

Dean Evidence ^{Post} Under Lock, Key ^{6/20/73}

WASHINGTON (AP) — The evidence that federal prosecutors have against John W. Dean III in the Watergate planning and cover-up was put under judicial lock and key Tuesday in an unusual legal maneuver.

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The action establishes a government copyright on the material to prove, at a later time, that it had the evidence in advance of Dean's testimony before the Senate Watergate investigating committee.

Dean, the ousted White House counsel, is scheduled to go before the senators when the hearings resume next week after Soviet leader Leonid I. Brezhnev has left the country.

Whether the hearings resume Monday or Tuesday was unsettled because of an apparent misunderstanding between

Chairman San J. Ervin Jr., D-N.C., and the rest of the seven-man committee. The committee voted a one-week postponement Monday, acceding to the wishes of the Senate leadership which wanted to avoid embarrassment to President Nixon during Brezhnev's visit.

Federal District Court Judge John J. Sirica has ordered Dean to testify to the Senate committee under a grant of immunity. If he should be indicted and tried, the government will have to prove it gathered the

evidence independently of what Dean said at public hearings.

He refused to talk to the grand jury, where he has no immunity, claiming his Fifth Amendment right against self-incrimination.

"The evidence that has been gathered and is still being gathered establishes that you were at the center of a very profound kind of corruption," special prosecutor Archibald Cox wrote Dean on May 22. "We cannot allow you to trade your testimony about the culpability of others in return for dropping all charges against you."

The rejection was coupled with an offer to allow Dean to plead guilty to a one-count indictment charging a conspiracy to obstruct justice.

There was testimony at the Senate hearings last week that Dean helped plan both the burglary and bugging of Democratic headquarters a year ago and participated in the cover-up.

Judge Sirica ordered the government's evidence on Dean sealed and deposited with the court Tuesday after a request by Cox's assistant, James Neal. Neal told the court the prosecutors want to insure that if Dean is indicted they can establish the evidence did not

See DEAN, Page A-5

DEAN

(Continued From Page A-1)

come from Dean's testimony before the Senate Watergate committee.

Sirica ordered that the seal "be broken only in the event that Dean should challenge at any stage of any criminal proceeding the validity ... on the ground that such indictment or evidence was derived directly or indirectly from testimony compelled from Dean."

Dean was closeted Tuesday with committee counsel Samuel Dash and minority counsel Fred Thompson as they sought to determine which of his conversations and telephone calls with the President can be introduced without violating executive privilege or the attorney-client confidentiality.

Sources reported Dean has told the Senate investigators that there were discussions at the White House early this year on ways "to deaden the effect" the upcoming hearings would have.

One plan, Dean reportedly said, was to try to get a senator friendly to the White House on the committee.

Sen. Howard H. Baker Jr., R-Tenn., the committee vice chairman, said Sunday he had been approached by a presidential assistant who asked if the White House "might have some say in the selection of committee counsel." Baker said "I told him no."

There were published reports Tuesday that Dean acknowledged to investigators he used \$4,800 in 1972 Nixon re-election campaign funds to finance his honeymoon last year.

The reports said also that he failed to return another \$9,200 to the campaign organization.

Dean told both Justice Department and Senate investigators that he replaced the \$14,000 entrusted to him with a personal IOU in his office safe, the report in the Washington Star-News said.

The newspaper said Dean placed \$14,000 in a special trust fund earlier this year when it became apparent efforts to cover up high-level involvement in Watergate would fail.