

SIRICA IS ASKED FOR SHIFT ON JURY

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 Prosecution Seeks Change in Selection Procedure

NYTimes

By LESLEY OELSHER

Special to The New York Times

WASHINGTON, Oct. 9—The special Watergate prosecution asked Judge John J. Sirica today to modify jury selection procedures in the Watergate cover-up trial to prevent the defendants from getting an unfair advantage as a result of prospective jurors' attitudes toward the pardon of former President Richard M. Nixon.

Specifically, the prosecution asked the court to revise the system in which lawyers on both sides exercise peremptory challenges, with which they can bar a potential juror without giving a reason.

The prosecution warned that that without a revision, it might have to use up all its challenges at once against men and women who had "expressed rather firm opinions that it would be unfair to prosecute these defendants in light of Mr. Nixon's pardon."

The five defendants would then be able to "choose a final panel," the prosecution said, without "any input from the Government whatsoever."

Under an earlier ruling by Judge Sirica, the prosecution may exercise six peremptory challenges and the defense 15 for the selection of the 12 jurors. Each side has an additional three peremptories for the selection of six alternative jurors.

The traditional practice for exercising peremptory challenges would apparently allow all defendants to exercise their peremptories in a row, without

Law Teachers Urge Congress To Block Shift of Nixon Tapes

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By WARREN WEAVER, Jr.

Special to The New York Times

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WASHINGTON, Oct. 9—The Society of American Law Teachers has called on Congress to block the proposed transfer of White House tape recordings and documents to former President Richard M. Nixon on the ground that they legally belong to the people.

The new organization, which seeks to enlist individual law professors in an activist group, has also urged Leon Jaworski, the special Watergate prosecutor, to initiate a court test of the legality of the blanket pardon President Ford granted Mr. Nixon.

The society's 31-member board of governors voted unanimously for a resolution contending that the White House records of the Nixon Administration were public, not private, property and should not be transferred to a storage center near San Clemente, Calif., where the former President would have virtually exclusive access to them.

The law professor's position was based on a stand taken by two members who are experts in the law of literary property, Ralph S. Brown of the Yale Law School and Melville B.

Nimmer of the University of California, Los Angeles, Law School.

Say Congress Can Act

"All Presidential tapes and documents that flow from the President's conduct of his job, all that are produced, so to speak, on Government time, belong to Mr. Nixon's employer," the two professors declared.

They contended that Congress had full power to change the custom by which earlier Presidents have claimed their papers as their own property.

In a resolution condemning the pardon, the law professors called it "unjust" to give special treatment to Mr. Nixon and "inconsistent with the urgent need to make the truth about Watergate fully known to the American people."

Before the society was founded a year ago, law professors spoke only through the American Association of Law Schools, which has institutional but not individual members and rarely takes positions on issues. The society now has 500 members. Its president is Prof. Norman Dorsen of New York University Law School, general counsel to the American Civil Liberties Union.

any break in between for the Government to exercise its peremptories.

Potential jurors would also be considered in an established order, so that at any point in the proceedings, lawyers would know whether the next potential juror to be called was one that they considered favorable or unfavorable to their case.

The prosecution contended

that since the defendants had nine more challenges than the Government, they would be able to "manipulate" jury selection if these procedures were followed.

It asked that the judge change the procedures, "staggering" the order in which the various sides exercised their peremptories and calling potential jurors at random.