

Inside Sealed Watergate Report

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WASHINGTON — The sealed report that the Watergate grand jury turned over to U.S. District Judge John Sirica Friday maintains that President Nixon was involved in the Watergate coverup and that he has used — and continues to use — the power of the presidency to obstruct the grand jury's 20 month probe, sources said yesterday.

The sources, who are close to the grand jury, which yesterday indicted seven former Nixon aides on coverup charges, disclosed that the jury has considered Nixon, in effect, a "target" of its investigation since last spring, when then White House counsel John Dean made his first move to tell government prosecutors the extent of White House involvement in the mushrooming scandal.

Only the intercession of a series of Watergate prosecutors restrained the grand jurors from issuing a "runaway" indictment of the President — a move the prosecutor warned would create a dangerous and unprecedented constitutional crisis — the sources said.

Although some of the jurors remained convinced that the President should be indicted, they were ultimately persuaded by Special Watergate Prosecutor Leon Jaworski's recommendation that the jury take the unusual step of making a sealed presentation of its evidence of presidential

involvement to the judge along with the recommendation that the material be turned over to the House Judiciary Committee's impeachment inquiry.

After studying conflicting legal opinions — both from his staff and from constitutional experts — Jaworski had decided that a President cannot be indicted unless he is first removed from office.

A source close to Sirica said that he would study the grand jury's report and the briefcase full of evidence that accompanied it before deciding how to proceed. The source predicted the judge, who he said is "well aware of the urgency" of the matter, would make a ruling "within the next several days."

The source said Sirica has three basic options:

- He can send the matter back to the grand jury and direct it to pursue its investigation of the President by subpoenaing him to appear as a witness and by pursuing in the courts its request for additional White House tapes and documents that he has refused to provide. This would amount to a ruling that Nixon is indictable if the evidence warrants it.

- He can direct that the report and the evidence be forwarded to the House to form the basis of an impeachment proceeding.

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ment proceeding.

- He can simply make the report public.

Sources maintained that Nixon first came under grand jury suspicion last April after Dean offered to testify before federal prosecutors — and later the grand jury — on condition that he be granted immunity from prosecution.

The sources cited Nixon's April 17, 1973, statement, announcing "major developments" in the Watergate case as a crucial factor in the jury's deliberation of whether Nixon was attempt-

ished. His remarks could also be viewed as an attempt to prevent Dean from testifying by withholding immunity from him. Dean ultimately was granted immunity by the Senate Watergate Committee, and during five explosive days of public testimony charged that Nixon not only condoned the Watergate coverup but approved the use of hush money to keep silent the original Watergate defendants.

Noted one source who is in a position to gauge grand jury sentiment:

"Nixon's actions in April were among the most tell-tale of anything to the jury."

Evidence of the grand jury's attitude regarding both Dean and Nixon is contained in the 50-page conspiracy indictment against the President's seven top former White House aides and re-election officials.

One of the indictment's perjury counts against Nixon's former chief of staff, H.R. Haldeman, charged that Haldeman lied when he told the Senate Watergate Committee last summer that the President told Dean "It would be wrong" to raise \$1 million in hush money to buy the silence of the convicted Watergate conspirators.

Obviously, the Grand Jury, which has heard the tapes of the March 21 meeting when the Nixon-Dean exchange occurred, believed Dean's account and not Haldeman's — or the President's. (Nixon last Aug. 22 publicly asserted that Haldeman's account was "accurate.")

The grand jury also appeared to point a finger at Nixon by stating that the coverup conspiracy continued "from on or about June 17, 1972, (when the Watergate break-in occurred) up to and including the date of the filing of this indictment."

The document also noted that besides the seven persons who were indicted, "other persons to the grand jury known and unknown," were also involved in the coverup.

Sources reported that Nixon's refusal to appear before the grand jury — an action the President revealed for

the first time at his press conference last Monday — was the final frustration in a long series of what was viewed as a calculated attempt to impede the federal Watergate investigation.

The possibility of presidential testimony had been raised months ago, sources said, but the three original Watergate prosecutors, who were later succeeded by Archibald Cox, himself later succeeded by Jaworski, reportedly persuaded the jurors that (1.) Nixon could not be indicted, (2.) he could not be named an unindicted co-conspirator and (3.) he could not be summoned as a grand jury witness.

The grand jury's frustration over Nixon's refusal to appear was aggravated by the President's decision — after weeks of tedious negotiating between Jaworski and Presidential lawyer James D. St. Clair — to refuse the special prosecutor's request for hundreds of White House documents and 72 additional tapes.

This came on the heels of a series of actions which some grand jurors felt amounted to presidential obstructionism, including:

- Nixon's firing of Archibald Cox and his attempt to dismantle the special prosecutor's office after Cox threatened a court battle to secure White House tapes.

- The revelation that two of the tapes which had long been requested did not "exist."

- The still-unexplained 18-1/2 minute erasure in a tape of a Watergate conversation between Nixon and Haldeman three days after the Watergate break-in. A team of electronics experts already has indicated that the erasure was deliberate.

- Nixon's contention, in his State of the Union message, that the jury has enough evidence to complete its investigation.