

DEAN SAYS HE TOOK WATERGATE DATA

Reports Putting Documents in a Bank to Prevent Their 'Illegitimate Destruction'

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WASHINGTON, May 4—John

W. Dean 3d said today that before his dismissal as counsel to President Nixon he removed documents dealing with the Watergate scandal from his White House office to prevent their "illegitimate destruction."

Mr. Dean, in papers filed this afternoon with the United States District Court here, reported that he had placed the documents in a safe deposit box at a bank in nearby Alexandria, Va.

Chief Judge John J. Sirica was asked to take custody of two keys to the box pending a judgment whether the papers could be examined by others. Mr. Dean said they bore "a security classification."

The dismissed White House lawyer said the safe deposit box held a 43-page document and eight related documents bound in a blue plastic cover. The contents were not detailed.

Mr. Dean was the official assigned by President Nixon to

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conduct an initial White House investigation into the break-in and bugging of the offices of the Democratic National Committee last June 17 at the Watergate complex.

Mr. Nixon said in August that the report had vindicated his staff. But Mr. Dean, now implicated in an alleged White House cover-up of the affair, has asserted that his report had been tampered with or kept from the President altogether.

Senators Hear Two

Other Watergate developments today included the following:

¶H. R. Haldeman and John D. Ehrlichman, two ranking White House aides who re-

signed on Monday, spent the day in preliminary testimony before the staff of the Senate select Watergate committee. The panel is scheduled to begin public hearings in about two weeks.

¶It was disclosed that officials of President Nixon's political fund-raising unit secretly collected between \$1-million and \$2-million in cash and then destroyed records in which the donors were identified.

Egil Krogh Jr., a former White House aide involved in a Presidential investigation of the Pentagon papers case, con-

ferred with Federal prosecutors handling the Watergate investigation.

In his court papers, Mr. Dean said he "has reason to believe that some, if not all," of the documents he removed from his office "may have a bearing on the subject under investigation" by the Senate Watergate panel.

He noted a letter sent to him on Jan. 16 by Senator Mike Mansfield of Montana, the Senate majority leader, requesting the retention of "any records or documents" that might deal with the Congressional study of the episode:

Sent Similar Letters

Mr. Mansfield's office said it had sent similar letters to a number of other officials then in the Administration, including Attorney General Richard G. Kleindients and L. Patrick Gray 3d, acting director of the Federal Bureau of Investigation.

Mr. Dean said he had taken the documents from his office before his discharge as the White Counsel and held them in "a safe and secure place under his custody and control" until putting them in the bank yesterday.

He said he was "anticipating the reasonable likelihood of either a covert break-in to his office before his termination by persons unknown or the sealing of his files after his termination by Government agents," thereby running "the risk of illegitimate destruction of the documents involved."

The files of Messrs. Dean, Haldeman and Ehrlichman have been placed under an around-the-clock guard by F.B.I. agents since the three men resigned.

Mr. Dean indicated he had been out of town this week and said he had rented safe deposit box No. 592 at the Alexandria National Bank upon his return.

Sirica Problem

The legal problem with which Judge Sirica was evidently confronted involves Mr. Dean's suggestion that neither the Senate committee nor the Government prosecutors "may carry the requisite security clearance" to see the papers.

On the other hand, Mr. Dean said that he, "as a terminated White House staff member," should no longer exercise control over the documents. He did not explain why papers dealing with Watergate should be classified.

The former white house counsel, who has warned that he will not be a "scapegoat" in the burgeoning scandal, is known to have supplied Justice Department officials with potentially incriminating information.

The appearances by Mr. Haldeman and Mr. Ehrlichman before the Senate committee followed the pattern set yesterday when they testified before a Federal grand jury here.

Both men arrived at the new Senate Office Building shortly before 10 A.M. Two Capitol policemen guarded the corridor on which the offices open.

Mr. Ehrlichman met with the committee staff first and answered questions for about five hours. Mr. Haldeman was then interrogated for more than three hours. Both men said afterward they had cooperated with the investigators.

'Gratified' by Session

Neither man, however, would give details of the questioning. Mr. Ehrlichman paused a moment to tell a crowd of cameramen and reporters outside the building that he had been "gratified" by the way the session was conducted.

The White House issued new guidelines on the use of executive privilege, but neither Mr. Haldeman, the former chief of staff, or Mr. Ehrlichman, who had served as the President's domestic adviser, would say whether it had been used to avoid answering questions.

Asked whether the guidelines would prevent investigators from finding out whether the President had knowledge of the bugging before it took place, an informed White House source

said that executive privilege covered only "official acts" and not "the commission of crimes or conversations about those crimes."

In the event of a conflict between a witness and either the Senate committee or a grand jury, the source said, the issue would finally have to be decided by the courts.

The questioning of Mr. Ehrlichman and Mr. Haldeman was led by the committee's chief counsel, Samuel Dash. During part of the interrogation, Senator Lowell P. Weicker Jr., a Connecticut Republican, who is a member of the panel, sat in.

Mr. Krogh, who has taken a leave of absence as Under Secretary of Transportation, served on Mr. Ehrlichman's staff at the time the White House ordered an investigation of the Pentagon Papers disclosure.

Mr. Krogh refused to comment on his meeting with the prosecutors today, but he denied a report yesterday that he was about to make a detailed public statement on his role in the Ellsberg investigation.

He said no date had been set for him to appear before the grand jury.