

Claims Fair Trial Impossible

Haldeman: Leaks Hurt Case

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Former White House chief of staff H.R. (Bob) Haldeman asked a federal court yesterday to allow him to put reporters and government officials on the witness stand in his Watergate cover-up trial to show that prejudicial publicity originated from government sources.

Government leaks over the past two years have been so pervasive, Haldeman's lawyers argued in a brief filed in U.S. District Court here, that it will be impossible to conduct a fair trial with an impartial jury.

Moreover, Haldeman said, the government, in effect, surrendered its right to prosecute him when the Senate Watergate committee "decided that [televised] public hearings were more important than preserving the fairness of later criminal trials."

He asked Judge John J. Sirica to dismiss the indictment because of "massive exposure and coverage" in the press, and lacking that, to conduct a hearing to determine the ex-

tent of the government's responsibility for leaks.

Sirica has already made it plain from the bench that he thinks a fair-minded jury can be chosen here. On June 12 he said that he believed "millions

of people," including many in the District of Columbia, have not made up their minds about the alleged cover-up conspiracy.

The trial of Haldeman and
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item summary of news stories printed or broadcast between Jan. 6 and May 20 of this year that he claimed prejudiced his case.

Since many of them were attributed to unidentified government sources, he should be entitled to call as witnesses "any officer, employee or agent of the three branches of government, or any reporter, columnist, newsman, TV or radio newscaster or commentator who has knowledge that prejudicial publicity or information came from a government source."

The summary included news stories from the major wire services, the three major television networks, The New York Times, the Los Angeles Times, the St. Louis Post Dispatch, the Washington Star-News, the New York News, The Miami Herald, The Baltimore Sun and The Des Moines Register.

The summary did not include any news stories from The Washington Post, an omission that lawyer Strickler last night said was "nothing significant, nothing deliberate."

Asked whether he intended to seek disclosure of sources by name, Strickler said, "If the court will permit the evidentiary hearing, sure, we would find out who they were, because that would be material to the amount of muscle used by the government in leaking this material."

The brief alleged "prevalent misconduct" on the part of government sources, and ob-

served that Washington Post reporters Bob Woodward and Carl Bernstein obtained much of their Watergate information "from anonymous sources within the government."

It also listed a "monumental" publicity campaign by Playboy magazine on behalf of the serialization of (Bud) Krogh "told how White man and Ehrlichman."

"All of the ads featured a picture of Haldeman in an apparent prison line-up. This picture was also run as a billboard," the lawyers said.

The summary of news stories also included the names of some government sources, noting, for example, that on March 1 NBC reported that White House deputy press secretary Gerald L. Warren declined to comment when asked whether he thought Haldeman and former White House adviser John D. Ehrlichman "will ultimately be vindicated."

The summary also included a reference to the CBS "Sixty Minutes" show in which Haldeman's lawyers said former White House aide Egil (Bud) Krogh "told how White House staffers generally feared contradicting Haldeman and Ehrlichman."

It noted that in May the Ripon Society, an organization of liberal Republicans, "launched a new quarterly with an extended analysis of the mentality which produced Watergate..."

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five other former White House and Nixon re-election campaign aides is scheduled for Sept. 9.

Haldeman's lawyers, John J. Wilson and Frank H. Strickler, argued in the brief that an impeachment debate in the House and a trial in the Senate would generate "a new round of massive publicity to the defendants."

The lawyers pointedly observed that Sirica "recently ventured a few rhetorical overtures to the Congress suggesting the possible postponement of the impeachment proceedings" because of the problem of prejudicial pretrial publicity.

But he noted that a vote on the floor of the House is expected in the fall, adding, "Again, it appears that the defendants' Sixth Amendment rights are being jeopardized in the wake of yet another congressional choice."

Haldeman submitted a 123-