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Pardon Impact on Trial Eyed

Ehrlichman Wavers on Accepting, Attorneys Buoyed

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John D. Ehrlichman stood jauntily outside the offices of the Watergate special prosecution force and said he wasn't sure whether he would want a presidential pardon.

"The difficulty with that," the former White House aide told newsmen clustered around him on the sidewalk, "is that when you know you're innocent, it precludes the opportunity of having that established finally."

Lawyers for other defendants in the Watergate cover-up case were not so lukewarm. The White House announcement that President Ford was studying the question of pardons for everybody accused or convicted in Watergate cases roused high hopes among defense attorneys suddenly presented with the possibility of not having to slog through a three-month trial under the burden of all those White House tapes.

"It comes as a complete but pleasant surprise and I hope it comes to pass," said John J. Wilson, the attorney for former White House chief of staff H. R. (Bob) Haldeman.

The men representing former Attorney General John N. Mitchell agreed. "For Mitchell," said attorney Plato Cacheris, "I think it would be the fair, equitable thing to do. I hope he [Mr. Ford] does it."

The latest White House surprise caused a brief midday flurry of activity at Watergate Special Prosecutor Leon Jaworski's office, where a spokesman said that Jaworski had not been consulted. But by late afternoon, perhaps after a phone call to the White House, the prosecutors seemed much less concerned.

"Perhaps it's a misunderstanding," said Jaworski spokesman James S. Doyle. He refused to elaborate.

In its broadcast application, a presidential pardon

of all persons connected to the Watergate scandal and related cases would affect about 46 persons, some of them now in prison.

It could open the prison doors for five former Nixon administration figures or presidential associates, including John W. Dean III, Jeb Stuart agruder, Herbert W. Kalmbach, Charles W. Solson and G. Gordon Liddy. It might mean a sudden end of legal proceedings for five others who are either awaiting sentences or are free on appeal. These include Ehrlichman, who has already been convicted in connection with the burglary at the office of Daniel Ellsberg's psychiatrist, Dwight L. Chapin, Jake Jacobsen, and Ed Reincke, lieutenant governor of California, whose perjury conviction in the ITT case was secured by Jaworski's office.

For those awaiting the cover-up trial, the thought of pardons for all had the immediate effect of a quick shift in defense strategy.

Lawyers for the six defendants were on the verge yesterday of filing a bar-

rage of separate motions seeking a delay in the trial's scheduled starting date of Sept. 30 because of the sweeping pardon granted Sunday to former President Nixon. The defendants include Haldeman, Ehrlichman, Mitchell, Robert C. Strachan and Kenneth W. Parkinson. At least some of their attorneys were considering sharply worded complaints to U.S. District Court Judge John J. Sirica about the inequities of leniency for Mr. Nixon and the threat of prison for his former subordinates.

Now, however, they apparently plan to hold off for a few days and, if Mr. Ford does not act swiftly, recast their petitions simply on the grounds that pardons are under consideration and that it would be unfair to start the trial with that question still up in the air.

There was some speculation that the idea of clemency for all was simply a "trial balloon" floated by the White House to test public reaction, but as one defense lawyer in the cover-up case put it, "If it's a trial balloon, it's the stupidest

one I've ever seen. The way to float one is to leak it out, not to announce that it's been authorized by the President."

If pardons fail to come through, defense efforts to secure still another trial delay are expected to be based heavily on all the publicity stemming from the pardon for Mr. Nixon. Ironically it was all the Watergate publicity about Mr. Nixon himself that President Ford said had initially weighed heavily in granting that pardon.

In that vein, the White House yesterday released a memo originally presented by Mr. Nixon's lawyer, Herbert J. Miller Jr., to Jaworski's office.

"Unlike others accused of involvement in Watergate events," Miller argued, "Mr. Nixon has been the subject of unending public efforts 'to make the case' against him . . . As each piece of new evidence became public, it invariably was analyzed from the viewpoint of whether it brought the Watergate events closer to 'the Oval Office' or as to 'what the President knew and when he knew it.'"