

Safety for Minutes of

2/17/73

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Sen. Sam J. Ervin (D-N.C.) assured Chief U.S. District Judge John J. Sirica yesterday that grand jury minutes from the Watergate investigation will be kept secret and secure if they are turned over to the special Senate committee that is conducting its own investigation.

Ervin, chairman of the seven-member, bipartisan select committee appointed to investigate the bugging of the Democratic Party's Watergate headquarters and other al-

leged acts of political espionage and sabotage, asked Sirica on Feb. 13 to make the grand jury minutes and other documents available to the committee.

Principal Assistant U.S. Attorney Earl J. Silbert filed a motion in response to Ervin's request saying he favored turning the grand jury minutes over to the committee but questioning whether Sirica had the legal authority to do so.

Ervin responded yesterday by filing a four-page brief outlining the steps he was

willing to take to make sure the grand jury minutes are kept secret and citing legal authority that would allow Sirica to turn them over to the committee.

Ervin said the U.S. District Court may retain custody of the minutes if it wishes, permitting only members of the committee and "a designee of the chairman" to have access to them, forbidding any copying of the minutes, and allowing Sirica to exercise his discretion in excising portions of the documents "having to do with a continuing investiga-

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tion if the court determines that the select committee's access to such portions would interfere with such investigation."

"Under no circumstances," Ervin said, would the grand jury minutes or sealed portions of the Watergate trial transcripts be made public without court approval.

Ervin said that the "unique and extraordinary" nature of the committee investigation represents the kind of "compelling necessity" required by law to give the committee ac-

cess to the grand jury minutes.

Seven persons, including two former White House aides and the former security director for the Committee for the Re-election of the President, were indicted on charges of conspiracy, burglary and illegal wiretapping and eavesdropping stemming from the June 17 break-in at the Democratic National Committee's Watergate headquarters.

All seven were either convicted or pleaded guilty to the charges and are now awaiting sentencing by Sirica.