

Mitchell

Asks Trial
Delay

Washington

Former Attorney General N. Mitchell formally requested yesterday a postponement of the Watergate coverup trial on grounds that former President Nixon's resignation and the televised House Judiciary Committee impeachment hearings make it impossible to select an impartial jury now.

In a motion filed with U.S. District Judge John J. Sirica, Mitchell's attorneys said, "President Nixon's forced resignation has heightened the public view that Nixon and his close associates (such as Mitchell) were criminal conspirators in Watergate."

Mitchell's attorneys also cited the Judiciary Committee hearings, saying: "The pro-Nixon forces on the House committee held to the view that clearly Mitchell and others were guilty of serious crimes in Watergate but not Nixon.

"The pro-impeachment members of the committee argued to the nationwide audience that Nixon was guilty along with Mitchell and the other conspirators.

"The one thing that all 38

members agreed on was that Mitchell was criminally involved in Watergate."

The defense lawyers said special Watergate prosecutor Leon Jaworski had opposed postponement in part because there was previously no indication when widespread publicity about Watergate might end.

"With Nixon gone," the brief said, "the nightmare of Watergate is going to diminish and in the foreseeable future the climate of going to be more conducive to providing these defendants a fairer trial than they could receive on Sept. 9, 1974."

Another of the defendants, former White House domestic affairs adviser John D. Ehrlichman, already had asked for a minimum two months delay and Sirica said yesterday he expects the same request from lawyers for the other four defendants.

The judge said he hopes to hold a hearing on the motions for postponement later this week.

In an impromptu question-and-answer session with reporters in the U.S. District Courthouse, Sirica had no

comment when asked if the trial, now scheduled for September 9, might be postponed.

Previously, Sirica had turned down several attempts by defense attorneys for postponement.

Meanwhile, Sirica said that he will have turned over by today nearly half the tapes sought by the special Watergate prosecutor for use in the Watergate coverup trial.

Sirica, who has been listening to the tapes to decide their relevancy to the case, said 17 new tapes will go to the prosecutor.

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