

Watergate Jury's Report Goes to House Unit Today

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By ANTHONY RIPLEY MAR 26 1974

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WASHINGTON, March 25—A Watergate grand jury's secret report dealing with President Nixon, along with supporting evidence, will be sent to impeachment investigators at the House of Representatives tomorrow.

The deadline for the last appeals to block transfer of the documents passed at 5 P.M. today. No appeals to the Supreme Court were filed.

United States District Court Judge John J. Sirica notified the House Judiciary Committee today that the report and the evidence, held since March 1 at the courthouse, could be picked up at 9:30 A.M. tomorrow.

In another Watergate-related matter, the special prosecutor, Leon Jaworski, agreed to a request for more time by the White House to answer a subpoena seeking Presidential tapes and documents. The deadline on the subpoena also was today but Mr. Jaworski consented to a delay until Friday.

The special prosecutor in the past has tried to work with the White House in such matters and has resorted to subpoenas only when the White House cut off further cooperation in January.

Judge Sirica ordered the grand jury report sent to the House and he was upheld last Thursday by the United States Court of Appeals for the District of Columbia.

Defense lawyers for H. R. Haldeman and Gordon C. Strachan, two of the seven men indicted for conspiracy in covering up the Watergate affair, had tried to block the transfer, arguing that it would

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generate prejudicial pre-trial publicity against their clients. The secret report was handed up to Judge Sirica at the time that all seven were indicted.

The defense arguments were rejected by the courts, which called them premature and pointed out that the President himself had not objected to the transfer.

The House Judiciary Committee has set up strict rules for the handling of the report. Of the 38 members of the panel, only the committee chairman, Peter W. Rodino, Democrat of New Jersey, and the ranking

Republican on the committee, Edward Hutchinson of Michigan, are to have immediate access to it.

Of the 103 members of the staff, only the committee counsel, John M. Doar, and the minority counsel, Albert E. Jenner, will have immediate access to the secret report.

Mr. Doar and Mr. Jenner are expected to go to Judge Sirica's chambers tomorrow to pick up the sealed report and the locked briefcase containing the evidence.

Confidentiality Cited

At the White House press briefing today, Ronald L. Ziegler, the President's press secretary, refused to discuss what the subpoena sought from among the White House documents. He cited the need for confidentiality in the affairs of the President in declining to comment.

He said the arrangement for four more days had been made by Mr. Jaworski and Mr. Nixon's lawyer, James D. St. Clair.

"They've agreed to extend the time for response, I assume, so Jim can make a judgment and assess the request," Mr. Ziegler said.

It was Mr. St. Clair who first announced that the White House was under subpoena from the special prosecutor.

Mr. Ziegler was pressed for a more precise explanation for the delay but gave none.

In another Watergate matter, Felipe de Diego, one of six men indicted March 7 in connection with the burglary of the office of Dr. Daniel J. Ellsberg's former psychiatrist, asked to be tried separately.

In a motion filed in Federal court today, Henry B. Rothblatt and Dana P. Brigham, Mr. de Diego's lawyers, argued in part:

De Diego believed at the time of the alleged crime that he was employed by the executive branch of Government and was working to protect national security.

"De Diego's defense will thus be antagonistic to several of his co-defendants. He will prove that he was duped into performing illegal acts by co-defendants in the name of national security."

'To Call These Officers'

The motion argues that Mr. de Diego "was an employee working under several of the most prominent executive officials in the country."

"He must be able to call these officers to establish his own lack of guilty knowledge and intent," his defense says.

In addition, the motion notes that John D. Ehrlichman, former assistant to the President for domestic affairs, is charged

with four counts of perjury in the same indictment.

It argues that the charges of perjury are unrelated to Mr. de Diego and evidence given to support them "is likely to prejudice [Mr. de Diego] in the eyes of the jury."

Mr. Ehrlichman, Mr. de Diego and four others are charged with conspiracy to violate the civil rights of the psychiatrist, Dr. Lewis J. Fielding.

Others who knew of the burglary have said it was a search for possibly damaging material against Dr. Ellsberg, who at the time had been indicted in the Pentagon papers case.