



Arriving at the courthouse yesterday (from left) prosecutor Peter Kreindler and Watergate defense lawyers William Hundley, William Frates and John Wilson

AP Wirephoto

SFChronicle

JAN 7 1976

Watergaters' Plea on Nixon

Washington

Lawyers for the four convicted Watergate conspirators said yesterday their clients should have a new trial so that Richard Nixon — "the producer, the director and the main character in this trial" — could testify.

One year and five days after the close associates of the former President were convicted of conspiracy, their lawyers argued for a new trial in the U.S. Court of Appeals for the District of Columbia.

The decision on the plea for a new trial was not expected for several months and the defense lawyers said if they failed at this level, they would appeal to the Supreme Court.

John J. Wilson, lawyer for former Nixon aide H.R. Halde- man, said the Watergate case became a "crime of passion." He said "the American people were brought to a white heat" by publicity surrounding the cover-up investigation by the media, Congress and the special Watergate prosecutor's office.

John D. Ehrlichman's attorney, William S. Frates, told the six-judge appellate bench that Mr. Nixon's testimony was indispensable to a fair trial.

"Here is the producer, the director and the main character of what this trial is all about — the President," Frates said. He said Mr. Nixon's testimony "was the heart of our case, and to

deprive John Ehrlichman of his right to have Nixon's testimony, I submit, is a gross violation of Mr. Ehrlichman's constitutional rights."

Ehrlichman, Halde- man, Attorney General John N. Mitchell and his former deputy Robert C. Mardian were all convicted of conspiring to obstruct justice in the Watergate cover-up. All except Mardian were also convicted of perjury.

Mardian was sentenced to 10 months to 3 years in prison. The others were given 2½ to 8 year terms. None has served a day in prison.

Of the defendants, only

Mardian was in court for the appellate arguments.

Peter Kreindler, representing the special prosecutor's office, said the evidence in 12,450 pages of district court trial transcript revealed "a massive conspiracy by the President (Nixon) and his close aides to obstruct justice . . . the proof of their guilt is overwhelming."

Kreindler said Mr. Nixon's probable testimony was available from others, and the White House tapes were insurmountable proof of conspiracy.

"Mr. Nixon can't help them," Kreindler said. "Is he going to come into this court and say 'I deceived you, I lied to you?'"

United Press