

Memorandum

TO : Richard Ben-Veniste

DATE: 2/6/74

FROM : Peter F. Rient *PFZ*

SUBJECT: Material Discrepancies Between the Senate Select Committee Testimony of John Dean and the Tapes of Dean's Meetings with the President.

The following are the material discrepancies between John Dean's Senate Select Committee testimony concerning his meetings with the President and the facts with respect to those meetings as reflected in the White House tapes in our possession:

- 9/15/72 Meeting
1. The President told Dean that Haldeman had kept the President posted on Dean's handling of Watergate matter. (uncorroborated)
 2. *not a quote; — Dean's conclusion* The President said he was pleased that the case had stopped with Liddy. (uncorroborated)
 3. Dean said he could not take credit because others had done much more difficult things than Dean had. (uncorroborated)
 4. Dean said there was a long way to go before the matter would end and he could give no assurance that it would not start to unravel some day. [The tape shows that Dean initially said that nothing would "come crashing down to our surprise" (Tr. 8), but later cautioned "the only problems. . .we have are the human problems and I will keep a close eye on that." (Tr. 10)]
 5. The President asked whether the criminal case would come to trial before the election and said he certainly hoped it would not. (uncorroborated)

6. The conversation included a discussion of using IRS to attack White House enemies. (uncorroborated) [There was, however, a discussion of using the FBI and Justice Department for this purpose. (Tr. 11-12)]

2/28/73 Meeting

1. The President told Dean to report directly, rather than through Ehrlichman and Haldeman, on Watergate. [Toward the end of the conversation, the President said "And now I will not talk to you again until you have something to report to me" (WH Tr. 28), which indicates that the President may have previously told Dean to report to him directly, as Dean testified the President did on 2/27/73.]

27th ? -

2. Dean told the President that Dean had been a conduit for post-June 17 activities and could be involved in an obstruction of justice, but the President told Dean not to worry. [This conversation occurred on 3/21/73. On 2/18/73, in response to the President's comment that the Ervin Committee was after somebody in the White House -- Haldeman, Colson, Ehrlichman -- Dean added "Or possibly Dean -- You know, I am a small fish."]

3/13/73 Meeting

[Much of the conversation which Dean describes as taking place on 3/13/73 in fact occurred on 3/21/73. However, neither the 3/13 nor 3/21 tape contains the following matters which Dean testified were discussed on 3/13:]

17th ? -

1. The President said he had discussed executive clemency for Hunt with Ehrlichman. [On 3/21/73 the President admitted having discussed this subject with someone, probably Colson.]

17th ? -

2. The President expressed annoyance that Colson had also discussed executive clemency for Hunt with the President. (uncorroborated on either the 3/13 or 3/21 tape)

3/21/73
a.m.
Meeting

[Taken together, the 3/13 and 3/21 tapes corroborate Dean's account of the 3/21 meeting except in the following respects:]

1. Dean told the President that he had passed Hunt's message along to Haldeman and Ehrlichman, and, pursuant to Ehrlichman's request, to Mitchell. [On 4/16/73 Dean told the President that Dean had informed Ehrlichman about Hunt's threat and that Ehrlichman had asked him to call Mitchell about it.]
2. Dean told the President that if Dean were called to testify before the Grand Jury or the Senate Committee Dean would have to tell the facts the way he knew them. [Dean said this, in substance, on 4/16.]
3. Dean told the President that Dean didn't think he could give the Cabinet a briefing on Watergate, even a tailored down briefing. [Contradicted by the 3/21 tape which shows that Dean expressed confidence in his ability to brief the Cabinet without disclosing all the facts. (Tr. 42)]

3/21/73
p.m.
Meeting

Dean said to the President that Dean thought Ehrlichman, Haldeman and Dean were indictable for obstruction of justice. [Dean said this to the President on the morning of 3/21. (Tr. 18)]

3/22/73
Meeting

1. The President said to Mitchell that Dean had been doing an excellent job on the Watergate matter. (uncorroborated) 21st

4/16/73
a.m.
Meeting

1. Dean told the President that the letters the President had asked him to sign were virtual confessions of anything regarding the Watergate. [Dean did tell the President that the phrasing of the letters was important so that no one would be caused any problems with a fair trial.]