

On the eve of Thursday, February 28, with the Mitchell-Stans jury selected in New York and sequestered, it became apparent that we would move to bring in the Watergate cover-up indictments on Friday morning. After checking with Judge Sirica, the hour of 11:00 a.m. was decided upon. ~~I had previously talked to Judge Sirica about the bringing in of a sealed report by the grand jury, in addition to the indictment, and this had his approval.~~ I made known to him in advance that such a report was forthcoming, ~~so as not to have him startled by this matter.~~

On Thursday evening, February 28, just as I was preparing to leave the office around 6:45, Alexander Haig called saying that there were so many rumors afloat that he was concerned - that he feared unexpected developments, etc. and he wondered if there was anything I could properly disclose. I told him that there was nothing I could disclose as to the contents of the indictment or the report he had heard would be made. I did tell him that if the grand jury made a report, in addition to returning an indictment, he should expect Judge Sirica, as would I, to accept it and act on it. He stated that he and the White House generally were fully expecting the grand jury evidence to be made available to the House Judiciary Committee - that they realized it belonged there. I suggested to him that the evidence may well have serious repercussions and he stated that he was aware of that. I suggested that he and the President's counsel take a close look at the March 21 meeting and the actions that followed, even though the President took no personal part in the events that followed the March 21 meeting.

Finally, he asked whether there was any indictment contemplated involving present White House aides, inasmuch as he needed to make arrangements to meet the situation. I told him none was contemplated at this time

Twice during the conversation, he said that he really called to tell me that I was a "great American." The second time he mentioned it, I said "Al, I haven't done anything other than what is my duty and I hope to continue to follow that course."

We parted with my again expressing my concern that the President's counsel had not sufficiently and accurately assessed the facts pertaining to the March 21 conference and the events that took place that night. He said it would be again reviewed.

On the morning of March 1, I met with Judge Sirica in chambers at 10:30. We reviewed the agenda consisting of (1) presentation of indictments and sealed special report of the grand jury; (2) unsealing of the special report and reading by Judge Sirica, and the acceptance of the report and its resealing. I told Judge Sirica that I would ask the Court to specially assign the case in view of its length and protracted nature and that I was estimating the case would take three to four months to try. I asked him to tell the grand jury to return in two weeks for further consideration of other matters that had not been disposed of. I had in mind the possibility of perjury indictments. I also asked the Judge for a gag order under Rule 1-27 restraining extra-judicial statements.

Shortly before 11:00, I left Judge Sirica's chambers and went into the courtroom. As I left Judge Sirica's chambers, I heard the Judge tell his marshal not to be nervous. But the Judge showed some signs of nervousness too. He told me that he had not slept since 3:00 that morning. When court opened, Judge Sirica's marshal was so nervous he could hardly speak the ritual followed in opening a court.

After opening, Judge Sirica looked at me, asked if I had anything to take up with the court. I then rose, went to the lectern, and said: "May it please Your Honor, the grand jury has an indictment to return. It also has a sealed report to deliver to the Court." The rest of the agenda was then followed including delivery of a briefcase of material, along with the special report to the Court - also a key to the briefcase. The Judge indicated that he would have an order on the special report by Monday (he told me he would transmit to the counsel for the House Judiciary Committee under rules that would not interfere with the trial of the accused). The Judge in open court asked if I had any further comments, and I stated: "Due to the length of the trial, conceivably three to four months, it is the Prosecution's view that under Rule 3-3(c), this case should be specially assigned, and we so recommend." This meant that Judge Sirica could assign the case to himself, which he did do by order later entered that day.

The Judge then announced his gag rule and then adjourned court.

We met in the Judge's chambers. I told him I thought all went smoothly. He in turn thanked me for my help. The Judge was

leaving today to speak at the University of Virginia tomorrow,
to be back on Sunday. I told him I was going to Texas and that
I would be back on Tuesday. We both agreed we would call each
other in the interim, if necessary.