

Sirica Upheld On Trial Date In Cover-Up

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The U.S. Circuit Court of Appeals yesterday turned down a series of defense efforts to keep the Watergate coverup trial from starting Oct. 1.

Lawyers for former White House chief of staff H. R. (Bob) Haldeman said later that they will appeal to Chief Justice Warren E. Burger for a stay in connection with at least one of their petitions.

The five separate orders, from the appeals court focused on defense claims they could not get a fair trial here, especially in light of the pre-trial publicity stirred up by President Ford's blanket pardon of former President Nixon for any federal crimes he may have committed.

Acting on complaints by Haldeman, former Attorney General John N. Mitchell, and former White House aide John D. Erlichman, the court ruled 5 to 1 that it was up to U.S. District Judge John J. Sirica to determine whether an impartial jury could be empaneled.

Circuit Judge George E. MacKinnon dissented. He noted that Watergate Special Prosecutor Leon Jaworski recently informed the White House that Mr. Nixon could not have gotten a fair trial here, if indicted, for nine months to a year.

"The same conditions affect the defendants in this case," MacKinnon maintained. "I continue to hold the view that they cannot obtain a fair trial in this jurisdiction."

The appeals court showed more concern over a complaint by former White House aide Gordon C. Strachan that the government's case against him was tainted by disclosures that Strachan himself made upon prosecution assurances that the information would not be used.

Chief Judge David Bazelon said Strachan's petition presented "very troublesome issues," but held in effect that he could raise them again later, if necessary.

MacKinnon again dissented, saying that Strachan deserved a decision now instead of being forced to go to trial.

The appeals court, however, was unanimous in denying Haldeman's request for a trial delay until the Supreme Court can rule on his challenge to the Watergate grand jury's legal status when it returned the cover-up indictment last March 1.

Haldeman's chief attorney, John J. Wilson, said he would ask Burger Monday to stay the trial on this issue at least. Wilson has asked the Supreme Court to overturn special legislation Congress passed last fall extending the grand jury's term for another year.