

DEAN TELLS PLAN TO SAVE HIMSELF

OCT 24 1974

He Joined a Move to Have Mitchell Take Blame for Break-In at Watergate

NYTimes

By LESLEY OELSNER

Special to The New York Times

WASHINGTON, Oct. 23 —

John W. Dean 3d admitted today after repeated questioning that to save himself he had joined in a plan to have John N. Mitchell take the blame for the Watergate break-in.

He did so, Mr. Dean said, even though he had no evidence that Mr. Mitchell had approved the bugging plan that led to the break-in.

Mr. Dean made his admissions in his second day of cross-examination at the Watergate cover-up trial, where he is the chief prosecution witness, and Mr. Mitchell and four other one-time White House and campaign aides to former President Richard M. Nixon are the defendants.

A 'Court Witness'

It was a day marked by a series of heated arguments between lawyers for the prosecution, lawyers for the defense and, often, Judge John J. Sirica, the presiding judge.

Also during the day, the chief prosecutor, James F. Neal, told the court that a number of Government witnesses, not including Mr. Dean, might be giving accounts that were only 75 or 85 per cent true.

Judge Sirica, for his part, said that Mr. Nixon might be called as a "court witness" rather than as a witness for any of the parties, a legal procedure in which "nobody would

Continued on Page 22, Column 4



John J. Wilson, defending H. R. Haldeman, questioning John W. Dean 3d yesterday

DEAN TELLS PLAN TO SAVE HIMSELF

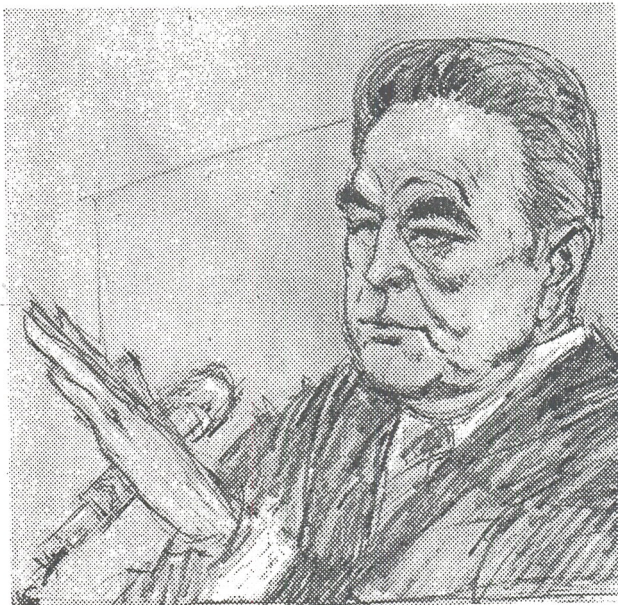
Continued From Page 1, Col. 5

have to vouch for his credibility."

He also told the lawyers and everybody else crowded into his small courtroom at the United States Courthouse here that he was "not trying to try this case on strict rules of evidence."

He turned to the jurors at one point and told them that he wanted to get the full story about Watergate, and that one word summed up the case—truth. Then he spelled it out "t-r-u-t-h."

The defense lawyers repeatedly complained about some of Judge Sirica's rulings. At one point, the judge allowed Mr.



Drawings for The New York Times by JOHN DALY HART

Judge John J. Sirica presiding at yesterday's session

Neal to interrupt the cross-examination and ask Mr. Dean some questions of his own.

John J. Wilson, one of the attorneys for H. R. Haldeman, former chief of staff to Mr. Nixon, objected that Judge Sirica allowed this deviation from regular practice whenever some matter came up that was "sensitive" to the Government.

Another defense lawyer, William S. Frates, accused the prosecutors of making faces while defense lawyers spoke in an effort to sway the jury.

The prosecutors made countercharges. Mr. Neal, in the morning session, said that the defense was trying to give the jury the false impression that the Government was offering the jury only tape recordings that it liked and withholding ones it did not like.

And through it all, Mr. Dean, once Mr. Nixon's counsel at the White House and now an inmate at a Federal prison because of his confessed role in Watergate, kept his composure.

Mr. Dean made his admissions about Mr. Mitchell, the former Attorney General, under great pressure from Mr. Mitchell's attorney, William G. Hundley. For a while, he tried to justify his attempt to blame Mr. Mitchell by contending that Mr. Mitchell wanted to do the same to him.

Earlier Testimony Recalled

Mr. Dean had testified earlier about a meeting he held in mid-March, 1973, with Mr. Haldeman and John D. Ehrlichman, Mr. Nixon's former domestic adviser and also a defendant at the trial. At the meeting, Mr. Dean had testified, a plan "evolved in which Mr. Mitchell would be asked to step forward and take the blame for Watergate."

"You joined in the plan," Mr. Hundley asked today, to "save yourself?"

It would have saved "everyone at the White House," the witness replied.

"You had no real evidence that Mr. Mitchell authorized this bugging?" Mr. Hundley went on.

"No sir, not direct evidence."

"Yet you joined in a plan that he come forward—to save yourself?"

"Yes, sir."
Well, Mr. Hundley asked, "John Mitchell never asked you to bite the bullet for him, did he?"

Mr. Hundley, setting up the questions the way he did, presumably expected "no" for an answer. Mr. Dean surprised him—apparently many others in the courtroom, who started at the response. He said, "Yes, he did."

Mr. Hundley paused for a moment. Then he asked Mr. Dean to elaborate. All Mr. Dean could say, it turned out, was that on two occasions Mr. Mitchell had expressed some concern to him about the possibility that Mr. Mitchell and Mr. Dean might be giving different accounts of meetings that were held in Mr. Mitchell's office in the winter of 1972 and involving discussions of illegal bugging operations.

"Did John Mitchell ever ask you to step forward so he might be saved?" Mr. Hundley asked then.

"No, sir, he didn't," Mr. Dean replied.

Earlier in the day, under questioning by Mr. Wilson, Mr. Dean admitted to various mistakes in testimony that he had given at the Senate Watergate hearings in 1972. Essentially, the mistakes involved Mr. Dean's giving inaccurate dates for some of the meetings with Mr. Nixon, particularly statements that he had attributed

to meetings on Feb. 27 and March 13.

It was this exchange that caused one of the loudest arguments of the day, with Mr. Wilson, Mr. Neal and Judge Sirica all raising their voices.

Mr. Wilson asked Mr. Dean if he had realized, after listening to White House tapes and reading transcripts of the tapes, that some of his Senate testimony was wrong.

Couldn't Find Statements

Mr. Dean started off by saying that he had not found in the transcripts some of the remarks that he had recollected being said at the meetings in question.

Asked whether he had then told Mr. Neal that the transcripts showed that his testimony had been wrong, Mr. Dean said that he had told Mr. Neal that he could not find these various statements in the transcripts and thus could not vouch for their accuracy.

Mr. Neal, he said, had then said that the tapes would not be used at trial.

The argument began. Mr. Wilson wanted to continue with his questioning to show that Mr. Dean had given mistaken testimony to the Senate.

Mr. Neal wanted it made clear that the only reason the tapes were not being played was that the Government needed Mr. Dean to vouch for the tapes before they could be admitted.

Judge Sirica said that Mr. Wilson should not be able to "argue to this jury that this man went up to the Senate committee and say he gave false information when you will not let the tape be played."

The judge prevailed upon the defense attorneys to waive whatever objections they might have to introducing into evidence tapes of the disputed conversations. It was arranged that the tapes would be played.

Basically, Mr. Dean stood by the factual account of the Watergate cover-up that he gave on direct examination, in which he incriminated to varying degrees all five defendants—Mr. Mitchell, Mr. Haldeman, Mr. Ehrlichman, Robert C. Mardian and Kenneth Wells Parkinson.

Mr. Mardian is a former Assistant Attorney General and Mr. Parkinson a former counsel to the Nixon re-election committee.

Mr. Hundley elicited from Mr. Dean the testimony that Mr. Dean had heard Mr. Mitchell disapprove of various other schemes coming out of the White House before the break-in of the Democratic headquarters in the Watergate complex on June 17, 1972.

Lawyer Is Concerned

Mr. Neal's comments about the possibility that some of his witnesses might lie came after Judge Sirica told the jury this morning that when the Government put a witness on the stand it was "vouching" for the truth of what the witness said.

"We're concerned with Your Honor's statements," Mr. Neal said. "There are numerous witnesses we may put on the stand."

"At times," the Government may think they are telling the truth, he said, but "at times," perhaps, only part of the truth.

Judge Sirica asked whether the Government could not call some witnesses as "hostile witnesses," the procedure in which the Government would not have to vouch for the witness because the witness was considered not friendly to the Government.

"Your Honor knows the history of Watergate," Mr. Neal replied, and it's not a history of everyone telling the same thing."

The prosecutor repeated an earlier suggestion that the Court call some witnesses itself—a procedure under which no one would vouch for the testimony.

The judge countered by noting that Mr. Neal had said he was vouching for Mr. Dean. But, as for certain other witnesses, he went on, such as one of the convicted Watergate burglars, he would not expect the Government to contend that everything the witness said was true.

The discussion moved back to the subject of "court witnesses." William S. Frates, one of the attorneys for John D. Ehrlichman, former domestic affairs adviser to President Nixon, interjected, "I assume your honor was speaking of the former President."

"That could happen," Judge Sirica replied, quickly adding, "I'm not saying it will happen."

"In that case," he said, "nobody would have to vouch for his credibility."

Since the trial began, the lawyers on each side have repeatedly objected to statements or other acts by the lawyers on the other side. At first, the objections sounded good-natured. With each passing week, however, the good nature has shown up less and less.

Book Draws Protest

This morning, Richard Benveniste, one of the prosecutors, rose to say that William S. Frates, one of Mr. Ehrlichman's lawyers, was reading a book whose cover could be seen by the jury. The book was written by E. Howard Hunt Jr., a former White House and C.I.A. employe who was one of the seven defendants in the original Watergate case. Mr. Benveniste said that it was "improper" for Mr. Frates to let the jury see it.

Mr. Frates replied by saying that he intended to use the book in questioning Mr. Dean on cross-examination. He offered to take the cover off.

Then he brought up an objection of his own. "We have repeatedly asked those people," he said, referring to the seven lawyers at the prosecution table, "not to try this case with their faces."

Mr. Benveniste, he said should be told to "stop snickering."

"I am not doing that," Mr. Benveniste said. In any event, he added, he sat facing the jury, and thus his face was invisible to Mr. Frates, who sat a few feet behind.

"He's looking at the back of my head," Mr. Benveniste said.

"You're easy to see through," Mr. Frates replied.

Judge Sirica then cut the lawyers off. Each should try, he said, to "sit there with a poker face."

When the court ended for the day several hours later, and the jury was sent back to its motel, Judge Sirica referred back to this exchange in an attempt to restore some of the good humor that had been lost in the day's battles.

It reminded him, he said, of an incident many years ago in which a Washington lawyer named Frank J. Hogan was standing in front of the courtroom talking. Mr. Hogan said that he knew that his opponent was sitting behind him "shaking his head," Judge Sirica recounted. The opposing lawyer said that he was not shaking his head.

Mr. Hogan, Judge Sirica said, responded, "Well, I could hear it rattle."