

# Trial Is Capstone of Prosecution Force

WASHINGTON, Jan. 1 (AP)—Along with President Nixon's resignation and the Congressional moves toward his impeachment, the verdict in the three-month-long Watergate cover-up trial stands as one of the high points in the scandal that has dominated American political life for two years.

As the jury announced its decisions, Mr. Nixon was secluded and ill 3,000 miles away at his estate in San Clemente, Calif. January would have marked the beginning of his sixth year as President.

Mr. Nixon left the White House on Aug. 9, forced to resign by evidence recorded on tapes that he used to preserve conversations he had with his top aides, among them the defendants in the trial.

While still President, Mr. Nixon was named a coconspirator in the Watergate cover-up case by the grand jury but was not indicted. But he was pardoned by his successor, President Ford. That precluded the possibility that he would be a defendant. And his illness, diagnosed as phlebitis, prevented him from appearing as a witness at the trial.

The scandal began June 17, 1972, when White House and Nixon aides in the re-election campaign were discovered breaking in at the Watergate complex of offices and apartments in Washington to spy and eavesdrop on Democratic National Committee headquarters.

## Called For Tapes

But it was not until July 24, 1974, when the Supreme Court ruled that Mr. Nixon had to surrender the tapes of 64 conversations sought for the trial, that he is in effect lost his long battle to remain in office.

The defendants in the trial, which began Oct. 1, included three of the most powerful men in Mr. Nixon's first administration: former Attorney General John N. Mitchell and the former White House aides, H.R. Haldeman and John D. Ehrlichman.

The two other defendants were former Assistant Attorney General Robert C. Mardian and Kenneth W. Parkinson, onetime lawyer for the Nixon re-election committee.

All were charged before Federal District Judge John J. Sirica with conspiring to obstruct the investigation of the Watergate break-in.

Charles W. Colson and Gordon C. Strachan, former White House aides, were also charged with participating in the cover-up. But conspiracy and obstruction of justice charges against Mr. Colson, former special counsel to the President, were dropped after he pleaded guilty to conspiring to obstruct justice in the Pentagon papers case.

Mr. Colson admitted disseminating derogatory information about Daniel Ellsberg, a defendant in the Pentagon papers trial. He began serving one to three years in prison July 8.

Mr. Strachan is seeking dismissal of the conspiracy, ob-

struction of justice and perjury charges against him. Judge Sirica has granted him a separate trial so he can wait for the United States Court of Appeals to rule on his dismissal petition.

The first witness in the trial was John W. Dean 3d, the former White House counsel who became Mr. Nixon's chief accuser. Mr. Dean, who pleaded guilty Oct. 19, 1973, to conspiracy to obstruct justice, is serving one to four years in prison.

In the same flat, matter-of-fact tone he used in telling his story during the nationally televised Senate Watergate committee hearings, Mr. Dean described how he and others destroyed evidence, raised hush money and lied in an effort to conceal involvement of Nixon Administration and campaign officials in the break-in.

Methodically, under questioning by the chief prosecutor, James F. Neal, Mr. Dean tied each of the five defendants to the conspiracy.

The question was, would the jury believe him?

In their cross-examination, defense lawyers concentrated more on attacking Mr. Dean's credibility and character than on his testimony.

John Wilson, Mr. Haldeman's lawyer, began his closing argument to the jury by saying:

"John Dean has a mastermind of chicanery, of monkey business, of flouting the law, of having no conscience. He's an embezzler. He's a liar, he's a perjurer, he has a kaleidoscope of criminal activity which seems beyond the pale of an ordinary human being."

## Admitted Lying

Nearly all major prosecution witnesses admitted on the stand that at one time or another they had lied to investigators. The witnesses included Jeb Stuart Magruder, Frederic C. LaRue and E. Howard Hunt Jr.

Both Mr. LaRue, a campaign aide, and Mr. Magruder had pleaded guilty to participating in the cover-up and were cooperating with the prosecutors.

Mr. Magruder, former deputy director of the Nixon re-election committee, admitted he lied at an earlier trial for the half-dozen perpetrators of the break-in.

Mr. Hunt, the C.I.A. agent turned spy novelist who had pleaded guilty at the break-in trial, confessed to having lied repeatedly. He said he then read the transcripts of the White House tapes.

"I felt a sense of rude awakening," he said. "I realized these men were not worthy of my continued loyalty."

The prosecution's case against the five defendants focused on these allegations:

¶ That Mr. Mitchell had approved a political intelligence plan proposed by G. Gordon Liddy, a campaign aide formerly with a White House intelligence unit known as "the plumbers," calling for illegal

electronic surveillance of the Democrats; that after the break-in Mr. Mitchell participated in devising a false story told to investigators; that he had suggested that Mr. Magruder destroy evidence, and that he had approved hush money payments.

¶ That Mr. Haldeman had tried to get officials of the Central Intelligence agency to convince the Federal Bureau of Investigation to limit its investigation of the break-in, and that he had approved the use of a secret \$350,000 White House cash fund for payments to the burglars.

¶ That Mr. Ehrlichman had joined with Mr. Haldeman in the effort to use the C.I.A. to limit the F.B.I. investigation; that Mr. Ehrlichman also had tried to get C.I.A. funds channeled to the burglars; that he had ordered the "deep sixing" of material found in Mr. Hunt's White House safe, and that he had been involved in the raising of hush money.

¶ That Mr. Mardian had participated in meetings during which discussion included destroying evidence, raising hush money and giving the authorities a cover story.

¶ That Mr. Parkinson had participated in the cover story and had relayed demands for money from the burglars.

Each of the defendants testified in his own defense and denied each of the allegations.

## Blaming Others

Mr. Mitchell's defense alleged it was Mr. Colson who approved the Liddy plan and that Nixon White House insiders, including Mr. Haldeman, Mr. Ehrlichman, Mr. Colson and Mr. Dean, were determined to make the former Attorney General the "fall guy."

Mr. Haldeman's lawyer described Watergate as "a pimple on the mound" of Mr. Haldeman's other duties as Mr. Nixon's top aide. Mr. Haldeman denied knowing that any of the \$350,000 would be used as hush money.

Mr. Ehrlichman said he was a silent observer during the June 23, 1972, meeting at which C.I.A. officials were ordered to try to limit the F.B.I. inquiry. But the keystone of Mr. Ehrlichman's defense was his direct attack on Mr. Nixon, whom he accused of lying to him, misleading him and using him in an effort to save himself.

Mr. Mardian emphasized that his total involvement in Watergate lasted only about 35 days. He contended his only role was as a lawyer advising the Nixon re-election committee and said he had been bound by legal ethics not to disclose what he learned as an attorney.

Mr. Parkinson also cited his role as an attorney for the re-election committee as the reason he had not disclosed what he had learned about the break-in. He also said he had been misled by Mr. Mitchell and Mr. Mardian into believing that the Watergate burglars had been acting on their own.

The trial was the capstone of the labors of the special Watergate prosecution force, created in May, 1973, with Mr. Nixon still in the White House.

The appointment of a special prosecutor was a condition set by the Senate before it would approve Mr. Nixon's nomination of Elliot L. Richardson to succeed Richard G. Kleindienst as Attorney General. Mr. Kleindienst had resigned in the Watergate turmoil on April 30, 1973, along with Mr. Haldeman and Mr. Ehrlichman. Mr. Dean was dismissed the same day.

Archibald Cox, a Harvard Law School professor who had served as Solicitor General under Presidents Kennedy and Johnson, was appointed special prosecutor. He recruited a staff of 38 lawyers. One of the first he recruited was Mr. Neal.

Paralleling the investigation headed by Mr. Cox was the Senate Watergate committee's inquiry. The committee, headed by Senator Sam J. Ervin Jr., Democrat of North Carolina, opened its hearings on May 17, 1973.

James W. McCord, former security director for the Nixon re-election committee and one of the five men arrested inside Democratic National Committee headquarters, described hush money payments and offers of executive clemency. He accused Administration officials from Mr. Nixon on down of being involved in the scandal.

## Reports Approval

Mr. Dean testified before the committee during the last week in June. He said that Mr. Nixon had approved paying hush money to Mr. Hunt.

It became his word against





Associated Press

John J. Wilson, H. R. Haldeman's lawyer, at court.



Associated Press

James F. Neal, left, and Richard Ben-Veniste, prosecuting attorneys, leaving U.S. District Court in Washington during a break yesterday.

that of Mr. Nixon and his former top aides.

The break-through came on July 16, 1973, when Alexander P. Butterfield, a former White House aide, disclosed the existence of the White House tapes.

Mr. Cox swiftly subpoenaed tapes of meetings Mr. Dean had described. Mr. Nixon rejected the subpoena, saying that to turn over the tapes would destroy forever the principle that Presidents are entitled to receive advice from their aides in confidence.

Judge Sirica upheld Mr. Cox's argument that not even a President had the right to withhold

evidence in a criminal investigation. Mr. Nixon appealed the decision, but in October the United States Court of Appeals upheld Judge Sirica.

On Oct. 19, Mr. Nixon offered a compromise. He would supply edited transcripts of the subpoenaed tapes to be verified by Senator John C. Stennis, Democrat of Mississippi. Mr. Cox rejected the compromise. On Oct. 20 Mr. Nixon dismissed him.

**Then Two Resign**

The dismissal of Mr. Cox prompted Mr. Richardson and his deputy, William P. Ruckelshaus, to resign. It also touched off an impeachment inquiry by

the House Judiciary Committee.

Three days after he discharged Mr. Cox, Mr. Nixon agreed to give Judge Sirica the subpoenaed tapes. And Leon Jaworski, a Texas lawyer, succeeded Mr. Cox.

Mr. Jaworski proved as persistent as his predecessor. On April 16, 1974, Mr. Jaworski subpoenaed tapes of the 64 conversations. It was that demand that led to the Supreme Court order of July 24, 1974. A little more than two weeks later, Mr. Nixon was out of office.

The end of the cover-up trial did not end the work of the special prosecutor's office.

At least one major trial remained, that of former Treasury Secretary John B. Connally, indicted on July 29, 1974, on charges of taking two \$5,000 bribes from a large dairy-farmer cooperative in return for his help in getting Mr. Nixon to raise milk prices in 1971. No date has been set for Mr. Connally's trial.

Additional charges were expected in other campaign contributions and in a campaign-related investigation into an antitrust settlement with International Telephone and Telegraph Corporation.

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