

Top Watergate Figures Lose in Supreme Court

Washington

The Supreme Court virtually cleared the way yesterday for former Attorney General John Mitchell and ex-White House aide H. R. Haldeman to go to prison for their part in the Watergate coverup.

The justices, without explanation and with no recorded disagreements, refused to hear the appeal of Mitchell, Haldeman and John D. Ehrlichman, another top aide to former President Nixon.

Ehrlichman has been an inmate at a federal prison camp in Arizona since last October. But Mitchell, once the nation's top law enforcement official, and Haldeman have remained free, pending appeal, since their convictions more than two years ago.

Mitchell, 63, and Haldeman, 50, could be in prison within a month.

They have 25 days in which to ask the court to reconsider the decision and attorneys for all three men indicated that they probably will seek reconsideration.

However, the vast majority of such routine requests usually are promptly rejected.

If no rehearing request is made or if one is denied, the justices will send the case back to U.S. District Judge John J. Sirica, who presided over the Watergate coverup trial, for ordering Mitchell and Haldeman to prison.

The three Watergate defendants each were sentenced to 30 months to eight years in prison for conspiracy, obstruction of justice and giving false testimony under oath in what prosecutors said was an attempt to conceal government misconduct in the Watergate scandal.

That scandal, which ultimately involved numerous clandestine operations, began to unfold when five burglars were caught trying to bug the Democratic National Committee's headquarters in the Watergate office complex during the 1972 presidential election campaign.

Ehrlichman, 51, also has been convicted of conspiracy in connection with the 1971 "plumbers" burglary of the office of Daniel Ellsberg's psychiatrist. Ellsberg had been accused of leaking the so-called Pentagon Papers on the

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conduct of the Vietnam war.

Ehrlichman chose last fall to begin serving his prison terms, while appeals of both his convictions were still under consideration. Both appeals have now been rejected.

The Supreme Court justices had discussed the Watergate coverup case for more than a month.

Reports surfaced on April 21 that the court had decided to turn down the appeal. Chief Justice Warren Burger, the reports said, was delaying the announcement in

closed deliberation, although never publicly confirmed by any member of the court, was seized upon by attorneys for the three Watergate defendants, who claimed it might in some way have prejudiced their clients' case.

The court, however, refused to let the attorneys file arguments as to why they thought the Watergate defendants could not be tried fairly by the nation's highest court.

The three men were convicted by a federal jury on Jan. 1, 1975.

Haldeman had been Nixon's chief of White House staff. Ehrlichman had served the Nixon administration as its top official for domestic policy.

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hopes of swinging enough votes around to granting a review of the case.

The reports said Burger and fellow Nixon appointees Harry Blackmun and Lewis Powell wanted to review the case. In such appeal cases, the votes of four justices are necessary to grant review.

The "leak" from the justices'