

A Leak from The Court

THE QUESTION OF "leaks" to the public of ongoing judicial proceedings before their formal conclusion has, for the first time in the nation's history, reached the United States Supreme Court. This particular case involves three top figures in the Watergate affair, former Attorney General John Mitchell and former White House top aides John Ehrlichman and Bob Haldeman.

The three were convicted of conspiracy in the Watergate coverup, but are appealing their convictions. Last week, National Public Radio reported that the Supreme Court justices had voted 5-3 not to hear the appeal, letting the sentences stand. Justice William Rehnquist disqualified himself from the deliberations, since he had once been an assistant to Mitchell.

ATTORNEYS FOR the defendants asked the high court for permission to submit a memorandum which, they said, would show that the "leak" could influence the outcome of the appeals. One attorney, likened the "leak" from the high court's conference room to a criminal case in which it was learned that a jury was 9-3 for conviction, before the verdict was returned.

He said such an action would be grounds for a mistrial. The attorney may well be correct, when he is speaking of a panel of 12 laymen. But the nine justices of the Supreme Court of the United States are men not only trained and experienced in the law, but also men of probity and integrity. The high court must be viewed by Americans as a repository of conscientious decision-making.

WHILE IT IS UNDERSTANDABLE that the Watergate attorneys would use every means they could to give their clients the best possible defense, we cannot accept the premise that the justices will be swayed by reaction to an unconfirmed report on their deliberations, a report, it should be noted, that has not been substantiated by any other segment of the media. The justices have refrained from making any comment on the "leak." That exercise of judicial temperament is in itself a measure of the seriousness with which the court approaches this decision, as all others. Whatever the vote on the current matter, we are convinced the high court will act according to the conscience of each member, "leak" or no.