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Dean Talk To Nixon Outlined

Says He Told Of Complaint By Mitchell

By Stephen Isaacs
Washington Post Staff Writer

NEW YORK, March 26—Thirty minutes after John N. Mitchell called then-White House counsel John W. Dean III to complain about being grilled by a grand jury here, Dean informed President Nixon, testimony revealed today.

Dean acknowleged, however, that he did not tell the President that Mitchell also had asked him to contact then-Attorney General Richard G. Kleindienst about it.

The revelation surfaced in a turbulent cross-examination of Dean, the President's principal Watergate accuser, who was on the stand for the second day in the trial here of Mitchell, a former Attorney General, and Maurice H. Stans, former Secretary of Commerce.

Dean's report to the President of Mitchell's call — on March 20, 1973 — came in the first use of White House tape recordings in a courtroom thus far.

Two other White House meetings in which Dean participated also were disclosed — one as a result of a tape transcript, the other from a memorandum of a meeting.

As a result, the Watergate scandal was fully injected into the trial, despite the vigorous protestations to the court by lawyers for both of the former Cabinet officers.

The case here concerns the government's accusation that Mitchell and Stans intervened in an investigation of Robert L. Vesco by the Securities and Exchange Commission in exchange for a secret $200,000 cash campaign contribution, and then tried to cover the contribution up.

Mitchell and Stans, who headed the Nixon campaigns in 1968 and 1972, are charged with obstruction of justice, conspiracy and lying to a grand jury.

The cross-examination of Dean, who testified Monday that he had participated in a score of phone calls and meetings involving the Vesco situation, also brought out that he had called the President's brother, Edward Nixon, to find out what role the brother had played in Vesco's contribution.

One of the charges against Stans is that he lied before the grand jury here when he denied that he insisted that Vesco give his money in cash.

Edward Nixon, said Dean, told him that Vesco had used him to determine from Stans whether the money had to be in cash, and that Nixon told

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him that Stans said it could be either in cash or by check.

But later, in redirect testimony, Dean expanded on that by saying that Edward Nixon had talked to Stans before telling Dean about his role in the contribution.

Cross-examination brought out that a White House recording of a conversation between Dean and the President on Jan. 28, 1973, showed that Dean told the President that Vesco had been "sandbagging" his brother.

The President had inquired about his brother's role with Vesco, Dean said, after reading about the SEC's suit against Vesco in that morning's newspaper.

At that same meeting, testimony revealed, Dean told President Nixon—in reference to exactly what was not clear—that "Stans would like to get his side of the story out. It might be rough and tumble . . . but Maury is ready to take it."

At another point, in the March 20, 1973, White House meeting between Dean and President Nixon, the President apparently asked what had been done for Vesco.

Stans' counsel, Walter J. Bonner, asked, "Isn't it a fact that you told the President that nothing had been done for Vesco?"

"Not in those words," replied Dean.

U.S. District Court Judge Lee P. Gagliardi then asked Dean if it wasn't true that "no one in the White House had done anything for Robert Vesco?"

Emphasizing the "I," Dean said, "I knew of nothing that had been done for him."

Peter E. Fleming Jr., Mitchell's principal counsel, tried again and again today to shake Dean's versions of dates he described in his testimony Monday, using sarcasm and innuendo against Dean's somber, restrained monotone answers.

For instance, when Fleming had elicited the response from Dean that he had not told the President of Mitchell's request for him to call Kleindienst, Fleming asked,

"Mr. Dean, wasn't this a period of your life when you were telling the President all the truth?"

Emphatically, for him, Dean replied, "Yes, indeed."

"But you saw no need to tell the President that John Matchell had asked you to call your friend and the President's Attorney General to inform him about what was going on in New York?" asked Fleming.

"That's correct," responded Dean.

"And you did not so advise the President?"

"I did not," said Dean.

"And isn't that because, Mr. Dean, Mr. Mitchell did not so advise you?"

"No, sir, it is not," said Dean.

"On your oath?" asked Fleming.

"That's correct," said Dean.

At that point, Fleming brought in the whole Watergate case, asking Dean whether Mitchell hadn't called him to alert the White House to the tack the grand jury here was taking, and mentioning the names of Donald Segretti, Dwight Chapin, and E. Howard Hunt Jr.

'Wasn't Mr. Mitchell calling you from New York on March 20 simply to advise the White House that the United States attorney and his assistants here in New York, in connection with a supposed investigation of Vesco, was [sic] asking Mitchell questions about people totally unrelated to Vesco, like Donald Segretti?" was one of Fleming's questions.

Dean's answer, in effect, was no.

Fleming took off from there, detailing each of the Watergate charges that Dean has pleaded guilty to in Washington to attack his credibility before the jurors.

As soon as he was through, and the jurors had been led out, Bonner moved—as he has many times—for a mistrial.

"I told your honor yesterday, outside the presence of this jury," said Bonner, "that if you allowed Mr. Wing or any of his associates to question Mr. Dean regarding an alleged canversation with Mr. Mitchell concerning Mr. Kleindienst, if you allowed that to be brought in out of context . . . [it] would lead it into Watergate. . . . That is absolutely ridiculous and preposterous . . ."

Prosecutor John R. Wing replied that it was not he but Fleming who had introduced Watergate. ". . . He undoubtedly did so in an effort to show that Mr. Dean's credibility wasn't good and that undoubtedly benefits Mr. Stans as well as Mr. Mitchell."

Fleming retorted that "we had no option but to develop the full circumstance of that call."

The government, Fleming said, "took advantage of . . . half a conversation to raise an inference which was not justified on the full conversation . . . We moved earlier to preclude Dean's testimony on the grounds that effective cross-examination would not be possible . . . It would be impossible to explore this half-truth without examining on the full conversation."

Wing retorted that "the truth of the inference the government seeks to draw was established by Mr. Dean's testimony that when he called Kleindienst, he wasn't calling about Segretti, he was calling about John Mitchell and the Vesco case."

Judge Gagliardi denied Bonner's motion.

The prosecutors appeared furious with a number of Gagliardi's other rulings today, however, such as his allowing Fleming repeatedly to ask Dean whether he was going to testify against his "old friend Dwight Chapin."

Wing fought furiously against Gagliardi's admitting the testimony regarding what Edward Nixon had told Dean.

Several times he repeated his plea to strike the answers "on the ground that they are not admissable, they are hearsay, they are not in furtherance of the conspiracy and they should not be permitted.

"The defendant should be required to bring Mr. Edward Nixon into court if they want his version of the events."

Although Gagliardi allowed Fleming to bring Dean's Watergate role into the case, he refused to allow Wing in his re-direct examination of Dean to shore up Dean's credibility by asking about the same testimony.

For instance, the judge allowed Fleming to cast doubt on why Mitchell would use Dean to contact then-SEC chairman William J. Casey or Kleindienst, but refused to allow Wing to get into the same area.

And he allowed Bonner to ask Dean whether Stans tried to "fix" the whole SEC suit against Vesco but refused to let Wing ask whether Stans was trying to "fix" the paragraph in the complaint that encompassed Vesco's secret contribution.

Gagliardi,, 55, was assigned the case by lot. He has been on the bench two years and in fact was named to the bench when Mitchell was Attorney General.

In his testimony today, Dean insisted that he had not been offered immunity from prosecution for his testimony here (he is an unindicted co-conspirator) but hoped that the judge, who eventually sentences him for his testimony here into account.