

Watergate 'Bug' Trial Could Be in Fall

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The extent to which the bugging of Democratic headquarters affects the Presidential campaign may well depend upon the date that any possible criminal indictments are returned in U.S. District Court here.

If indictments are returned by a grand jury investigating the case within the next two weeks, then, under official court rules, the judge who handles the case must attempt to begin the criminal trial before election day, Nov. 7.

Such a trial would almost certainly attract widespread newspaper and television coverage on a daily basis immediately before the election.

But if the federal grand jury investigating the Watergate incident does not return any indictments until after the first week in September, then there will be no trial before election day.

The reason is a recently adopted rule of the U.S. District Court here that requires criminal trials involving "protracted, difficult or widely publicized cases," such as the Watergate case, to be held within 60 days of the time an indictment is returned.

That rule was adopted by the 15 trial judges of the federal court here last fall after a

speech by Warren E. Burger, chief justice of the United States.

In a speech before the Judicial Conference of the United States in October, Burger called upon all federal courts to adopt procedures to insure that serious criminal cases be brought to trial within 60 days of indictment. Burger said in the speech that such efforts would help to restore public confidence in the criminal justice system.

Under the local rules, once an indictment in a serious, difficult or highly publicized case is returned, the chief judge of the U.S. District Court (who is Judge John J. Sirica) must specially assign it to whatever judge he feels can best move the case to trial within 60 days.

(It is up to the chief judge to decide which cases qualify as difficult or highly publicized, but the Watergate case is more routine criminal cases are assigned by lot equally among the 15 District judges here.)

Since the adoption of the 60-day rule, some, but not all of the specially-assigned, serious criminal cases have been brought to trial two months after indictments. Richard A. (Tony) Lee was brought to trial for murder two months to the day after being indicted in

the midst of the trial of Robert L. Ammidown; and Rita Mae Scheer was first brought to trial in a current murder case in less than 60 days from indictment.

If a judge attempts to bring the Watergate case to trial within the 60-day period, however, he may well run into vigorous opposition from some of the country's leading criminal attorneys. There will undoubtedly be a barrage of complex pretrial motions filed on behalf of whoever is indicted, if anyone is.

So when will the grand jury complete its investigation and make its return?

Earl J. Silbert, the principal assistant U.S. attorney who is leading the investigation, has consistently refused to comment, saying only that the investigation is continuing.

From the Justice Department, which is in charge of Silbert and the U.S. attorney's office here, Attorney General Richard Kleindienst was quoted early this week as saying he expects the investigation to be completed and indictments returned soon—possibly within the next two weeks.

But a spokesman for Kleindienst said yesterday that the attorney general was misquoted and never said that. "The attorney general didn't

give any time scheme," he said.

The date on which the investigation is completed and any indictments returned is formally decided by the 23-member grand jury.

But the prosecutors play an important and influential role by directing the collection and presentation of evidence to the grand jury, and by arranging in court a date and time for the grand jury to make its returns.