

Dean Requests Immunity Or Quashing of Subpoena

His Lawyers Ask Judge Sirica to Act in Return for Watergate Testimony — Decision Is Expected Today

6/12/73

By WALTER RUGABER
Special to The New York Times

WASHINGTON, June 11 — John W. Dean 3d asked a Federal judge today either to throw out a grand jury subpoena or to grant him immunity from prosecution in return for his testimony on the Watergate affair.

Lawyers for the former counsel to the President took the issue before Chief Judge John J. Sirica of the United States District Court here after months of private negotiations with Federal prosecutors handling the case.

The Government made public a letter of May 22 to Mr. Dean in which it said evidence had been established that he was among those engaged in a plot to cover up the scandal and in which it refused to drop all charges against him.

Subpoena Issued

Mr. Dean, whose forced resignation as the White House attorney was announced on April 30, had been subpoenaed to appear this morning before the 23-member grand jury that is investigating the Watergate case.

Judge Sirica is expected to rule tomorrow on whether the subpoena should be quashed and on whether Mr. Dean, who has discussed the case in private session with the prosecutors, should have immunity. N. Shaffer, argued today that to call Mr. Dean before the grand jurors without immunity would force him to invoke his Fifth Amendment right against self-incrimination and would thus prejudice the panel.

The prosecutors replied that the grand jury had asked to question Mr. Dean and that under a number of court decisions he could be called even though his attorney has said he would invoke the Fifth amendment.

In a trial situation, a defendant cannot be called by the Government because, while he could refuse to answer questions, it has been held that in doing so he may prejudice the jury against him.

On the immunity issue, Mr. Shaffer said that Mr. Dean had talked to the prosecutors out of the grand jury's presence on the "condition" that whatever he disclosed "could not be used against him."

The prosecutors met with Mr. Dean "for extended periods of time on numerous occasions," his lawyer asserted, and received "a plethora of information explaining the involvement of Dean and others" in the Watergate affair.

The Government lawyers, Earl J. Silbert, Seymour Glazer and Donald E. Campbell, have contended for some time that they had sufficient evidence to prosecute Mr. Dean and others without the former official's testimony.

Under the immunity statutes, if the prosecution can establish that its case does not rely on anything the defendant has said under a formal or informal immunity arrangement it can go to trial.

May 22 Offer to Dean

In its May 22 letter rejecting Mr. Dean's request for immunity, the Government offered to allow him to plead guilty to one count on conspiracy to obstruct justice if he would testify as a Government witness.

"The evidence . . . establishes that you were at the center of a very profound kind of corruption," the prosecutors charged in the letter. "Involved was your exploitation of a position of trust to foster a pervasive scheme to obstruct justice."

"Things that the F.B.I., the grand jury, and this office were striving to uncover about the implication of others in the Watergate matter were blocked and frustrated by your connivance and collaboration with others," the letter charged.

Today, the prosecution argued that Mr. Dean's motion was part of "a campaign" for immunity. Such a grant is being sought from Judge Sirica by the Senate Watergate Committee, which hopes to hear from Mr. Dean next week.