

Immunity Grant System to Be Reviewed

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By Lawrence Meyer
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The Justice Department has undertaken a high-level review of the way immunity from prosecution is granted to witnesses in criminal proceedings. Deputy Attorney General Harold R. Tyler Jr. said yesterday.

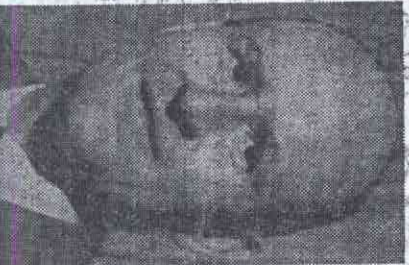
The review comes after more than two years of growing public controversy, precipitated by the Watergate affair over the lenient treatment prosecutors sometimes give persons involved in crimes in return for their testimony against others.

Tyler, who was sworn in as deputy attorney general on April 7, said in an interview that he ordered the review of immunity policy after receiving numerous requests for grants of immunity. Tyler's approval for the bulk of the requests from federal prosecutors is required until a new assistant attorney general for the Criminal Division is appointed.

Tyler said he ordered the Criminal, Tax and Antitrust Divisions of the department to review immunity procedures after discussing them with Attorney General Edward H. Levi.

Levi has also expressed concern with the use of immunity for government witnesses, saying, "We have to remember that that's glorified use of the informer and it carries with it all the temptations of the informer."

According to Tyler, Levi suggested that review of immunity should be coupled with a review of plea bargaining between defense



HAROLD R. TYLER JR.
... ordered review



JAKE JACOBSEN
... granted immunity

review of plea bargaining for a later date. Requests for immunity have almost doubled in the past two years, according to Justice De-

partment statistics. In fiscal 1972, according to these figures, the department asked almost 705 times for 2,338 wit-

nesses. In fiscal 1974, the department requested immunity 1,314 times for 3,331 witnesses. The statistics show that the bulk of the immunity grants when used were before federal grand juries investigating criminal charges.

Although federal law permits two kinds of immunity—transactional and use immunity—a limited form that guarantees that a witness' testimony will not be used against him directly or indirectly, but he could be prosecuted with other evidence. Transactional, or full, immunity grants a witness immunity for any act about which he testifies.

Tyler said he often found requests for immunity coming to him for approval without information justifying why the immunity was needed. In one instance, he said, a federal prosecutor asked for immunity for eight witnesses on the "off chance" that their testimony might be needed.

Tyler rejected the request which he said was remarkable not only because the prosecutor had submitted it but because his superiors had forwarded it for approval. Tyler said he hopes to reverse this casual attitude toward immunity by issuing clearer guidelines and standards for its use.

The most controversial recent example of immunity involved the Watergate special prosecutor's grant of immunity to Texas lawyer Jake Jacobsen in return for his testimony in the bribery trial of former Texas Gov. and Treasury Secretary John B. Connally.

Following Connally's acquittal, the decision to give Jacobsen immunity was widely criticized on the grounds that serious charges against him had been dismissed in return for testimony that was of dubious value.

and prosecuting lawyers. Plea bargaining is the process in which prosecutors reduce charges against a defendant in return for a guilty plea.

Tyler acknowledged that the two issues are related, but said plea bargaining opened up a "whole melange" of issues, and a review of immunity was needed quickly. After brief discussion, according to another participant in the talks, Levi agreed to leave