

Tapes Convinced Coverup Jurors

Washington

The foreman of the jury that convicted four of former President Nixon's aides in the Watergate coverup trial said yesterday the jurors found the White House tapes "something you can't argue with."

Foreman John Hoffar, 57, a retired National Park Service policeman and registered Republican, said the recordings provided the only uncontested evidence of the three-month trial.

Each member of the jury was impressed by them, he said.

Reflecting in an interview on the jury's conviction Wednesday on the former Nixon aides, Hoffar said of the 28 tapes played by government prosecutors:

"They're just something you can't argue with. I mean, there it is and that's what was said. It's too bad they can't have tapes at all

trials. It would help the jury a lot."

Although impressed by the recorded evidence that a criminal conspiracy had existed, Hoffar said jurors did not discuss the involvement of Mr. Nixon aside from occasional brief references to him.

"Mr. Nixon wasn't on trial and we didn't have time to consider him," Hoffar said, referring to the jury's 15 hours of deliberations in a windowless room behind the courtroom of U.S. District Judge John Sirica.

"We had five defendants to judge. That was enough of a job."

Three defendants — former presidential aides H. R. Haldeman and John Ehrlichman and former Attorney General John Mitchell — were convicted on all counts of conspiracy, obstruction of justice and perjury. A fourth defendant, ex-Nixon campaign lawyer Robert Mardian, was found guilty of con-

spiracy, the single charge against him.

The jury acquitted Kenneth Parkinson, another Nixon campaign attorney, of any criminal role in the coverup.

When Hoffar and his colleagues — two other men and nine women — were sequestered for the trial last October 11, Mr. Nixon had already been pardoned by President Ford. Jurors, however, were never told that in late October Mr. Nixon became so critically ill he could not be called to testify.

Hoffar said the jury had "an inkling" Mr. Nixon was ill.

"But no one knew for sure," he said. "One of the women happened to hear something, but she had no details."

The jury "would have been thrilled" to hear the testimony of Mr. Nixon, Hoffar said. "It was completely out of our hands, however," he added.

Asked if Mr. Nixon's testimony might have resulted in different verdicts than those returned, Hoffar replied:

"Well, according to what Ehrlichman said, it could have. We're not lawyers."

Hoffar referred to the fact that Ehrlichman claimed he had been "deceived" by Mr. Nixon on at least four occasions after the Watergate break-in. Ehrlichman said Mr. Nixon had withheld so much information from him that he had known "pittifully little" about the scope of the coverup.

But Hoffar said jurors were not impressed with the credibility of Ehrlichman, Mitchell and Haldeman. The jury felt they had not "told the whole truth," he said.

Hoffar said the jury had thorough and often spirited discussion on nearly every count against each defendant.

"We tried to do it in an orderly way, taking the de-

fendants one by one as they were listed in the indictment, starting with Mitchell," he said.

"We went around the table and everyone got to say his piece. Everyone contributed his recollection of the testimony. Some jurors had fantastic memories, and they refreshed the memories of others."

Members of the jury "were perfectly willing to give every defendant the benefit of the doubt," Hoffar said, adding:

"On the ones we convicted, we couldn't find enough evidence in their favor. Mr. Parkinson had more evidence in his favor."

Although Hoffar declined to be specific, Parkinson had contended in his defense that Mitchell and Mardian lied to him in denying that higher officials were involved in planning the Watergate break-in. Parkinson said his only role in the Nixon campaign was as a defense lawyer in civil damage litigation filed by Democratic party leaders.

Another juror, Ruth Gould, 57, a loan administrator for the U.S. Department of Agriculture, said of the tapes:

"I'll just never get over them. I couldn't believe what I was hearing. In fairness, I suppose that wasn't all they did at the White House, but golly."

Mrs. Gould said she never found sequestered life difficult.

"I love to have unobstructed time for reading," she said.

"I found I was exhausted at the end of the day, so I was content after dinner to retire to my room and read for a while before retiring."

At the same time, the downtown hotel rooms occupied by jurors sometimes resembled "a college dormitory," she said.

"We women visited each other in our rooms with our



JURY FOREMAN JOHN HOFFAR
'Something you can't argue with'

hair in curlers," she said. "It was very cozy."

Dock Reid, 60, a hotel doorman who served on the jury, told United Press International that there was no substantial disagreement between jurors once they had gone back over the evidence.

"By the time we reviewed the evidence and talked about it and what was said on the stand, I don't know if you could say that we had any disagreement," Reid said. "We pretty much reached the same conclusion."

Reid said Mr. Nixon's testimony would have made no difference in the verdicts. He said he never questioned why the former president was not called to the stand.