

Watergate convictions upheld

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WASHINGTON (AP) — The U.S. Court of Appeals on Tuesday upheld the Watergate cover-up convictions of three of former President Richard M. Nixon's closest aides but granted a new trial for onetime Nixon campaign assistant Robert C. Mardian.

In a 300-page opinion, the six judges said defendants in the four-month-long conspiracy trial had been properly tried and found guilty of "wide-ranging conspiracy" at the highest levels of government.

A separate opinion said Mardian, a former assistant attorney general, should have been tried separately from co-defendants John N. Mitchell, H. R. Haldeman and John D. Ehrlichman.

A fifth defendant, lawyer Kenneth W. Parkinson, was acquitted when the jury returned its verdict on New Year's Day 1975.

Mitchell, a former attorney general; Haldeman, the former White House chief of staff; Ehrlichman, Nixon's principal domestic affairs adviser, and Mardian were all found guilty of plotting to illegally block investigations into the original break-in at Democratic Nation-

al Committee headquarters during another presidential election campaign June 17, 1972.

Mardian had been sentenced to a 10-month to three-year jail term by U.S. District Judge John J. Sirica. Mitchell, Haldeman and Ehrlichman were given jail terms of 2½ to 8 years.

All have remained free pending their appeals. In most cases, losing in the appeals court would mean going to jail even if the Supreme Court is asked to take the case.

But Ehrlichman is also facing a minimum 20-month jail term for a separate conviction in the White House Plumbers case and has been allowed to stay free pending a Supreme Court appeal.

Nixon, who has lived in San Clemente, Calif., since resigning from the White House in August, 1974, was himself named as an unindicted co-conspirator by the same grand jury which indicted the others. He was later pardoned by President Ford from facing any Watergate charges.

In their decision, the appeals judges dismissed point by point more than two

dozen legal questions raised by lawyers for the defendants during an unusually long appeals process.

In one, Haldeman's lawyers said the extensive publicity surrounding Watergate made it impossible for an impartial jury to be chosen in Washington.

The judges said, however, that despite the publicity they could find "no reason for concluding that the population of Washington, D.C., was so aroused against appellants and so unlikely to be able objectively to judge their guilt or innocence on the basis of evidence presented at trial ..."

"On the basis of our own review," the opinion said, "we have no doubt that the jury was impartial."

Lawyers for Ehrlichman said he was denied a fair trial because Sirica failed to recess the trial long enough for Nixon to recover from phlebitis and appear as a witness.

But the appeals court said after reviewing testimony at the trial, it had decided Nixon's "testimony would have been of marginal significance."