

Watergate Grand Jury to Hear Citizens' Plea for Indictment of U.S. Officials

BY BEN A. FRANKLIN
Special to The New York Times

WASHINGTON, June 9 — Three self-styled citizen reformers said today that they would appear Thursday before the Watergate grand jury to demand the indictment of a dozen top Government officials for "willfully obstructing justice" in a cover-up scheme, a charge the officials deny.

The charges involve allegations that as part of a plan to shield contributors to the 1972 re-election campaign of President Nixon, the Government officials failed to prosecute officers of a large Washington construction and real estate company that holds Government contracts, and that the officials are therefore liable to be prosecuted themselves for malfeasance.

A succession of United States Attorneys has admittedly told the complainants that, using a prosecutor's office said that prosecutor's wide discretion in

bringing a criminal action, the Government has consistently decided that there is not an actionable case. This was still the Government's position today.

The unusual appearance of citizens as prosecutors caps three years of effort by the three reformers — two Navy physicists and a suburban Virginia housewife.

They said today that they would seek to exclude Federal prosecutors from the grand jury room because they might be "possible criminal defendants." The officials on their list include Attorney General Edward H. Levi, former Attorney General William S. Saxbe and Leon Jaworski, the former Watergate special prosecutor.

Confirming the hearing at the United States Court House, a spokesman for the special prosecutor's office said that "it is usually the prac-

lice" for a Government attorney to be present whenever witnesses appear before the grand jurors, the citizens group "could ask the grand jury foreman to exclude the prosecutor, and I am sure he would then remove himself."

Reason for Request

The point of such a request, according to Arlyn E. Unzicker, one of the group's investigators, is that the assistant Watergate prosecutor most likely to go before the grand jury on Thursday is Thomas McBride, and Mr. McBride is among the 12 persons for whom the three want indictments.

It was Mr. McBride who on April 24 wrote to the three-person Citizens Action Group, as the suburban investigators call themselves, that he was submitting their request for a grand jury appearance in the

role of prosecutors to the jurors, a request that the panel voted to honor this week.

The group consists of Mr. Unzicker and Julian C. Holmes, both physicists at the Naval Research Laboratory here, and Mrs. Marian K. Agnew, a housewife from nearby Virginia who was active in consumer affairs before joining in 1973 in the investigation that has led to the grand jury appearance.

Mr. McBride and a long list of other Federal prosecutors in Virginia and this city had largely reflected the group's demands for criminal prosecution after hearing its evidence.

But the group discovered that under little-known Federal statutes ordinary citizens are permitted to write to and visit the grand jury a high-rise structure at near that a prosecutor chooses not to press.

this technique—going over the head of the special prosecutor's office to the grand jury itself—that finally led to Mr. McBride's April 24 letter and the jury's invitation to the citizens to appear.

'Fear of Suppression'

At a news conference today—held 48 hours before their grand jury date because they said they feared "suppression and impounding" of their evidence—the three investigators explained their case.

Because they had failed to gain prosecutorial interest anywhere in charges that they believed should have been brought against the Charles E. Smith Company, the owners of the Skyline Plaza Project, a high-rise structure at near Balleys' Crossroads, Va., that collapsed during construction in 1973 and killed 14 workmen, they said they had pur-

sued their investigation along other avenues.

This, they said, led them to the belief that Justice and Labor Department officials had conducted "a cover-up" of culpability in the construction disaster.

Later, after the discovery that members of the Smith concern made Nixon campaign contributions in 1972, it led to the charge, denied by the company's lawyers, that the company had violated a Federal law that forbids campaign gifts by Government contractors and, as a corollary, that the Government was failing to prosecute for that, too.

A Justice Department spokesman said there would be no comment on either the allegations or the unusual procedure before the grand jury.

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