

Watergate jury begins deliberations

By MURIEL DOBBIN

Washington Bureau of The Sun

Washington—The Watergate jury yesterday retired to consider its verdict in the political scandal case, after being warned by the judge not to allow its decision in the trial of five former White House advisers to be influenced by the

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pardon of former President Nixon.

In his final instructions to the jury on the 62d day of the conspiracy trial at United States District Court, Judge John J. Sirica made a point of emphasizing that the case should be decided "solely on the evidence presented in court."

Less than four hours after beginning its deliberations at 12.30 P.M., the jury emerged

Ashland Oil, Inc., was fined \$25,000 yesterday for unlawful contributions to political candidates Page A5

with a request for voluminous grand jury and trial testimony records.

It was refused by the judge, who told jurors that honoring their request would be "like trying the case all over again." The request was neither feasible nor practical, the judge added, as he went on to suggest that jurors rely on their recollections of testimony.

The jury then suspended deliberations for the day.

The possible impact on jurors of Mr. Nixon's pardon by President Ford while erstwhile Nixon loyalists went on trial has been throughout the case a source of hope to the defense and concern to the prosecution. Seven of the 12 jurors are understood to have indicated in secret pretrial interrogation that they felt the Nixon pardon was unfair.

"The object of this trial is to ascertain the truth about the issues that have been submitted for your determination," Judge Sirica told the jury during 2½ hours of legal instruction.

He advised them they could See TRIAL, A5, Col. 1

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arrive at the truth "by using your good commonsense, objectively and without any passion, bias, prejudice or emotion, remembering at all times that you are under oath to give all parties in this case a fair and impartial trial."

The jury's duty was to ascertain the truth, the judge stressed, and that truth would be deduced only from the testimony and evidence which had been set before the court. He told jurors to keep in mind that a "just and proper verdict" in the Watergate case would make "a valuable contribution to efficient judicial administration."

"To that end, the court reminds you that in your deliberations in the jury room, there can be no triumph of anything other than the ascertainment and declaration of the truth," Judge Sirica added.

Yesterday thus marked the beginning of the end of the Watergate trial, the criminal case with its roots in a political scandal and resulted in indictment of many of those who had worked for him.

10 counts

The jury will consider the 10 counts of conspiracy, obstruction of justice and perjury brought against the defendants—John N. Mitchell, former Attorney General; John D. Ehrlichman, former White House domestic chief of staff; Robert C. Mardian, former assistant attorney general, and Kenneth W. Parkinson, former Nixon campaign attorney.

If a guilty verdict on all counts should be returned

against the defendants, Mr. Mitchell would be subject to a maximum penalty of 25 years in prison and fines of \$35,000. Ehrlichman, who is appealing a guilty verdict and sentence of 20 months to 5 years in prison in another case, could be jailed 20 years and fined \$35,000. Mr. Haldeman could be jailed 25 years and fined \$16,000. Mr. Mardian, charged only with obstructing justice, could be sent to prison for 5 years and fined \$10,000. Mr. Parkinson, charged with conspiracy and obstructing justice, could be fined \$15,000 and imprisoned 10 years.

To aid them in their deliberations, jurors can refresh their memories on key testimony by asking to hear once again portions of the 31 White House tapes that were introduced into evidence over defense objections.

The panel chose as its foreman John A. Hoffar, a 57-year-old former supervisor at the Interior Department, one of three male jurors.

The jury is predominantly middle-aged, with ages from 27 to 68, and includes government workers, a school matron, a hotel doorman, an office machine operator, a logistics coordinator, a countergirl and a coffeemaker. It is divided racially into eight blacks and four whites.

The four alternate jurors, who were sequestered with the panel for three months, were dismissed by Judge Sirica with an admonition not to discuss their views on the case.

Depending on the length of their deliberations, jurors now may spend New Year's Eve, New Year's Day and longer



The Watergate jurors—the dozen regulars and four alternates—listen to Judge John J. Sirica instruct them be-

fore beginning deliberations in the case. This sketch was made by Steven Kidd. ^{AP}

evaluating the mass of testimony accumulated in court since early October.

In their search for the truth, jurors must recall, discuss and assess the testimony of the defendants, each of whom took the stand in his own behalf, and of key government witnesses such as John W. Dean 3d, former White House legal counsel, and Jeb Stuart Magruder, former deputy director of the Nixon campaign. Both are in jail for obstructing justice.

What is impossible to assess is the jury's subconscious reaction to the gap in the evidence—the lack of testimony by Richard M. Nixon, the trial's missing witness. The illness of the former President, certified by a court-appointed panel of doctors, led to Judge Sirica's quashing the subpoena issued for Mr. Nixon's testimony as a defense witness in the Ehrlichman case.

But the voice and the presence of Mr. Nixon haunted the trial. His name frequently was raised in testimony by witnesses for both government and defense. Two defendants—Ehrlichman and Mr. Mardian—made clear they hold the onetime President responsible for the Watergate disaster.

And the jurors, who listened to 15 hours of once-secret White House tapes, filter through their headphones, hear the voice of Mr. Nixon scheming with his chief advisers as they sought to extricate themselves from Watergate.

In his charge to the jury, Judge Sirica carefully delineated the conspiracy statute

which is the overall charge against the defendants.

In a conspiracy case, the judge explained, it is sufficient to show that conspirators "came to a mutual understanding to accomplish an unlawful purpose." What matters, he said, is not only "knowing participation" but also "deliberately closing the eyes to what would otherwise have been obvious, with a conscious purpose to evade prosecution."