

# Mitchell Was 'Kept in Dark On Coverup'

Washington

The jury at the Watergate coverup trial heard the end of the prosecution's long and substantial case yesterday and then, a few hours later, the beginning of one of the defendants' cases — that of former attorney general John N. Mitchell.

Mitchell's lawyer told the jury that Mitchell had been "kept in the dark" about the coverup by people at the White House who wanted to "set him up."

Mitchell's attorney, William G. Hundley — unlike the attorney for John D. Ehrlichman, a second defendant, in his opening statement several weeks ago — did not specifically lay the blame on former President Nixon. The implication, however, was clear.

The jury had heard several tape recordings in which Mr. Nixon and others discussed the possibility of "sacrificing" Mitchell and letting him take the responsibility for Watergate.

"All I ask," Hundley said to the jury, "is don't you judge John Mitchell the way you heard him judged on those White House tapes by that White House jury."

The prosecution rested its case at noon, having presented 28 witnesses, 28

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White House tape recordings and two other tape recordings in 29 days of testimony.

Chief prosecutor James F. Neal, told the court afterwards out of the presence of the jury that a conspiracy "has been established beyond question, a conspiracy to obstruct justice and defraud the United States."

The judge dismissed, as he had previously indicated he would, two of the counts in the 12-count indictment — the counts charging Mitchell and Ehrlichman with making false statements to a government agency when they told FBI agents in July, 1972, that all they knew about Watergate was what they had read in the newspapers.

The judge had previously

questioned both the law on which the two counts were based and the quantity of proof offered by the prosecution. However, he denied all the other motions made by defense attorneys for directed verdicts of acquittal.

Technically, that meant that he ruled that the government had established a prima facie case on each of the other ten counts — the basic conspiracy count against all five defendants, including Xitchell, Ehrlichman and Kenneth Wells Parkinson; the obstruction of justice count against all but Robert C. Mardian; the other counts charging false statements by Mitchell; the two other counts charging false statements by Ehrlichman, and the other counts charging false statements by Haldeman.

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