

Mixed Reviews for Watergate Show



William O. Weissich



Marvin E. Lewis



Michael Stepanian

By C. P. McCarthy

Until Watergate, the last time so many Americans have watched lawyers in action was when Hamilton Burger would say, "Your witness, Mr. Mason," and good old Perry would ask a couple of questions and — Presto! — there was The Truth.

The efforts of the Senate committee investigating Watergate haven't been quite so instantly successful as Perry Mason and, in fact, the seven senators — all lawyers — are getting only mixed reviews as cross-examiners from their peers in the legal profession here, an Examiner survey showed.

For example, attorney Michael Stepanian's opinion of Sen. Edward J. Gurney's ability as a cross-examiner is unprintable, while attorneys William L. Ferdon of San Francisco and William O. Weissich of San Rafael both were impressed with Gurney's questioning of John Dean.

"I thought he was effective, playing it low key and calmly. From his standpoint, he went right after key matters, wasting no time," said Ferdon.



George T. Davis



Robert L. Bianco

Weissich, a former Marin County district attorney, called Gurney "a master at the art" of cross-examination.

Stepanian, on the other hand, thought Tennessee Republican Howard Baker Jr. was terrific. In fact, "I love Baker. Baker is Henry Fonda. I love him. Baker is the greatest.

If you listen carefully and close your eyes—he's Mister Roberts," Stepanian said.

Of Sen. Joseph M. Montoya, New Mexico Democrat, Stepanian wondered, "Where is he at?" Georgia Democrat Herman E. Talmadge "is okay," he said.

The committee's chairman, North Carolina Democrat Sam J. Ervin, got high marks as a cross-examiner from several local attorneys.

"I think he has a natural gift," said James Martin MacInnis. "He has a way of epitomizing what the witness says and at the same time slanting it to the way he sees it.

"The others are not so outstanding," MacInnis said. "Sen. Gurney is quite able, but he's not as able to disguise as well as Sen. Ervin the direction in which he's going. So he becomes an apologist for the Administration."

Robert L. Bianco, an attorney here who also teaches trial technique at the University of San Francisco law school, praised Ervin's knack for "following through in his very homey style."

Watching the televised hearings, Bianco said, he's been "impressed with the absolute lack of follow

through" by most of the senators. "You wish they'd ask the next question, to pin the witness down.

A Problem

"The biggest problem they have, the way they're questioning," he said, "is allowing the witness each time to make a self-serving statement."

Bianco noted contrasting styles of the senators and different techniques of cross-examination, but said "none of them is in the category of Ervin."

Questioning John Dean, "Ervin continually used the leading question, got a yes or no answer. That's what you want to do," he said. "Then it is the examiner making the statements, not the witness."

Sen. Gurney had one of the other goals of cross-examination, Bianco said, "to wear the witness down.

And I think he did.

Sen Daniel K. Inouye used two styles of questioning, Bianco said — one when he was asking his own questions, another when he was asking those posed by the White House. Inouye followed through on his own questions, but just asked the White House's, "allowing Dean to go into an expository answer," he said.

"The President's advisors made a mistake in allowing someone else to ask those questions. In cross examination, you never want to allow a witness to repeat a story that's harmful to you."

Attorneys George T. Davis and Marvin E. Lewis both said that the senate committee questioning wasn't really cross-examination.

Ask Anything

"So many of these questions would never be permitted in a court of law," said Lewis, adding that "I would hate to be in the witness chair at the mercy of anybody who could ask anything he wanted."

Davis called the questioning "a polite, carefully guarded exchange, which is not really cross-examination.

"Everything these fellows are doing is trying to show how unbiased they are. Under the adversary theory, cross-examination is biased. It is intended to cut, to cause blood to flow if possible."

Davis's impressions of other senators: "Montoya gives the impression of being confused himself. You get the impression he hasn't done any homework at all.

"Talmadge is firmer than Montoya, but he invariably just goes over a lot of ground. His examinations are

simply in-depth repetition of everything that's been done.

Connecticut Republican Lowell Weicker, Davis said, "is one of the sharpest ones on that table. He doesn't ask a lot of questions in the same way the others do, but he does seem prepared for the questions he does ask."

"Weicker is more politically minded. He's aggressively anti-Administration."
