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Saxbe Orders Study Of Plea Bargaining

By Margaret Gentry

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Attorney General William B. Saxbe has ordered a top-level Justice Department study to determine the fairness of the plea-bargaining system and other prosecution tactics.

Deputy Attorney General Laurence Silberman said in an interview that Saxbe requested the departmental analysis after reading a magazine article criticizing the extensive plea bargaining engaged in by the Watergate prosecution force.

But Silberman said he and the Attorney General are interested, not in the Watergate prosecutions alone, but in the ways plea bargaining, immunity and other prosecutorial strategies have affected the criminal justice system and whether those tactics have led to an unfair application of the laws.

Silberman said Saxbe ordered the inquiry "primarily to satisfy himself that what is the general procedure is as fair as the government can make it."

Prosecutors at all levels of government have turned increasingly in recent years to the usually informal practice of plea bargaining as a tool to move cases quickly through the overburdened courts.

Plea bargaining is an arrangement in which a defendant agrees to plead guilty to a charge and the prosecutor agrees to drop others more serious charges.

Critics allege that prosecutors anxious for convictions have struck plea-bargaining deals that pushed poor and uneducated defendants into jail even though they may have been innocent.