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**Jury Selection May Delay
Ford's House Testimony**

**Postponement of Questioning Thursday
on Pardon Seen as Possible to Avoid
Prejudicing Watergate Panel**

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Special to The New York Times

WASHINGTON, Oct. 7—President Ford's testimony to Congress about his pardon of former President Richard M. Nixon will be postponed if necessary to avoid prejudicing potential jurors in the Watergate cover-up case, members of Congress and others familiar with the matter indicated today.

The House Judiciary Committee's subcommittee on criminal laws, which has scheduled Mr. Ford's testimony for Thursday, met this afternoon to discuss the President's appearance and according to one member, Representative Wiley Mayne, Republican of Iowa, informally agreed to delay the President's appearance if a jury is not selected and sequestered by then.

Representative William L. Hungate, Democrat of Missouri, the subcommittee chairman, said that, officially, Mr. Ford's testimony is "still on" for Thursday.

Mr. Mayne said that everyone at the meeting except him had expressed a willingness to delay the Ford appearance.

Representative Henry P. Smith 3d of upstate New York, the ranking Republican on the subcommittee, said that the panel had not officially announced its willingness to delay the hearings because it did not want to set a precedent of acceding to the needs of another branch of government.

The subcommittee's informal agreement came as the special Watergate prosecution expressed increased concern about the effect that already-published reports of the Nixon pardon have had on potential jurors.

In a memorandum to the court released tonight by the office of Federal District Judge John J. Sirica, the trial judge,

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at the close of the fifth day of jury selection, the prosecution asked him to question prospective jurors extensively on any effect that the pardon may have on their attitude toward the case.

The prosecution, suggested, for instance, that jurors be asked if they considered it "unfair to prosecute certain of Mr. Nixon's associates, including some of the defendants sitting in court today, simply because Mr. Nixon himself received a pardon?"

If the answer is affirmative, and the opinion firmly held, the memorandum says, "the Government suggests the jurors be excused at this point."

Mr. Nixon was named as an unindicted co-conspirator in the case by the grand jury that returned the indictment March 1, while Mr. Nixon was still President, and the prosecution suggested that Judge Sirica ask additional questions about the effect of this on potential juror's opinion as well.

Judge Sirica is known to be eager to sequester a jury before Mr. Ford testifies to the Congressional panel about the pardon. He has extended the hours of jury selection to 6:30 P.M. this week in an effort to speed up the process.

Selection Is Slow

Judge Sirica said today that he hoped to have a jury, and even opening statements, by the end of the week. However, jury selection has been proceeding slowly and the new set of questions for potential jurors proposed by the prosecution today indicated that the jury may not be complete by the time Mr. Ford is to testify.

Leon Jaworski, the special Watergate prosecutor, for his part, has discussed the Ford testimony with Mr. Hungate and, according to persons familiar with the matter, is satisfied that Mr. Hungate appreciates the problems that the Ford testimony may create for jury selection.

In a related development, Charles W. Colson, a former Nixon aide now serving a one-to-three-year prison term for

attempting to obstruct justice in the Pentagon papers trial, asked United States District Judge Gerhard A. Gesell today to reduce his prison sentence because of the Nixon pardon. Mr. Colson pleaded guilty last June 3 to seeking to influence the trial of Dr. Daniel Ellsberg by trying to release derogatory information about Dr. Ellsberg and his attorney, Leonard B. Boudin. When he was sentenced on June 21, he said that Mr. Nixon had urged him on "numerous occasions" to disseminate damaging information in the case.

Cites Prosecution Letter

He repeated that contention today, backing it up by citing a letter from the prosecution to the probation authorities saying that Mr. Colson's actions were "prompted" by discussions with Mr. Nixon. The reduction of Mr. Colson's prison sentence was asked in a written motion filed by his lawyers.

"President Ford's action in pardoning former President Nixon raises serious questions with respect to even-handed justice for former subordinates of Mr. Nixon who have been prosecuted for offenses in which he was a participant," the motion said.

"This is particularly troubling in the case of Mr. Colson, who was convicted for disseminating derogatory information about Daniel Ellsberg's attorney at Mr. Nixon's direct request."

Mr. Colson, lawyer, was originally indicted in both the so-called "plumbers case," involving the break-in by the White House plumbers, or special intelligence, unit at the office of Dr. Ellsberg's former psychiatrist, and the Watergate cover-up conspiracy.

These charges were dropped when he pleaded guilty to the attempted obstruction charge and agreed to testify for the prosecution if called. Mr. Colson is on the Government's list of possible witnesses in the cover-up case.

He is also on the possible witnesses list of three defendants: John N. Mitchell, the former Attorney General; John D. Ehrlichman, once Mr. Nixon's chief domestic affairs adviser, and H. R. Haldeman, who was Mr. Nixon's chief of staff.

Mr. Colson, who is confined at Maxwell Air Force Base in Alabama, could have been sentenced for up to five years. He recently asked President Ford for a pardon himself, a request that was turned over to the Justice Department for study.

In his motion to Judge Gesell he cited additional reasons for a reduction of sentence—his mother's dependence upon him as a result of his father's death in August, the testimony at the plumbers trial this summer, which, he says, supports his early statements regarding the case, and alleged mistakes in the statistics on sentencing that Judge Gesell consulted before imposing his sentence.

But his basic argument is that his own incarceration for up to three years, and his \$5,000 fine, are unfair when, as the motion puts it, "Mr. Nixon enjoys a full pardon."

It is a rationale that is an issue in the cover-up trial, at least now during jury selection.