

# Study Says Attitudes of Jurors Hurt U.S. in Its 'Political Trials'

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WASHINGTON, April 18—The attitudes of jurors, not disruptive tactics of defense lawyers, were the major reason the Government lost a series of so-called "political trials" over the last seven years, the Justice Department had concluded.

A study of the series of trials was ordered late last year after the Government failed to convict two Indians accused as ringleaders in the occupation of Wounded Knee, S.D., in 1973.

The study was kept secret because an appeal of that verdict was under way. On Wednesday, the Government's appeal was denied by the United States Court of Appeals for the Eighth Circuit in St. Louis, and the decision was made to release the report.

## Conclusion of Report

The report concluded:

"We believe it is important to note our opinion that disruption itself was not a major cause of the Government's failure to obtain convictions in many of these trials.

"It seems more probable that these cases were lost because they were tried before jurors at least partially composed of people willing to be convinced of government misconduct, or willing to believe the exculpatory motives alleged by the defense. The defense sought, and was able to evoke, the sense that the Government used the legal system to legitimize or enforce unpopular policies or decisions.

"Disruption in the courts is a symptom. It was not a cause of government failure. It does, however, encourage a disrespect for the system that in turn encourages people in their belief in governmental misconduct. It perhaps suggests that a broader look at the decision to prosecute some controversial cases is called for.

"Once a decision to prosecute is made, however, it is largely in the hands of the trial judge to see that the ensuing trial is calm and fair. He must insure that the ends of justice are achieved in a manner which reflects credit rather than ridicule of the criminal justice system."

The report was prepared by team under the direction of

Jonathan Rose, an Associate Deputy Attorney General in charge of the department's Office of Policy and Planning.

In its discussion of remedies for the problem of courtroom disruption, the report noted that the Supreme Court had held that a defendant does not have an absolute right to be present at his own trial. The prosecutor in one case told the study group that if that ruling had been in effect at the time of the case he prosecuted, the courtroom disruption would not have become the insurmountable difficulty he felt it was.

The report also said the department might consider pressing Congress to change the present method of selection of judges, that experts might be sent from Washington to help prosecutors in disorderly trials, that prosecutors might be provided with better staffs and that all new Assistant United States Attorneys might be instructed in how to react to disruptive tactics.