

Judge Says Dean

Must Testify

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crime, though they can be prosecuted on the basis of independent evidence.

In anticipation of Magruder's public appearance on Capitol Hill, members of the Senate committee took turns questioning him behind closed doors yesterday while the regular hearing sessions moved forward in the Old Senate Caucus Room.

REQUEST

Judge Sirica, in signing the immunity orders without restrictions, ruled that the court has no choice but to grant a congressional request for such orders, so long as certain procedural requirements have been met.

"The court has concluded that in this case its duties are purely ministerial, and that any attempted exercise of discretion on its part, either to deny the requests or to grant immunity with conditions, would be an assumption of power not possessed by the court," Sirica said in a written opinion.

Special prosecutor Cox had argued that to compel major Watergate figures and probable defendants to give possible self-

Washington

U.S. District Judge John J. Sirica yesterday gave limited immunity to major Watergate figures John W. Dean III and Jeb Stuart Magruder for testimony before the Senate select Committee.

The judge also denied a prosecution request to limit news coverage of the two witnesses' appearances.

Sirica ordered Dean, the former White House counselor, to appear before the Watergate grand jury immediately. Dean went before the grand jury later in the day and was believed to have invoked the Fifth Amendment against possible self-incrimination.

His appearance ended two months of negotiations with Justice Department prosecutors and later with members of the special prosecutor's force to win a grant of immunity from prosecution in exchange for his testimony in the case.

Special Watergate prosecutor Archibald Cox had asked Sirica to give Dean and Magruder immunity before the Senate committee only if radio and television coverage were halted. When Sirica ruled against him, Cox said he would not appeal.

"I regret the outcome but to press the legal argument further would risk unduly delaying the proceedings," Cox said in a statement.

With the legal obstacles removed, Magruder, who served as deputy director of the Nixon campaign, is scheduled to appear publicly before the Senate committee today.

Under the so-called "use immunity" granted by Sirica, Magruder and Dean must answer the committee's questions or face punishment for contempt. Their testimony cannot be used to prosecute them for any

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Dean Is Ready To 'Take On Nixon'

Washington

An attorney for John W. Dean III vowed yesterday that despite an apparent court setback, the former White House counsel would still "take on President Nixon and his administration" in the televised Senate Watergate hearings next week.

"He's not afraid," Robert C. McCandless, the attorney, said in a telephone interview. "This may sound corny and self-serving, but truth is an awfully comforting companion even if you're going up against the biggest power in the world."

incriminating testimony under immunity before national television cameras would pose serious problems for later criminal trials.

Sirica said, "however much the court may sympathize with the special prosecutor's wish to avoid serious potential danger to his mission, it cannot act on suppositions . . . the matter simply is not ripe for judicial action."

LANGUAGE

Sirica noted that no indictments have been returned and no trials are scheduled involving Dean and Magruder. He also noted that the language of the immunity statute, as well as the legislative history, exclude judicial discretion.

He added, however, that his decision should not be construed as commenting on "the wisdom or unwisdom of granting immunity in this case" or on "the desirability or undesirability of exercising the special prosecutor's proposals."

Dean, who had also tried to get immunity before appearing before the federal grand jury investigating Watergate, had to go before the panel without such protection.

He was believed to have refused to answer questions on grounds of possible self-incrimination, as his attor-

ney had predicted he would. Dean and his attorneys have been waging a battle for immunity from the federal prosecutors in the Watergate case through a series of carefully conrolled interviews and leaks of information.

"John Dean is going to tell everything he knows, and not in a self-serving way. He is going to admit to whatever participation or possible participation that involved him. He is going to tell everything that he can remember about the climate that produced Watergate and the aftermath of Watergate," McCandless said.

N.Y. Times Service

ney had predicted he would.

In other developments, involving civil suits growing out of the Watergate affair, the Democratic National Committee requested a court order compelling former White House officials H. R. Haldeman and John Ehrlichman to answer questions about events after June 17, 1972, the date of the burglary-bugging.

Ehrlichman and Haldeman, the Democrats' motion said, have refused to discuss events after the break-in during deposition sessions, contending that what happened afterward is irrelevant to the suit.

Attorneys for the Democratic committee argued that details of subsequent events could cast light on what led up to the break-in, perhaps uncover new defendants and otherwise aid the Democrats in their suit.

Similarly, Common Cause, the national public interest coalition headed by former HEW secretary John W. Gardner, opposed a request by the Finance Committee to Re-Elect the President for a court order limiting inquiries to matters occurring before April 7, 1972, when the new campaign disclosure law took effect.

Financial records for the period after April 7 should also be made available to it, Common Cause said.



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**JOHN DEAN LEFT GRAND JURY
He held the hand of his wife, Maureen**