

# Sirica Won't Disqualify Himself in Cover-Up Trial

Reuter

Judge John Sirica refused yesterday to disqualify himself from presiding at the Watergate cover-up conspiracy trial of seven top former Nixon administration and re-election campaign aides.

Five of the seven defendants, whose trial is tentatively set to begin in September, had filed motions to have Sirica removed from the case. They claimed, among other things, a pro-prosecution bias.

In response, Sirica turned down the motions on every point raised by the defendants.

The attempt to remove Sirica from the case was made by former attorney general John N. Mitchell; former White House counsel Charles W. Colson; John D. Ehrlichman, the President's former domestic affairs adviser; Kenneth Parkinson, a lawyer for the re-election campaign committee; and Gordon Strachan, a liai-

son man between the committee and the White House.

"Every action, decision and comment of the court cited by defendants arose in the course of official judicial activities," Sirica said.

He noted that the five defendants had made much of his comments in the original trial of the men who broke into the Democratic National the Watergate office building Committee headquarters, in June, 1972.

During that case, Sirica on several occasions took over the questioning when he felt the prosecutors were not pressing witnesses hard enough.

He also expressed disbelief that the conspiracy extended no higher than the men actually caught at the time of the burglary or shortly thereafter.

These statements, he said in his order, had their basis in the evidence brought out in open court.

"They reflect, if anything, a judicial state of mind rather than a personal bias," Sirica said.

"An expressed belief that others might be involved, that a witness had not fully revealed facts known to him, that a defendant had not answered a question truthfully, that all pertinent facts had not been produced before the jury, that the court had been right in asking questions and an expressed hope that other authorities might uncover all of the relevant facts, are matters that have their roots in the record then before the court."

The other two due to stand trial in September include the former White House chief of staff, H. R. Haldeman, and Robert Mardian, former second-in-command at the re-election committee.

All seven have pleaded not guilty.