

Flood of Pretrial Motions

Nixon Aides Seek Dismissals

6-11-74
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Former White House aide Gordon Strachan pressed yesterday for dismissal of his indictment in the Watergate cover-up case because of what his lawyer called "an honorable deal" that government prosecutors made with him last year.

Strachan's attorney, John M. Bray, maintained at pretrial hearings before U. S. District Court Judge John J. Sirica that the charges against Strachan had been thoroughly tainted by government attempts to bring him to trial on evidence that Strachan himself first supplied.

A former deputy to White House chief of staff H. R. (Bob) Haldeman, Strachan has been accused of obstruction of justice, conspiracy to obstruct justice and lying to the Watergate grand jury about a \$350,000 cash fund for the original Watergate defendants.

Strachan told the grand jury on April 11, 1973, that he had given Frederick C. LaRue, a Nixon re-election campaign deputy, the money on his own "initiative" and failed to disclose that he had made the deliveries on instructions from then-White House counsel John W. Dean III.

However, Bray said that a week later, on April 18, Strachan went back to government prosecutors Earl J. Silbert and Seymour Glanzer "and told them the whole story" under an agreement that nothing he



WILLIAM G. HUNDLEY
... cites "unfairness"

said would be used against him, directly or indirectly.

Watergate prosecutors have maintained that the charges against Strachan are still solidly based on independent testimony from Dean and other confessed conspirators such as LaRue and Jeb Stuart Magruder.

For example, the prosecutors pointed out, LaRue told the grand jurors on April 18, 1973, that Dean had advised him to expect delivery of the \$350,000 from Strachan.

Bray said LaRue testified in the afternoon, Strachan, the defense lawyer said, had already disclosed as much to Silbert and Glanzer that morning.

Bray also charged that improperly relied on testimony that Strachan later gave the Senate Watergate

committee in July of 1973 under a grant of immunity.

Although the prosecutors have contended that this was justified on the ground that Strachan lied in his Senate testimony about the destruction of certain documents, Bray contended that the prosecutors had overlooked at least one witness who supported Strachan's version.

In any case, Bray maintained, the only charge that might properly be brought against Strachan at this point would be an indictment for perjury before the Senate Watergate committee—which the prosecutors have not done.

Judge Sirica called Bray's protests "very, very interesting" and said he would hear from Watergate prosecutors on the issue in the morning.

Strachan's move was just one of a flood of pretrial motions that Judge Sirica started hearing yesterday in sessions that are likely to continue for most of the week.

Defense lawyers at yesterday's hearing contested the cover-up indictment against six of Mr. Nixon's former top aides and campaign advisers on dozens of points, from the composition of the Watergate grand jury to claims that Congress illegally extended the grand jury's life last year.

Lawyers for former Attorney General John N. Mitchell also protested that his right to due process had been violated last year when the Senate Watergate committee insisted on hearing

his testimony under the glare of nationwide television.

Calling his client a Watergate defendant "in everything but name" at that point, Mitchell's lawyer, William G. Hundley, said Mitchell had been given the unfair choice of testifying or taking the Fifth Amendment in the face of a nationwide audience.

"There were no other options, no other way out," Hundley said. He maintained that there was a "basic unfairness" if Watergate prosecutors remain free now to use Mitchell's Senate testimony against him.

Assistant Watergate prosecutor Richard Ben-Veniste replied that Mitchell's decision to testify had clearly not been based on ignorance of the fact that he was likely to be indicted. He charged that Mitchell was, in effect, trying to get immunity now for his Senate testimony after failing to press for it last year.