

## Mitchell Brief Says Silbert Warned Him In '73 of Indictment

WASHINGTON, Aug. 4 (UPI) — Former Attorney General John M. Mitchell was told by Earl J. Silbert as early as April, 1973, that he would be indicted, according to Mr. Mitchell's appeal brief in the Watergate cover-up conviction. Mr. Silbert was then principal Assistant United States Attorney here and leader of the three-man Watergate investigation team.

Mr. Silbert's nomination to be United States Attorney for the District of Columbia is being returned to the White House by the Senate Judiciary Committee, where it has been delayed for months because of charges that he failed to pursue the original Watergate investigation vigorously.

In his 151-page brief, filed

in the United States Court of Appeals for the District of Columbia, Mr. Mitchell said that he appeared before the Watergate grand jury without counsel on Sept. 14, 1972, a day before the indictment of the seven-man burglary team.

Mr. Silbert subpoenaed Mr. Mitchell the following April and informed him that he was "a target of the investigation," the brief said.

After Mr. Mitchell's testimony, April 20, 1973, the brief said, Mr. Silbert "made it crystal clear that Mr. Mitchell could expect to be indicted."

Both Presidents Ford and Richard M. Nixon nominated Mr. Silbert to be United States Attorney, a position he now holds under special appointment by the Federal judges of the District of Columbia.