

# The Ehrlichman Trial: Despite the Sweltering

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WASHINGTON, July 10—As trials go, the trial of John D. Ehrlichman has gone briskly and efficiently, propelled by the polite but persistent prodding of Judge Gerhard A. Gesell. But the heat has defied even him.

"The court," he told the jury Tuesday morning, "has called almost everyone in Washington about this air-conditioning." The night before, as he wished the jurors a pleasant evening and reminded them not to discuss the case, he had assured them that things would be cooler in the courtroom the next day. And so they were, but only for the first half-hour or so; later, the mid-90's heat and sullen humidity that are Washington's summer was winning the battle in the small, wood-paneled courtroom.

But nothing seems to discourage the spectators, generally about 50 or so, lined up for the few free seats in the courtroom, which can seat only a few more than 100 persons. Some reporters have gone tieless, and others have removed their jackets. Some spectators, dressed appropriately for the blazing sunshine outside, are in backless halters.

## Front Row for Lawyers

The front row of seats, by Judge Gesell's orders, is for lawyers. Anyone who is admitted to the bar can get in to sit there and listen. On Monday, while Mr. Ehrlichman was on the stand, the attendant lawyers included Leonard Boudin, who was Dr. Daniel Ellsberg's attorney, among others.

In the next row, on the defendants' side of the courtroom, sits the Ehrlichman contingent. Jeanne Ehrlichman, Mr. Ehrlichman's wife, has been there every day since the trial began, smiling, chatting with reporters, always crisp in the bright colors of a primary palette — clear blues and greens, and white.

## The Women Friends

This week, the five Ehrlichman children have been beside her. There are two girls with long, straight, dark-blond hair—Jan, 21 years old, who attends Principia College and is a camp counselor this summer, and Jody, who is a 16-year-old high school senior. Then there is Peter, 24, a law student at Stanford University, and Tom, 19, who also is a student at Stanford; they both have their father's dark hair and marked eyebrows. Bob, a 14-year-old high school sophomore, has dark blond hair like his sisters'.

And there are the women

friends, sometimes just one or two, sometimes four or five, who come dressed as though they were going to a matinee. Some of them have brought small satin covered cushions to sit on, or place in the small of the back. The seats are very hard —unrelieved wood.

The Ehrlichmans, who are living in a suite at the Mayflower Hotel for the duration of the trial, sometimes go off for lunch hand in hand.

Mr. Ehrlichman, deeply tanned and less portly than in his White House days, smiles almost as much as his wife does, and jokes with reporters. And he no longer wears the tortoiseshell half-glasses that,

combined with his vaulting forehead, gave him the appearance of perpetually looking down his nose. Now he wears wide-rimmed full glasses, button-down shirts and the same sort of widely cut suits he wore in his West Wing days.

Mrs. G. Gordon Liddy is in the courtroom nearly every day, listening almost as intently as her husband does, and taking notes in a small brown loose-leaf notebook. Since the trial began, she said, she has not been able to visit her husband in the D. C. jail; they get him up at about 5 A.M. for the short trip to the courthouse, and visiting hours are almost over by the time he gets

back from court. So they sit and talk during the 10-minute recesses that Judge Gesell calls every morning and afternoon.

## The Silent Man

Mr. Liddy, the silent man, listens all the time, to everything, leaning back in his chair or huddled with his attorney, whispering or pointing to something on one of the innumerable documents that have been introduced into evidence. He is said to be writing a novel, the story of a man who refused to betray his country's trust by talking.

Eugenio Martinez might be a diplomat, with expressive, elegantly cut features and wavy gray hair. He and

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## Heat and Very Hard Seats,

Bernard L. Barker, very much walk-ons on this stage, walk briskly around the corridors during recess, sometimes arm-in-arm, often talking in Spanish.

Last weekend, Mr. Martinez flew home to Miami — not for a vacation, but to negotiate an \$800 loan to pay something to the lawyer he and Mr. Barker share. Otherwise, he said, they might be "coming to court on a bicycle."

They eat their meals in cafeterias and cheap restaurants, he said. Mr. Martinez seems to wear the same suit, a double-breasted light gray pinstripe, every day, but he is cheerful and friendly.

The jurors eat their meals in cafeterias, too. They eat

lunch at the General Services Administration cafeteria in the basement of the courthouse. Dinner is in the cafeteria of Mount Vernon College, an exclusive school in northwest Washington, in whose air-conditioned dormitories they are staying for the duration of the trial.

## Letter of Appreciation

On the Fourth of July, the jurors had a picnic with their families on the college grounds, and then the marshals took them to a fireworks display. They have written a letter to Judge Gesell to say how much they appreciate the way they are being taken care of.

There are 17 members of the jury now — 12 jurors

## the Spectators Persist

and five alternates — one having been excused. All but three of them are black, and a lot of them have fairly low-paying jobs, such as meter-reader or cook, and two of them are unemployed. Washington is now about 75 per cent black, so the racial make-up of the jury is logical.

But the appointment of two black lawyers to Mr. Ehrlichman's defense team — there are four in all — has caused some skepticism about the motivation, not on the basis of their competence but because to some it seems so marked a gesture. Mr. Ehrlichman's first character witness was black, too.

It has been a tidy trial, with Judge Gesell attending

briskly to what he calls "the housekeeping," the motions and discussions about witnesses and quibbles about whether something may or may not be used as evidence. He is very much there — some say more visible than a judge ought to be — and he takes over the questioning, briefly, from both sides when it seems to be getting bogged down.

And if anyone doubted that this trial had status, a senior Washington society reporter joined the admission-by-special-pass-only clutch of press corps regulars to observe the proceedings one day this week.