

Prosecutor's Aide Warns About Confessions on TV

By ANTHONY RIPLEY

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WASHINGTON, June 8 — The Watergate special prosecutor's office sought today to persuade the United States District Court that it should ban all radio and television coverage when two major witnesses go before the Senate Watergate committee for questioning.

Philip B. Heymann, an assistant to the special prosecutor, Archibald Cox, argued that if a confession was made on television, it would make it "difficult—though it does not make impossible — [to hold] prompt early trials" for those who might have broken the law.

Chief Judge John J. Sirica said that he would rule on the request Tuesday morning. The only clue that he gave on his possible ruling came when Mr. Heymann stated, "I don't want to overargue my case."

Judge Sirica responded, "I don't think there's any danger of that."

The crowded courtroom, which included 13 lawyers connected with the case, broke into laughter.

Samuel Dash, chief counsel for the Senate Watergate committee, argued that there was little in the legislative history of witness immunity laws and little in previous cases to support the special prosecutor's request.

"His line of authority cited to support his position in a thread of gossamer," Mr. Dash said.

McCord Seeks Retrial

In a related matter, James W. McCord Jr., convicted in the Watergate trial before Judge Sirica earlier this year, went back to the judge today to seek a new trial. He said at least one of the witnesses at the original trial had apparently perjured himself.

In the argument over the television cameras, Mr. Heymann was seeking to have the testimony of Jeb Stuart Magruder, former second in command at the Committee for the Re-election of the President, and John W. Dean 3d, former

counsel to the President, taken in executive session.

He said that at the least, the court should allow the two men the right to refuse to testify before the cameras.

"The committee in this case is plainly endangering prosecutions," he said.

The Senate committee had gone to court under witness immunity laws to seek an order forcing Mr. Magruder and Mr. Dean to testify. Under a compelled by the courts to testify before a Congressional committee in exchange for a grant of immunity from prosecution growing from such testimony.

Modifications Urged

Under the law, as Mr. Dash pointed out, the judge is forced to grant immunity and order testimony if requested.

Mr. Heymann argued that the court had power to modify such an order and that it should. He referred to the dangers of "compelled television confessions."

As the point was being argued, United States District Court Judge Lee Gagliardi in New York City cleared the way for another major witness, former Commerce Secretary Maurice H. Stans, to testify before the Senators.

Mr. Stans's lawyers had argued that their client would be "massively prejudiced" by appearing before the Senate.

In Washington, Mr. Dash contended that the separation of powers under the Constitution among the courts, the Congress and the executive branch was being tested and that Mr. Heymann's position "invites the court to a severe invasion" of that separation.

He said that the special prosecutor sought to "dilute" the power of the Congress by "attaching conditions" to the clear law passed by Congress requiring the judge to issue a grant of immunity.

In addition, Mr. Dash argued, the Watergate affair should be carried to every home in the nation to generate support for new laws to prevent another such scandal.