

# Judge Rules Democrats May Quiz Two Former Top White House Aides

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A federal judge yesterday issued an order allowing lawyers for the Democratic National Committee to take the depositions of former top White House aides H. R. (Bob) Haldeman and John Ehrlichman, but said he would not permit the lawyers to question former White House counsel John Dean III at this time.

The ruling came after a hearing at U.S. District Court, during which Judge Charles Richey also ordered Jeb Stuart Magruder, former deputy director of President Nixon's re-election committee, and Herbert L. Porter, former committee scheduling director, to answer questions in the \$6.4 million civil suit filed by the Democrats after the water-gate break-in. The Democrats' suit complains of invasion of privacy.

Judge Richey refused to allow Dean's questioning after his attorney, Charles Shaffer, said the former White House lawyer would attempt to get immunity before testifying before the grand jury investigating an

alleged cover-up of the Watergate case.

Motions filed by the five former White House and Republican Party officials attempting to block the depositions fell into three main groups:

- Lawyers for Haldeman and Ehrlichman had asked that the two men not be forced to answer the Democrat's questions at least until after the grand jury acts because they have been told by government prosecutions that they are the "subjects" of the investigation.

- Lawyers for Magruder and Porter contended that it would be "burdensome and oppressive" for their clients to answer questions in the civil case at the same time that both the grand jury and a Senate committee are investigating the Watergate affair.

- Dean's attorney said his client did not know whether he was the subject of an investigation, had not yet testified before any committee, and wanted to have an opportunity to invoke his right to remain silent before giving a deposition in the civil suit against officials of the President's re-election committee.

Attorneys for the four officials other than Dean also pointed to the heavy publicity surrounding the Watergate incident as a reason for their clients' not wanting to give depositions in the civil suit at this time.

They also contended that the Democrats would not be harmed by further delay in proceeding with the civil case.

However, Judge Richey said attorneys for Republican defendants had presented that same argument 11 months ago before the first group of Watergate indictments was returned.

"All I see arising is delay, delay, delay," Judge Richey said. As to prejudicial publicity arising out of the depositions being taken now, Richey pointed to an order last year in which he did postpone such questioning but said he did not feel the same circumstances applied today.

"(The motions) require balancing the rights of the accused against the rights of the public and plaintiffs (the Democrats) to know," Richey said in ordering the depositions to be taken as scheduled.