

Dean Held Liable to Hill Quiz

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A Justice Department spokesman said yesterday that White House aides could not invoke executive privilege to steer clear of a direct congressional investigation of "wrongdoing" on their part.

Under steady questioning by a House subcommittee yesterday morning, Deputy Assistant Attorney General Mary C. Lawton said, for example, that the privilege would not cover counsel to the President John W. Dean III "if" he obstructed justice during the FBI's investigation of the Watergate scandal.

"Isn't it a crime to lie to the FBI?" Rep. Paul N. McCloskey Jr. (R-Calif.) demanded. He recalled that Acting FBI Director L. Patrick Gray III told the Senate Judiciary Committee recently that Dean "probably lied to the FBI last summer in professing not to know whether Watergate conspirator E. Howard Hunt had a White House office."

Lawton, who testified as the administration's official spokesman on the controversial executive-privilege issue, said that Dean was "not under oath" during the conversation in question. She added that "Mr. Dean is not under investigation for a crime that I know of."

McCloskey then asked if it weren't a crime to obstruct, impede or interfere with an FBI investigation.

Lawton said that it was, and added that "if there were an investigation and inquiry into crimes by Mr. Dean," Congress could properly demand his appearance.

See PRIVILEGE, A18, Col. 1

Privilege Doesn't Cover Wrongdoing, Hill Told

PRIVILEGE, From A1

"If you are inquiring into their commission of a crime specifically, then the privilege does not apply," she said of presidential aides.

But she told reporters later that the President alone has the prerogative of deciding whether there has been any wrongdoing and therefore of determining whether to invoke the privilege.

After Gray's affirmation last month that Dean "probably" lied to the FBI, the White House issued a statement assailing such talk and declaring that "Mr. Dean flatly denies that he ever misled or . . . lied to an agent of the FBI." The White House said the question asked of him was whether FBI agents could visit Hunt's office in the Executive Office Building and not whether Hunt ever had such an office.

Dean had already declined an invitation from the Senate Judiciary Committee to testify at the hearings on Gray's FBI nomination, citing President Nixon's March 12 policy statement that he could not permit a formal congressional appearance by any members of his personal staff, past or present.

The presidential counsel was subsequently invited to testify before the House subcommittee headed by Rep. William S. Moorhead (D-Pa.) under ground rules that would have confined the questioning to

the doctrine of executive privilege and that would have made any questions about the Watergate case out of bounds.

Dean formally notified the subcommittee yesterday afternoon that he was not coming, invoking the privilege "as a member of the President's personal staff . . ." He said the Justice Department would prove "fully competent to present the administration position as well as the historic background of the doctrine."

As that spokesman, Lawton voiced the administration's strong opposition to a bill sponsored by Rep. John N. Erlenborn (R-Ill.) and other House Republicans to limit the privilege to policy recommendations whose disclosure would "seriously jeopardize the national interest . . ."

She said the privilege was "grounded in the Constitution" and could not be limited in any way by congressional legislation.