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**PROSECUTOR GIBES
AT 5 AT COVER-UP**

**Neal, Starting Summation,
Accuses Defendants and
Nixon Over Watergate**

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Special to The New York Times

WASHINGTON, Dec. 19—The chief prosecutor at the Watergate cover-up trial began his final argument to the jury today after 46 days of testimony and accused, mocked and scorned the five defendants.

The prosecutor, James F. Neal, also accused and scorned former President Richard M. Nixon, who had been named a co-conspirator in the cover-up but not indicted.

Mr. Neal told the jury that under the "directions" of Mr. Nixon, H. R. Haldeman and John D. Ehrlichman—the last two were Mr. Nixon's chief White House aides and are now defendants at the trial—the Federal Bureau of Investigation's inquiry into the break-in at Democratic headquarters in the Watergate apartment complex was "thwarted" from June 23 to July 6, 1972.

"It was thwarted, it was

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stopped, it was killed in its tracks for two weeks," he said. "And that was the obstruction of justice."

The five defendants are charged with conspiring to obstruct justice.

Mr. Neal read to the jury from a transcript of the tape recording of Mr. Nixon's conversation with Mr. Haldeman on the morning of June 23, 1972, six days after the break-in, when the two men discussed the political embarrassment that would result in the F.B.I.'s inquiry into the break-in were pursued.

In that conversation, Mr. Haldeman suggested and Mr. Nixon agreed and ordered that the C.I.A. be used to intervene in the F.B.I. inquiry. Later that day, Mr. Haldeman carried out the order by telling the deputy director of the C.I.A. to tell the head of the F.B.I. that that agency's inquiry might uncover C.I.A. activities.

"Can you imagine?" Mr. Neal

asked in a tone of disgust midway through his reading of the transcript.

"This is the President," he said, with scorn, a few minutes later.

Mr. Neal was also scornful and seemingly disgusted as he described to the jury other events or allegations involving Mr. Ehrlichman and Mr. Haldeman and their three co-defendants.

The three co-defendants are former Attorney General John N. Mitchell, former Assistant Attorney General Robert C. Mardian and Kenneth Wells Parkinson, a Washington lawyer who was hired by the Nixon re-election committee, which Mr. Mitchell headed and for which Mr. Mardian worked, to handle the litigation stemming from the Watergate break-in.

And, though Mr. Neal got only partly through his summation by day's end, with the rest scheduled for tomorrow morning, he repeatedly leveled accusations at the various defendants, citing the testimony at the trial as proof.

He told the jury that Mr. Mitchell had authorized the intelligence gathering plan that led to the break-in, that he had ordered the destruction of documents and had approved perjury.

He said that Mr. Parkinson had "passed messages" from the Watergate burglars to the defendants to give money and clemency. According to the prosecution, the commitments were made to the burglars in return for their silence on Watergate.

'Cover Story' Cited

He said that Mr. Mardian had participated with Mr. Mitchell and others in the preparation of a "cover story," and that he had stood by doing nothing as Jeb Stuart Magruder, the deputy director of the campaign prepared to and then did commit perjury.

He said that Mr. Ehrlichman had authorized a "covert" operation to get the psychiatric records of Dr. Daniel Ellsberg, and that he, too, had ordered the destruction of documents.

Mr. Neal said that Mr. Haldeman—along with Mr. Nixon—gave John W. Dean 3d, then the President's counsel, a "pat on the head" on Sept. 15, 1972, the day that the original Watergate indictment was returned, naming only the five burglars and their next-in-command.

Mr. Neal began his summation in mid-afternoon, after testimony had come to a close.

There had been more than 80 witnesses, in the weeks

since the prosecution's opening statement, 28 called by the prosecution and the rest by the defendants, particularly Mr. Mardian and Mr. Parkinson.

Mr. Neal's summation was the high point of the day. It had been awaited impatiently in and around Judge John J. Sirica's second-floor courtroom at the United States Courthouse here. The line of people waiting for seats was even longer than usual.

Mr. Neal was so clearly eager to get the testimony finished that at one point this morning Judge Sirica smiled and said, "You're so eager to get started you're like a racehorse."

Judge Sirica seemed to share that impatience a few hours later when defense lawyers were making motions out of the jury's presence regarding such things as documents that they wanted submitted to the jury.

"What difference does it make?" he asked. He also complained that the lawyers were taking too long.

By the time the jury was to be called in to hear Mr. Neal's summation, the atmosphere in the court approached that of an opening night on Broadway.

Mr. Neal started by telling the jurors that the purpose of his statement was to "marshal" the evidence to remind them of what had been testified to, to put it all in context. Then he turned to the subject of the case.

He said that the case involved obstruction of justice, conspiracy to obstruct justice and perjury.

"It has been said that the pursuit of justice is mankind's noblest effort on earth," he said. "Sadly enough," he added, a motto to that effect is inscribed on the Department of Justice, because that was where Mr. Mitchell, when he was Attorney General, held the initial meetings at which the intelligence gathering plan was discussed.

Mr. Neal's tone became somber. He went on:

"Justice and its pursuit is an elusive goal. The court system is a delicate instrument which works only if it is not impeded or tampered with, and if it gets the facts and evidence. Justice requires access to documents, evidence, and true testimony from people with information.

"If people can be improperly induced to remain silent, injustice will be done in one trial, and then another, and then there'll be on justice for any of us."

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