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Trial Plan By Sirica Rejected

By Timothy S. Robinson
Washington Post Staff Writer

The judges of the U.S. District Court here refused Monday to agree to a proposal by outgoing Chief Judge John J. Sirica that all Watergate-related cases be assigned to just two of the judges and Sirica himself, in his forthcoming capacity as a senior judge, court sources said yesterday.

Sirica's proposal was made in a memorandum he sent to the other 14 District Court judges here and then discussed at what one judge called a "heated" closed meeting of the judges Monday afternoon. After that discussion, the judges decided to delay any action on the plan.

In the memorandum, Judge Sirica listed what he called 14 expected major indictments in five Watergate affair categories he said he had been informed of by Special Watergate Prosecutor Leon Jaworski.

Sources said that estimate, given to Judge Sirica by Jaworski last December, is high and included many cases under investigation by the prosecutor's office that many persons would consider to be of minor importance.

Sirica was obviously angered over the disclosure of a confidential memorandum from him to his fellow judges.

In a statement read during an open court hearing yesterday afternoon, he said "disclosure of this memorandum was not an authorized disclosure." He said he had expressed his concern over publication of the story to a reporter from the Washington Star-News, "but apparently to no avail."

While Sirica said later that he had not asked for an FBI investigation of the events surrounding the disclosure of the memorandum, an employee for another judge said that a FBI agent had been to that judge's chambers concerning the disclosure. "The heat is on," that employee said.

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Sirica would not comment when asked if he knew whether anyone else had asked for an FBI investigation of the incident.

According to Judge Sirica's memorandum, Jaworski said the majority of the Watergate indictments would be returned in March and April and would "constitute the bulk of work from his office."

The 14 indictments expected by Sirica fell into these five areas; campaign contributions; political "dirty tricks;" activities of the White House "plumbers unit;" original Watergate cover-up and possible evidence tampering in the White House tapes case, and the prosecutor's investigation into what is known as the ITT case.

He said Jaworski told him one of the cases would take three months to try (the cover-up case announced last Friday); another might last four to six weeks (the "plumbers" case in which indictments are expected later this week), two would require three weeks each, another four might last two weeks and the remaining six would last one week.

In addition to the 14 indictments, Sirica said in his memo, Jaworski had told him there were an unspecified number of "relatively straightforward cases" that would probably end in guilty pleas or require no more than one or two days for trial.

He proposed that the cases all be assigned to himself, incoming Chief Judge George L. Hart Jr. and Judge Gerhard A. Gesell.

Sirica said "expeditious handling of these cases will require . . . a considerable degree of coordination." He said a random distribution of the cases among several judges would "almost inevitably result in wholly independent action that could cause embarrassing conflicts and interfere with fair trials.

"It is certainly in no one's interest, especially the Court's, to see Watergate cases drag on for a seemingly interminable length of time," he added.

He also said that the three judges might form a panel for

the purpose of sentencing convicted Watergate defendants "to assure fairness and uniformity in an area where courts are often loudly criticized for inconsistency and, therefore, in the public mind, injustice."

He, Hart and Gesell each have "a current and relatively light calendar (court terminology for case backlog), and the group has already had some experience in conferring with each other to facilitate prompt and equitable disposition of the matters handled to date," Sirica said.

He said further that he would volunteer his assistance to incoming Chief Judge Hart to handle legal issues pertaining to the three Watergate grand juries, and asked that he be relieved of further case assignments while the alleged Watergate cover-up case is pending.

If he is relieved of further assignments, Sirica said, "a trial in June or July might be possible" on that case.

It is known that several District Court judges have expressed concern over the assignment of Watergate-related cases to only a handful of their colleagues.

Cases that are filed in U.S. District Court here usually are placed in a random assignment pool of all the District Court judges. Prosecutors occasionally ask that cases be assigned to specific judges for specific reasons, and the chief judge can make such assignments.

However, Court sources said it is unprecedented that a whole group of cases, such as the Watergate cases, be assigned to a specific panel of judges to the exclusion of other judges even before the cases are filed.

Some Court sources said it was unclear whether Sirica could have instituted the plan without the approval of the judges or whether he advised them of the plan in advance of its being implemented as a matter of courtesy.

Both Hart and Gesell have handled Watergate-related criminal cases in the past, and the trial of former White House aide Dwight Chapin is pending before Gesell.

Before the executive session on Monday, one judge was overheard complaining loudly to members of his staff about the Sirica memo.

It is not known when the judges will reconsider the plan that they refused to accept on Monday. Executive sessions are normally held on the first Monday of each month, but special sessions can be called at any time.