

Jaworski Asks Separate Strachan Trial

By LESLEY OELSHER
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WASHINGTON, Sept. 26—In an unexpected, last-minute change of position, the special Watergate prosecution asked United States District Judge John J. Sirica today to sever the case of Gordon C. Strachan from that of the five other defendants charged with the Watergate cover-up.

Mr. Strachan and the others are scheduled to go on trial together next Tuesday. For months, the prosecution had successfully rebuffed efforts by all six defendant defendants to obtain separate trials.

Mr. Strachan was an aide to H.R. Haldeman, the former White House Chief of Staff and a defendant in the case, and the prosecution had contended that all the accused co-conspirators should be tried in a group.

But today, in a brief, written motion, the special prosecutor, Leon Jaworski, said that comments by two appellate judges last week appeared to indicate that Mr. Strachan should be given a pretrial hearing on the question of whether the Government had improperly used testimony of his in return for grants of immunity.

'Close Legal Question'

It "may be unfair," Mr. Jaworski said in his motion, to "subject defendant Strachan to the rigors of a trial of this magnitude without further pre-trial exploration of what appears to be, at least, a close legal question."

"Rather than delay the trial of the other defendants in order to conduct such a hearing," the prosecutor went on, Mr. Strachan should be given a separate trial. The prosecutor's

office declined to elaborate on the reasoning behind the request.

However, the immunity issue is considered a potential problem for the prosecution, and some legal observers here suggested that the prosecution might have decided that it was too risky to tie their proceedings against the other five defendants with their prosecution of Mr. Strachan.

Mr. Strachan was given immunity twice—first by the original Watergate prosecutors, eager to get his testimony as the case was just beginning to unravel, and then by the Senate Watergate Committee, which wanted him as a witness for its hearings in the summer of 1973.

Defense Asks Dismissal

Mr. Strachan's attorney, John M. Bray, has contended that the prosecution used testimony given under these grants of immu-

nity to develop its case against Mr. Strachan and that the case should thus be dismissed. Mr. Bray repeated this contention in papers filed with Judge Sirica this afternoon.

The United States Court of Appeals for the District of Columbia Circuit refused a request by Mr. Bray last week that it order Judge Sirica to dismiss the charges against Mr. Strachan.

In another development today, Supreme Court Justice William J. Brennan Jr., refused a request by Mr. Haldeman and another co-defendant, John N. Mitchell, the former Attorney General, for a delay in the starting date of the trial. They and other defendants have repeatedly asked for delays, so far succeeding only in achieving postponement from the original starting date of Sept. 9 to Oct. 1.