

Cover-up Jury Near Completion

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The two-week struggle over selection of a jury for the Watergate cover-up trial is expected to be completed today.

The final choices will be made from a pool of 45 prospective jurors after they have all been cleared for possible jury duty in intensive closed-door questioning by U.S. District Court Judge John J. Sirica.

Sirica's law clerk, Todd Christofferson, told newsmen last evening that the secret sessions with the 45 candidates were finished except for some final queries that Sirica wants to put to them as a group in the morning. The final stage of picking a panel will then begin in open court.

There Watergate special the five cover-up trial defend-prosecutors and lawyers for ants will take turns exercising peremptory challenges to eliminate finalists who they suspect might be unfavorable to their side.

Once selected, the jury will consist of 12 members and six alternates. In the final jockeying over their selection, Watergate prosecutors will have only six challenges for the regular jurors. Defense lawyers have been allocated 15, 10 of them to be exercised jointly.

Both sides have also been allotted three challenges each for the alternate jurors.

Special Prosecutor Leon Jaworski has already voiced concern over the fact that a number of the jurors still in the running have said rather firmly that they think it unfair to prosecute former President Nixon's aides and campaign advisers now that Mr. Nixon has been pardoned by President Ford.

Worried over the prospect of winding up with a jury that might balk at the thought of sending any of the defendants to jail, Jaworski asked Sirica

Wednesday not to permit defense lawyers to hold their challenges in reserve while the government uses up its half dozen.

The judge yesterday prescribed a formula for exercising challenges that will prevent this from happening. He gave the government the right to exercise the last challenge.

Later yesterday, lawyers for the five defendants—H.R. (Bob) Haldeman, John D. Ehrlichman, John M. Mitchell, Robert C. Mardian and Kenneth Wells Parkinson—went to the U.S. Circuit Court of Appeals with a sealed petition, reportedly asking for a last-minute order to prevent Sirica from using the formula. The appellate judges took no immediate action.

In other developments, Herbert W. Kalmbach, formerly President Nixon's personal lawyer and behind-the-scenes fund-raiser, asked for reduction of his prison term to six months.

Kalmbach pleaded guilty earlier this year to taking part in an illicit 1970 fundraising scheme organized by the White House and to promising an ambassadorship in return for \$100,000 in campaign contributions. Sirica sentenced him to six to 18 months, which Kalmbach began serving July 1.

In pleading for his release after the six months are up, Kalmbach's lawyer, James H. O'Connor, said his client's "misconduct was the result of misplaced trust and reliance upon superiors in whom he had every reason to have confidence."

Kalmbach, 52, has been cooperating with Watergate prosecutors and is expected to be a key government witness at the cover-up trial. He said he and his family have already "suffered grievously because of the so-called Watergate episode."

Although Kalmbach stands convicted of a felony—for raising \$3.9 million that was surreptitiously funneled into 1970 congressional races through a political committee that had neither a chairman nor a treasurer—O'Connor said this was "a particularly harsh burden because subsequent legislation has lessened this offense to only a misdemeanor."