

Nixon Challenge To Grand Jury

connection with Mr. Nixon's refusal to surrender the tapes and other records of 64 White House conversations that have been subpoenaed for the Watergate coverup trial.

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The White House said yesterday that it will press for a showdown in the Supreme Court over the Watergate Grand jury's naming of President Nixon as an indicted co-conspirator in the Watergate coverup.

Moving on two fronts, Mr. Nixon's chief defense lawyer, James St. Clair, challenged both the constitutionality of the grand jury's action and the adequacy of the evidence on which it was based.

In a motion filed with U.S. District Judge John J. Sirica, ST. Clair asked for access to all the secret grand jury evidence bearing on the accusation against the President. The White House lawyer also asked that the same evidence be sent to the Supreme Court so that it could make "a factual analysis of the grand jury's action."

"In my opinion," St. Clair said in an accompanying affidavit, "the grand jury was acting outside its authority in naming the President as an unindicted co-conspirator, but even if it were acting properly, the evidence presented was and

is totally insufficient to support the action taken and, in fact, contradicts the action."

Meanwhile, in a petition filed with the Supreme Court, St. Clair challenged the grand jury's constitutional authority "to charge an incumbent president as an unindicted co-conspirator in a criminal proceeding."

The President's lawyer maintained that the grand jury's action — and an apparently secret ruling by Judge Sirica upholding it — improperly interfered with the impeachment powers of the House of Representatives.

The issue landed before the Supreme Court in