

Cover-up Trial Begins

90 Potential Jurors Balk At Serving

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The Watergate cover-up trial started yesterday, bringing together five of former President Nixon's aides and campaign advisers for a final judgment on the scandal that toppled him from office.

The beginning was slow and undramatic. More than half of the prospective jurors who reported for duty were troubled by the thought of how long the trial would take. By mid-afternoon, 90 of them had been excused by U.S. District Court Judge John J. Sirica because of the impositions it would have placed on their personal lives.

The remaining 65 were told to stand by for further questioning at secret sessions later this week. All tacitly indicated they were willing to serve and all remained silent when asked whether there was anything that would prevent them from deciding the cover-up allegations "fairly and impartially."

Judge Sirica began the session with a nutshell summary of the case and the warning that it could take three to four months before it was over.

Sirica pledged "every effort" to wind up the trial before the Christmas holidays, but emphasized that he could make no promises. Meanwhile, he announced, the jury will be sequestered each night in a nearby motel until a verdict is reached.

Invited in carefully chosen words to submit any personal excuses they might have, dozens of the 155 Washingtonians summoned for service eventu-

ally stood up. One man fainted and was promptly sent home.

Most of the rest of the day was spent in questioning those who balked at serving. They were heard one by one, first in quiet huddles at the bench and then in a large conference room where Watergate prosecutors and defense lawyers could spread out.

Sirica later moved back into open court for general questioning of the 65 potential jurors who were left. One man said his father knew former CIA director Richard Helms, who is expected to be called as a witness. Another man volunteered that his mother had once been arrested and subsequently fined for joining a sit-in at the Pentagon. Of the prospective panelists, 18 said they had gone through jury duty before.

But none spoke up when Judge Sirica asked the final question of the day: whether any could not presume the five defendants to be innocent men despite all the publicity about the Watergate scandal over the past 2¼ years.

Judge Sirica will go through the same process today with a fresh pool of 175 who have

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been told to report for jury duty starting this morning.

U. S. District Court clerk James F. Davey estimated that this would produce approximately 65 more prospective panelists to add to yesterday's 65. All will then go through further intensive questioning by Judge Sirica.

Judge Sirica opened the trial in the spacious ceremonial court room on the sixth floor of the U. S. courthouse here at 9:29 a.m. according to the sluggish clock on the panel's west wall. Hours went by before he even mentioned the word, "Watergate," or asked whether any of those who had been summoned personally knew a potential witness named "Richard M. Nixon."

About a dozen demonstrators gathered outside on John Marshall Place with a scattering of signs that read: "Rocky Paid for the Pardon . . . Support Nixon's Clot . . . Nixon and Rocky Planned It All."

One heavysset man in a



JOHN N. MITCHELL
... four perjury counts

denim jacket spat at former White House aide John Ehrlichman as he walked in with his wife and lawyers. One of Ehrlichman's attorney lunged back at him, but the man darted away. He refused to give his name to newsmen, saying only that he was a Yippie who

used pseudonym of "Sebastian Cabot."

Besides Ehrlichman, four other defendants filtered upstairs, apparently without other incident, and took their places.

Former White House chief of staff H.R. (Bob) Haldeman, tanned and looking cheerful, came in smiling, kissed Ehrlichman's wife on the cheek, and chatted amiably with Ehrlichman before taking his place.

Former Attorney General John N. Mitchell, pale-skinned despite a summer on Long Island, took a seat at one end of a second defense table. Nearby was his onetime aide, both at the Justice Department and later at the Committee for the Re-election of the President, former Assistant Attorney General Robert C. Mardian.

The last defendant, Nixon re-election campaign lawyer Kenneth Wells Parkinson, sat with his attorney at a back bench as though the trial had nothing to do with him.

The proceeding began amid



H.R. (BOB) HALDEMAN
... cheerful at proceeding

a flurry of unresolved questions, including the key issue of whether former President Nixon, still confined in a California hospital for treatment of phlebitis, will be required to testify.

Mr. Nixon has been subpoenaed to be on hand as a wit-

ness starting yesterday, but Sirica has said he would wait for a promised report on his health before taking any action. Mr. Nixon's lawyers have told the judge they would submit it by Thursday.

The question of Mr. Nixon's involvement in the cover-up is expected to dominate the trial, even if he never shows up.

There was no hint of that in yesterday's record, however, as a clerk proclaimed it "the case of the United States vs. John Mitchell et al" and the judge swore in all the prospective jurors in the room for what he described, even more vaguely, as "a criminal case."

Summing up the indictment, which he stressed was "simply an accusation returned by a grand jury and nothing more," Sirica pointed out that it now includes 12 counts, starting with the key charge of a 21-month conspiracy to obstruct justice that began on June 17, 1972.

According to the Watergate grand jury, the cover-up began that day just a few hours after the discovery of the bugging and break-in at Democratic National Committee headquarters at the Watergate office building here. In returning the indictment last March 1, the grand jury charged that the cover-up was still going on even then.

All five defendants have been accused of conspiracy and all except Mardian have been charged with carrying it out and actually obstructing justice.

In addition, Mitchell has been accused on two counts of lying to a grand jury, one count of perjury before the Senate Watergate committee, and one count of lying to the FBI. Haldeman faces three counts of perjury before the Senate Watergate committee and Ehrlichman, one count of lying to the FBI and two counts of lying to a grand jury.

All of the charges are felonies carrying maximum prison terms of five years each and varying fines from \$2,000 to \$10,000.