

Dean Admits He Destroyed Evidence

By Timothy S. Robinson
Washington Post Staff Writer

Former White House Counsel John W. Dean III has told prosecutors that he destroyed potential Watergate evidence he found in President Nixon's personal financial file last January in the White House during the original Watergate trial, a prosecutor disclosed yesterday.

The evidence consisted of two notebooks kept by Watergate conspirator E. Howard Hunt, who has said they contained names and addresses of persons involved in the Watergate scandal.

Dean said he put the notebooks through a paper shredder because he thought they contained information about the then-undisclosed break-in at the office of Pentagon papers co-defendant Daniel Ellsberg's psychiatrist. Dean has also told prosecutors that he found an address book at the same time, and threw it into a wastebasket because he thought it came out of Hunt's safe as well.

The notebooks were part of the contents of Hunt's White House safe that was cleaned out under Dean's supervision two days after the Watergate break-in in June, 1972.

Dean earlier testified publicly that he turned over all of the documents he found in the safe to FBI investigators, with the exception of two envelopes that he gave directly to acting FBI director Patrick L. Gray III. Gray said in April that he kept the documents for six months and then destroyed them.

Richard Ben-Veniste, Watergate assistant prosecutor, announced to U.S. District Chief Judge John J. Sirica yesterday that Dean told members of the prosecution staff last Friday that he found the Hunt notebooks in the president's personal estate file in Jan-

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uary. The original Watergate trial was in process at the time, and the notebooks could have been used as evidence in the prosecution of that case.

Court sources also disclosed yesterday that Dean, in the presence of two other White House aides, denied a month before the trial that the two notebooks existed. That denial came in a lengthy meeting, during which a prosecutor described to Dean in detail the contents of the notebooks they were seeking, sources said.

The notebooks were important, according to Hunt, because they could have been used to support a defense that he thought the Watergate operation was legal because it had been approved by high government officials.

Prosecutor Ben-Veniste said Dean described the file in which the potential evidence was found as a folder containing information on the President's tax and estate matters.

He said that while Dean has not said that he put the notebooks in the file, "it is fair to assume that he (Dean) put them there." He said Dean maintained the file for the President.

In response to a Washington Post reporter's query, a White House spokesman said, "The President did not know that the notebooks were in his estate file." The spokesman would not comment further.

Ben-Veniste told Judge Sirica that the information about the notebooks was received as a result of continued questioning of Dean by the Watergate prosecution staff after his guilty plea was entered last month.

He said Dean told prosecutors that he did not look at the books in detail before he destroyed them, but merely saw they contained handwriting and recognized them as coming from Hunt's safe.

Prosecution sources have said that Dean's continued cooperation is expected to produce further information on the Watergate scandal that has remained undisclosed despite his lengthy testimony before the Senate Watergate committee.

The disclosure of the destroyed evidence came at the beginning of a hearing before Judge Sirica on motions by Hunt and four Miami defendants to withdraw their guilty pleas, and a request by convicted Watergate conspirator James W. McCord Jr. for a new trial.

Sidney S. Sachs, Hunt's attorney, said the latest disclosure of government evidence was further proof that charges against his client should be dismissed altogether.

"These proceedings are a web of fraud and corrup-

tion," Sachs said. "As each day passes, it becomes clearer that this goes to the very top of the government."

Attorney Daniel Schultz, who represents conspirators Bernard Barker, Eugenio Martinez, Virgilio Gonzalez and Frank Sturgis, argued his clients' position that they should be allowed to withdraw their pleas because they thought the break-in was a legitimate government intelligence operation.

Schultz described his clients as "good soldiers" who were led by Hunt, "a man representing the government... working in the White House."

Bernard Fensterwald, the attorney representing McCord, said his client should get a new trial for many reasons. "Justice has been so offended (in this case), that I believe Mr. McCord should be acquitted," Fensterwald said.

In response to each argument by the defense attorneys, prosecutors said the basic fact in each case is the same: The defendants were found inside the Democratic offices, and are guilty.

Judge Sirica took the motions under advisement, and said he would issue a ruling by the end of the week.

If he denies the motions, he said, the defendants will be finally sentenced on Friday at 10 a.m. They have been serving provisional sentences of 35 years, but Judge Sirica has made it clear that their final sentences will be substantially shorter.

In another court development yesterday, the U.S. Court of Appeals told Judge Sirica to issue a written statement of reasons within six days explaining why Hunt and the four Miami defendants cannot be out on bond pending final sentencing. Sirica denied a motion to that effect orally more than a week ago.