

Sirica Orders Trial

Must Start Sept. 9

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U. S. District Court Judge John J. Sirica yesterday rejected requests to delay the Watergate cover-up conspiracy trial and ordered it to begin on Sept. 9 as scheduled.

He overruled the strenuous objections of defense lawyers who insisted that they lacked time to prepare their case and who claimed that recent publicity about President Nixon's resignation Aug. 9 would prejudice a jury against Mr. Nixon's former aides.

"There is no better time to try this case than the present time," Sirica told the lawyers. "This case will be called to trial at 9:30 a.m. on Sept. 9."

Andrew C. Hall, the attorney for former White House aide John D. Ehrlichman, promptly announced he would appeal the ruling.

The delay had been sought by Hall and attorneys for three other defendants with William Hundley, lawyer for former Attorney General John N. Mitchell, proposing that it start early in 1975.

Even the Watergate special prosecutors had urged a "reasonable" continuance, agreeing with the defendants that they might not have time to assimilate into their defense the new tape recordings



JUDGE JOHN J. SIRICA
... ruling is appealed

made available by order of the Supreme Court.

Sirica overruled both sides. He said that the first evidence involving tape recordings might not be introduced until two weeks or more after the trial is under way and suggested that the large law firms employed to handle the cases of the six defendants could arrange to deal with the tapes in time.

One objection to a September starting date was the possibility that the case might

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last until Christmas, requiring jurors to be sequestered during the holidays.

Sirica said he hoped to avoid that and indicated he may order longer daily sessions—ending as late as 6 p.m.—to speed up the trial. "So, all of you get ready for a long session," he said.

Several of the six defendants' lawyers had contended

that the blizzard of publicity accompanying Mr. Nixon's resignation would inevitably prejudice their clients' cases. They said a 4-month delay would allow time for the memories of the House impeachment hearings and resignation to fade.

The lawyer for former White House chief of staff H.R. Haldeman, John J. Wilson, claimed that the case is now "deluged" with adverse publicity about his client as a

result of the impeachment and resignation episodes. He said he had counted Haldeman's name "hundreds of times" in recent issues of Time and Newsweek magazines.

"I can say unqualifiedly that we can't get a fair trial" if it starts now, Wilson declared.

Sirica observed there had been heavy publicity when Robert G. (Bobby) Baker, the former Senate aide to Lyndon B. Johnson, was tried for at-

tempted income tax evasion, fraud and conspiracy.

"That was peanuts compared to this," retorted Wilson. "Just a small little peanut. You are not giving us a fair trial if you put us to trial in the next three months."

But Sirica asserted that the defendants got a "good break" in the case because publicity has diminished since Mr. Nixon resigned and the impeachment floor debates were averted.

"If you pick up The Washington Post you hardly see it [Watergate] on the front page any more," the judge said.

The judge, who has presided over some type of Watergate litigation for two years, also said, "I want to see the end of this case sometime."

Sirica said that despite past publicity the trial of Haldeman, Ehrlichman Mitchell and three others "is not the type of case that arouses the passions and hatreds of average persons." The other three defendants are former Assistant Attorney General Robert C. Mardian, campaign lawyer Kenneth W. Parkinson, and former White House aide Gordon Strachan.

Several lawyers argued that no prospective juror could be expected to have no opinion about such celebrated individuals of recent history.

But Sirica said he could not accept the idea that any juror who promised to be objective was lying.

James Neal, who will direct the prosecution, declined to argue the publicity issue but agreed that coping with the new tapes and verifying transcripts would be an "enormous problem" for the defense.

Meanwhile, a subpoena ordering Mr. Nixon to appear on Sept. 9 to testify in Ehrlichman's behalf was received yesterday in Los Angeles by U.S. Marshal Gaylord Campbell.

Campbell said yesterday he would serve the subpoena personally on Mr. Nixon at his San Clemente estate "within a reasonable time possibly today."