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A Modest Proposal



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By Sanford J. Ungar

CHICAGO — Everyone had a good belly laugh some months back when attorneys for former Cabinet members John N. Mitchell and Maurice Stans argued that the only way their clients could get a fair trial on charges of conspiracy to obstruct justice in the Vesco case was for the Federal court proceedings to be moved from New York to Mississippi. The contention was that everywhere else coverage of the Watergate scandals had poisoned the atmosphere against anyone who had ever been associated with President Nixon.

Although the lawyers had a point, it was not taken very seriously by the court; and the apparent disproof of their argument was delivered when a jury in Manhattan acquitted Mr. Mitchell and Mr. Stans of all charges. The outcome of that trial seemed to provide a new reason against moving any of the rest of the Watergate-related cases away from the East Coast.

But should they all necessarily take place there? Or does a valid issue lurk beneath the rather extreme and unsubtle claims of the Mitchell-Stans lawyers?

Viewed from a provincial metropolis, the prosecution-and-resolution stage of the Watergate matters does look like an exclusive affair, a sort of party where outsiders are not welcome and probably would feel uncomfortable if they came. The nightly doses of Water-

gate and impeachment news on the television networks sound and look like dispatches from another world. Their substance is distant, mysterious, and remote from the things that really matter here.

Travelers returning from the capital invariably tell of a strange and intense atmosphere, a feeling that a dramatic resolution of the national crisis is imminent. Each time, they say that the best sources in Washington insist that the President will fall any day, but each time it fails to happen. The people begin to feel confused, estranged from the process.

Surely there is a way to involve more of the country in the deliberations over problems of such overriding national importance. One step would be to scatter the forthcoming trials and other hearings, automatically granting changes of venue — not to the cities that defendants choose themselves but to randomly selected Federal court districts.

A special panel of appellate judges could name a pool of the very best Federal trial judges in the nation, and those judges could then draw lots to determine which cases they are to try. With each defendant being tried separately, H. R. Haldeman might end up in a courtroom in Maine and John D. Ehrlichman, on his next go-around, in Kansas. Juries, of course, would be drawn from the communities where the trials are held. The appeals from any convictions could be handled by the established circuit courts or, as at the trial level, by a pool of the most knowledgeable and respected people on the Federal appellate bench.

William D. Ruckelshaus used to note, when he was Administrator of the Environmental Protection Agency, that he consistently obtained better information and insight from public hearings that were held in the field than from those that were centered exclusively in Washington.

Perhaps a similar effect would pertain in this instance, when fresh unbeleaguered spirits examine the evidence of alleged wrongdoing by some of the country's highest officials. If someone is guilty of a crime, he should not appear any more or less so in Michigan or Alabama than in the District of Columbia or New York; but the verdict may be less suspect to those who have come to view the Watergate prosecutions as an unconscionable vendetta against a hard-working President or a circus staged for the benefit of a bloodthirsty press.

Accusations that one judge or another is trying to build a name for himself out of Watergate would be irrelevant. The total costs of such scattered trials would be scarcely greater,

if at all. And out of the exercise might emerge a sense of fundamental fairness, due process and national participation.

The same principle might be applied to the impeachment proceedings themselves. The House Judiciary Committee might have been able to do its work more efficiently and less tumultuously in Montpelier, Vt., or Laramie, Wyo. Congress could still easily take an extended recess—some would argue that it has, in effect, done so already — and set up shop elsewhere until this vital piece of business is concluded. There might be fewer distractions and far less public confusion.

There is a temptation to suggest the Hollywood Bowl or Houston Astrodome for the actual impeachment trial, if there be one, but that, clearly, would be taking the proposal just a bit too far.

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