

Sirica Due To Rule on Jury Report

Washington

U. S. District Judge John Sirica is to file a written opinion today announcing what is to be done with material given him by the Watergate grand jury for forwarding to the House impeachment inquiry.

If he follows through on what he told lawyers in the case during a bench conference on March 6, the day he heard arguments on the issue, Sirica will rule that at least the grand jury's two-page "transmittal letter" be made public.

"I think the two pages ought to be made public," he said then. "I have read it."

The other material transmitted by the grand jury to the judge is believed to include a report and evidence bearing on the President's Watergate-related actions.

Sirica has a number of options ranging from giving the report to the House Judiciary Committee to suppressing it. His actions to date in attempting to uncover the facts of the Watergate affair and the identities of all its participants, however, indicate that he is unlikely to prevent the committee from seeing any of the grand jury's information.

Sirica will be making his ruling today, though, not only from the standpoint of the judge who has supervised and assisted the grand jury but also as the judge who must assure a fair trial to the seven men recently indicted for their alleged roles in the Watergate affair.

At the hearing on March 6, nearly all of the lawyers for the seven defendants argued that the disclosure of the grand jury's report would lead to publicity that would prejudice the defendants' right to a fair trial.

The President's lawyer, James St. Clair, said that the President was taking no

position on the matter, but he pointedly told the judge that "you are the person charged with the responsi-

bility of treating fairly the parties who stand trial before you."

Sirica, for his part, made clear he was concerned about the impact that could be caused by publicity of the jury's findings, saying, at one point, "there is a very important issue before the American people — the question of a fair trial.

And so — while Sirica may base his ruling on other grounds, such as the ability or inability of grand juries to issue such reports — the judge's ruling today is expected to reflect to some degree an attempt to apply the law on pre-trial publicity to the grand jurors' wishes regarding the transfer of its information to the house judiciary committee.

The law, essentially, provides that a defendant has the right to be tried by a jury that has not been "prejudiced" by publicity about his case. The Supreme Court has described ways in which courts can prevent prejudice, such as postponing a trial, changing the location ("venue") of the trial, careful inquiry into possible bias during jury selection, and then, once the jury is chosen, sequestering it.

Sirica could attempt to avoid any potentially pre-trial publicity by trying to limit the disclosure that the House could make of the grand jury's report.

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