

Senators Vote Dean Limited Immunity

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The Senate select committee investigating the Watergate affair voted unanimously yesterday to give former White House counsel John W. Dean III limited immunity from prosecution in return for his testimony before the committee. Its televised hearings are to begin Thursday.

The Justice Department refused to say yesterday, however, whether it would waive its legal authority to keep Dean's immunity from taking effect for 30 days, which could delay Dean's appearance before the committee. Dean is one of 20 prospective witnesses scheduled to testify during the first phase of the committee's hearings, which con-

cern the Watergate burglary itself.

The immunity voted by the committee would bar Dean's testimony at the hearings from being used against him in any court proceeding. The same information from another source could be used against him, however, in the separate investigation being conducted by a federal grand jury into the Watergate bug-ging and alleged cover-up by White House and Nixon re-election committee officials.

The committee first voted to grant immunity for Dean last Tuesday, but it had imposed two conditions at that time: that Dean first invoke his Fifth Amendment right

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against self-incrimination and that the committee first determine that Dean's testimony was important enough to be given immunity.

Sen. Sam J. Ervin Jr. (D-N.C.), chairman of the committee, said after the committee's meeting yesterday that it removed the two conditions: Sen. Howard H. Baker (R-Tenn.), ranking minority member of the committee, said the action taken last week was "clearly defective."

The committee also voted to grant immunity from prosecution to a man named Roy H. Sheppard, whom Ervin refused to identify further. Sheppard was later identified by a reliable source as being the mysterious client whose former lawyer, Peter Wolf, said on April 19, had been given eight cartons of documents from Watergate conspirator E. Howard Hunt Jr.'s Executive Office Building office the day after the Watergate burglary.

Wolf said on April 19 that his client, whom he has never named publicly, had been called and told to pick

up the documents from the Executive Office Building. Wolf said at the time that the documents included "plans to bug the Watergate" as well as lists of campaign contributors that were later turned over by the Committee for the Re-election of the President to Common Cause as part of the citizens' lobby's suit against the campaign committee.

Wolf said his client "had been asked" by an unnamed party to pick up the cartons from Hunt's office in the Executive Office Building and "that a pass would be waiting for him at the guard entrance, that no questions would be asked when the cartons were removed from the building and none were."

Wolf, acting under a court order, later revealed the name of his former client to the Federal Watergate grand jury. Ervin said yesterday that his Senate committee's staff had been trying unsuccessfully to interview Sheppard. The immunity grant has the effect of compelling Sheppard to testify, although his name does not appear on the list of prospective committee witnesses.

Sheppard, described by neighbors as an employee of the Department of Transportation, could not be reached for comment. United Press International quoted Sheppard's new lawyer, Ben Cotten, as saying that Sheppard's testimony "will indicate that he did in fact have in his possession some material," which he never read, that "could have come" from Hunt.

Cotten said Sheppard would maintain that the documents were not given to him at the White House and that he did not know their contents.

Sheppard, who an informed source said lived at 5375 Duke St., Alexandria, was said by acquaintances to have assisted the re-election committee in organizing the shipment of buttons, bumper stickers and other materials to the Republican convention in Miami last August.

Dean, who was fired as White House counsel by President Nixon on April 30,

has become a central figure in the Watergate affair. Dean's associates say he has information that he believes forms a circumstantial case indicating that President Nixon was aware last year of the alleged cover-up of the Watergate affair.

Dean is also said by associates to be prepared to give testimony criminally implicating former top White House aides H.R. (Bob) Haldeman and John D. Ehrlichman in the alleged cover-up.

The committee voted to grant Dean immunity after federal prosecutors reportedly decided against giving

Dean immunity for testimony before the federal grand jury. Ervin said last week that the Justice Department was also refusing to waive its right to a 30-day delay of immunity voted in the Senate.

Justice Department officials have refused to comment on the matter. Deputy director of information Horace Webb said that he had been asked by Assistant Attorney General Henry Petersen not to comment on the department's position. Petersen is in overall charge of the grand jury investigation.

Jack Hushen, director of information of the Justice Department, said there was "no question about it," when it was pointed out to him during a telephone interview that the department's position on immunity for Dean was a matter of public interest.

Asked why the department refused to state its position publicly, Hushen replied, "Because the man in charge of the prosecution (Petersen) believes it's in the best interests of the Department of Justice not to comment every time someone asks for a comment refused to state its matter with Henry Petersen. That's it."

Although Petersen was called three separate times by a Washington Post reporter yesterday, he failed to return the calls.

The Justice Department can delay immunity for Dean, but it cannot block it completely. After the 30

days run out, under the law, immunity must be granted by a federal judge at the Senate Committee's request.

If Dean were indicted before the 30 days had run out, according to legal sources, Dean still could be granted immunity by the committee for Senate testimony and compelled to appear. The committee has not taken a public position yet on calling witnesses to testify if they are under indictment.

Dean yesterday appeared in the U.S. District Court house for about two hours to give a deposition in Common Cause's suit, which seeks to force the re-election committee to disclose all campaign fund donors. According to an informed source, Dean was generally cooperative in giving his sworn testimony.

The source said Dean testified that while serving as White House counsel, he performed work for the re-election committee that included reviewing committee memorandums on legal problems of fund-raising.

Dean also reportedly testified that a concensus was reached within the White House in 1972 to delay by nine days the date on which President Nixon signed into law an act of Congress establishing new campaign finance regulations. The nine-day delay gave the committee an extra nine days to receive contributions without revealing the contributors. The new law became effective April 7, 1972.