

Sirica Order Appealed

Plea to Head Off Nixon

Washington

Attorneys for two of the Watergate coverup defendants asked the U.S. Court of Appeals yesterday to prevent U.S. District Judge John J. Sirica from sending the Watergate grand jury's Nixon report to the House impeachment committee.

The appeals court scheduled a hearing for 10:30 a.m. (EDT) today on whether to grant a delay in the delivery of the materials or stop the transmittal altogether.

If the requested stay is not granted, the material must be delivered to the House Judiciary Committee by 4 p.m. today.

The petitions were filed by attorneys for H. R. Haldeman and Gordon Strachan.

Haldeman's lawyers, John

J. Wilson and Frank H. Strickler, asked Sirica to suspend his order "that delivery to the committee is eminently proper, and indeed, obligatory."

The judge refused but granted a 24-hour delay until this afternoon.

The day's developments court began with Wilson petitioning the appeals court to prohibit Sirica from transmitting the Nixon report, or for an order to bottle it up. He also asked Sirica to halt execution of the order, which he issued Monday.

The government responded with a memorandum asking Sirica to turn down Haldeman's request.

When Sirica refused the stay, Haldeman's lawyers returned to the higher court



JOHN J. WILSON
Haldeman lawyer.

making the same request again.

In response, the government said that Haldeman

has not met any of the prerequisites for granting a stay.

Wilson claimed in the appeals court petition that giving the committee the secret report runs the risk "that it will be made public" before Haldeman is tried, thus depriving him of a fair trial.

Haldeman, the President's former chief of staff, is one or seven men indicted March 1. He is charged with conspiracy to cover up the Watergate break-in and with four counts of perjury.

The grand jury's report and a satchel bulging with documents was handed the judge at the same time. In his order Monday directing the materials delivery to the House, Sirica noted that the report focused on the President.

Wilson said he does not know what the grand jury's report contains but that he has reason to believe the evidence satchel includes a tape recording of March 21, 1973, of the discussion that Mr. Nixon had with Haldeman and John W. Dean III about hush money for the original Watergate defendants.

That tape, Wilson said, "is relied upon by the prosecutors to support the charge of perjury against this petitioner in the eighth count of the aforesaid indictment."

That count charges that Haldeman lied when he told the Senate Watergate Committee under oath that Mr. Nixon had said "it would be wrong" to pay money to keep the defendants quiet.

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Report