

Cox Asks Court to Cut TV Coverage

Washington

Special prosecutor Archibald Cox asked a federal judge yesterday to

order the Senate Watergate Committee to hear potentially incriminating testimony in closed session or at least without radio and television coverage.

Cox's appeal was in connection with a motion from the Senate committee asking chief U.S. District Judge John Sirica to grant immunity to ousted White House counsel John W. Dean III and Jeb Stuart Magruder, former deputy director of the Nixon campaign committee.

Cox said he believes the judge has no choice but to grant a limited form of immunity if the conditions contained in the law are met. "We believe the express conditions have been satisfied," he said.

But Cox's memorandum argued that Sirica has the power to set additional conditions.

"The most appropriate order would be one requiring the testimony to be taken in executive session without subsequent public disclosure," Cox's memorandum said.

But he added: "Bearing in mind the decision of the Senate Select committee to push forward with public hearings, the most appropriate condition would seem to be the exclusion, during the giving of compelled self-incriminating testimony, of live or recorded radio, television and other coverage not permitted at a criminal trial."

The conditions requested by Cox would apply only to testimony from witnesses who face being indicted on federal criminal charges.

TRANSCRIPT

Cox asked that, if such testimony is taken in executive session, the transcript be kept secret until the completion of the committee's investigation. Cox asked also that in such cases witnesses and committee members and staff be directed not to discuss testimony with members of the press.

Cox repeated arguments he made last week that the continuation of public hearings "creates a very serious danger" of impeding his investigation of the Watergate scandal and of preventing individuals from receiving a fair trial.

But he added that he deems it inappropriate to raise technical obstacles to the Senate committee's further conduct of its hearings.

LAW

Sirica has scheduled a hearing for tomorrow to hear arguments on whether he has any discretion in granting immunity under a 1970 law.

The law deals with "use immunity," under which an individual's testimony before a congressional committee cannot be the basis for criminal prosecution. Prosecutors still can bring criminal charges based on information developed elsewhere.

Immunity for Dean and Magruder isn't expected to be granted before next Tuesday when hearings on the immunity petitions for them are scheduled.

Both men are scheduled to appear before the Senate committee next week.

Associated Press