

Pleas Denied, Sentencing Set For Cover-Up

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U.S. District Court Judge John J. Sirica yesterday denied a stack of post-trial protests by the four convicted Watergate cover-up defendants and said he would sentence them all next Friday. *21 FEB*

Sirica's nine-page order rejected all defense complaints and motions for a new trial on behalf of the four



JUDGE JOHN J. SIRICA
... will act Friday

men—former White House aides H. R. (Bob) Haldeman and John D. Ehrlichman, former Attorney General John N. Mitchell and former Assistant Attorney General Robert C. Mardian.

All were convicted by a federal court jury here Jan. 1 after a 64-day trial on charges of conspiring to obstruct justice in the Watergate scandal.

Each faces a maximum five-year prison term for conspiracy. Haldeman, Ehrlichman and Mitchell were also found guilty of actually obstructing justice and of lying under oath in various forums—with each of these counts carrying potential five-year terms that could be added on to the conspiracy sentence or run concurrently with it.

Shortly after the jury verdicts, lawyers for the four men asked the court to acquit them anyway, on the grounds that the evidence presented by Watergate prosecutors was insufficient to sustain the jurors' judgements. Sirica disposed of that proposition in yesterday's order with a terse sentence saying that the court "cannot agree."

The defendants also filed separate and lengthier motions for a new trial, citing a wide variety of issues ranging from complaints of prejudicial pretrial publicity to protests

over Judge Sirica's handling of the jury selection process to attacks on some of the prosecution's remarks during opening and closing arguments.

Sirica said he found no merit in any of the complaints, including Haldeman's and Ehrlichman's assertions that the trial should have been postponed or suspended until former President Nixon was healthy enough to testify.

"... None of the defendants have shown that a new trial would be in the interest of justice," Sirica held.

The judge added that his manner of selecting the jury, doing all the questioning himself, had been upheld by the U.S. Circuit Court of Appeals here in connection with the original Watergate burglary trial.

He stressed the prosecutors' contention that the cover-up trial jury "was, if anything, more sympathetic to the defendants than to the government" when these jurors were originally selected last October.

Still other motions filed by Haldeman's lawyers relied on former Watergate prosecutor Leon Jaworski's recent disclosure in congressional testimony that he had listened alone to some still undisclosed White House tapes, and on a reported "hint" in the Washington Star-News that some of the jurors had disregarded the court's ban on news articles and broadcasts about the trial.

Sirica ruled that the alleged "hint" was too insubstantial, especially in light of the denials contained in subsequent news articles. As for Jaworski's testimony, the judge said the former prosecutor has filed an affidavit declaring that the tapes he heard contained nothing that would have helped the defendants.

The court's rulings ended with an order directing the convicted men and their lawyers to report to his courtroom Friday at 9:30 a.m. for sentencing.

Stay backed on Nixon's tapes. Page A5