

# Dean's Dilemma

by Hays Gorey

PRESIDENT: *They say, well, that son of a bitch informer is not wanted in our society. Either way, that's the one thing people do sort of line up against. They...*

DEAN: *That's right.*

PRESIDENT: *Either way, either way, the—the—the informed. I don't want him around. We wouldn't want him around, would we?*

—White House tape, February 28, 1973  
House Judiciary Committee transcript

**E**VEN THEN, JOHN DEAN'S STOMACH was beginning to churn. He had wanted to leave the White House in November, but John Ehrlichman had persuaded him to stay, dangling before those blue eyes blazing with ambition such lures as enhanced power, recognition, and greater accessibility to the President. And after four more years: "Name your price."

The enticements served as a blindfold as well. Dean's alert legal mind clearly and quickly grasped what constituted obstruction of justice, misprision of a felony, suborning perjury, in all of which he had been involved. At first—as John Mitchell would later attest—this "thing" had just been dumped in Dean's lap, and when you are thirty-three, upwardly mobile, striding through the corridors of power, you rationalize a lot. You say, this is the way government operates at this level; the President and the Attorney General have limitless power; no one will ever know, and if anyone should learn, the power is here, the power is what matters, the power, the power, the power.

So he had stayed, but the strain grew worse by the day, and at night it bordered on being unbearable. Ehrlichman had said the President's overwhelming victory for reelection would bury not just the Democrats but the critics in the press, and Watergate would be at the bottom of the avalanche with them. But it had not turned out that way. Watergate was aboveground and becoming more visible daily. And now Dean found himself pausing before he spoke—to anyone—to make certain what he said today was consistent with what he had said yesterday, and the day before, and the day before that.

And still there was that churning in his gut. He was no angel. But even if you are quite a bit lower than the angels you can do things and know things that cause a churning in your gut.

Perhaps Nixon detected something in Dean that day. More likely, the President was making himself perfectly clear. He was taking this already highly informed young man more and more into his confidence—so as to claim executive privilege and lawyer-client privilege should Dean be asked to testify. And should any notion of informing sprout in Dean's fertile brain, well, the counsel might reflect on the orphan state to which informers are relegated—despised by those they betray, scorned by those they

help, ostracized by a society that does not sanction tale-bearing, even when their country is being pirated. Let someone other than one of the pirates smoke it out.

Dean's "that's right" must have assuaged the President on February 28, 1973, for the two men who had gone five-and-one-half months without meeting once now met and talked almost daily.

"They looked upon me as sort of a mousy guy," Dean told me recently. Not a rat. A mouse. Timid. Malleable. Inclined to agree with what was said, and to do what he was told to do. (That was essential to remaining in the Nixon White House.)

**A**ND SO THE YOUNG LAWYER SAT in the Oval Office, flew on the *Spirit of '76*, lazed on Key Biscayne, at San Clemente, at Camp David. But at the end of each day he found himself in deeper than the day before. For his wife, the handsome Maureen, life became increasingly hellish. When John was home, which wasn't often, he was preoccupied, distracted, sullen. Even if eventually he did land one of those cushy \$100,000 retainers, was it worth years of this? Phone calls at all hours. Summonses to the White House just as guests arrived. All these mysterious, urgent meetings. Ordered home from Florida on their honeymoon, even. All this could be endured, maybe. But not John's terrible blue funk. It was getting him, and now it was getting her.

The fateful weeks of March slipped inexorably by. Dean could talk to no one, really, except, occasionally, to Bud Krogh and now and then to Richard Moore. But in the White House your every conversation had to be guarded, even with close friends. Who knew how much? About what? Sure, Bud knew all about the plumbers, but what else? That was a problem in the Nixon White House, more so even than in Boston when Lowells spoke only to Cabots and Cabots spoke only to God. Hardly anyone except Haldeman, Ehrlichman, and Colson spoke to the god here; Colson hardly spoke to Haldeman and Ehrlichman; and they never talked to Mitchell unless they were forced to.

"Well, the problem had always been," Dean told the House Judiciary Committee, "Mr. Haldeman and Mr. Ehrlichman had not wished to talk with Mr. Mitchell. No one would sit down and talk amongst one another, and I was the conduit between them. One group would tell me to do one thing, the other would say to do the other thing. It was time to sit down and figure out how to deal with this problem."

In reality, it was past time. Dean sensed it, and so did the others, for, Dean told me, it was evident to him that some of his conversations had been taped all along, but now in March more of them were. "I didn't mind, really,

if all my conversations were on tape," he said. But the scrambling for cover intensified in direct proportion to the speed with which the cover-up was unraveling, and the mouse could sense that a trap was being baited.

Dean's secretary and the lawyers on his staff noticed the President's counsel sitting, his chair turned around, looking out the window, brooding for hours on end, saying nothing when they entered, oblivious to the sounds as they left.

His thoughts turned on the necessity to do something and the absence of anything palatable to do. "I would think, well, who would believe me, against the President of the United States?" Little old John Dean, with a blight or two on his own past: a cloud (purported conflict of interest) over his departure from his law firm; a divorce, scandal-free, but from a Senator's daughter.

And then Watergate. He had been central to the cover-up. He had played devil's advocate to Magruder's rehearsal of his perjured testimony. He had, with Ehrlichman, unloaded material from Hunt's safe on the hapless Pat Gray. He himself had shredded two of Hunt's notebooks, had dipped into illicit White House cash to finance his honeymoon with Mo. All this would come out. He would go to prison. So would others.

And again—would anyone believe? Perhaps—if he could stop short of involving the President. In mid-March 1973, that is what he wanted to do. Why? The potential repercussions of wounding the king paralyzed John Dean with fear. What if the Russians attacked, and people said it was John Dean's fault, for he had weakened the President? What if—with all that power—the President could prove that everything everyone did was proper—for "national security"? Haldeman, Ehrlichman, Colson—and probably even his own mentor, John Mitchell—would line up against John Wesley Dean III in a historic mismatch.

The mouse decided to continue his role, but to be wary of baited traps.

**S**UDDENLY, TWO WEEKS AFTER his February 28 talk with Nixon, it struck him. There was still a way out, perhaps. On March 23 the Watergate burglars would be sentenced. Surely Howard Hunt or Jim McCord, faced with a long sentence while Jeb Magruder made his social rounds, played tennis, and barbecued ribs in the backyard of his home in the suburbs, would sing. Dean could tell the President, urge him to "get out in front," to end the cover-up, take his losses, and possibly even survive.

On March 19 Dean was determined. Paul O'Brien, an attorney for CREEP, stopped by with Howard Hunt's blackmail threat. So the clouds were giving way again. It would be like this—something more every day. "I am tired of being put in the middle," O'Brien recalls Dean blurting. "I am going to bust this goddamned thing up. You and I are being screwed as conduits in this case. We can get stuck with an obstruction of justice." O'Brien beat a hasty retreat.

Sufficiently aroused, Dean screwed up his courage to telephone the President. On the twentieth he asked for time on the twenty-first to detail what he generously described as matters the President did not know or whose implications he did not fully sense. When P. and D. met, not even the "cancer on the Presidency" warning seemed

"Politics is perpetual warfare between two influences—a desire on the part of the individual in it to render a maximum of good with a minimum of personal sacrifice and expenditure of one's own money and effort, and a desire on the part of the same individual to obtain a maximum of personal prestige and vainglory with a minimum of regard for public funds and public needs."

—David Lawrence, *Harper's*, January 1920

to shake Nixon, who in effect ordered the continuation of the cover-up, beginning with acquiescence to Hunt's demands. ("For Christ's sake, get it.")

Long before the meeting ended, "I was back in the cover-up, going along," Dean recalls. He had stepped to the precipice, and then, like any Caspar Milquetoast asking a fearsome boss for a raise, had drawn back. Nixon, Mitchell, Haldeman, Ehrlichman—they saw the situation as still salvageable. Could they be right? If so, it beat going to prison.

But then, with Dean back on the reservation, the President and his men committed the blunder (they were good at blunders) that sent him off again for good. He should go to Camp David and write a report. Not too many specifics, the President had warned. A whitewash, so that when asked what he knew, the President could say: "This is what I knew. I relied on this." Nixon, Haldeman, and Ehrlichman were enthusiastic. And why not?

Whatever John Dean is, he is not stupid. When the walls caved in, and he knew they would—there would be the President, pointing to the copy of the "Dean report."

"This is all I knew."

And Dean? Crushed under the walls—all four of them.

He did go to Camp David, with Mo. For four days they walked and talked in the sylvan setting that has reinvigorated Presidents since FDR. At times he would sit down and try to write. With the bleakness that lay ahead, he had to exhaust this final possibility: would a "report" of White House noninvolvement play anywhere outside of Peoria, or even there? It was futile even to think so. When John W. Dean III was a boy, and John W. Dean, Jr., had trapped him in some since forgotten mischief, the boy tried to weasel out. Said the father: "You're cornered, son. And when you're cornered, there's only one way out: tell the truth." This was another such occasion. He was cornered now, Dean told Mo. There was only one way out. She cried. And agreed.

**T**HE REST IS HISTORY, not all of it complete. From Camp David, Dean telephoned and arranged to meet with a tough criminal lawyer, his frequent hunting companion Charles Shaffer. In the waning days of that historic March, Dean unburdened himself to Shaffer, about everyone and everything, but not about the President. As lawyers will do, Shaffer told Magruder's attorneys that Dean would tell the prosecutors about Magruder's perjured testimony, and also about the meetings attended by Mitchell, Magruder, and Dean at which Gor-

"There have been five considerable crises in American history. There was the need to start the new republic adequately in 1789; it gave the American people its natural leader in George Washington. The crisis of 1800 brought Jefferson to the presidency; that of 1861 brought Abraham Lincoln. The War of 1914 found Woodrow Wilson in office; the great depression resulted in the election of Franklin Roosevelt. So far, it is clear, the hour has brought forth the man." —Harold J. Laski, *Harper's*, July 1940

don Liddy detailed his outlandish surveillance schemes. Magruder headed for the prosecutors forthwith.

And so, in April, the Nixon administration's house of cards came tumbling down. The prosecutor's questions quickly dissolved Dean's foredoomed effort to shield the President, and one suspects that, in any event, Shaffer, a sharpie, dangled his best bait—Nixon's misdeeds—before the prosecutors in an effort to win immunity for his client.

Colson and Magruder are in prison now. Mitchell, Ehrlichman, Haldeman, and Dean himself seem well on the way.

Before the prison doors had shut behind him, but when he knew they shortly would, Dean reflected: "I do not for one second regret having decided to do what I did. I'm at

peace with myself. It's good to talk openly and honestly."

John Dean had become the mouse that roared. His belated, however belated and self-serving, cracked the foundations of the Nixon administration, and ensured its demise.

The people, President Nixon said, would say, "Well, that son of a bitch informed. I don't want him around. We wouldn't want him around, would we?"

Speaking for myself, and for any like-minded and like-situated near-victims of the Constitution usurpers who inhabited Richard Nixon's White House, I say: "Yes, we would." □

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