

Cover-Up Trial Defendants

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The six defendants in the Watergate cover-up case protested through their lawyers yesterday that they will wind up prosecuting one another if they are forced to stand trial together.

U.S. District Court Judge John J. Sirica overruled the complaints and said he would not grant any of them separate trials.

Sirica's ruling came at pre-trial hearings that indicated that some of the defendants are already starting to point accusing fingers at one another.

Lawyers for former Attorney General John N. Mitchell complained that their client was the one most likely to suffer from "the crossfire."

Plato Cacheris, one of Mitchell's lawyers, served notice that if other defendants

"become antagonistic to us, then certainly we must return the favor."

Cacheris said some of the antagonism against Mitchell was already plain from the censored transcripts of White House meetings at which Mitchell was called, among other things, "the Big Enchilada."

Former White House adviser John D. Ehrlichman summed up Mitchell in those words at a March 27, 1973, meeting with Mr. Nixon about how high the Watergate scandal might reach.

"There is antagonism emanating from other defendants," Cacheris said. There is antagonism emanating from the tapes. . . Many of the defendants, in an effort to deflect guilt from themselves, will be imputing guilt to Mitchell."

Ehrlichman's lawyer, Andrew C. Hall, agreed that

"there's going to be a real battle in the courtroom" between the defendants at any joint trial with "one pointing at another and saying, 'He's culpable, but I'm not.'"

In an advance illustration, Jacob Stein, the lawyer for indicted Nixon re-election committee attorney Kenneth Parkinson, told Sirica that there was "abundant evidence" that Mitchell "misled Mr. Parkinson."

Stein said Parkinson was also misdirected by former Assistant Attorney General Robert C. Mardian in the course of Parkinson's efforts to defend the President's re-election committee against a civil suit stemming from the Watergate bugging and break-in.

"When we asked whether to go north, they sent us south," Stein charged. "They absolutely misdirected us." He said Parkinson was told by both

Mitchell and Mardian that there was no connection between the bugging and the President's re-election effort.

Despite the complaints, Sirica said he felt the defendants could get a fair trial, and indicated that he intended to hold Watergate prosecutors to a

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strict standard of proof in establishing the alleged cover-up conspiracy. He said he could still grant relief to individual defendants if it seemed warranted after the government presents its evidence.

At yesterday's hearings, Sirica also ordered Watergate

prosecutors to give the defendants a complete list in the next week of all alleged conspirators.

He told the prosecutors sit down with defense lawyers and see if they could agree on other details the defendants want.