

DEAN TELLS COURT HE WITHHELD DATA

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Admits He Did This Months After Saying That He Had Disclosed 'Everything' NYTimes

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John W. Dean 3d admitted under cross-examination today that he had continued to withhold damaging information about Watergate for many months after he had said that he had broken from the Watergate conspiracy and had told the authorities "everything" he knew.

Mr. Dean also conceded that some of his testimony before the Senate Watergate committee last year was "not accurate" about the dates he gave the committee for various meetings and events.

Mr. Dean is the Watergate prosecution's chief witness in the trial of five former White House and campaign aides to former President Richard M. Nixon who are charged with conspiracy in the cover-up. He made his admissions before the jury in the opening hours of what is expected to be protracted cross-examination by lawyers for all five.

Two Notebooks Destroyed

The youthful, one-time Presidential counsel admitted that he had kept from the authorities both the fact that he had destroyed, and the reason that he had destroyed, two notebooks that had belonged to E. Howard Hunt Jr., another former White House employe who was one of the seven men charged in the original Watergate break-in case.

The basic conspiracy charge against the five defendants now on trial alleges that they sought to obstruct the investigation of the break-in and the prosecution of those seven men.

Mr. Dean also admitted that he had given the Senate Water-

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gate committee a draft "report" on Watergate that he had written several months earlier, at the time he was allegedly urging President Nixon to make a full disclosure of Watergate. In the report, he said that he had "no knowledge" about the notebooks that he had already destroyed, he said.

The fact that Mr. Dean had destroyed the notebooks was disclosed a number of months ago in an announcement by the special prosecution. But Mr. Dean had not before admitted it publicly, nor had he or the prosecution provided a reason.

Today, under questioning by John J. Wilson, the 73-year-old Washington lawyer defending H. R. Haldeman, Mr. Nixon's former chief of staff, Mr. Dean gave this explanation:

He had been told that the notebooks contained information regarding persons that Mr. Hunt had worked with in the break-in at the office of Dr. Daniel Ellsberg's former psychiatrist; also, he knew that L. Patrick Gray 3d, the Acting Director of the Federal Bureau of Investigation, had destroyed evidence on another matter.

"I just went along and did the same thing," he said, conscious that he was destroying evidence relating to "another White House problem."

"I didn't give it much thought at the time—I was just getting rid of something I didn't know how to handle,"

Put Books in Shredder

"What do you mean by that?" Mr. Wilson asked.

"I just put it in the shredder and threw it out and hoped the problem would go away."

As Mr. Dean told it, he became aware of the existence of the notebooks in December, 1972, when one of the prosecutors preparing for the trial of the original seven defendants asked whether there might not be more evidence from Mr. Hunt's safe at the White House. Mr. Dean had emptied the safe immediately following the Whit break-in of the Democratic headquarters in the Watergate complex on June 17, 1972.

Mr. Dean said that he subsequently, looked, and found the notebooks, in late January, 1973.

Mr. Dean's criminal involvement in the Watergate affair is no secret to the jury—the prosecution's opening questions to him concerned his guilty plea to a conspiracy charge, and Mr. Dean's subsequent account to the jury of the cover-up included much testimony about what he had done.

Thus the significant part of his admissions this afternoon, in terms of impact on the jury, may be his testimony about failing to disclose the destruction of the notebooks rather than the destruction itself.

Mr. Wilson, indeed, was clearly seeking in his questioning to imply that Mr. Dean's failure to disclose information, even as he was purporting to give a full account, meant that he was not credible now either, when he is again purporting to

tell the full story of Watergate.

Mr. Wilson started by asking Mr. Dean about his early discussions with the Federal prosecutors handling the original Watergate investigation. Mr. Dean testified that he had had five meetings with them, in which he sought to tell "everything I knew."

"Did you tell them you had destroyed documents?" Mr. Wilson asked.

"No sir, I did not," Mr. Dean replied.

In addition to Mr. Haldeman, the defendants in this case are John D. Ehrlichman, former domestic adviser to President Nixon; John N. Mitchell, former Attorney General; Robert C. Mardian, former Assistant Attorney General, and Kenneth W. Parkinson, a former lawyer for the Nixon re-election campaign.

McCord Letter Cited

Mr. Dean's testimony on direct examination today, delivered in the same weary-sounding monotone that he has used since first taking the stand last Wednesday afternoon, was essentially an account of the final stages of his own involvement in the Watergate affair.

He started by telling of the letter that James W. McCord Jr., one of the original Watergate defendants, wrote to Judge Sirica in March, 1973, telling him that he, Mr. McCord, and the six other defendants had been under pressure to pleading guilty and had been told to remain silent about the facts surrounding the Watergate break-in. Five did plead guilty.

Mr. McCord also said in his letter that perjury had been committed at the trial of the original Watergate case and that others were involved in Watergate, too.

Judge Sirica read the letter in court on March 23, 1973, and, Mr. Dean testified today, news of the letter quickly reached the White House.

Mr. Dean said that later that day Mr. Nixon told him to go to the Presidential retreat at Camp David and "relax, analyze things," and then report back.

Mr. Dean went to Camp David, he said, staying until he was summoned back to Washington by Mr. Haldeman on March 28 for a meeting with Mr. Mitchell and Jeb Stuart Magruder, the deputy director of the Nixon campaign committee and now a confessed conspirator in the cover-up.

Subject of Meeting

The meeting with Mr. Mitchell and Mr. Magruder concerned the testimony that Mr. Dean might be called upon to give about Watergate. As Mr. Dean told it today, Mr. Mitchell and Mr. Magruder feared that Mr. Dean might give a different account than the one they had given of the meetings in Mr. Mitchell's office in January and February, 1972. At those meetings, plans for political intelligence and "bugging" and other activities were discussed.

Mr. Dean said that he had

told Mr. Mitchell, however, that he had "put the pieces together" from "tidbits," and believed that Mr. Mitchell had approved the plans for illegal operations to be carried out in a way that "no one in the committee would be involved."

Mr. Mitchell replied, "That's pretty close, only we thought it would be two or three times removed," Mr. Dean said.

Mr. Dean, who is serving a one-to-four-year prison term imposed by Judge Sirica after his guilty plea to conspiracy to obstruct justice, told the jury about his decision to go to the Federal prosecutors.

He said that he held his first meeting with the prosecutors on April 8. Later that day, he said, he met with Mr. Haldeman and Mr. Ehrlichman.

Urged to Think About It

He had previously told them of his plan to talk to the prosecutors, and at the meeting, as he described it today, Mr. Haldeman told him, "I think you ought to think about it [speaking to the authorities] because once the toothpaste is out of the tube, it's hard to get it back in."

Then he told the jury about his subsequent meetings with Mr. Nixon—including one the evening of April 15, at the end of which, he said, he told Mr. Nixon that he hoped his, Mr. Dean's, decision to go to the prosecutors "won't lead to impeachment."

"I hope it'll be handled right," Mr. Dean said he told the President.

"It'll be handled right," Mr. Nixon replied, Mr. Dean said.

This testimony, like almost everything Mr. Dean has told the nine women and three men on the Watergate jury, was often a word-for-word repetition of his testimony before the Senate Watergate hearings last year.

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