

# Court Asked to Examine All Jury's Data on Nixon

Washington

The White House asked the Supreme Court yesterday to inspect the minutes and evidence of the Watergate grand jury to help decide whether President Nixon should have been named as an unindicted co-conspirator.

The White House also asked that it be given the opportunity to examine that evidence.

If the high court does not weigh the sufficiency of the evidence on which the grand jury based its charge against the President, James D. St. Clair told the high court, Mr. Nixon will have "fewer rights for pretrial discovery than an ordinary criminal defendant."

Special Watergate Prosecutor Leon Jaworski opposed the motion by St. Clair, the President's chief defense counsel, charging that the White House has no right to raise this issue for

the first time on appeal and that the high court should not look behind the Watergate indictment.

The court will probably rule on the latest White House request today. Members have already agreed to review two major Watergate issues, with arguments on both set for July 8.

In his motion filed with the high court late Wednesday and made public yesterday morning, St. Clair said for the first time that the grand jury's action in naming the president as a co-conspirator hinged on his alleged complicity in the payment of \$75,000 to Watergate conspirator E. Howard Hunt for legal fees on March 21, 1973.

Review of the sealed grand jury records, St. Clair said, would "clearly demonstrate that the grand jury was acting outside its authority and those materials are totally insufficient to impute criminal activity to the president."

In his reply, Jaworski maintained that "the grand jury's decision was not based on any particular item of evidence" and that the "overwhelming majority" of the grand jury evidence has been made available to the House Judiciary Committee for its impeachment inquiry and thus also to St. Clair.

"The president is not a direct party to this criminal prosecution," the special prosecutor said of the Watergate coverup indictment, "and hence does not require access to the grand jury transcripts and exhibits to aid in preparing a defense."

"To the extent he wishes access to these materials in order to deal with the impeachment inquiry," Jaworski continued, "such a request is not properly made in the context of the present proceedings and seems unwarranted in any event in light of the judiciary committee's apparent practice

of making all evidence submitted to the committee available to the President's counsel."

The White House motion noted that the high court has already agreed to decide whether the Grand Jury had authority to name the President as an unindicted co-conspirator.

"To allow this review without allowing the President a complete basis upon which to attack the validity of the Grand Jury's action," St. Clair charged, "would be a denial of due process."

*New York Times*