

Sirica Bars Separate Trials

Washington

A federal judge yesterday refused to allow the six Watergate coverup defendants to be tried separately despite arguments that grouping the men together before the court would lead to antagonism and hostility.

U.S. District Judge John J. Sirica abruptly denied the motions for severance without comment late yesterday afternoon after each lawyer for the defendants had presented arguments for separate trials.

All the lawyers stressed the difficulty that a long —

possibly up to three months — trial would impose on their clients. They also argued that not all the men linked in the same conspiracy know each other and therefore not all should be tried together.

In denying the severance motions, Sirica admitted that the ordeal will be "difficult" especially because the men involved all have good reputations and are not "hardened criminals."

But the judge added, "these are the things we have to face. It's a sad thing."

Plato Cacheris, an attorney for John N. Mitchell, said during the pretrial hearing for the six defendants that the former attorney general would be the subject of obvious hostilities from his five co-defendants if his trial was not conducted separately.

Cacheris, who referred to Mitchell as "the big enchilada," said there is evidence of antagonism from the five other men and predicted that the co-defendants will attempt to convey guilt to Mitchell in an effort to save themselves.

He also noted that the release of transcripts of President Nixon's Watergate related tapes "allege antagonism toward Mr. Mitchell" as well, and the courtroom battle could surface as early as the opening statements in the trial, scheduled for September 9.

In addition, lawyers for John D. Ehrlichman and H.R. Haldeman said they are afraid that defense of their clients will be impaired by a joint trial because testimony from the other co-defendants is imperative and there is no way of knowing whether those men will take the stand voluntarily.

In a joint trial, a co-defendant cannot be forced to take the stand against his will, but in an independent trial, that same person could be subpoenaed and forced to take the stand — even if his appearance would consist solely of claiming Fifth Amendment rights against self-incrimination.

Ehrlichman's lawyer, Andrew C. Hall, predicted "a real battle in this courtroom" on the issues of the intimate affairs of the Committee to Re-elect the President. Hall contended that this battle could adversely affect Ehrlichman when he was not really involved.

Both Hall and Frank Strickler, Haldeman's lawyer, said the charges of overt acts in the Watergate coverup against their clients will require the testimony of the other co-defendants. Strickler said it is "conceivable that a tremendous clash could occur" in efforts to clear one defendant if that defense requires the testimony of another figure in the case.

The other defendants are former presidential aide Gordon C. Strachan and former Nixon campaign workers Kenneth W. Parkinson and Robert C. Mardian.

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