

What Dean Withheld From Nixon

New York

John W. Dean III admitted yesterday that he withheld from President Nixon a request by John M. Mitchell to cool a "runaway grand jury" that was on the trail of the former attorney general.

"Wasn't this the period when you were telling the truth to the President, all the truth?" the former White House counsel was asked.

"Yes, indeed," Dean replied with emphasis.

"But you saw no need to tell the President that your friend, John Mitchell, asked you to call the President's own attorney general about what was going on in New York?"

"No, sir," Dean answered.

There had been prior testimony at the criminal conspiracy trial of Mitchell and former Commerce Secretary Maurice H. Stans that Dean was asked to "take action" against the New York grand jury through Mitchell's successor, Attorney General Richard Kleindienst.

Mitchell and Stans are accused of impeding a Securities and Exchange Commission fraud inquiry into the operations of financier Robert L. Vesco, in return for Vesco's \$200,000 secret cash contribution to Mr. Nixon's re-election campaign. They are charged with conspiracy, obstruction of justice and perjury.

Most of the day was devoted to a sustained defense attack on Dean's credibility as government witness. During the course of the cross-examination, partial transcripts from two White House tapes plus sections of a White House outline relating to a third tape were employed by defense attorneys.

A Government spokesman said it was the first time such evidence relating to presidential conversations ever had been introduced at a criminal trial.

Dean still was on the witness stand when the trial was recessed until today.

In two days of intensive interrogation, Dean proved

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himself an extremely self-controlled witness. Never once did he raise his voice, even when the cross-examination was at its most scathing.

Dean's testimony occasionally brought the mild rebuke from Judge Lee Gagliardi, when the witness testified with undue verbosity to a question otherwise served by a yes or no answer.

Dean accepted this with a grave nod of the head and a bland, "Yes, your honor."

Mitchell's lawyer, Peter Fleming Jr., was the first to make use of the taped transcript, as he set out to question Dean's credibility.

It related to a conversation between the witness and the President March 20, 1973. Fleming asked Dean:

Q. Did you tell President Nixon that Mr. Mitchell had called and asked you to call Mr. Kleindienst?

A. Not the latter part.

K. You never mentioned to the President any request by Mr. Mitchell that you, a person of little clout, call Mr. Kleindienst?

A. No, I did not.

Q. In fact, the words "runaway grand jury" were your words to the President?

A. That is correct.

Q. You did not attribute those words to John Mitchell, did you?

After examining a transcript of the tape, Dean answered: "The words are my words in this transcript."

Fleming sought to imply in his questioning that the Mitchell call about Kleindienst was not on his own behalf, but because the grand jury in New York was going far afield in its inquiry and bringing in such names as former presidential appointments secretary Dwight Chapin and Donald Segretti, the dirty tricks operative of the 1972 campaign.

"Wasn't Mr. Mitchell call-

ing simply to advise the White House that the assistant U.S. attorney here in New York were asking questions about people entirely unrelated to Vesco, like Donald Segretti?" Fleming asked.

"No, I did not advise the President that," Dean replied.

"Did you advise the President that Mr. Mitchell said he had been asked questions about E. Howard Hunt and Segretti?"

Yes, I did," Dean replied.

"But nothing about the advice to call your friend Mr. Kleindienst about the grand jury?"

"No, sir," Dean responded.

Pointing out that Dean is a coconspirator, but not a defendant in the Mitchell-Stans indictment, Fleming asked:

Q. Is it correct that you refused to give any testimony here until you received assurance you would not be indicted?

A. No, that is not the truth?

Q. On your oath?

A. On my oath.

The 35-year-old Dean caught the attention of the nation last year when he starred as a witness before the Senate Watergate committee. Last October he pleaded guilty to conspiring to obstruct justice in the break-in at the Democratic National Headquarters and is awaiting sentence.

Without ever mentioning the name Watergate, Fleming established that Dean had been given immunity when he testified before the Senate committee. Then, returning to the trial here, Fleming said:

Q: Do you expect the testimony you have given in this court to be brought to the attention of whatever judge sentences you in Washington?

A: I would hope so.

Q: Have you been told so?

A: No, I have not.

Q: Isn't Dwight Chapin an old friend?

A: He's a friend, yes.

Q: And you hope that any testimony you give against Mr. Chapin will be brought to the attention of the judge

that sentences you?

A: Yes.

Chapin is awaiting trial in Washington on four charges of lying under oath to the Watergate grand jury concerning knowledge of Segretti's campaign activities. Dean is expected to testify to having had conversations with Chapin about Segretti.

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