

House Probe

Release Report on

Nixon, Judge Says

Sirica's

Ruling to Be

Appealed

Washington

U.S. District Judge John J. Sirica ordered yesterday that a grand jury report bearing on President Nixon's conduct in the Watergate scandal be turned over to the House impeachment inquiry.

Sirica withheld the effect of his order for two days to permit appeals, and attorneys defending seven former White House aides immediately gave notice that they will ask the U.S. Court of Appeals to block the decision.

A spokesman for the White House said the President's lawyers stood by an earlier statement to Sirica that they had "no objection" to release of the report to the committee.

Members of the House Judiciary Committee immediately hailed the order as a major step in the impeachment investigation but warned that it would not deter the committee from pressing for additional relevant information from the White House.

In a 22-page written opinion, Sirica made it clear that the secret grand jury report, accompanied by a sealed briefcase of evidence gathered in a 21-month investigation of the Watergate burglary and coverup, dealt with Mr. Nixon's acts "in his public capacity" during the period under investigation.

The judge cautioned that the report "draws no accu-

satory conclusions" and is "not a substitute for indictments." But his description of it seemed to confirm earlier speculation that the Grand Jury had received evidence of Mr. Nixon's personal involvement in the matter.

Sirica had been urged not to release the report and ev-

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idence by attorneys for seven former White House aides or officials in the 1972 Nixon re-election campaign, all of whom were indicted on charges of perjury or obstruction of justice on March 1, when the sealed report was also delivered to the court.

The White House, represented by James D. St. Clair, had offered no objection to release of the report in a subsequent hearing on the matter, and the judge leaned heavily on this position yesterday.

Release of the report had been strenuously opposed by attorneys for the seven men indicted because they feared release, even to the House Judiciary Committee, might lead to leaks of the contents of the report and generate pre-trial publicity affecting their clients.

Sirica responded to these arguments in his opinion by noting that the seven are involved only incidentally in the report.

"The person on whom the report focuses, the President of the United States, has not objected to its release to the committee," he said.

"It should not be forgotten," he added, "that we deal in a matter of the most critical moment to the nation, an impeachment in-

volving the President of the United States. It would be difficult to conceive of a more compelling need than that of this country for an unswervingly fair inquiry based on all the pertinent information."

Nonetheless, attorneys for at least four of the seven who have been indicted — whose lawyers presume the report contains information on their clients — announced that they will ask the U.S. Court of Appeals to reverse the order.

Taking advantage of a two-day stay in the execution of the order automatically given by the judge, John J. Wilson — representing former White House aides H. R. Haldeman and John D. Ehrlichman — said he would file an appeal by tomorrow.

The Judiciary Committee will urge that hearings — which could tie up the material for days in litigation — be expedited, and the Appeals Court is expected to move quickly.

In presenting the report and evidence to Sirica, with a request that it be transmitted to the impeachment inquiry, the grand jury handed the judge two prob-

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lems. The first concerned the grand jury's right to issue such a report, and the second concerned possible prejudicial publicity to those already accused.

In answering the first argument, Sirica reviewed the

historical right of grand juries not only to indict but also to issue reports of conditions uncovered without indictments. He concluded:

"It seems to the court that it would be unjustified in holding that the grand jury was without authority to hand up this report. The grand jury has obviously taken care to assure that its report contains no objectionable features, and has throughout acted in the interests of fairness. The grand jury having thus respected its own limitations and the rights of others, the court ought to respect the jury's exercise of its prerogatives."

Advising attorneys for the seven men indicted by the same grand jury that their clients were only "incidentally" involved in the report, Sirica then dealt with the question of possible prejudice by his release to the impeachment inquiry.

Marshaling his arguments, Sirica concluded that because the grand jury report concentrated on the President's conduct, because the White House did not oppose its release, and because of the compelling need of the impeachment inquiry for "all pertinent information," he could not accept objections to its release to the Judiciary Committee.

"These considerations might well justify even a public disclosure of the report," Sirica observed, "but are certainly ample basis for disclosure to a body that in this setting acts simply as another grand jury. The committee has taken elaborate precautions to insure against unnecessary and inappropriate disclosure of these materials."

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