

UNITED STATES v. HALDEMAN
559 F.2d.31 (1976)

Facts

Messrs. Haldeman, Ehrlichman, and Mitchell, all close presidential advisors or cabinet members involved in the President Nixon--Watergate scandal, were eventually charged with conspiracy to violate the rights of others and with obstruction of justice in federal court.

After conviction, one of the issues raised on appeal was the denial of their pretrial request that the trial be changed to some place other than the federal court at Washington, D.C., i.e., change of venue, so that they would receive a fair trial.

The Watergate story made the papers first in 1972, and media coverage continued on the story for three years. The *Washington Post*, after its investigative reports broke the story, allotted an unusual amount of coverage to this matter. Following the lead of the *Post* and responding to growing public interest, the other media continued the intense publicity.

There were United States Senate hearings on the matter. There were House of Representatives hearings on the presidential preimpeachment proceedings that continued up to the time of Mr. Haldeman's trial. Evidence seemed to support the contention that the press and media coverage in the Washington, D.C., area was substantially heavier than elsewhere in the country.

The United States Attorney argued that the extensive amount of publicity concerned a presidential administration under fire, and many stories did not even discuss Haldeman, Mitchell or Ehrlichman and, further, that much of the information that was to be used at trial had already been testified to under oath in congressional proceedings.

The defendants claimed that all of this publicity in and around the Washington, D.C., area created a biased body of public opinion, that a fair and impartial jury could not be seated, and that a change of venue should be granted so that they could receive a fair trial.

Decision of the Court

In *United States v. Haldeman*, the change of venue request on the part of the defendants was refused by the trial court judge on the grounds that the motion was premature and, further, that the extensive pretrial publicity was national, not local. Haldeman and the others were subsequently convicted at trial of obstructing justice during the Watergate affair. On appeal, the decision of the trial court was affirmed.

Questions

1. Wouldn't the court system be more efficient with the elimination of juries?
2. Why should or should not the verdict of a jury be unanimous in order to obtain a criminal conviction?
3. During the course of a criminal trial, should the news media be allowed to interview and report on the following:
 - (a) victim
 - (b) witness
 - (c) judge
 - (d) counsel
 - (e) defendant
4. Should trials be open to the public? What exception(s), if any, should be made to this policy?
5. Should a minority be entitled to a minimum representation of minorities on the jury panel?
6. Should jurors be allowed to question witnesses at trial?
7. Would our system be improved by a pool of professional jurors, such as psychologists, doctors, etc., who would replace common citizens?
8. Should courtroom proceedings be televised? What problems do you foresee if trials are regularly televised?
9. How would you decide these cases?