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### 3 IN COVER-UP SET NEW DELAY EFFORT

NYTimes

Special to The New York Times

WASHINGTON, Sept. 13—

Lawyers for three Watergate defendants, John N. Mitchell, H. R. Haldeman and John D. Ehrlichman, plan to appeal Judge John J. Sirica's refusal yesterday to dismiss the indictments against them or delay the cover-up trial, now slated to begin Oct. 1.

William G. Hundley, Mr. Mitchell's attorney, said he intended to file papers in the United States Court of Appeals on Monday asking "essentially the same" relief sought in the motions that Judge Sirica rejected yesterday. He expects

to be joined in his request, as he was yesterday, by Mr. Haldeman and Mr. Ehrlichman.

The three defendants had argued in Federal District Court that the publicity surrounding Watergate and the pardon given former President Richard M. Nixon made it impossible for them to receive a fair trial at present.

According to Mr. Hundley, there is only a "very small difference" between the 400 prospective jurors who already have been notified that they might be sequestered and the 1,000 new jurors that Judge Sirica indicated would be examined in their stead to avoid possible prejudice. "One President pardoned another and every citizen knows this," Mr. Hundley maintained.

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