

Dean Winds Up Lengthy Testimony

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John W. Dean III ended his long-term testimony at the Watergate cover-up trial yesterday with a good-natured warning from the judge to run, not walk, to the nearest exit.

"You get off this stand as fast as you can and get out of this courtroom before some other lawyer thinks of another question to ask you," U.S. District Court Judge John J. Sirica told him.

Grinning broadly, the former White House counsel was only too happy to comply. It was that kind of day at the cover-up trial, full of bombast, twice-told tales and expressions of chagrin from the bench.

Before he was done, Dean found himself explaining everything from the flood levels in Alexandria during Hurricane Agnes to how Attorney General Richard G. Kleindienst used to call him "junior."

For his part, Sirica got so

wary of the repetition that he seemed almost to concede that defense lawyers had shown Dean to be a liar.

Sirica, however, quickly pulled himself back and changed the syntax before the thought was quite complete. The exchange came in the midst of a seemingly endless cross-examination by David G. Bress, the chief defense counsel for former Assistant Attorney General Robert C. Mardian.

Citing a snippet of Senate testimony by Dean last year

about a conversation with Richard M. Nixon, Bress wanted to know whether Dean was "kidding" or "telling the truth" when he declared that he would not take immunity from prosecution.

That, at least was the way Bress put it. Before Dean could answer the judge broke in.

"I think we're going far a

See TRIAL, A6, Col. 3

Jaworski ex-aide fears a hung jury. Page A6.

TRIAL, From A1

field here," Sirica said. "Is this just to make him (Dean) out another liar on a piece of evidence? I think you have done a pretty good job, all of you —," the judge said, pausing there and then adding, "—that he has admitted his participation in this alleged cover-up case."

In any event, Sirica said, "it seems to me we're going on and on and on about this thing . . . he's told what he knows. It's up to the jury regardless of what he's admitted or anything. They can still believe him or disbelieve him."

The judge declared a recess a few minutes later. When it was over, he read a statement he just had typed, addressed to the jurors to remind them that they were the sole judges of the facts of the case and the credibility of each witness.

"In federal courts, judges can and sometimes do comment on the evidence," Sirica continued. "That is not my practice. I have not expressed my opinion on this witness or his testimony."

Bress spent much of the day trying to undermine Dean's testimony that Mardian had advised him to get hold of FBI "lead sheets" after the June 17, 1972, Watergate bugging and break-in at Democratic national headquarters here in order to keep track of the investigation.

The testimony took three hours and led through such byways as a meeting that Dean said he had in then-At-

torney General Kleindienst's office around June 20, 1972. Kleindienst had come over to the White House for a meeting in John D. Ehrlichman's office where, Dean said, the Attorney General assured those present that the news leaks about Watergate would no doubt stop as soon as the FBI took over the case from District of Columbia police.

Kleindienst, Dean recalled, "used to refer to me as 'junior.'" After the meeting, "he said, 'Junior, why don't you drive back with me to my office and we can chat.'"

Dean said he accepted the invitation. The Attorney General, he said, then told him about how G. Gordon Liddy, who was subse-

quently convicted of the Watergate break-in, had sought him out on the Burning Tree golf course shortly after the initial arrests and asked him for help in getting the first five suspects out of jail.

Dean said Kleindienst told him he refused even though Liddy had claimed to be acting on instructions from former Attorney General John N. Mitchell.

"If I ever saw a guilty man, it was Liddy and I told him to get the hell out of here," Dean quoted Kleindienst as telling him.

It was not at all clear how any of this was helpful to Mardian. According to Watergate prosecutors, it was Mardian who got Liddy to make the approach.

From there, Bress moved on to a meeting Dean said he had with Mitchell and Mardian on June 23 or June 24, 1972, at Nixon re-election campaign headquarters near the White House.

The encyclopedic-minded prosecution witness said he wasn't sure of the date, but did clearly remember that he had just arrived at his Alexandria home to clear out his basement before the floodwaters from Agnes started pouring in.

"I learned from the authorities that the river was cresting at 21 feet," Dean said. "My doorstep is at 12 feet." He said he was busying himself about the house with that in mind when Mardian called and told him:

"For Christ's sake, get back [to Washington] . . . this is more important than what you're doing."

Dean said, "I thought my house was more important," but he said he dutifully went back to town.

"It was during the meeting," Dean said later under redirect examination by chief trial prosecutor James F. Neal, "that Mr. Mardian first raised the proposition that the CIA could take care of the entire matter" by using its secret funds to bail out the five Watergate suspects then in jail and provide support payments for them.

Dean said he had told Mitchell and Mardian at the same meeting that the FBI was working on the theory that the Watergate

bugging had been "a CIA operation." He said he also told them that CIA director Richard Helms had denied that there was any CIA involvement.

The testimony came amid sharp protests from Bress, who complained that prosecutor Neal was drawing it all out with leading questions.

Sirica said he didn't see anything wrong with that since Neal was conducting a redirect examination in an effort to knock down defense lawyers' contentions.

"I'm not familiar with that rule of evidence," huffed Bress, who teaches law classes on the subject.

"I know you're a professor of evidence," Sirica replied testily, "but you don't know all the rules of evidence." Bress said he didn't pretend to know all the rules, but the judge had had enough.

"Let's proceed," he said. "You're in my courtroom now."

The 36-year-old Dean had spent eight days on the witness stand when he finally stepped down, still unshaken in his long-run accounts of the Watergate scandal.

At the same time, defense lawyers seemed to have planted at least some subliminal doubts about his

credibility. Dean churned out his story again and again like a computer. But often he appeared to be shaving the facts on peripheral issues, such as whether he had been pushing for immunity when he first turned government witness and whether he was really guilty of suborning perjury.