

# Jaworski Defends Judge

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Denouncing charges of bias against U.S. District Court Judge John J. Sirica as speculative and "scurrilous," Watergate Special Prosecutor Leon Jaworski yesterday defended the judge's decision to preside at the Watergate cover-up trial.

Jaworski told the U.S. Court of Appeals that a motion to disqualify Judge Sirica was based on groundless accusations that the jurist—nationally famous for helping to break the Watergate case—had acquired a prosecutor's interest in convicting the seven conspiracy defendants.

The request to replace Sirica with another judge at the trial, scheduled for Sept. 9, has been made by lawyers for five of the defendants—former Attorney General John N. Mitchell, former presidential campaign lawyer Kenneth W. Parkinson and former White House aides John D. Ehrlichman, Charles W. Colson and Gordon Strachan.

Their motion quoted extensively from last year's Watergate burglary trial and other public statements and appearances by the judge. Also cited was Sirica's off-the-bench remark that any Watergate defend-

ant can get a fair trial in Washington. The defendants are seeking a transfer of their trial on grounds of prejudicial publicity.

Jaworski denied that Judge Sirica had an excessive interest in vindicating his performance at the earlier trial. "If vindication were sought by the judge, he already has been vindicated" by grand jury proceedings following up leads from the trial, the prosecutor said.

The prosecutor applied

the "scurrilous" label to defense arguments that the judge had become "a national hero" who would worry about his public image at the expense of impartiality on the bench.

Last month Jaworski suggested that Judge Sirica refer the defense motion to a U.S. District Court assignment panel, but Sirica refused. Yesterday's legal brief said the referral, though desirable, was "not legally required."

Jaworski's brief relied on

## Sirica's Role

federal court decision that under existing law a judge has "a duty to sit" unless clearly disqualified from a case. The defense has argued that the "duty to sit" principle has been abolished by the U.S. Judicial Conference.

The Judicial Conference last year adopted the American Bar Association's new Code of Judicial Conduct, which calls for disqualification of a judge whenever his "impartiality might reasonably be questioned."

Judge Sirica, as chief judge of the court here, was a member of the conference last year and according to court sources, voted to adopt the stricter disqualification standards.

The conference said the stricter rule, calling for disqualification in more cases, should apply whenever there was a conflict between the new code and existing federal law. The legal force of the conference rule is uncertain and may be clarified by the court of appeals.