

Haldeman, Citing News 'Leaks,' Seeks Reporters as Witnesses

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By LESLEY OELSNER

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WASHINGTON, June 27—H. R. Haldeman asked the United States District Court here today to let him put news reporters and columnists on the witness stand in an attempt to prove that Government "leaks" had destroyed his prospects for a fair trial in the Watergate cover-up case.

Mr. Haldeman, once President Nixon's chief of staff, gave Judge John J. Sirica a 34-page affidavit summarizing 122 news items and a set of book advertisements that, according to his summaries, all portrayed him in an unfavorable light.

The affidavit was accompanied by a memorandum from his lawyers, John J. Wilson and Frank H. Strickler, contending that Mr. Haldeman could not get a "fair and impartial trial" because of "massive prejudicial pretrial publicity emanating mainly from Government sources."

Judge Sirica is considering motions by Mr. Haldeman and other defendants in the case to dismiss the charges on the ground of publicity.

Today's filing by the Haldeman defense was a last-minute attempt to buttress its case on the dismissal motions.

The Haldeman lawyers made two basic points, as follows:

1. That the Government had made "a conscious choice to

inform the public" about Watergate "at the expense of prejudicing future criminal trials," and that, as a result, the Government must pay the price of having those trials dismissed.

2. That "much" of the pretrial publicity had resulted from "Government misconduct" in the form of "leaks."

The lawyers based their first argument largely on the fact that the Senate Watergate committee held its televised hearings last summer over the objections of Archibald Cox, then the special prosecutor.

"The Senate committee decided that public hearings were more important than preserving the fairness of later criminal trials," the lawyers said in their brief. "This is a policy choice which the Government is entitled to make, but having made the decision, the Government cannot require the defendants to go to trial in an atmosphere of prejudice deliberately generated."

As for the second argument on "leaks," the lawyers noted that "grand jury testimony has been summarized and has even been published verbatim in the press prior to indictment."

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