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WATERGATE JURY HALDEMAN, EHRLICH IN COVER-UP CASE;

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CONVICTS MITCHELL, MAN AND MARDIAN ACQUITS PARKINSON

PROCEEDING GRIM

Panel Deliberated for
15 Hours on 3 Days
—Appeal Planned

By LESLEY OELSNER
Special to The New York Times

WASHINGTON, Jan. 1—Four men who under President Nixon were among the most powerful officials in the nation—John N. Mitchell, H. R. Haldeman, John D. Ehrlichman and Robert C. Mardian—were convicted today on all counts in the Watergate cover-up trial.

The jury of nine women and three men acquitted the fifth defendant, Kenneth Wells Parkinson, the Washington lawyer who was hired by the Nixon re-election committee after the Watergate break-in and who had based his defense on the contention that he had been deceived by some of his co-defendants and had never met the others until the start of the trial.

The jurors reached their verdict at 4:25 P.M. on the 64th day of the trial, after deliberating 15 hours 5 minutes over the last three days.

The verdict was read to the defendants in open court 25 minutes later by the clerk of the court.

Defendants Silent

The proceeding was brief, tense and grim. The defendants

stood silent as the clerk read the jury's findings, first on Mr. Mitchell, the former Attorney General who for a time was head of President Nixon's 1972 re-election campaign. He was convicted of conspiracy, obstruction of justice and three counts of perjury.

Next was Mr. Haldeman, once Mr. Nixon's White House chief of staff. He also was convicted of conspiracy, obstruction and three counts of perjury.

Each man faces a possible prison term of 25 years.

The clerk, James Capitanio, then read the verdict on Mr. Ehrlichman, who was once Mr. Nixon's chief domestic affairs adviser and who already faces a prison term of 20 months to five years on his conviction last summer in the "plumbers" trial. Guilty, Mr. Capitanio read four times—of conspiracy, obstruction and two counts of perjury. The crimes carry a total maximum prison term of 20 years.

Guilty on Basic Count

Then came the verdict for Mr. Mardian, a former Assistant Attorney General and an official of the Nixon re-election campaign. Guilty, Mr. Capitanio read, on the only charge Mr. Mardian faced—the basic conspiracy count, carrying a possible five-year prison term. The conspiracy was to obstruct justice in the original investigation of the Watergate break-in.

The five defendants remained standing. Mr. Capitanio read the verdict on Mr. Parkinson.

"Not guilty," he said, on count one, the conspiracy charge. "Not guilty," he repeat-

ed, on count two, obstruction of justice.

Mr. Mitchell turned to Mr. Parkinson and smiled. Mr. Parkinson's two attorneys, Jacob A. Stein and Nicholas Connell, clapped him on the back.

A few minutes later, after polling the jurors and thanking them, Judge John J. Sirica adjourned the proceedings.

The Watergate cover-up trial

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H. R. Haldeman leaving court with daughter, Susan, center, and wife, Jo, after verdict



John D. Ehrlichman and his wife, Jeanne, after verdict

The New York Times/George James



Kenneth W. Parkinson and his wife, Pamela, talking to reporters outside U.S. District Court after his acquittal yesterday.

Associated Press



John N. Mitchell arriving at court on Tuesday.

Associated Press



Robert C. Mardian and his wife, Dorothy, after an earlier appearance in court.

Associated Press

was over, three months after it began. The four convicted men said, either personally or through their attorneys, that they would appeal.

Probation Investigation

Judge Sirica said that the case would be referred to the probation officers for a presentence investigation. Thus, the sentencing date was left uncertain, and the two-and-a-half-year national trauma of Watergate was not over.

But one of its chapters was. The trial was the culmination of the work of the Watergate special prosecution, a unit set up to investigate and prosecute the persons responsible for the biggest political scandal in the nation's history.

In the course of the prosecutors' work, and under their supervision, a Federal grand jury named President Nixon on March 1, 1974, as an unindicted co-conspirator in the case.

The prosecutors also subpoenaed scores of tape recordings of White House conversations in their effort to build the case that ended today. The first subpoena, for tapes of nine conversations, led ultimately to Mr. Nixon's dismissal of the first special prosecutor, Archibald Cox.

A subsequent subpoena led to a unanimous Supreme Court decision that the President of the United States was subject to the orders of the judicial branch.

That decision led to Mr. Nixon's resignations — for, under pressure from the then-pending impeachment proceedings, he released three of the tapes covered by the subpoena, and those tapes showed that he had intervened in the F.B.I.'s investigation of the Watergate break-in for political reasons.

Mr. Nixon dominated the trial, although he never appeared. His tape recordings made up the bulk of the evidence. With the exception of one brief segment that had been played previously, the trial provided the first public playing of Mr. Nixon's tapes.

The tapes established that Mr. Nixon had played a major role in the Watergate cover-up, that he had approved a scheme

of clemency for the Watergate burglary in exchange for the burglars' silence, and that he had far more knowledge of the cover-up and far earlier than he had admitted.

Also, Mr. Ehrlichman based his defense on the contention that Mr. Nixon had deceived him.

Judge Sirica ruled that Mr. Nixon need not comply with requests by Mr. Ehrlichman, Mr. Haldeman and Mr. Mitchell for his testimony. He gave two reasons—Mr. Nixon's poor health and the limited value of the testimony that Mr. Nixon could be expected to give.

Nixon Statement Today

Yet the trial seemed, to many, to be Mr. Nixon's trial as much as that of the five defendants.

In San Clemente, a spokesman at Mr. Nixon's home said that Mr. Nixon would make a statement tomorrow.

Late this afternoon, the judge was notified that the jury had reached its verdict. The defendants and their attorneys entered the courtroom first. Then came the press, dozens of re-

porters and artists, and seven spectators.

The prosecutors, led by James F. Neal, the chief prosecutor at the trial, entered the room next, accompanied by Henry S. Ruth, the current special prosecutor.

Judge Sirica came in from his chambers and took the bench. The jury was called. John A. Hoffar, a 57-year-old retired park policeman who is the jury's foreman, came in first, holding a large brown envelope. Then the 11 other jurors—two men and nine women—came in. The panel included a retired maid, a retired doorman and several present or retired Government employees.

The jurors had heard more than 80 witnesses in 46 days of testimony including the five defendants.

In their deliberations, beginning Monday afternoon, the jurors had relistened at their own request to four of the White House tapes. Earlier today, they asked the judge to reread to them his instructions on perjury, and they also reviewed the list of the scores of exhibits introduced at the trial.

The jurors did not look at

the defendants as they took their seats. Nor did the defendants, sitting with their backs to the spectator section, appear to look at the jurors.

Verdict Is Reached

Had the jurors reached a verdict? Mr. Capitanio asked. "Yes, they have," Mr. Hoffar replied.

The wives of four defendants—all but Mr. Mitchell's—stared straight ahead. They were seated in front of the spectator section.

Mr. Hoffar handed the envelope to a marshal. The marshal handed it to the clerk, and he, in turn, gave it to the judge. There was absolute silence as he looked at the verdict sheets.

Then the defendants were told to stand, and the verdicts were read.

Except for Mr. Parkinson, the defendants appeared unmoved as the verdicts were read. The defendants' wives had only looks of strain.

After Judge Sirica adjourned court, telling the defendants that they would continue free on personal bond pending sentencing, Mr. Mardian leaned over his chair and put his head in his hands.

He seemed to be crying, and he seemed, for a while, unable to stand up.

Mr. Mitchell walked by, saying, quietly, "Come on, Robert," but to no avail. Mr. Mardian's original attorney, David G. Bress—who dropped out of the case because of illness and was replaced by his assistant, Thomas C. Green—put his arm around him. Finally, he left.

Mrs. Ehrlichman, meanwhile, went up to her husband and put her arms around him. They talked for a few minutes, then left the room.

Out in the corridor, Mr. Parkinson was beaming. His wife, Pamela, was with him, her eyes filled with tears.

"I feel great," he said. "A new lease on life. Back from the dead. I've always had great faith and trust, and it worked out."

Mr. Stein, Mr. Parkinson's chief counsel, appeared in the hall a few moments later. He looked at the reporters and smiled, somewhat tentatively. Then he let out a long whistle and grinned.

The verdict did not come as a great surprise. The prosecution's case was regarded as monumental, and it had been thought that there was little question that the three better-known defendants would be convicted.

There had been some question about the two others—Mr. Mardian because there was relatively little evidence against him, and his defense had been relatively strong, and Mr. Parkinson because he seemed somewhat apart from the other defendants.

Mr. Neal seemed sad despite his success. "It's not a happy occasion," he said, when reporters pressed him for comment after the verdict. "We prosecuted as fair as we could, and as vigorously as we could, and I just don't have anything more to say."

In his closing argument to the jury Friday afternoon, he viced a similar thought.

"It's no fun casting stones," he told the jurors then. But sometimes, he said, "stones must be cast—people must be called to account."



Associated Press

Judge John J. Sirica arriving at court yesterday