

Account By Dean Disputed

Witness Denies A Fabrication About Mitchell

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Former White House counsel John W. Dean III held firm to his account of the Watergate scandal yesterday in the face of accusations that he had embroidered it with false stories incriminating former Attorney General John N. Mitchell.

Cross-examining Dean at the Watergate cover-up trial here, Mitchell's lawyers charged that the former White House aide's courtroom testimony included several phone conversations with Mitchell and other embellishments that he had never cited publicly before.

Dean, still calm and unruffled after seven straight days on the witness stand, denied any fabrication.

He said no one had ever asked him about one disputed chat with Mitchell and that his recollection had been refreshed about another.

The interrogation came at the start of a dizzy day in U.S. District Court Judge John J. Sirica's courtroom. By afternoon, opposing lawyers were shouting noisily and interrupting each other until Sirica warned them that their theatrics were approaching "a carnival atmosphere."

In the meantime, the judge unburdened himself of several private opinions about the scandal, including the thought that it could all have been avoided if Mitchell had just thrown Watergate spy G. Gordon Liddy out of his office in January of 1972 when a grandiose political espionage plan, including the bugging, was first presented.

Dean has testified repeatedly about that meeting, which Nixon campaign deputy director Jeb Stuart Magruder also attended. In his trial testimony, the former White House counsel said that Liddy not only had an elaborate set of charts for his original \$1 million scheme, but assured Mitchell and the others that its execution would be "several times removed from the (Nixon) re-election committee."

"Maybe I shouldn't say what's in my mind," Sirica observed at one point with the jury out of the room, but then decided to say it anyway.

"It's too bad Mr. Mitchell

didn't throw them out, get them out fast," the judge told all the lawyers of that first meeting with Liddy. "Then you wouldn't be in this courtroom today. It's too bad it wouldn't happen that way. Anyway, it's not for me to say what should have been done."

Sirica quickly added that "the jury didn't hear that, so no harm can be done." But Mitchell's lawyers, who have already accused the judge of being biased, objected to the remarks at a bench conference shortly afterwards.

Defense lawyers—first for Mitchell and then for former White House aide John D. Ehrlichman—kept chewing away at Dean during the day, but the only marks they seemed to have left were on his character rather than his credibility.

The 36-year-old witness de-
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flected most of the aspersions—such as his destruction of Watergate evidence and coaching of others to commit perjury—by readily admitting them.

"I don't think anyone is trying to paint this gentleman as a lily-white angel in this case," Sirica explained to the jurors in the midst of one exchange. He pointed out to them that Dean, now serving a one-to-four-year prison term for his work in the Watergate coverup, had already pleaded guilty.

"And he's paid for it," added chief trial prosecutor James F. Neal.

In his testimony for the prosecution, Dean incriminated every one of the five defendants at the conspiracy trial—Mitchell, Ehrlichman, former White House chief of staff H.R. Haldeman, former Assistant Attorney General Robert C. Mardian and Nixon re-election committee lawyer Kenneth Wells Parkinson.

Mitchell's chief defense counsel, William G. Hundley, tried to counterattack yesterday by putting the blame for the scandal on the Nixon White House and assailing Dean's account of conversations with Mitchell shortly after the June 17, 1972, bugging and break-in was discovered.

The boyish-faced Dean had testified last week about telling Mitchell in a June 22, 1973, phone call that acting FBI director L. Patrick Gray III and his agents were hot on the trail of Nixon campaign contribution checks totaling \$114,000 that had been cashed by one of the Watergate burglars. Dean said he also told Mitchell that Gray was inclined to think at that point that the bugging and break-in at Democratic National Headquarters here had been "a CIA operation" because several of the burglars had once worked for the secret agency.

former Justice Department prosecutor with a thick New York accent, Hundley said that Dean in testifying before the Senate Watergate

committee and later before the Watergate grand jury last year had told of making such reports only to Haldeman and Ehrlichman.

Contending that Dean had dreamed up the Mitchell phone call, Hundley challenged him on when he first reported it.

The first time I was asked

"about it, Dean replied evenly. He said he believed Watergate prosecutors were the first ones who had ever put the question to him.

Hundley tried to suggest that Dean concocted the phone call this summer after Mr. Nixon made public his taped June 23, 1972, conversations with Haldeman. It was on that day that the President personally approved a plan to have the CIA block the FBI's investigation of the tell-tale campaign checks on the spurious grounds that the inquiry would jeopardize covert CIA operations.

"Is it fair to say it was about the time you read about the tape that you suddenly recalled this (June 22) conversation with Mitchell?" Hundley demanded.

"No," Dean replied.

The Mitchell lawyer then turned to another phone conversation which Dean said he had with Mitchell on June 28, 1972.

Dean said he told Mitchell then that CIA Deputy Director Vernon Walters was then stating flatly that he CIA had not been involved in the Watergate caper. The former White House counsel said he also told Mitchell the CIA would not put up any funds to bail out the Watergate burglars. In turn, Dean said, Mitchell told him to ask Haldeman and Ehrlichman if President Nixon's personal fund-raiser, Herbert W. Kalmbach, could be drummed into service.

Dean acknowledged telling the Senate Watergate committee that he reported all this to Mitchell "in a meeting and not a telephone call." He said he had thought that Mardian and Frederick C. LeRue, another Mitchell deputy at Nixon re-election headquarters, had also been present.

Subsequently, however, Mitchell testified that he had been out of town on June 28, 1973, and could not have met with Dean that day.

"That jibes with my refreshed recollection," Dean said laconically. He said he then realized he had spoken with Mitchell on a long-distance phone call.

Hundley then tried to zero in on a Jan. 27, 1972, meeting in Mitchell's office when Liddy first proposed his political espionage program, complete with kidnappings, muggings and prostitutes.

Dean has testified at the cover-up trial that Liddy's charts included a final placard

"showing how it all fit together." He also quoted Liddy as assuring his small audience that "it would be several times removed from the re-election committee," which Mitchell was running.

Hundley protested that this was all new embroidery and that Dean never shared it with the Senate Watergate committee.

"I'll take your word for it," Dean replied disarmingly. "I've always remembered that. Whether it's in my testimony or not, I don't know."

The defense lawyer did get Dean to acknowledge that Mitchell always considered the money demands of the original Watergate defendants "a White House problem," but the government star witness said the buck-passing went both ways.

"He (Mitchell) said Haldeman and Ehrlichman should be interested" in getting the hush money paid, Dean declared. "They said he should be interested. It went back and forth."

The decibel level in the courtroom rose considerably when Ehrlichman's chief defense lawyer, William S. Frates, took over the questioning.