

# Dean's Lawyers Indicate Strategy

6/25/73

By DOUGLAS E. KNEELAND  
Special to The New York Times

WASHINGTON, June 23 — in a place of some honor on a picture-cluttered wall in an office on H Street N.W. in downtown Washington is a smiling portrait of John W. Dean 3d.

The wall belongs to Robert C. McCandless, a lawyer, a former brother-in-law of Mr. Dean and a practicing Democrat.

The picture was taken in happier times for Mr. Dean, the former counsel to President Nixon who moves to center stage Monday in the Watergate hearings being held by the Senate Select Committee on Presidential Campaign Activities.

Twitting his friend, Mr. Dean borrowed from a 1964 Presidential campaign slogan of Senator Barry Goldwater in signing the picture.

"In your heart you know we're right," he wrote. In parenthesis after his signature, he added "Counsel to the President." That was in August, 1970.

## Representing Dean

Now, Mr. McCandless and Charles N. Shaffer, who was a special assistant to Robert F. Kennedy when he was attorney general, are representing Mr. Dean as he prepares to appear at the nationally televised hearings and tell what in his heart he thinks was wrong in the Nixon White House.

Mr. Dean has been granted immunity by the Senate committee for the testimony that he will give next week, but so far he has been denied similar protection by the special prosecution team, headed by Archibald Cox, investigating the Watergate affair for the Department of Justice. In one recent brief appearance before a Federal grand jury

hearing evidence in the case Mr. Dean invoked the Fifth Amendment rather than testify without immunity.

His immunity from the Senate committee, however, is limited to evidence he gives that is not obtained independently by the Federal prosecutors. Earlier this week, the special prosecutors turned over to Federal District Court a sealed file on Mr. Dean, in advance of his Senate appearance, so that it could not be contended later that they had used his testimony before the committee to augment their file.

With the account that he is expected to present of the break-in and bugging at the Democratic national headquarters in the Watergate complex last June and the subsequent attempts at a cover-up, his attorneys concede that their hopes for saving Mr. Dean from prosecution for his role in the affair rest largely on three things.

First, they are still hopeful that the special prosecuting team, particularly after hearing Mr. Dean's testimony before the Senate committee, may become convinced it will be necessary to grant him immunity to get his help as a witness in an attempt to convict higher officials.

Second, should their client be indicted, they expect to be able to argue, as do attorneys for others who have appeared before the committee, that it would be impossible to obtain an impartial jury as a result of the widespread newspaper, television and radio coverage of the hearings.

Third, they feel that if their client can cover enough events in his statement before the committee they will be in a stronger position for any future argument as to whether a prosecutor was at-

tempting to use his own testimony against him.

"We know where we stand legally," said Mr. Shaffer, 41 years old, a slender, gray-haired fox-hunting enthusiast, at his office in Rockville, Md. "We're going to give them a fit of trouble no matter what happens. We're not going to take it lying down."

## Nixon 'Not the Question'

"I think all along we have thought the proper place to go was before the grand jury, if they had given him immunity," said Mr. McCandless, 35, a dark, wavy-haired native of Oklahoma.

"Then the Senate committee came along," he added, leaning comfortably on a table in the conference room next to his office. "This has more than legal considerations. This is the biggest political drama we've ever had in this country. I think the people need a catharsis.

"They may say, 'Spare me the truth,' but I think that three days of testimony and cross-examination could provide that kind of national catharsis.

"You've got to lift Watergate off this Government for it to function regardless of whether Nixon survives or doesn't survive. That's not the question."

Stopping to light a cigarette, he added, "If Dean gets his story out and it's believed . . ." His voice trailed off. Then he went on, musing. "I have not watched the hearings, I haven't had time," he said, "but people tell me that it comes across who's lying and who isn't lying."

## 150-Page Statements

On Monday, Mr. Dean will go before the Senate committee and read a statement of more than 150 double-spaced typewritten pages. It is expected to take him at least five hours.

He will sit at the witness table alone. Mr. Shaffer and Mr. McCandless, who will be at his elbows in subsequent appearances, will sit behind him the first day, Mr. Shaffer explained, because they thought Mr. Dean could come across better that way while making his statement.

"John doesn't have any malice," said Mr. McCandless, who, like Mr. Dean, was once married to a stepdaughter of the late Senator Thomas Hennings of Oklahoma. Both are now divorced and remarried.

Both attorneys have expressed annoyance at what Mr. Shaffer characterized as "this week of discrediting Dean" after the committee postponed its hearings during the visit here of Leonid I. Brezhnev, the Soviet leader.

"Sure he can be discredited in certain areas," Mr. Shaffer said, "but I think he's still believable."