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**Unindicted Co-Conspirator
Added in Cover-Up Case**

By LESLEY OELSNER
Special to The New York Times

WASHINGTON, Oct. 2—A White House lawyer who worked as special counsel to former President Richard M. Nixon has been named an unindicted co-conspirator in the Watergate cover-up case, sources familiar with the case said today.

The lawyer, Richard A. Moore, was apparently added as a result of conversations recorded on Presidential tape recordings recently turned over to the prosecution.

Evidence relating to Mr. Moore, either testimony by him or statements that he made elsewhere, is expected to be a significant part of the prosecution's case against the five former White House and Nixon campaign aides who went on trial yesterday.

Meanwhile, as a result of negotiations between Leon Jaworski, the Watergate special prosecutor, and the Ford Administration, Mr. Jaworski has been given a voice in the disposition of White House tapes and papers left behind by former President Richard M. Nixon. [Page 38.]

As jury selection continued for the second day in the cover-up trial, the prosecution disclosed in court papers filed today that it had added a name to the list of unindicted conspirators on the basis of "newly discovered evidence." It did not, however, name the individual.

The prosecution had reportedly told the defense counsel and the court on Monday of its action regarding Mr. Moore during a daylong, closed hearing in final preparation for the trial.

Yesterday and again this morning, Mr. Moore's name was on the list of potential Government witnesses read to the prospective jurors assembled for jury selection.

The White House announced Mr. Moore's resignation today.

An unindicted co-conspirator is someone who either the pro-

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secution or the grand jury believes participated in the crime, but who was not indicted for any of several reasons.

The list of 19 unindicted co-conspirators in the case presented by the prosecution to the defense on June 21 included Mr. Nixon, various former White House and campaign aides and the men who committed the burglary of the Democratic party's national headquarters at the Watergate complex on June 17, 1972.

The identification of various persons as co-conspirators is important because "the co-conspirator rule," under which the prosecution may introduce statements or acts of an alleged co-conspirator against the others charged with the conspiracy.

In the court document made public today, the prosecution argued that the only limitation on the rule was the requirement that the defendants had had sufficient notice and that the late addition of one more name had "not prejudiced the defendants."

The disclosure came as Judge John J. Sirica continued his efforts to impanel a jury. The judge encountered much the same problem he did yesterday, with the majority of the members of the pool of prospective jurors seeking to be excused.

There were 160 potential veniremen in court this morning when the proceedings began in Federal District Court; by the end of the day, 80 remained, and the judge still had not finished his preliminary questioning of the group.

The 80 who were excused, and 12 others who asked to be excused but whose requests were turned down, at least for the moment, were apparently dissuaded by the prospect of spending three to four months in a sequestered jury, spending their days in court and their nights in a motel guarded by marshals.

'Most Uncomfortable'

Judge Sirica began the questioning this morning, as he had with the first panel yesterday, by asking whether any juror would feel "most uncomfortable" on the sequestered jury or whether service on the jury would seriously interfere with a prior obligation. All 92 answered affirmatively.

Each was subsequently ques-

tioned individually by the judge in the presence of prosecution and defense attorneys. According to James E. Davey, the clerk of the court, the reasons were "strictly hardship," having to do with such things as taking care of children.

The question whether a juror is biased because of publicity about Watergate comes after the preliminary questioning is over. Tomorrow, Judge Sirica will begin questioning individually and in detail in closed session the 64 persons remaining after the preliminary screening of the panel of 155 jurors that was called yesterday. Then, presumably, he will return to the questioning of the 80 jurors left over from today's pool.

The defendants in the case are John N. Mitchell, the former Attorney General; H. R. Haldeman, the former White House chief of staff; John D. Ehrlichman, the former White House adviser on domestic matters; Robert C. Mardian, a former Assistant Attorney General, and Kenneth Wells Parkinson, an attorney for the Committee for Re-election of the President.

Mr. Ehrlichman, meanwhile, contended in a written argument filed with the court that his prosecution and conviction in the trial this summer of the "plumbers," the special White House security unit, acted as a bar against his prosecution in the cover-up case.