

Jury Selected For Watergate Cover-up Trial

By George Lardner Jr.
Washington Post Staff Writer

1/12/74

A jury of nine women and three men was chosen yesterday to decide the criminal charges growing out of the Watergate scandal against former President Nixon's top aides and campaign advisers.

U.S. District Court Judge John J. Sirica cautioned the jurors repeatedly to reserve any judgment until they

have heard all the evidence and to decide the case "without bias, prejudice or sympathy of any kind" toward either Watergate prosecutors or the five defendants.

"I don't know of any case I've been connected with in 47 years—30 years as a lawyer and 17 years I've been on the bench—that I consider more important than this case," Sirica said. "Not because of the names of the people involved, but because of the importance of the issues involved."

The 12 jurors, most of them middle-aged, most black, and most registered Democrats, took their oaths shortly before noon, completing nine days of closed-door maneuvering over their selection. The defendants—H. R. (Bob) Haldeman, John D. Ehrlichman, John N. Mitchell, Robert C. Mardian and Kenneth Wells Parkinson—stood quietly and faced the jurors as they were sworn in.

The pattern was repeated about an hour later after six alternate jurors, all of them women, had been separately chosen.

Federal marshals took them all to their homes yesterday afternoon to pack their bags for an expected three to four months of living together in a downtown motel under round-the-clock guard.

They are being lodged in separate \$22-a-day rooms at the Mid-Town Motor Inn, 1201 K St. NW, where the government has rented an entire floor. All Watergate stories

will be snipped from their newspapers. Their television watching will be confined to a community room and closely monitored. Their room phones will be cut off.

A spokesman for U.S. marshal George K. McKinney said the cost of sequestration is expected to run about \$5,000 a week, not counting the salaries for deputy marshals assigned to maintain security.

The government will start presenting its case Monday morning with a long opening statement from Watergate assistant special prosecutor Richard Ben-Veniste.

The regular jurors comprise six black women, two black men, three white women and one white man. Eight of them are over 55.

The youngest is Roy V. Carter, 27, a logistics coordinator at George Washington University; the oldest is Thelma L. Wells, 68, who is listed as unemployed. The occupations of those in between range from hotel doorman to loan specialist at the Department of Agriculture. One lives in an apartment at the Watergate.

The six alternate jurors are all black women, ranging from a 23-year-old housewife to a 67-year-old retired accounting clerk. They will sit through the trial—until deliberations over a verdict begin—in case illness should force any of the regular jurors to step down.

Both defense lawyers and Watergate prosecutors expressed satisfaction with the

COVERUP, From A1

18-member panel after a final elimination round before Judge Sirica in open court yesterday morning.

Elaborate information about their backgrounds and attitudes toward the Watergate scandal, including the blanket pardon granted Mr. Nixon, had been developed in secret court sessions over the past two weeks, but only the skimpiest details—name, age and occupation—were released. Sirica refused to make the transcripts of the secret questioning public even after the jurors had been sequestered.

"They will not be released insofar as I can help it," the judge said of the transcripts. He gave no reason for the continued secrecy.

Similarly, Sirica told Ehrlichman's chief defense counsel, William S. Frates, that he had no intention of modifying his gag order prohibiting the defendants from making any public statements about the trial as it progresses.

"I don't think they should be talking to members of the press," Sirica said.

Some of the defense lawyers have said privately that they think the gag is unconstitutional as far as their clients are concerned, but so far none has shown any inclination to contest it. Sirica has said he will modify it only to the extent of permitting witnesses to speak up, if they wish, once they are excused from any further testimony.

Shortly after the jurors were escorted from the courtroom, however, the judge did unseal hitherto secret demands by both Ehrlichman and Haldeman for a pretrial deposition by Mr. Nixon. Sirica also made public the detailed claims of the ex-President's lawyers and doctors describing him as too ill to come to Washington for several months.

Stressing what they described as "unrecorded" and "untaped" conversations with Mr. Nixon, both Haldeman and Ehrlichman maintained in their motions that Mr. Nixon's testimony could exonerate them and that it was vital for them to have it in order to prepare for trial.

Haldeman's lawyers main-

tained that he urged the then-President to make a full and complete disclosure of all known facts concerning Watergate as early as late July and August of 1972.

Ehrlichman declared that he urged Mr. Nixon that same year to drop the prosecution of Pentagon Papers defendant Daniel Ellsberg.

Medical records compiled about Ellsberg by his California psychiatrist had been sought in an unsuccessful 1971 burglary by some of the same individuals caught at the Watergate.

The special prosecutors have charged that the Watergate cover-up was prompted in part by hopes of keeping the Ellsberg caper from coming to light.

Sirica effectively denied both Haldeman's and Ehrlich-

man's bid for pretrial depositions of Mr. Nixon, but the judge has yet to rule on the subpoenas demanding the former President's appearance at the trial. Both Watergate prosecutors and Ehrlichman's lawyers have already obtained such subpoenas and Haldeman plans to do so.

Mr. Nixon's lawyer, Herbert J. Miller Jr., has moved to quash the subpoenas on the grounds that he cannot comply with them "in the immediate future without impairing his physical condition and creating a potentially very serious risk to his health." Mr. Nixon was released from a California hospital last week after treatment for phlebitis and a clot in his right lung.

Sirica yesterday set Oct. 16 as the deadline for responses to the Nixon petitions from

both prosecutors and defense lawyers alike. He did not indicate when he would make a ruling.

Forty-five prospective jurors who had been cleared by Sirica appeared in court yesterday morning for the final stage of the selection process, but he gave them a last chance to protest at being locked up for the long trial. **Two were excused.**

Lawyers for both sides then began exercising their peremptory challenges to eliminate those they suspected might not be favorable to their cause.

Defense attorneys used up **only 13 of the 15** challenges allocated to them before pronouncing their satisfaction with the regular jurors. The prosecutors used up only five of their six.