

White House Lawyer Named in

Washington

A White House lawyer who was special counsel to former President Nixon has been named as an unindicted co-conspirator in the Watergate coverup case, sources familiar with the case said yesterday.

The lawyer, Richard A. Moore, was apparently added as a result of conversations recorded on presidential tape recordings recently turned over to the prosecution.

Moore's resignation from the White House staff, effective October 9, was announced yesterday.

Evidence relating to Moore — either testimony by Moore or statements that he made elsewhere — are expected to be a significant part of the prosecution's case against the five former White House and Nixon re-election campaign aides who went on trial Tuesday.

The special Watergate prosecution disclosed in court papers filed yesterday, as the selection of a jury continued, that it had added a name to the list of unindicted co-conspirators, on the basis of "newly discovered evidence." However, the individual was not named.

An unindicted co-conspirator is someone whom either the prosecution or the grand jury believes participated in the crime, but who is not indicted.

The list of 19 unindicted co-conspirators in the case presented by the prosecution to the defense on June 21 included Mr. Nixon, various former White House and campaign aides and the men who committed the burglary of the Democratic party's national headquarters at the

Watergate complex on June 17, 1972.

The identification of various persons as co-conspirators is important because of "the co-conspirator rule" of law, under which the prosecution may introduce statements or acts of an alleged co-

conspirator against the others charged with the conspiracy.

The new disclosure came as Judge John J. Sirica continued his efforts to impanel a jury. As on Tuesday, the majority of the prospective jurors sought to be excused.

There were 160 potential

veniremen in court yesterday when the proceedings began. By day's end, only 80 remained, and the judge had still not finished his preliminary questioning of the group.

In another development in the case, one of the defendants, John D. Ehrlichman,

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raised the defense that his prosecution and conviction in the so-called plumbers trial this summer are a bar against his prosecution in the coverup case.

Ehrlichman cited the constitutional prohibition against "double jeopardy" — basically, against prose-

cuting somebody twice for the same crime. The plumbers case involved the break-in by the White House plumbers unit of the office of Daniel Ellsberg's former psychiatrist.

To some extent the coverup case involves the activities of the plumbers, al-

though the basic set of charges is different. Ehrlichman and his co-defendants are charged with conspiring to obstruct the investigation of the Watergate break-in.

The other defendants are John N. Mitchell, former attorney general; H.R. Halde-

man, who was a chief assistant to Mr. Nixon; Robert C. Mardian, a former assistant attorney general, and Kenneth Wells Parkinson, an attorney for the Committee for the Re-election of the President.

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