

Juror Challenges Limited by Sirica

10-5-74

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U.S. District Court Judge John J. Sirica yesterday rejected a request by the five Watergate cover-up defendants that he said would have given them an unfair advantage in the selection of a trial jury.

Setting tight limits for the third and final stage of the selection process, which is yet to be reached, Sirica told defense lawyers that they could have a total of only 15 "peremptory challenges," to keep people off the jury without giving any reason.

Watergate special prosecutors were given six such challenges.

Sirica also allocated a total of six peremptory challenges—three for the government and three for the defense—for alternate jurors.

The jury will consist of 12 members and six alternates.

Yesterday's ruling means that 45 prospective jurors need to be accepted by the picking a jury, which consists of the exercise of peremptory challenges, gets under way.

The trial officially started Tuesday, but it has been creeping along since then with intensive closed-door questioning of prospective jurors in an effort to uncover any solid grounds for disqualifying them.

At the present stage, a candidate for the jury can be stricken only "for cause," such as an admission that he or she could not give the defendants a fair trial.

Sirica has been conducting extensive interrogations, asking, for example, about the impact of the House Judiciary Committee's televised impeachment proceedings and of President Ford's blanket pardon of former President Nixon.

So far, 315 Washingtonians have been sworn in as jurors; 171 were excused on Tuesday and Wednesday, because of personal hardships that sequestration for the three-to-four-month trial would have caused.

One woman was excused after she said she had phlebitis, the same condition that has put Mr. Nixon in a hospital and led to claims that he is too ill to testify as a witness.

Intensive questioning of the 144 who survived preliminary screening began on Thursday, but by the end of the day, Sirica had finished up with only 10 of them. Five were excused for cause and five were accepted.

Insisting on more secrecy, Sirica yesterday prohibited both court officials and lawyers in the case from even telling newsmen how many more prospective jurors have been tentatively accepted.

In his ruling on the "peremptory challenges," Sirica said defense lawyers had asked for 25 shots at eliminating prospective jurors whom they suspect might not let Watergate prosecutors have any more than the usual six peremptory challenges to which they are automatically entitled.

As a result, the judge turned down the defense request, saying it would have given "one side, the defense, the power to select the jury. That would not be fair nor would it be consistent with our system of justice."

Ten of the 15 defense challenges are to be exercised by lawyers acting for the five defendants as a group. Each defendant—H.R. Haldeman, John D. Ehrlichman, John M. Mitchell, Robert C. Mardian and Kenneth Wells Parkinson—was allocated one of the remaining five challenges to exercise on his own.