

Dean Gives Documents On Watergate to Judge

By Lawrence Meyer
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Chief U.S. District Judge John J. Sirica accepted custody yesterday of nine documents turned over to him by former White House counsel John W. Dean III and ordered copies made available to Senate and federal investigators of the Watergate affair.

Although the specific contents of the documents have not been made public, as described in court yesterday they carry an extremely sensitive security classification. The documents were picked up yesterday afternoon by Sirica's clerks from the Alexandria National Bank safe deposit box where Dean placed them May 3 and re-

turned to the U.S. District Courthouse where they were placed in a safe.

The government, represented by Principal Assistant U.S. Attorney Earl J. Silbert, had asked that the originals be turned over to it and said no objection would be raised to his giving a copy to the Senate select committee investigating the Watergate affair. In addition, Silbert said, the government had "no objection to a copy being retained by your honor."

"That's very kind of you," Sirica replied, later ruling at the end of the hearing that he would keep the orig-

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inals and give copies to the government and the Senate committee.

Although the originals will be kept in the U.S. District Court clerk's safe, Sirica said, "This court does not want to look at those documents, at this time at least." After ordering copies for the government and the Senate committee, Sirica said, "These documents should be kept secret until such time as the committee believes they should be released to the public or released in a public hearing, and I'm sure the government counsel realizes the importance of that also."

Yesterday's hearing was called, among other reasons, so that Sirica could determine the security classification of the documents that Dean asked him to take custody of May 4.

During the 25-minute hearing, Sirica asked Dean, who was making one of his few public appearances since

the President fired him April 30, what classification the documents carried.

"As I understand it," Sirica told Dean's lawyer, Charles N. Shaffer, "under the law there are three specific classifications—top secret, secret or confidential."

"That statute's outdated," Shaffer replied. "They've got something better than top secret."

"What have they got now?" Sirica asked.

"I don't know what they call it, but that's what this document is," Shaffer replied. With most of the courtroom, including the 34-year-old, boyish-looking Dean laughing, Sirica turned from Shaffer to his client for an explanation.

Dean told Sirica that the documents carry a "Top Secret, Handle via COMMIT channels" classification.

When Sirica asked Dean who had classified the documents, he replied, "This was a combination of several agencies, including the FBI and other national security agencies."

One source familiar with security classifications said that he had never heard of a "COMMIT channel" although he had heard of a ComInt channel, an abbreviation for communication intercept. This source described the communication intercept data as being anything from a wiretap in Washington to overseas surveillance conducted by satellite. Intercept data, this source said, is extremely sensitive and closely held information.

Sirica asked Dean if he could say "in what manner

they might affect the national security... without disclosing the specific contents of the material?"

"Having read the statute that covers the disclosure of national security matters," Dean said, "it would seem in part to fall within some of those restrictions of that statute."

The materials retrieved from the safe deposit box reportedly were in a manila envelope with "The White House," inscribed in the upper left-hand corner and sealed with transparent tape. The envelope was said to be about one-half inch



By Ken Feil—The Washington Post

John W. Dean III, former White House counsel, leaves Alexandria bank.

properly the property of the President.

In recovering the documents, prosecutor Silbert apparently has played a dual role. On the one hand, Silbert has been directing the grand jury investigation into the Watergate affair, including an examination of what role—if any—personnel in the White House played in an alleged cover-up.

On the other hand, Silbert was representing the Executive Department in its effort to recover the Dean documents from a former White House employee.

At one point, following the hearing, Silbert informed Sirica that he had checked with the National Security Agency and had developed some misgivings about release of the documents, according to reliable sources. Sirica scheduled a hearing to discuss the problem, but Silbert later called back to say that the problem, which he did not disclose, could be handled informally and that no further hearing was necessary.

In a related matter, Haldeman, former White House chief of staff, returned yesterday for his second appearance before the federal grand jury investigating the Watergate affair and apparently testified for several hours.

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Associates of Dean say he has information that he believes forms a circumstantial case indicating that President Nixon was aware of the alleged cover-up. White House sources have said that Dean has kept records and other documents that he believes constitute circumstantial evidence that former top White House aides H. R. (Bob) Haldeman and John D. Ehrlichman, whose resignations were announced April 30, directed a cover-up of the Watergate affair.

After Dean filed his motion asking the court to take custody of the documents, the White House announced that it had asked the Justice Department to recover them, claiming they were