

Watergate Jury Data Sought by Sen. Ervin

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Sen. Sam J. Ervin Jr. (D-N.C.) has asked Chief U.S. District Judge John J. Sirica to turn over the grand jury minutes and sealed transcripts of the Watergate investigation and trial to the Senate select committee investigating the Watergate bugging and allegations of related political espionage.

Ervin's request, for which there is no legal precedent according to a memorandum filed yesterday by the U.S. attorney's office here, was made in a letter to Sirica dated Feb. 9.

The memorandum, filed by principal assistant U.S. Attorney Earl J. Silbert, supports Ervin's request but raises questions about whether Sirica has the legal authority to grant it.

"With respect to the grand jury minutes," Silbert said, "the United States has no objection to their release to the select committee . . . Indeed, because there are those who have publicly questioned the integrity of the investigation and prosecution of the Watergate case and because of the unique nature of this case, the United States favors their disclosure to the committee so that the nature of the investigation . . . will be subject to scrutiny and thereby aid the ends of justice . . ."

"The United States favors this disclosure notwithstanding the traditional secrecy surrounding grand jury proceedings . . ." Silbert said.

The Watergate trial, which began with seven defendants on Jan. 8, ended on Jan. 30 with conviction of two defendants on charges of conspiracy, burglary and illegal eavesdropping and wiretapping stemming from the June 17 break-in at the Democratic National Committee's Watergate headquarters.

The other five defendants, including former White House aide F. Howard Hunt Jr., pleaded guilty to the same charges earlier in the trial.

The two defendants who were convicted were G. Gordon Liddy, also a former White House aide, and James W. McCord Jr., former security director for the Committee for the Re-election of the President.

In his brief letter to Sirica, Ervin also asked that sealed portions of the trial transcripts also be made available to a seven-member, bipartisan committee that was established Feb. 7 to conduct a broad inquiry into charges of political espionage and sabotage.

Although Silbert's memorandum states that the government favors turning over the grand jury minutes, the brief continues to say that "we feel obliged, as officers of the court, to point out to the court for its guidance the limitation imposed by the law with respect to disclosure of grand jury minutes."

Silbert cites three instances in which grand jury minutes may be disclosed and finds that none of the examples applies.

Silbert said he analyzed the circumstances under which grand jury minutes may be disclosed and found that none is applicable in this case.

Addressing himself to Ervin's request, Silbert says "There is no precedent for such a release. In fact, our research has not uncovered any case in which the issue has been raised or resolved."

After the trial was over, Sirica, who had expressed hope before and during the trial that the prosecution would "get to the bottom" of the Watergate incident, said publicly that "I have not been satisfied and I am still not satisfied that all the pertinent facts that might be available have been produced before an American jury."

Sirica said he hoped that the Senate committee "if granted the power by Congress . . . to try to get to the bottom of what happened in this case."

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