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Court Gets Last-Minute Motions

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A flurry of motions was filed in U.S. District Court here yesterday afternoon by defense attorneys for six men charged with the burglary of the office of Dr. Lewis Fielding, who was psychiatrist for Pentagon Papers codefendant Daniel Ellsberg.

The motions, which began piling up on a court clerk's counter about 30 minutes before a 4:30 filing deadline yesterday afternoon, mainly deal with pretrial publicity, attempts to use national security as a defense for the burglary and attempts to gain access to mounds of classified documents to justify the use of such a defense.

Among supporting papers being filed late yesterday were more than 40 black-bound volumes of Watergate-related news clippings. An attorney for defendant G. Gordon Liddy said in his pretrial motion that the word "Watergate" had appeared 26,000 times in New York and Washington newspapers in the last two years.

The legal maneuvering by the defense attorneys took many forms. For example, former White House aide Charles W. Colson asked that he be tried separately from the other defendants—Liddy, former White House aide John D. Ehrlichman, and Miamians Bernard Barker, Eugenio Martinez and Felipe De Diego.

The reasons given by Colson's attorneys for a severance included:

- An alleged claim of prejudice resulting from a mass conspiracy trial, during which the attorneys said Colson would spend most of his time as a "passive observer," but would still suffer from the evidence being presented against his codefendants.

- Colson's limited alleged participation in the break-in, since the only Colson role alleged by the Watergate special prosecutor is that of financier for the expedition.

- The other defendants, especially the three Miamians, might use as a defense that they were ordered by White House officials to conduct the burglary. Such a defense would point the finger at Colson, who was a White House official, the attorneys said.

Colson and Liddy, as had Ehrlichman previously, claimed that the burglary was a legitimately authorized national security activity by the White House special investigations unit known as the plumbers.

Colson's attorneys filed more than 40 pages of legal argument in support of their proposed defense, for example. They asked access to documents in the possession of the special prosecutor's office, the Senate Watergate committee, the House Judiciary Committee, the White House, the Central Intelligence Agency and other agencies to support their claims.

"In sum, the question whether the break-in violated Dr. Fielding's civil rights . . . requires a balancing of the national security purpose against the invasion of his privacy," Colson's attorneys said. The six men are charged with conspiracy to violate the civil rights of Dr. Fielding by authorizing or participating in the break-in.