

Evidence On Dean Is Sealed

Cox Moves To Protect Indictment

By George Lardner Jr.
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Watergate prosecutors moved to protect their evidence against former White House counsel John W. Dean III yesterday by submitting it under seal to U.S. District Court Judge John J. Sirica.

In a motion filed with the court, special Watergate prosecutor Archibald Cox asked that the seal be broken only if Dean should challenge the case against him on the grounds that it was "derived directly or indirectly" from his forthcoming testimony before the Senate Watergate committee.

Dean had been scheduled to start his congressional testimony with a four-hour opening statement yesterday morning, but the Senate Watergate committee postponed its hearings until next week to avoid embarrassing President Nixon during the visit of Soviet Communist Party leader Leonid I. Brezhnev.

Under an immunity order granted last week, Dean cannot be prosecuted for what he tells the committee, but he can still be tried on evidence that does not stem from his Senate testimony.

Clearly determined to indict Dean, members of Cox' Watergate special prosecution force appeared at a brief hearing yesterday morning to hand Judge Sirica a sealed, 2-inch-thick file of "certain documents and memoranda of evidence" that has already been compiled concerning the ousted White House aide. Its official receipt was stamped at 10 a.m.

Under questioning by Judge Sirica, prosecutor James F. See PROSECUTE, A8, Col. 5

PROSECUTE, From A1

Neal, whom Cox has assigned to the Watergate break-in and cover-up, said the investigation of Dean has not been completed, but he hinted that efforts would be made to wrap it up during the extra week afforded by the break in the Senate hearings.

Supplementary evidence, Neal told the judge, may be submitted "in the next few days."

He said the step was being taken so that, if Dean is in-

dicted, "we can establish that the evidence supporting that indictment and subsequent trial will not come from Mr. Dean's testimony before the Senate select committee."

Much of the evidence submitted yesterday, but not all of it, has already been presented to the Watergate grand jury here, Neal said.

Armed with what he has called "the facts and the documents, papers the President sent to me and papers I sent the President," Dean is ex-

pected to testify before the Senate that Mr. Nixon knew about the Watergate cover-up.

His lawyers were notified of yesterday's hearing, but they did not appear. However, John J. Wilson, the attorney for former White House chief of staff H. R. Haldeman and former presidential adviser John D. Ehrlichman, turned up as an interested spectator.

Smiling broadly, he told reporters that the "old fire horse" in him drove him to the session when he learned of

it early yesterday morning. Asked about The Washington Post's report Monday that the

President is now expected to defend himself by saying Haldeman and Ehrlichman misled him, Wilson said he did not believe it.

"I think it's nuts," Wilson declared.

The Post, citing White House and other government sources, said that Mr. Nixon's emerging stance is designed to counter the charges expected from Dean.