

The Crucial Witness

John Wesley Dean 3d

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WASHINGTON, June 25 — Until last spring, until the base of the Watergate iceberg surfaced, John Wesley Dean 3d, basked in his own notion of success.

Inside the Nixon circle he ranked nowhere near the top on scales of power and independence. In fact it is difficult now to determine what impact the smiling young lawyer made on the Administration. But he relished his imposing title—counsel to the President—even though he rarely counseled the President on important matters. And his trappings advertised a man who had made it to the top.

In one of many \$200 suits, he drove a maroon Porsche 911 to the White House each day from his townhouse in Alexandria, Va., overlooking the Potomac. He and his beautifully groomed, blonde wife, Maureen, sailed their 20-foot boat on the Chesapeake Bay on weekends. There were vacations in the Mediterranean and the Philippines.

Now, discharged from his position, he is locked in an epic struggle with the President over White House involvement in the Watergate affair. Fighting to stay out of prison for his role in the Watergate cover-up, Mr. Dean, who is 34 years old, took the stand today as the star witness in the hearings of the Senate Select Committee on Watergate.

Mid-America Background

Colleagues, friends and enemies have searched for the ingredients that distinguished John Dean in the plentiful ranks of young lawyers in Washington, and led Mr. Nixon to appoint him Presidential counsel—a position often reserved in previous Administrations for some of the finest minds in the country.

All agree that he is bright, but not brilliant, that he works hard, and with a certain charm. But did he claw his way up, chronically using people and turning on them—as he has turned against the Administration—for immediate advantage? Or was he, rather—as his Watergate testimony today suggested—a mere ornament, a man who

was used by the real powers in the Administration?

Friends say he was manipulated; foes say he was always a manipulator himself. Both may be partly right.

John Dean's roots sprouted in solid Nixon country—mid-America and society—upper middle class. His father was a middle-level executive at the Firestone Tire and Rubber Company in Akron, Ohio, when Mr. Dean was born on Oct. 14, 1938, and provided his only son with more than a few advantages.

But young Dean left no distinguished academic record behind at any of the schools he attended as he floundered in choosing his directions—not at Staunton Military Academy in Virginia (where he roomed with Barry Goldwater Jr., now a Representative from California); not at Colgate University; not at American University; not at Wooster College, where he earned a bachelor of arts degree in 1961; and not at Georgetown Law School, where he attained his law degree.

"Average" is the common term used by the professors and classmates who recall John Dean.

Wed Senator's Daughter

He did possess a boyish smile, a trim physique and gentle manner, which attracted Karla Hennings, among others, the daughter of Senator Thomas Hennings, Republican of Missouri. Mr. Dean's marriage to Miss Hennings ended in divorce, but his association with Senator Hennings—a highly respected member of the Judiciary Committee who died in 1960—gained him entree to many of the power centers in Washington.

Thus, when he graduated from Georgetown Law School, he was hired by the law firm of Welch and Morgan because, as one member put it, "he was Tom Henning's son-in-law." Edward P. Morgan, the senior partner who hired Mr. Dean, had been a friend of Senator Hennings.

After only six months as an associate in the law firm, Mr. Dean was dismissed. Vincent B. Welch, senior partner in the firm, which specializes in television li-

censing, charged Mr. Dean with "unethical conduct"—a phrase he later softened to "basic disagreement" over policy.

The problem, in any event, was that Mr. Dean, while preparing a St. Louis television application for Mr. Welch was, at the same time, privately working on a rival application with friends.

Another Welch and Morgan lawyer says that Mr. Dean had already decided to leave the firm before he was dismissed.

"John realized his strongest talents couldn't be brought to bear" in private practice, said the lawyer. "What dis-

tinguished John was the combination of a shrewd judgment of people, with a very pleasant manner. He knew it to be one of his marketable capabilities."

The market that beckoned was politics, and Mr. Dean quickly sold himself as minority counsel on the House Judiciary Committee.

"I knew what happened at Welch and Morgan," said former Representative William M. McCulloch of Ohio, who, as ranking minority member of the committee, hired Mr. Dean.

"I knew something about the charges," he added, "but he wasn't going to have the opportunity to carry that on with me. He was subject to my wishes at all times."

"John Dean was a handsome young man, a well dressed person, who knew how to use the English language," Mr. McCulloch went on. "He made a good impression on me and I suppose the old school tie [Wooster College in Ohio, from which Mr. McCulloch also graduated] had a little influence on me."

During Mr. Dean's year on the committee, he impressed Mr. McCulloch as an "able, perceptive young man," but "so far as I was concerned, he was never tested."

In Mr. Dean's year on Capitol Hill he made a valuable friend, however, in Republican Representative Richard Poff, now a justice on the Virginia Supreme Court and once considered by President Nixon for appointment to the United States Supreme Court.

Mr. Poff made Mr. Dean associate director of the National Commission on the Reform of Federal Criminal Laws.

Proposal That Came Back

One of the projects Mr. Dean worked on during his two years on the commission was the proposal that gave birth to the provision in the Omnibus Crime Control Act of 1970 allowing prosecutors to grant "limited immunity" to witnesses.

"Use immunity," as it is also known, prevents the Watergate prosecutors from using Mr. Dean's testimony before the Senate committee against him unless they can establish the evidence independently.

Louis B. Schwartz, now a professor of law at the University of Pennsylvania, who served on the commission, said he was "unimpressed by any great principles" Mr. Dean held.

Mr. Dean, he explained, "knows there is an exception to everything." Professor Schwartz said that Mr. Dean kept an "open mind" and was "flexible" and had changed his position, for example, from approval to disapproval of capital punishment.

In his spare time, Mr. Dean worked on position papers on crime for Richard M. Nixon during the 1968 Presidential campaign.

Law and order was a major issue, and Mr. Poff knew John N. Mitchell, who was about to become Attorney General. In February, 1969, Mr. Dean was named Associate Deputy Attorney General and designated the Justice Department's liaison with Congress.

Assist From War Critics

Before the big antiwar demonstration here in 1969, Mr. Dean negotiated with the protest leaders, dickering over routes and the parade permit. The Administration had predicted mass violence. And when the troubles proved minimal, Mr. Dean was given a piece of the credit.

The next summer, when John D. Ehrlichman, then the President's chief domestic adviser, looked around for someone to take his old title of counsel, Mr. Dean was one of the few possibilities.

In June, 1970, John Dean joined the flock of bright young men in the White House—men beholden to the President and his chief lieutenants for their authority and chance of advancement. They were not men who had known distinction before

they were chosen to serve the President. They were grateful and they were dili-

Mr. Dean plowed through his assignments, which included handling some personal affairs for the President and interviewing candidates for nomination to the Supreme Court. He earned the reputation of an expert on the unwritten doctrine of executive privilege.

In 1972 his chores came to include such things as sitting in with Mr. Mitchell on meetings to plan espionage against Democrats and ordering E. Howard Hunt Jr. flee the country.

The prospect of jail is a powerful influence on men. In John Dean's case it has done many things—it has fired him out of anonymity into the most dramatic solo role in the Watergate story so far, and into a showdown confrontation with the most powerful office in the world.