

Hidden in Bank**White House
Demands Files
Taken by Dean***Washington Post Service*

Washington

The White House has requested the Justice Department to take "appropriate action" to recover nine documents apparently related to the Watergate affair that former White House counsel John W. Dean III put into a Virginia bank safety deposit box.

The White House sent a letter signed by Dean's replacement, Leonard Garment, to Deputy Attorney General Joseph T. Sneed on Monday asking him to begin legal proceedings to retrieve the documents, an informed source said yesterday.

The keys to the deposit box were turned over to Chief U.S. District Judge John J. Sirica by Dean's lawyers, along with a formal motion asking Sirica to take custody of the box and its contents.

ORIGINALS

Commenting on the documents, a White House source said, "We want the originals back. They're our papers, goddammit." The source said that if anyone is concerned "that we're going to do anything sneaky, let the court hang onto a copy."

Precisely what is in the documents could not be determined. The White House official said he does not know what the papers contain.

"Dean says they're classified," the official said, "and we're not in a position to dispute that." Sources close to the prosecution also have indicated that they do not know what the papers contain.

White House sources have said that Dean has kept White House records and other documents that he believes constitute circumstan-

tial evidence that former presidential aides H. R. Haldeman and John D. Ehrlichman directed a coverup of the Watergate affair. Dean also is reportedly prepared to assert that he believes President Nixon had knowledge last year of the coverup.

SUBPOENA

In a related development, the Senate select committee investigating the Watergate affair voted yesterday to subpoena Dean to talk to its staff this week, and to begin proceedings to obtain limited immunity, from prosecution for Dean should he testify before the committee, which is to begin public hearings May 17.

Senator Sam J. Ervin Jr., chairman of the Select Committee, said that Dean will be granted immunity, which would not completely protect him from prosecution, if the committee determines that it is necessary.

In addition, the committee

See Back Page

From Page 1

voted to ask the U.S. attorney general to waive the statutory ten-day waiting period from when the committee applies for immunity until a Federal court can grant it.

DEAN

Federal prosecutors investigating the Watergate affair

and the alleged attempt by White House and Nixon campaign committee officials to cover up the scandal have decided not to grant Dean immunity from prosecution for testimony before a Grand Jury or in court.

A source close to the Senate committee also said that former deputy Nixon campaign manager Jeb Stuart Magruder will be given limited immunity if the committee decides to call him to testify at its hearings.

Convicted Watergate conspirator E. Howard Hunt Jr. already has been given immunity by Judge Sirica at the request of the committee. No witness list has been made available for the hearings, which Ervin said last week will be conducted in three states, beginning with the Watergate bugging itself.

Sources close to the committee indicated that the four convicted Watergate burglars from Miami—Bernard L. Barker, Virgilio R. Gonzalez, Eugenio R. Martinez and Frank Sturgis—will be called. In addition, Magruder and convicted Watergate conspirator G. Gordon Liddy will also be called, according to the sources.

NEED

Whether or not Dean will be granted immunity, one source said will depend on whether "he takes the Fifth (Amendment) and if we're satisfied that we need it."

Judges may grant two kinds of immunity — "use" immunity and "transactional" or "blanket" immunity. Discussions of immunity for witnesses before the grand jury and the Senate committee have involved use immunity, which bars the prosecution from using in court against the witness anything he testifies about.

A witness who testifies after being given use immunity still can be prosecuted for things he testifies about if the prosecution can present independent evidence and testimony concerning the alleged crime, legal sources explained.

The other type of immunity — transactional or "blanket" immunity — would bar the prosecution of a witness for anything he discussed, whether independent evidence and testimony could

be presented or not. Transactional immunity, so far as is known, has not been contemplated for any potential witness before the grand jury or the Senate select committee.

One legal source who has been involved in discussions of immunity said that in the context of the Watergate affair, "use immunity means nothing" in terms of saving a witness from future prosecution.