

Watergate Trial And the Pardon

Washington

Aside from former President Richard M. Nixon, the men most immediately affected by President Ford's blanket pardon yesterday are the six one-time Nixon aides scheduled to be tried soon for the Watergate cover-up.

One defense lawyer said he doubts any jury could convict any of the defendants when the "leader of the so-called Watergate has been relieved of any responsibility for his acts."

The "full, free and absolute pardon" granted Mr. Nixon absolves the former President of any crime he may have committed while in office.

It does not extend to any others, although the Watergate grand jury named Mr. Nixon as unindicted co-conspirator in the case — in other words, a participant in the alleged criminal conspiracy to thwart the Watergate investigation.

Nor does the pardon have any effect on several civil damage suits in naming Mr. Nixon as a defendant. But it will prevent the Watergate grand jury from returning an indictment against Mr. Nixon.

The former president has been subpoenaed as a witness for defendant John D. Ehrlichman, Mr. Nixon's former domestic counselor, in the trial scheduled to begin September 30.

Legal sources said that because of the pardon, Mr. Nixon can no longer claim a Fifth Amendment right against self-incrimination because he can no longer be prosecuted for crimes committed while in office.

That raises the possibility that the trial will become the forum for the fullest explanations to date of Mr. Nixon's actions in the Watergate aftermath.

Mr. Nixon's lawyers have not said whether they will fight the subpoena.

In addition to Ehrlichman, the defendants in the case, all charged with conspiracy to obstruct justice, are former Attorney General John N. Mitchell; former White House chief of staff H. R. Haldeman and his aide, Gordon Strachan; Mitchell's aide at the Nixon re-election committee, Robert C. Mardian, and committee lawyer Kenneth W. Parkinson.

Lawyers for the defendants are under court orders not to comment publicly about the case. But several said, on a not-for-attribution

basis, that the pardon would help their case.

"He's been named as an unindicted co-conspirator and he's been let off," said one lawyer. "The jury is going to know that before the trial. It's going to know that during the trial. The question is 'what happens to the underlings if the big boy gets loose?' I think it's going to be favorable to the defendants."

There was no comment from prosecution lawyers. A spokesman for special Watergate prosecutor Leon Jaworski said the trial will begin September 30 as scheduled.

Nine men who worked in the Nixon White House already have been sentenced to prison for Watergate and related offenses and seven are serving or have served

time.

In addition, former Attorney General Richard G. Kleindienst received a suspended one-month sentence on his guilty plea to failing to testify fully before a congressional committee, while former Nixon lawyer and fund-raiser Herbert C. Kalmbach is in prison for campaign law violations.

Eugenio R. Martinez, one of seven men originally convicted in the Watergate burglary, said he is "looking for just as fair action from President Ford . . . for the four men at the very bottom of this affair as he was with Nixon."

Cuban-born Martinez, who served more than one year before being paroled, said "every time I hear that I am convicted felon, it really hurts me."

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