

POTENTIAL JURORS QUERIED AS TRIAL IN COVER-UP OPENS

OCT 2 1974

90 of First 155 Eliminated
by Sirica—He Foresees
Sessions Till Christmas

KEY WATERGATE CASE

Former Nixon Aides Face Up
to 30 Years if Convicted
in Break-in Conspiracy
NYTimes

By LESLEY OELSNER
Special to The New York Times

WASHINGTON, Oct. 1 — The trial of the Watergate cover-up case began today, bringing to a court of law the events that caused a two-year national trauma and then, on Aug. 9, forced Richard M. Nixon from the Presidency.

Judge John J. Sirica convened the case at 9:29 A.M., one minute before schedule, in the huge and stark Ceremonial Courtroom at the United States Courthouse here.

He spent most of the next seven and a half hours going through the first stages of trying to select a jury—a task that today's proceedings showed will be vastly more difficult than in an ordinary trial.

By the end of the day, after only preliminary questioning, much of it closed to the public, the judge had eliminated 90 of the 135 prospective jurors on the first panel summoned for the case.

Five Men on Trial

On trial before him were five men who once worked for Mr. Nixon, either at the White House or at the Committee for the Re-election of the President, among them a former Attorney General and two men who once worked in the White House second in command only to the President.

Now, if convicted, they face possible prison terms ranging from five years for one defendant to 30 years for another. Each is charged with the basic count of conspiracy—of plotting to obstruct the investigation of the June 17, 1972, break-in of the Democratic national headquarters at the Watergate complex. Some face additional counts charging such crimes as perjury.

Parkinson and Mardian

John N. Mitchell, the former Attorney General, faces the heaviest possible penalty, 30 years. Next are H. R. Halderman and John D. Ehrlichman, who were Mr. Nixon's two top aides at the White House. They face possible penalties of up to 25 years each.

Kenneth W. Parkinson, the attorney for the Committee for the Re-election of the President, faces a possible maximum term of 10 years. Robert C. Mardian, Assistant Attorney General in charge of internal

Continued on Page 22, Column 1

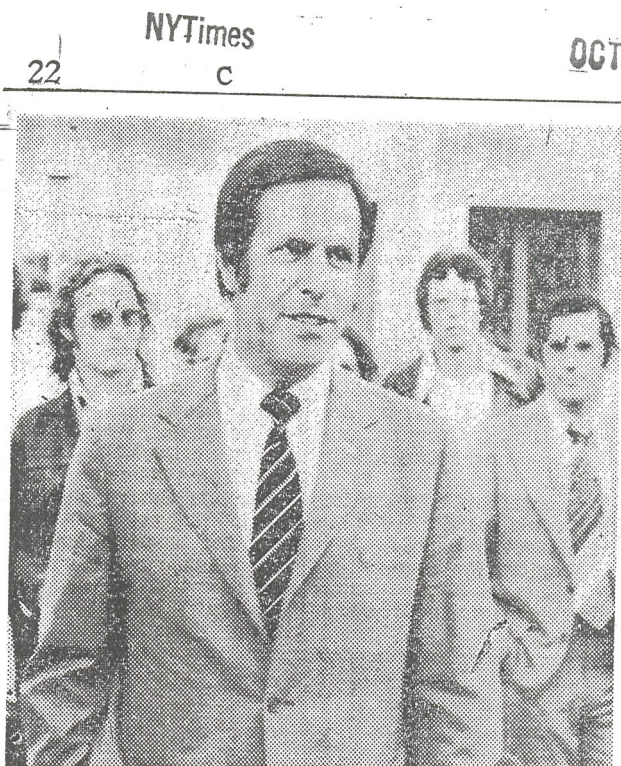
Continued From Page 1, Col. 1

security, faces a possible five-year sentence.

At the start of the day, Judge Sirica summarized the 12-count indictment, listing the charges against each of the five, to the full panel of prospective jurors. Late in the afternoon, he had the defendants stand one by one be introduced by name to the 65 prospective veniremen who had remained after the initial screening.

Starting with Mr. Mitchell, each rose to his feet. With the exception of Mr. Parkinson, who nodded slightly to the men and women arrayed on the wooden benches of the courtroom, the defendants were on their feet for only seconds and some—particularly Mr. Halderman—who rose with head bowed—scarcely looked at the jurors.

In the two years three months since the break-in, much has occurred in the case



H. R. Halderman, one of the five defendants on trial in the Watergate cover-up, leaving court in Washington.



Robert C. Mardian leaving after session yesterday.



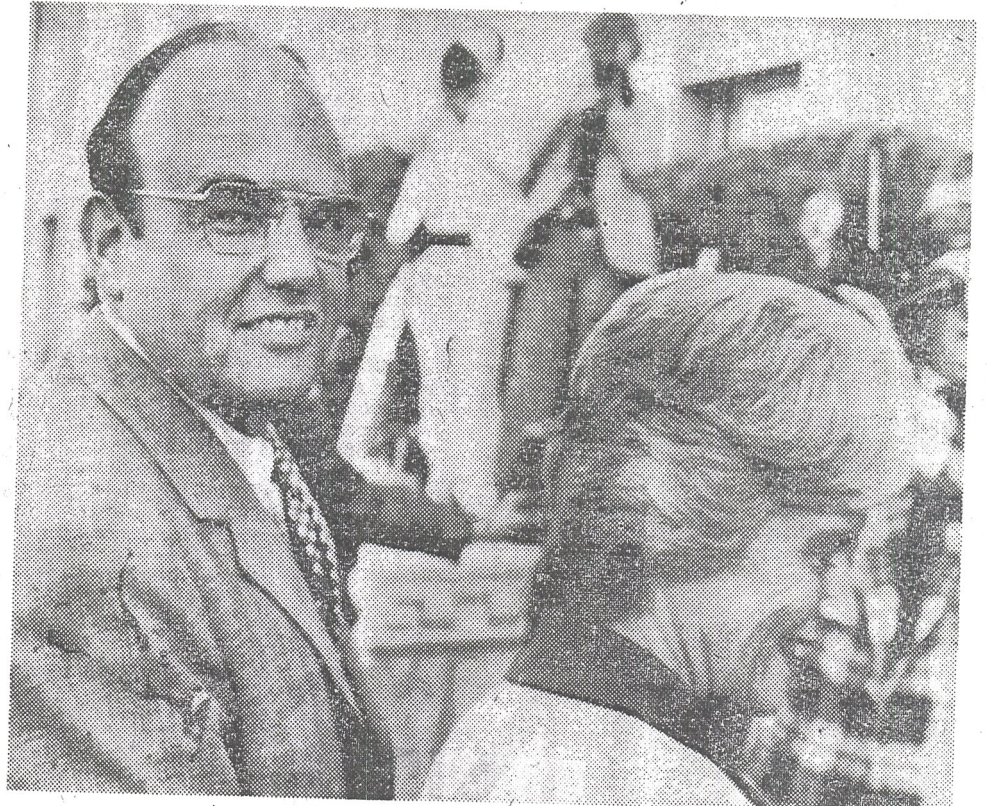
Special Watergate prosecutors arriving at courthouse yesterday in Washington. From the left: Richard Ben-Veniste, James F. Neal and Jill W. Volner.

and as a result of the case. The men who committed the burglary were prosecuted—in a trial presided over by Judge Sirica, who said then he did not feel that he was hearing the full truth of the matter. The Special Watergate prosecution force was established. The Senate Watergate committee held its nationally televised hearings. The first special prosecutor, Archibald Cox, was dismissed. Congress started impeachment proceedings. Finally, President Nixon resigned.

During that time, the Watergate scandal dominated the nation's consciousness, and the story of the cover-up came out in bits and pieces.

The grand jury that returned the indictment in the case last March 1 named Mr. Nixon as a conspirator in the cover-up and apparently would have indicted him had it not been for legal questions surrounding the indictability of an incumbent President. Mr. Nixon has since been pardoned by President Ford and therefore cannot be prosecuted in the case.

His White House tape recordings will be the basis of



Associated Press

John D. Ehrlichman arriving, with his wife, for his trial yesterday in Washington



United Press International

John N. Mitchell leaving courthouse in a car.

the prosecution's case; his former aides will be witnesses.

On the first day of the cover-up trial was perhaps more than at most trials a mixture of the dramatic if only because of the occasion itself—and the tedious, of the solemn and the funny.

It began with a minor anti-Nixon, anti-Rockefeller demonstration by a scattering of pickets whose only audience, when the pickets arrived, was the huge press contingent gathered for the trial.

Mr. Ehrlichman arrived with his wife a few minutes later, about 9:15; one of the pickets, who had been holding up an anti-Nixon placard, spat upon Mr. Ehrlichman. Mr. Ehrlichman continued into the courthouse.

Warnings to Jurors

Upstairs, on the sixth floor a small line was forming outside the courtroom. At the head of it was Joan Packard, who plays the piano in the evening at a local hotel, and who was there, she said, "because it's the trial of the century, and I don't want to miss it."

Inside the courtroom, a few minutes later, the five defendants greeted one another. At least a few of them are expected to try during the trial to show that the others were the responsible ones in the cover-up, but this morning, the

question: Did anyone think he or she would be uncomfortable to be on a sequestered jury in this case or that service on the jury would interfere unreasonably with something he or she was obligated to do.

The judge asked anyone who answered affirmatively to stand up. As soon as he finished his question, some people rose to their feet.

He asked the question again. More people rose. He asked the same question two more times during the day; in all, more than 90 answered it by standing up.

The judge questioned each of those in the presence of the lawyers—but out of hearing of



The New York Times

Judge John J. Sirica

greetings were at least outwardly friendly.

Judge Sirica started off the proceedings in the usual manner for criminal trials, warning the jury panel members to answer questions truthfully, summarizing the indictment and telling the jurors that if selected they would be sequestered and that the trial might last through Christmas.

Then he asked the prospective jurors a first, basic ques-



Associated Press

Kenneth W. Parkinson as he arrived for trial.

the press and the other jurors—as to their reasons. By the time he finished the process in

mid-afternoon, he had dismissed 90.

The next part of the proceedings—which will be followed tomorrow by individual questioning, again in private—was a series of questions to the group as a whole, in open court. For the most part they were traditional questions—did any veniremen know any of the defendants or prosecutors? Had any of them been arrested? Did any of

Kissinger and Nixon

them work for the Government?

At one point Judge Sirica read a list of nearly 100 possible defense witnesses, including Secretary of State Kissinger and Mr. Nixon, asking if the panel members knew any of them.

The questioning produced no one who knew any defendants. It did elicit, however, the fact that 18 of the 65 persons there had served on either petit or grand juries.

Judge Sirica also asked if anybody in the group had been arrested. In one of the few light moments of the day, a mus-

tachioed man named Peter Hatt got to his feet and offered "my mother's arrest for a Pentagon sit-in."

A second panel of 150 prospective jurors is scheduled to be in court tomorrow to go through a similar preliminary screening.

The jurors who survived today's questioning are also to report to court as well for further questioning, one by one on more specific matters. It is during this specific questioning that prosecution and defense counsel are entitled to challenge the impaneling of specific jurors.