

DEAN SENTENCED TO 1 TO 4 YEARS IN COVER-UP CASE

**Ex-Counsel to Nixon Pleaded
Guilty to Plot to Obstruct
Justice on Watergate**

BID FOR IMMUNITY LOST

**Sirica Offers No Comment
After Hearing Pleas by
President's Chief Accuser**

By **LESLEY OELSNER**
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WASHINGTON, Aug. 2—John W. Dean 3d, once President Nixon's legal counsel and now his chief accuser in the Watergate affair, was sentenced today to a minimum of one year in prison and a maximum of four years for his admitted role in the Watergate cover-up.

Mr. Dean is to begin serving his term on Sept. 3. Shortly thereafter, he is expected to be called as a major prosecution witness in both the Watergate cover-up trial and, if Mr. Nixon is impeached, in the Senate trial of the impeachment charges.

Judge John J. Sirica imposed the sentence in United States District Court before a crowded room. He did so without explanation or comment after listening impassively as Mr. Dean asked for "compassion" and "understanding" and said he had been trying to "right the wrong" he had done.

Mr. Dean had faced a maximum sentence of five years' imprisonment and a \$10,000 fine as a result of his guilty plea last Oct. 19 to a charge of conspiring to obstruct justice.

He had pleaded guilty under an arrangement with the special Watergate prosecution whereby the prosecution agreed not to press other potential charges against him in return for his cooperation.

Hoped for Full Immunity

Mr. Dean had originally hoped to receive complete immunity for his cooperation. Indeed, he received immunity, for some of the information he provided initially. However, sources at the prosecution of-

fice have said, the prosecutors were able to find some evidence against him that was not covered by previous grants of immunity and, citing this, they were able to persuade Mr. Dean to agree to plead to the count of conspiring to obstruct justice.

Because of his extensive cooperation with the prosecution, and with the Senate Watergate committee and the House Judiciary Committee as well, a number of persons—including Mr. Dean, apparently—had expected his sentence to be substantially less than the maximum.

Mr. Dean kept his customary composure as the judge announced the sentence. But minutes later, after Judge Sirica added that he would recommend that Mr. Dean be placed in a minimum security prison, the one-time White House aide hurried from the courtroom, escorted by Federal marshals and looking shaken.

When he left the courthouse,

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he took the basement garage exit in an effort to avoid reporters. When one reporter met him there and asked for a comment, he said, "No, I'm sorry," and stepped quickly into a sedan.

Fifteen other persons, including the seven original Watergate defendants as well as a number of former high White House and Nixon campaign aides, have already been sentenced to prison for the break-in at the Democratic National Committee headquarters at the Watergate complex or Watergate-related offenses.

Some of those sentences have been less than Mr. Dean's, the lowest being 30 days for Herbert L. Porter, a Nixon campaign aide, and the highest, the term of six years and eight months to 20 years given G. Gordon Liddy, a former White House aide.

A 16th person, former Attorney General Richard G. Kleindienst, received a suspended sentence.

Maximum sentences are rarely applied. John D. Ehrlichman, for instance, was sentenced earlier this week to a term of 20 months to five years, out of a possible 20 years and \$30,000, after his conviction in the so-called "plumbers" break-in case. And some Watergate sentences have been notably lenient, such as the sentence given to Mr. Kleindienst for his conviction for failing to testify fully to the Senate—a suspended 30-day jail term and suspended \$100 fine.

Judge Sirica's law clerk, D. Todd Christoffersch, suggested

today — when asked about the judge's rationale for the sentence—that the judge may have refrained from explaining it in court because of the pending trial of the cover-up case and the possibility that anything he said might be cited by lawyers in the trial.

Role in Nixon Charge

Mr. Dean—35 years old and markedly more subdued looking than in the years when he was the dashing young counsel to the President, wearing \$200 suits and driving about town in a maroon Porsche—was the first person to charge publicly that Mr. Nixon was directly linked to the Watergate cover-up.

Last summer, before a national television audience, he testified at the Senate Watergate committee hearings that he had informed Mr. Nixon of the cover-up and that the President had chosen not to stop it.

Though the case against Mr. Nixon has grown beyond Watergate since then—with the House Judiciary Committee now having recommended Mr. Nixon's impeachment on other grounds as well—the White House has concentrated its defense on the Watergate affair.

Its main defense strategy in the Watergate episode has been to attack Mr. Dean's credibility.

Mr. Dean first went to the Federal prosecutor, on April 8, 1973, to tell about the cover-up. On April 30, Mr. Nixon accepted his resignation.

The day's proceedings in Judge Sirica's second-floor courtroom started with a hearing into the pending prosecution subpoena of tapes and records of 64 White House conversations needed for the forthcoming trial of the six remaining defendants in the cover-up case.

Richard Hauser, a White House attorney, turned over some of the subpoenaed tapes and said that the remaining ones would be delivered by the middle of next week.

Mr. Hauser also said that he expected the White House to complete by next Friday its "index and analysis" of all 64 conversations, describing those

portions that Mr. Nixon wants Judge Sirica to withhold from the prosecution on such grounds as national security.

Mr. Hauser declined to answer a question from Richard Ben-Veniste, an assistant prosecutor, as to whether there were gaps in the tapes turned over today, saying that the answer would be in the index and analysis.

Charles N. Shaffer, Mr. Dean's lawyer, then asked Judge Sirica to delay Mr. Dean's sentencing until the judge had had time to listen to the subpoenaed tapes.

Mr. Shaffer had already filed a written request for a delay, saying that conversations covered by the subpoena—which was upheld by the Supreme Court last week—might show that Mr. Dean's role in the

cover-up was more that of an agent than of a principal.

Sirica Bars Delay

In court this morning, Mr. Shaffer mentioned one such conversation, held between Mr. Dean and the President on Feb. 27, 1973. According to Mr. Dean's testimony before the House Judiciary committee, released by the committee last week, the two men talked of the cover-up on that date.

Mr. Nixon has said that he learned of the cover-up on March 21, 1973.

The Watergate prosecutor, however, had objected in a written statement to this line of argument. It had not opposed the request for a delay, but said that there was already enough evidence available on which sentencing could be based.

Judge Sirica agreed. The judge told Mr. Shaffer that he was careful, last Oct. 19, to

question Mr. Dean about the guilty plea the lawyer was offering. The judge noted that he had gone through the "information"—the recital of charges—with Mr. Dean.

The information, six pages long, had accused Mr. Dean of a conspiracy to obstruct justice and had listed six overt acts—telling Mr. Liddy on June 19, 1972, to tell E. Howard Hunt Jr., one of the original seven defendants, to leave the United States, for instance; asking the deputy director of the Central Intelligence Agency whether

the C.I.A. could use covert funds to pay the bail and salaries of the Watergate burglars; asking Herbert W. Kalmbach, the President's former personal attorney, to raise funds to make covert payments to the burglars.

Also, asking the director of the Federal Bureau of Investigation to provide reports on the bureau's Watergate investigation; assisting Jeb Stuart Magruder to prepare perjured testimony; asking that an offer of clemency be made to James W. McCord Jr., another of the original Watergate defendants.

"I take it," Judge Sirica said to Mr. Shaffer this morning, "you're not saying he's innocent."

Mr. Shaffer quickly replied that Mr. Dean was not Judge Sirica then denied the motion for a delay.

Sentence Discussed

The judge went on to take up the issue of the sentence—and he made it clear immediately that he was going to send Mr. Dean to prison.

Before calling on Mr. Shaffer to speak in Mr. Dean's behalf, the judge said that since Mr. Dean's mother-in-law was very ill and the Deans were caring for her Mr. Dean would have until Sept. 3, more than the usual time defendants get, to clear up his affairs.

Mr. Shaffer asked Judge Sirica to exercise his "conscience." He told the court that

Mr. Dean was the one who "broke" the Watergate case, that he should get some "credit" for this, and that a "retributive" sentence would discourage others who might come forward in other cases.

Mr. Shaffer also noted that a number of the authorities whose investigations Mr. Dean has helped had given the court letters describing that help—including both the chief counsel and the chairman of the Senate Watergate Committee, and the Watergate prosecution.

James Neal, the assistant Watergate prosecutor in charge of the cover-up case, buttressed the point. Mr. Dean, Mr. Neal told Judge Sirica, has cooperated "fully and unhesitatingly."

Then it was Mr. Dean's turn at the lectern. "I have done wrong," he said. "I realize the wrong I have done. What bothers me the most is I've been involved in corruption of government and abuse of a high office."

He said he had realized that "to say I'm sorry is really not enough." He said he had tried "for about the last 18 months to do everything I can to right the wrong." He said he would continue to do so, regardless of his sentence.