



JOHN EHRLICHMAN & WIFE JEANNE ANSWER PRESS QUESTIONS FOLLOWING VERDICT; ROBERT MARDIAN & WIFE DOROTHY LEAVE COURT

JEFF TAYLOR

MICHAEL EVANS

## THE NATION

### WATERGATE

# A Fateful Trial Closes a Sorry Chapter

A former Attorney General of the U.S.: guilty. One of his top assistants: guilty. A President's once powerful chief of staff: guilty. The same President's highest adviser on domestic affairs: guilty. In effect and in absentia, the disgraced and deposed President himself: guilty.

By the time the results of the Watergate conspiracy trial interrupted the escapist football reveries of a scandal-weary public on New Year's Day, the essential details of the nation's worst siege of politically motivated criminality had long been distressingly familiar. Yet the soundly based judgment of a Washington federal jury carried a ring of authority and finality that seems certain to sound a warning into the future. The message from the jury of twelve citizens was clear: no matter how powerful their position, officials entrusted with shaping and enforcing the nation's laws cannot violate those laws without risking personal retribution.

**Bad News.** News of the impending verdict had galvanized defendants, attorneys and reporters waiting in Washington's U.S. Courthouse. Quickly they filled austere Court Room No. 2, in which Federal Judge John J. Sirica had presided over 61 days of legal argument, testimony and the playing of 34 tapes since the trial opened on Oct. 1. Sirica entered the room at 4:47 p.m. and faced the jury foreman, John Hoffar, a pale, retired superintendent of park police. Did the jurors have a verdict? "Yes,

they have," Hoffar replied impassively.

Hoffar submitted a sealed manila envelope. Sirica directed Court Clerk James Capitanio to read its contents aloud. The reading was swift and spare. First the name of each defendant. Then the number of each count charged against each man in the indictment. After each count, the terse declaration: "Guilty" or "Not guilty." For four of the five defendants, the news was devastatingly identical: guilty on all counts.

John Mitchell's face flushed. As Attorney General, he had been the highest law-enforcement official in Richard Nixon's stern law-and-order Administration; he had been the President's most intimate political adviser and head of the Nixon re-election committee. Now he stood convicted of conspiracy, obstruction of justice and three counts of lying to a grand jury and the Senate Watergate committee. Maximum possible prison term: 25 years.

H.R. (Bob) Haldeman's expression hardened. Once Nixon's briskly efficient Oval Office guardian and a superpatriot who had publicly equated the acts of Viet Nam War protesters with treason, Haldeman was also pronounced guilty of conspiracy, obstruction of justice and three charges of giving false testimony. Maximum sentence: 25 years.

John Ehrlichman expressed no emotion. The former director of the Domestic Council under Nixon, he was found guilty of conspiracy, obstruction of justice and two counts of lying. Pos-

sible maximum sentence: 20 years.

Robert Mardian's shoulders shook. He slumped into a chair, held his head in his hands and seemed to be sobbing. As chief of the Internal Security Division of the Justice Department under Mitchell, he had supervised some of the Nixon Administration's unsuccessful conspiracy cases against political dissidents (including the Camden 28 and the Philip Berrigan-Elizabeth McAlister prosecution). Now he was convicted of conspiracy. Maximum possible term: five years.

**Tortuous Trail.** The only good news was reserved for Kenneth Parkinson, a mild-mannered Washington attorney. Hired by the Nixon re-election committee to defend it against a civil suit brought by the Democratic National Committee, which had been burglarized at the Watergate, he was acquitted of the two charges against him: conspiracy and obstruction of justice. His eyes were moist with tears of relief as his attorney, Jacob Stein, slapped him on the back.

After Sirica thanked the jurors for their service and urged them to preserve the dignity of the judicial system by not disclosing what had transpired in their deliberations, Mitchell graciously reached over to seize Parkinson's hand and offer: "Congratulations." Although clearly shaken, Mitchell consoled his crestfallen attorney, William Hundley, whispering, "Don't take it too hard." From a second-row seat, Mardian's wife

**THE NATION**

Dorothy stuck out her tongue at both judge and jury and made a "razzberry" sound.

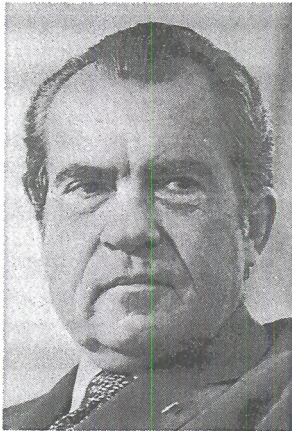
So ended a series of criminal investigations in which three determined special prosecutors—Archibald Cox, Leon Jaworski and Henry Ruth—had exposed a tortuous trail of official deceit at the highest levels of the Nixon Administration. The cover-up that came apart under the prosecutors' attack had been undertaken to conceal the origins of the electronic eavesdropping of the Democratic National Committee offices on June 17, 1972. Shredding evidence, buying the silence of hired burglars with promises of clemency and secret pay-

ments of cash, lying both publicly and under oath, abusing the FBI, CIA and Justice Department—all those tactics were involved. The aim was first to ensure the re-election of Nixon in 1972, later to keep him in power.

**Ghostly Presence.** Technically, Nixon was not on trial—he had, after all, been pardoned by Gerald Ford. But he had also been named a co-conspirator by the original Watergate grand jury. He had not been indicted only because Jaworski had held that impeachment rather than court prosecution was the legally sound way to deal with criminal activity by a sitting President. Too ill to testify, although subpoenaed by

Ehrlichman, Nixon remained a ghostly presence throughout the trial.

The former President's own words, trapped on the White House tapes that he had so secretly and self-destructively made and preserved, left no reasonable doubt, if any still lingered, that he had been the key figure in the cover-up conspiracy. He had ordered his aides to direct the CIA to block temporarily the FBI's investigation of bank checks that had helped finance the burglary. No fewer than ten times during the celebrated March 21, 1973, "cancer on the presidency" talk with John Dean, he had approved meeting Burglar E. Howard Hunt's demands for hush money. De-

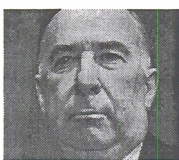


**RICHARD M. NIXON**

## A Gallery of the Guilty

*In all, 26 former Nixon aides and agents have pleaded guilty or been convicted in the scandals known collectively as Watergate. The criminal acts involve the break-ins and bug-ging at Democratic national headquarters in Washington, the subsequent cover-up, various acts of sabotage against the Democrats in the 1972 presidential campaign, secret payments of hush money to the Watergate burglars, the burglary of the office of Daniel Ellsberg's psychiatrist, Richard Nixon's federal tax return claims and perjury in connection with the investigation into a possible connection between the settlement of antitrust suits against the International Telephone & Telegraph Co. and its pledges of money for the Republican National Convention. The former President, named an unindicted co-conspirator by the Watergate grand jury for his role in the cover-up, was pardoned by his successor Gerald Ford for all offenses that he may have committed during his 5½ years in office. Here is a listing of the men who have been found guilty and the offices they once held:*

*identical campaign, secret payments of hush money to the Watergate burglars, the burglary of the office of Daniel Ellsberg's psychiatrist, Richard Nixon's federal tax return claims and perjury in connection with the investigation into a possible connection between the settlement of antitrust suits against the International Telephone & Telegraph Co. and its pledges of money for the Republican National Convention. The former President, named an unindicted co-conspirator by the Watergate grand jury for his role in the cover-up, was pardoned by his successor Gerald Ford for all offenses that he may have committed during his 5½ years in office. Here is a listing of the men who have been found guilty and the offices they once held:*



**JOHN N. MITCHELL**, 61, Attorney General, later head of Nixon's 1972 re-election campaign. Convicted of conspiracy, obstruction of justice and three counts of lying; awaiting sentencing.



**HARRY ROBBINS HALDEEMAN**, 48, White House chief of staff. Convicted of conspiracy, obstruction of justice and three counts of perjury; awaiting sentencing.



**JOHN D. EHRLICHMAN**, 49, chief domestic affairs adviser. Convicted of conspiracy, obstruction of justice and two counts of perjury; awaiting sentencing. Also convicted of conspiracy in the Ellsberg break-in and two counts of perjury for lying about his awareness of a White House plan to get a psychological profile of Ellsberg; appealing a sentence of 20 months to five years.



**ROBERT C. MARDIAN**, 51, attorney for the Committee for the Re-Election of the President and once the chief of the Justice Department's internal security division. Convicted of conspiracy; awaiting sentencing.



**JOHN W. DEAN III**, 36, chief White House counsel and a major Watergate prosecution witness. Pleaded guilty to charges of conspiring to obstruct justice and to defraud the U.S. in the Watergate cover-up; now serving a one-to-four-year prison sentence.



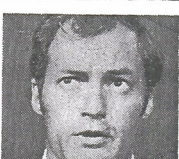
**CHARLES W. COLSON**, 43, Nixon's special counsel. Pleaded guilty to obstruction of justice for devising a scheme to get and disseminate derogatory information about Pentagon Papers Defendant Daniel Ellsberg in 1971; serving a one-to-three-year sentence.



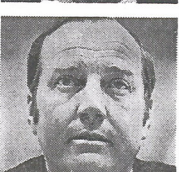
**DWIGHT L. CHAPIN**, 34, appointments secretary to Nixon. Convicted on two counts of perjury for false testimony to a federal grand jury about his discussion with Dirty Tricks Specialist Donald Segretti about distribution of fake campaign literature; appealing a sentence of ten to 30 months.



**JEB STUART MAGRUDER**, 40, deputy director of the Committee for the Re-Election of the President. Pleaded guilty to conspiracy in the cover-up; now serving a ten-month-to-four-year sentence.



**EGIL KROGH JR.**, 34, White House aide to Ehrlichman. Pleaded guilty to conspiracy in the Ellsberg break-in; has completed a six-month sentence.



**HARRY S. DENT**, 44, Nixon's special counsel and political adviser, who devised the 1970 "southern strategy." Pleaded guilty to working with an illegal fund-raising committee called "Operation Townhouse" that distributed money to 1970 congressional candidates; sentenced to one month's probation.

spite all previous denials, the tapes showed that Nixon had discussed clemency for Hunt with Charles W. Colson, his former aide, and had told John Mitchell to "stonewall" in talking to Watergate investigators.

At San Clemente after the verdict, Nixon had little to say. He authorized an aide to tell reporters that because the four convicted men planned appeals, it would be inappropriate for him to comment. The aide would concede only that Nixon was "deeply anguished that these men, who were among his closest aides, and their families have suffered so much, that their lives have been so tragically touched by Watergate."

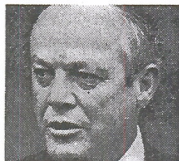
Somewhat more talkative than their former boss were the two aides whom Nixon—even as he fired them in April 1973—had praised as "the finest public servants I have ever known." Said a solemn Haldeman after last week's verdict: "There's only one human being in the whole world who knows if I'm innocent or guilty. That person is me, and I know that legally and morally I'm totally and absolutely innocent."

**Telltale Tapes.** Ehrlichman also insisted on his innocence. He implied that Nixon had deceived him in some conversations about the cover-up. "The President was much better informed about what took place than some of us

were led to believe." To Ehrlichman, the "turning point" in the trial was Judge Sirica's decision that the proceedings could not be indefinitely postponed until Nixon was well enough to be questioned. He also protested the impact of pretrial publicity: "If there ever has been a political trial in this country, this is it." Later, on NBC television, Ehrlichman ruefully admitted: "As a matter of historical perspective, a bonfire of the tapes on the South Lawn of the White House wouldn't have been a bad idea."

But even without the telltale tapes, the Government's case against Mitchell, Haldeman and Ehrlichman was overwhelming. There simply were too many

**RICHARD G. KLEINDIENST, 51**, Attorney General. Pleaded guilty to refusing to testify fully during his confirmation hearings before the Senate Judiciary Committee in 1972, when he stated falsely that Nixon had never pressured him to soften the Government's antitrust drive against ITT; received a one-month suspended sentence.



**ED REINECKE, 51**, Lieutenant Governor of California. Convicted of lying during the Kleindienst confirmation hearings about the date on which he informed Mitchell of a \$400,000 offer from ITT to the Republican National Convention; received an 18-month suspended sentence.



**HERBERT W. KALMBACH, 53**, Nixon's personal attorney. Pleaded guilty to violating the Federal Corrupt Practices Act and to offering an ambassadorship in return for campaign contributions; serving a six-to-18-month sentence.



**EDWARD L. MORGAN, 36**, Assistant Treasury Secretary. Pleaded guilty to illegally backdating the deed giving Nixon's vice-presidential papers to the Government; sentenced to four months in prison and 20 months' probation.



**JACK A. GLEASON, 38**, White House aide. Pleaded guilty to violating the Federal Corrupt Practices Act by running Operation Townhouse; sentencing delayed.



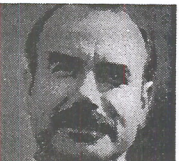
**FREDERICK C. LARUE, 44**, C.R.P. aide. Pleaded guilty to conspiracy in the cover-up; sentencing deferred while he cooperates with the Watergate prosecution.



**HERBERT L. PORTER, 36**, C.R.P. scheduling director. Pleaded guilty to lying to the FBI about the Watergate cover-up; released from prison after serving 30 days of a five-to-15-month sentence.



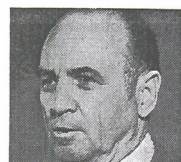
**G. GORDON LIDDY, 44**, counsel to C.R.P. Convicted of conspiracy, burglary and illegal wiretapping in the Watergate break-in; released pending appeal after serving 21 months of a sentence of up to 20 years. Also convicted of conspiracy in the Ellsberg burglary; sentenced to a one-to-three-year prison term to be served concurrently.



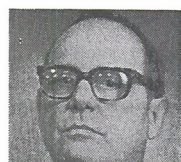
**E. HOWARD HUNT, 56**, White House consultant. Pleaded guilty to leading the Watergate break-in; released pending appeal after serving ten months of a 2½-to-eight-year sentence.



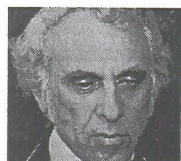
**JAMES W. McCORD JR., 56**, C.R.P. security coordinator. Convicted of conspiracy, burglary and wiretapping at Watergate; sentenced to one-to-five years in prison, now free on bond pending appeal.



**BERNARD L. BARKER, 56**, one of four Cuban refugees charged in the Watergate break-in. Pleaded guilty to burglary, conspiracy and illegal wiretapping and eavesdropping; released pending appeal after serving one year of a 2½-to-six-year sentence.



**EUGENIO R. MARTINEZ, 51**, another of the Watergate burglars. Pleaded guilty to burglary, conspiracy and illegal wiretapping and eavesdropping; released on parole after serving four months of a one-to-four-year sentence. Pleaded guilty to similar charges in the Ellsberg burglary; sentenced to three years' probation.



**FRANK A. STURGIS, 49**, another member of the burglary team. Convicted of burglary, conspiracy and violation of federal wiretapping laws; released pending appeal after serving one year of a one-to-four-year prison sentence.



**VIRGILIO R. GONZALEZ, 47**, another of the Watergate burglars. Pleaded guilty to burglary, conspiracy and illegal wiretapping and eavesdropping; released on parole after serving four months of a one-to-four-year sentence.



**DONALD H. SEGRETTI, 33**, political saboteur. Pleaded guilty to conspiracy and distributing phony campaign literature to damage Democrats in the 1972 presidential campaign; released after serving five months of a six-month sentence.



**GEORGE A. HEARING, 40**, Florida accountant who aided Segretti in his dirty-tricks operation. Pleaded guilty to one count of conspiracy; released after serving seven months of a one-year sentence.



## THE NATION

former lower-level members of the conspiracy, some already in prison, who testified effectively against their onetime superiors. The witnesses included Jeb Stuart Magruder, Fred LaRue, Herbert Kalmbach and, most important, John Dean, whose character was assailed by all of the defense lawyers but whose incriminating story was never shaken. Dean and Magruder were jointly attacked in defense summations as "self-confessed perjurers."

**Mean Dean.** The brilliant and aggressive chief prosecutor, James Neal, delivered a four-hour summation of the Government's complex case that may become a trial textbook classic. The Government, Neal declared, had no desire "to paint a halo" over its witnesses, but these men "have paid or are paying the penalty for their sins. They have nothing left to do but to tell the truth and start rebuilding their lives." Neal also asked the jury: "Isn't it strange that

warned: "John, you shouldn't do that, once the toothpaste is out of the tube, it is hard to get it back in." But on April 15 they learned that "Dean has decided to let it all hang out." Next day Dean was asked by Nixon to resign.

Continued Neal: "He was not asked to resign when he tells the President there has been perjury, subornation of perjury, offers of clemency and a half million dollars paid to buy silence on March 21, but three weeks later when he tells the President of the United States, Mr. President, I am telling prosecutors all, the next day he is asked for his resignation." Soon, according to Neal, everyone was saying, "John Dean did this, John Dean did that, John Dean made me do that, I was just acting on John Dean's instructions."

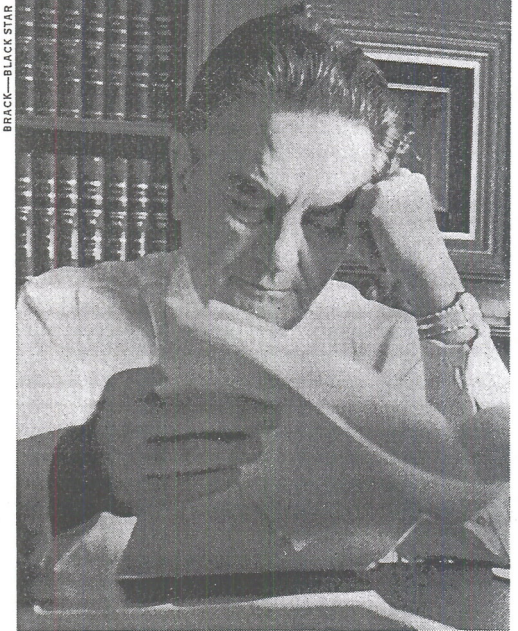
**Jars of Jam.** Neal was so effective that some spectators laughed in appreciation of his sallies, and defense attorneys objected during a jury recess to

what they called the "aspect of French Revolution" in the courtroom. Neal's rhythm remained unbroken. He summed up: "But, of course, everybody is blaming John Dean. But Mitchell also blamed Colson. Ehrlichman blames the President. Mardian blames the White House. And Mr. Halde- man really can't recall enough to blame anybody."

One of the binding ingredients in the Government's case was the surreptitious passing of \$429,500 in cash by Nixon's men to the arrested burglars. The defense could never explain why the money was dropped in telephone booths, left in hotel lobbies and at airports so that donor and recipient never met face-to-face. Assistant Prosecutor Richard Ben-Veniste termed the cash "429,500 jars of jam" that the defendants could never remove from their fingers.

The prosecution's task in conspiracy cases is usually difficult. It must show that each defendant knowingly entered the conspiracy, even though there may never have been a precisely expressed agreement to do so. Then prosecutors must prove that one or more of the defendants committed at least one overt act in pursuit of the conspiracy's aims. Each act need not be a crime if taken alone. In this case, the grand jury had listed 45 overt acts to back up the 17 charges leveled against the five men. In the end, only the two counts against Parkinson were rejected by the trial jury.

After the jury of nine women and three men (eight of them black) began its deliberations, it quickly reached unanimity on Mitchell. "Everybody knew he was guilty," declared one juror, Mrs. Thelma L. Wells. There were diverse opinions about the four other defendants. But all the jurors soon agreed on the guilt of Haldeman, Ehrlichman and



JUDGE SIRICA IN HIS CHAMBERS

*More evenhanded than expected.*

Mardian. "It went along quite smoothly," said Mrs. Wells. "We didn't have to fight. To convince each one, we went back and heard the tapes and read the transcripts."

The most difficult job was determining the fate of Parkinson. All twelve jurors felt that he had not done anything to obstruct justice. But two thought that he had joined the conspiracy. Most of New Year's Day was spent resolving this dispute. Finally it was Parkinson's polite manner and wholesome appearance that proved to be persuasive. "We looked at Parkinson and wondered why he was there," said one juror. "He didn't carry the expression of a criminal on his face. He seemed to have done the least. He seemed not to want to get involved."

Juror Wells was most impressed by the prosecutors. "The Government did it beautifully," she said. "The witnesses, the tapes, Mr. Neal, the other prosecutors—all played a part." To another juror, Mrs. Ruth Gould, the testimony of John Dean was "impressive." Yet the jurors also felt some compassion for the convicted men. "I was sad for them," said Mrs. Wells. "I would have loved to see them all go home as I went home—free. Personally, I could have forgiven them and given them another chance. But the world wouldn't accept that. These people got into something they couldn't walk out of."

The jury was clearly impressed with the prosecution's strong and well-presented case. Among its specific charges against the major defendants:

**MITCHELL.** He sat through three meetings at which the illegal eavesdropping at the Democratic headquarters was discussed, and he approved the Watergate break-in at the final meeting. After the arrests at the Watergate, he authorized a false press release denying



PARKINSON & WIFE PAMELA AFTER ACQUITTAL  
*Emerging from a den of lions.*

all the defendants in this case take the position that this whole massive cover-up was really concocted, planned, executed, carried out by the little privates in this army . . . and they [the defendants] were not a part of it?"

Deftly mocking the Nixon men's language, Neal was at his best in describing how Nixon, Ehrlichman, Haldeman and Mitchell all praised John Dean when the cover-up seemed to be working and then abruptly turned against him. Up until April 8, 1973, Neal declared, "it is good John Dean, good John Dean, fine John Dean. What a good job you done, John Dean . . . Suddenly good John Dean becomes mean John Dean. What metamorphosis changes good John Dean into mean John Dean?"

Neal noted it was on April 8 that Dean began talking to prosecutors. When Haldeman, Ehrlichman and Nixon first heard about it, they thought, said Neal, that Dean was "going with a modified limited hang-out." So Haldeman

that Nixon's re-election committee had been involved. He suggested that Magruder burn some logs of intercepted telephone calls. He told Mardian to call Burglar G. Gordon Liddy and have him ask Richard Kleindienst, then the Attorney General, to help get the arrested men out of jail. When the restive burglars later began demanding money, Mitchell told Fred LaRue, his close friend and associate at the Nixon committee, to help arrange the payments. He asked Dean to seek Herbert Kalmbach's aid in raising such funds.

**HALDEMAN.** He controlled a secret White House fund of \$350,000 from which some of the hush payments were made. Despite his contention that he thought the money was paid only for legal fees and humanitarian purposes, the tapes showed that he was aware of the true purpose of the payments. At Nixon's direction, he told two top CIA officials to stop the FBI's investigation of checks that had passed through the Miami bank account of one of the burglars and could be traced to the Nixon com-

mittee. He helped Magruder get an appointment as director of policy planning in the Commerce Department even though he knew that Magruder had committed perjury before a Watergate grand jury.

**EHRlichman.** He asked Dean to order Hunt out of the country before Hunt was arrested, suggested that Dean destroy electronic equipment found in Hunt's White House safe and was present when Dean told Acting FBI Director L. Patrick Gray that other politically sensitive papers from the safe "should not see the light of day." He approved the use of Kalmbach for raising hush money and told Kalmbach to blame all such activities on Dean. Despite his denials, Ehrlichman too was shown by the tapes to be well aware of what was going on with the payoffs. He suggested that Dean write a report exonerating everyone at the White House of complicity in Watergate—a report Nixon could use to shift the blame if the cover-up unfolded. Dean refused to write the report, so Ehrlichman produced one instead.

The case against Mardian was somewhat less solid, but he hurt himself seriously by his arrogant manner on the witness stand. He snapped repeatedly at Assistant Prosecutor Jill Wine Volner, who cross-examined him, and turned less hostile only when questioned by male lawyers. More important, Liddy told Mardian shortly after the break-in that it had been a Nixon re-election committee operation. Nevertheless, Mardian deceived Parkinson by denying any such committee connection. Mardian went along with the false theory that the burglary was a CIA project, and he asked Dean to seek covert CIA funds to provide bail money for the burglars. Mardian was also in a meeting at which Magruder rehearsed his false testimony.

The case against Parkinson looked as strong as that against Mardian. The Government claimed that Parkinson heard the true Watergate story from Magruder within a month of the break-in, then shredded his notes on that meeting when Mitchell and Mardian falsely insisted that Magruder was lying. The

## It Goes Back to the Big Man

*In a rare tribute to a victorious opponent, Attorney John J. Wilson called James Neal, the chief U.S. prosecutor in the Watergate conspiracy case, "the greatest lawyer I ever saw in a courtroom." Wilson's client, H.R. Haldeman, and three of the four other Watergate defendants were convicted at least in part because of Neal's awesome command of the facts in the case and his ability to summarize complex events in a persuasive Tennessee drawl. After his courtroom triumph, Neal, 45, was eager to return to his private practice: "I'm going to catch the first flight back to Nashville—I've got to think of taking care of my family." Before he departed, he was interviewed by TIME Correspondent Hays Gorey:*

**GOREY:** Did Nixon authorize the Watergate bugging?

**NEAL:** No. The tapes show some surprise on Nixon's part when he was told of the break-in. For instance, on the

June 23, 1972 tape [Nixon asked Haldeman: "Who was the asshole that did it? Was it Liddy?"].

**Q.** Was Watergate something the Nixon men drifted into?

**A.** No. Watergate doesn't stand in isolation. There were a lot of other things going on of the same nature such as the Huston plan [to use break-ins, wiretaps and other illegal means to spy within the U.S.] and the Ellsberg break-in. Remember this: we had to show relevancy for every taped conversation that we obtained by subpoena. Were we so good that we got everything there was? Watergate goes back to the nature of the big man.

**Q.** You mean Nixon?

**A.** Yes, but more than Nixon too. It's the drift over the years to an all-powerful presidency. The tremendous power that has been marshaled in the White House pervades all who work there, resulting in an inability to put things in perspective. I think one of Haldeman's lines on the tape explains it better than anything. He was talking with Nixon when things were coming apart, and he said: "It was done for a higher good."

**Q.** Then this powerful presidency causes men to think whatever they do is justified?

**A.** In this case, it resulted in a willingness to use unacceptable means. There were constant reactions and overreactions.

**Q.** What do you think of the men you have brought to trial and the ones who have pleaded guilty?

**A.** These are not evil men. There was no one man in control. There was no czar. But men who become convinced their cause is just resort to means to attain it that they otherwise would not consider. For example, I can't conceive of any Government, any presidential Administration, letting a man like Liddy run around loose.

**Q.** How do you think the trial was conducted?

**A.** I thought the trial was well run. We all had a bumpy start, making statements we shouldn't have made. But considering the complexity of the case, the emotions involved, it went along fairly smoothly. I think Judge Sirica did himself a lot of good by the fair way he conducted the trial, which some didn't expect.

**Q.** What will the appeals be based on?

**A.** Pretrial publicity. Denial of motions for severance. Some of the statements on the tapes. But there's not much in the trial itself that anyone can argue with.

DIRCK HALSTEAD



CHIEF WATERGATE TRIAL PROSECUTOR JAMES NEAL

UNITED STATES OF AMERICA ]  
v. ] Criminal Case No. 74-170  
JOHN N. MITCHELL, ]  
HARRY R. HALDEMAN, ]  
JOHN EHRLICHMAN, ]  
ROBERT C. MARDIAN and ]  
KENNETH W. PARKINSON, ]  
DEFENDANTS. ]

FORM OF VERDICT

AS TO DEFENDANT JOHN N. MITCHELL:

Count 1: \_\_\_\_\_ *Guilty*  
Not Guilty  
Count 2: \_\_\_\_\_ *Guilty*  
Not Guilty  
Count 4: \_\_\_\_\_ *Guilty*  
Not Guilty  
Count 5: \_\_\_\_\_ *Guilty*  
Not Guilty  
Count 6: \_\_\_\_\_ *Guilty*  
Not Guilty

*John A. Loffler*  
FOREMAN OR FORELADY

DATED: *January 1st, 1975*



MICHAEL EVANS

**THE MITCHELL VERDICT**

Reached without rancor, a judgment that would sound a warning for the future of the republic.

**MEMBERS OF THE JURY DURING A BREAK AT THE U.S. COURTHOUSE IN WASHINGTON, D.C.**

prosecution contended that Hunt's lawyer, William Bittman, told Parkinson about a memo in which Hunt outlined his demands in exchange for "maintaining silence." Parkinson admitted getting a list from Bittman of the amounts that each defendant was seeking to meet expenses, copying it and giving it to Dean—but he claimed that he never read it.

Parkinson's lawyer, Jacob Stein, portrayed his client as a political innocent badly abused by Mitchell and Mardian. Even Neal conceded that Parkinson, when he agreed to represent the Nixon committee after the break-in, had "stepped into this lions' den and didn't realize there were lions there." Although Neal argued that this "upright man" later became "fatally involved," the jurors apparently decided that Parkinson had been at worst an entrapped rather than a willing conspirator.

**High Costs.** Judging by earlier sentences given other Watergate principals, especially the one-to-four-year sentence being served by the cooperative Dean, court observers estimate that Sirica, despite his "hanging judge" reputation, will mete out nowhere near the maximum penalties to the newly convicted conspirators. Some forecast a minimum sentence of two years for Mitchell, Haldean and Ehrlichman—double that of Dean's—and a lesser term for Mardian. No date for sentencing has been set.

Predictably the four convicted men plan to submit a barrage of arguments to bolster their appeals. They expect to remain free for two years or so as those appeals are fought through the court system. Most legal experts close to the case, including at least one defense attorney, see no real chance that the charges will be dismissed. At best, a new trial could be ordered, but even that is highly doubt-

ful. The appeals, of course, will only add to the high cost of legal fees for the defendants. Ehrlichman revealed last week that he now owes his lawyers \$400,000—a bill he cannot meet from his own assets.

One main ground for appeal will be that massive pretrial publicity, including the impeachment proceedings against Nixon, made a fair trial impossible, especially in such a politically aware city as Washington. Other arguments, especially by Ehrlichman, will be the failure of Nixon to testify because of his poor health and Sirica's refusal to let the trial await Nixon's recovery. Still another basis for appeal will be Sirica's insistence on presiding over the trial after he was so closely involved in breaking the cover-up.

All of those arguments have serious flaws. When Sirica first questioned prospective jurors, there were some indications that the publicity about Nixon's pardon might actually have worked in the defendants' favor. Originally, half of the jurors said that convicting Nixon's aides would be unfair since their leader had gone free.

Furthermore, even before the trial started, an appeals court in Washington rejected defense contentions that Sirica should not handle the case. The same higher court has already praised his personal questioning of Liddy in the first trial as being a "palpable search for truth . . . in the highest tradition of his office as a federal judge." Although he made a few careless remarks out of the jury's hearing in the latest trial, Sirica applied the rules of evidence and argument with some latitude but with an even hand that surprised his critics.

The most promising prospect for a successful appeal probably lies with

Mardian, who will argue that he deserved a separate trial. He will contend that his case was unfairly linked with the much stronger cases against the other three convicted defendants and that he was fatally tarnished by their misdeeds.

Whatever the eventual results of those appeals, the New Year's Day verdict meant that the nation could now begin to leave Watergate to the historians. However tardily, the courts, the Congress, the press and public had met the challenge of arrogant men at the pinnacle of Government acting unlawfully to preserve and expand their power. More investigations remain (*see following story*), and there could be more revelations of official misconduct. Yet most of the mysteries of Watergate have now been resolved. Most of the corruption has been exposed.

Whether the demands of justice have been fully met, especially in the case of the pardoned President, will long be debated. But certainly for Richard Nixon, as well as for his convicted co-conspirators, Watergate has proved a personal disaster. The verdict was a reason for relief rather than jubilation. But it was a fitting way to close a sorry chapter in U.S. history and to begin a new year.

**The Cases Still Open**

The conviction of four top Nixon aides left plenty of work for Watergate Special Prosecutor Henry S. Ruth Jr. Among the investigations that his office is still pursuing:

► Former Presidential Counsel J. Fred Buzhardt, 50, faces possible indictment for his role in preparing the heavily edited tape transcripts released by

Richard Nixon last April 30. There were serious discrepancies between the edited transcripts and the tapes that were eventually released. Buzhardt has insisted that he was solely responsible for editing the transcripts.

► The famous 18½-minute gap on a tape of a White House conversation between Nixon and H.R. Haldeman on June 20, 1972, still has not been explained. Investigators have narrowed the list of suspects to Nixon, Haldeman, Secretary Rose Mary Woods and one-time Presidential Aide Stephen Bull.

► John Connally is scheduled to go to trial in March on charges of accepting a \$10,000 bribe for helping to get a raise in milk-price supports after a dairy cooperative made a big contribution to Nixon's re-election campaign. The Government is also looking into possible violations involving dairymen's contributions to the 1972 presidential campaigns of Democrats Hubert Humphrey and Wilbur Mills.

► Charles G. ("Bebe") Rebozo, Nixon's close friend, is under investigation concerning the \$50,000 that he allegedly gave to Fred LaRue, a Nixon re-election committee aide, in 1973. Investigators suspect that half the amount may have gone into a "hush money" fund for the Watergate burglars.

► One former Nixon presidential counsel, Edward Morgan, has already pleaded guilty to conspiring to violate tax laws in backdating a deed that gave Nixon's pre-presidential papers to the National Archives and gained him a \$576,000 tax deduction. Nixon's former tax lawyer, Frank De Marco, and the appraiser of the papers, Ralph Newman, are also under scrutiny in the papers incident.

► William O. Bittman, once the attorney for Watergate Burglar E. Howard Hunt, may be indicted for his repeated denials to Watergate prosecutors that he had received a memo from Hunt that stated the Watergate burglars' belief that they would receive pardons and support money in return for "maintaining silence."

► Maurice Stans, former finance chairman of the Committee for the Re-election of the President, is under investigation for his soliciting and handling of donations to the 1972 campaign.

► Armand Hammer, chairman of Occidental Petroleum, is under investigation for a \$54,000 contribution to the Nixon campaign illegally channeled through former Montana Governor Tim Babcock.

► International Telephone and Telegraph is still being looked into in connection with a favorable IRS ruling that permitted the conglomerate to acquire the Hartford Fire Insurance Co. in 1969. Federal authorities are also studying the sudden halt in 1972 of a Securities and Exchange Commission investigation into "insider" trading of ITT stock by company executives.