

4 EX-NIXON AIDES LOSE BID TO QUASH COVER-UP VERDICT

Sirica to Sentence Mitchell,
Haldeman, Ehrlichman
and Mardian Friday

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Special to The New York Times

WASHINGTON, Feb. 14 — Federal District Judge John J. Sirica refused today to set aside or to change in any way the guilty verdicts returned in the Watergate cover-up case against four former Nixon Administration officials.

Instead, he ordered all four men—John N. Mitchell, H. R. Haldeman, John D. Ehrlichman and Robert C. Mardian, once among the most powerful officials in the nation—to appear at the United States Courthouse next Friday morning for sentencing. FEB

In another court here today, a three-judge panel was given the opportunity to decide the issue of ownership of former President Nixon's tapes and documents all over again. The United States Court of Appeals for the District of Columbia decided that the panel should take up certain legal issues surrounding ownership of the material without being bound by the recent ruling of a Federal district judge that the Government owned almost all of it. [Page 14.]

Judge Sirica, in Federal District Court, said in a nine-page ruling denying a number of post-trial motions by the four convicted men: "None of the defendants have shown that a new trial would be in the interest of justice."

He also said in effect that the evidence at the trial supported the conviction.

Rule 29 Is Cited

"Each of the defendants has filed a motion for judgment of acquittal pursuant to Rule 29 of the Federal Rules of Criminal Procedure," he wrote, adding: and the accompanying memoranda, but cannot agree with the defendants' conclusion."

"The common ground for all of these motions is the allegation that the evidence of their guilt is insufficient to sustain the verdicts of guilty which

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were returned. The court has carefully considered the points raised in each of these motions and the accompanying memoranda, but cannot agree with the defendants' conclusion."

Mr. Mitchell, the former Attorney General, and Mr. Haldeman, once Richard M. Nixon's chief of staff at the White House, each face a possible maximum term of 25 years in prison. Each was convicted on New Year's Day of conspiracy, obstruction of justice and three counts of perjury.

Mr. Ehrlichman, who was Mr. Nixon's chief domestic affairs adviser, and who has already been sentenced to a prison term of 20 months to five years for his conviction in the so-called plumbers case, faces a possible term of 20 years for his conviction of conspiracy, obstruction and two counts of perjury.

The fourth defendant, former Assistant Attorney General Mardian, faces a possible five-year sentence for his conviction on the basic conspiracy count in the three-month Watergate trial—conspiracy to obstruct justice in the original investigation of the break-in at the Democratic national headquarters in the Watergate complex on June 17, 1972.

The four defendants — the fifth co-defendant in the trial, Kenneth Wells Parkinson, was acquitted—also face possible fines ranging from \$37,000 for Mr. Mitchell to \$10,000 for Mr. Mardian.

Usually, the sentence imposed is substantially less than the possible maximum. Also, most of the sentences served in Watergate-related cases have been relatively brief compared to the maximums allowed.

However, the four defendants in this case were the highest public officials to be convicted in the Watergate affair. Beyond that, they were convicted by a jury after trial, rather than by guilty plea, a factor that often leads to a heavier sentence.

Regardless of what Judge Sirica decides, it may be some time before the four begin to serve any penalty.

Decision Was Expected

All four men said on the day of the verdict that they intended to appeal, a process that could take a year or two.

The procedure now is for the lawyers to file within a few weeks after the sentencing a "notice of appeal" with the United States Court of Appeals. Briefs would be filed some time later.

The judge's decision today had been widely expected by those involved in the case. In-

deed, as Judge Sirica noted in his opinion, many of the points raised by the defendants in their motions had already been raised and disposed of—some in the three-month trial, some in pretrial hearings.

On most of the points, Judge Sirica simply said that they had already been decided. On one, however, the issue of pretrial publicity, he gave a brief defense of his actions. Basically, he said that he had taken the precautionary measures, such as delaying the trial date, that the law required.

Among the new issues was Mr. Haldeman's request for a new trial on the ground that Leon Jaworski, the former special prosecutor, recently said that he had listened to some White House tape recordings by himself. Judge Sirica denied the motion, saying that there was no reason to believe that the tapes Mr. Jaworski heard would have helped Mr. Haldeman's case.

Two Lawyers Suspended

SAN FRANCISCO, Feb. 14 (UPI)—The California Supreme Court today suspended Mr. Ehrlichman and Mr. Mardian from the practice of law. The court based its action on their convictions in Watergate offenses.

The California State Bar had recommended the suspensions.