

• *Supreme Court*

Dramatic ruling on jury report

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Knight News Service

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WASHINGTON — President Nixon was part of a "conspiracy to defraud the United States and to obstruct justice" in Watergate, a federal grand jury charged in an extract made public by the Supreme Court yesterday.

In a rare weekend order, the high court refused to release sealed transcripts and legal briefs relating to the allegations against Nixon.

But the court did release a one-sentence extract from one of the sealed documents

that confirmed what has been public knowledge since early this month: that the grand jurors voted 19-0 almost four months ago to name the President as an unindicted co-conspirator in the Watergate cover-up.

The brief extract released by the justices added dramatic emphasis to the rather legalistic term, "unindicted co-conspirator."

On Feb. 25, 1974, it said, the grand jurors, without a single dissenting vote, agreed that "there is probable cause to believe that

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Richard M. Nixon, among others, was a member of the conspiracy to defraud the United States and to obstruct justice . . . and the grand jury authorized the Special Prosecutor to identify Richard M. Nixon, among others, as an unindicted co-conspirator in connection with subsequent legal proceedings in this case."

The grand jury's wording made it more clear than ever that they would have brought formal criminal charges against Nixon if it had not been for a warning by Special Prosecutor Leon Jaworski that it may not be possible to indict a President in office.

The grand jury did indict seven former Nixon associates in the Watergate cover-up, including H.R. Halde- man, former White House chief of staff; John D. Ehrlichman, former top domestic policy adviser to the President, and former Attorney General John Mitchell.

The cover-up indictment was handed up to Sirica last March 1, with no mention of the President's name.

But one of the "overt acts" for which the alleged conspirators were indicted was a White House meeting on March 21, 1973, at which, it was charged, "hush" payments were authorized for a Watergate burglar.

The meeting took place in the President's Oval Office, and he was there. The White House-edited transcript of the meeting shows that Nixon did not disapprove of the

payments, as he had claimed in public statements on Watergate.

Jaworski, in a brief filed Friday in connection with a separate matter, had argued that it was "necessary and appropriate" for the grand jury to name the President as an unindicted co-conspirator.

The Supreme Court action yesterday came, ironically, after a joint motion by White House lawyers and the Special Prosecutor to unseal certain documents related to the grand jury's momentous conclusion.

These included the transcripts of secret conferences at which U.S. District Judge John Sirica and lawyers for the cover-up defendants were informed of the jurors' decision about the President.