

The Briefcase and Its Role in Impeachment

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Since March 1, when the Federal grand jury investigating the Watergate burglary and cover-up issued a secret report of its findings, speculation about the contents of that report has swept official Washington. There is a widespread feeling here that the briefcase holding the report and supporting evidence may be the key to the question of whether President Nixon will be impeached by the House and tried in the Senate for his conduct in office.

Only those directly involved with the grand jury and the impeachment inquiry know the details that fill that briefcase.

The nature of the report and evidence, however, are not secret, and a careful reading of the public record of the 21-month investigation by the grand jury offers strong indications of what is involved.

Clear Link to Nixon

Federal District Judge John J. Sirica and attorneys for the special prosecutor made it clear in court that the material dealt with President Nixon's role in the affair. Judge Sirica did so when he noted the report concerned the President in his public capacity and that the impeachment inquiry was the proper body to examine and judge the material.

An attorney for the special prosecutor simply labeled the material as "evidence" that "deals with the President of the United States."

The nature of the grand jury indictments, handed up at the same time of the report, and the information to which that grand jury had access further indicate the kind of evidence that the report might contain.

At the time the report was handed up, seven former top White House aides or officials in the 1972 Nixon re-election campaign were indicted.

One of those indictments charges the former White House chief of staff, H. R. Haldeman, with perjury when he testified to the Senate Watergate committee that President Nixon had said "it would be wrong" to pay money to the Watergate burglars to keep them from talking about the matter.

That phrase, Mr. Haldeman said, was on the tape recording of a March 21, 1973, conversation between the President and former White House counsel, John W. Dean 3d. He had, Mr. Haldeman testified to the Senate Watergate committee, heard it himself.

A clear inference to be drawn from the Haldeman indictment is that the grand jury, which had possession of the March 21 tape, concluded the tape did not support Mr. Haldeman's testimony. That conclusion and the tape may be in the briefcase.

According to statements by two Congressmen on the House committee who have had access to the evidence, there are more than four tapes in the

collection of material. In addition to the March 21 tape, the others are probably those described in Judge Sirica's court last year when the White House sought to keep them from the grand jury by a claim of executive privilege to withhold information.

Court records show the following tapes went to the grand jury, and indications are they are now held by the House committee:

The tape of a meeting on Sept. 15, 1972, at which Mr. Dean has testified that Watergate was discussed and about which he said, "I left the meeting with the impression that the President was well aware of what had been going on regarding the success of keeping the White House out of the Watergate scandal."

¶The tape of a meeting on March 13, 1973, during which, Mr. Dean has testified, the President expressed his desire to keep Mr. Dean, Mr. Haldeman and John D. Ehrlichman, the former Presidential adviser, from testifying before the Senate Watergate committee.

¶The tape of March 21 that Mr. Dean testified contained his full explanation of Watergate and the cover-up to the President in a conversation that Mr. Dean said was "a tremendous disappointment to me because it was quite clear that the cover-up as far as the White House was concerned was going to continue."

¶The tape of a meeting on March 22, 1973, during which Mr. Dean has testified that former Attorney General John N. Mitchell assured the White House that "he didn't think it was a problem any further" in answer to a question of whether or not one Watergate burglar's money demands had been taken care of.

Two Meetings Cited

Other evidence known to have been in the hands of the grand jury and apparently passed on to the impeachment inquiry are notes and dictated recollections by Mr. Haldeman and the President of two meetings.

Mr. Dean has testified that at one of these meetings on June 20, 1972, he was told by Mr. Ehrlichman to destroy Watergate evidence. At the second meeting, on April 15, 1973, according to Mr. Dean's testimony before the Senate committee, he believed "the President was seeking to elicit testimony from me and put his perspective on the record and get me to agree to it."

In addition, the grand jury heard testimony from other witnesses who were involved in the Watergate scandal and whose testimony is apparently in the collection of evidence. Among those are Fredrick C. Larue and Jeb Stuart Magruder, high-level officials in the 1972 Nixon re-election campaign, both of whom have admitted taking part in the efforts to cover up the Watergate scandal.

How damaging the evidence in the grand jury report will be to President Nixon remains to be seen. The contents will not be revealed publicly until

the House Judiciary Committee is asked to vote on articles of impeachment.

However, sources familiar with the investigation reported earlier on the effect of the evidence on the grand jury that received it.

In January the grand jury asked President Nixon to appear before it because of the information the jury had compiled dealing with Mr. Nixon's role. He declined.

According to sources familiar with the situation at the time, the grand jury reported to the special prosecutor's office that a poll of juror sentiment showed a majority

favoring moving toward the indictment of the President.

The special prosecutor, Leon Jaworski, concluded that the law was so uncertain on indictment of a President that it would be "improper" for the grand jury to do so. From that point on the grand jury was steered away from such a confrontation, which Mr. Jaworski believed would divide and scar the country.

The result was the March 1 report and accompanying evidence that the grand jury, although it made no accusations, believed crucial to the question of President Nixon's impeachment.