

Ehrlichman Trial Will Start Today

6/28/74
By Timothy S. Robinson
Washington Post Staff Writer

Prosecutors in the Ellsberg break-in case will begin presenting evidence today against former top presidential aide John D. Ehrlichman and three other members of the White House plumbers unit.

U.S. District Judge Gerhard A. Gesell swore in a 12-member jury, with six alternate jurors, at 4 p.m. yesterday after two tedious days of jury selection that began with 152 prospective jurors. The original group had been whittled down by extensive questioning on whether they could render a fair and impartial verdict despite massive pretrial publicity or whether they had any other legitimate reason for not serving on the jury.

Judge Gesell then sent the selected jurors home to prepare for their expected month-long seclusion at the courthouse and at Mt. Vernon Junior College, a sequestration he deemed necessary to protect them from being influenced by publicity concerning the trial itself. He then announced two final pretrial rulings:

- He denied, at least temporarily, a subpoena from Ehrlichman's attorneys for the former aide's handwritten notes of 10 specific conversations with the President or other White House aides. Judge Gesell said the notes were not relevant to Ehrlichman's defense.

- He in effect ignored a memorandum filed earlier this week by the Watergate special prosecutor's office in which the prosecution said it no longer intended to prove that a criminal cover-up existed in connection with the break-in. Judge Gesell said on that issue, "The indictment stands as written and will go to trial as written."

That indictment charges Ehrlichman, former White House aide G. Gordon Liddy and Miamians Eugenio Martinez and Bernard L. Barker

with conspiring to violate the civil rights of Dr. Lewis Fielding, the psychiatrist for Pentagon Papers defendant Daniel Ellsberg, by breaking into Fielding's Beverly Hills, Calif., office in September, 1971.

The civil rights conspiracy charge carries a possible maximum penalty of 10 years in jail and a \$10,000 fine. Ehrlichman is also charged with four counts of lying to federal investigators probing the break-in, with each count carrying possible maximum penalties of five years in jail and a \$5,000 fine.

Ehrlichman is the highest-ranking White House aide to go to trial on Watergate-related charges. He was Mr. Nixon's domestic affairs adviser—one of the top two aides in the White House—until his

resignation on April 30, 1973, at the height of the unfolding Watergate scandal.

The jury that will decide the guilt or innocence of the four men averages 42 years of age. The oldest is a 60-year-old woman. The youngest is a 26-year-old man.

Two of the jurors are unemployed. The jobs held by the others include a Peppco meter reader, a commercial craftsman, a government payroll specialist, a cook, a GPO bookbinder, an economist and a retired lift operator.

Due to the expected length of the case, six alternates, ranging in age from 30 to 58, were chosen to replace the regular jurors if necessary during the trial.

The defendants and their lawyers sat around individual tables on the defense side of the courtroom during the selection process, with Liddy—a former attorney who was convicted in the Watergate break-in—occasionally discussing the jury list with his attorney, Peter Maroulis.

Much of selection process was closed to the public as Judge Gesell individually questioned each prospective juror about his or her knowledge of the case from publicity. He said after the jury was selected that he was "totally satisfied" that the case had not been tainted by prejudicial pretrial publicity.

The opening statements are scheduled for this morning, with the first witnesses slated for the afternoon. Assistant Watergate Special Prosecutor William H. Merrill said his opening statement should take about an hour.

Ehrlichman's attorneys said their opening statement should take about 45 minutes, the attorney for Martinez and Barker said he would take about the same, and Liddy's attorney said he planned to talk for about 15 minutes.

The 12 jurors are:
Mathiel T. Covington, 26, a commercial craftsman; Knox F. Cole, 39, a GPO bookbinder; Charles M. Ham, 38, a Peppco meter reader; Freddie Watson, 29, unemployed; Bearney C. Kennedy, 27, supervisor and payroll specialist; Mary K. Wood, 57, a merchandiser.

David E. Shikles, 33, an economist; Doris R. Parron, 46, a cook; Jessie C. Fernanders, 39, chief, fleet disposal, Commerce Department; Irene L. Rhodes, 54, housewife; Wilbert A. Garner, 58, a retired GPO lift operator; and Ethel H. Sampson, 60, unemployed.

The six alternates are:
Shelton C. Watlins, 37, tractor-trailer driver; Gertrude Parson, age unknown, unemployed; James R. Bryant, 30, accountant; C. Michael M. Burton, age unknown, associate funeral director; Ruby A. Warren, 58, a nurse assistant; and Leon Thomas, 54, mechanic.