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Dean Fights Grand Jury Subpoena

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Lawyers for former White House Counsel John W. Dean III asked Chief U.S. District Judge John J. Sirica yesterday to quash a subpoena requiring Dean to testify before the federal grand jury investigating the Watergate affair.

During a hearing on the motion before Sirica, the Watergate prosecution team made public a May 22 letter they had written to Dean asserting, "You were at center of a very profound kind of corruption." The letter proposed that Dean plead guilty to one count of obstructing justice in return for "your complete and truthful testimony concerning everything you know about the Watergate case and the guilt of others."

According to reliable sources, Dean has told investigators from the Senate select Watergate committee that he discussed the Watergate cover-up with President Nixon on at least 35 occasions this year. In addition, Dean reportedly has said that former top White House aides H. R. (Bob) Haldeman and John D. Ehrlichman were present at many of the meetings. President Nixon and his two former aides have denied any knowledge of the cover-up.

In the court papers filed yesterday, Dean's lawyers asked alternatively for an order barring Dean's appearance before the grand jury unless Special Prosecutor Archibald Cox agrees to confer immunity from prosecution on Dean in return for his testimony.

Sirica deferred a ruling on Dean's request until this morning, when the judge also is expected to rule on a request by Cox that the Senate committee hear testimony from Dean and former Nixon deputy campaign manager Jeb Stuart Magruder without television or radio coverage. Cox made the request to avoid publicity that might jeopardize the right to a fair trial of any future defendant.

The Senate committee has asked Sirica to confer immunity on Dean and Magruder for their testimony before it. The committee's tentative schedule calls for Ma-

gruder to appear Wednesday and for Dean to appear next week. The committee hear-

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ings will resume today with Maurice H. Stans, finance director of the Nixon campaign, scheduled to appear after former campaign scheduling director Herbert L. Porter finishes his testimony.

In the papers Dean's lawyers filed with Sirica yesterday, they argued that Dean had spoken to the Watergate prosecutors on April 2 and subsequently "subject to the condition—equivalent to the concept of use immunity—that whatever Dean said in disclosing his knowledge would not be used against him and that Dean would rely upon the prosecutors' good faith and fair

treatment of him with respect to the leads from the information Dean provided."

In his oral argument before Sirica, however, Charles N. Shaffer, one of Dean's lawyers, said that he and Dean approached the prosecutors in the "hope" that they would use Dean as a witness and not as a defendant.

Shaffer said that based on the eight meetings the prosecutors have had with Dean, they know that he is a "knowledgeable witness." Shaffer said that if Dean were forced to appear before the grand jury without immunity, he would invoke the Fifth Amendment right against self-incrimination, raising the possibility that

the grand jury would be prejudiced against Dean because of his refusal to answer questions.

Assistant United States Attorney Seymour Glanzer, one of the three original Watergate prosecutors, told Sirica that Dean came to the prosecution after "seeing the situation crumbling around him, and he went to an astute criminal lawyer who advised him to get out in front of the issue."

Although Dean tried to convince the prosecutors that he was "deserving of a clean bath" and tried to sell them on "his values" as a witness, Glanzer said, the prosecutors continually told Dean that he was a subject of their investigation.

Glanzer said that the prosecutors have "scrupulously avoided" presenting to the grand jury any information incriminating Dean that came from him.

In the May 22 letter from

the prosecutors to Dean made public yesterday, the prosecutors reject Dean's "conditional offer to testify on behalf of the government in the prosecution of others for their criminal conduct provided you are not prosecuted for what you have done."

To begin with," the letter states, "the evidence that has been gathered and is still being gathered establishes that you were at the center of a very profound kind of corruption. Involved was your exploitation of a position of trust in order to foster a pervasive scheme. Things that the FBI, 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 with others."

The letter then offers to allow Dean to plead guilty to one count of obstructing justice if he will give "complete and truthful testimony about everything you know." Dean was told that "if at this late date, you are sincerely sorry for your participation in the sorry picture of corruption" and wished to make "amends," then he should testify to "facilitate the successful prosecution of others who are also guilty in this matter."

Shaffer told Sirica the letter was "the most self-serving I have ever read. That letter was written by three people (the original prosecution team) who hear the Senate clamoring for a new prosecution team . . . It's a letter to clean skirts. I laughed when I read it."

Cox announced yesterday that, at his request, the three original Watergate prosecutors are moving to his offices at 1425 K St. NW. "The purpose of this move is to enable their work with members of my staff to go forward more conveniently and effectively," Cox said.

In his brief statement, Cox said that the move "does not involve any change in the working relationship" between the three prosecutors and his office outlined in his May 24 letter to United States Attorney Harold H. Titus Jr. Cox's May 24 letter said that the Watergate investigation should go forward without any "break or delay," but that Cox had made no final decision on what role the three original prosecutors would play after he had familiarized himself with the investigation.