

Senate Panel Calls Dean In a Challenge to Nixon

Judiciary Unit Votes, 16 to 0, to 'Invite' President's Legal Counsel to Testify in Inquiry on F.B.I. Nomination

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WASHINGTON, March 13—The Senate Judiciary Committee, in a direct challenge to President Nixon, voted unanimously today to call his chief legal counsel, John W. Dean 3d, as a witness at its hearings on the nomination of L. Patrick Gray 3d to become director of the Federal Bureau of Investigation.

The vote of 16 to 0 to "invite" Mr. Dean to testify, taken in a closed meeting of the committee, came a day after Mr. Nixon said in a policy statement that members of his personal staff would decline all requests for formal appearances before Congressional committees.

Mr. Nixon did not mention Mr. Dean in the statement, but he said earlier this month, "No President could ever agree to allow the counsel to the President to go down and testify before a committee."

The Judiciary Committee's request falls short of the authority of a subpoena, and committee members declined to say

today what steps they would take if the White House continued to refuse to make Mr. Dean available.

The Committee decision was taken by nine Democrats and seven Republicans.

Senator John V. Tunney, a California Democrat who offered the motion approved today, said he believed it was "quite improbable" that the committee would vote to confirm Mr. Gray in the absence of testimony by Mr. Dean on a number of points raised in the previous two weeks of hearings on the nomination.

Senator Edward M. Kennedy, Democrat of Massachusetts, added he was "hopeful" that Mr. Nixon, despite his previous statements, would "see the importance" of permitting Mr. Dean to attend.

"I think Mr. Gray's entitled to it," Senator Kennedy said. "Mr. Gray has been responsive, but now it's for Mr. Dean to respond on a number of areas

that have been unresolved."

Senators Tunney and Kennedy have led committee Democrats in accusing Mr. Gray of being too closely associated with the White House and the Republican party.

Senator Mike Mansfield of Montana, the majority leader, indicated before the committee vote that the request to Mr. Dean would have the approval of the Democratic leadership. Asked whether he thought that the Gray nomination should be held up until a special Senate investigation on the bugging of he Democrats was complete, he replied, "I would think so, but that's a question for the Judiciary Committee to decide."

The committee's hearings have focused mainly on Mr. Gray's direction of the F.B.I.'s investigation of the Watergate case, in which two members of Mr. Nixon's campaign staff were found guilty of conspiring to tap telephones of the Democratic party during last year's campaign. In addition, E. Howard Hunt Jr., a former White House consultant, and four other men pleaded guilty to the same charges.

Mr. Gray has told the committee that he sent a number of reports relating to the bureau's Watergate investigation to Mr. Dean, who was named by President Nixon to head a separate inquiry into the incident.

Mr. Gray has disclosed that among the documents he supplied at Mr. Dean's request were more than 80 reports of the substance of bureau interviews made in connection with the case.

In a number of cases, Mr. Gray said last week, employees of the Committee for the Re-election of the President asked for additional, private sessions with Federal agents after having been "officially" interviewed in the presence of lawyers for the committee.

At least three reports from individuals requesting such confidential interviews, he said, were among those he sent to Mr. Dean at the White House.

Senator Birch Bayh, Democrat of Indiana, released yesterday an affidavit from one of the three, Judith Hoback, who served in the campaign as an assistant to the Nixon finance committee treasurer, Hugh W. Sloan Jr.

In the sworn document, Mrs. Hoback said that "within 48 hours" of her second confidential interview she was called into the office of a Nixon campaign official where committee lawyers were also present. One of them, she related, "said words to the effect of 'I hear you have been talking to the F.B.I.'"

"To my knowledge, I had not informed anyone of my interviews with the F.B.I. and the interviews were in confidence, and no one else knew," she said.

Gerald Warren, deputy White

House press secretary, told newsmen today that, after speaking with Mr. Dean about the matter this morning, "I can state categorically, Mr. Dean did not supply any information regarding the lady."

"He could not do that because he had not received any information," Mr. Warren said, adding that "a careful reading" of newspaper accounts "would indicate that."

33 Gray-Dean Talks

At the Judiciary Committee's request, Mr. Gray supplied yesterday a list of his contacts with Dr. Dean, both in person and by telephone, from June to September last year. The list shows that he and Mr. Dean met or talked 33 times in that period.

Many of the conversations carry the notation that they dealt with the leaking of details of the bureau's investigation to the media, but one, on July 26, is listed as a request by Mr. Dean for the interview reports, which the list shows were sent to him on July 28.

A spokesman for the Nixon re-election committee said today that information that Mrs. Hoback "had had a private discussion with the F.B.I. did not come from F.B.I. sources at all," but rather "from employees of the committee, with whom she had discussed her separate interviews."

The Judiciary Committee voted today to call Mrs. Hoback as a witness when hearings resume. It also decided to call Thomas Lumbard, a former Treasury and Justice Department lawyer who has alleged that Mr. Dean worked closely with G. Gordon Liddy, a counsel to the Nixon campaign's finance committee who was one of the men convicted in the Watergate trial.