

IMMUNITY SOUGHT BY DEAN FROM U.S.

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White House Counsel Says
He Will Not Testify if He
Runs Risk of Prosecution

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WASHINGTON, April 27—John W. Dean 3d, the White House counsel, has told Federal prosecutors that he will not testify about the alleged wrongdoings of his colleagues John D. Ehrlichman and H. R. Haldeman without being granted immunity from further prosecution, sources close to the case said today.

Mr. Dean's refusal to testify before the Watergate grand jury without an assurance of immunity put him in opposition to President Nixon. The President told newsmen on April 17 that no individual holding "a position of major importance in the Administration should be given immunity."

Mr. Dean's stand also poses an immediate problem for the three assistant United States attorneys prosecuting the case—should they indict and attempt to convict Mr. Dean now and grant him immunity after conviction to learn what he knows of misconduct by higher officials in the White House?

Mr. Dean's attorney, Robert
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C. McCandless of Washington, refused to comment on the report that his client was seeking immunity.

That procedure, which was followed during last year's original Watergate investigation, could delay for months the inquiry into the roles of Mr. Haldeman and Mr. Ehrlichman. They would, meanwhile, presumably be free—if they chose and Mr. Nixon agreed—to continue working in the White House.

Told Some Details

Mr. Dean is known to have approached the Federal prosecutors in early April—before the recent avalanche of disclosures and told them some details of his role in the espionage and bugging activities.

Mr. Dean's friends and associates have told newsmen

that he has evidence linking both Mr. Haldeman and Mr. Ehrlichman to a project to obstruct the Federal inquiry into the break-in last June at the Democratic National Committee headquarters in the Watergate office building.

It apparently was one aspect of Mr. Dean's disclosures to the prosecutors that led to yesterday's revelation that L. Patrick Gray 3d, the acting director of the Federal Bureau of Investigation, had destroyed documents belonging to a Watergate participant after a meeting with Mr. Dean and Mr. Ehrlichman in the White House.

The prosecutors have repeatedly refused to discuss any aspects of the grand jury proceedings, but other sources said that the lack of testimony from Mr. Dean and another key witness, Jeb Stuart Magruder, the former deputy director of the Committee for the Re-election of the President, had apparently delayed the investigation.

In his statement on the Watergate inquiry last week, Mr. Nixon said there had been "major developments" in the case, a remark that was widely taken as a reference to pending indictments.

No Comment on Jury

John J. Wilson, recently hired as attorney for Mr. Haldeman and Mr. Ehrlichman, refused to comment during an interview today on the possibility of grand jury appearances by his clients. The two White House aides flew to Mississippi with President Nixon today.

Mr. Haldeman is known to investigation to determine whether he is under current grand jury investigation to determine whether his office had a role in the initial bugging operation or in any subsequent attempts to obstruct the inquiry.

In addition, the grand jury, it is known, is trying to learn whether some of the information obtained through the illegal wiretaps was transmitted to the White House.

There is some evidence that the grand jury, despite the lack of direct testimony from Mr. Dean and Mr. Magruder, is proceeding with its case against Mr. Haldeman. Yesterday it heard testimony from Hugh W. Sloan Jr., a former re-election committee official, who has acknowledged sending \$350,000 in cash to Mr. Haldeman's office on the day before the new Federal campaign spending law went into effect. The money was never reported, as required by Federal law.

Denies Seeking Immunity

It could not be learned whether Mr. Magruder has appeared before the grand jury. His attorney, James J. Bierbower, denied a report that his client was seeking immunity, but he refused to rule out the possibility that Mr. Magruder might have appeared before the

grand jury and invoked his Fifth Amendment right against self-incrimination.

Mr. Magruder reportedly has told the Federal prosecutors that former Attorney General John N. Mitchell and Mr. Dean approved the bugging of Democratic headquarters during a se-

ries of meetings in early 1972. Mr. Mitchell and Mr. Dean have denied it, and one knowledgeable source said the question of who authorized that would eventually "have to be decided by a jury."

But without the grand jury testimony of Mr. Magruder and Mr. Dean, sources said, no immediate indictments of any higher officials—Mr. Haldeman, Mr. Ehrlichman and Mr. Mitchell—can be expected.

In an interview with The New York Times last February, Earl J. Silbert, the chief Watergate prosecutor, explained that he had decided to convict the original seven-member Watergate team first and then offer them immunity in hopes of eliciting testimony. Some testimony eventually did come from James W. McCord Jr., one of the defendants, linking more senior officials to the break-in.

Some lawyers have said that Mr. Dean and Mr. Magruder should be granted immunity to

facilitate their testimony before the grand jury and thus develop a stronger case against higher officials.

But Mr. Silbert has apparently decided, as he did earlier, not to grant immunity to the witnesses. He is presumably guided by recent Supreme Court decisions holding that, in both original prosecutions and appeals, no evidence against a defendant can come from or appear to be developed from information given by him to a grand jury after a grant of immunity.

In other words, the prosecutors might jeopardize their case against his White House associates, Mr. Ehrlichman and Mr. Haldeman—if indeed they should be indicted.

The prosecutors are known to be still seeking testimony from G. Gordon Liddy, the leader of the Watergate team, who has been sentenced to an additional term in jail for refusing to cooperate with the grand jury after his conviction.