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Mitchell Jurors Selected

Way Is Open For Watergate Indictments

By Stephen Isaacs
Washington Post Staff Writer

NEW YORK, Feb. 28 — The selection of a jury here this afternoon to try former Cabinet members John N. Mitchell and Maurice H. Stans opens the way for indictments in the Watergate cover-up in Washington on Friday.

The indictments are to be delivered to U.S. District Court Judge John J. Sirica by the Watergate grand jury and are expected to implicate several persons who held major positions in the Nixon administration. It is possible that a separate report to the judge will be filed by the grand jury on the subject of the President's personal role in the Watergate saga.

It is understood that the Friday indictments will cover only the Watergate break-in and subsequent cover-up and that a wholly separate set of charges will be submitted later dealing with the activities of the White House "plumbers" and the break-in at the Los Angeles office of Daniel Ellsberg's psychiatrist.

So far, 31 individuals and corporations have been charged in connection with assorted events once characterized by Mitchell as "White House horrors."

The Washington indictments—originally promised by the end of February—have been delayed by a number of factors, but most recently by the cautious selection of 18 jurors for the trial of Mitchell and Stans on charges of conspiracy, obstruction of justice and perjury.

Prosecutors here had pleaded for a halt to all Watergate-connected publicity from the government in Washington until a jury could be chosen and sealed off from publicity.

Lawyers for Mitchell and Stans have repeatedly insisted that their clients cannot get a fair trial because of previous publicity.

Mitchell is expected to be one of those indicted by the Washington grand jury in the Watergate scandal. Former White House officials H. R. (Bob) Haldeman and John D. Ehrlichman are also expected to be indicted.

Immediately after the 12 jurors and six alternates were chosen this afternoon, they

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were placed in the custody of U.S. marshals. They will be kept together for at least the next four or five weeks, the judge in the case predicted.

The jury, eight men and four women, obviously was not quite the "middle-American" jury that Mitchell and Stans had hoped for. Their lawyers used nearly half of their peremptory challenges in removing five blacks and four unemployed persons from the panel from which jurors were picked.

Although the defense attorneys claimed that no impartial jury could be picked in this media-heavy city, U.S. District Court Judge Lee P. Gagliardi told the jury, "We have arrived at the point where we have a jury which is impartial and which will decide this case on the evidence."

Most of the jurors are middle to lower-middle class. They include a black New York City subway conductor, a suburban bank teller, a postal worker, a telephone installer, an insurance clerk, a highway engineer (the only other black on the panel), a "yard man," an elderly housewife and an apartment superintendent.

Opening arguments in the case will come on Friday.

Reports conflicted as to just how many people would be named Friday, either as defendants or a unindicted co-conspirators. CS News reported that as many as 41 persons would be named, but since these indictments will be limited to Watergate, that number probably is too high.

Last month, Leon Jaworski, the Watergate Special Prosecutor, predicted that he would have indictments by today in most of the major investigations his office has under way, which include:

- The Watergate break-in and the cover-up.
- The White House plumbers' break-in at the office of Daniel Ellsberg's psychiatrist.
- The milk producers' con-

tributions to President Nixon's re-election campaign.

The dealings of the International Telephone and Telegraph Corp. with the administration.

• Violations of federal campaign laws.

But a number of factors have delayed those investigations, chief among them the dickering with the White House for evidence that Mr. Nixon finally refused to yield voluntarily; plea-bargaining with former presidential aide John D. Ehrlichman that has now fallen by the wayside, and the multiple delays in starting the trial here, and then the eight days taken to select the jury.

New indictments in the break-in at the psychiatrist's office in Los Angeles are expected shortly—perhaps next week.

But investigations into other issues—such as the 18½-minute erasure on one of Mr. Nixon's subpoenaed Watergate tapes, and the administration's dealings with ITT and the milk producers—are far from complete.

The indictments in the Watergate case itself are close enough that reporters in Washington and in New York were constantly on alert today for the filings.

Mitchell, who directed Mr. Nixon's 1968 presidential campaign, became his Attorney General and then headed the 1972 campaign until after the Watergate incident, left—as usual—by a side door.

He had appeared relatively relaxed during the preceding tedious days of jury selection but, as the actual men and women who would decide his fate in this case were being seated today, he seemed to become increasingly tight-lipped and grim.

In the federal courthouse in Washington, meanwhile, a brief flurry erupted when Mitchell's Washington lawyer, William G. Hundley, turned up for a secret half-hour conference in Judge Sirica's chambers.

Hundley met there with assistant Watergate prosecutors Richard Ben-Veniste and Jill Volner.

Todd Cristofferson, Sirica's law clerk, said Hundley submitted a pleading that Sirica ordered sealed. Cristofferson emphasized that the session did not involve plea-bargaining.

Whatever Hundley's petition was, it appeared to have been unsuccessful. Cristofferson told reporters that the judge ordered it sealed simply "so you wouldn't find out about it."