

Sirica: Nixon pardon should not affect outcome of trial

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WASHINGTON (AP) — U.S. District Judge John J. Sirica said Monday that while the pardon granted former President Nixon is "too bad", it should not affect the outcome of the Watergate cover-up trial.

Sirica said his acceptance of a medical opinion that Nixon should not testify at the trial does not give defense lawyers license to use the former President's absence as an argument for acquittal.

"I don't think the fact that he is not here makes any difference," said the judge.

Earlier, John N. Mitchell's lawyer said the evidence in the Watergate cover-up trial has shown his client's misguided loyalty to Nixon was rewarded by a decision to make the former attorney general "the fall guy" of Watergate.

"He was going to be the fall guy," Atty. William G. Hundley told the jury.

"He was going to take the blame for Watergate."

Hundley, giving the second of the defendants' closing arguments to the jury, said only Jeb Stuart Magruder, "a confessed perjurer," has testified that Mitchell gave his approval for the original Watergate bugging and burglary.

Without proof that Mitchell approved the June 17, 1972, break-in, Hundley said there is no motive for Mitchell to have taken part in the cover-up.

Mitchell, former director of Nixon's 1972 re-election campaign, is accused with the other four defendants of conspiring to block the investigation into the burglary at Democratic National Committee headquarters.

Hundley noted that the 61-year-old Mitchell appears in only one of the 31 White House tapes heard by the jury.

That tape records a March 22, 1973, meeting when Mitchell was called from

Washington to New York by defendants H. R. Haldeman and John D. Ehrlichman. The lawyer noted suggestions made the day before the meeting by former White House counsel John W. Dean III that Mitchell be the one to confess to okaying the burglary.

Hundley said the evidence in the trial shows that instead it was former special White House counsel Charles W. Colson and deputy campaign director Magruder who set the illegal bugging plan in motion. The lawyer argued that Haldeman, Ehrlichman and Nixon could not blame Colson because all four of them worked together in the White House.

He said that Watergate conspirator E. Howard Hunt addressed his blackmail threats not to Mitchell but to "senior White House officials" for whom Hunt had carried out other illegal activities before Watergate.

"John N. Mitchell was never a senior White House official, or even a junior White House official," said Hundley.

Before Hundley's argument, U.S. District Judge John J. Sirica announced that contrary to earlier plans, there will be no court held Tuesday, Christmas Eve. Final arguments by defense lawyers are to continue Thursday with the jury now unlikely to begin their final deliberations on Friday.

Earlier Monday, Frank Strickler, a second lawyer for Haldeman, completed his client's final summary for the jury.

Strickler portrayed Haldeman as a busy close aide in the Nixon White House who spent a tiny amount of time on Watergate.

"Watergate matters were no more than a pimple on the mound of his other duties," Strickler said.

Besides Haldeman, Ehrlichman and Mitchell, the other two defendants in the case are Kenneth W. Parkinson, a former lawyer for the re-election committee; and Robert C. Mardian, a former assistant attorney general.