

Immunity for Ex-Counsel Splits Investigating Units

NYTimes

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Special to The New York Times

MAY 10 1973

WASHINGTON, May 9—Senate and Federal investigators say that on the basis of extended interviews with John W. Dean 3d they believe he has no evidence to link President Nixon either to prior knowledge of the Watergate bugging or to any subsequent cover-up, reliable sources said today.

Sources in the Department of Justice and the Select Senate Committee on Presidential Campaign Activities said that Mr. Dean, the former White House counsel, gave his account in full in recent weeks to both investigating groups as he sought to bargain for immunity. He has not appeared before a grand jury.

Because of the limited scope of Mr. Dean's testimony, the sources said, prosecutors in the Watergate case are angry with the Senate committee for its decision to seek immunity for Mr. Dean before the committee begins public hearings on the case next Thursday.

Antagonism Cited

The dispute over the granting of immunity to Mr. Dean has exacerbated poor relations between the two investigating groups, sources in both camps said. Each side is accusing the other of failing to share information and of refusing to cooperate in other ways.

"The Senate is dismantling the criminal cases before our eyes," one source close to the prosecutors remarked in an interview.

"I'm cooperating fully with them," replied Samuel Dash, chief counsel of the Senate committee. "You ask if they're cooperating with us."

Mr. Dash was apparently referring to the Justice Department's decision, announced today, to go slow on the Senate

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committee's request for immunity for Mr. Deaan. Under the Organized Crime Control Act of 1970, the Senate request must be submitted to a Federal judge for approval. The Justice Department has decided to take the full 30 days allowed under the law before submitting the Senate request to the court.

Eight previous Senate requests for immunity, including those involved E. Howard Hunt Jr., who pleaded guilty in the Watergate bugging case last January, and Jeb Stuart Magruder, a former White House aide, were processed through the Justice Department with no delay.

Ervin Is Irked

The go-slow decision in Mr. Dean's case irked Senator Sam J. Ervin Jr., chairman of the Senate Watergate committee.

"For the life of me," the North Carolina Democracy told newsmen, "I can't understand why we can get away from the time limitation in the case of insignificant witnesses but not in the case of witnesses we find of great importance."

A reliable Senate source said, however, that the Justice Department's decision to invoke the 30-day delay came as no surprise to many members of the Senate committee, in view of the importance of Mr. Dean as a witness against H. R. Haldeman and John D. Ehrlichman, his former White House superiors, and the competition between the two investigating groups.

"The feeling was that if ever there was a time that the Attorney General would not immediately waive immunity, and delay for 30 days," the source said, "this was the time."

He added that the Senate committee expected the Federal prosecutors, headed by Earl J. Silbert, the principal Assistant United States Attorney, to seek to indict Mr. Dean during the 30-day delay.

Other sources said both the Senate and the Federal prosecutors had concluded that Mr. Dean was capable of implicating only Mr. Haldeman, the former White House chief of staff, and Mr. Ehrlichman, the President's former adviser for domestic affairs.

"We know precisely what Dean can do," a Federal source said. "We have debriefed him from A to Z."

Both Newsweek and Time magazines published articles this week depicting Mr. Dean as prepared to implicate Mr. Nixon in knowing about the Watergate cover-up.

In papers filed with a Federal court last week, Mr. Dean said he had taken classified documents dealing with the Watergate case from his White House office and placed them in a safe-deposit box in a Virginia bank for safekeeping. The former White House counsel asked Chief Judge John J. Sirica of Federal District Court to take custody of the box pending a decision as to whether the papers could be examined by others without the necessary security clearances.

Both Senate and Federal

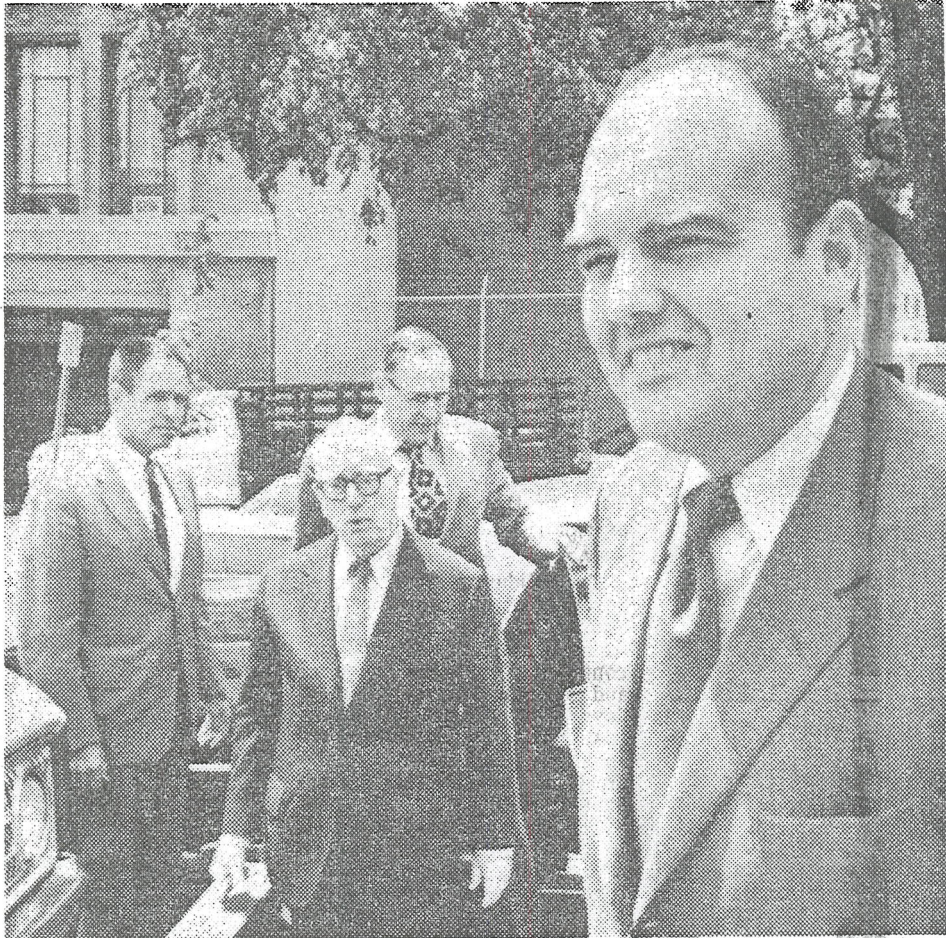
sources said they did not expect the documents to provide any new information about Mr. Nixon's involvement in the Watergate affair, although they have not seen the papers.

"We knew what was in that bank safe-deposit box even before he [Mr. Dean] put it in there," a Justice Department source said. He described the papers as national security documents that "have nothing to do with anything." The official did not amplify his comment, beyond repeating that the papers had nothing to do with any Nixon involvement in the Watergate case.

Justice Department sources said that the prosecutors were upset over the granting of immunity to Mr. Dean because they were convinced it would hamper any subsequent trial of the former counsel. Under the Federal rules that guide the granting of such immunity to Mr. Dean, testimony before the Senate committee could not be used against him in a subsequent criminal prosecution, nor could any evidence be presented that came from leads supplied by his testimony.

"We know what's going to happen," a Federal source said. "Dean and his lawyers will come into court and say that everything we got against him came after he appeared on television. And then we'll have to prove that we got each piece of evidence independently of his public statements" — a process, he said, that would make a successful prosecution of Mr. Dean impossible.

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Associated Press

H. R. Haldeman, left rear, and John D. Ehrlichman, right, arriving with their attorneys yesterday at Federal Courthouse in Washington, scene of grand jury sessions on Watergate. The attorneys are John J. Wilson, center, and Frank H. Strickler, center rear.