

# Sirica Refuses to Dismiss Watergate Cover-Up Case

By ANTHONY RIPLEY *7-10-74*  
Special to The New York Times

WASHINGTON, July 9—Judge John J. Sirica denied today a wide series of defense motions for dismissal, for separate trials for moving the proceedings out of Washington and for delaying the start of the Watergate cover-up conspiracy case.

He had faced many motions from the six defendants in the case, brought March 1 by the Watergate special prosecutor, Leon Jaworski.

In today's action, following hearings last month in United States District Court, Judge Sirica granted one more hearing to consider the special problems of Gordon C. Strachem.

Mr. Strachem, who once served as an aide to H. R. Haldeman, former White House chief of staff, was granted limited immunity from prosecution when he testified last year before the Senate Watergate committee. Also, his lawyers maintain, he received an informal grant of immunity from the original team of Government prosecutors.

## 'In Camera' Hearing

The hearing on Mr. Strachem, which will be held July 29 and 30 "in camera," will seek to determine if the Government's case against him is "tainted" by use of his remarks before the original prosecution team. The team was replaced last year by a special prosecutor.

Grouping his decisions under the broad headings of dismissal, severance and publicity motions, Judge Sirica held that the indictments were properly drawn, that some motions were "premature" and that a joint trial of the six men would not hinder their rights.

Indicted with Mr. Strachem and Mr. Haldeman were former Attorney General John N. Mitchell, John D. Ehrlichman, a former assistant to the President; Robert C. Mardian, an aide to Mr. Mitchell, and Kenneth Wells Parkinson, former lawyer for the Committee for the re-election of the President.

Charles W. Colson, former special counsel to the President, was originally indicted in the case. He was dropped, in

plea bargaining with the prosecution, after his guilty plea in another Watergate case.

## Motions Are Denied

All the defendants, Judge Sirica said, had filed "one or more motions for severance and/or continuance and/or change of venue and/or dismissal because of the massive amount of pretrial publicity relating to this case."

He denied the motions after "full consideration of the voluminous memoranda" and hearings June 11, 12 and 13.

"The well-known" case of the late Dr. Samuel H. Sheppard "was repeatedly cited," Judge Sirica said, but he added that it "involved a situation

quite different from that which will present itself in this case."

Dr. Sheppard, convicted in a Cleveland trial for the slaying of his first wife, was later granted a second trial because of prejudicial publicity and was freed.

"In its reversal of Sheppard's conviction," Judge Sirica wrote, "the Supreme Court emphasized that: 'Bedlam reigned at the courthouse during the trial, and newsmen took over practically the entire courtroom, hounding most of the participants at the trial. . . .'"

"In short, much of the prejudice in the Sheppard case resulted from the failure of the trial judge to protect the integrity of the judicial process or to control the trial setting.

"Such has not been, nor will it be, the situation in this case."

As for moving the case out of Washington, the judge said, "It is likely that the trial of any defendant associated with the so-called 'Watergate affair' would be a cause célèbre in any city" and might "intensify, rather than alleviate, the problems of potential prejudice resulting from localized publicity."

He said that the matter could be considered again if the court was unable to select a jury for the trial, which is scheduled for Sept. 9.