unintelligible) rather than (unintelligible)."

#### Recordings Withheld

The memo noted that the conversation was among those in which the President had refused to surrender the recordings. According to the memo, Mr. Nixon's motivation in seeking to learn what Mr. Magruder would testify was made clear later, after Mr. Ehrlichman had interviewed Mr. Magruder and reported to the President.

The memo emphasized that after the report had been given

the President and Mr. Haldeman had agreed that Mr. Strachan should be "given this information so he doesn't prejure himself."

The President also was said to have urged Mr. Ehrlichman to get in touch with Charles W. Colson, another former White House aide, to alert him so that "he doesn't, I mean, go in there and well, frankly, on a perjury rap."

#### Approach to Mitchell

Mr. Dixon's June 7 memo also underscored the President's comments to Mr. Ehrlichman and Mr. Dean, on March 21, in a discussion about an approach to be made to Mr. Mitchell about the then-collapsing cover-up attempt. The committee transcript, differing slightly from the White House version, had Mr. Nixon saying:

"And then once you, once you decide on the plan—[say] John, and you had the right plan, let me say, I have no doubts about the right plan before the election, and you handled it just right. You contained it. Now, after the election, we've got to have another plan because we can't have, for four years, we can't have this thing — you're going to be eaten away, we can't do it."