

Sirica to Dismiss Strachan Charges

By LESLEY OELSNER
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WASHINGTON, March 7—The special Watergate prosecution asked Judge John J. Sirica today to dismiss the charges against the one remaining defendant in the Watergate cover-up case, Gordon C. Strachan.

The prosecution based its request partly on the legal problems surrounding Mr. Strachan's indictment, and partly on the results of the Watergate cover-up trial, in which four former Nixon aides were convicted and one was acquitted.

"The trial of Strachan's co-defendants served the public interest in airing the evidence against Strachan, his co-defendants, and others," the prosecution said, in a motion filed with Judge Sirica at the United States Courthouse here.

Beyond that, the motion said, "there is a significant possibility" that Mr. Strachan "eventually might prevail" with his contention that his prosecution and trial would violate grants of immunity that the Govern-

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ment made to him.

The prosecution motion, signed by the special prosecutor, Henry S. Ruth Jr., and two aides, Peter M. Kreindler and Gerald Goldman, in all probability ends the matter, for prosecution requests for dismissals are almost always granted by the court.

"Mr. Strachan and I are very happy," John M. Bray, the defendant's lawyer, said this afternoon, "and very grateful that Mr. Ruth and his staff gave this such careful and responsible attention."

Mr. Strachan, a 31-year-old lawyer, was an aide at the White House to President Nixon's chief of staff, H. R. Haldeman, one of the four convicted at the trial.

He was indicted along with Mr. Haldeman and other former Nixon aides a year ago, charged with conspiracy to obstruct justice, actual obstruction and making false statements.

His case was severed from that of Mr. Haldeman and four other co-defendants on the eve of trial last fall, however, because of the need to resolve the legal issues about immunity that he had raised regarding his indictment.

Trial Verdict Awaited

Further action on Mr. Strachan's case had been put off pending the end of the trial and the sentencing of the four men convicted at the trial—Mr. Haldeman; former Attorney General John N. Mitchell; John D. Ehrlichman, once Mr. Nixon's chief domestic affairs adviser, and former Assistant Attorney General Robert C. Mardian.

Mr. Strachan, now lives in Salt Lake City and, according to his attorney, is beginning to resume legal work. He was one of the many young men at the White House caught up in the affair that began in June, 1972, with the break-in at Democratic National Committee headquarters in the Watergate complex here.

At the Senate Watergate hearings in 1973 he said that shortly after the break-in he "shredded"—at Mr. Haldeman's behest—files pertaining to the Nixon campaign committee's political intelligence system.

The legal problems surrounding Mr. Strachan's indictment stemmed in part from his appearance before the Senate committee.

Mr. Strachan was given two grants of immunity—a formal one, covering his appearance before the committee, and an earlier, informal grant from the Federal prosecutors who investigated Watergate originally.

Self-Incrimination Feared

Basically, Mr. Strachan contended that his prosecution and trial would violate his Fifth Amendment rights against self-incrimination. He said that he had given testimony incriminating himself only after being promised immunity, and that the prosecution was using, or would use at trial, "immunized"

testimony.

The prosecution contended that the law forbids only the "evidentiary" use of immunized statements.

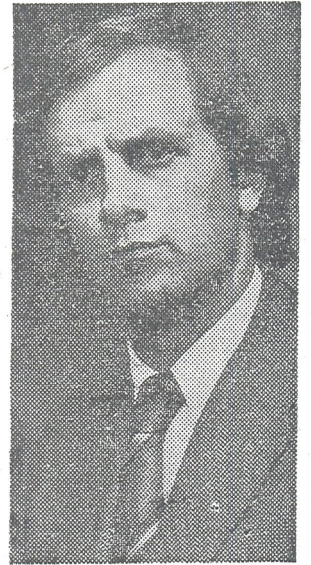
Judge Sirica ruled originally that Mr. Strachan's contentions regarding immunity be decided after trial. The United States Court of Appeals for the District of Columbia Circuit sustained that ruling last Sept. 20, but two of the judges strongly suggested in separate opinions that a pre-trial hearing be held. These statements prompted the prosecution to request and Judge Sirica to grant the severance of Mr. Strachan's case last fall.

The prosecution continued in its brief today to stand by its original position. It said, how-

ever, "We nevertheless do not question that those issues are substantial and that there is a significant possibility that Strachan eventually might prevail on his claims."

The prosecution asked for dismissal, the motion said, "in light of all the circumstances"—the situation regarding immunity—as well as the fact that the trial had "aired" the evidence against Mr. Strachan.

It mentioned one other "circumstance": "Significantly, the indictment and proof at trial ascribed to Strachan a more limited role in the conspiracy than to those recently tried."



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