

Sirica To Hold Hearing On Secret Jury Report

F Post 3/5/74

WASHINGTON (AP) — U.S. District Judge John J. Sirica will hold a hearing Wednesday to determine disposition of a secret grand jury report said to deal with President Nixon's role in Watergate.

The judge set the hearing for open court after a meeting requested by James D. St. Clair, Nixon's lawyer in Watergate-related matters.

"All interested counsel may state their views regarding the disposition of the report and recommendation filed last Friday by the 1972 grand jury," Sirica said after meeting with St. Clair, assistant prosecutors and lawyers for H.R. Haldeman and John D. Ehrlichman.

White House deputy press secretary Gerald L. Warren confirmed St. Clair asked for Monday's meeting and added: "Our position will be made known in open court. I have nothing further to say at this time."

Earlier in the day Warren had said "there is no present intention" on the part of the White House to ask that the grand jury's report be withheld from the House impeachment inquiry.

Asked whether the President's lawyers planned to make any representations to Sirica, he said "not to my knowledge."

After the Sirica meeting, Warren said he didn't know

that St. Clair planned to request it. "If he was," Warren said, "he didn't tell me."

The judge's reference to the "recommendation" was the first public confirmation that the grand jury had accom-

panied its report with a suggestion of what should become of it.

There had been published reports that the jury asked it be forwarded to the House
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Judiciary Committee.

Sirica did not spell out the subject matter of the report in his brief statement.

The report, said to be in 50 paragraphs, was handed to the judge along with the Watergate coverup indictments of H.R. Haldeman, John D. Ehrlichman, John N. Mitchell and four others last Friday. There also was a satchel full of documents.

Sirica told a reporter he spent part of the weekend researching the law for precedents to guide him in his decision.

Warren said the White House was not aware what the report contained.

But he said, in reference to reports last weekend that the grand jury detailed Nixon's involvement in the coverup, "presumptions are being made that you gentlemen should be very cautious about."

"I'm not in a position to discuss the sealed report because it is a grand jury matter presented to the court in a traditional secret manner," Warren said.

More indictments are expected in the coming days from two other Watergate grand juries.

It was believed that charges growing out of the activities of the White house Special Investi-

gations unit, particularly the foray for psychiatric records of Daniel Ellsberg, would be returned in midweek. Others to follow may be indictments for illegal campaign contributions, political espionage, the 18½ minute tape gap and possibly more charges in the break-in and coverup.

Sirica, who turned down the White House last year in its bid to keep its Watergate tapes and documents from the grand jury, has a number of options:

—He can turn over the report and an accompanying satchel filled with documents to the House Judiciary Committee which is studying whether to recommend impeachment to the full House.

—He can order the document sealed and kept in the court's custody.

—He can make it public.

—He can order the grand jury, which has not been discharged, to make its findings part of the indictment—perhaps even naming the President as an unindicted co-conspirator should its evidence warrant it.

Special Watergate Prosecutor Leon Jaworski's office has decided that the proper forum for any charges against the President is the House. That decision avoids the court battles sure to

result over the question whether indictment can precede impeachment. Constitutional scholars argue on both sides of the question.

In his White House briefing, Warren also reaffirmed the President's support for the accuracy of a statement by Haldeman that figured in last week's indictment.

One of the counts against the former White House chief of staff alleged he lied in quoting the President as saying raising \$1 million for Watergate defendants would be wrong.

Nixon was asked on Aug. 22 about the Haldeman statement, made before the Senate Watergate Committee, and replied "his statement is accurate."

On Monday, Warren said "I am standing firmly behind what the President said" at that news conference.

Asked whether he was authorized to say that the President stood behind the statement, Warren replied: "If he didn't, I certainly wouldn't."

Meanwhile, the government filed its response to an appeal by Watergate conspirator E. Howard Hunt that his conviction should be overturned because of errors by Sirica.

Hunt, who is free pending the

outcome of his appeal, claims Sirica should have permitted him to withdraw his guilty plea and that the charges against him should be dropped because of misconduct by the government.

He also claims he was improperly sentenced and if the case is set for retrial, that it should go to a judge other than Sirica.

In its brief, the government told the U.S. Court of appeals that despite "the recurrent theme in Hunt's brief that he was victimized . . . while a fraud was perpetrated on the judicial system, the criminal process and the public in the Watergate case, Hunt was fully aware of the fraud during its commission."
