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John Dean's Memory: A case study

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Abstract

John Dean, the former counsel to President Richard Nixon, testified to the Senate Watergate Investigating Committee about conversations that later turned out to have been tape recorded. Comparison of his testimony with the actual transcripts shows systematic distortion at one level of analysis combined with basic accuracy at another. Many of the distortions reflected Dean's own self-image; he tended to recall his role as more central than it really was. Moreover, his memory for even the "gist" of conversations was quite poor except where that gist had been rehearsed in advance or frequently repeated. But while his testimony was often wrong in terms of the particular conversations he tried to describe, Dean was fundamentally right about what had been happening: the existence of a "cover-up" and the participation of various individuals in it. His testimony was accurate at a level that is neither "semantic" (since he was ostensibly describing particular episodes) nor "episodic" (since his accounts of the episodes were often wrong). The term "repisodic" is coined here to describe such memories: what seems to be a remembered episode actually represents a repeated series of events, and thus reflects a genuinely existing state of affairs.

"Have you always had a facility for recalling the details of conversations which took place many months ago?" Senator Inouye of Hawaii asked this question of John Dean with more than a trace of disbelief. Dean, the former counsel to President Richard M. Nixon, was testifying before the "Watergate" Committee of the United States Senate in June, 1973. His testimony had opened with a 245-page statement, in which he described literally dozens of meetings that he had attended over a period of several years. The meetings were with John Mitchell, Robert Haldeman, Charles Colson, Gordon Liddy, and others whose names became American household words as the Watergate scandal brought down the Nixon administration. Some were with Nixon himself. Dean's testimony seemed to confirm what many already suspected:

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that these high officials were engaged in a "cover-up" of White House involvement in the original Watergate burglary. But was he telling the truth? How much did he really remember?

In a psychological experiment, it is relatively easy to determine whether what the subject says is true. The experimenter knows what really happened because she staged it in the first place, or because she kept a record with which the subject's report can be compared. Because life does not keep such records, legal testimony is usually evaluated in more indirect ways: corroborative witnesses, cross-examination, circumstantial evidence. For some of Dean's testimony, however, it is now possible to compare what he said with a factual record: the *Presidential Transcripts*. This comparison will enable us to assess the accuracy of his memory rather precisely. In addition, it may clarify our theoretical conceptions of memory itself.

When Dean first testified, his "facility for recalling details" seemed so impressive that some writers called him "the human tape recorder". Ironically, a very real tape recorder had been tuned in to some of the same "details". Not long after its interrogation of Dean, the Senate Committee discovered that all conversations in Nixon's Oval Office were routinely (but secretly) recorded. The result of this discovery was a sharp legal struggle for possession of the tapes. When the President realized that he would not be able to keep the tapes out of the hands of the prosecutors indefinitely, he decided to transcribe some of them and release the transcripts himself. Although he did this reluctantly, he also thought it possible that they might actually help his cause. The published version of the *Presidential Transcripts* (1974) includes a lengthy foreword reiterating Nixon's claim that he knew nothing of the cover-up. (It does admit that there are "...possible ambiguities that... someone with a motive to discredit the President could take out of context and distort to suit his own purposes," – p. 5.) The foreword explicitly insists that the transcripts discredit Dean's testimony. Dean himself, however, saw them as substantiating *his* side of the story. In his autobiography (Dean, 1976) he describes himself as "ecstatic" (p. 332) to learn of the tapes' existence, because they would prove he had told the truth.

The testimony and the transcripts are now in the public domain. I propose to treat them as data, as if they had resulted from a deliberately conducted memory experiment. The analysis of these data will be somewhat unorthodox, however, because we know its outcome in advance. If Dean had actually perjured himself – if the transcripts had proved him to be fundamentally mistaken or dishonest – the defense lawyers in the subsequent Watergate trials would surely have seized the opportunity to discredit his testimony. Instead, the outcome of those trials has vindicated him: the highest-placed members of the White House staff all went to prison for doing what John

Dean said they had done. Nixon, of course, was forced to resign. If history has ever proven anything, it surely proves that Dean remembered those conversations and told the truth about them. I will not quarrel with that assessment here, but we shall see that "truth", "accuracy", and "memory" are not simple notions. Dean's testimony was by no means always accurate. Yet even when he was wrong, there was a sense in which he was telling the truth; even when he was right, it was not necessarily because he remembered a particular conversation well.

These are levels of analysis with which psychology has rarely been concerned. Although there have been many demonstrations of the fallibility of testimony (Stern, 1904; Buckhout, 1974), none has dealt with a situation as complex as Dean's: with such significant material, such long spans of time, or such ambiguous motives. We will find it hard to do full justice to John Dean's memory within the conceptual framework of the psychology of memory. Nevertheless, that framework is not irrelevant. It includes a number of valuable ideas: that memory is influenced by mental "scripts" or "schemata" for familiar events (Bartlett, 1932; Bransford & Franks, 1972; Bower, Black & Turner, 1979); that distortions of memory are often motivated by the needs and character of the individual (Freud, 1899); and that a person's general knowledge ("semantic memory") must be distinguished from his recollection of specific events ("episodic memory", Tulving, 1972). Most obviously, we will have to make a distinction that has been familiar at least since Bartlett: to contrast *verbatim* recall with memory for the *gist* of what was said.

Verbatim recall is word-for-word reproduction. It is not something that we expect of ourselves in everyday life. Dean did not claim to be able to recall conversations verbatim, and indeed he could not. (We shall see that even the few phrases that he seemed to recall exactly may owe their fidelity to frequent repetition.) Memory for gist, on the other hand, occurs when we recall the "sense" of an original text in different words. To remember the gist of a story or a conversation is to be roughly faithful to the argument, the story line, the underlying sequence of ideas. Psychologists have developed a number of methods of evaluating memory for gist. One can divide the text and the recall protocol into so-called "idea units", and count how many of them match. With somewhat more trouble, one can make a structural analysis of the original, perhaps guided by theoretical ideas about "story grammars" and "schemata"; then one can determine how much of the structure reappears in the reproduction (e.g., Mandler & Johnson, 1977). These methods have worked well in the laboratory, where there is nothing to remember except an originally presented text. They are not as easily applied to the recall of actual conversations that take place in a context of real events: The events may be remembered even when the gist of the conversation is not.

Analysis of Dean's testimony does indeed reveal some instances of memory for the gist of what was said on a particular occasion. Elsewhere in his testimony, however, there is surprisingly little correspondence between the course of a conversation and his account of it. Even in those cases, however, there is usually a deeper level at which he is right. He gave an accurate portrayal of the real situation, of the actual characters and commitments of the people he knew, and of the events that lay behind the conversations he was trying to remember. Psychology is unaccustomed to analyzing the truthfulness of memory at this level, because we usually work with laboratory material that has no reference beyond itself. One of my purposes in analyzing John Dean's testimony is to call attention to this level of memory, and perhaps to devise ways in which it can be studied.

Dean's own account of his memory

It is impossible to survey all of Dean's testimony here; there is far too much of it. Moreover, most of his conversations were not recorded at all (so far as we know); it was only in the President's Oval Office that tape recorders ran night and day. Not even all of the taped material is fully reproduced in the available transcripts. We will only be able to analyze the two conversations reported in his testimony for which an apparently unedited transcript has been published. The reader should bear in mind that we are dealing with only a small fraction of what Dean said. The present paper is not an effort to assess his overall contribution to the Watergate investigations or to the course of justice; it is a psychological study aimed at clarifying the nature of memory for conversations.

The two conversations we will examine are those of September 15, 1972 and March 21, 1973. These two meetings with the President were crucial for the Senate Committee, which was trying to determine the extent of Nixon's involvement in the Watergate cover-up. Accordingly, Dean was cross-examined about both of them at length. He had already described each conversation in his long opening statement to the Committee: it was that statement which aroused Senator Inouye's incredulity. The interchange between Dean and Inouye is interesting in its own right: it may be the only discussion of mnemonics and metamemory in the Congressional Record.

> *Senator Inouye* Your 245-page statement is remarkable for the detail with which it recounts events and conversations occurring over a period of many months. It is particularly remarkable in view of the fact that you indicated that it was prepared without benefit of note or daily diary. Would you describe what documents were available to you in addition to those which have been identified as exhibits?

> *Mr. Dean* What I did in preparing this statement, I had kept a newspaper clipping file from roughly June 17 [June 17, 1972 was the date of the Watergate break-in], up until about the time these hearings started when I stopped doing any clipping with any regularity. It was by going through every single newspaper article outlining what had happened and then placing myself in what I had done in a given sequence in time, I was aware of all the principal activities I had been involved in, the dealings I had with others in relationship to those activities. Many times things were in response to press activities or press stories that would result in further activities. I had a good memory of most of the highlights of things that had occurred, and it was through this process, and being extremely careful in my recollection, particularly of the meetings with the President (*Hearings*, pp. 1432–1433).

Note that Dean has spontaneously invented the temporal equivalent of an ancient mnemonic device: the famous "method of loci". In that method, one mentally moves through a familiar series of places in order to recall images that were previously assigned to them. Dean apparently used newspaper clippings in a similar way, to pinpoint moments in time rather than loci in space; then he tried to recall what he had been doing at those moments. Senator Inouye's next questions (I am omitting some additional comments by Dean) indicate that he failed to grasp this point:

> *Senator Inouye* Are you suggesting that your testimony was primarily based upon press accounts?
> *Mr. Dean* No sir, I am saying that I used the press accounts as one of the means to trigger my recollection of what had occurred during given periods of time.

Inouye still does not understand:

> *Senator Inouye* Am I to gather from this that you had great faith in the reporting in the press?
> *Mr. Dean* No, I am saying what was happening is that chronologically – many times White House activities related to a response to a given press activity. I did not have the benefit – in fact, the statement might be even more detailed, Senator, if I had had the benefit of all the Ziegler briefings where some of these questions came up very specifically in press briefings as to given events at that time, but I didn't have the benefit of those (*Ibid.*).
> *Senator Inoye* In addition to the press clippings, the logs, what other sources did you use in the process of reconstruction?
> *Mr. Dean* Well Senator, I think I have a good memory. I think that anyone who recalls my student years knew that I was very fast at recalling information, retaining information. I was the type of student who didn't have to work very hard in school because I do have a memory that I think is good (*Ibid.*).

A moment later Inouye asks the question I have already quoted, encouraging Dean to say more about his memory:

> *Senator Inouye* Have you always had a facility for recalling the details of conversations which took place many months ago? (*Ibid.*).

Dean responds with examples of things he would certainly never forget, beginning with conversations in the Oval Office:

> *Mr. Dean* Well, I would like to start with the President of the United States. It was not a regular activity for me to go in and visit with the President. For most of the members of the White House staff it was not a daily activity. When you meet with the President of the United States it is a very momentous occasion, and you tend to remember what the President of the United States says when you have a conversation with him. (Dean goes on to mention several other salient events that he remembers well, and concludes...) ...So I would say that I have an ability to recall not specific words necessarily but certainly the tenor of a conversation and the gist of a conversation (*Ibid*, pp. 1433–1434).

We shall see later that Dean recalls the "gist" of some conversations and not of others; the determinants of memory are more complicated than he believes them to be. In particular, he did *not* remember what the President said in their first prolonged and "momentous" meeting. But there is no doubt about his confidence in his own testimony: at the end of the exchange with Inouye, he expresses it again:

> *Mr. Dean* I cannot repeat the very words he (the President) used, no, sir. As I explained to Senator Gurney, my mind is not a tape recorder, but it certainly receives the message that is being given (*Ibid.*).

The Meeting of September 15

On June 17, 1972, five men were arrested in the offices of the Democratic National Committee in the Watergate Office Building. They had planned to tap the Committee's telephones as part of an illegal "political intelligence" operation, mounted on President Nixon's behalf in the 1972 presidential elections. High White House officials then began a major effort to conceal their involvement in the affair, even to the point of paying "hush money" to some of those who had been arrested. John Dean was centrally involved in the cover-up. His chief task was to "contain" the legal investigation of the Watergate break-in, concealing every link between the underlings already caught and the White House. On September 15 this aim seemed achieved, because on that day the Grand Jury handed down indictments against only seven men: the five burglars plus Howard Hunt and Gordon Liddy. Since

Hunt and Liddy were "small fish", and the Justice Department said it had no evidence to indict anyone else, Dean felt victorious. When the President summoned him to the Oval Office that afternoon, he expected to be praised.

The transcript indicates that the meeting lasted 50 minutes. It begins with the following interchange among the President (P), Dean (D), and Robert Haldeman (H), Nixon's "Chief of Staff". Note that Dean and Haldeman are both obviously pleased by the events of the day, while the President has little to say about them.

> *P* Hi, how are you? You had quite a day today, didn't you? You got Watergate on the way, didn't you?
> *D* We tried.
> *P* How did it all end up?
> *D* Ah, I think we can say well, at this point. The press is playing it just as we expected.
> *H* Whitewash?
> *D* No, not yet – the story right now –
> *P* It is a big story.
> *H* Five indicted plus the WH former guy and all that.
> *D* Plus two White House fellows.
> *H* That is good; that takes the edge off the whitewash, really. That was the thing Mitchell kept saying, that to people in the country Liddy and Hunt were big men. Maybe that is good.
> *P* How did MacGregor handle himself?
> *D* I think very well. He had a good statement, which said that the Grand Jury had met and that it was now time to realize that some apologies may be due.
> *H* Fat chance.
> *D* Get the damn (inaudible)
> *H* We can't do that.
> *P* Just remember, all the trouble we're taking, we'll have a chance to get back one day. How are you doing on your other investigation? (*Presidential Transcripts*, p. 32)

The next few exchanges are about other details of the Watergate "bugs" (telephone taps), and then about the scope of the investigations being conducted. It all seemed "silly" to them, especially since they believed that "bugging" was common in politics:

> *P* Yes (expletive deleted). Goldwater put it in context when he said "(expletive deleted) everybody bugs everybody else. You know that".
> *D* That was priceless.
> *P* It happens to be totally true. We were bugged in '68 on the plane and even in '62 running for Governor – (expletive deleted) thing you ever saw.
> *D* It is a shame that evidence to the fact that that happened in '68 was never around. I understand that only the former director (J. Edgar Hoover, former head of the FBI) had that information.

H No, that is not true.
D There was evidence of it?
H There are others who have information (*Ibid.* p. 34).

This interchange about "bugging" is noteworthy not only because of the light it sheds on the attitudes of the participants, but also because it stuck in Dean's mind. It is one of the few parts of the conversation which will be recognizable in his testimony nine months later.

The conversation continues from this point with more talk about "bugging", plans for action against White House enemies, questions about another pending legal action. It is interrupted briefly when Nixon takes a phone call. As soon as he hangs up, Dean speaks. He wants to point out how well things are going:

D Three months ago I would have had trouble predicting there would be a day when this would be forgotten, but I think I can say that 54 days from now [i.e., on election day in November] nothing is going to come crashing down to our surprise.
P That what?
D Nothing is going to come crashing down to our surprise (*Ibid,* p. 36).

He finally gets a bit of Presidential praise in return:

P Oh well, this is a can of worms as you know a lot of this stuff that went on. And the people who worked this way are awfully embarrassed. But the way you have handled all this seems to me has been very skillful, putting your fingers in the leaks that have sprung here and sprung there. The Grand Jury is dismissed now?
D That is correct... (*Ibid.*).

The conversation goes on to cover many other areas – McGovern's campaign finances, a list of "enemies" that Dean offers to keep, more political strategy. Later on Dean and Haldeman (but not Nixon) seize another opportunity to congratulate each other on the success of the cover-up.

P You really can't sit and worry about it all the time. The worst may happen but may not. So you just try to button it up as well as you can and hope for the best, and remember basically the damn business is unfortunately trying to cut our losses.
D Certainly that is right and certainly it has had no effect on you. That's the good thing.
H No, it has been kept away from the White House and of course completely from the President. The only tie to the White House is the Colson effort they keep trying to pull in.
D And of course the two White House people of lower level – indicated – one consultant and one member of the domestic staff. That is not very much of a tie.
H That's right (*Ibid,* p. 40).

Dean's testimony about September 15

Nine months later, Dean devoted about two pages of his prepared statement to the September 15 meeting. The first paragraph purports to describe the way the meeting began. It is an important bit of testimony because the remarks Dean ascribes to Nixon would indicate full knowledge (and approval) of the cover-up. This is his account:

> On September 15 the Justice Department announced the handing down of the seven indictments by the Federal Grand Jury investigating the Watergate. Late that afternoon I received a call requesting me to come to the President's Oval Office. When I arrived at the Oval Office I found Haldeman and the President. The President asked me to sit down. Both men appeared to be in very good spirits and my reception was very warm and cordial. The President then told me that Bob – referring to Haldeman – had kept him posted on my handling of the Watergate case. The President told me I had done a good job and he appreciated how difficult a task it had been and the President was pleased that the case had stopped with Liddy. I responded that I could not take credit because others had done much more difficult things than I had done. As the President discussed the present status of the situation I told him that all I had been able to do was to contain the case and assist in keeping it out of the White House. I also told him there was a long way to go before this matter would end and that I certainly could make no assurances that the day would not come when this matter would start to unravel (*Hearings*, p. 957).

Comparison with the transcript shows that hardly a word of Dean's account is true. Nixon did not say *any* of the things attributed to him here: he didn't ask Dean to sit down, he didn't say Haldeman had kept him posted, he didn't say Dean had done a good job (at least not in that part of the conversation), he didn't say anything about Liddy or the indictments. Nor had Dean himself said the things he later describes himself as saying: that he couldn't take credit, that the matter might unravel some day, etc. (Indeed, he said just the opposite later on: "nothing is going to come crashing down".) His account is plausible, but entirely incorrect. In this early part of the conversation Nixon did not offer him any praise at all, unless "You had quite a day, didn't you", was intended as a compliment. (It is hard to tell from a written transcript.) Dean cannot be said to have reported the "gist" of the opening remarks; no count of idea units or comparison of structure would produce a score much above zero.

Was he simply lying to the Senators? I do not think so. The transcript makes it quite clear that Nixon *is* fully aware of the cover-up: Haldeman and Dean discuss it freely in front of him, and while he occasionally asks questions he never seems surprised. Later on he even praises Dean for "putting his fingers in the leaks". Because the real conversation is just as incriminating

as the one Dean described, it seems unlikely that he was remembering one thing and saying another. His responses to Senator Baker during cross-e amination (see below) also indicate that he was doing his best to be honest. Mary McCarthy's assessment of Dean has stood the test of time: she wrote in 1973 of her overpowering impression "...not so much of a truthful person as of someone resolved to tell the truth about this particular set of events because his intelligence has warned him to do so" (McCarthy, 1975, pp. 40–41).

If Dean was trying to tell the truth, where did his erroneous account of the September 15 meeting come from? Some of it might be explained by the currently popular notion that everyone knows certain "scripts" for common events, and that these scripts are used in the course of recall (Bower, Black, and Turner, 1979). Dean's recollection of the very beginning of the meeting may have been constructed on the basis of an "entering-the-room script". People do often ask their guests to sit down, though Nixon apparently did not ask Dean. It is also possible, however, that Dean's recollection of such a request is a case of non-verbal gist recall rather than a script-based construction. Perhaps Nixon *did* ask Dean to sit down, but with a gesture rather than a word – a brief wave of a commanding presidential hand. To recall such a gesture as if it had been a verbal request would not be much of an error. Current theoretical interest in the recall of written texts should not blind us to the non-verbal components of real conversation.

Although familiar scripts and non-verbal cues explain a few of Dean's errors, most of them seem to have deeper roots. They follow, I believe, from Dean's own character and especially from his self-centered assessment of events at the White House. What his testimony really describes is not the September 15 meeting itself but his fantasy of it: the meeting as it should have been, so to speak. In his mind Nixon *should* have been glad that the indictments stopped with Liddy, Haldeman *should* have been telling Nixon what a great job Dean was doing; most of all, praising him *should* have been the first order of business. In addition, Dean *should* have told Nixon that the cover-up might unravel, as it eventually did, instead of telling him it was a great success. By June, this fantasy had become the way Dean remembered the meeting.

Almost. But Dean was not really as confident of his recollection as the tone of his statement suggested; not as sure of himself as he claimed in the exchange with Senator Inouye. This becomes clear in a very sharp interrogation by Senator Baker:

> *Senator Baker* I am going to try now to focus entirely on the meeting of September 15.
>
> *Mr. Dean* Right.

> *Senator Baker* And I have an ambition to focus sharply on it in order to disclose as much information as possible about the September 15 meeting. What I want to do is to test, once again, not the credibility of your testimony but the quality of the evidence, that is, is it direct evidence.
> *Mr. Dean* I understand (*Hearings*, p. 1474).

Dean does understand: Baker wants vivid details and exact wording. The next few exchanges show how he struggles to reconcile the vagueness of his actual recollection with Baker's demands for specificity, dodging some questions and eventually committing himself on others. After an uncontroversial account of how he learned that Nixon wanted to see him that evening, Dean begins with his physical entrance into the office:

> *Mr. Dean* When I entered the office I can recall that – you have been in the office, you know the way there are two chairs at the side of the President's desk.
> *Senator Baker* You are speaking of the Oval Office?
> *Mr. Dean* Of the Oval Office. As you face the President, on the left-hand chair Mr. Haldeman was sitting and they had obviously been immersed in a conversation and the President asked me to come in and I stood there for a moment. He said "Sit down", and I sat in the chair on the other side.
> *Senator Baker* You sat in the right-hand chair?
> *Mr. Dean* I sat on the right-hand chair.
> *Senator Baker* That is the one he usually says no to, but go ahead.
> *Mr. Dean* I was unaware of that. (Laughter).
> *Senator Baker* Go ahead, Mr. Dean (*Ibid*, p. 1475).

Now Dean plunges into the conversation, giving almost exactly the same account of it that he had presented in his prepared statement a few days before. Indeed, his opening phrase suggests that he is remembering that statement rather than the meeting itself:

> *Mr. Dean* As I tried to describe in my statement, the reception was very warm and cordial. There was some preliminary pleasantries, and then the next thing that I recall the President very clearly saying to me is that he had been told by Mr. Haldeman that he had been kept posted or made aware of my handling of the various aspects of the Watergate case and the fact that the case, you know, the indictments had now been handed down, no one in the White House had been indicted, they had stopped at Liddy (*Ibid.*).

Senator Baker is not satisfied with this response; he wants to know how accurate Dean is really claiming to be:

> *Senator Baker* Stop, stop, stop just for one second. "That no one in the White House had been indicted": is that as near to the exact language – I don't know so I am not laying a trap for you, I just want to know (*Ibid.*).

It is now clear that the right answer to Baker's question would have been "no". Nixon did not use anything remotely like the "exact language" in question; the conversation did not go that way at all. Dean's answer is cautious:

> *Mr. Dean* Yes, there was a reference to the fact that the indictments had been handed down and it was quite obvious that no one in the White House had been indicted on the indictments that had been handed down (*Ibid.*).

Notice that although Dean's answer begins with "Yes", he now avoids attributing the critical words to Nixon. He hides behind ambiguous phrases like "There was a reference to the fact that..." and "It was quite obvious..." Baker is unsatisfied with these evasions and continues to press for a straight answer:

> *Senator Baker* Did he say that, though? (*Ibid.*).

Dean decides to be honest about it:

> *Mr. Dean* Did he say that no one in the White House had been handed down? I can't recall it. (*Ibid.*).

This is the answer which suggests to me that Dean was being as truthful as he could. After all, he might easily have answered "yes" instead of "I can't recall it". But he doesn't want to give up the points he has already scored, so he repeats them:

> *Mr. Dean* (continuing) I can recall a reference to the fact that the indictments were now handed down and he was aware of that and the status of the indictments and expressed what to me was a pleasure to the fact that it had stopped with Mr. Liddy (*Ibid.*).

This paragraph is a nice summary of what Dean remembers from the conversation, and it is phrased so carefully that everything in it is true. There *was* reference to the indictments (by Haldeman and Dean); Nixon *was* aware of that (though he didn't say so); and somehow he did express what Dean *interpreted* as pleasure in the outcome. It is fair to say that Dean here captures the "tenor", though not the gist, of what went on in the Oval Office that afternoon. But Baker notices that he still hasn't committed himself to any exact statements by Nixon, and tries again:

> *Senator Baker* Tell me what he said.
> *Mr. Dean* Well, as I say, he told me I had done a good job –
> *Senator Baker* No, let's talk about the pleasure. He expressed pleasure the indictments had stopped at Mr. Liddy. Can you just for the purposes of our information tell me the language that he used? (*Ibid.*).

Dean ducks once more:

> *Mr. Dean* Senator, let me make it very clear: the pleasure that it had stopped there is an inference of mine based on, as I told Senator Gurney yesterday, the impression I had as a result of the, of his, complimenting me (*Ibid.*).

Baker hangs tough:

> *Senator Baker* Can you give us any information, can you give us any further insight into what the President said?
> *Mr. Dean* Yes, I can recall he told me that he appreciated how difficult a job it had been for me.
> *Senator Baker* Is that close to the exact language?
> *Mr. Dean* Yes, that is close to the exact language (*Ibid.*, p. 1476).

Finally Dean gives in, and puts words into Nixon's mouth. He may just have felt he had no choice: if he didn't claim to remember *any* of Nixon's remarks his whole testimony might be discredited. But also he may have believed it. Nixon's compliment was what he had most yearned for, and his invented version of it may have been the most compelling thing in his memory. Either way, the exchange seems to have hardened his willingness to testify to exact language. He and Baker went at it again a few minutes later when Dean said he had told Nixon "that the matter had been contained". Baker repeatedly asked whether he had used that very word, and Dean repeatedly asserted that he had done so. When Baker questioned him closely about how the President had reacted to "contained", however, Dean said he did not recall. He certainly didn't: the word "contained" appears nowhere in the transcript.

In summary, it is clear that Dean's account of the opening of the September 15 conversation is wrong both as to the words used and their gist. Moreover, cross-examination did not reveal his errors as clearly as one might have hoped. The effect of Baker's hard questioning was mixed. Although it did show up the weakness of Dean's verbatim recall, the overall result may have been to increase his credibility. Dean came across as a man who has a good memory for gist with an occasional literal word stuck in, like a raisin in a pudding. He was not such a man. He remembered how he had felt himself and what he had wanted, together with the general state of affairs; he didn't remember what anyone had actually said. His testimony had much truth in it, but not at the level of "gist". It was true at a deeper level. Nixon was the kind of man Dean described, he had the knowledge Dean attributed to him, there was a cover-up. Dean remembered all of that; he just didn't recall the actual conversation he was testifying about.

So far I have concentrated on the first few minutes of the meeting, covered in a single paragraph of Dean's prepared statement. The next paragraph is

interesting because (unlike the first) it refers to a bit of conversation that actually occurred.

> Early in our conversation the President said to me that former FBI Director Hoover had told him shortly after he assumed office in 1969 that his campaign had been bugged in 1968. The President said that at some point we should get the facts out on this and use this to counter the problems that we were encountering (*Ibid*, p. 958).

As we have already seen, an exchange about Hoover and bugging in previous campaigns did take place, a little after the beginning of the conversation. But although it was indeed Nixon who raised the subject, it was Dean, not Nixon, who brought Hoover's name into it: "I understand that only the former director had that information". Dean may have forgotten this because Haldeman had put him down so sharply ("No, that is not true"), or he may have preferred to put the words into Nixon's mouth for other reasons. In any case, he isn't quite right.

The remainder of Dean's testimony about the meeting is no better than the parts we have examined. He mentions topics that were indeed discussed, but never reproduces the real gist of anything that was said. Surprisingly, he does *not* remember the President's actual compliment to him ("putting your fingers in the leaks") although it is a fairly striking phrase. At the end of his statement he presents the following summary:

> *Mr. Dean* "I left the meeting with the impression that the President was well aware of what had been going on regarding the success of keeping the White House out of the Watergate scandal, and I also had expressed to him my concern that I was not confident that the cover-up could be maintained indefinitely (*Ibid.*, p. 959).

The first part of this summary is fair enough: Nixon was surely "...well aware of what had been going on". The conclusion is less fair; Dean seriously – perhaps deliberately – misrepresents the optimistic predictions he had made. In fact he was *not* wise enough or brave enough to warn Nixon in September, though by June he was smart enough to wish he had done so.

The meeting of March 21

The cover-up was only temporarily successful. Although Nixon was re-elected overwhelmingly in November of 1972, Dean's problems increased steadily. There were more blackmail demands by the indicted Watergate defendants, and more investigations moving closer to the White House. Dean met frequently with Nixon, Haldeman, and the others, but their strategems were unsuccessful. Dean began to realize that he and the others were engaging in a

crime ("obstruction of justice"), and might eventually go to prison for it. He was not sure whether Nixon understood the gravity of the situation. Finally he resolved to ask the President for a private meeting at which he could lay out all the facts. This meeting took place on March 21, 1973.

Dean's autobiography (1976) relates an incident that occurred on the day before the critical meeting. When he was trying to describe the relentlessly increasing complexity of the Watergate affair to Richard Moore, another White House aide, Moore compared it to the growth of a tumor. The metaphor attracted Dean, and he resolved to use it in his report the next day: to tell Nixon that there was a "cancer" growing on the presidency. The transcript of the meeting shows that he did so. After a few minutes of conversation about the day's events, Dean and the President continue as follows:

> *D* The reason I thought we ought to talk this morning is because in our conversations I have the impression that you don't know everything I know, and it makes it very difficult for you to make judgments that only you can make on some of these targets, and I thought that –
> *P* In other words, I have to know why you feel that we shouldn't unravel something?
> *D* Let me give you my overall first.
> *P* In other words, your judgment as to where it stands, and where we will go.
> *D* I think there is no doubt about the seriousness of the problem we've got. We have a cancer within, close to the presidency, that is growing. It is growing daily. It's compounded, growing geometrically now because it compounds itself. That will be clear if I, you know, explain some of the details of why it is. Basically it is because (1) we are being blackmailed; (2) people are going to start perjuring themselves very quickly that have not had to perjure themselves to protect other people in the line. And there is no assurance –
> *P* That that won't bust?
> *D* That that won't bust (*Presidential Transcripts*, pp. 98–99).

In this first part of the March 21 meeting, Dean was alone with the President. They remained alone for about an hour, then Haldeman came in to join the discussion for another 45 minutes or so. Haldeman's entrance proved to be a critical turning point in Dean's later memory of that morning: he forgot the rest of the conversation almost completely. What he said about the first hour, in contrast, was quite accurate. Comparison of the transcript with Dean's subsequent testimony shows clear recall of the gist of what was said. One's admiration for his memory is somewhat diminished, however, by the realization that the March 21 meeting was less a conversation than the delivery of a well-prepared report. Dean did most of the talking, taking 20 minutes to describe the events before the break-in and 40 more for the cover-up. Although Nixon interjected occasional remarks, questions, or expletives, the hour stayed quite close to the script Dean had prepared for it in advance.

The difference between this meeting and that of September 15 is instructive. This one fulfilled Dean's hopes as the earlier one had not: he really did give a personal lecture to the President of the United States, talking while Nixon listened. His testimony, too long to reproduce here, highlights the meeting's didactic quality. Almost every statement begins with "I told him...", "I proceeded to tell him...", "I informed the President..." or some similar phrase. He was remembering a report that he had rehearsed ahead of time, presented as planned, and probably continued to rehearse afterwards. It became John Dean's own story; March 21 had merely been his first opportunity to tell it.

Dean's testimony includes a fragment of nearly verbatim recall that later achieved some notoriety: he quoted his own remark about the "cancer on the presidency" to the Senate Committee. This, too, was a well-rehearsed passage. We know that he prepared it in advance, and the transcript shows that he used it repeatedly. (He probably used it on other occasions as well; why let such a good phrase go to waste?) His first presentation of the simile, early in the meeting, has been quoted above. Twenty minutes later he refers back to it:

> *D* ...When I say this is a growing cancer, I say it for reasons like this... (*Ibid.*, p. 111).

and still later he brings it in obliquely:

> *D* ...we should begin to think... how to minimize the further growth of this thing... (*Ibid.*, p. 119).

Interestingly, Dean's self-quotation to the Senators was not faithful to any of these occasions:

> I began by telling the President that there was a cancer growing on the presidency and that if the cancer was not removed the President himself would be killed by it. I also told him that it was important that this cancer be removed immediately because it was growing more deadly every day (*Hearings*, p. 998).

A glance back at the excerpt from the transcript shows that Dean is once again giving himself the benefit of hindsight. He did *not* say that the President would be *killed* by the cancer, for example. By June he probably wished he had done so; I don't know whether he altered the wording in his testimony deliberately or whether his memory had already accommodated itself slightly to his self-image.

In Dean's mind, the significance of the March 21 meeting must have lain in the degree to which he dominated it. That may explain why he barely mentioned the second half of the meeting in his Senate testimony; Haldeman's entrance spoiled his private command performance. The rest of the session

was by no means uninteresting, however. What actually happened was that Nixon, Haldeman, and Dean considered various options, trying to find the best way to deal with their Watergate dilemma. One of those options was to raise money to meet the blackmail demands of the men who had already been convicted. This possibility seemed to attract Nixon; he returned to it again and again. He had already discussed it in the first hour, when only Dean was with him:

> *D* I would say these people are going to cost a million dollars over the next two years.
> *P* We could get that. On the money, if you need the money you could get that. You could get a million dollars. You could get it in cash. I know where it could be gotten. It is not easy but it could be done... (*Presidential Transcripts*, p. 110).

He seemed more enthusiastic about it than Dean himself:

> *P* Just looking at the immediate problem, don't you think you have to handle Hunt's financial situation damn soon?
> *D* I think that is – I talked with Mitchell about that last night and –
> *P* It seems to me we have to keep the cap on the bottle that much or we don't have any options (*Ibid.*, p. 112).

Later he makes it as explicit as he possibly can:

> *D* The blackmailers. Right.
> *P* Well I wonder if that part of it can't be – I wonder if that doesn't – let me put it frankly: I wonder if that doesn't have to be continued? Let me put it this way: let us suppose you get the million bucks, and you get the proper way to handle it. You could hold that side?
> *D* Uh-huh.
> *P* It would seem to me that would be worthwhile (*Ibid.*, p. 117).

Remarks like this continue to sprinkle the conversation after Haldeman joins them:

> *P* ...First, it is going to require approximately a million dollars to take care of the jackasses who are in jail. That can be arranged... (*Ibid.*, p. 127).
> ...
> *P* Now let me tell you. We could get the money. There is no problem in that... (*Ibid.*, p. 129).
> ...
> *P* I just have a feeling on it. Well, it sounds like a lot of money a million dollars. Let me say that I think we could get that... (*Ibid.*, p. 130).[1]

[1] Nixon never expressed any hesitation about making these payments, or any reluctance to meet the burglars' demands for money. He did, however, agree with Dean that their demands for *executive clemency* should not be met. At one point he said "No – it is wrong, that's for sure" about the possibility of clemency. The transcript shows no analogous statement about the blackmail payments.

These are quite remarkable things for a President to say. They would certainly seem to be memorable, and indeed Dean did not forget them. He just assigned them to a different day! Although he makes no reference to them in his testimony about March 21, his statement includes the following description of a meeting with Nixon on March 13, eight days before:

> ...It was during this conversation that Haldeman came into the office. After this brief interruption by Haldeman's coming in, but while he was still there, I told the President about the fact that there was no money to pay these individuals to meet their demands. He asked me how much it would cost. I told him that I could only make an estimate that it might be as high as $1 million or more. He told me that that was no problem, and he also looked over at Haldeman and made the same statement... (*Hearings*, p. 995).

Dean amplifies this account later during cross-examination:

> ...We had also had a discussion on March 13 about the money demands that were being made. At the time he discussed the fact that a million dollars is no problem. He repeated it several times. I can very vividly recall that the way he sort of rolled his chair back from his desk and leaned over to Mr. Haldeman and said "A million dollars is no problem" (*Ibid.*, p. 1423).

It is hardly surprising that Dean remembered these million-dollar statements, especially since Nixon repeated them so often. It *is* a little surprising that he put them into the wrong conversation. (There is a transcript of the March 13 meeting, and it shows no such remarks by the President.) Evidently Dean's improvised method of temporal loci, based on newspaper clippings, did not work as well as his exchange with Senator Inouye had suggested. His ego got in the way again. The March 21 meeting had been the occasion for his own personal report to the President; he could not suppose that anything else worth mentioning had happened. Other memories were shifted to another day if they survived at all.

Nixon's eagerness to pay the blackmail money was not the only part of the conversation to suffer this fate. Dean even displaced one of his own jokes; a joke that had drawn a response from Haldeman if not from Nixon. They were discussing various illegal ways of "laundering" the blackmail money so it could not be traced:

> *D* And that means you have to go to Vegas with it or a bookmaker in New York City. I have learned all these things after the fact. I will be in great shape for the next time around!
> *H* (Expletive deleted) (*Presidential Transcripts*, p. 134).

That may not have been the only time Dean used this wisecrack; he probably enjoyed describing himself as increasingly skilled in underworld techniques. Certainly he didn't mind repeating it to the Senators, though his statement assigns it, too, to March 13 rather than March 21:

> ...I told him I was learning about things I had never had before, but the next time I would certainly be more knowledgeable. This comment got a laugh out of Haldeman (*Hearings*, p. 996).

It isn't very funny.

Implications for the Psychology of Memory

Are we all like this? Is everyone's memory constructed, staged, self-centered? And do we all have access to certain invariant facts nevertheless? Such questions cannot be answered by single case histories. My own guess – and it is only a guess – is that reconstruction played an exaggerated part in Dean's testimony. The circumstances and the man conspired to favor exaggeration. The events *were* important; his testimony *was* critical; its effect *was* historic. Dean was too intelligent not to know what he was doing, and too ambitious and egocentric to remain unaffected by it. His ambition reorganized his recollections: even when he tries to tell the truth, he can't help emphasizing his own role in every event. A different man in the same position might have observed more dispassionately, reflected on his experiences more thoughtfully, and reported them more accurately. Unfortunately, such traits of character are rare.

What have we learned about testimony by comparing "the human tape recorder" with a real one? We are hardly surprised to find that memory is constructive, or that confident witnesses may be wrong. William Stern studied the psychology of testimony at the turn of the century and warned us not to trust memory even under oath; Bartlett was doing experiments on "constructive" memory fifty years ago. I believe, however, that John Dean's testimony can do more than remind us of their work. For one thing, his constructed memories were not altogether wrong. On the contrary, there is a sense in which he was altogether right; a level at which he was telling the truth about the Nixon White House. And sometimes – as in his testimony about March 21 – he was more specifically right as well. These islands of accuracy deserve special consideration. What kinds of things did he remember?

Dean's task as he testified before the Senate Committee was to recall specific well-defined conversations, "...conversations which took place months ago". This is what witnesses are always instructed to do: stick to the

facts, avoid inferences and generalizations. Such recall is what Tulving (1972) called *episodic;* it involves the retrieval of particular autobiographical moments, individual episodes of one's life. Tulving contrasted episodic memory only with what he called *semantic* memory, the individual's accumulated store of facts and word meanings and general knowledge. That concept seems inadequate as a description of data such as these. Dean's recollection of Nixon's remarks about the million dollars was not merely semantic: he talked as if he were recalling one or more specific events. I doubt, however, that any of those events was being recalled uniquely in its own right. A single such episode might not have found its way into Dean's testimony at all. What seems to be specific in his memory actually depends on repeated episodes, rehearsed presentations, or overall impressions. He believes that he is recalling one conversation at a time, that his memory is "episodic" in Tulving's sense, but he is mistaken.

He is not alone in making this mistake. I believe that this aspect of Dean's testimony illustrates a very common process. The single clear memories that we recollect so vividly actually stand for something else; they are "screen memories" a little like those Freud discussed long ago. Often their real basis is a set of repeated experiences, a sequence of related events that the single recollection merely typifies or represents. We are like the subjects of Posner and Keele (1970) who forgot the individual dot patterns of a series but "remembered" the prototypical pattern they had never seen. Such memories might be called *repisodic* rather than episodic: what seems to be an episode actually *re*presents a *re*petition. Dean remembers the million-dollar remark because Nixon made it so often; he recalls the "cancer" metaphor because he first planned it and then repeated it; he remembers his March 21 lecture to the President because he planned it, then presented it, and then no doubt went over it again and again in his own mind. What he says about these "repisodes" is essentially correct, even though it is not literally faithful to any one occasion. He is not remembering the "gist" of a single episode by itself, but the common characteristics of a whole series of events.

This notion may help us to interpret the paradoxical sense in which Dean was accurate throughout his testimony. Given the numerous errors in his reports of conversations, what did he tell the truth about? I think that he extracted the common themes that remained invariant across many conversations and many experiences, and then incorporated those themes in his testimony. His many encounters with Nixon were themselves a kind of "repisode". There were certain consistent and repeated elements in all those meetings; they had a theme that expressed itself in different ways on different occasions. Nixon wanted the cover-up to succeed; he was pleased when it went well; he was troubled when it began to unravel; he was perfectly willing to

consider illegal activities if they would extend his power or confound his enemies. John Dean did not misrepresent this theme in his testimony; he just dramatized it. In memory experiments, subjects often recall the gist of a sentence but express it in different words. Dean's consistency was deeper; he recalled the theme of a whole series of conversations, and expressed it in different events. Nixon hoped that the transcripts would undermine Dean's testimony by showing that he had been wrong. They did not have this effect because he was wrong only in terms of isolated episodes. Episodes are not the only kinds of facts. Except where the significance of his own role was at stake, Dean was right about what had really been going on in the White House. What he later told the Senators was fairly close to the mark: his mind was not a tape recorder, but it certainly received the message that was being given.

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Résumé

John Dean, l'ancien conseiller du Président Nixon, a témoigné devant le Comité Sénatorial sur l'affaire Watergate au sujet de conversations dont on a constaté plus tard qu'elles avaient été enregistrées. La comparaison du témoignage de J. Dean et des transcriptions indique des distortions systématiques à un

certain niveau d'analyse et une grande précision à un autre niveau. De nombreuses distortions sont liées à l'image que Dean a de lui-même, il tend à se rappeler son rôle comme plus central qu'il ne l'était en fait. Par contre, sa mémoire pour l'essentiel des conversations est pauvre sauf dans les cas ou celle-ci a été fréquemment repétée ou signalée préalablement. Alors que son témoignage est entaché d'erreurs quand il s'agit de conversations particulières qu'il essaie de décrire, Dean est fondamentalement correct à propos de ce qui s'est passé: l'existence d'une "couverture" et la participation de plusieurs personnes à celle-ci. Ce témoignage est donc précis à un niveau qui n'est ni "sémantique" (puisque Dean décrit manifestement des épisodes particulières) ni "épisodique" (puisque son compte-rendu des épisodes est souvent faux). Le terme "repisodic" a été crée pour décrire de tels souvenirs, il semble qu'un épisode dont on se souvient consiste en une série d'évenements reflétant un état de fait authentique.