Dean Publicity Ploy Revealed

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HUNT VALLEY, Md., Jan. 4—The lawyer for former White House counsel John Dean III said here today he had hoped to use the publicity surrounding the Senate Watergate committee hearings to shield Dean from any subsequent criminal prosecution.

Speaking at a meeting of the Maryland Bar Association, Charles F. Shaffer, the Rockville lawyer who represents Dean, said he and other lawyers composed letters to the Watergate committee arguing that publicity generated by the hearings would hopelessly prejudice their clients' chances of receiving a fair trial should they later be indicted.

But Shaffer candidly admitted that he and the other lawyers did not expect the letters — which he described as "tongue in cheek" — to result in a halt to the hearings, and that the lawyers in fact "wanted the publicity" as part of their defense strategy.

Having set the stage with the letters, he said, attorneys for Watergate defendants could "remove the tongue from their cheek" later and argue in court that pretrial publicity had prejudiced the government's case against their clients.

Although Shaffer clearly indicated that he believed other lawyers for Watergate defendants used a similar strategy, he did not identify the other lawyers.

In Dean's case, the strategy described by Shaffer was not necessary because Dean later pleaded guilty to a charge of obstruction of justice in connection with the Watergate case. But the publicity surrounding the Watergate hearings has remained controversial and last summer led former Watergate special prosecu-

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tor Archibald Cox to ask that the hearings be postponed.

Before he testified before the Watergate committee, Dean was granted use immunity from prosecution, meaning that his testimony could not be used against him in any subsequent criminal trial. To protect their case against charges that it included evidence based on Dean's Watergate committee testimony, Watergate prosecutors, just before Dean appeared before the committee, filed with court officials a record of the evidence they had gathered against Dean to that point.

In describing these events, Shaffer said the Senate committee's desire for public testimony and the prosecutors' desire to protect the integrity of their evidence were an example of two branches of the federal government working at cross purposes.

Shaffer also said here that Dean began meeting secretly with federal prosecutors in the Watergate case as early as last April 1, almost a month before President Nixon fired him as White House counsel. That was about a week after Mr. Nixon announced that new evidence in the Watergate case had been brought to his attention and about two weeks before Dean made his celebrated statement that he would not be a scapegoat in the case.

Shaffer said the meetings were held by the prosecutors, then headed by Earl Silbert, "unbeknownst to their superiors," in apparent reference to the President, other high White House officials and the then Attorney General Richard Kleindienst. He said the meetings, which he described as "off the record" sessions, were held so that the prosecutors could begin to untangle the facts of the case.

Even then, nine months after the Watergate break-in, the prosecutors "knew precious little about the Watergate case," Shaffer said.

After his talk, Shaffer refused to elaborate on his comments.

Shaffer appeared here as part of a panel that discussed the use of immunity from prosecution in criminal investigations. Under federal immunity laws, witnesses in criminal cases who might ordinarily be prosecuted themselves are assured that their testimony, and other evidence developed from their testimony, will not be used against them in court.

In return, the witness can be compelled to testify against others in the case.