

Satchel Returned To District Court

By George Lander Jr.
Washington Post Staff Writer

The secret grand jury evidence of President Nixon's involvement in the Watergate scandal was sent back to U.S. District Court yesterday to await the next caller.

The House Judiciary Committee can pick it up anytime after 5 p.m. Monday unless attempts to block the turnover are made in the Supreme Court.

The U.S. Circuit Court of Appeals here approved submission of the report for the House impeachment inquiry in a 5-to-1 ruling Thursday, but gave the Watergate defendants fighting the transfer until Monday afternoon to seek Supreme Court review of the decision.

The appeals court briefly took charge of the Watergate grand jury's secret report, including a satchel full of evidence, when it agreed to hear the case Wednesday, but the documents were returned to U.S. District Court Judge John J. Sirica shortly before noon yesterday.

Meanwhile, the White House gave no indication of whether it will comply with a new subpoena issued by Watergate prosecutor Leon Jaworski for one of the other federal grand juries investigating administration scandals.

The subpoena, believed to bear on campaign contributions, calls for the documents in question to be delivered by Monday. Deputy presidential press secretary Gerald L. Warren said yesterday that it was "being routinely handled by White House counsel."

Some sources speculated that the White House would agree to comply with the subpoena and perhaps ask for more time to round up the requested documents rather than undertake another court fight.

If the White House refuses to comply, Watergate prosecutors plan to seek grand jury authorization next week for a show-cause order that would publicly list the materials sought from the White House and set out the need for them.

In dealing with the Watergate grand jury's secret report on the President, the majority on the Court of Appeals said they were "in general agreement" with Judge Sirica's decision earlier this week that delivery of the secret evidence to the Judiciary Committee was "eminently proper, and in deed, obligatory."

Judge Sirica has said that the evidence in the report, which focuses on the President, is unquestionably material to the House impeachment inquiry, a description meaning that it has "probative weight." In addition, Circuit Judge George E. MacKinnon called it "selective" evidence and strongly indicated that it does not include any material favorable to Mr. Nixon.

Emphasizing that the President has made no objections to the turnover to the House, the appeals court curtly dismissed the attempts of former White House aides H. R. (Bob) Hadleman and Gordon C. Strachan to suppress the report on the grounds that it might prejudice their forthcoming conspiracy trial. Both have been indicted in the Watergate cover-up.

Their lawyers had asked the appeals court in separate petitions for an extraordinary writ holding that Sirica abused his judicial discretion. The court majority, however, said that the dispute was really just a quarrel over "sound policy" rather than a question of Sirica's overstepping his judicial authority.