

Of Conspiracy, Patriotism and
Strange Trials of Coincidence

A Commentary

By Nicholas von Hoffman

The Watergate trial is completely different from the other celebrated conspiracy trials of the Nixon administration. There are no crowds of supporters outside waiting to get in the courtroom, no rallies, no fiery press conference declarations. The defendants assert the same motives as the Chicago Seven and the Berrigans; they, too, say they did it for love of country, but with that all similarity ends.

The courtroom is half empty. Only media people, law students, and a few friends and relatives of the accused attend. No effort is made to proselytize or explain how patriotism was served by the tacky stealth of bugging Larry O'Brien's office at the Democratic National Committee. The Berrigans would tell you endlessly and eloquently why they broke into offices and destroyed draft card records, but then it didn't turn out later they were being paid.

Mrs. Bernard Barker, the wife of one of the four Miami Cuban defendants, did try to go beyond a cryptic avowal of love of country. "We went through Castro . . . the terror . . . That's when you really start fearing communism. This country would be so easy to take over. Here in the United States they used to have cards. You used to know who a Communist was, but they don't have cards any more and there're so many working at Q . . . even the priests.

Phil Berrigan, one of the priests Mrs. Barker may have had in mind, was at that moment only two courtrooms away. The architect of the Kissinger kidnapping conspiracy had come to apply for a court order compelling his parole board to let him travel to Hanoi. Odd,

after so many years of being told to go back where he comes from, that now they don't want to give him a passport to do it. One would have thought that the board would be delighted to get him to Hanoi in time for this ordained felon to get zapped by a B-52, but apparently they believe the criminal priest is susceptible to rehabilitation.

With Berrigan and the rest of his peace-loving kind, the government has never been able to get a jury to convict on a conspiracy count; but in this strange trial you get the impression that the defendants would do or say almost anything in order to go to jail. They appear to view not prison, but the trial, as their worst punishment.

On the day Mrs. Barker and Father Berrigan sat in their respective courtrooms, one of the defendants had already pleaded guilty and Henry Rothblatt, the attorney

for the four Cuban Libres, seemed to be reduced to using main force to prevent them from doing the same. The flamboyant Mr. Rothblatt, who is widely suspected of wearing one of the least cunningly made hairpieces ever wrought, was letting it be known that he would quit and walk out on the case before he'd be party to such a thing. But, as one reporter sighed, "It's only a matter of time before they pull the rug out from over Henry's head."

Indeed the chances of this case ever going to a jury are getting smaller and smaller. Too many powerful people don't want those witnesses blabbing stuff in open court that might connect this demeaning little episode to a Haldeman or an Ehrlichman. Already, with E. Howard Hunt Jr.'s guilty plea, the mysterious Donald Segretti's name has been struck from the list of prosecution witnesses.

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More and more it looks like the Watergate case may go the way of James Earl Ray, the man who confessed to murdering Martin Luther King. No trial there, nor has the world ever heard his story, although he has said he, too, was part of a conspiracy and that he is willing to talk about it. In the terrazo corridors outside the courtroom there are a hundred stories and speculations about the defendants being offered large sums of money to go quietly into penal servitude, where perhaps they may be given the cabana next to Lt. Calley while the President studies their cases and mulls over executive pardon.

Not that anybody much beside the people who put up the money want to see these men put in jail. It's not wise to punish for political offenses. Besides, what most of us want is information. Even the judge wants it. He's been up on his bench saying that this trial was going to get to the bottom of all this hanky-panky. He was enormously reluctant to accept Hunt's guilty plea, but if a herd of defendants want to stampede themselves into prison, it's tough, even for a judge, to keep them out.

So we will just not know. We can look at Gordon Liddy, his face and moustache so strikingly like Thomas E. Dewey's; see him, another one of the silent bigshots, sitting alone, away from the other defendants, rocking slightly in his chair; and see him smiling, smiling, smiling. We can follow him out of the courtroom where an unexplained girl in a blue coat whose first name is Fay and whose last name isn't known comes up to him and gives him a sandwich and a can of Donald Duck orange juice. He goes downstairs where he's met by the TV crews as she says, "There come the cameras. I'm getting out of here," and she's gone.