

Attorney Vows Dean Will 'Take on Nixon

'HE'S NOT AFRAID,' LAWYER ASSERTS

Former Aide to President
Reported to Invoke the
5th Before Grand Jury

By SEYMOUR M. HERSH

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WASHINGTON, June 12—An attorney for John W. Dean 3d vowed today that despite an apparent court setback, the former White House counsel would still "take on President Nixon and his Administration" in the televised Senate Watergate hearings next week.

"He's not afraid," Robert C. McCandless, the attorney, said in a telephone interview. "This may sound corny and self-serving, but truth is an awfully comforting companion even if you're going up against the biggest power in the world."

Mr. Dean and his attorneys have been waging a battle for immunity from the Federal prosecutors in the Watergate case through a series of carefully controlled interviews and leaks of information.

Some of Mr. Dean's accusations—such as a report that he met with President Nixon up to 40 times between late January and early April of this year—have been confirmed by the White House, but the prosecutors have refused to grant him immunity.

Last month, the Senate Watergate committee granted Mr. Dean immunity in its televised hearings. Chief Judge John J. Sirica of the United States District Court upheld that action today and turned down a prosecution request that live television or radio coverage be barred during his testimony.

Ordered Before Panel

But Judge Sirica also ordered Mr. Dean to appear before the Federal grand jury investigating Watergate amid clear signs that the Federal prosecutors planned to indict him whether he testified freely or not. Mr. Dean subsequently invoked the Fifth Amendment's protection against self-incrimination during a 20-minute grand jury appearance, court sources said.

"We didn't lose anything," said Mr. McCandless after the judge's decision. "We said it was burdensome and oppressive for a prospective defendant to have to go in front of a grand jury and plead the Fifth—why should he have to do that?"

"I really Judge Sirica would have ruled in our favor but for the fact he feels that the grand jury has a right to see each and every witness. He finally came down on the rights of the grand jury, and no one can argue with that."

Mr. McCandless indicated that he and Mr. Dean's other attorney, Charles N. Shaffer, 3 are still holding out hope for Federal immunity from the prosecutors, Earl J. Silbert, Seymour Glanzer and Donald E. Campbell.

"It just seems to me," the attorney said, "that they [the prosecutors] have got to figure that this guy is more than some sort of a common second-story man. Obviously, if he wanted immunity or wanted special treatment, why take on the President of the United States? That's stupid."

Mr. McCandless added: "If you want to be treated fairly,

you stay in line. Anybody who takes on the President is either crazy or he is convinced that the only way to make sure that this never happens again is to get the whole facts before the people.

"John Dean is going to tell everything he knows, and not in a self-serving way. He is going to admit to whatever participation or possible participation that involved him. He is going to tell everything that he can remember about the climat that produced Watergate and the aftermath [cover-up] of Watergate."

Mr. Dean, who was 31 years old when he shifted from the Justice Department to the White House in mid-1970, has been publicly and privately depicted by many persons involved in Watergate — including President Nixon — as the focal point of the White House cover-up that began

the June 17, 1972, arrests inside the Democratic National Committee headquarters in the Watergate office building.

It was Mr. Dean who served as the main liaison with the Justice Department and the Federal Bureau of Investigation in the first months of the inquiry. He also received copies of all F.B.I. reports and made pertinent information from them available to higher-ups, including H. R. Haldeman and John D. Ehrlichman, the two former chief domestic advisers to Mr. Nixon who resigned their jobs April 30.

In recent weeks, Mr. Dean has directly and indirectly linked President Nixon to far more knowledge about the cover-up than the President has publicly noted.

Mr. Dean reportedly discussed many aspects of the cover-up with the President during the meetings early this year and was quoted as saying that at one point Mr. Nixon

and Administration' at Watergate Hearing

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even inquired about the \$450,000 in cover-up payments to the seven Watergate defendants and their attorneys that had been authorized by high White House aides.

Mr. Dean has also been indirectly quoted as claiming knowledge of many other illegal activities that took place before Watergate, including illegal wiretapping and many instances of improper fundraising authorized by the White House.

Mr. Nixon, in his Watergate statement May 22, denied any knowledge of any unauthorized or illegal activities on the part of his aides in the Watergate cover-up.

Mr. McCandless said that his client's testimony might take three full days next week. Mr. Dean, he said, plans to spend at least one day telling the Senators "How a Watergate can happen."

"He has to set the stage," the attorney said. "He wants to say 'Here's the climate that existed in this country' during the Nixon Administration and explain why Watergate was a symptom."

Executive Session Set

"Here's the only man in this case I know of who stands up and says to the President of the United States and to all lesser officials 'We've just got to have the truth out, and I'm going to be a witness,'" Mr. McCandless said.

He's not afraid of what the prosecutors might do; he's not afraid of his hide; he's not afraid for his life," the attorney said. "But obviously, we're not dealing with an alderman out in Silver Spring, Md. [a Washington suburb]. It's hard ball."

Nonetheless, the attorney said, Mr. Dean "has to put Watergate in perspective and tell what he knows. He's going to outline what he knows about the Nixon Administration, and then he's going to get down

to the exact issues before the committee"—those irregularities connected to the Watergate break-in.

"He's not out to get anybody," Mr. McCandless said of his client, "not like all the others who tried to take him out at the knees or discredit him." But the attorney added that "other peoples' names will have to come up, because events are handled by people, and to discuss events you have to discuss people."

Senate sources said that the committee would meet in executive session within the next week to discuss and perhaps vote on the propriety of discussing areas involving national security and attorney-client relations in the public testimony. Some of Mr. Dean's testimony, the sources said, may have to be given in executive session.

Another view of Mr. Dean was provided, however, in a letter made public yesterday by the Federal prosecutors. The letter, dated May 22, told Mr. Dean that he would not be granted immunity and offered him a chance to tell his story in return for a single count of obstruction of justice — a felony charge.

"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," the letter said. "Involved was your exploitation of a position of trust in order to foster a pervasive scheme to obstruct justice."

Mr. Dean could still be indicted after his Senate appearance, although the law states that any evidence used against him by the prosecutors must have been developed before his public testimony.

Asked about the offer which was rejected, Mr. McCandless said, "We will never answer their letter in the form that it was written and take a plea to any felony — never."



United Press International

John W. Dean 3d and his wife leaving U.S. District Court in Washington yesterday after Mr. Dean appeared before a grand jury investigating the Watergate case.