

Transcript of Proceedings

Following is a transcript of yesterday's U.S. District Court proceedings before Chief Judge John J. Sirica:

The Court: The court will recognize [Special Prosecutor Leon] Jaworski.

Mr. Jaworski: May it please Your Honor: the grand jury has an indictment to return.

It also has a sealed report to be delivered to Your Honor.

The Court: I will ask the clerk to call the roll of the grand jury.

The Deputy Clerk: Members of the June, 1972, grand jury No. 1 please answer as I call your names:

Annie Alford, Lila Bard, Enas Broadway (excused), Ellen Brown, Carolyn Butler, Elayne Edlund, Harold Evans, Clarence Franklin, Maurice Glover, Dorothy Gray, George Gross, Wallace Hawkins, Christopher Hopkins, Ruth Loveridge, Arthur McLean, Ethel Peoples, Vladimir Pregelj, Susie Robinson, Kathryn Ann Smith (excused), George Stockton, Julie White, Naomi Williams, Priscilla Woodruff.

(All jurors answered to their presence when their respective names were called. Two jurors were excused.)

The Deputy Clerk: Is there any name I did not call?

THE FOREMAN: No.

THE DEPUTY CLERK: Will the foreman of the grand jury please step forward?

Mr. Foreman, has the grand jury any matters to present to the court?

THE FOREMAN: Yes, Your Honor, the grand jury has one indictment and one report that is sealed. (Handed to the clerk and then handed to the court.)

THE COURT: The court now has before it the grand jury's report and recommendation which the court will read himself—I will not read it out loud.

MR. BEN-VENISTE: Your Honor, there is material which is made reference to in the document you just read. This is also locked and the key is sealed in an envelope within the envelope Your Honor has opened. (Handed up to the court.)

THE COURT: Very well.

The court will at the conclusion of these proceedings this morning reseal the envelop that I opened. It will be held in the custody of this court in a safe place until further order of this court, Mr. Foreman.

THE FOREMAN: Thank you.

THE COURT: Thank you very much. You may be seated and we will proceed.

Mr. Jaworski, do you have anything further to state at this time?

Mr. Jaworski: May I advise the court that conceivably this case could require as long as three or four months to try; certainly it must be regarded as a case that undoubtedly will be long and protracted. It is the prosecution's view therefore, and we recommend to the court that this case be specially assigned under Rule 3(e) of the United States District Court rules.

The Court: Thank you, Mr. Jaworski.

I am going to ask at this time that each grand juror listen carefully to what the court is about to say.

The grand jurors are reminded that the instructions contained in the charge given them at the time the grand jury was empaneled and repeated on at least one other occasion since that time are still binding upon them.

The grand jury is not discharged at this time and you jurors will continue to give strict adherence to the restrictions, directives and oaths that govern your work just as you have done in the past.

Before Judge Sirica

It is expected you might be asked to return to the courthouse in about two weeks.

At this time the court will read the substance of a statement it has prepared and will sign an order immediately after the proceedings are adjourned this morning.

Recognizing the public interest that has attached to the indictments today presented to the court, and being firmly committed to vigorously guarding the rights of those accused and the public to a fair trial by an impartial jury, the court will issue a special order governing statements concerning this case to be effective immediately.

The court will read the substance of the order at this time in open court as there may be present those to whom this order will apply. I shall instruct our clerk to file this order with the indictments and provide copies to those interested as soon as possible. The substance of the order reads as follows:

Pursuant to the provisions of Rule 1-27, Rules of the United States District Court for the District of Columbia, set forth in the margin, it is by the court this 1st day of March, 1974.

ORDERED that all parties or witnesses in this case, specifically:

(1) the Office of the Watergate Special Prosecutor and all persons acting for or with that Office in behalf of the United States,

(2) the defendants named herein, their attorneys, and all persons acting for or with them, and

(3) all persons identified as witnesses in this case, from and after the time such witness receives a subpoena to appear and testify and is given notice of this order, are hereby enjoined until further order of the court from making extrajudicial statements concerning any aspect of this case that is likely to interfere with the rights of the accused or the public to a fair trial by an impartial jury; and it is.

FURTHER ORDERED that for the purposes of this order, the term "extrajudicial statement" shall include any statement which is not made during the course of judicial proceedings in this case, provided that nothing in this order shall preclude the parties and their attorneys or agents from con-

ducting appropriate interviews with potential witnesses or conferring among themselves in preparation for trial, and further provided that the provisions of Rule 1-27 (c) (6) shall apply to any definition of "extrajudicial statement."

I will ask everybody to remain seated until the grand jury leaves the courtroom.

(The grand jury left the courtroom.)

Is there anything further, gentlemen?

MR. BEN-VENISTE: Your Honor wish to set a date for arraignment at this time?

THE COURT: Do you have any suggestions I have a date in mind but I am asking you for a suggestion.

MR. BEN-VENISTE: I would suggest Saturday, March 9, at 10:30 or 11 o'clock in the morning by reason of the fact that one of the defendants named in the indictment is currently on trial in New York and that jury is sequestered. In fairness to the jury in New York and to Mr. Mitchell I think Saturday would be appropriate.

THE COURT: You must have been reading my mind because that is the date I had in mind. Thank you.