

# Dismissal Denied in The Coverup Case

Washington

U.S. District Judge John J. Sirica yesterday denied demands by three major Watergate conspiracy defendants for a dismissal of charges on the ground that former President Nixon's tacit admission of guilt by accepting a pardon had made a fair trial for them impossible.

Sirica also rejected their request that the coverup trial be postponed indefinitely because the mass of publicity over the Nixon pardon.

But he did order a one-day delay, until October 1, to permit calling a fresh batch of nearly 1000 prospective jurors.

The rulings were issued after a closed 90-minute meeting with lawyers for the six defendants in the coverup case.

The motions, filed yesterday by former Attorney General John Mitchell and one-time top Nixon aides H. R. Haldeman and John Ehrlichman, asked for dismissal of their indictments or a lengthy delay of their trial.

Sirica did grant a Haldeman motion to dismiss the 400 prospective jurors who have already survived a preliminary screening process, and to call a fresh pool from which 12 jurors and six alternates will be selected.

The court in early July had sent questionnaires to more than 700 District of Columbia residents asking if they would be able to serve on a sequestered jury for a highly publicized criminal case expected to last three to four months.

Haldeman contended that this tipped off prospective jurors that they might be serving on the Watergate coverup jury and thus might have been influenced by Mr. Nixon's subsequent resignation and pardon.

## Senate OKs Mrs. Black As Ambassador

Washington

President Ford's nomination of former movie star Shirley Temple Black to be the U.S. ambassador to Ghana was unanimously approved by the Senate yesterday.

The Senate also confirmed the nomination of former Senator John Sherman Cooper (Rep-Ky.) to be the first U.S. ambassador to East Germany.

And it confirmed Kenneth Rush, former President Richard M. Nixon's economic coordinator, to be ambassador to France and career foreign service officer Philip C. Habib to be an assistant secretary of state.

Associated Press

Sirica said that the grounds for Haldeman's request for a new jury pool were "insubstantial," but that he would grant the plea "out of an abundance of caution."

He said special prosecutor Leon Jaworski, who had representatives at the meeting, had no objection. He also said he would decide at the opening of the trial whether the jury would be sequestered.

Mitchell was the first to file for dismissal of all charges yesterday. Motions from Haldeman and Ehrlichman followed within a few hours.

The three pinned their motions to the pardon for Mr.

Nixon and claimed they should not be prosecuted while Mr. Nixon goes free.

"The inequity is particularly offensive to the American concept of equal justice in this case where, for no legally cognizable reason, one co-conspirator, Richard Nixon, is permitted to go free while other co-conspirators, who were subordinates to Mr. Nixon, and were acting in his interest, on his interest, on his behalf, and in concert with him are required to stand trial for those actions," Mitchell's brief said.

Echoed Haldeman, once Mr. Nixon's chief of staff: "In the mind of the average citizen the pardon presupposes either the fact or the possibility of guilt on the part of Mr. Nixon; and his acceptance remarks, while not expressly admitting guilt, have clearly implied involvement, and as clearly leave the impression that his subordinates . . . did criminal things which he either tolerated or overlooked."

A brief filed on behalf of Ehrlichman followed the same theme as the others — asking that the indictments be dismissed or that the trial be delayed indefinitely.

His lawyers charged that the news media had deliberately poisoned prospective jurors against him to ensure Ehrlichman's conviction in the Ellsberg break-in case earlier this summer, and are now trying to do the same thing in the Watergate coverup.

"The media in the District of Columbia has determined that the Nixon administration was corrupt and has consciously selected its news coverage in a way so as to assure that public opinion will accept this view, and in the process has succeeded in depriving defendant Ehrlichman with any semblance of a fair trial," the brief said.

United Press