

## Troublesome Facts About John Dean\*

[This was written in June of 2009, on the occasion of the reissuance of Dean's Blind Ambition in a paperback version.]

[\*Footnote: John Dean's early career is well documented by letters, interviews and other materials compiled in connection with his sentencing—and are publicly available from the Library of Congress as a part of the papers of Judge John Sirica. Dean's role in Watergate and the subsequent trial is derived in the main from documentation in the files of the Watergate Special Prosecution Force, which is publicly available at the National Archives. The author's views are more fully laid out—and documented—in his book about the politics behind the Watergate scandal, entitled The Secret Plot to Make Ted Kennedy President, Inside the Real Watergate Conspiracy, published in 2008 by Penguin Sentinel.]

### I. Introduction

Blind Ambition, John Dean's 1976 book about Watergate, is being released in a paperback version — with a new After word by the author. The book launch is planned for June 17<sup>th</sup> at the Nixon Presidential Library in Yorba Linda. No doubt Dean will be described as the former Counsel to President Nixon who got caught up in all the wrongdoing, but repented in time to become the lead government witness against his former colleagues in the Watergate Cover-up trial.

The actual story, however, is not nearly so benevolent to Dean or his actions: He is the arch-villain of Watergate—playing central roles in bringing the problem about, making it far worse through an inept cover-up, and then changing sides and his story in an effort to avoid punishment for his misdeeds.

### II. John Dean's Murky Background

You will read his books and search the Internet in vain if you are looking for any detail in John Dean's rise to power. One might believe that his story was one of a natural progression from Wooster College to Georgetown Law School to the House Judiciary Committee, the Department of Justice and then to the Nixon White House—but this would overlook the astonishing number of fits and restarts in his early career:

- Dean grew up in Marion, Ohio and first attended Eber Baker High School—switching to Staunton Military Academy in Virginia early in his Sophomore year. It is not clear what happened at Baker High, but in that era you got sent away to military school only if you came from a military family or there was trouble on the home front.
- He graduated from Staunton in 1957, but did not go into the military. Instead, he enrolled at Colgate University in New York, intending to major in English. Things did not go well for him at Colgate and he again switched schools in the middle of his Sophomore Year—returning to Ohio to attend tiny Wooster College, where his activities centered on the Pre-Law Club.
- In his Senior Year, Dean married Karla Hennings, daughter of Senator Thomas Hennings of Missouri. He graduated in the lower third of his class in 1961 (144/204), but did not go to law school. Instead, he enrolled in American University in Washington, DC, doing graduate work in political science.
- In 1962, he dropped out of American University to enroll in Georgetown Law School, from which he graduated in 1965.

- His first (and only) experience in private practice was with the small communications law firm of Welsh & Morgan, who specialized in obtaining very lucrative FCC broadcast licenses. Dean was fired in six months ‘for unethical conduct’: Apparently, while working on a license application for a firm client, he also prepared an application on behalf of his mother-in-law in St. Louis. It is not clear from the record whether the Dean application was in direct competition with the one he was working on for the firm or just one that would have reduced the scarce number of such licenses. What is clear is that Dean quickly ascertained the lucrative nature of what he was working on for the firm and sought to take advantage of that knowledge for his own family.
- Dean quickly became Minority Counsel to the House Judiciary Committee, courtesy of Rep. Bill McCullough of Ohio—and Wooster College alum. For reasons that remain unclear, Dean ‘was terminated effective August 13, 1967’ and remained unemployed for the next six months.
- In February of 1968, Dean became Associate Director of the Commission to Reform the Federal Criminal Laws, named the Brown Commission after its chairman, Edmund G (Pat) Brown ( who had defeated Richard Nixon in 1962 to become California’s Governor). Dean described his duties as administrative in nature, but also dealing with conflict of laws and death penalty statutes. While on the Commission staff, Dean obtained a letter from his previous law firm that qualified his termination, saying it ‘resulted from a basic disagreement over law firm policies regarding the nature and scope of an associate’s activities’—but the letter notably did not rescind the prior characterization of being terminated for unethical conduct.

It is from this highly questionable base of experience and expertise that Dean became Associate Deputy Attorney General shortly after Nixon was inaugurated in January of 1969. It was there that he supervised the work of the Legislative and Legal Section of the Department of Justice. Six months into his new job, Dean separated from his wife, leaving her with their two year old son.

Dean moved to the White House in July of 1970, replacing John D Ehrlichman as Nixon’s Counsel. How could someone who started and then dropped out of his first high school, college and graduate school, and who was terminated from his first two jobs end up on the White House staff? It is a story of a classic bureaucratic move gone bad: Ehrlichman had roomed at UCLA with Bob Haldeman before joining to Stanford Law School and practicing law in Seattle. He had been a senior member of Nixon’s 1968 campaign staff that was run by Haldeman. With Haldeman as Nixon’s Chief of Staff and Ehrlichman as his lawyer, they soon became known as the Berlin Wall. After eighteen months, Ehrlichman became Assistant to the President for Domestic Affairs, taking all his top staff to the newly formed Domestic Council.

The hiring of John Dean to replace Ehrlichman—essentially replacing a power figure with a demonstrably less senior successor—was done to assure the Counsel’s office did not again become a power base. Dean has said ‘the title was the best part of the job’, since all he really was ‘just a messenger boy between Haldeman and Attorney General John Mitchell. He told his sentencing officer that ‘His principle [sic] duty was of evaluating and handling security clearances and clemency petitions in addition to administrative duties.’ Amazingly in retrospect, the FBI full field investigation that would have preceded any appointment to the White House staff was waived in Dean’s case—since he would have been the one to review it.

### III. The Arch-Villain of Watergate

There are three operative figures at the very center of the Watergate break-in and subsequent cover-up: John Dean, Gordon Liddy and Jeb Magruder. In the end, it was their supervisors—Bob Haldeman, John

Mitchell and John Ehrlichman—who were convicted in the Watergate Cover-up trial—and were certainly the most vilified, but the former three actually ran the operations.

We will focus on John Dean's role. His path to becoming a central figure began when he was assigned the responsibility of designing a campaign intelligence plan for Nixon's 1972 re-election campaign. It was in this role that he recruited Gordon Liddy, placing him at the Committee to Re-Elect the President (CRP) and promising him a \$1 million budget for its implementation.

Jeb Magruder, CRP's acting chief of staff while John Mitchell remained Attorney General, soon informed Liddy that only Mitchell could approve such a \$1 million program—and promptly sought John Dean's assistance in arranging a meeting at the Attorney General's office. That fateful meeting occurred on January 28, 1972 and was attended by Liddy (who was presenting the plan), Dean (who had originated it), Magruder (who would be responsible for oversight) and Mitchell (whose approval was needed for budgetary purposes). Liddy's plan was off-the-wall, suggesting a program of mugging, bugging, kidnapping and prostitution. It was not approved, but principally because it would cost too much.

Liddy was devastated, but on the trip back to their offices, Magruder and Dean urged Liddy to design a scaled down version. He did and it was presented to the same folks in the same place on February 4<sup>th</sup>, less than a week later. By this time, mugging, kidnapping and prostitution had been eliminated, but specific bugging targets were identified, with an overall projected cost of \$500,000. Dean arrived a few minutes late and stated such a plan should not even be discussed in the presence of the Attorney General. While he has portrayed this as an early sign of his reluctance, it was taken by others to mean Mitchell deserved some wiggle room (plausible deniability) should something go wrong with the plan's implementation. Regardless, the meeting ended without any approval.

There remains substantial ambiguity about whether Liddy's plan was ever approved by Mitchell: Magruder met with Mitchell on March 1 in Miami and Liddy's plan (now priced at \$250,000 was the last item on a list of some thirty topics. Magruder swears it was approved; Mitchell devoted half his defense at trial trying to disprove Magruder's assertion. A third witness, Fred LaRue, who was at the meeting and later became a government witness, stoutly maintained that, while the topic was discussed, Mitchell never gave his approval for its implementation. Regardless, Magruder *acted* as though it had been approved, phoning CRP's offices to authorize release of substantial funds to Liddy. It may be that Magruder was fearful of returning and being confronted by Liddy without having obtained approval: Liddy had already committed to substantial expenditures and bills were overdue. Liddy was an intense guy and he had threatened Magruder's life before. Besides, Magruder had authorized \$37,000 in payments to Liddy on his own authority even before going to Miami.

Fast forward several months: Liddy's plan is being implemented; bugs are planted in the offices of the Democratic National Committee offices at the Watergate Office Building and results are being shared with Magruder and Mitchell. A second break-in is authorized, but goes awry: the burglars are caught, one of whom is James McCord, a former CIA wire expert who is CRP's head of security.

Understandable panic spreads among those with guilty knowledge, certainly including Dean, Magruder and Mitchell—each of whom was present for the two fateful meetings in Mitchell's Attorney General offices (thereby subjecting each to potential criminal prosecution).

John Dean, who is just returning from a trip to the Philippines, is assigned responsibility for ascertaining what actually happened. Not surprisingly, he meets with Liddy that Monday afternoon, confirms that

(as feared) it was his operation that went bad, and reports this to a meeting that evening of CRP staff in Mitchell's Watergate apartment (including Liddy's commitment to his team that their defense costs will be covered).

What Dean reports to Haldeman and Ehrlichman appears to be somewhat different: He assuages their principal fear that this was an operation authorized by Charles Colson, Special Counsel to the President, and run out of the White House itself. Dean states categorically that no one on the White House staff knew in of the break-in in advance. Dean conveniently omits any mention of the two meetings in the Attorney General's office or of his prior participation.

Assured the White House itself is not at risk, three things happen in quick succession: (i) Dean is assigned oversight responsibility of liaison with CRP in its own effort to defend itself; (ii) Mitchell departs as head of CRP; and (iii) Dean casts his lot with those at CRP facing similar criminal charges—becoming, in his own words, the chief desk officer for the cover-up.

It is important to realize that, had the White House known of Dean's own risk of prosecution (i.e.: had he told them of his work with Liddy and participation in the two meetings in the Attorney General's office), he would have been immediately removed from the White House staff—every bit as quickly as John Mitchell had been removed as head of CRP. There was simply no reason to expose the White House itself to such a risk. Instead, Dean led the cover-up, committing a whole series of criminal acts (including suborning perjury, destroying evidence and improperly revealing government information) while continuously counseling the White House to continue to stonewall on the growing scandal.

#### Dean Changes Sides—and His Story

When his cover-up collapsed at the end of March, 1973, as it surely should have, Dean was among the very first to realize that federal prosecutors would soon realize he was one of the ringleaders. He switched sides—both legally and politically—and then changed his story to enhance his role as principal witness for the prosecution:

- He was the very first person to approach the prosecutors, offering testimony against both Mitchell and Magruder in exchange for his own immunity.
- He retained as his criminal defense counsel a Kennedy Democrat, Charles Shaffer
- When this effort did not succeed, he removed a series of non-Watergate files from the Counsel's office (including those on matters dating from when Ehrlichman was Counsel), sharing them both with the prosecutors and with his own attorney. These matters became known as 'the White House horrors' as they were selectively leaked to destroy Nixon and his administration).
- Beginning on April 2, 1973, Dean and/or his lawyer held a series of wide-ranging meetings with the prosecutors, frequently lasting for three or four hours at a time. As Dean angled for immunity, his own story began to change: it was not until toward the end of April that he first began to mention a cover-up or to become antagonistic toward Haldeman and Ehrlichman. Prior to that, Haldeman was clean and Ehrlichman's involvement was restrained. And it was not until early May, after Dean had been terminated from his position as Counsel, that he first mentioned any involvement of Nixon himself. In the words quoted from a memo in the prosecution's own files, ". . .thus changing dramatically from his previous stance."

Dean was the only witness who could move the scandal from its operators (Dean, Liddy and Magruder) to the next level (Ehrlichman, Haldeman and Mitchell)—and he soon became the darling of the Kennedy

Democrats: making Dean a hero was critical to the political destruction of Nixon and a whole series of prominent Republicans. Dean's electrifying testimony before the Ervin Committee represented the culmination, drafted in a series of secret meetings between Dean, his own lawyer and Sam Dash, the Committee's counsel, represents expert political spin: the arch-villain of Watergate, the one who set events in motion that culminated in the Watergate break-in, the one who made the scandal far worse through an inept cover-up and who almost single handedly prevented any White House disclosures, was recast as an earnest young lawyer only interested in telling the truth about the wrongdoing in which he had found himself a part.

Dean's testimony, lauded for his innocence and precise recollection of events, occurred prior to disclosure of the White House taping system. A careful review of the Dean tapes, however, shows he was substantively wrong on numerous occasions. An analysis done by the Special Prosecutor and available at National Archives enumerates some nineteen examples of where Dean's assertions are either contradicted or not supported by review of the White House tapes. Another witness might have faced a perjury investigation, but not John Dean: he was far too valuable as a prosecution witness. Indeed, even the disclosure of his 'dramatically changing' account of events was kept hidden from defense counsel in flagrant violation of the Brady Doctrine (requiring disclosure of exculpatory evidence).

Dean's role and situation is best summed up by Richard Ben Veniste, in his own book about the Watergate prosecutions ([Stonewall, The Real Story of the Watergate Prosecution](#))

Archie Cox was particularly firm in his personal determination that Dean be prosecuted no matter what. Dean became an *idée fixe* for Cox. True, as a witness Dean would cement otherwise weak cases against Haldeman and Ehrlichman. But Cox preferred, if forced to choose, to take the relatively sure shot at Dean rather than the long shot against Dean's superiors. When the Saturday Night Massacre loomed close, it might have been propitious for Cox to make a deal with Dean and secure Dean's testimony against President Nixon as another weapon to hold the President off. Even then, Cox's determination did not waiver. With all the uncertainties of Watergate that swirled around him—the weakness of evidence against Nixon's top aides without Dean's testimony, the possibility of Presidential culpability, the problems of obtaining White House evidence and of dealing with "national security"—Cox saw Dean's guilt as the one enduring constant. During a particularly difficult period Archie remarked to us, "If everything else goes down the drain the one thing I can cling to is Dean's venality."

Moral balancing aside, the realpolitik of the situation was that Dean would not be an effective witness at trial if he got a free ride. His credibility would be substantially diminished by his making a deal with the prosecutors to implicate others only if the prosecutors completely forgave his own deep involvement. The evident effect of Dean's prison sentence later, on the jurors at the Watergate cover-up trial confirmed our tactical judgment. As a man who was already serving a long jail term for doing what he testified he had been instructed to do by Haldeman and Ehrlichman, Dean made a measurably greater impression than if he had never been charged or punished for his acts. (p. 107)

But Archibald Cox, the first Special Prosecutor, was lost in the Saturday Night Massacre (which came the day after Dean was allowed to plead to a single felony count) and his staff was out for blood. While Dean originally was to be sentenced 'following the trial in which his testimony was relevant' (the customary procedure in such cases), there were going concerns about his own credibility as a witness.

To strengthen his testimony, Dean was hurriedly sentenced to a substantial prison term of one to four years, with confinement to begin the first day of the Watergate Cover-up trial. Of course, Dean did not actually go to a Federal prison: instead, he spent his nights at Fort Holibird, a nearby witness holding facility in Maryland. Many of his days were spent on the witness stand or in the prosecution's office. If not testifying, he was working on his book.

Dean was well rewarded for his changed role: One week following convictions of all major defendants on all counts in the Watergate Cover-up trial, John Dean saw his sentence reduced to time served—emerging from confinement a free man, having spent only four months at Fort Holibird, the shortest term of any central Watergate figure.

### Conclusion

Dean's reissuance of his book, stepping once more into the political spectrum of Watergate, will certainly get media attention—except this time efforts to uncover what really happened in Watergate and its prosecution may focus more attention on Dean than he has anticipated.

Dean was a central figure in setting events into motion that resulted in the Watergate break-in; his deceit during the cover-up and his desertion to the Democrats cost Richard Nixon the Presidency. Dean is already a convicted felon and a disbarred lawyer—but much more remains to be understood about his real role in Watergate and its aftermath.

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