

Watergate Defendants Seek Removal Of Sirica as Judge for Their Trials

By Robert L. Jackson
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Defense attorneys in the Watergate cover-up case moved yesterday for the disqualification of U.S. District Court Judge John J. Sirica, the man who first demanded to know if higher officials were involved in the scandal.

In a rare attack upon the conduct of a veteran federal judge, lawyers for four defendants filed court papers asserting that Sirica has "a deep-seated and unshakeable personal bias in favor of the prosecution" and "a personal stake in the outcome of this case."

Charging Sirica has shown "a prosecutorial interest" in the Watergate affair, the lawyers cited his questioning of witnesses during the original burglary trial last year, his comments that high officials may be implicated, his deep familiarity with sealed evi-

dence including White House tape recordings and his decision to forward a secret grand jury report to Congress last month.

Attorneys for three defendants—former Attorney General John N. Mitchell and former presidential assistants John D. Ehrlichman and Charles W. Colson — asked a special three-judge panel to grant their motion for a new trial judge.

John N. Bray, representing Gordon C. Strachan, another defendant and former White House aide, filed separate papers asking Sirica to disqualify himself voluntarily.

Three other defendants and their lawyers took no part in the motions. Two of these lawyers, John J. Wilson and David G. Bress, have represented Sirica personally in appellate court matters.

Sirica had no immediate comment on the motions.

"Judge Sirica has a substantial personal interest in the case since establishment of the alleged conspiracy would be viewed as a vindication of his

conduct in the 1973 Watergate trial," the motion by Mitchell, Ehrlichman and Colson said.

They said Sirica's handling of this trial "went far beyond the issue of guilt or innocence of the defendants then on trial, and was calculated to further the investigation which resulted in the present indictments."

"He interrogated witnesses as to the involvement of others not on trial, professed disbelief of the defendant's denials of knowledge of other involved persons and generally displayed what can only be called a prosecutorial interest," the motion said.

The defendants' motion against Sirica cited a federal law which says a new trial judge shall be assigned whenever "a timely and sufficient affidavit" is filed by one party charging a judge with "personal bias or prejudice."

Sirica could challenge the validity of the affidavit. If that occurred, legal sources said they believed the U.S. Circuit Court of Appeals might have to rule on the matter.