

Cover-Up Trial *F-Post* Plans Continue *9-11-74*

WASHINGTON (AP) — Lawyers in the Watergate cover-up case went ahead Tuesday with plans for a trial 20 days away, despite a possibility of presidential pardons in the offing.

The White House announcement that pardons were being studied caught defense lawyers by surprise. They were elated, while prosecution lawyers were dismayed.

Both sides said the only thing to do was to proceed on the assumption that the trial will begin Sept. 30.

"We'll do the best we can," said Richard Ben-Veniste, a prosecution lawyer who will have a major role in the trial of six former White House and campaign aides of former President Richard M. Nixon.

"When you've got a deadline for trial, you don't let up," said a lawyer for one of the defendants. "It's like in a civil case where you're near — but not quite at — a settlement. But I've got to reassess everything."

Prosecution and defense attorneys have spent months and millions of dollars preparing for the trial of H. R. Haldeman, John D. Ehrlichman, John N. Mitchell, Gordon Strachan, Kenneth W. Parkinson and Robert C. Mardian.

At the moment that White House spokesman John W. Hushen was disclosing that a pardon study was under way for all those convicted or accused of Watergate-related crimes, the six defendants' lawyers were meeting to discuss strategy.

But the conference was concerned with last Sunday's pardon of Nixon, named an unindicted co-conspirator in the

case and under subpoena to testify.

Ehrlichman, at the prosecutor's office to listen to some White House tapes, declined comment except to say "the problem (with a pardon) is that when you know you're innocent, it precludes the possibility that your innocence will be established finally."

Until, and if, President Ford signs a pardon, there is no legal impact on the status of the case.

But both prosecution and defense lawyers said privately the effect on a trial less than three weeks away is probably helpful to the defendants and adverse to the government.

"It seems to me it might be a good psychological atmosphere for a trial as a defendant," said one attorney connected with the case. "The jury will know that a pardon had been considered and that the top man, the President, got away."

To date 48 individuals have been accused of crimes ranging from the Watergate break-in and cover-up to making an illegal campaign contribution. Of those, 39 have pleaded guilty or been convicted.

A sweeping pardon would allow James W. McCord Jr., for instance, to escape serving any of his 1-5-year prison term, while three of the four men who broke into Watergate with him have already served their minimum sentences of one year.

A presidential pardon would still leave each individual vulnerable to state charges and civil suits. But the major crimes alleged occurred in the District of Columbia where a pardon for federal crimes would apply.