

CAUTION ON NIXON LAID TO JAWORSKI

Prosecutor Reportedly Told
Grand Jury Not to Indict

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WASHINGTON, March 11—

Leon Jaworski, the Watergate special prosecutor, advised the Federal grand jury investigating the Watergate break-in and cover-up that it would not be "responsible conduct" to move to indict President Nixon, according to a spokesman for the office.

Although Mr. Jaworski's advice to the grand jury did not refer to President Nixon by name — the matter was discussed in terms of "a factual situation such as exists" — it did include the suggestion that the House Judiciary Committee's impeachment inquiry was the proper forum to consider matters of "evidence relating to" a President.

Although there had been speculation that Mr. Jaworski had tentatively concluded that legal complications militated against a move to indict the President, today's statement was the first direct confirmation of that fact.

Apparently as a result of Mr. Jaworski's position, the grand jury decided to issue a report containing the information it had received that related to the President.

A source familiar with the situation said today it had been assumed that such a grand jury report would be forwarded directly to the House Judiciary Committee.

Held Up by Sirica

Instead, however, Federal District Judge John J. Sirica subjected the report to a hearing at which attorneys for those indicted by the grand jury urged that the report be sealed and not sent to the impeachment inquiry. That request is now under consideration by Judge Sirica and a ruling is expected later this week.

The matter apparently came to Mr. Jaworski's attention as early as mid-January when the grand jury was considering whether to call the President. It was researched at the time and the conclusion was that legal doubt on the question was so substantial that a move to indict a sitting President could touch off a legal battle of gigantic proportions.

The effect of such a fight on the American public and the institution of the Presidency was felt by some legal advisors to be such that issuing an indictment would be an inadvisable course of action for a grand jury.

It was at the same time — in mid-January — that Mr. Jaworski concluded that all the information his office had received from the White House might have to be returned once the grand jury returned its indictments.

Data In Briefcase

Much of the information that the grand jury had subpoenaed was contained in the briefcase of material turned over to Judge Sirica along with the sealed report.

The House Judiciary Committee's impeachment inquiry staff has expressed its right to receive the material in the report and some members of the committee have suggested the possibility of issuing a subpoena for the material should Judge Sirica decide not to turn it over to them.

There is considerable concern, both among committee members and the inquiry staff, that such a move would inject them into a legal controversy, which they hope to avoid. The committee staff has taken the position that the constitutional authority to impeach is not subject to judicial review and have been careful not to submit the proceedings to judicial decisions.

Tentatively, the committee has decided not to pursue the matter until Judge Sirica makes his ruling.