

Eastland Favors Calling Dean to Testify

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WASHINGTON, March 12—James O. Eastland, the chairman of the Senate Judiciary Committee, said today that he would vote to call a White House counsel, John W. Dean 3d, as a witness in the committee's hearings on the nomination of L. Patrick Gray 3d as director of the Federal Bureau of Investigation.

Mr. Dean's name has come up daily during the last two weeks of confirmation hearings, and there has been growing sentiment among Democratic members to invite Mr. Dean to explain the facts behind his receipt of F.B.I. files compiled during the Watergate investigation.

Senator Eastland's support made it virtually certain that the committee, when it met tomorrow in executive session, summon Mr. Dean.

The White House reaffirmed today, however, that President Nixon had no intention of allowing Mr. Dean to appear.

Subpoena Opposed

Senator Eastland, a Democrat from Mississippi, made it clear that he would not favor issuing a subpoena if Mr. Dean refused the committee's invitation. One committee source said that a vote on issuing a subpoena would be "very close."

Senator John V. Tunney, Democrat of California, said last week that he would move tomorrow to call Mr. Dean. Mr. Tunney has said that he will not be able to vote to approve Mr. Gray's nomination without an appearance by Mr. Dean to clarify the latter's "omnipresence" in the Watergate case.

Mr. Gray told the committee last week that he had sent numerous raw reports dealing with the case to Mr. Dean at his request. Mr. Gray said he had done so because Mr. Dean had been selected by the President to head a separate investigation to determine whether any White House personnel had been involved in the break-in at the Democratic headquarters in the Watergate complex last June 17.

Mr. Tunney disclosed last week that "the same Mr. Dean" secured a job on the Nixon campaign staff for G. Gordon Liddy, who was recently convicted of conspiring to tap telephones in the Democratic headquarters.

There have also been reports the E. Howard Hunt Jr. who pleaded guilty to the same charges in January, attempted

to seek legal assistance from Mr. Dean shortly after the day five men with bugging equipment were arrested inside the headquarters.

Democratic Senators, led by Mr. Tunney and Edward M. Kennedy of Massachusetts, have charged that Mr. Gray's willingness to make the F.B.I.'s Watergate files available to Mr. Dean is evidence of a lack of "political independence" on his part.

Mr. Gray has said that he was operating on a "presump-

tion of regularity" in sending the documents to the White House and that he first passed them "through the chain of command" to Attorney General Richard G. Kleindienst.

The committee made public today an opinion by the bureau's legal counsel, requested by Mr. Gray last July, "on the legal basis for dissemination by the F.B.I. to the White House of information concerning a criminal case being investigated"

The opinion concludes that "the authority and the obligation of the F.B.I. are to keep the Attorney General fully informed and to leave the rest to him".

This portion was underlined by Mr. Gray and carries the penciled notation to "do so in this particular case and in all future cases."

The committee concluded today the portion of its hearings dealing with the testimony of public witnesses.

The United Auto Worker's general counsels, Stephen I. Schlossberg, asked the committee to hold a decision set up a decision to the Gray nomination until a special Senate committee set up to investigate the Watergate case had

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completed its work, so that the Senators would have before them "the full record of Mr. Gray's conduct of the investigation of that sensitive matter."

Another witness, Edward Scheidt, who retired 20 years ago after a 21-year career as an F.B.I. agent, told the committee that he was disturbed by indications in some of Mr. Gray's speeches that, if confirmed Mr. Gray might draw the traditionally nonpartisan bureau into politics.

Mr. Scheidt, who was once in charge of the F.B.I.'s New York City office, urged the committee to tell the White House to "send us another name; you can do better than that."

At the White House briefing today, Ronald L. Ziegler, the President's press secretary, said that Mr. Nixon did not want to withdraw the Gray nomination, and he added that there was "no validity" to a report by Newsweek magazine that the capital's police chief, Jerry V. Wilson, had been chosen as the White House's back-up nominee if Mr. Gray was not confirmed.