

Susan T. McElhinney

Foreman Hoffar, Ehrlichman, Mitchell, the Haldemans:

The Verdict on

automatic revenue losses and spending increases caused by the recession, such a tax cut could raise next year's deficit as high as \$50 billion. Allowing for economic growth and inflation, that was no bigger proportionately than the \$12.5 billion run up in 1959, but it would be potentially inflationary and politically explosive; conservative senators, said a White House planner, "are going to faint." Then again, Ford reasoned, the Democratic Congress would almost surely vote to increase any cut he proposed—so perhaps he should ask for only half the cut he thought would be wise.

Characteristically, Ford and his men were resisting any rush to decision; the word being passed in the White House last week was a line attributed to Thomas Jefferson: "Delay is preferable to error." But the pressure to act was mounting daily; at the AFL-CIO, old George Meany was demanding "massive, immediate government action." And no matter what action was taken, delay seemed inevitable anyway. Even if a tax cut were passed promptly, its effects would take several months to work through the economy. By one Labor Department estimate, "we could easily break 9 per cent" unemployment by midsummer—leaving almost 9 million Americans looking for jobs.

They stood grim-faced and ramrod-straight, come to judgment in a courtroom rigid with tension. Four of the men clasped their hands tightly before them; only John Mitchell, the former Attorney General, kept his arms at his side, his left hand plucking imaginary strings. One by one, the clerk read their names and intoned his litany: "Count one, guilty..." Only two minutes after they had risen, four convicted felons and one free man resumed their seats. Suddenly it was over: after two years of scandal, three months of trial and fifteen hours of deliberation, the Watergate cover-up jury had convicted some of the most powerful men in the Nixon Administration—and, by extension, Richard Nixon himself.

The defendants had argued that it was all a mistake—that they shared in no conspiracy, that their words had been misinterpreted, that the President they trusted had deceived them. But the White House tapes betrayed John Ehrlichman, 49, and H.R. Haldeman, 48, as Nixon's chief aides and confidants in the cover-up as in most other affairs. Mitchell, 61, was portrayed in tapes and testimony as the approver of the Watergate bugging plan and a conspirator in the cover-up. The jury plainly didn't believe Robert Mardian, 51, a Nixon

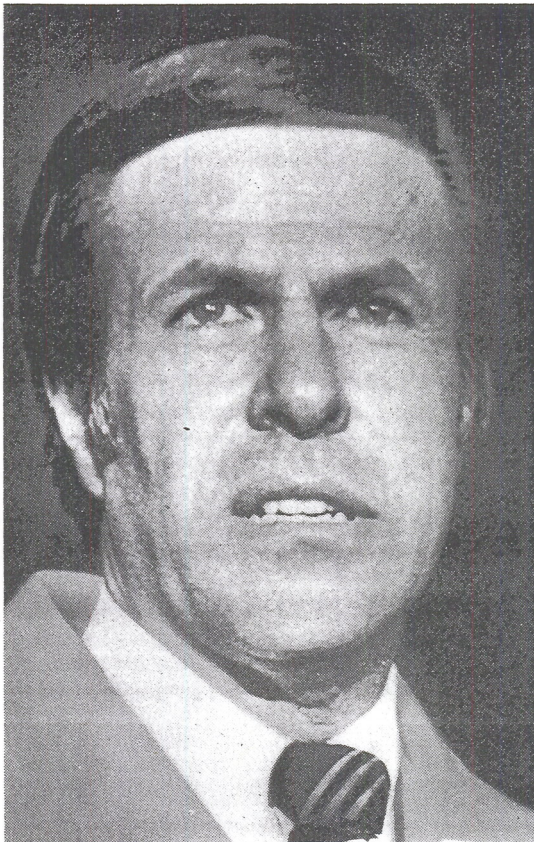
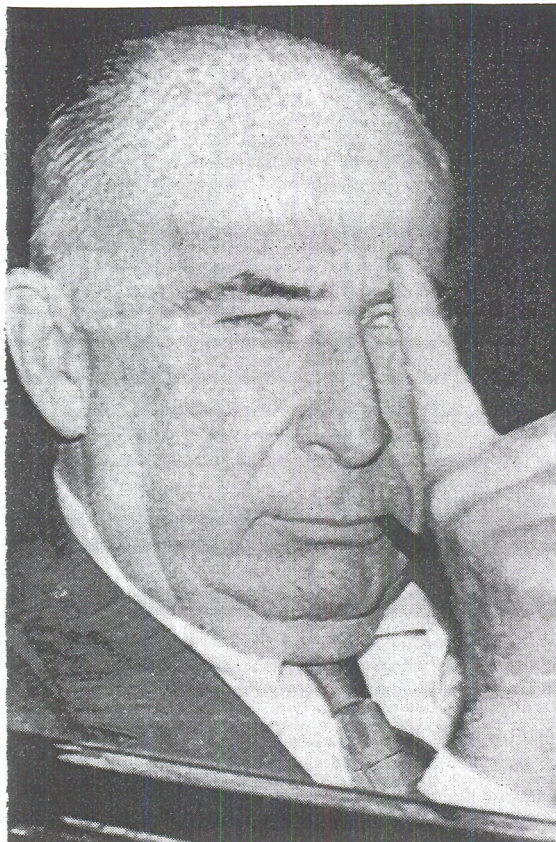
campaign lawyer and internal-security chief in Mitchell's Justice Department, when he protested that he had been duped. Only Kenneth Parkinson, 47, a lawyer hired to defend the re-election committee after the Watergate break-in, succeeded in convincing the jury that he was innocent.

The Watergate case was still not over. Judge John J. Sirica will sentence Ehrlichman, Haldeman, Mitchell and Mardian, probably next month; the possible penalties range from five years in jail for Mardian to 25 years for Mitchell and Haldeman. Their appeals could drag on for two to three years, and might reach the Supreme Court. Moreover, the special prosecutor's office has investigations still under way and charges still to be pressed.

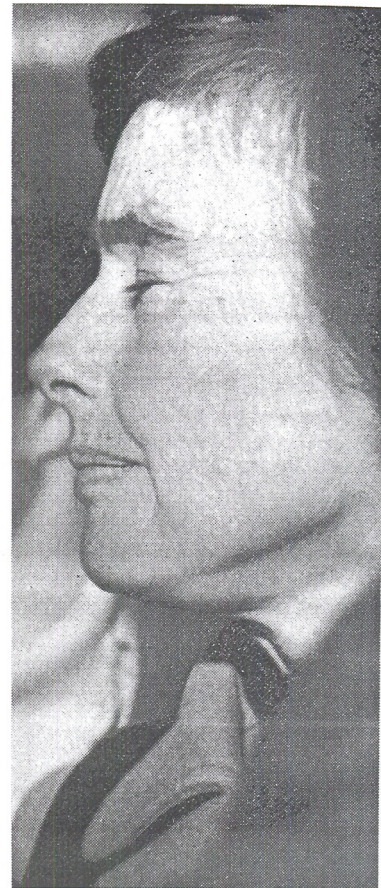
BREAKING INTO THE BOWL

But the verdict was a climax in the long, shabby story: a judgment by ordinary Americans on the men who betrayed the nation's trust.

The general reaction was subdued, a weary and unsurprised approval of the jury's judgment. In Vail, President Ford—who learned of the verdict as millions of others did when the Rose Bowl broadcast was interrupted—withheld official comment, but a close aide told CBS that



UPI photos



AP

Condemnation for four of Nixon's men—and 'anguish' for Nixon

Watergate

it was a wholesome verdict for good government. The aide added flatly that the verdict also established Nixon's guilt in the cover-up—and he said there was no chance of Presidential pardons for the four. From San Clemente, Nixon himself first promised a statement, then decided that he shouldn't comment in view of the defendants' appeals. But one of his people read a sentence of regret: "President Nixon is deeply anguished by Watergate and that these men who were among his closest aides and their families have suffered so much and that their lives have been so tragically touched by Watergate."

The mostly black, mostly middle-class jury began its work after a detailed charge from Judge Sirica. The nine women and three men withdrew to a closely guarded, windowless room and quickly named John A. Hoffar as foreman. According to Hoffar, 57, a retired U.S. Parks police sergeant, one of two registered Republicans on the panel and its only white male, his selection was "a very informal thing. They just said, 'You do it,' and I said, 'All right, somebody's got to do it.'" But his appointment sparked hope among the defense lawyers, who had interpreted his conservative background and seeming inattention to testimony in their favor; as one de-

fense source quipped early on, "He's the sleeper—in more ways than one."

The defense's optimism was short-lived. In crisp notes by Hoffar, the jurors demanded another look at some of the trial's most incriminating evidence. To the defense's relief, Sirica rejected as excessive a request for all testimony by Mitchell and three major government witnesses. "The last thing I wanted was for that testimony to start going back in," said one defense lawyer. But the next request—for the June 23, 1972, smoking-pistol tape in which Nixon and Haldeman discussed CIA intervention and the March 21, 1973, tape in which John Dean warned of a "cancer" on the Presidency—was readily approved.

'A TEAM EFFORT'

While the defendants and their lawyers paced the corridors, chain-smoked and fretfully napped, the jurors methodically ticked off the five men and the charges against each. At first there was some disagreement on all five defendants, but the jurors patiently took turns expressing their opinions and listening to others. "It was a team effort," said Hoffar. "Everyone contributed his recollection of the testimony. If the minority had a good argument, it could turn the majority." Although voices sometimes rose, said Hoffar, "there weren't any shouting matches" and the twelve remained remarkably amiable and calm.

Hoffar told Newsday that the jurors tended to suspect the cloak-and-dagger equivocations of E. Howard Hunt ("His

whole life is a lie") and the choir-boy confessions of Jeb Stuart Magruder ("He was a mean actor"), but "Dean struck a lot of people like a little boy. He sounds good." The jurors preferred chief prosecutor James Neal's down-home Tennessee drawl to the "all-educated look" of the defense lawyers, and Mitchell, Haldeman and Ehrlichman were simply unbelievable. "You could tell they'd been over it with their lawyers," said Hoffar. "They wouldn't lie, [but] they'd avoid telling the whole truth." Mardian's rudeness to prosecutor Jill Wine Volner frankly offended juror Ruth Gould, an Agriculture Department loan specialist, and his generally churlish behavior "of course didn't help [his case]," Hoffar agreed. Mardian in fact was one of the tougher cases, said a juror who asked not to be identified: "He tried to quit [the cover-up] two or three times. He just didn't get out in time, that's all."

Some of the arguments against conviction were fairly powerful. More than half of the jurors admitted before their selection to having reservations about trying Nixon's men when Nixon himself had gone free, but they obeyed Sirica's admonition to ignore the pardon in their deliberations. The jury was loath to jail family men, whose wives and children often attended the trial. And the defendants, said juror Thelma Wells, 68, "were such strong men and didn't really look like criminals." But in the end, the jurors were ruled by the evidence, particularly the tapes. "There was only one way you could interpret them," said juror

NATIONAL AFFAIRS



Parkinson and wife: 'A new lease on life'

Roy Carter, 27, a George Washington University office worker. "[They're] just like an octopus," observed Hoffar. "They ... touch so many people."

The twelve nonetheless looked haggard as they filed for the last time into the jury box, the disheveled Hoffar clutching a large manila envelope that he handed to a court official. Mitchell flushed at his first count of guilty, and Mardian darkened with anger, but the silence lasted until the clerk read Parkinson's name and the verdict "not guilty." An audible sigh swept the room, his lawyers patted his back, Mitchell nodded and stage-whispered, "Good boy. Congratulations." Two rows back, Jeanne Ehrlichman, Jo Haldeman and Dorothy Mardian smiled warmly at Pamela Parkinson. But as Sirica praised the jurors for their work, Mrs. Mardian spat a Bronx cheer in their

direction. The courtroom emptied quickly; Ehrlichman and Haldeman left with their wives to phone the bad news to their families on the West Coast, and Mitchell strolled to his limousine. Mardian at first remained slumped at the defense table, his head sunk between his hands, until his wife propelled him firmly from the room.

'I'M GOING TO THE MOON'

The defendants' reactions mirrored their styles on the witness stand. "It's a new lease on life," said Parkinson mildly. "I'm going to go home and take a hot bath." Asked about his plans, a sardonic Mitchell answered, "I'm going to the moon, I think," adding that he had "about 50" grounds on which to appeal his conviction. Mardian stalked out in belligerent silence, his overcoat over one shoulder and his jaw set; he later loosed a barrage of obscenities at persistent reporters and had to be pacified by Mitchell. In a fierce rainstorm that had suddenly whipped up outside the courthouse, Ehrlichman calmly said his conviction had been foreordained by pretrial publicity and Sirica's refusal to delay the trial for Nixon's testimony. "If there ever has been a political trial in this country, this was it," he told reporters. Haldeman, his hair buffeted by the wind, maintained that only one person in the world knew his true role in Watergate. "That person is me, and I know that legally and morally I'm totally and absolutely innocent," he said. "I have the full conviction that ultimately the truth will be known."

By the weekend, the defendants had scattered. Ehrlichman headed back to Seattle and a possible job with Mutual Broadcasting System as a commentator on domestic and economic affairs;

he stopped at NBC's "Today" show to discuss the tapes and conclude that, "as a matter of historical perspective ... a bonfire on the South Lawn of the White House wouldn't have been a bad idea." Mitchell returned to New York and Haldeman packed for Newport Beach, Calif., where he is writing a book on the Nixon years. Mardian—still "devastated," friends said—left for Phoenix and his family construction business. Parkinson arrived at his downtown law office at 9:00 the next morning. Leaving the trial had been "eerie," he said—"like driving home from a movie."

UNFINISHED BUSINESS

The appeal maneuvers began hours after the verdict, Haldeman filing a motion for a new trial on the grounds that the jurors may have broken their quarantine and read newspapers or watched TV. All four defendants are expected to argue an assortment of grounds: prejudicial pretrial publicity, the absence of Nixon's subpoenaed testimony, the use of unauthenticated tapes, the guilt-by-association implications of a communal trial, Sirica's refusal to withdraw from the case despite his long involvement in Watergate, Sirica's rulings against the defense during the trial. While it would be foolhardy to project a court's response, precedent argues against most of these appeals—and the sheer weight of government evidence against others.

Although the showcase trial was over, the special prosecutor's office still had work to do. Yet to be tried are former Treasury Secretary John Connally and Jack Chestnut, a campaign aide to Hubert Humphrey, in the milk-fund case, and ex-White House aide Gordon Strachan in the Watergate cover-up. Special prosecutor Henry Ruth reportedly is willing to let former Commerce Secretary Maurice Stans plead to a series of fund-raising misdemeanors. The office reportedly is also investigating attorney Frank DeMarco in connection with Nixon's income taxes; Nixon crony Bebe Rebozo and his handling of supposed campaign donations; and secretary Rose Mary Woods, among others, in connection with the eighteen-and-a-half-minute tape erasure. But progress in a number of cases depends on whether the prosecution gets access to the unexplored White House tapes before its last grand jury runs out this June. Last week Ruth announced that he would not seek an extension from Congress.

The mopping-up operation is likely to be long and anticlimactic, with the prosecutor's office clearing most of the debris and turning over the remaining appeals to career lawyers at the Justice Department before phasing out. But if Watergate was not yet over, the verdict was in—and it was reassuring. The jury felt, said juror Gould, "that in their own private lives they were fair, and they did things honestly, and they felt other people should too."

FORM OF VERDICT

AS TO DEFENDANT JOHN N. MITCHELL:

Count 1:	Not Guilty	<i>Guilty</i>
Count 2:	Not Guilty	<i>Guilty</i>
Count 4:	Not Guilty	<i>Guilty</i>
Count 5:	Not Guilty	<i>Guilty</i>
Count 6:	Not Guilty	<i>Guilty</i>

John A. Hoffar
FOREMAN OR FORELADY

DATED: *January 1st, 1975*

Judgment on Mitchell, the Mardians: Bronx cheer

