

F Post 10/25/74

Dean described as less than 'lily-white angel'

WASHINGTON (AP) — U.S. District Judge John J. Sirica Thursday described John W. Dean III, the prosecution's chief witness in the Watergate cover-up trial as less than a "lily-white angel in this case."

As the jurors listened, Sirica said it is up to them to decide what parts of Dean's testimony to believe.

On a day marked by several heated exchanges among prosecution and defense lawyers quarreling over Dean's credibility on the stand, Sirica said:

"I don't think anyone is trying to paint this gentleman as a lily-white angel in this case. Let's be frank about it, he has already confessed to what he did.

Assistant Special Prosecutor James S. Neal then added, "And he's paying for it."

As the 18th day of the trial closed, Watergate prosecutors disclosed that their next witness will be convicted Watergate conspirator E. Howard Hunt.

At one point during the defense cross-

examination of Dean, and after an exchange among lawyers, Sirica said he was worried about the mood inside his courtroom.

"I consider this a serious case and I don't want this case to have what I call a carnival atmosphere to it."

William G. Hundley, attorney for defendant John N. Mitchell, through his questioning of Dean, has attempted to portray the former attorney general as a man whom senior White House aides tried to force to take the blame for Watergate.

The prosecutors contested that on Thursday and were asked by Hundley if they planned to make a serious attempt to demonstrate that Mitchell remained a part of the cover-up conspiracy under protection of the White House.

Neal answered, "Our position is that for awhile they tried to keep everybody out of trouble, including Mr. Mitchell. But finally they decided to let Mr. Mitchell go to save the rest."

At the time of the Watergate break-in, Mitchell was director of former President Richard M. Nixon's 1972 re-election committee.

The lawyer for defendant John D. Ehrlichman demonstrated during his cross-examination that Dean shredded two notebooks belonging to Hunt when they were sought by the original Watergate prosecutors.

During his second round of questioning of Dean, Neal drew from Dean the acknowledgment that Ehrlichman suggested that Dean toss a suitcase full of wiretap equipment belonging to Hunt into the Potomac River.

Establishing the variation in ages between Dean, who is 36, and Ehrlichman, who is 49, Neal asked Dean:

"Who in your young life first suggested that you destroy certain evidence?"

Dean: "Mr. Ehrlichman."

See DEAN, page A-7

Neal asked if Ehrlichman was and is a lawyer, and Dean answered, "Yes, sir."

Dean is currently serving a four-year prison term for his own part in the cover-up. He has been on the witness stand for six days testifying about the involvement of the defendants, three of whom were, like Dean, close assistants to former President Richard M. Nixon. All the defendants are charged with conspiracy to obstruct justice.

Sirica's characterization of Dean was prompted by the roughest cross-examination the former White House counsel has been subjected to so far.

William S. Frates, the principal lawyer for defendant John D. Ehrlichman, focused on a series of incidents in Dean's White House career reflecting directly on his character and honesty.

Repeatedly, Dean readily admitted to destroying evidence needed for the original Watergate trial and coaching witnesses, who later committed perjury before grand juries investigating Watergate and the break-in at Daniel Ellsberg's psychiatrist's office.

Frates sought to portray Dean as playing an active role in the planning of the intelligence plan which resulted in the June 17, 1972, break-in at Democratic

National Committee headquarters.

Before Watergate prosecutors objected, Frates repeatedly asked Dean if there were not four meetings, instead of two, at which the so-called "Liddy Plan" was discussed with Dean present.

Dean acknowledged that the meetings occurred, but contended that he did not play an active role in any of the discussions.

At that, Sirica lectured the courtroom on his own views of the origins of Watergate.

"I suppose a judge shouldn't say anything, because every time I say something people put the wrong interpretation on it," Sirica said. "Maybe I shouldn't say what is on my mind."

But then Sirica reversed himself, saying, "I'll tell you what is on my mind.

"It's too bad that Mr. Mitchell didn't say throw them out of here. Get them out

fast and you wouldn't be in this courtroom today."

Sirica referred to a meeting in the office of defendant and former Atty. Gen. John N. Mitchell in which convicted Watergate conspirator G. Gordon Liddy proposed the intelligence plan which ended up as the Watergate burglary.

While Sirica's comment about the Liddy plan was made with the jury out of the courtroom, his reference to Dean was made in their hearing.

Meanwhile, it was disclosed that defense lawyers asked that a reference to Prime Minister Pierre Trudeau of Canada as an "asshole" be attributed to Nixon instead of defendant H. R. Haldeman.

The issue arose Monday when the jury heard a March 22, 1973, tape which records a meeting among Nixon, Haldeman, Ehrlichman, Mitchell and Dean.

As they discussed Watergate, Nixon attempts to place a call to Trudeau through a White House telephone operator.

Shortly afterward, a voice is heard saying, "Asshole Trudeau."

At a courtroom meeting out of the jury's hearing, Haldeman's lawyer, Frank Strickler, asked Sirica to change the transcript which attributes the name-calling to Haldeman.

The matter was left unresolved, however, because Asst. Special Prosecutor Richard Ben-Veniste never agreed that his office misapplied the quote.

During cross-examination, Dean acknowledged playing what he called "devil's advocate" when former Nixon reelection committee official Jeb S. Magruder went through a dry run of his testimony before a Watergate grand jury.