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Judge Gets Evidence in Dean Case

Washington

Watergate prosecutors moved to protect their evidence against former White House Counsel John W. Dean III yesterday by submitting it under seal to U.S. District Judge John J. Sirica.

In a motion filed with the court, special Watergate prosecutor Archibald Cox asked that the seal be broken only if Dean should challenge the case against him on the ground that it was "derived directly or indirectly" from his forthcoming testimony before the Senate Watergate Committee.

Dean had been scheduled to start his congressional testimony with a four-hour opening statement yesterday, but the Senate committee postponed its hearings until next week to avoid embarrassing President Nixon during the visit of Soviet Communist party leader Leonid I. Brezhnev.

Under an immunity order granted last week, Dean cannot be prosecuted for what he tells the committee, but he can still be tried on evidence that does not stem from his Senate testimony.

Clearly determined to indict Dean, members of Cox's Watergate special prosecution force appeared at a brief hearing yesterday morning to hand Sirica a sealed, two-inch-thick file of "certain documents and memoranda of evidence"

UPI Telephoto

JOHN NEAL
Associate prosecutor

that has already been compiled concerning the ousted White House aide.

Under questioning by Sirica, prosecutor James F. Neal, whom Cox has assigned to the Watergate break-in and coverup, said the step was being taken so that, if Dean is indicted, "we can establish that the evidence supporting that indictment and subsequent trial will not come from Mr. Dean's testimony before the Senate select committee."

Much of the evidence submitted yesterday, but not all of it, has already been presented to the Watergate grand jury here, Neal said.

Armed with what he has called "the facts and the documents, papers the President sent to me and papers I sent the President," Dean is expected to testify before the Senate that Mr. Nixon knew about the Watergate coverup.

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