

Fight Looms On Watergate Jury's Report

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Lawyers for former White House aides H. R. (Bob) Haldeman and John D. Ehrlichman have moved to block submission of a secret grand jury report dealing with President Nixon to the House Judiciary Committee.

The step could presage a drawn-out legal fight over the controversial report, which sums up the Watergate grand jury's evidence concerning Mr. Nixon's involvement in the Watergate scandal.

U. S. District Court Chief Judge John J. Sirica will conduct a hearing at 10 a.m. today to determine the next step.

The White House refused to say what position it will take. As late as Monday, deputy presidential press secretary Gerald L. Warren had said there was "no present intention" on the part of the President's lawyers to try to keep the report from the House impeachment inquiry.

Warren refused to repeat that stand yesterday.

A courtroom battle seems guaranteed in any event. In a letter delivered to Judge Sirica Monday but not made public until yesterday, John J. Wilson chief defense counsel here for both Haldeman and Ehrlichman, contended that the Watergate grand jury had no authority to issue the secret report.

Watergate prosecutors countered the move with a memo arguing that the grand jurors had every right to make the presentment. Judge Sirica ordered the memo of some 20 pages sealed, evidently because it discloses some of the details in the grand jury report.

The grand jury turned it over to Judge Sirica last Friday with a recommendation, informed sources have said, that it be sent to the House Judiciary Committee for its deliberations. Watergate prosecutors supplemented the sealed report with a bulging

briefcase apparently full of documents.

At the same time, the grand jurors indicted seven of Mr. Nixon's former White House and campaign aides, including Haldeman and Ehrlichman, on charges of covering up the Watergate scandal.

In his two-page letter to Judge Sirica, Wilson maintained that only "special" federal grand juries, under legislation passed in 1970, can issue presentments — which amount to informal accusations without any accompanying indictments.

By contrast, Wilson argued that the Watergate grand jury "is a regular grand jury, and according to the law and practice in the District of Columbia, has no power to do other than indict or ignore. It may not make special reports."

Beyond that, Wilson maintained, if Haldeman or Ehrlichman "are even incidentally

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mentioned therein, or if the contents of the briefcase include excerpts from their testimony before the grand jury or documents relating to them, as well as to others; this extrajudicial act prejudices our clients and should be expunged or returned to the grand jury with the court's instructions that their act was

wholly illegal and improper."

For its part, the Judiciary Committee plainly expects the secret documents, and hopes to get them from Judge Sirica without further ado, in acknowledgment of the committee's constitutional responsibilities.

"It's inconceivable to me that the judge would have evidence relating to a legitimate impeachment inquiry and not make it available to the committee," said Rep. Charles Wiggins (R-Calif.), one of the senior Republican members. "I'm sure he'll recognize that we have a proper need for the information and will use it in a responsible way."

At an informal briefing session yesterday, the committee directed its chief counsel, John Doar, and chief minority counsel, Albert Jenner, to attend today's hearing at Sirica's invitation. But Chairman Peter Rodino (D-N.J.) stressed to newsmen that the committee was not submitting itself to the court's jurisdiction.

The committee takes the position that since the House has "sole" jurisdiction over impeachment under the Constitution, the committee should not bow to the courts or anyone else in pursuing its inquiry.

In response to questions, Doar said he would go so far as to ask Judge Sirica for the secret documents, and assure him they will be kept confidential, but he said he will not argue the case.

Doar said he believes the committee has the power to obtain the documents if Sirica should refuse to turn them over. This would presumably be done by subpoena, but Doar would not speculate on the committee's options.

Rep. Don Edwards (D-Calif.), a Judiciary Committee member, said he "fully expected" that the information would be turned over without a court fight.

Privately, committee members on both sides of the aisle said they were hoping to avoid any kind of court fight over evidence because this would cause an unreasonable delay in the impeachment proceedings.

"The people who say, 'Get off the President's back,' and those who wanted him impeached yesterday agree on one thing," said one member. "We've got to get it over with, one way or the other. This means that we've got to try to avoid a debilitating court fight over obtaining the evidence."

Judge Sirica closeted himself yesterday afternoon with Watergate prosecutors, White House lawyers, Doar and Jenner from the Judiciary Committee, and with attorneys for all seven defendants indicted Friday, but all refused to talk about what took place.

There was speculation that the session represented an effort

by Judge Sirica to get sense of the arguments to be presented today.

The judge refused to comment on the session except to confirm that it dealt with the hearing to be held before him this morning. He refused to say whether he expects to make an immediate ruling.

The lawyers had even less to say, though they found different ways of not saying it. Asked whether the White House had filed any motion or memos in the dispute, the President's special counsel James D. St. Clair, smiling, opened his black briefcase and assured reporters: "There's nothing in there but a pad of paper."

Doar had "no comment" beyond what he told reporters in the morning. Former Attorney General John N. Mitchell's attorney, William G. Huddle, seemed to sum it up for the others. "We're gagged," he said.