

SUBPOENA ISSUE IS NOT RESOLVED

Dean Pressed by Senators for Statements That Might Draw Presidential Reply

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Strategy aimed at making it increasingly difficult for President Nixon to refuse to testify on his own behalf before the Senate Watergate committee unfolded during the committee's hearings today.

Both the Democratic chairman, Senator Sam J. Ervin Jr. of North Carolina, and the Republican vice chairman, Senator Howard H. Baker Jr. of Tennessee, pressed John W. Dean 3d, former counsel to the President, for concise statements of possible Nixon involvement that might compel a personal rebuttal.

The Senators appeared to be setting the stage for a committee offer to the President to appear and discuss the White House Watergate cover-up that Mr. Dean has been describing for the last four days.

While the issue of whether the President should be subpoenaed or invited to appear before the committee remained unresolved, Senator Ervin left no doubt that he believed any credible rebuttal would have to be given under oath, rather than to take the form of a written statement or news conference interrogation.

"I will ask you as a lawyer," Senator Ervin said to Mr. Dean, "if the experience of the English-speaking race, both in its legislative bodies and its courts, has not demonstrated that the only reliable way in which the credibility of a witness can be tested is for that witness to be interrogated under oath and have his credibility determined not only by what he says but by his conduct and demeanor while he is saying it . . .?"

"That is correct," the witness replied.

"Is there any way whatsoever to test the credibility of anybody when the credibility has to be judged merely upon the basis of a written statement?" the Senator continued.

"No, sir," Mr. Dean responded.

The Matter 'Contained'

Under questioning by Senator Baker, Mr. Dean described a meeting with the President in the Oval Office in the White House on Sept. 15, 1972, three months after the Watergate break-in, at which he reported to Mr. Nixon that "the matter had been contained."

The President has said that he was unaware of any effort to protect him or any other Administration officials from implication in the Watergate affair until March 21, 1973.

Mr. Dean said that he could not remember any reaction to his statement by the President or H. R. Haldeman, then the White House chief of staff, who Mr. Dean said was also present in the oval office. Then Senator Baker inquired about "the state of the knowledge" of the President and Mr. Haldeman about the subject under discussion.

Hurdles to Be Leaped

"Everyone seemed to understand what I was talking about," Mr. Dean replied. "It didn't evoke any questions, and I was going on to say that I didn't think it could be contained indefinitely.

"I said that this is—you know—there are a lot of hurdles that have to be leaped down the road before it will definitely remain contained, and I was trying to tell the President at that time that I was not sure the cover-up even then would last indefinitely."

The tenor of committee interrogation today indicated that the members, or at least Senators Ervin and Baker, would not be content if the President responded to the charges against him at a news conference.

Melvin R. Laird, the new counselor to the President, said yesterday that Mr. Nixon was willing to answer all questions raised about his conduct in the Watergate hearings at a news conference after the major witnesses had testified.

Thus the forum for any personal statement by the President remained in doubt. The Ervin Committee has two available options: Issuing a subpoena to compel Mr. Nixon's presence at a hearing, or inviting him to appear voluntarily, but presumably to testify under oath and to submit to cross-examination by the Senators.

Could Refuse Questions

If the President refuses to honor a subpoena or to appear on his own volition, he can still attempt to counter charges made this week by Mr. Dean and any others that might yet come by holding a news conference, as Mr. Laird suggested, or by issuing still further statements without agreeing to answer any questions about them. The last has been his policy since the Senate hearings began.

Senator Baker noted that the committee expected to take testimony from Mr. Haldeman, but he added: "I am not prepared to say at this point how we may be able to gain access of the President's knowledge and perception of that meeting" on Sept. 15.