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**SIRICA LIFTS BAR  
TO DATA ON NIXON**

**Papers Naming President a  
Co-Conspirator Remain for  
Present at Supreme Court**

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WASHINGTON, June 7 —

Federal Judge John J. Sirica lifted today the protective order that has kept secret for almost a month the court papers describing President Nixon as an unindicted co-conspirator in the Watergate cover-up.

Judge Sirica did so at the request of the President, who had said, through his lawyer, that news reports of the naming of Mr. Nixon as a co-conspirator had made further secrecy unnecessary.

The judge's action, announced this afternoon, did not lead to the release of the papers, for they are at the Supreme Court, pending the Court's hearing of the battle between the President and the prosecution over the latest prosecution subpoena.

**Clears Way for Release**

However, since Judge Sirica was the one who sealed the papers, his ruling clears the way for their release. A spokesman for the Supreme Court declined to suggest when the Court might act on the matter, but some action next week is considered possible.

Meanwhile, a White House spokesman said today that Mr. Nixon had "expressed a willingness" to help two former assistants pay legal expenses related to Watergate, but he said the President had never provided such help. [Page 14.]

Judge Sirica, in a second action today announced that a tape recording of one of Mr. Nixon's conversations with his aides was "unquestionably relevant" to the Watergate prosecution's inquiry into possible White House abuse of the Internal Revenue Service.

The Judge said he would turn it over to the prosecution, unless the President notified the court on Monday that he planned to appeal the ruling.

In a third development at the Federal Courthouse here today, Judge Sirica's role as judge in the upcoming Water-

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gate cover-up case was confirmed by the Federal Court of Appeals.

The court, ruling 5 to 1, turned down the motions of several of the defendants seeking to have Judge Sirica disqualified. The defendants had argued that Judge Sirica—who is credited as having a major role in the uncovering of the Watergate scandal—was too interested in the outcome of the case to give the defendants a fair trial.

The court issued an "en banc" ruling—a ruling on behalf of the entire circuit—without an opinion. The judge who dissented—George E. Mackinnon—said in a statement that the court should have allowed oral argument in the case. If he were "required to act on the existing record," however, he added, he would have granted the motions.

The court issued its ruling in typewritten form, apparently a rush job prompted by arguments earlier in the day in Judge Sirica's courtroom. At the Sirica hearing, lawyers for the six defendants in the cover-up case had argued that Judge Sirica should postpone the pre-trial hearings, scheduled to start on Monday, until the court rendered its opinion on the disqualification motions.

Judge Sirica had refused the request, and the lawyers had immediately appealed to the Court of Appeals.

The papers that Judge Sirica moved today to release—now in a vault at the Supreme Court—all stem from the battle over the subpoena from Leon Jaworski, the special prosecutor, for tapes and records of 64 White House conversations.

All but one of the discussions involve the President. The exception is a conversation between some of his aides. When Mr. Jaworski first sought the subpoena, he said that he needed the tapes for the trial of the cover-up case.

**Justification for Subpoena**

After the President moved to quash the subpoena, the proceedings were closed to the public. As Judge Sirica made clear today, he closed the proceedings because Mr. Jaworski had told him that in order to justify the subpoena, he, Mr. Jaworski, would have to reveal that the Watergate grand jury had named Mr. Nixon as unindicted co-conspirator in the Watergate cover-up.

The grand jury reportedly voted to name Mr. Nixon as an unindicted co-conspirator because it had wanted to indict Mr. Nixon but Mr. Jaworski had told the jury that the indictment of an incumbent President was of questionable legality.

The secret papers include the transcripts of three hearings that Judge Sirica held on

the matter—one on May 8, the day he was told of the naming of Mr. Nixon; one on May 10 and one on May 13.

In addition, there are a memorandum and an appendix by the special prosecution, arguing against the White House motion to quash; a reply brief for the President; a reply brief by the special prosecutor; and, apparently, an earlier motion by the special prosecutor regarding disclosure of certain grand jury information.

The appendix to the initial prosecution brief, the prosecution told the judge today in answer to a question, provides the record of the grand jury's action in naming Mr. Nixon as unindicted co-conspirator.

Presumably, the prosecution briefs describe its theories and evidence regarding the President's involvement.

Among the evidence cited in the briefs, the prosecution indicated today, are portions of Presidential conversations already revealed in edited transcripts released by the President.

Some of the defendants opposed the public release of the papers on the ground that the ensuing news coverage would add to the publicity about the case and thus prejudice their chances for a fair trial.

Judge Sirica granted the President's request for lifting the protective order, though, saying, "All of these items were sealed in the interest of fairness to the President."

Since there is "no longer any need for secrecy," he said, "the record ought to be made public."