

Jaworski Asks Strachan Trial Be Deferred

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Special Prosecutor Leon Jaworski, in a surprise last-minute step, moved yesterday to drop former White House aide Gordon C. Strachan as a defendant in next week's Watergate cover-up trial.

Jaworski asked U.S. District Court Judge John J. Sirica to put off Strachan's trial in light of his protests that the government's evidence against him is tainted.

Watergate prosecutors have steadily denied Strachan's claims, but the dispute has never been resolved. In a 5-to-1 decision last week, the U.S. Circuit Court of Appeals ruled that Strachan would have to stand trial with the other defendants and wait until later to press his point.

However, chief appeals court Judge David A. Bazelon said Strachan's petition did present "very troublesome issues" that would have to be considered at the conclusion of the cover-up trial. The dissenting judge, George E. MacKinnon, said he thought the former White House aide was entitled to a decision now instead of being forced to go through a lengthy trial.

Citing the views of both appellate court judges, Jaworski said he felt "justice would be better served" by endorsing a separate trial for Strachan.

This would also prevent any other convictions at the cover-up trial from being overturned because of Strachan's claims.

A former deputy to White House chief of staff H.R. (Bob) Haldeman, Strachan was accused in the cover-up indictment of obstruction of justice, conspiracy to obstruct justice and lying to the Watergate

grand jury about a \$350,000 cash fund for the original Watergate defendants.

His lawyer, John M. Bray, has been pressing since spring for dismissal of the charges because of what Bray called "an honorable deal" that government prosecutors made with Strachan last year.

Strachan told the grand jury on April 11, 1973, that he had given Frederick C. LaRue, a Nixon re-election campaign deputy, the cash fund on his own initiative. He failed to disclose that he had made the deliveries on instructions from then-White House counsel John W. Dean III.

However Bray said that a week later, on April 18, Strachan went back to government prosecutors Earl J. Silbert and Seymour Glanzer and "told them the whole story" after being promised that nothing he said would be used against him directly or indirectly.

Watergate prosecutors maintained that the charges against Strachan are still solidly based on independent testimony from Dean and other confessed conspirators, such as LaRue and former Nixon campaign official Jeb Stuart Magruder.

Sirica upheld the prosecutors after evidentiary hearings this summer, but Bray continued to protest. He said the government had at least used the information Strachan supplied in making basic decisions, such as whether or not he should be prosecuted.

Whether this was permissible has yet to be settled. In his motion yesterday, Jaworski acknowledged that "it may be unfair to subject . . . Strachan to the rigors of a trial of this magnitude without further pre-trial exploration of what appears to be, at least, a close legal question."

The cover-up trial is scheduled to start Tuesday. Rather than delay it for the five other defendants, Jaworski suggested that Strachan be granted a separate trial with the understanding he would first be granted a full and final hearing to resolve his complaints.

Bray was expected to counter the proposal by asking Sirica once again to dismiss the indictment.

In other developments, Supreme Court Justice William J. Brennan Jr. turned down a request by Haldeman and former Attorney General John N. Mitchell for a trial delay because of pre-trial publicity.