

Ehrlichman claims double jeopardy

Part 10/3/74
WASHINGTON (AP) — District Judge John J. Sirica pressed his search for an impartial jury in the Watergate cover-up trial Wednesday while one of the defendants, John D. Ehrlichman, claimed double jeopardy as ground for dismissing him.

Ehrlichman said the White House plumbers case, in which he already stands convicted, is so inextricably linked to the Watergate cover-up that the separate accusations violate his constitutional rights.

He said in a memorandum that as soon as jury is chosen he will petition the court to dismiss the Watergate charges of obstructing justice and conspiring to obstruct.

The prosecution, meanwhile, disclosed that it has linked one more person to the alleged conspiracy.

Special Prosecutor Leon Jaworski filed a statement that as a result of newly discovered evidence made known to the defendants on Monday, another person had been named an unindicted co-conspirator.

The list of unindicated co-conspirators has never officially been made public, except for acknowledgement that former President Richard M. Nixon was one of those named.

Jaworski also filed a response on behalf of the Central Intelligence Agency to a subpoena filed by Ehrlichman demanding CIA documents.

The prosecutor said the agency would provide voluntarily some of the material subpoenaed but asked that the subpoena be dismissed.

Without identifying the specific items subpoenaed, the response described the

demand as "a blanket request for every piece of paper in the agency's files that mentions or in any way refers to" individuals linked to Watergate.

Jury selection on the second day of the cover-up trial of former Nixon administration and campaign aides closely followed the pattern set on Tuesday.

Sirica told prospective jurors the cover-up trial might last three or four months and that the 12 jurors and six alternates would be separated from their families for the entire period.

When the judge asked for a count of those who felt service would be a hardship, 81 persons stood up. One by one they were called to a room behind the large ceremonial courtroom to tell Sirica why they wished to be excused.

The judge hoped by the end of the day to have a large enough panel — about 150 persons — to move on to individual, private questioning to weed out those prejudiced by the massive publicity generated by the Watergate scandal.

After the first day, 65 persons were on the panel.

Meanwhile, word was awaited from former President Nixon on whether he would obey subpoenas demanding his appearance as a defense witness for former White House aide John D. Ehrlichman and as a prosecution witness.

Herbert J. Miller, Nixon's Washington attorney, said last week he would submit material to the court by Thursday. But Miller declined to say publicly whether his submission would be a motion asking dismissal of the subpoenas or a statement on the former President's health.