

Probers to Get Report on Nixon

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Washington

A Watergate grand jury's secret report dealing with President Nixon will be sent to impeachment investigators at the House of Representatives today.

The deadline for the last appeals to block transfer of the documents passed at 5 p.m. yesterday. No appeals to the Supreme Court were filed.

Judge John J. Sirica of the US District Court notified House investigators that the report and supporting evidence, held since March 1 at the courthouse, could be

picked up at 9:30 a.m. today.

Sirica had ordered the grand jury report sent to the House and was upheld last Thursday by the US Court of Appeals.

Defense lawyers for H.R. Haldeman and Gordon C. Strachan, two of the seven men indicted for conspiracy in covering up the Watergate affair, had tried to block the transfer of the material by arguing that it would generate prejudicial pretrial publicity against their clients. The secret report was handed up to Sirica at the time all seven were indicted.

Their arguments were rejected by the courts, which called them premature and pointed out that the President himself had not objected to the transfer.

The House Judiciary Committee has set up strict rules for the handling of the report. Only the Committee's chairman, representative Peter W. Rodino (Dem-N.J.) and its ranking Republican, Representative Edward Hutchinson of Michigan, are to have immediate access to it among the 38 members of the committee.

Of the 103 members of the staff, only the committee counsel, John M. Doar, and the minority counsel, Albert E. Jenner, will have immediate access to the secret report.

In another Watergate related matter, special prosecutor Leon Jaworski agreed to a White House request for more time to answer a subpoena seeking presidential tapes and documents. The subpoena deadline also was yesterday but Jaworski consented to a delay until Friday. 29 MAR

The special prosecutor in

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the past has tried to work with the White House in such matters and only resorted to use of a subpoena when the White House cut off further cooperation in January.

At the White House press briefing yesterday Ronald L. Ziegler, the President's press secretary, refused to discuss what the subpoena sought among the White House documents. He cited the need for confidentiality in the affairs of the President in declining to comment.

He said the arrangement for four more days was made between Jaworski and Mr. Nixon's lawyer, James D. St. Clair.

"They've agreed to extend the time for response, I assume, so Jim can make a judgment and assess the request," Ziegler said.

It was St. Clair who first announced that the White House was under subpoena from the special prosecutor.

Ziegler was pressed for more precise explanation for the delay but gave none.

In another Watergate matter, Felipe De Diego, one of six men indicted March 7 in connection with the burglary

of the office of Dr. Daniel J. Ellsberg's former psychiatrist, asked to be tried separately.

In a motion filed in federal district court yesterday, Henry B. Rothblatt and Dana P. Brigham, De Diego's lawyers, argued in part:

"De Diego believed at the time of the alleged crime that he was employed by the executive branch of government and was working to protect national security.

"De Diego's defense will thus be antagonistic to several of his co - defendants. He will prove that he was duped into performing illegal acts by co - defendants in the name of national security."

The motion argues that De Diego "was an employee working under several of the most prominent officials in the country. He must be able to call these officers to establish his own lack of guilty knowledge and intent."

In addition, the motion notes that John D. Ehrlichman, former assistant to the President for domestic affairs, is charged with four counts of perjury in the same indictment.

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It argues that the charges of perjury are unrelated to Mr. de Diego and evidence given to support them "is likely to prejudice [Mr. de Diego] in the eyes of the jury.

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