

# Kleindienst Testifies In Mitchell's Trial

From News Dispatches

NEW YORK, April 16—Former Attorney General Richard G. Kleindienst appeared today as a surprise defense witness in the conspiracy trial of John N. Mitchell and Maurice H. Stans and took issue with some of the testimony of key prosecution witness John W. Dean III.

Kleindienst, who succeeded Mitchell as the nation's top lawman, testified he had no recollection of a telephone call from Dean in which Dean said he had been notified by Mitchell that he, Mitchell, was being pushed around by a runaway grand jury in New York.

Dean, a former deputy attorney general who became White House counsel, testified earlier at the trial that Mitchell called him on March 20, 1973, to complain he was getting "a hell of a grilling" by the federal grand jury in New York.

Dean testified that Mitchell asked him to contact Kleindienst and "tell him what's going on."

"I have no recollection of any such call from John Dean on that day," Kleindienst said.

"Did you receive such a call after March 20?" prosecutor John R. Wing asked.

"I have no recollection of any conversation with Dean on that subject," Kleindienst answered.

Wing then asked the witness: "Do you deny having such a conversation with Dean?"

"I don't believe it happened," Kleindienst replied.

Kleindienst, who was deputy attorney general under Mitchell and was Attorney General from June, 1972, to June, 1973, described Mitchell as "one of the closest and most intimate friends I've had in my life."

He said he brought Dean into the Justice Department and always had a "friendly" working relationship with Dean. Kleindienst testified that Dean "certainly said nothing to me that made an impact on my mind that would cause me to remember."

Earlier, Mitchell testified that John D. Ehrlichman told him in 1972 an attempt had been made by President Nixon's nephew and another person to reach "people" in Key Biscayne about the federal

probe of financier Robert L. Vesco but that Ehrlichman had "run them off."

See MITCHELL, A9, Col. 1

## MITCHELL, From A1

The testimony by Mitchell and Kleindienst concluded Mitchell's defense, and his attorney rested the case. Still to be completed is the defense of former Commerce Secretary Stans, Mitchell's co-defendant.

The late afternoon session was taken up with the reading of portions of Stans' testimony to the grand jury preparatory to his testimony scheduled to begin Wednesday.

Mitchell and Stans are accused of seeking to obstruct an SEC probe of Vesco's corporate empire in return for a \$200,000 contribution to President Nixon's re-election campaign, which was kept secret after it was received by Stans on April 10, 1972.

It was revealed during the day that the defense had sought, unsuccessfully, to call Sen. Edward Kenedy (D-Mass.) as a witness in Mitchell's behalf. Judge Lee Gagliardi ruled his testimony irrelevant without any public mention of his name.

Court sources said that Kennedy was to have been asked about a telephone call he once made to Casey in connection with a pending SEC matter, in an attempt to show that the call Mitchell admittedly made to the SEC head was not unique.

Mitchell, winding up his cross-examination, said he phoned Ehrlichman after getting a memorandum from Vesco in which, the government charged, Vesco threatened to disclose his cash \$200,000 contribution unless the Securities and Exchange Commission was asked to drop proceedings against Vesco.

According to Mitchell, Ehrlichman told him "that there had been an attempt by Donald Nixon Jr., and somebody else, a Mr. Straub (a Vesco aide), to go to Key Biscayne and talk to people about the SEC investigation, and that Mr. Ehrlichman had run them off and told them he didn't want to hear anything about it."

Mitchell said he did not tell the SEC about the memo, which had been delivered to

Mitchell in New York but had been addressed to F. Donald Nixon, the President's brother.

"Did you understand the memorandum to be an effort by Vesco to get something through to the President?" asked prosecutor Wing.

"No, I did not," Mitchell said. "I thought it was a crude way to get through to the administration—at what level I don't know."

Mitchell denied he had any understanding that the Vesco memo represented an attempt by the fugitive financier to get to the President.

"I don't see it to be an open letter to anyone in the administration," Mitchell said.

"Any particular person?" the prosecutor asked.

"No," Mitchell answered.

The memorandum is an integral part of the conspiracy indictment against Mitchell and Stans. Vesco wrote in the memo that the \$200,000 contribution "will become known unless the investigation by the SEC is stopped promptly."