

# Prosecution at Watergate Cover-Up Trial Seems to Have Strong, Dean-Aided Case

By CAROL H. FALK

Staff Reporter of THE WALL STREET JOURNAL

WASHINGTON—As "round one" in the Watergate cover-up trial of five former Nixon aides nears its close, a couple of things are becoming apparent:

—The Watergate Special Prosecution Force has an impressively strong case, as outlined by the lead-off witness, former White House Counsel John Dean, and buttressed by the devastating tape recordings of presidential conversations.

—The defendants, who have contended all along that they can't get a fair trial and who are spending almost as much time contesting presiding Judge John Sirica as they are the prosecution's facts, may be placing their best hope for acquittal on the Court of Appeals.

By yesterday, attorneys for the three major defendants had gotten a crack at cross-examining Dean and his stint on the witness stand may wind up today.

After seven days of testifying, including 2½ days of cross-examination, John Dean hasn't really told the jurors much more than had already come out in the Senate Watergate Committee Hearings or the House Judiciary Committee's impeachment inquiry. In fact, the first two weeks of the trial have generally been better theater than news, what with the playing of tapes of previously reported White House conversations, lawyerly jousting, an occasional judicial joke and even one or two good shouting matches.

None of the shouting, however, has been done by John Dean, who is just about the perfect prosecution witness. Boyish, earnest and businesslike, he comes across as absolutely emotionless, never once raising his voice regardless of how he's challenged or denigrated by cross-examining lawyers.

## All Dirt Has Been Dug

Currently serving a one-to-four-year sentence for conspiracy to obstruct justice, the self-confessed Watergate cover-up participant still displays the computer-like memory that impressed observers of the Senate Watergate hearings last year. And he has an additional advantage as a witness today: All the dirt that could possibly be dug up on him to damage his credibility has already been well publicized by those seeking to defend the Nixon White House. That leaves the defense attorneys without any new shockers to rattle Dean or stun the jury.

As a result, Dean can calmly and politely say, "yes sir" when asked whether he didn't during one period join a plan to blame former Attorney General John Mitchell for the cover-up just to save his own skin, or whether he withdrew \$4,850 from a White House cash fund of remaining campaign money and used it for his honeymoon and other expenses for six months.

Equally important, Dean, as he told President Nixon in one of the taped conversations, was "all over" the Watergate cover-up "like a blanket." He's able to lay out in orderly fashion details of meetings, phone

calls and memos that incriminate every one of the five defendants—Mr. Mitchell, who was director of Richard Nixon's re-election campaign; H. R. (Bob) Haldeman, White House chief-of-staff; John Ehrlichman, Mr. Nixon's chief domestic adviser; Robert Mardian, a former assistant attorney general and Nixon re-election committee official, and Kenneth Parkinson, a lawyer for the re-election committee.

Moreover, it's evident that the prosecutors have corroboration for many of the crucial details Dean is relating, not only in the Nixon tapes, but from others present at the conversations. For example, Jeb S. Magruder, deputy campaign director who has already served a prison term for the Watergate affair, was in on many of the same sessions and is scheduled to testify for the prosecution.

## Finger-Pointing to Prevail

The defendants have an additional problem inherent in a conspiracy case—their fellow defendants. As Mr. Ehrlichman's lawyer, William Frates, observed yesterday, "There is finger pointing in this courtroom and there will probably be more of it." He himself is defending Mr. Ehrlichman by blaming the Watergate cover-up on former President Nixon, on John Dean and, by implication, on Mr. Haldeman. Mr. Ehrlichman has subpoenaed Mr. Nixon to testify at the trial, but the former President reentered a California hospital Wednesday night for further tests on his recurrent phlebitis.

Mr. Haldeman's attorney seems to be painting the cover-up as a scheme to conceal the activities of the White House "Plumbers"—a special-investigations unit under the general supervision of Mr. Ehrlichman. And Mr. Mitchell's attorney tried to get Dean to blame the entire Watergate affair on the White House crew and their agents at Mr. Mitchell's re-election committee.

A special irony of this case is that all five

defendants are charged with violating the law against conspiracy—a complicated and broad measure that the Nixon administration's Justice Department used widely against anti-Vietnam war demonstrators. In addition, all the defendants except Mr. Mardian are charged with obstructing justice and Messrs. Mitchell, Haldeman and Ehrlichman are accused of lying to various investigative bodies.

It's a reflection of the massive nature of the prosecution's evidence that the defense attorneys aren't trying very hard to break down Dean's basic story. Mostly, they're attacking his character, his credibility and his memory.

Yesterday, as Mr. Frates was dwelling on Dean's own complicity in the Watergate cover-up, Judge Sirica interjected, "I don't think anyone's trying to paint this gentleman as a lily-white angel in this case." Earlier, Mr. Mitchell's lawyer, William G. Hundley, chipped away at discrepancies in Dean's past testimony, but the witness blandly explained them away and remained unshaken.

## Wilson's Actions Spur Questions

Mr. Haldeman's attorney, John J. Wilson, spent so much time in tedious and repetitive questioning that some observers wondered whether the veteran attorney had lost his touch or whether he might be intentionally trying to annoy Judge Sirica into an impatient remark or hasty ruling.

One unguarded Sirica comment came yesterday during a discussion of the early 1972 meetings in then-Attorney General Mitchell's office where campaign aide G. Gordon Liddy allegedly first presented the "intelligence" plan that led to the June 17, 1972, break-in at Democratic headquarters in the Watergate office building. "It's too bad Mr. Mitchell didn't say, 'Throw them out of here—get them out of here fast,'" observed Judge Sirica. If that had happened, he added, "you wouldn't be in this courtroom today." The judge said that the jury, which had already been dismissed for lunch, hadn't heard his remark. So, he said, "No harm has been done." However, defense attorneys are likely to use that remark to try to show the judge's state of mind on the Watergate case.

Mr. Wilson and the other lawyers in the case have made it clear they are collecting what they regard as "errors" on the part of Judge Sirica that they could use to press an appeal, should the jury trial result in conviction. There's little doubt that Judge Sirica is conducting a somewhat unorthodox and informal trial. He acknowledges that he is allowing "a little latitude" when it comes to admissibility of evidence and questioning of witnesses.

He stated the obvious Wednesday when he declared he wasn't trying the case according to "strict rules of evidence." He repeatedly makes it clear he wants the full Watergate story to come out in the course of the trial, even spelling his goal for the jury—"T-R-U-T-H".

The Judge has told the defense attorneys several times that their objections will be in the record of the trial and "if I have committed error, and the case reaches the Court of Appeals some day, the Court of Appeals can correct my error." He doesn't operate "with one eye on the Court of Appeals," he added.