

Sirica Summons Watergate Jury

Washington

U.S. District Judge John J. Sirica has ordered two Watergate grand juries that have been sitting in Washington to come to his courtroom at 10 a.m. today. A spokesman for the judge said Sirica plans to "read a short statement" to the combined grand juries.

That statement, the spokesman said, will contain no specific directions, but rather will contain "general comments that the judge wants to make to the grand juries before they get back to work."

Sirica also could appoint a special counsel to assist in future proceedings. However, the spokesman said one of the grand juries — which is scheduled to resume hearing testimony today — will continue to be directed by members of the special Watergate prosecution force, although they now will be Justice Department employees.

The American Bar Association offered its help yesterday to Judge Sirica's court "and any other federal court in the discharge of its duties and responsibilities in this constitutional crisis."

ABA president Chesterfield Smith said President Nixon's statements and actions constituted "an intolerable assault upon the courts, our first line of defense against tyranny and arbitrary power" which lawyers should not accept.

The White House sent to Judge Sirica yesterday a personal copy of the response it plans to file today in his U.S. district court. While no one in Judge Sirica's office would comment on the response, it is believed to be a restatement of the White House position that its plan to give the court a summary

tifies" the judge's order.

Judge Sirica can either accept or reject that argument, legal sources said. If he rejects it, he is faced with the question of whether he on his own initiative can hold the President in contempt, or whether a third party — such as the grand jury itself — would have to make the request.

It is at this point that Sirica may appoint an attorney to advise the grand jury and represent it in further proceedings.

In ordinary lawsuits, district judges do not reach out to enforce their own orders but instead act on motions of the disputing parties seeking contempt citations, money damages or some other form of legal redress.

If President Nixon is held in civil contempt — the form usually taken for enforcement of a court decree such as the appeals decision which upheld Judge Sirica, — he could be fined an unspecified amount and jailed either for up to the life of the grand jury seeking the tapes or until he complies with the court order. The original Watergate grand jury expires on December 5.

The fines or jail terms would be directed against the President personally, rather than as commander-in-chief of the country, legal sources said.

However, these sources repeatedly pointed out that such discussions were purely speculative. "He (the judge) has not decided which approach to take yet," one person in his office said flatly yesterday.

That person said there could be several days of preliminary legal moves before a final decision is issued by Sirica, and before it is finally decided what procedures of the Watergate tapes "sa-

holds the president in contempt.

Another option open to the judge is for him merely to direct the grand juries to continue their investigations on their own.

However, in that case, the grand juries might not be able to return indictments since that action would require the approval of the attorney general or a special prosecutor.

They could, however, issue sweeping reports on the Watergate scandal that the judge could make public. Such grand jury reports are common practice among local and state grand juries, but rare among federal grand juries.

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