

That Complex Watergate Trial: There's Just Too Much for Observers to Comprehend

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WASHINGTON, Nov. 3— "It's surreal," said one of the lawyers in the Watergate cover-up trial. "I sit in court and I listen and I want to stand up and say, 'Hold it, stop this trial, what's going on here?'"

The feeling is a frequent one on the second floor of the United States Courthouse here. The trial, which enters its sixth week tomorrow morning, is sometimes too much to comprehend.

The spectator is aware that this is a momentous trial with its testimony about alleged misdeeds by men who were once the Government's highest officials. Then there are the White House tapes, bringing to the courtroom the voice of former President Richard M. Nixon.

The spectator is also aware that one defense lawyer is balancing a white plastic coffee cup against his nose, that a prosecution lawyer is rolling his eyes toward the ceiling in an expression of disbelief, that Federal marshals are telling people in the spectator section to stop chewing gum.

'Father-Son Relationship'

David G. Bress, a lawyer for Robert C. Mardian, a former Assistant Attorney General who is one of the trial's five defendants, tells the jury that Mr. Mardian had a "kind of father-son relationship" with John N. Mitchell, the former Attorney General, who is another defendant. Mr. Mitchell is 10 years older than Mr. Mardian. Jeb Stuart Magruder testifies for the prosecution that he, too, had a father-son relationship with Mr. Mitchell. Mr. Mitchell stares coldly at Mr. Magruder, his one-time Nixon re-election campaign aide who is now serving a Federal prison sentence.

Attorneys for three of the defendants make opening statements. Each gives a personal history of his client, each mentions his client's military duty during World War II.

William S. Frates remarks that John D. Ehrlichman, the former chief White House adviser on domestic matters, was the "lead navigator on 26 raids over Germany."

Mr. Bress says that Mr. Mardian served for three years.

Jacob A. Stein, the lawyer for Kenneth Wells Parkinson, who was hired by the Committee for the Re-election of the President to handle legal problems arising from the break-in at Democratic headquarters in the Watergate

complex on June 17, 1972, says of his client: "Did he show courage? He became a paratrooper, and actually jumped out of airplanes with a parachute on his back!"

The fifth defendant is H. R. Haldeman, the former White House chief of staff.

Judge John J. Sirica stops a defense lawyer during the lawyer's cross-examination of John W. Dean 3d, the former Presidential counsel who is also a Federal prisoner and the prosecution's chief witness, saying, "Is this just to make him out another liar on a piece of evidence, is that the idea? I think you have done a pretty good job, all of you—that he has admitted his participation in this alleged cover-up case."

Judge Sirica later bristles at press coverage of the trial, saying, "I never intimated that Mr. Dean lied. If I used any expression that brought that thought to the jury, I tried to correct it. I did not indicate that he lied in this case and you know it and everybody else knows it."

Most of the reporters and the spectators look like a casting director's idea of a "cross-section."

One group is an exception—the wives of the defendants, the wives of the prosecution witnesses who have already pleaded guilty to Watergate crimes, and the wives of friends of the defendants. They sit in the first or second row of the public gallery; they are all blonde or partly blonde, most of them with coiffed blonde streaked hair. They dress in the style that many associate with suburban women, sometimes called the Peck & Peck look.

Even Maureen Dean, whose hair was platinum and whose dresses were sleek and close-fitting during her husband's appearance at the Senate Watergate hearings last year, now has streaked hair and collegiate-looking clothes.

The wives, most of whom attend each day, talk in whispers to one another. They smile politely at reporters. Some of them take notes. Mrs. Haldeman, according to a visiting lawyer who read over her shoulder, scribbled "Jeb seems defensive today" during Mr. Magruder's testimony.

The wives look concerned and sad, and they are the constant reminder that the five men on trial face prison terms ranging from five to 25 years if convicted, and that others are already in prison.

Sometimes Judge Sirica takes note of them. Last Fri-

day Mr. Parkinson's lawyer, Mr. Stein asked Mr. Magruder whether his wife and children had watched him testify at the Senate hearings. Judge Sirica interrupted, saying, "I don't think you ought to bring his wife and children into this, frankly. I think there is probably enough sadness in it."

"There is, Your Honor, a great deal of sadness," Mr. Stein replied. "But I want to underwrite the importance."

Judge Sirica said Mr. Stein could continue if he thought it necessary. Mr. Stein dropped the subject.

Nearly all the defense lawyers were once prosecutors. William G. Hundley, one of Mr. Mitchell's attorneys, was the head of the Justice Department's organized crime section. Mr. Bress was the United States Attorney for the District of Columbia, and

Thomas C. Green, Mr. Bress's co-counsel and currently Mr. Mardian's only attorney as a result of Mr. Bress's illness, was an Assistant United States Attorney.

James F. Neal, the chief prosecutor, was a defense attorney before taking a leave from his practice to head the prosecution's trial team.

Thus, everyone can almost figure out what everyone else is doing with his or her case.

Jill Wine Volner, an assistant special prosecutor, asks Mr. Magruder a question. Mr. Frates objects, remarking that Mr. Magruder has just said that Mr. Ehrlichman, Mr.

Frates's client, has directed Mr. Magruder to "tell the truth" about Watergate.

Mr. Neal objects to Mr. Frates's objection. "I was going to object, your honor, to the old Southern trick of Mr. Frates of which I am so well aware, of standing up and making objection only to repeat what he thinks is favorable to his client."

Mr. Frates is from Florida and Mr. Neal is from Tennessee.

Judge Sirica reprimands Mr. Frates. "All right, sir," Mr. Frates says, "I will follow that practice, and I don't want to get personal because

I enjoy working with him, but the biggest offender of this is my esteemed colleague Mr. Neal, and I guess it is a Southern custom.

The court officers and Federal marshals who have been assigned to keep order have a red sign on a wooden frame that says that "media personnel" and the general public are not allowed to pass by. During jury selection the sign was placed toward the middle of the hall, blocking access to the courtroom.

Each day the reporters succeeded in having it moved a little farther back. Now it is almost at the end of the hallway, barring access only to a second hallway.

To the press, the sign has become something of a symbol of the secrecy attached to the trial. Jury selection was almost entirely closed to the public, and conferences with the judge regarding Mr. Bress's illness were sealed.

"You know where this sign should be?" one lawyer says. "At the front door to the courthouse."

"It should have been put at the city limits, back in 1968," says another. "Then none of us would be here now."