

Dean Gets 1-4 Years In Prison

Nixon Ex-Aide Sentenced for Cover-up Role

By George Lardner Jr.
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John W. Dean III, the former White House counsel who helped contain the Watergate scandal and then broke it open, was sentenced yesterday to a federal prison term of one to four years.

Brushing aside requests for a delay from both Dean's lawyers and Watergate special prosecutors, U.S. District Court Judge John J. Sirica imposed the sentence tersely, carefully avoiding words of either praise or condemnation in light of the forthcoming Watergate cover-up trial.

Now President Nixon's chief accuser, Dean said he realized simple words of contrition for his own part in the conspiracy were not enough. His face was drawn, but his voice was clear and composed.

"The only thing I would ask for is your compassion and your understanding," Dean told the judge just before sentence was passed. "I have done wrong and I realize the wrong I have done.

"What bothers me most is I was involved in corruption of government and misuse of a high office. Realizing that to say I am sorry is not enough, I have tried for about the last 18 months to do everything I can to right the wrongs. And regardless of what this court judges me, I will continue the same course."

Sirica gave him until Sept. 3 to put his affairs in order and released him on his own recognizance. The judge said he would recommend that Dean serve his sentence in a minimum security institution such as the one at Lompoc, Calif.

Dean's legal career has already been shattered. He was disbarred after he pleaded guilty last Oct. 19 to

a single count of conspiracy to obstruct justice.

Dean will be confined for at least one year under the term imposed on him. But he may spend much of the first few months on the wit-

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ness stand here, testifying in Sirica's courtroom against his former colleagues, and perhaps in the Senate against Mr. Nixon himself.

Dean's lawyer, Charles N. Shaffer, began the hearing by asking for a postponement, arguing that the judge should first listen to the Watergate tape recordings that Mr. Nixon is only now surrendering before deciding on the length of Dean's sentence.

Shaffer contended that the still secret recordings would supply not only fresh grounds for leniency, but also evidence that Mr. Nixon was aware of the cover-up almost a month before the President says he was informed of it.

Although Dean warned Mr. Nixon on March 21, 1973, that there was "a cancer" on the presidency that was growing every day, Shaffer said that Dean "explained the negative aspects of the cover-up to the President" several weeks before that—at a meeting in the Oval Office on Feb. 27, 1973.

A tape of that conversation is among those that have been subpoenaed by Watergate Special Prosecutor Leon Jaworski for the cover-up trial. A White House spokesman said yesterday that it would be surrendered to Sirica next week.

Shaffer also recited the President's own words on June 4, 1973, after he had spent hours reviewing some of the tapes that, along with Dean's testimony, have brought Mr. Nixon to the brink of impeachment.

Reviewing what he had just heard with press secretary Ronald L. Ziegler, the President said then:

"I should have reacted before the 21st of March actually. Dean shouldn't have had to come in to me with the 'cancer in the heart of the presidency,' which to his credit he did . . . He did. Haldeman didn't tell me that. Ehrlichman didn't tell me that."

Were it not for John Dean, Shaffer submitted, "I doubt the court would have

the evidence available to it . . . Dean is the one who broke the case for the government."

At that point, the judge interrupted, mentioning former White House aide Alexander Butterfield who disclosed the existence of the White House tapes in his testimony last summer before the Senate Watergate committee.

How about Mr. Butterfield?" he asked Shaffer.

The lawyer said he doubted Butterfield ever would have been asked about the taping system if Dean hadn't first testified about his suspicions that at least one of his meetings with Mr. Nixon — on April 15, 1973 — had been recorded. (According to Dean, Mr. Nixon made remarks at that meeting that implicated him in the cover-up. The White House has said the conversation was never recorded because the reel of tape on the White House recording machine that Sunday had already filled up.)

Prosecutor James F. Neal, the chief trial lawyer assigned to the cover-up case, said the government would have no objection to delaying Dean's sentencing until the trial, now set for Sept. 9, was about to start.

But Sirica had made up his mind. He pointed out that he had read out every word in the charges against Dean last Oct. 19 before accepting his guilty plea.

Dean admitted then that he taken part in the cover-up right after the discovery of the June 17, 1972, break-in and bugging of Demo-

cratic National Committee headquarters at the Watergate office building here. He sought to get Watergate burglar E. Howard Hunt Jr. out of the country; he tried to get the CIA to use covert funds for bail and salaries of those arrested and when that effort failed, he went to the President's personal lawyer, Herbert W. Kalmbach, to raise the cash. He got FBI reports on the Watergate investigation from then acting FBI director L. Patrick Gray; he coached Nixon campaign deputy director Jeb Stuart Magruder to perjure himself, and later saw to it that an offer of executive clemency was delivered to Watergate defendant James C. McCord.

"There was no doubt in the court's mind that your client knew what he was doing when he pleaded guilty,"

the judge told Shaffer.

Sirica said he was giving Dean a month's grace because Dean's mother-in-law was seriously ill in California and Dean and his wife, Maureen, who now live in Los Angeles, have been busy caring for her.

"I admire him for doing that," the judge said. He said he had also received letters from Senate Watergate committee Chairman Sam J. Ervin Jr. (D-N.C.), from the committee's chief counsel, Sam Dash, and from government prosecutors, all talking about "his very fine cooperation."

But when Shaffer maintained that Dean recognized as early as the spring of 1973 that he would have to go to jail and that he should "get some credit for laying it out to the President of the United States" with that in mind, the judge suggested that Dean could well have been charged with more than a single count of conspiracy.

Unruffled, Shaffer said he doubted the judge would have imposed more than the maximum sentence of five years in prison and a \$10,000 fine even if Dean had been charged with 50 counts of conspiracy.

Sirica was annoyed. "I'm not going to answer a hypothetical question about what I would have done," he said.

The 35-year-old Dean was the ninth former White House aide to be sentenced in the Watergate case and related scandals. His one-to-four-year term was one of the stiffest so far.

Former White House domestic affairs adviser John D. Ehrlichman, who still faces trial in the cover-up case, drew 20 months to 5 years earlier this week from U.S. District Court Judge Gerhard A. Gesell after his conviction of conspiracy and perjury charges in the Ellsberg psychiatrist's office break-in.

Watergate conspirator G. Gordon Liddy got an indeterminate sentence of six years eight months to 20 years. Hunt was given 2½ to 8 years. All the rest, including former White House aides Dwight Chapin, Jeb Magruder, Egil Frogh, Charles W. Colson and Herbert L. Porter Jr.—were given terms ranging from 30 days (for Porter) to one-to-three years (for Colson).

Pleading for suspension of all or most of Dean's sentence, Shaffer pointed out that he had stepped forward first. The then-White House counsel hired Shaffer on March 25, 1973—just four days after making his detailed report on the cover-up to Mr. Nixon—and began talking to government prosecutors less than two weeks later, on April 8.

The judge passed sentence without comment, but he levied no fine. Dean has said he has nothing left in the bank anyway.



Associated Press

Former White House counsel John W. Dean III leaves courthouse after sentencing.