

Dean Contradicts Mitchell at Trial

New York

Ousted White House Counsel John W. Dean III testified yesterday that former Attorney General John N. Mitchell became alarmed over a grand jury that was questioning Mitchell and "suggested I take action."

"Mr. Mitchell said," Dean went on, "John, you'd better call your Dick Kleindienst and tell him what's going on in the southern district (of New York)."

Dean said he passed along word to Kleindienst, then attorney general, that Mitchell thought it was a "runaway grand jury."

On that and other points through the day, Dean's testimony at the criminal conspiracy trial of Mitchell and former Commerce Secretary Maurice Stans touched a number of points in the indictment with which the grand jury eventually charged Mitchell with conspiracy, obstruction of justice and perjury.

Mitchell and Stans, top figures in the Nixon election campaign, are accused of selling their influence with the Securities and Exchange Commission in exchange for a secret \$200,000 campaign contribution from Robert L. Vesco, a financier the SEC was then investigating.

One perjury count is based on Mitchell's denial he ever talked with Dean about subpoenas for SEC depositions.

Dean said Mitchell did.

Another perjury count accuses Mitchell of lying when he denied knowing Dean talked about the Vesco case to William Casey, who was

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then SEC chairman.

"Mr. Mitchell asked me to call Mr. Casey," Dean said, to postpone deposition taking until after the election.

And the testimony about Mitchell's efforts with the grand jury was designed to show the conspiracy to obstruct justice — including

attempts to cover up — was operating less than two months before the indictment was handed up.

The jury was the one that eventually indicted Mitchell and Stans. The indictment claims the conspiracy began March 1, 1971, and continued until the indictment May 10, 1973.

When Mitchell asked him to get in touch with Kleindienst, Dean testified, "I called Mr. Kleindienst and I said, 'Dick, for what it's worth, I got a call from John Mitchell, and he said he had gone before the grand jury in the southern district of New York and he said they were all over him and he wanted me to relay that to you. He said it was a runaway grand jury.'"

Dean fixed the time of his phone conversation with Mitchell as March 20, 1973, and told a trial jury of nine men and three women:

"Mr. Mitchell called me and told me he had been before the grand jury up here in the southern district. He said they had given him a hell of a grilling and he said that, 'Those little bastards in the southern district are all over the lot . . .' He also told me that it was a runaway grand jury and suggested that I take action."

Kleindienst succeeded Mitchell when the latter quit as attorney general in February, 1972, to take over direction of President Nixon's 1972 re-election campaign.

Much of Dean's testimony

enlarged on what already was in the trial record. However, he expanded on talks he had with Casey on the Vesco matter — most of them, he added, on the best of Mitchell.

Dean finished his direct examination and was undergoing defense cross-examination when the trial recessed for the night. He is to resume his testimony today.

Earlier, Dean testified that there came a time when the \$200,000 contribution threatened to surface, and Mitchell told him:

"The whole thing is something we just don't need before the election."

A number of Vesco em-

ployees had been subpoenaed in the SEC investigation of Vesco, and Dean testified: "Mr. Mitchell said Vesco gave a large sum of money and he wanted me to call Bill Casey and get some postponements . . ."

"I told Mr. Casey that I had had a call from John Mitchell," Dean went on, "and that Mr. Mitchell was quite disturbed at the fact that a number of Vesco people had been subpoenaed, that it could be quite politically embarrassing to take those depositions right before the election.

"I asked him, 'Can you do something to get them postponed?' He told me it would be very hard to do anything

about this. He didn't give me an answer on what could or could not be done."

There had been earlier testimony by the government that the subpoenas were allowed to stand. But the Vesco people involved took the Fifth Amendment and the \$200,000 contribution did not become public until well after the election.

Dean was ousted from the White House last April 30 and is awaiting sentencing on his plea of guilty to obstructing the Watergate investigation in Washington.

Dean is a co-conspirator but not a defendant in this case against the two former Cabinet officers.

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