



Senators Howard H. Baker Jr., left, a Republican, and Sam J. Ervin Jr., a Democrat, enjoying each other's stories—about Tennessee and North Carolina, respec-

tively—during a brief interlude in the questioning of John W. Dean 3d in the Watergate hearing. Between the Senators is Rufus L. Edmiston, deputy committee counsel.

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**Dean Ends Testimony, Story Unshaken;  
 3 Senators Hint They Want Nixon Reply**

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WASHINGTON, June 29 —

John W. Dean 3d completed his long appearance before the Senate Watergate committee today, unshaken on his central charge that President Nixon had been an active participant in the Watergate cover-up.

When the 34-year-old former White House legal counsel left

Excerpts from Dean testimony are printed on Page 18.

the witness table late today, his personal integrity was in question and his legal career in peril, but four days of rigorous examination by the Senate investigating committee had not

forced him to alter his accusations against Mr. Nixon.

Three of the seven Senators on the committee hinted that they would welcome a voluntary appearance by the President to answer the charges. They cited three precedents—involving Presidents Lincoln and Wilson—for Mr. Nixon to undergo questioning by a Congressional investigating committee.

There was no indication from the White House, however, that the President would alter his refusal to testify before the Watergate committee either voluntarily or under subpoena.

For much of the last of Mr. Dean's fifth day as the star witness at the Watergate hear-

ings, the atmosphere in the Caucus Room of the Old Senate Office Building was relaxed, almost convivial. The tension uncoiled, Senators swapped hill country stories, the committee become embroiled in a legal debate over the admissibility of hearsay evidence and, more than once, the audience erupted in laughter.

But Mr. Dean remained deadly serious, his nasal voice strong, as he recounted once more, without basic variation but with occasional elaboration, the central strands of his accusations against the President.

He acknowledged this afternoon that he was "quite aware

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of the fact" that his testimony might be disputed by future witnesses—such as former Attorney General John N. Mitchell, who is scheduled to take the stand at the hearings when they resume on July 10, or H. R. Haldeman and John D. Ehrlichman, former White House aides who are to testify later next month.

Mr. Dean told Senator Howard H. Baker Jr., Republican of Tennessee, that in all likelihood "it is going to be my word against one man's word; it is going to be my word against two men's, it is going to be my word against three men's, and probably, in some cases, it is going to be my word against four men's."

**Stands on His Word**

But he added that he was "prepared to stand on my word and the truth and the knowledge and the facts I have."

"I know the truth is my ally in this, and I think, ultimately, the truth is going to come out," he said.

As the committee, along with the rest of Congress, recessed for an Independence Day vacation, Mr. Dean left behind him in the Watergate hearing record the undocumented strands of his case against Mr. Nixon.

He insisted that "There is no doubt in my mind" that the President was aware of the cover-up when Mr. Nixon complimented Mr. Dean last Sept. 15 for his handling of the Watergate case.

He told once more of his conversation with the President on Feb. 27, when Mr. Dean contended, Mr. Nixon stated that Mr. Haldeman and Mr. Ehrlichman were "principals" in the case, and of a discussion

the next day when, Mr. Dean said, the President told him not to worry about having himself been involved in obstruction of justice.

Mr. Dean recounted again today his dealings with the President in March, including discussions of \$1-million that might be needed to keep Watergate break-in defendants silent about the involvement of others and an alleged promise by the President of executive clemency for one of the conspirators.

He again told the Senators, the audience and those watching the nationwide telecast of the hearings that he had sought, in Mr. Dean's view unsuccessfully, to convince Mr. Nixon on

March 21 that he should publicly end the cover-up.

And he recalled for the last time at the witness table today a telephone conversation on March 23 in which, Mr. Dean said, the President told him "your prediction was right" that the cover-up web would come unraveled.

Mr. Dean's five days before the committee—almost exactly 29 hours of testimony—appeared to have persuaded most of the Senators on the panel that Mr. Nixon must respond at some point with a cohesive defense.

Senator Sam J. Ervin Jr., the North Carolina Democrat who is the committee chairman, and Senator Baker, the ranking Republican, suggested publicly yesterday that they would welcome Mr. Nixon's testimony, preferably under oath. But the White House ruled that out again yesterday through a Presidential spokesman.

This afternoon, after Mr. Dean had reasserted his faith that his account would ultimately be proved accurate, Senator Ervin pulled from his files a wrinkled Photostat of a news article in the Feb. 14, 1962, edition of The New York Tribune. Tracing the words with a gnarled finger, Mr. Ervin head:

"President Lincoln today voluntarily appeared before the House Judiciary Committee and gave testimony in the matter of the premature publication in the [New York] Herald of a portion of his last annual message."

#### Another Precedent

Mr. Ervin noted, with evident relish, that "this is an item concern the manner in which President Lincoln"—the first Republican President—"volunteered to appear and testify before the House committee."

Senator Baker immediately recalled another precedent, "not nearly as old as your precedent," from the 1919 dispute between President Wilson and Congress over the Treaty of Versailles.

Mr. Baker said that President Wilson, rather than appearing before the Senate Foreign Relations Committee, had "invited the committee to meet with him" at the White House.

"So, as we say in Tennessee, there are lots of ways to skin a cat, and I wouldn't presume to say how we go about it," Mr. Baker said. "But I do hope that there is some way to supply additional information

on these crucial and important points."

Not long afterward, Senator Lowell P. Weicker Jr., the Connecticut Republican who accused the White House yesterday of having tried to "intimidate" him, read into the hearing record a portion of Carl Sandburg's biography of Lincoln "The War Years." The account was of President Lincoln's dramatic, uninvited appearance before a Senate committee to declare, "It is untrue that any of my family hold reasonable communication with the enemy."

Without comment of his own, Senator Weicker read from the account of the "speechless" committee's decision to "drop all consideration" of the charges.

The third Republican member of the Watergate committee, Senator Edward J. Gurney of Florida, demonstrated again today his skeptical reaction to Mr. Dean's testimony.

Mr. Gurney, whose three-hour cross examination of the witness two days earlier was the most strenuous test of any witness yet, sought today to question Mr. Dean's credibility by shaking his recollection—with some success—of a meeting exactly one year ago to arrange for payment of "silence money" to Watergate defendants.

#### Hotel Records Produced

Mr. Dean had testified a number of times this week that he met with Herbert W. Kalmbach, Mr. Nixon's personal attorney, on June 29, 1972, at the Mayflower Hotel a few blocks from the White House.

But Mr. Gurney produced records from the Mayflower and the nearby Statler-Hilton Hotel to show that Mr. Kalmbach had been a guest that night in the Statler-Hilton and not, as Mr. Dean remembered, in the Mayflower.

"I am never sure which is the Mayflower and which is the Statler-Hilton," Mr. Dean explained, adding that he had lived in the capital for 10 years but "I continually get them confused. I must confess."

Mr. Gurney reminded the witness that he had told the committee yesterday that his memory was so good that he hardly had to work at his studies as a young man. Mr. Dean, whose composure at the hearings has been one of his hallmarks, was visibly rattled—although in microscopic terms. His hands were clenched

instead of clasped, his brow furrowed rather than smooth.

But a few minutes later Robert C. McCandless, one of Mr. Dean's attorneys, whispered into his ear, and Mr. Dean calmly reminded Mr. Gurney that he had persistently stated that the meeting had begun in the hotel coffee shop and adjourned to Mr. Kalmbach's room—and the name of the coffee shop in the Statler-Hilton Hotel was the Mayflower.

The audience exploded with applause. Senator Ervin hammered with his gavel. Senator Gurney looked on, his eyes wide. Then he turned to other matters.

The reactions of the Senate Committee to the over-all impact of Mr. Dean's five days of testimony were perhaps illustrated in the exchange, precipitated by some of Mr. Gurney's questions, over the value of hearsay testimony.

After eliciting once more from Mr. Dean his assertion that he had come to the conclusion this spring that the cover-up must end and had taken steps to end it, Mr. Gurney asked whether Mr. Dean testified last week when he appeared before a Federal grand jury investigating the Watergate case.

"I decided to exercise my constitutional rights at that point in time," Mr. Dean replied.

#### Invoked the Fifth

"What do you mean by that?" the Senator inquired.

"I invoked the Fifth Amendment," said the witness, referring to the protection against self-incrimination.

Charles N. Schaffer, another lawyer representing Mr. Dean, began to interrupt, leaning over his client to speak into the witness's microphone. But Senator Gurney asked the chairman to prevent Mr. Schaffer from interjecting himself, as he had several times before, in the questioning process.

"I don't know what the counsel wants to say," Senator Ervin said, overruling Senator Gurney.

Mr. Schaffer said, then, that it was legally proper for a witness to invoke Fifth Amendment protection in one forum and waive it in another. Mr. Dean has been granted limited immunity against prosecution by the Senate panel but has not won immunity from the Government before the grand jury. Senator Ervin said "The rule

of law, as I understand it, permits wide latitude on the admissibility of evidence—allowing even second-hand accounts—in conspiracy cases.

"That is my legal opinion," said Mr. Ervin, the Senate's constitutional devotee and a former state Supreme Court justice.

For 10 minutes, Mr. Dean failed to gain recognition as the wrangle went on, and the committee virtually ignored him.

#### 'Shoveling Smoke'

Mr. Gurney quarreled with the committee's Democratic chief counsel, Samuel Dash, over Mr. Dash's citation of something called "the Krulwitz decision" as an endorsement of hearsay evidence in conspiracy cases. The Republican minority counsel, Fred D. Thompson, sided with Mr. Dash.

And Senator Baker finally closed the discussion with the recollection that Oliver Wendell Holmes had once said, "Lawyers spend their professional careers shoveling smoke."

At that, the committee collectively unbent and listened to Mr. Baker and Mr. Ervin trade lawyer jokes from their hill country homes.

There were, all the same, some serious points to be raised before Mr. Dean was excused, most of them produced by the questioning by Senator Daniel K. Inouye, the Hawaii Democrat who apologized for having "No Hawaiian stories to tell."

During his questioning of Mr. Dean on how the White House operated to punish its "enemies" and perform favors for its "friends," Senator Inouye referred to a memo of October, 1971, dealing with Chet Huntley, former NBC newscaster who is now a promoter for the Big Sky resort project near Zozeman, Mont.

The memo, from Lyn Nofziger at the Republican National Committee to H. R. Haldeman, said, "The state chairman of Montana tells me Huntley claims to be a Republican and will support and work for whatever Republican runs against Senator Metcalf next year."

The memo said that John Whitaker, then a White House aide dealing with environmental matters but now an Under Secretary of Interior, "has ordered the Department of Agriculture to quit dragging its heels on Big Sky."