

Dean Says Nixon  
Misled Nation With  
His Denials on  
Watergate; White  
House Reaffirms  
Stand

## A NEW CHALLENGE

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### Ex-Counsel Is Firm — Differs on Series of Explanations

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WASHINGTON, June 26—

John W. Dean 3d said today, in a new clash with the White House, that President Nixon had misled the nation in his public statements on the Watergate case, and he insisted that his charges of Presidential complicity in a Watergate cover-up were factual.

The former White House counsel asserted, toward the end of day-long cross-examination by the Senate Watergate

Excerpts from testimony by  
Dean, Pages 50 and 51.

investigating committee, that Mr. Nixon had been "less than accurate" in a May 22 denial of involvement in the Watergate affair.

Further, in a long colloquy with Senator Joseph M. Montoya, Democrat of New Mexico, Mr. Dean disputed each of a series of Presidential explanations of the Watergate burglary, describing them as misleading, unfounded or overly "broad."

#### Crucial Conflict Seen

Mr. Dean's steadfast adherence today to the accusations contained in the 245-page statement that he read yesterday to the Senate Select Committee on Presidential Campaign Activities posed an immediate—and potentially crucial—conflict with the White House.

In San Clemente, Calif., at nearly the same time that Mr. Dean was disputing a string of Presidential statements on Watergate, a spokesman at the Western White House said that Mr. Nixon would stand on the May 22 statement disavowing any participation in the planning of the Watergate break-in or the subsequent cover-up.

#### His Word Against Nixon's

Mr. Dean acknowledged, during rambling cross-examination by the Senate panel, that he was in the position of presenting his word, as a 34-year-old deposed White House lawyer, against that of the President.

But he insisted that his only motive in testifying was to end his personal involvement in the cover-up and to respond to the committee's request for his knowledge of it.

"What makes you think that your credibility is greater than that of the President, who denies what you have said?" Senator Herman E. Talmadge, Democrat of Georgia, asked Mr. Dean.

"Well, Senator," Mr. Dean replied, his elbows propped atop the felt-covered witness table, "I have been asked to come up here and tell the truth. I have told it exactly the way I know it."

#### Differences With Nixon

The way Mr. Dean told it presented clear and sharp discrepancies with the public record of Mr. Nixon's Watergate statements, and Senator Montoya proceeded late today to explore the conflicts.

The Senator asked Mr. Dean to appraise Mr. Nixon's statement, at a news conference last Aug. 29, that a "complete investigation" by Mr. Dean had cleared everyone in the White House of involvement in the June 17 break-in at the Watergate.

Taken literally, Mr. Dean replied, the statement that no

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one employed in the White House on June 17 had been a participant in the break-in might have been true, but he said that the flat assertion "was a little broad."

Similarly, Mr. Dean told Senator Montoya that he had not provided any basis for the President to declare, last Oct. 5, that the Watergate investigation conducted by the Federal Bureau of Investigation had pursued every possible lead "to the end."

Mr. Dean said that "it was true that the F.B.I. investigation was extensive, but it obviously was not complete."

#### No Report From Dean

The former legal counsel to Mr. Nixon said that he was also "quite aware" that the President had never received a report on Watergate from Mr. Dean when the President said, on March 17, that Mr. Dean had undertaken such an investigation.

The most direct rebuttal of the President by Mr. Dean occurred during Senator Montoya's inquiry into an April 17 assertion by Mr. Nixon that he would "condemn any attempts to cover up in this case."

"Do you believe he was telling the truth on that date?" asked Senator Montoya.

"No sir," Mr. Dean replied crisply.

The Senator and the witness discussed for several minutes Mr. Dean's point-by-point quarrel with the President's May 22 statement. Mr. Dean said he had no "first-hand knowledge" to rebut Mr. Nixon's disavowal of prior knowledge of the break-in, but he went on at great length to recount, as he had yesterday, Mr. Nixon's alleged involvement in the cover-up.

#### A Shift on Peterson

Under close questioning by Fred D. Thompson, the committee's Republican counsel, Mr. Dean backed down today from his suggestion yesterday that Henry E. Petersen, an Assistant Attorney General, had acted improperly when he was in charge of the Government's Watergate investigation.

Mr. Dean flatly declared that Ronald L. Ziegler, the White House press secretary, had not been told the truth about Watergate and thus had not deliberately misled the media during the 10 months in which he denied any White House involvement in the case.

But Mr. Dean, in response to interrogation, added new charges today of efforts within the Nixon Administration to use investigative agencies improperly.

He testified that the White House maintained, and constantly updated, an "enemies list" of individuals unfriendly to the Administration. Mr. Dean promised to submit to the committee a memorandum he had written about possible uses of the list.

#### Tax Audit for Writer

He charged that after the publication in *Newsday*, the Long Island newspaper, of an article unfavorable to Mr. Nixon's close personal friend, C. G. Rebozo, he had received "instructions that one of the authors of the article should

have some problems" with the Internal Revenue Service. Mr. Dean said that he had arranged for the writer, whose name he could not recall, to be subjected to an income tax audit.

He stated that an official of the Secret Service, whom Mr. Dean did not identify, had given him a "small intelligence printout" alleging that Senator George McGovern, the 1972 Democratic Presidential nominee, would attend a fund-raising function in Philadelphia at which "either Communist money or former Communist supporters" would be involved.

He said that he passed the item to Charles W. Colson, a former White House special counsel, who told him he arranged to have it published.

Mr. Dean also alleged that Frederick V. Malek, the former White House personnel administrator who now is deputy director of the Office of Management and Budget, had not been truthful in accounting for a background investigation conducted by the Federal Bureau of Investigation on Daniel Schorr, a Washington correspondent for the Columbia Broadcasting System.

#### Questions on Monologue

Mr. Dean said — as Mr. Schorr, who is reporting on the Watergate hearings, looked on — that he had learned "after the fact" that H. R. Haldeman, the former White House chief of staff, had ordered the investigation through Lawrence M. Higby, who was Mr. Haldeman deputy.

Mr. Dean said that J. Edgar Hoover, then the F.B.I. director, had pursued a "wide-open" field investigation, "to the dismay of the White House," and that Mr. Malek, "who at the time knew nothing of this," subsequently explained that Mr. Schorr was under consideration for a key position with the Administration.

The bulk of Mr. Dean's first day of questioning by the Senate committee—he will return for more questions tomorrow—dealt with the credibility of his long monologue yesterday, in which he described the partici-

pation of the President, the White House, the Committee for the Re-Election of the President, the Department of Justice and assorted individuals in a "massive" Watergate cover-up.

With almost stoic repose, Mr. Dean sat barely an inch away from the public address and television microphones in the hearing room, placidly replying to questions that alternately appeared to bolster or try to poke holes in his earlier testimony.

He told Samuel Dash, the committee's Democratic chief counsel, that, in his opinion, Mr. Haldeman would have been advised in advance of the plans to wiretap the Democratic party offices in the Watergate office complex last year and that Mr. Haldeman "probably would have reported it" to the President. But Mr. Dean balked later when Mr. Dash sought to elicit his "opinion" as to whether Mr. Nixon had probably been advised by aides of the cover-up at its inception.

The former lawyer for President Nixon agreed with Mr. Dash's leading questions, in which the committee counsel suggested that from last Sept. 15 on, Mr. Dean had no doubt about the participation of the President in the cover-up effort.

#### Executive Clemency Cited

Mr. Dean testified yesterday that on Sept. 15 the President congratulated him on his efforts to guarantee that Federal indictments in the Watergate case handed down that day had not reached any but the seven individuals first arrested.

He also described yesterday a series of conversations with the President about arrangements for executive clemency for one of the Watergate defendants, about "silence money" to assure that the original defendants would not talk and about Mr. Nixon's direction of efforts to curtail Congressional, Government and court investigations of the case.

The tone of Mr. Dean's persistent declarations today that he had told the truth was set in this exchange with Mr. Dash:

Mr. Dash: I guess you are fully aware, Mr. Dean, of the gravity of the charges you have made under oath against the highest official of our land, the President of the United States.

Mr. Dean: Yes, I am.

Mr. Dash: And being so aware, do you still stand on your statement?

Mr. Dean: Yes, I do.

Unshakeably, Mr. Dean maintained the same position throughout the interrogation. He explained that he had waited until April 15 to begin telling what he knew to Government prosecutors because "I was hopeful the President himself would step forward and tell of his involvement in some of these things."

#### 'Almost Impossible Task'

He said that he realized that the 47 documents he submitted to the Senate committee yesterday did not deal directly with his conversations with the President and that he had no evidence to support his assertions.

"I realize," Mr. Dean stated, "it is almost an impossible task, if it is one man against the other, that I am up against, and it is not a very pleasant situation. But I can only speak what I know to be the facts and that is what I am providing this committee."

Some of the sharpest interrogation of Mr. Dean was conducted, after the fashion of the former prosecutor that he once was, by Mr. Thompson.

Asked how he became involved in the cover-up, Mr. Dean said, "I was in the process before I began thinking about the process."

At one point, Mr. Thompson apologized if he appeared to be "badgering you in any way" as he explored the possibility that Mr. Dean had offered his

testimony in hope of gaining immunity from criminal prosecution.

"In fact," Mr. Dean said, a bit bitingly, to Mr. Thompson, "if I were still at the White House I would probably be feeding you the questions to ask the person who is sitting here."

Mr. Thompson retorted, "If I were here, as I am, I would have responded that I do not need questions to be fed to me from anybody."

Nonetheless, it was Mr. Thompson who elicited from Mr. Dean the statement that Mr. Dean had not meant to imply yesterday that Mr. Petersen had acted unethically in providing information to the White House about the scope and conduct of the Government's inquiry into the Watergate case last year.

"I know of no impropriety," Mr. Dean said of Mr. Petersen's dealings with the White House. "I think he tried to be very fair—in dealing with the White House and that fact that we had an investigation going on in a political year, that it could result in embarrassment on countless occasions."