

SIRICA ORDERS JURY FILE ON NIXON GIVEN TO PANEL ON IMPEACHMENT; ACCELERATED INQUIRY IS EXPECTED

APPEALS PLANNED

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Judge Delays Action 2 Days to Allow Pleas by Indicted Aides NYTimes

By BILL KOVACH

Special to The New York Times

WASHINGTON, March 18—Federal District Judge John J. Sirica ordered today that a grand jury report and accompanying materials bearing on President Nixon's conduct in the Watergate scandal be turned over to the House impeachment inquiry.

In a 22-page written opinion, Judge Sirica made it clear that

Texts of Sirica's order and opinion, Pages 24 and 25.

the secret grand jury report, as well as a sealed briefcase of evidence gathered in a 21-month investigation of the Watergate burglary and cover-up, deals with President Nixon's acts "in his public capacity" during the period under investigation.

Judge Adds Caution

The judge cautioned that the report "draws no accusatory conclusions" and is "not a substitute for indictments," but his description of it seemed to confirm earlier speculation that the grand jury had received evidence of President Nixon's personal involvement in the matter.

Judge Sirica had been urged not to release the report and evidence by attorneys for seven former White House aides or officials in the 1972 Nixon reelection campaign, all of whom had been indicted on charges of perjury or obstruction of justice on March 1, when the sealed report was also delivered to the court.

Judge Sirica withheld the effect of his order for two days to permit appeals, and defense attorneys immediately gave notice that they would ask the United States Court of Appeals to block the decision.

The White House, represented by James D. St. Clair, offered no objection to release of the report in a subsequent hearing on the matter and the judge leaned heavily on this position today.

Release of the report had been strenuously opposed by lawyers for the seven men indicted because they feared release, even to the House Judiciary Committee, might lead to leaks of the contents and generate pretrial publicity affecting their clients.

Judge Sirica responded to these arguments in his opinion by pointing out that the seven were involved only incidentally in the report.

President 'Has Not Objected'

"The person on whom the report focuses, the President of the United States, has not objected to its release to the committee," he said.

"We deal in a matter of the most critical moment to the nation," the judge added, "an impeachment investigation involving the President of the United States." Judge Sirica went on to note what he termed "the compelling need" of the nation "for an unswervingly fair inquiry based on all the pertinent information."

A spokesman for the White House said the President's lawyers stood by Mr. St. Clair's earlier statement to Judge Sirica that they had "no objection" to release of the report to the committee.

Vice President Ford called it "probably a right" decision and

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reaffirmed his belief that all relevant material properly should be turned over to the impeachment inquiry.

Nonetheless, lawyers for at least four of the seven men indicted on March 1 on the presumption that the report contains information on their clients—have announced that they will ask the United States Court of Appeals to reverse the order. Taking advantage of a two-day stay in the execution of the order automatically given by Judge Sirica, John J. Wilson, representing two former White House aides, H. R. Haldeman and John D. Ehrlichman, said he would file an appeal by Wednesday.

The Judiciary Committee will urge that such hearings, which could tie up the material in litigation for days, be expedited, and the appeals court is expected to move quickly on the matter.

The judge's order restricted the disclosure of this information to the House impeachment panel. Informally, Judge Sirica requested that the committee keep the grand jury information confidential.

The grand jury report, and Judge Sirica's characterization of the information contained in the report, tended to confirm earlier speculation that the grand jury had received evidence directly involving President Nixon. At one point in the grand jury investigation, the special Watergate prosecutor, Leon Jaworski, was forced

to decide whether or not a grand jury could indict a sitting President.

He decided, sometime in mid-January, that handing up such an indictment, "even if warranted by the evidence," would be "improper conduct" for a grand jury. As a result of that advice, the grand jury then determined to report its findings relative to the President's activities to the impeachment inquiry.

Because the report coincided with indictments charging perjury and obstruction of justice in connection with the alleged payment of "hush money" to those convicted in the Watergate burglary, it has been suggested that the report contains information on the President's knowledge of those specific acts. Seven defendants were convicted in the June 17, 1972, break in at the offices of the Democratic National Committee in the Watergate complex here.

Judge Faced 2 Problems

President Nixon has insisted that he first learned of the coverup on March 21, 1973, that he concluded it was wrong and set in motion a personal investigation of the matter. Evidence to Judge Sirica, with a request that it be transmitted to the impeachment inquiry, the grand jury handed the judge two problems. The first concerned the grand jury's right to issue such a report. The second concerned possible prejudicial publicity to those already accused in the matter.

In answering the first argument, Judge Sirica reviewed the historical right of grand juries not only to indict but

also to issue reports of conditions uncovered without indictments.

"It seems," he concluded, "to the Court that it would be unjustified in holding that the grand jury was without authority to hand up this report. The grand jury has obviously taken care to assure that its report contains no objectionable features, and has throughout acted in the interests of fairness. The grand jury, having thus respected its own limitations and the rights of others, the Court ought to respect the jury's exercise of its prerogatives."

Advising lawyers for the seven men indicted by the same grand jury that their clients are only "incidentally" involved in the report, Judge Sirica then dealt with the question of possible prejudice to the President by his release of the report to the impeachment inquiry.

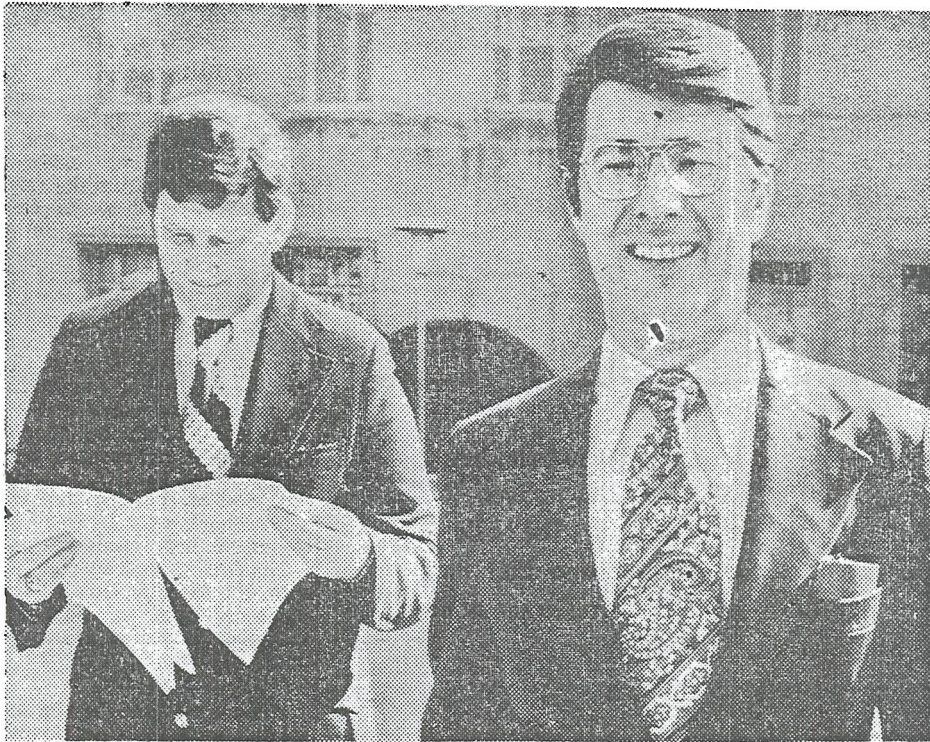
Marshaling his arguments, Judge Sirica concluded that because the grand jury report had concentrated on the President's conduct, because the White House had not opposed its release and because of the compelling need of the impeachment inquiry for "all pertinent information," he could not accept objections to its release to the Judiciary Committee.



The New York Times

Frank H. Strickler, lawyer for H. R. Haldeman and John D. Ehrlichman, as he talked to newsmen yesterday in Washington.

"These considerations might well justify even a public disclosure of the report," Judge Sirica observed, "but are certainly ample basis for disclosure to a body that in this setting acts simply as another grand jury. The committee has taken elaborate precautions to insure against unnecessary and inappropriate disclosure of these materials."



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Peter M. Kriendler, at the left, of the Watergate special prosecutor's staff and Cecil Emerson and Jack McCahill, right, of the White House legal staff leaving U.S. District Court in Washington with copies of the order to send grand jury report to the House.