12

"THE SMOKING GUN"

IN the previously accepted version of Watergate history, June 23, 1972, is the day on which the event occurred that would eventually sink the Nixon presidency, an event chronicled on a White House tape known as "the smoking gun." This tape was concealed by the White House for some time after many other taped conversations in the Oval Office and Nixon's EOB office had been released in written form to Congress and the press, and was only forced out by a decision of the Supreme Court in the summer of 1974; shortly after it had become public knowledge, Nixon resigned. The reason for the long concealment seemed immediately obvious: On this tape, the president is heard directing the obstruction of justice by instructing Haldeman to have the CIA impede the FBI's investigation into the Watergate burglary. Since the tape contains the discussion of the problem, the acknowledgment that there is no reason to deter the investigation other than political expediency, and the issuance of the order, the tape is a "smoking gun," that is, in police and prosecutorial slang, direct evidence of criminal guilt.

What has not been understood until now is that the Nixon remarks

on the smoking gun tape are the products of John Dean's deceptions that *tricked* Haldeman and Nixon into joining a conspiracy to obstruct justice.

As we have seen in earlier chapters, by June 22 Dean had already constructed his big lie to conceal his instigation of the Watergate burglary, and had begun to cover all traces of his involvement in events prior to June 17. At 8:15 A.M. on Friday, June 23, the phone on Bob Haldeman's desk rang, startling him a bit, since he generally expected no calls before a regular, early morning meeting with the president. John Dean was on the line.

As Haldeman recounted in his book *The Ends of Power*, in that conversation Dean told him that the FBI was "out of control," and that Acting Director Gray "doesn't know what the hell to do, as usual," because one check in Bernard Barker's account bore the signature of Kenneth Dahlberg and others had come from a Mexican bank that the FBI already had found. "They'll know who the depositors are today," Dean warned Haldeman, who responded sarcastically that this was "great news." Haldeman made notes on a pad (which he later used to reconstruct this conversation) as Dean continued on to tell him that "our problem now is to stop the FBI from opening up a whole lot of other things," especially the names of contributors who had been guaranteed anonymity. Mitchell and Stans, Dean said, "are really worried about that," and "they say we have to turn off that investigation of the Mexican bank fast, before they [the FBI] open up everything and spread this mess a lot wider than it is."

Having softened up Haldeman with the bad news—and, indeed, it was alarming news that could adversely affect the outcome of the president's bid for reelection—Dean now offered Haldeman a lifeline, telling him, Haldeman wrote in his book, that the FBI "is convinced" that the people behind the break-in were the CIA, and that "Gray has been looking for a way out of this mess. *I spoke to Mitchell, and he and I agree the thing to do* is for you to tell Walters [Deputy Director of the CIA General Vernon Walters] that we don't know where the Mexican investigation is going to lead. Have him talk to Gray—and maybe the CIA can turn off the FBI down there in Mexico." (Italics added for emphasis.)

In an interview, Haldeman recalled that conversation, in which Dean not only said he had spoken with Mitchell but that "*Mitchell had suggested*" calling in the CIA, and that Dean had simply "concurred on it." (Italics added for emphasis.)

Thus was the idea planted in Haldeman's mind and the responsibility for the suggestion affixed to John Mitchell. The chain of logic was

most powerful: use the CIA to block the FBI so that the FBI would not stumble upon and publicize the politically explosive fact that the burglary had been committed with money given to the CRP that had been laundered.

Dean was able to sell Haldeman on the idea principally because he lied on two most important points. First, he embellished what Gray had told him on the twenty-second, picking out of a grab bag of theories being developed by the FBI the one that could be best used to shut down or at least to hinder seriously its investigation. Second, and more important, he invoked "John Mitchell" to mask a desperate need to cover his own misdeeds.

John Dean was able to use Mitchell's name with impunity because he understood the president's confidence in the former attorney general, and because Dean himself was believed at the White House to be a Mitchell man. Since Dean had worked at Justice, he was thought to be in Mitchell's own confidence, even a Mitchell protégé—which he was not.

In fact, Dean did not even speak to Mitchell on the twenty-second, nor on the morning of the twenty-third.

Before going into the events of the twenty-third, and the tape itself, let's examine this crucial point. In Dean's own later testimony to the Senate Watergate committee, he dated his supposed conversation with Mitchell as having taken place on the afternoon of the twenty-third or the twenty-fourth, well after the conversation recorded on the "smoking gun" tape had occurred.

But Dean testified to the committee before the White House's taping system itself had become known to the committee, and a year before the "smoking gun" tape was made public, and thus could not have known that evidence on the tape could ever be used to refute his story of having been uninvolved. When that evidence became available, after Dean had finished his jail sentence and was writing *Blind Ambition*, he sidestepped the whole issue, lest it come back to haunt him. In that book, Dean did not even mention the all-important conversation with Mitchell to which he had testified, or the conception and transmittal of an idea that had such a devastating effect on the presidency.

In a recent interview after the death of John Mitchell, we asked Dean four times to explain the inconsistency between his testimony and the "smoking gun" tape. He could not. First, he tried to tell us it was a matter of dates, on which "it could well be that my memory is wrong. I don't know. I don't want to go back and try to figure this out; it doesn't affect my life a second." When we pointed out that there was no discussion of the supposed Mitchell conversation or the tape of the

twenty-third in his book, he responded, "I'm sure there's a lot of things that are not in the book," and pleaded that he was no longer able to fix his mind on what had happened in those days. On a third try, Dean did acknowledge that the issue of CIA involvement in Watergate and a meeting with Mitchell had been raised by the Watergate prosecutors, but that he had said then, "Guys, this is the way I remember it and, you know, that's all I can tell you." When asked a fourth time if he recognized the seriousness of having accused Mitchell of counseling that the CIA obstruct the FBI, Dean was unable to address the point at all, suggesting only that we not rely on his current memory, which was spotty, and instead go back to his testimony and book. "People can pick at it," he said, referring to the testimony, but he still stood by it.

We recently asked Haldeman about the contradictions between the tape and Dean's statements. After reviewing our evidence, Haldeman told us, "I don't know how he [Dean] can deny that he fabricated Mitchell's involvement in his conversation with me on the morning of the twenty-third. . . . The implications are grave for everything he said about Watergate." Wasn't Dean taking an incredible chance that Haldeman would not check with Mitchell before seeing the president? "He knew I wasn't checking with Mitchell on any of this stuff. It wasn't an incredible chance, really," Haldeman allowed. Dean knew, Haldeman added, that "Whatever reports I got [on Watergate] I got from Dean."

As for Mitchell himself, the former attorney general told us that "Dean's whole gambit" was "to drop my name wherever he found it could work." Mitchell has always denied any conversation with Dean in which he counseled or condoned the use of the CIA to deter an FBI investigation. Mitchell's logs of meetings and phone conversations confirm this. On the twenty-second, he had called Dean at 11:15 in the morning, but had not connected with him. That evening Mitchell left his office at 7:05 P.M., went home to his apartment accompanied by LaRue, and had no telephone conversations before an early bedtime. Next morning at 8:15, when Dean was selling the idea to Haldeman and invoking Mitchell's name, Mitchell was at the White House for his first meeting of the day, and had had no opportunity to speak to Dean before it. Not until 6:10 that evening of the twenty-third, Mitchell's logs report, did Dean return Mitchell's call of the twenty-second and speak with him. Mitchell did see Dean at 12:30 on Saturday the twenty-fourth, nearly twenty-seven hours after the "smoking gun" tape was made, when Dean joined a meeting already in progress between Mitchell, Mardian, and Magruder. We'll get into what actually happened in that meeting in the next chapter.

At 8:15 A.M., then, Dean planted in Haldeman's mind that it was Mitchell's recommendation to use the CIA to block the FBI. At 10:04, Haldeman began to brief President Nixon, and the conversation soon turned to Watergate. We've used italics to emphasize Dean's invoking of Mitchell's name:

> **H:** Now on the investigation, you know, the Democratic break-in thing, we're back to the—in the, the problem area because the FBI is not under control, because Gray doesn't exactly know how to control them, and they have, their investigation is now leading into some productive areas, because they've been able to trace the money, not through the money itself, but through the bank, you know, sources—the banker himself. And, it goes in some directions we don't want it to go. . . . *Mitchell came up with yesterday, and John Dean analyzed very carefully last night and concludes, concurs now with Mitchell's recommendation that the only way to solve this*, and we're set up beautifully to do it, ah, in that and that . . . the only network that paid any attention to it last night was NBC . . . they did a massive story on the Cuban—
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> **P:** That's right . . .
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> **H:** —thing.
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> **P:** Right.
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> **H:** That the way to handle this now is for us to have Walters call Pat Gray and just say, "Stay the hell out of this . . . this is, ah, business here we don't want you to go any further on it." That's not an unusual development. . . . Ah, he [Pat Gray] will call [Assistant Director of the FBI Mark Felt] in and say, "We've got the signal from across the river to, to put the hold on this." And that will fit rather well because the FBI agents who are working this case, at this point, feel that's what it is. This is CIA.

Haldeman then told Nixon that the FBI examination of the checks might lead to Dahlberg and some Texan contributors. Nixon had no idea who Dahlberg was; in fact, the entire conversation is shot through with presidential exclamations of astonishment and exasperation at the break-in and what had been found out about it to date, strongly supporting the notion that Nixon had no knowledge whatsoever of the event prior to learning about it on the morning of June 17.

However, at this important juncture, when his aide first suggested to him the magnitude of Watergate, that it entailed not only out-of-control employees of the CRP (the explanation believed by the upper

echelon just then) but now also money that could be traced to the campaign, Nixon's reaction was strikingly similar to the one he had displayed precisely six months earlier, on December 22, 1971, when presented with the fact that Admiral Welander had confirmed the essence of Yeoman Radford's admissions about a military spy ring: The president sought to limit the investigations and to prevent political damage. In December, he had acted on his own initiative; in June of 1972, he grasped at the device presented to him by John Dean, though he did not know it was Dean's. There seems to have been no hesitancy on the part of Haldeman, either, to embrace this line of action.

Learning of Dahlberg and the others, Nixon's immediate response was to suggest that these people be instructed to say that they had given the money directly to the Cubans. Haldeman knew this was an unrealistic approach, and steered Nixon back to the CIA. Nixon liked the idea, reminding Haldeman, "We protected Helms from one hell of a lot of things," taking the CIA-connection line of thinking and running with it. Hunt, he suggested, was the lever:

P: . . . Hunt . . . that will uncover a lot of things. You open that scab there's a hell of a lot of things and that we just feel it would be very detrimental to have this thing go any further. This involves these Cubans, Hunt, and a lot of hanky-panky that we have nothing to do with ourselves. Well, what the hell, did Mitchell know about this thing to any much of a degree?

H: I think so. I don't think he knew the details, but I think he knew.

Nixon asked if the problem could be traced to Liddy—who the president said was "a little nuts"—and Haldeman said yes, but that Liddy had been under pressure to get more information.

P: Pressure from Mitchell?

H: Apparently. . . .

P: All right, fine, I understand it all. We won't second-guess Mitchell and the rest. Thank God it wasn't Colson.

Now it was settled in the president's mind: The break-in seemed to have been a CRP operation that had Mitchell's tacit approval but had gone amuck. He was happy and satisfied that it could not be laid where he had thought for the past few days it had actually belonged, at the feet of Chuck Colson—that is to say, responsibility could not be placed

in the White House. Colson had denied any connection to the break-in to Haldeman, Ehrlichman, and the president himself, in separate conversations during the past week. Now, here was confirmation of Colson's uninvolvement, seeming to come from Mitchell.

Nixon and Haldeman returned to the CIA-FBI theme. Nixon said he was "not sure" of what was being described to him as the FBI's analysis—that the break-in was "a CIA thing"—but "I'm not going to get that involved." Nonetheless, Nixon bought Dean's package, and left it to Haldeman to wrap it properly. Haldeman should call in the CIA and lean on the agency. However, the president couldn't leave the matter without coaching Haldeman on how to "play it tough" in that meeting because "that's the way they play it and that's the way we are going to play it" with the CIA:

> When you get these [CIA] people in, say, "Look the problem is that this will open up whole, the whole Bay of Pigs thing, and the President just feels that"—ah, without going into the details . . . don't, don't lie to them to the extent to say there is no involvement, but just say this is sort of a comedy of errors, bizarre, without getting into it, [say] "The President believes that it is going to open the whole Bay of Pigs thing up again. And, ah, because these people are plugging for, for keeps, and that they should call the FBI in and say, 'That we wish for the good of the country don't go any further into this case.' " Period.

Note that the president apparently *never considered* summoning Mitchell, Gray, or anyone else, and asking them what had gone on. To do so would have been confrontational, and Nixon's style was to avoid confrontation. Even more astounding, Nixon accepted without further question the involvement of his closest friend in the administration, John Mitchell, in the break-in and in the suggestion to obstruct justice, by using one agency to hamper another.

Nixon clung to that belief throughout Watergate, complaining to press secretary Ron Ziegler a year later in a June 4, 1973, taped conversation that "the key to this thing, Ron, is Mitchell. Always been the key. . . . Mitchell would never step up to this. Well, I suppose, would you? No. No. Former attorney general step up and say you bugged? Shit, I wouldn't."

Mitchell had helped Nixon's fortunes through the law firm in which they had been partners, and then helped engineer Nixon's election victory in 1968. Yet Nixon couldn't even pick up the phone and check on the veracity of what Mitchell was reported to him (through two intermediaries, Dean and Haldeman) as saying or doing. Now, without

full cognizance of the facts, and badly misled, the president was springing into action, taking the very step that would eventually seal his own fate. "I never personally confronted Mitchell" on the matter, Nixon wrote in *RN*, because "if there was something he thought I needed to know, he would have told me." But Nixon added another reason: If he asked and Mitchell said, " 'Yes, I did it.' Then what do we say?"

Haldeman's June 23 meeting with the president ended at 11:39 A.M., and he immediately arranged a meeting between Walters, Helms, himself, and Ehrlichman for 1:30 P.M. Moments before that meeting, Haldeman poked his head in again to the Oval Office, and Nixon reemphasized the way to get the CIA to cooperate. Tell the CIA officials, Nixon instructed, "it's going to make the . . . CIA look bad, it's going to make Hunt look bad, and it's likely to blow the whole Bay of Pigs thing, which we think would be very unfortunate for the CIA and for the country at this time, and for American foreign policy. . . . I don't want them to get any ideas we're doing it because our concern is political." Haldeman answered that he understood that instruction.

Haldeman was once again impressed, he writes, by Nixon's brilliant instincts. "Dean had suggested a blatant political move by calling in the CIA—now Nixon showed how much more astute he was by throwing a national security blanket over the same suggestion."

At 1:30, in Ehrlichman's office, the four men sat down. All the participants knew that Helms disliked Nixon and the feeling was mutual. But now Nixon had been maneuvered into believing he had a need to use Helms and his agency. The director began the conversation by surprising Haldeman with the news that he had already spoken to Gray at the FBI and had told him that there was no CIA involvement in the break-in and none of the suspects had worked for the Agency in the last two years. After Helms's surprise, Haldeman then played what he called "Nixon's trump card," telling the CIA men that the entire affair might be linked to the Bay of Pigs.

"Turmoil in the room," Haldeman reported later in his book. "Helms gripping the arms of his chair, leaning forward and shouting, 'The Bay of Pigs had nothing to do with this. I have no concern about the Bay of Pigs.' "

Haldeman understood that Nixon had been right about mentioning the old disaster, for Helms immediately calmed down and voiced no further objections to having Walters tell Gray to back off. Ehrlichman's remembrance of the meeting closely parallels Haldeman's. Just as important is the fact that neither man mentioned in his memoir telling the CIA chiefs that the reason for asking them to block the FBI was

political; following Nixon's rather precise instructions, that notion was specifically kept out of the conversation.

At 2:20 P.M. Haldeman went back to the Oval Office and informed Nixon that "Helms kind of got the picture" and had promised, " 'We'll be happy to be helpful, to ah—you know—and we'll handle everything you want.' " Haldeman then added: "Walters is gonna make the call to Gray." The CIA men agreed to help, Helms would later testify, only because they figured the president was privy to a CIA operation in Mexico that even the CIA director did not know about. "This possibility always had to exist," Helms said. "Nobody knows everything about everything."

Dean apparently had an idea about what was going on, for at 1:35 that afternoon—before Haldeman actually had had a chance to brief the president on the Helms meeting—Pat Gray got a call from Dean apprising him that Walters would be phoning for an appointment, and that Gray should see him that afternoon. Walters' secretary called Gray twenty minutes later and scheduled a 2:30 P.M. meeting. Dean phoned Gray again at 2:19 P.M. to see if it was on, learned that it was, and asked Gray to call him when he'd seen Walters.

Once again, John Dean's testimony on these events is strikingly at odds with that of others. In his testimony to the Senate Watergate committee, before the committee was to hear from Gray about the Gray-Dean telephone conversations of June 23, Dean would first avoid revealing any knowledge of the Helms-Walters meeting. Then, when pressed by Senator Inouye, Dean claimed that he had "had no idea that Mr. Haldeman and Mr. Ehrlichman were going to meet with Mr. Helms and General Walters, that was unknown to me until I subsequently was so informed by Mr. Ehrlichman but not as to the substance of the meeting they had held."

Gray and Walters met at 2:34 P.M. at FBI headquarters, and, according to Gray's testimony before Congress, Walters "informed me that we were likely to uncover some CIA assets or sources if we continued our investigation into the Mexican money chain. . . . He also discussed with me the agency agreement under which the FBI and CIA have agreed not to uncover and expose each other's sources." Acting Director Gray had never read that agreement, but considered it logical, and told Walters that the matter would be handled "in a manner that would not hamper the CIA."

By the time Gray testified in 1973, two Walters memcons had been given to the investigating committee by the CIA, and Gray was at pains to answer certain points raised by these memcons, such as the notion that he, Gray, had mentioned to Walters the fact that this was

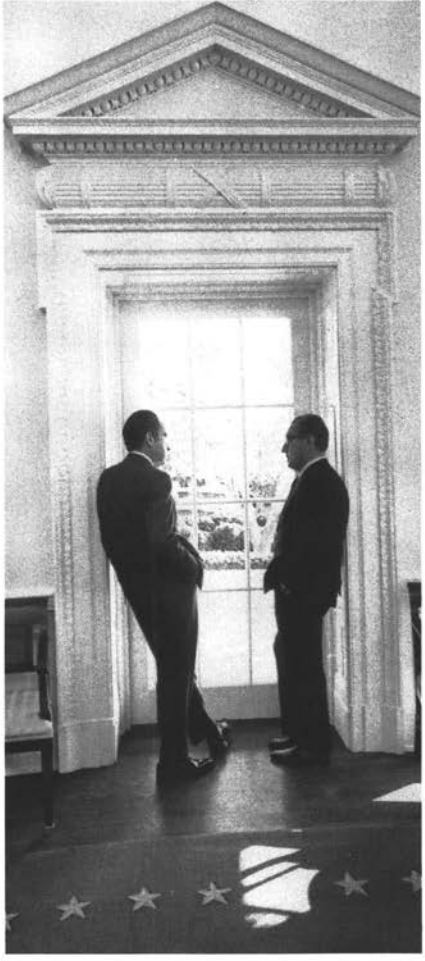
an election year and that there were political considerations above and beyond the interagency ones. Gray admitted he might have said that; certainly, it was on both men's minds.

After Walters left, Gray telephoned Dean to tell him of the meeting—even before Gray phoned his own assistant director in charge of the Watergate investigation to tell him not to schedule interviews of Ogarrio or Dahlberg. Twice more during the afternoon Gray phoned Dean, at 3:24 and at 3:47, to report that the CIA and FBI had both been properly instructed about impeding the ongoing investigation.

The deed was done. Dean had succeeded beyond his expectations. He had deceived the president of the United States into joining a conspiracy to obstruct justice in order to cover up a crime that Nixon had not committed, and to conceal Dean's own crimes. And the president, once again reacting to a crisis without gathering the facts, willingly slipped the noose Dean had handed him around his own neck.

Two years from that time, the revelations of the smoking gun tape would force an end to the Nixon presidency. And in 1991, the words on that astounding tape, and contradictions it pointed up in Dean's sworn testimony, would put an end to John Dean's claim of being only an innocent message-carrier in the cover-up. It is completely ironic that the famous smoking gun tape had as its two most important casualties the president of the United States, Richard Nixon, and his principal accuser, John Dean.

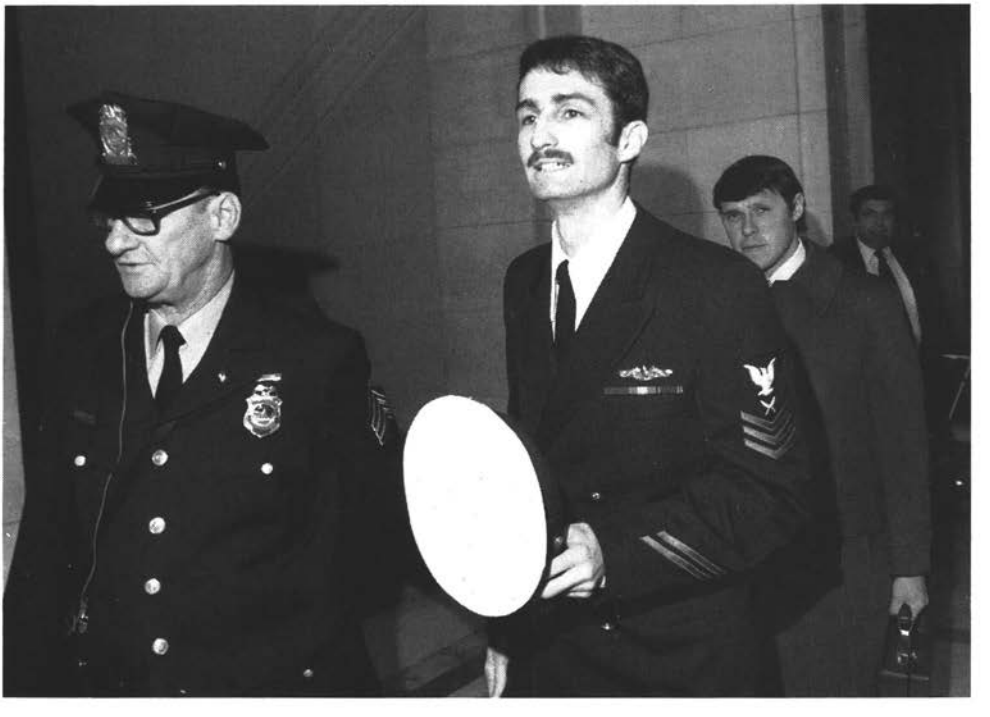
The White House inner circle: Henry Kissinger, John Ehrlichman, President Richard Nixon, and H. R. Haldeman. *(Official White House photo)*



Nixon and Kissinger often conducted their diplomacy through private rather than official channels. *(Official White House photo)*

The president, Alexander Haig, and Kissinger were engaged in an intricate dance of egos and ambitions that frequently placed the two advisers at odds. *(Official White House photo)*

John Mitchell was Nixon's closest friend in the administration, but their failure to communicate about the Watergate break-in had catastrophic consequences. *(Official White House photo)*

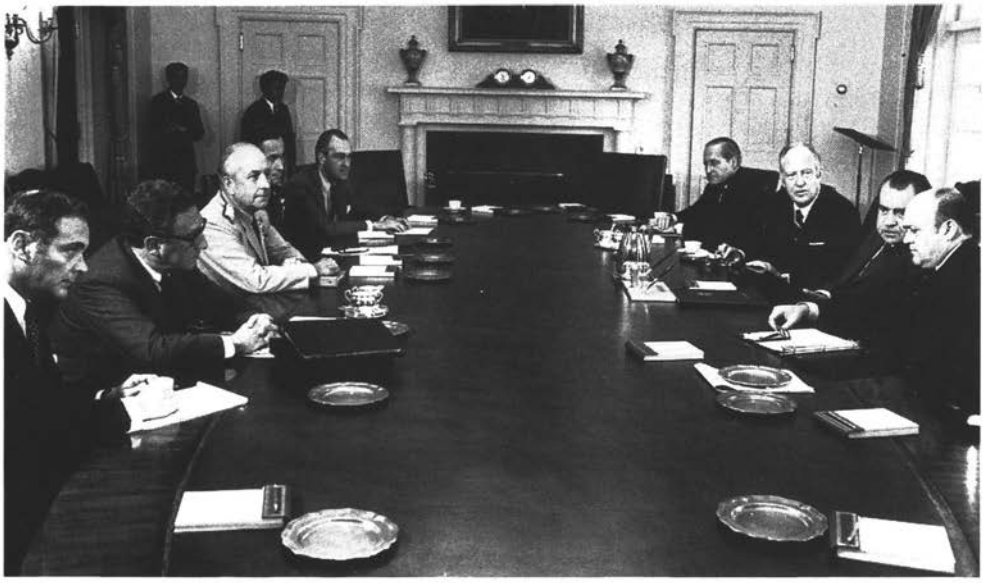


Navy Yeoman Charles Radford. *(AP/Wide World Photos)*

Vice-Admiral Thomas H. Moorer, upon his appointment as the new chairman of the Joint Chiefs of Staff on April 14, 1970. *(Gene Forte/Pictorial Parade)*

Admiral Robert O. Welander (right), arriving for a closed 1974 hearing of the Senate Armed Services Committee in regard to the Moorer-Radford affair. *(AP/Wide World Photos)*

Don Stewart, the Pentagon investigator who helped uncover the Moorer-Radford affair, receiving the Pentagon's second-highest civilian award in recognition of his work. Six months later the White House would campaign to have Stewart indicted for blackmailing the president.



A meeting of the National Security Council, May 1, 1972. At left are Alexander Haig, Henry Kissinger, Admiral Thomas Moorer, an unidentified man, and CIA Director Richard Helms. At right are Secretary of Defense Melvin Laird, President Richard Nixon, Secretary of State William Rogers, and an unidentified man. *(Official White House photo)*

Bob Woodward and Carl Bernstein, at their desk at the *Washington Post*.
(UPI/Bettmann)

USS *Wright,* the aircraft carrier–turned–floating national command post, on which Bob Woodward served his first Navy assignment. As the circuit control officer from 1965 to 1967, Woodward helped operate the ship's massive communications system. *(National Archives)*

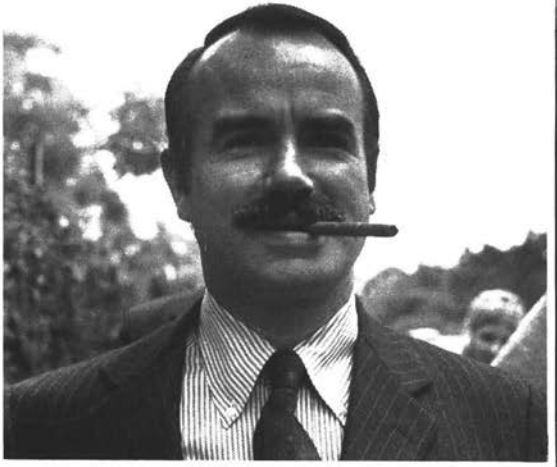
From 1967 to 1969, Woodward served as communications officer aboard the USS *Fox*, a guided-missile frigate that helped direct air strikes in Vietnam. His first commanding officer on the ship was Robert O. Welander. *(National Archives)*

John Wesley Dean III, counsel to the president. *(Official White House photo)*

Maureen Elizabeth Kane Owen Biner Dean. Before she became John Dean's wife, she roomed with close friend Heidi Rikan, a.k.a. "Cathy Dieter," who ran a ring of call girls with the help of attorney Phillip Mackin Bailley. *(Sygma)*

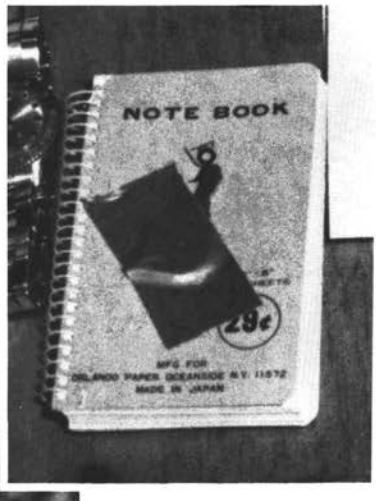
Phillip Mackin Bailley, after his arrest on charges of Mann Act violations. *(Copyright Washington Post)*

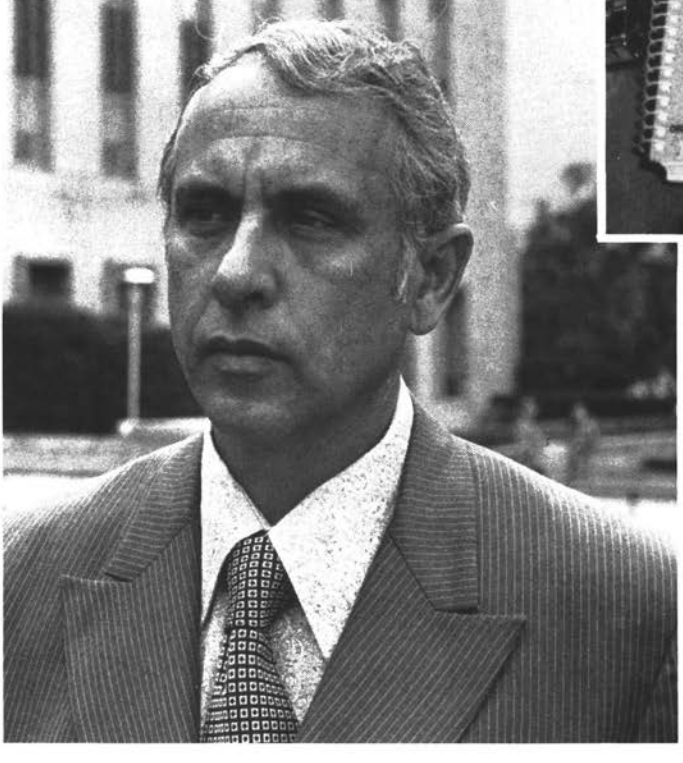
Dean's four major operatives in his intelligence-gathering efforts: *(above)* John "Jack" Caulfield *(Sygma)*; *(above right)* Tony Ulasewicz, the ex New York City detective who became a private eye in service of the White House *(Sygma); (below)* G. Gordon Liddy, "a weapon waiting to be aimed and fired" *(UPI/ Bettmann); (below right)* E. Howard Hunt, Liddy's cohort and an ex CIA employee *(UPI/Bettmann).*



Jeb Stuart Magruder, the Committee to Re-elect the President official who worked most closely with Dean. *(Official White House photo)*

Closeup of notebook and key confiscated from Martinez by police. The key fit the desk of Maxie Wells, secretary to Democratic National Committee official Spencer Oliver; Martinez says he was given the key by E. Howard Hunt, but Hunt denies it.





Watergate burglar Eugenio R. Martinez. *(UPI/Bettmann)*

Alexander Haig, newly appointed White House chief of staff, greets newsmen in H. R. Haldeman's former office on May 4, 1973. *(UPI/Bettmann)*

J. Fred Buzhardt (right, with aides) worked with Haig to keep the Moorer-Radford spy ring—and its implications—under wraps. *(Official White House photo)*

Alexander Butterfield, Haig's longtime friend, revealed the White House taping system. *(Dennis Brack/Black Star)*

Leonard Garment worked with Buzhardt in counseling the beleaguered president as Watergate began to overwhelm him. *(Official White House photo)*

Richard Nixon, departing Bethesda Air Force Base and the presidency, on August 9, 1974. *(Official White House photo)*

President Gerald Ford, Phil Buchen, Alexander Haig, and Benton Becker on September 26, 1974, discussing the subjects of the Nixon pardon and the transfer of the president's records, papers, and tapes. Shortly thereafter, Becker would fly to San Clemente on behalf of President Ford to negotiate these issues—neither man knowing that Haig had already been negotiating on his own. *(Official White House photo/permission of Benton L. Becker)*