

# Nixon Called The 'Maestro' Of Watergate

Washington

Two defense attorneys at the Watergate trial portrayed former President Richard M. Nixon yesterday as "the orchestra leader" and "the maestro of the White House band" who bore chief responsibility for any coverup conspiracy.

The lawyers, William Snow Frates and William G. Hundley, told jurors in closing arguments that former presidential aide John D. Ehrlichman and former Attorney General John N. Mitchell acted only out of loyalty to Mr. Nixon and committed no criminal acts.

Noting that chief prosecutor James F. Neal had told the jury last week that the trial's five defendants were players in an orchestra, Frates, who represents Ehrlichman, declared:

"Ladies and gentlemen, we're missing one person — the orchestra leader."

Hundley said Mitchell, his client, had played no role in any coverup conspiracy. But Mr. Nixon "obviously had plenty of knowledge my client didn't have," he said.

"While the maestro of the White House band might have orchestrated some pretty strange tunes, it is clear that John Mitchell was not one of the boys in that band," Hundley said.

Later, after excusing jurors for a two-day Christmas recess, U.S. District Judge John J. Sirica asked defense attorneys how heavily they intended to blame Mr. Nixon for criminal charges pending against their clients.

"It seems to me we ought to settle how far any of you should go on this matter," Sirica said, addressing his remarks to Frates.

The judge said he didn't think President Ford's pardon of Mr. Nixon should affect the coverup case at all. He appeared at one point to say the pardon was "too bad," but his voice broke off in the middle of a sentence.

"Take the question of the pardon," Sirica said. "It doesn't have any relation to or not he was pardoned. It's too bad . . . Well, I guess I'd better not say what I'm thinking. But the pardon doesn't have any relation to whether these defendants are guilty of the alleged conspiracy."

Although Hundley had completed his arguments, Frates said he would need two to three more hours for

his final presentation when the trial resumes Thursday.

Sirica said he didn't think the trial evidence showed that "everyone did everything at all times at the specific direction of the President." Even if they did, he said, the defendants are intelligent men over 21 years old who are not bound to obey improper commands.

Frates said Mr. Nixon's involvement and authority were relevant to the case because they bore upon Ehrlichman's intent. He said Ehrlichman, for example, sought to keep secret the activities of the White House "plumbers" unit only because Mr. Nixon had ordered that this alleged national security operation not

Prosecutors have charged that Ehrlichman took part in a Watergate coverup partly to keep Watergate burglar E. Howard Hunt Jr. from revealing the 1971 break-in at the office of Daniel Ellsberg's psychiatrist, a "plumbers" operation that Ehrlichman had helped set in motion.

Sirica said he would explore the Nixon issue further on Thursday before jurors return to the courtroom. Because arguments by attorneys have taken longer than Sirica expected, the judge's aides said they thought jurors would not begin deliberating the case until Friday.

In reviewing his case for the jury, Frates said Ehrlichman was "literally tossed out into the street" by Mr. Nixon on April 30, 1973 despite the fact that Mr. Nixon told him, "You've been my conscience."

Hundley, speaking of Mitchell, told the jurors:

"Everything that Mr. Mitchell did in Watergate, he did not do to protect himself or to help himself — because he didn't do anything wrong — but because he believed in and trusted and was completely loyal to President Nixon."

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