

# Judges Refuse to Block Nixon Data

## Supreme Court Could Still Keep Watergate Findings From the House

Washington

The U.S. Court of Appeals here refused yesterday to prevent a secret grand jury report on President Nixon from going to a House impeachment inquiry.

The six-member court, with only one judge partially dissenting, said: "We think it of significance that the President of the United States, who is described by all parties as the focus of the report and who presumably would have the greatest interest in its disposition, has interposed no objection."

The court gave lawyers defending seven former White House aides until 5 p.m. Monday to apply to the Supreme Court "for such relief as they may deem advisable."

There were indications, however, that the defense attorneys might not appeal the ruling. If they do not, the grand jury material could thus go to the House as early as Monday evening.

Frank H. Strickler, one of two lawyers representing H.R. Haldeman, the former White House chief of staff, said after the court ruling: "This is the end of the line as far as taking any action on judicial review. We've exhausted all available avenues."

John M. Bray, the lawyer for Gordon C. Strachan, a former aide to Haldeman, said the matter of appeal was "worthy of considered review" but he gave no indication what action he might

take.

John J. Wilson, the other lawyer representing Haldeman, agreed with Strickler but added: "If we take any action it won't be before Monday."

The report's contents are believed to bear on Mr. Nixon's possible role in a White House coverup of the burglary of the Democratic national headquarters at the Watergate office building on June 17, 1972.

Philip A. Lacovara, counsel to the special prosecutor, Leon Jaworski, yesterday called the contents of the report "evidence" that "deals with the President of the United States."

The court of appeals, with three members declining to take part in yesterday's hearing for unexplained reasons, supported Lacovara's

*Back Page Col. 5*

From Page 1  
position that transmitting the material to the House is not likely to interfere with a fair trial of defendants in Watergate criminal cases.

The court said U.S. District Judge John J. Sirica had not abused his discretion in turning over the material.

The only dissent was by Judge George B. MacKinnon, who said, "I would expunge the entire grand jury report and permit the House Judiciary Committee, on request to the district court, to have access not only to the limited testimony accompanying the report . . . but to the entire grand jury proceedings."

His position was that material possibly bearing on the President's innocence might not necessarily be included in the grand jury report.

Wilson and Bray had both

argued that turning over the report to the House might generate harmful pre-trial publicity for their clients.

Lacovara called their position "sheer speculation in the classic sense."

The chairman of the House Judiciary Committee, Peter W. Rodino Jr. (Dem-N.J.), delivered a letter to Chief Judge David L. Bazelon yesterday that restated the committee's desire to obtain grand jury material without putting the committee in the position of being subject to the jurisdiction of the court. The committee has maintained that the interests of impeachment override all other interests.

Lacovara, under questioning by Judge MacKinnon, gave the most extensive description thus far of the secret report. He said that the investigation that led to the coverup indictments had brought to the grand jury's

attention "matters" bearing on the House impeachment investigation.

Lacovara said the grand jury was "not going to pass on the significance of that evidence" but that "the evidence deals with the President of the United States. He is the focus of that report."

He said there was a two-page letter of transmittal, and an "index of events" along with material relating "to each of these events, including grand jury testimony and grand jury exhibits."

He said that "incidental references do relate to petitioners before the court this morning" but that they are "not the focus of this report."

Lacovara also maintained that Mr. Nixon was "entitled to due process" under the law, like any other American.

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