

JURY NAMED NIXON A CO-CONSPIRATOR BUT DIDN'T INDICT

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St. Clair Confirms Action
—He Asserts President
Calls It 'Inappropriate'

KEY IMPACT FORESEEN

Defense Aide Says Court Is
Likely to Admit More
Tapes as Evidence
NYTimes

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WASHINGTON, June 6 — President Nixon was named last February by a Watergate grand jury as an unindicted co-conspirator in the alleged attempt to cover up the Watergate burglary, his lawyer, James D. St. Clair, confirmed today.

The disclosure, which had been closely guarded in secret court hearings on the case, completes the circle of conspiracy alleged in the indictment handed up March 1 by the grand jury and explains what was contained in the mysterious briefcase handed to the judge at that time.

It is expected to have a significant impact on the upcoming trials, tying in the President's remarks and meetings with aides in the Watergate matter as possible evidence in the case, rather than excluding them as merely comments of an outsider whose aides were conspiring.

Effect of the Action

"If they tie him into these crucial meetings, this means there's an umbilical between him and us," said one defense attorney for the six men charged in the cover-up conspiracy. "That's what troubles me."

The report of the grand jury's action regarding the President was first published today in the Los Angeles Times — although numerous other news articles had suggested what the jury had done. Mr. St. Clair confirmed the report when newsmen asked him about the Los Angeles article.

The news is expected to have a political impact on the President and on his chances both at the impeachment hearings in

the House and in his efforts to resist turning over further tape-recorded conversations sought in the case.

"It is going to have a hell of an impact on the Hill," said another defense attorney speaking of impeachment efforts on Capitol Hill.

"What it means in terms of our defense is that a lot of those conversations that they held are admissible in evidence. And it makes the White House position far weaker in resisting tapes requests."

Surprise for Committee

House Judiciary Committee members were caught by surprise by the disclosure. Though committee staff members apparently knew of Mr. Nixon's status as an unindicted co-conspirator, they had not yet informed the committee members.

Several members asked about it said it had little bearing on their duty to judge the evidence for impeachment. However, some said it might hurt the President politically.

Defense attorneys who have seen the list of unindicted co-conspirators said today that there were "no big surprises" on it. It is believed that the other names include those who have already pleaded guilty in the case and agreed to cooperate with the special Watergate prosecutor, Leon Jaworski.

Mr. St. Clair late today asked Judge John J. Sirica to make the list of co-conspirators public, arguing that since the matter of the President's role had already been published there seemed no need for further secrecy.

Judge Sirica had issued a protective order sealing the names

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of co-conspirators. He said he would discuss the matter tomorrow in Federal District Court at an open hearing with lawyers for both sides.

Mr. St. Clair, who spoke to reporters this morning as he was entering the Judiciary Committee room for the impeachment hearings, said Mr. Nixon had been informed of the grand jury's action three or four weeks ago.

The President, he said, "regretted" the grand jury's action and considered it "inappropriate."

He also said the President thought the grand jury did not have all the evidence in the case and had come to a wrong conclusion.

Gerald L. Warren, the President's deputy press secretary, said at a news briefing that all the evidence taken together

"proves the President's innocence."

In a meeting April 17, 1973, with Henry E. Petersen, head of the Criminal Division of the Justice Department, Mr. Nixon discussed the possibility of his aides being named unindicted co-conspirators and said that if this occurred they "would then be immediately put on leave." The remark is in the edited transcripts of tapes released by the White House.

Mr. Warren was asked if the President might be considering such action for himself.

"I'm not going to accept questions such as that relating to the President of the United States," he said, obviously irritated.

The possibility that the Presi-

dent might actually be a co-conspirator though unindicted was underscored May 24 when Mr. Jaworski asked the United States Supreme Court for access to tapes of 64 conversations, all but one of them including Mr. Nixon as a participant.

At that time Mr. Jaworski said that the 64 conversations had occurred in the course of "the criminal conspiracy."

The defendants in the cover-up case are John N. Mitchell, former Attorney General; H. R. Haldeman, John D. Ehrlichman and Gordon C. Strachan, former White House aides; Robert C. Mardian, a former aide to Mr. Mitchell, and Kenneth Wells Parkinson, lawyer for the Committee for the Re-election of the President.

Colson Off the List

Charles W. Colson also named in the original indictment, was dropped following his plea of guilty Monday to charges in another Watergate-related case Mr. Colson is to be sentenced later this month and has agreed to work with the special prosecutor.

The Watergate grand jury, empaneled on June 5, 1972, and still going, brought the first indictments against seven men for the burglary June 17, 1972, of the Democratic national headquarters at the Watergate office building.

On March 1, the grand jury handed up indictments to Judge Sirica along with the sealed briefcase that the jury instructed should go to the House impeachment investigators.

Judge Sirica, after a court hearing, agreed to turn it over.

The grand jurors at the time were reported to have voted



Associated Press

James D. St. Clair, President Nixon's lawyer, discussing action of the Watergate grand jury.

unanimously to send the material to the House.

It appeared from the indictment itself, that a central figure was missing.

In counts 40 through 44, the alleged payment of hush money to E. Howard Hunt Jr. was discussed, then apparently acted upon. Although some of the discussion took place in the President's office, there is no mention of it.

However, at that meeting, according to the White House transcripts, Mr. Nixon, talking about the payment of money to Mr. Hunt, said, "Would you agree that that's the prime thing that you damn well better get that done?"

"Obviously," Mr. Dean replied.

Mr. Jaworski has said publicly that he does not believe a sitting President can be indicted in a criminal action.