Sirica Bars Cover-Up Juror Recall

U.S. District Court Judge John J. Sirica ruled yesterday that there is not enough evidence of juror misconduct to warrant bringing in individual members of the Watergate cover-up jury for questioning to see if a new trial should be ordered.

Sirica's ruling came on a motion filed by John Wilson, lawyer for convicted Watergate conspirator H. R. Haldeman, once the top aide of former President Nixon.

Wilson had urged that juror Ruth Gould be called into court to testify about a Jan. 2 news article that indicated the jurors might have listened to television news reports or read newspapers for a "brief period" during the verdict deliberations. The jury was sequested for more than three months and barred from seeing any news reports of the cover-up trial.

"It takes a considerable amount of evidence to impeach the verdict of a jury," Sirica told Wilson, a long-time friend. "Mr. Wilson, I don't think you've made a strong enough case this time to bring in the jurors for questioning."

At the same time, Sirica took under advisement other motions for acquittals and new trials filed by the four convicted men—Haldeman, John D. Ehrlichman, John J. Mitchell and Robert C. Mardian. The judge promised a written ruling by the end of next week.

Most of the motions deal with procedural challenges, but Haldeman and Ehrlichman recently requested a new trial on the basis of newly discovered evidence—also revealed through news reports.

Those stories outlined an apparent agreement between then White House chief of staff Alexander M. Haig Jr. and former Special Prosecutor Leon Jaworski allowing Jaworski to listen to some of Nixon's tapes at the White House. At the time, lawyers for the defendants were not allowed the same privilege.

Jaworski and the current prosecutor, Henry Ruth, have both submitted affidavits on the reported tape session. Ruth said he knew nothing about it, while Jaworski maintained he heard some "juicy" tidbits but nothing that was relevant to the Watergate matter.