

WXPost

MY WATERGATE YEAR

A Tragicomic Legal Odyssey that Began in Naiveté, Wound Around to the Special Prosecutor's Office, a Grand Jury Room, the Ervin Committee's Quarters and Ended in Court

JAN 19 1975

By Norman Sherman

I thought you probably have never heard of me, I am part of the Watergate gang. I recently pled guilty to a misdemeanor violation of the Federal Corrupt Practices Act and paid a \$500 fine.

That ended a full year of public embarrassment for me and my family, expensive legal fees, and an endless drain of time and energy since I first received the subpoenas of the Special Prosecutor's office and the Ervin Committee.

As a result, among the few public words of Richard Nixon with which I might agree was his piety, "One year of Watergate is enough." My Watergate year was a surreal one in which my corrupt practices seemed like a mouse belch in the midst of a nuclear explosion. But if I have any lingering doubts of its reality, I need only recall that I shall forever be memorialized in the Watergate Special Prosecution Force Chronological List of Court Actions—IaRue,

Norman Sherman, before entering private business, served as press secretary to former Vice President Hubert H. Humphrey.

Magruder, Segretti, Krogh, Dean, Chapin, Porter, Jacobsen, Kalmbach, Colson, Haldeman, Ehrlichman, Mitchell, Strachan, Parkinson, Mardian, Barker, Martinez, De Diego, Liddy, Reinecke, Kleindienst, Connally, 14 leaders of corporate America, my partner Jack Valentine, and me, Norman Sherman.

Next to my name is stated, "An information was filed on July 30, 1974, charging a one-count violation of Title 18, USC, Sections 2 and 610, aiding and abetting an illegal campaign contribution. A guilty plea was entered on August 12..."

Before sentencing us, the judge said nice things about Valentine and me: it appeared we had not intended to violate the law, our former attorney had assured us that what we did was legal, we had provided all the information we had, everything we had said about our intent and actions had been corroborated.

It all sounded so good, I wondered what the hell I was doing there. If Maurice Stans had been in the courtroom, he might have thought that the judge had given back our good names.

Alas, the judge's sympathetic words could not overtake the already published front-page stories in virtually every major daily in the country. Nor even that night's

network news which featured an artist's rendition of my mug shot.

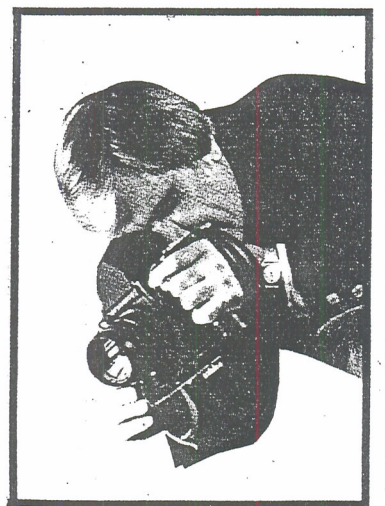
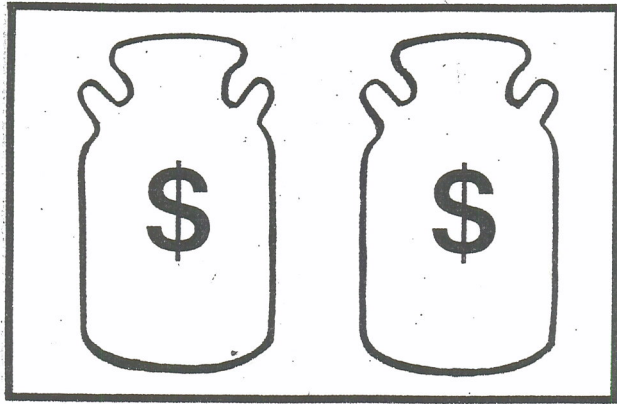
Yet the year, for all its misery, was not without its fascinating and even humorous moments.

My crime was diminutive compared with the more famous villainies of this period, but it launched me on a psychological journey where my sense of innocence, my self-justifications and rationalizations, buffeted by press coverage, and the shifting fears born of extended legal entanglement, wizened into an uneasy acceptance of guilt, and an uncommonly clear vision of political morality.

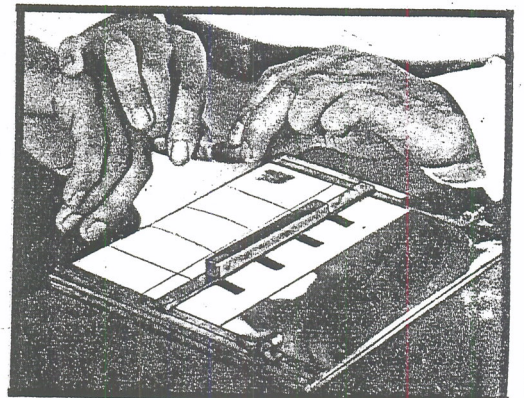
Samuel Johnson once wrote, "When a man knows he is going to be hanged in a fortnight, it concentrates his mind wonderfully." That's the kind of year it was.

A Casual Start

In 1969, I quite casually started a business with my friend, Jack Valentine. Neither of us had had any prior business experience. I had been in politics for most of the previous two decades and he had been working as a teaching assistant while seeking a Ph.D. in American immigration history. Nothing in either of our personalities or backgrounds suggested



Guilty



Collage by Allen Appel

success in the corporate world.

But Valentine had a good idea and that seemed enough. In the mass-media-dominated campaigns of the 1960s, volunteers rarely had sufficient work to do. Valentine's idea was to have a computer match voter registration lists with telephone directory listings, making it easier for the volunteers to interview the appropriate people by phone.

In turn, the data the volunteers gathered, once stored in the computer, could be used for voter registration and fundraising drives, and for persuasive direct mail. Its ultimate value, of course, was in selective get-out-the-vote drives. Valentine's idea coupled the old politics of precinct workers with the new technology of computers. When well done, it produced superlative results.

Our first customer was Hubert Humphrey during his 1970 Senate campaign. I had been his press secretary while he was Vice President, and it was that association, I believe, which inevitably attracted and, in the Watergate climate, possibly even required, the attention of the prosecutor and the press. When we got into trouble, every press account led with "former Humphrey aide" and I doubt seriously that we would have been prosecuted at all had I never worked for him. I became, I think, the most readily available token Democrat needed to offset the otherwise totally Republican line-up. Valentine, like a Siamese twin, necessarily became a target by association.

After our initial success in Minnesota in 1970, Valentine, Sherman & Associates rapidly grew into a million-dollar-a-year business, beneficiaries, in part, of the fadism that afflicts campaign management. All too quickly, however, we lost our reputation for competence and virtually went bankrupt.

Before that happened we made what we believed was a reasonable, legal and profitable business proposal to the Associated Milk Producers who were distributing campaign money to scores of politicians, lawyers, and public relations people in both political parties.

AMPI (that "I" stands for "Incorporated," a fact we somehow never considered) is a strange creature. It is a super-cooperative which gets its money for politics through a check-off system, the take being determined by the number of gallons of milk delivered by members to the dairy. AMPI's political income has amounted to several millions of dollars in the past few years.

The First Mistake

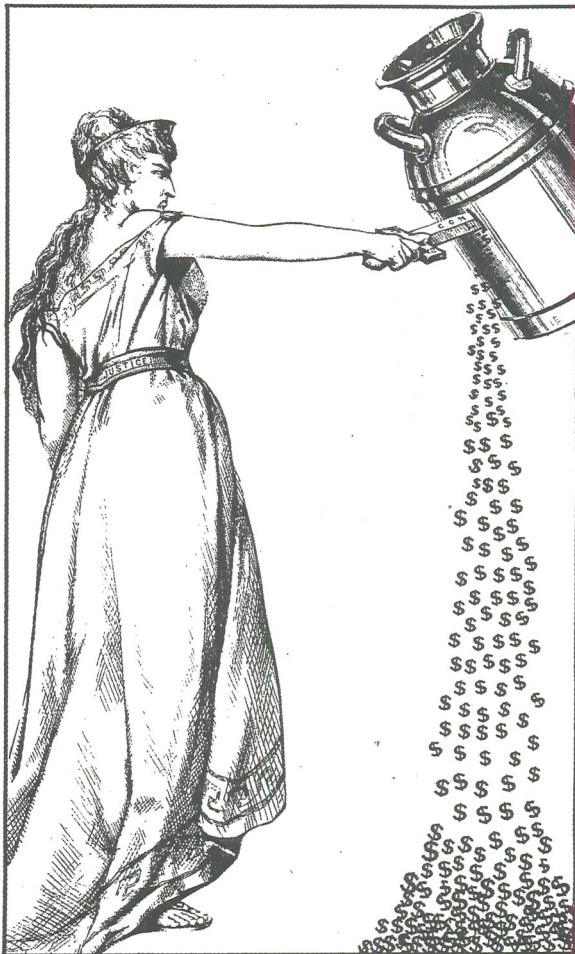
Our pitch to them was simple. "Look," we said, "we work on political campaigns, but what we do is expensive. There is a lot of interest, but it

is difficult to get the money as early as it is needed. If you will pay for part of the cost, the campaign committees can absorb the rest. Your money won't be squandered, but used in a sensible and productive effort.

"Further, we will be developing millions of farm and rural names which you can use in your own organizing and propaganda efforts, and we will provide you an equivalent value of those names for any money you put into politics."

They talked immediately of two possible nonpolitical uses of our lists: selling insurance by mail, a staple and lucrative activity of other farm groups, and the sale of products through the mail.

Our first mistake was to believe them,



since they subsequently testified that they really had little interest in doing either of those things.

Our second and more serious mistake was in focusing on them as a political entity and not on them as a corporation, which they, indeed, were.

We knew that corporations as well as labor unions, by law, could not spend corporate or "treasury" money on political campaigns. In political jargon, it is "soft money" as opposed to "hard money."

Of course it is easier to tap dollars already in the corporation treasury than it is to solicit voluntary political contributions. A second advantage of this approach is that the money usually, if not always, can be deducted as a business expense.

The corporate officials who were convicted of giving illegal dollars to Nixon's reelection campaign had taken "soft" or corporate money and laundered it through some subterfuge, paying extra for a printing job so that a candidate might have his brochures or bumper stickers printed free, or paying unearned "legal fees" so that the attorney might channel the cash to a favored candidate.

Had Valentine or I solicited corporate dollars from the Milk Producers, our guilt would have been obvious to us. It may be ingenuous almost to the point of disbelief, but we never considered the possibility that we would be paid with anything other than "hard" political dollars when AMPI committed over \$100,000 for our voter data-gathering.

Months after the various projects were under way, weeks after we had complained to AMPI about not being paid, the first check arrived. It was a corporate check. It is unclear to us even now why they did not send political, clean money since they ended up with over a million of those dollars. In retrospect, we posit only two possible answers: one, that AMPI was saving all of it for the Nixon reelection coffers; two, that they wanted to hide their Democratic contributions as best they could in order not to offend those White House Republicans with whom they were negotiating for higher milk price support levels.

Retrospective wisdom suggests that we should have returned the corporate check and insisted on "political" dollars, but we didn't. We were afraid to cash the check for fear it was illegal, but we feared equally that returning it would, at worst, offend them enough to cancel their financing, or, at minimum, further delay their payment, a disastrous possibility since we were substantially overdrawn at the bank.

We went instead to our attorney. He had known our business from the beginning, he had been active as a campaign manager, and though we did not know it then, he had been retained earlier by the Milk Producers.

We asked him if it was legal to cash the corporate check and he said it was since we were supplying rural names for other uses to AMPI. (He later invoked the Fifth Amendment rather than testify under oath as to how he had advised us.) Elated, we cashed the check. The general manager of the Milk Producers afterwards testified under oath before the Ervin Committee that, ". . . we asked (their attorney) to prepare the deal."

Though we rarely had bothered to negotiate formal contracts with our clients, since most campaign committees automatically go out of business after the election and are, therefore, hard to sue, our attorney had belatedly drafted a contract covering our agreement with AMPI. We signed

it and sent it on with a note saying they should contact our attorney if there were any questions.

We heard nothing and went blithely on, secure in the advice of our attorney. Our security died a cataclysmic death one October day in 1973, over two years after that first check, when a United States Marshal delivered a subpoena from the Ervin Committee to our office in Minneapolis.

My partner, a sensitive straight-arrow accustomed to the life of academe, accepted the subpoena and proceeded directly to the men's room to throw up—an involuntary but periodic response he suffered throughout the ensuing wretched year.

Running Scared

It was a year during which we were to rethink our assumption that the advice of a competent attorney can always be trusted, an assumption without which business life, at least for amateurs, is infinitely more tentative, difficult and frightening. Our first instinct was to go voluntarily before the Ervin Committee and the Special Prosecutor's office without a lawyer, laying out the facts as we knew them. More experienced, and probably more sensible, heads urged we get an attorney.

It was clear we couldn't use the last one, but, I said, "Goddammit, we're not going to retain some high-priced Washington attorney like we have something to hide. We aren't guilty of anything so let's not act scared."

But we were scared. The Milk Producers had developed the image in the press of political "Bonnies and Clydes," notorious public enemies. We knew that anyone working with them might be embarrassed, but in our most paranoid moments we never considered the possibility of becoming defendants in any court proceeding.

The next shock was the advice that we get a criminal attorney. Since Minnesota doesn't have that much white-collar crime, criminal attorneys usually deal with dramatic acts of murder, assault, burglary, prostitution, and an occasional kidnapping. And now, the two of us. Seeking a criminal attorney seemed an implicit admission of guilt.

Valentine and I made a basic decision which became the most important instruction to our new attorney. "We will cooperate fully by providing all records and recollections. The one thing, above all else, that we will not be guilty of is perjury in order to protect ourselves or anyone else."

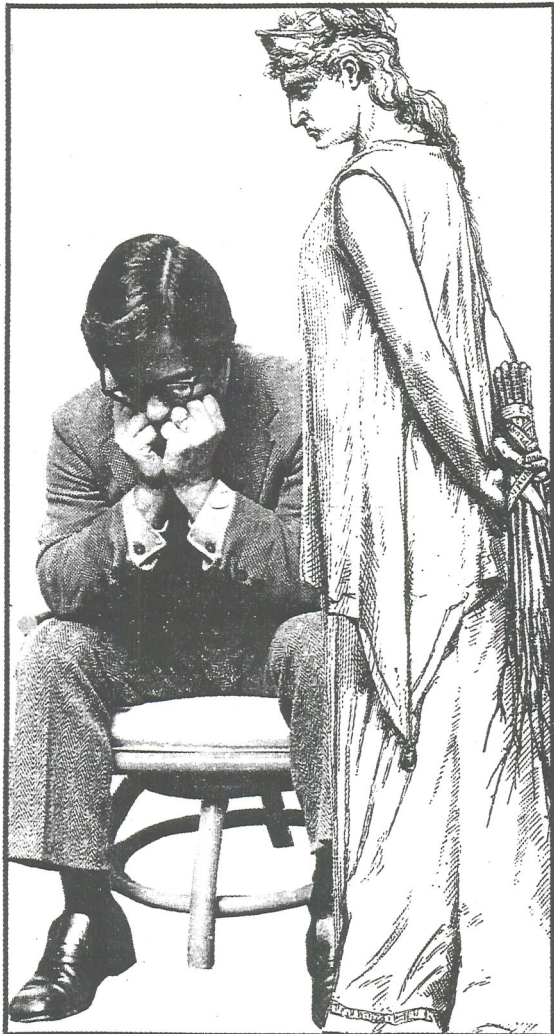
Essentially, we made it easy for the prosecutor's office. Since no one else so peripherally involved has been indicted, one wonders, moral considerations aside, whether cooperation was indeed the wisest ap-

proach.

The night before our grand jury appearance, Valentine and our criminal attorney arrived in Washington and we spent the after-dinner hours in a hotel room going over our files and our recollections. And over. And over. Neither I nor Valentine has the recall of a John Dean and it was a struggle to remember who talked to whom and at what time about each detail.

The evening was a mess. We smoked too much, we spurred each other's tension, we both thought the attorney was not paying enough attention. We were like gauche teen-agers anticipating a blind date with someone's fat sister. We hoped it would be over quickly and that no one would see us.

At one point, I went to the bathroom



and noticed that our lawyer traveled with a hair-blower. Somehow it undermined my confidence in him. Endlessly, we recited all we knew and when the lawyer's patience had been pushed to the limit, we went to Valentine's room and recited our monologues yet again. We began to bore each other, but could not stop talking.

I have been around Washington and politics long enough to be somewhat callous, but Valentine is, by nature, a Boy Scout filled with inordinate pride and concern for personal honor. The mere facts of the subpoena and an impending grand jury appearance had crushed his spirit. He was so depressed that he looked more and more like a man who had, indeed, violated whatever laws he could. His bloodshot eyes

sank deeper and deeper into dark, dark circles.

By morning when I returned he was a basket case. He had managed about two hours' sleep, smoked two more packs of cigarettes. I had slept more and smoked less, but had needed to wipe my hands to hold tightly to the steering wheel driving over. I heard my own voice, half an octave higher than normal, wondering aloud, "If we're innocent, what in Christ's name does a guy who is guilty feel like?" No one answered.

No Smiles

We arrived at the prosecutor's office at 14th and K. Bigger enchiladas than we must have gone to Jaworski's office and found impressive surroundings. Our arena of truth bore the unmistakable stamp of a temporary government agency. A uniformed guard sat at the one working desk in the middle of an odd-shaped room that had not been repainted when the previous tenant moved out. When we mumbled why we were there, the guard shoved toward us a pad of forms. We filled in name, address, identification; he silently handed us red, laminated, numbered lapel passes.

He pointed us to two standard grey metal and leatherette chairs in the corner. Since there were three of us, one stood awkwardly while two sat. My head told me to go to the bathroom. When I got there, my bladder told me it was already on empty.

While we waited, young assistant special prosecutors and their secretaries moved in and out displaying their passes in the casual way of regulars. No one smiled much and conversation was subdued, but intense. They are people on a mission, you think, and your mind moves for the first time that morning from yourself to what they are doing and you are glad. But only for a moment. You come back quickly to yourself, fearful of people on a mission.

The atmosphere corrodes another level of innocence. If the ambiance is not precisely hostile, it is, at least, strongly adversative. And that mood heightens with the sudden appearance of your escort. "We will interview you separately. You can have your attorney with you."

In the small, cluttered office of "your" assistant special prosecutor, you try to explain that the invoices are on letterhead because you never got around to printing invoice forms. You try to explain away confusion because you never had a bookkeeper and your secretary had been a dropout from stewardess school.

You wish you had been more orderly and your memos less ambiguous. You begin to sound absurd and defensive.

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You blurt out what must be a cliché: "If I had intended to violate the law, I would have concealed it more artfully. I would have disguised things."

The young man questioning you raises his eyes from the yellow legal pad on which he has been scribbling and smiles a humorless smile, allowing he has heard that one before. Now, in addition to everything else, you feel stupid.

Your attorney helps you answer a question, explains an invoice, and you both resent and appreciate him. When you leave after an hour, you are damp with perspiration and concern. Doubts which began with a subpoena and multiplied with the need to retain a criminal attorney, now run amok in your mind. "Jesus, am I guilty? What are the consequences going to be?"

The humorless smile is contagious and you smile one at Valentine as he thumps past you. For the next hour you sit alone in one of those two chairs out front, focusing on the inevitable office coffee pot with instructions taped to it, a cup of coins next to it. You try the men's room again, then skulk back to the chair.

Enter the Jury

When the preliminary interviews are over, the five of us—two prosecutors, our attorney, Valentine and I—pile into a cab to the Federal Court House where the grand jury sits. You avoid the obvious topic, but it is difficult to remain silent, so you half-whisper, mumbling something about a recent sports event.

At the courthouse, you slide from the cab hoping to look inconspicuous. One of the prosecutors pays the driver and you start for the door. You involuntarily slow down when you notice a photographer friend, Nikons hanging around his neck, intended for more notorious witnesses, you hope. He looks on in mock horror, claps his hand to the side of his head and proclaims, "Oh, no, Norman, not you, too!" I respond with a feeble smile and feel not only guilty but convicted.

There was further evidence that this was not an auspicious day. The grand jury had

taken off for lunch and we were asked to come back in half an hour. The prosecutors vanished and we descended to the dreary basement cafeteria for lunch. None of us ate much and while we sat there, several other newsmen I knew stopped by to say hello. Mercifully, no one asked what I was doing there.

Lunch over, I led the way to the elevator, moving like a wooden Pinocchio.

We got off the elevator at the sixth floor, turned left and left again down a dingy corridor past a free-standing, wooden sign which said, "Grand Jury Members Only."

After a brief wait, you enter the grand jury room alone when you are beckoned. The room itself is small and plain. You sit at a table with a microphone, a court stenotypist at your right hand, at your left the forelady of the grand jury who swears you in, and opposite you another table with its microphone for the two members of the Special Prosecutor's staff.

Behind the forelady loom the other 22 grand jurors, terraced in four or five rows. Several chew gum, one knits; and most are middle-aged and black. You rise to be sworn in and you promise to tell the truth. You give your name and they ask you to spell it. S-H-E-R-M-A-N, you hear your own voice say. It is not grand enough to be Kafkaesque, but there is a definite schizophrenia, a depersonalization at a very personal moment.

The man across from you says you may be a potential defendant and that anything you say may be used against you. You begin to perspire, not in gleaming Nixonian splendor, but just quietly under the arms.

As the questions begin, you think, "I didn't set out to violate the law. I'm not even sure that I did. I didn't buy anyone and I didn't sell anyone. I didn't abuse any public trust." You've answered all the questions that morning, but they are repeated for the grand jurors and for the record under oath.

You wonder, "Should I turn to the jurors when I answer the questions or should I speak to the attorneys who are asking them?" With a sudden jerk, you glance at the jurors. There are no smiles. Of course, there is nothing for anyone to smile about. But if you've learned life can be bittersweet, and maybe even ab-

surd, you want to smile, to say, "Isn't all of this ridiculous, my being here?"

Paid in Full

My appearance is brief, maybe 10 minutes, maybe 20, I lost all track of time. When the prosecutors have on record what they want, they turn to the jurors who may now ask questions, but in my case they don't. I take that as a good sign. Then a voice says, "Thank you, Mr. Sherman," and I am out. Once again there is that awkward wait while Valentine has his turn.

Then we are told to go downstairs and fill out forms so that we can be paid for one day in court. The witness fee is \$20 plus travel, in my case 11 cents a mile for driving the six miles from Chevy Chase. Finally, it is over.

You are no longer a virgin. You've been had and you feel corrupt, a view reinforced through the ensuing months by more hours' interrogation from Ervin Committee counsel and auditors, by press queries and news stories, by explanations to friends, to the children and other family, and by the time you waste just thinking about your status and reputation.

In addition, endless events conspire to cut deeper into confidence. Valentine's wife was chairman of the Ethics in Government section of her League of Women Voters chapter. She was so humiliated by all the press coverage that she tried to resign, but her colleagues graciously refused. It didn't help much.

Valentine's mother, a week out of the hospital after major surgery, saw her son on the network news and phoned hysterically, crying, "My son a crook. I should have died on the operating table."

My son came home one day to say he had just overheard two little kids down the block talking. One said, "My daddy says Mr. Sherman is a bad man."

One day, as I drove through the Minnesota countryside with my 12-year old nephew, he said, "Hey, Uncle Norm, about that bribe you took . . ." I interrupted him and tried, unsuccessfully I'm sure, to explain it wasn't a bribe.

Recently when an old friend used my name for a reference, her prospective em-

ployer, the editor of a prestigious journal and a literate Washingtonian, asked, "Isn't he in jail?"

"Shut the Door"

One event more than any other typified for me the lunacy of the year, my own roller-coaster moods, and how Washington rumors are fed. Late one morning, a colleague called me into his office and said in a conspiratorial half-whisper, "Shut the door." He said he had just talked to David Shoumacher of ABC, who was supposedly about to call me—Leon Jaworski had told Shoumacher I was soon to be indicted. I froze, fought off a wave of nausea, and accepted it as fact.

With buckling knees, I walked back to my office, shut the door and simply sat for 20 minutes. Then I called my wife. Had the story been about anyone else, I would have spent that time on the phone tattling the tale a dozen times.

Once in reasonable control, I called Valentine, whose only response was a shocked, strained gasp, "I can't breathe, I can't breathe." When he recovered, I said I would call the prosecutor's office and then call him back.

At first, "my" prosecutor, an assistant to Jaworski, would not talk to me, asking through his secretary whether I didn't have an attorney. My mood fell even lower. I persisted and said, "Yes, I do, but if the rumor I've heard is true, I'm going to fire him and get another."

The prosecutor spoke to me and told me what I wanted to hear. "The rumor," he said, "is not true." He explained further that because his law firm had earlier represented John Connally on other matters, Jaworski had recused himself from the milk case and, therefore, had none of the facts before him.

My mood rebounded instantly. As I interpreted our conversation, it seemed that they had little interest in Valentine and me. The attorney had concluded our conversation by saying, in a pleasant way I thought, "If we take any action, you will hear directly from me and not from a reporter."

I was relieved and manic. Almost gleefully, I called Shoumacher to squelch the rumor and to find out how it

had started. Its origin was classic. While my friend had been on the phone with Shoumacher, he said, "I'll call you back. Leon Jaworski is on the other line." In the call back to my friend, Shoumacher asked about Valentine and me and the possibility of our being indicted. It was only a probing question, but my friend thought it a tip-off. As it turned out, Jaworski had called just to answer an invitation to the upcoming TV Correspondents' Dinner.

On Trial

Weeks passed, the rumors and emotions flowed and ebbed, and finally, the rumor turned into fact. Whether I had read the phone conversation wrong or conditions for some reason had changed, I do not know.

We heard officially from the Special Prosecutor's Office that they intended to file an "information," which is like an indictment but not moved through the grand jury, charging us with one misdemeanor count of aiding and abetting an illegal corporate contribution, if we were prepared to plead guilty. The impression was left that we could choose our court if we'd plead guilty.

In order to get the whole misery over with, I could stomach a guilty plea, but Valentine was angry and disagreed adamantly. He felt we had been patsies while others, including our original attorney, had been untouched by the prosecutors. Our new attorney believed a not-guilty plea would probably result in a felony indictment.

Subsequently, when several of the Milk Producers were indicted, I was able to persuade Valentine that, however innocent our motives had been, we were guilty, and that the time had come to end our personal year of Watergate. He reluctantly agreed, something he would not have done had he sufficient money to keep fighting.

We asked to be tried in Minnesota and we were. Our reasons were simple: the sentencing mood in Washington then seemed capricious and, therefore, dangerous; and St. Paul's chief judge, a former Republican congressman, had a reputation for consistency.

Shortly before, he had fined the chairman of 3M \$500 for laundering corporate money

through a Lebanese bank.

We entered the St. Paul courtroom for the first time in mid-August, 1974. It is impressive, with high ceilings and a rich, grey carpet befitting the monochromatic majesty of the room—the walls, the jury box, and the bench are all dark walnut. Before court convened I thought with some irony, "Finally, I'm in the big leagues. No more grey metal desks."

I went to sit with Valentine in the defendants' chairs until, at the appointed hour of 9 a.m., a door opened at the rear of the room. Watching intently for the judge, I heard the bailiff intone, "The Court all rise. Hear ye. Hear ye. Hear ye. The United States District Court for the District of Minnesota is now in session. Be seated, please."

The judge, robed in traditional black, glided to his seat above us all. In front of his high bench sat a court reporter and a clerk. A few feet away, opposite the judge, were the prosecutor's table, a lectern with a microphone, and the defendants' table to which we were called. The rest of the court was empty except for a couple of reporters, several U.S. Marshals, and a few friends conspicuous in the dark pews.

Strangely, I found myself only half listening as my own thoughts struggled to intrude. I once had received a traffic ticket for running a stop sign, but that had been 20 years before; I had mailed in my fine. I had always thought of myself as honest and law-abiding. I'd been around politics all my adult life and had never taken anything or sold anything. Once, I think, I was offered a bribe, but I wasn't really sure.

Yet here I was: guilty, embarrassed, and humiliated. In the Watergate mood, I stood as one alleged betrayer of the public trust among many—Haldeman, Ehrlichman, Mitchell, and Sherman. It seemed unreal to me once again—out of all proportion. I hoped it would all be over soon.

The prosecutor read the charge, the judge asked us if we had had legal counsel and were satisfied with it. He asked whether we understood the charge, and finally, he asked, "How do you plead?"

"Guilty." By that time, my mind was concentrated wonderfully. I was fixed on the judge and when asked for a

statement I moved the five feet from where I stood to the lectern to deliver my statement of contrition. I spoke softly and directly to the judge, my voice breaking as I read hurriedly. It was part real emotion, part show biz, and we waited then for the sentence. (The maximum could have been a year in jail and a \$1,000 fine.)

None came. Instead, the judge asked for a pre-sentence investigation, released us on a \$1,000 personal recognizance bond, banged his gavel, and was gone. Valentine and I were left hanging, twisting slowly, slowly in the wind.

The Ultimate Shame

It was now 9:20 a.m. We stood stuporously outside the courtroom until a U.S. Marshal moved up and, in classic law enforcement fashion, whipped out his I.D. and asked us to come down to his office as quickly as we found it convenient.

We weren't clear why and he didn't explain, but we went. Once again we were taken in turns to an inner room, this time to be fingerprinted and have mug shots taken. While the humiliation was private, it was possibly the ultimate shame.

For the fingerprinting, the marshal took off his coat, exposing the holster and gun riding on his hip. All of my pent-up hostility unloaded on him, though I didn't verbalize it. I thought, "If you were a little bigger and a lot smarter, you'd be a professional football player." While I glowered, he gripped my wrist and hand and warned, "Don't try to help. It just smears the print and we'll have to do it over again." I made my hand go limp, afraid I might be charged with entering and smearing.

After washing off the black ink, I waited silently while he diddled with his camera. He took two shots, peering at his portrait work as he peeled off the Polaroid backing. I hated him as I had not hated anyone else in the entire process. The system makes you a supplicant to higher authorities—the young attorney who interviews you, the grand jurors who sit lumpenly, the judge—and when you find a peasant like yourself, you psychologically turn on him.

When I returned to the outer office to switch places with Valentine, I noticed

something I had missed when we first came in. In a corner through a standard doorframe was another room. With the door closed, I would have thought it a closet or another office. With it open, I saw a cell for prisoners in transport, complete with open toilet and forbidding grey metal bars. Slouched on a bench was a woman dressed in prison blue work clothes.

Valentine's eyes followed mine, he seized my arm in a frenzy and asked, "Are we going to jail?" There was no time to answer as he followed the marshal out of sight to be fingerprinted and photographed.

Later, as we reviewed the incompleteness of the morning, we convinced ourselves that a pre-sentence investigation could only help. Though Valentine's fear of jail seemed, even to him, excessive, it never quite disappeared from either of us during the two-month investigation.

A Target of Rage

In a relatively private, but gently ugly way, that investigation period was more intimately distressing than most of what had gone before. We were assigned to a probation officer, a kindly and decent civil servant, who told us that he only did "special cases" now that he was chief probation officer for the federal courts in Minnesota. His concern for us was almost painfully paternal, genuine and helpful.

Like a high school sophomore buttering up a teacher, I tried during a two-hour interview to get him to like me. Nice guy that he was, he could not prevent the process from being demeaning.

In an elaborate, eight-page document, I answered all sorts of standard fare: education, jobs held, financial status.

Then the questions got psycho-sociological: family history, including when you left home (almost 30 years ago), why you left (my mother died), what your religion is (Jewish), how frequently you attend church (occasionally), the name and address of church and pastor.

You've left those last two blank and skip sections on skills, interests, and ambitions. You wish you had been

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married only once and that you had moved less frequently. You cravenly want to apologize for a life style you have enjoyed and would not change. You obsequiously try to show that, underneath it all, you uphold those values the probation officer and the judge admire.

As that first interview ended, I was also reminded that I must solicit three character references. Like the fingerprinting, this became a target of rage. I thought, "Here I am approaching 50, shuffling about asking people to attest to what a good boy I am." There comes a moment when you want to scream, "Let's stop this crap. Just give me the year in jail and leave me alone." But, of course, you don't. You keep smiling. You keep answering.

The Sentence

Finally, the sentencing is set. All the papers are in order. You stand once again in the courtroom and the story is played out.

You expect that, by now, your emotions are in control, but they are not. As the judge delivers his peroration, you think, "My God, he is going to let us off." You are giddy. Then he says, "\$500, one week to pay." The giddiness and hope are replaced with a virtual cacophony of emotions: relief, anger, and the chronic emotion of the year—a sense of disproportion that you were selected for this honor.

And then the bittersweet sense of irony surges forth. It is unlikely that the judge noticed a faint smile flicker across my face when he pronounced sentence, but I could not suppress something I had thought of often during the previous weeks. The judge had been elected to Congress in 1946 and had run again in 1948 when he lost to Eugene McCarthy. In that time of pre-Watergate morality, campaigns of Republican candidates were largely financed in that district by a small group of very rich industrialists. It is unlikely that someone in those campaign committees over 25 years before, just when I was first active in politics, did not violate the same law for which I was now being sentenced. I wondered if that possibility had crossed the judge's mind.

That morning and in the days that followed, friends stopped to offer me their congratulations. I thanked them for the gesture and their concern. Was it a victory of some sort? I had been convicted of a federal crime and paid a fine. Did I get away with something?

I think not. I look back with fatigue on a draining experience of family hurt, money wasted, time lost, reputation sullied. My crime wasn't much, but I realize, as one measure, that if I wanted to work for a politician or office-holder again, that I probably couldn't. Who would hire a Watergate-era miscreant?

Aftermath

While the unctuous bleatings of Maurice Stans and the deeds and lies of others make it difficult, I even look back with some begrudging sympathy for men I detest—Nixon and his sycophants—and understand their garrison mentality, under siege by the special prosecutor and the courts and particularly by the press.

Though many of my friends are journalists, my overriding emotion of the year was dislike for journalists, whether they were doing their job, as it affected me, well or poorly. I was almost as unhappy with good reporters legitimately trying to explain what was going on as I was with the opportunists betting on me to give them their minute on the evening news.

Good reporters and bad plugged into every story the fact that the maximum penalty for my crime was one year in jail and a \$1,000 fine. That was true, but no one had ever received the maximum, no one had ever gone to jail. Its repetition made it seem a real possibility. It upset family and friends needlessly. Most devastatingly, it left the impression—with people who never understood or particularly cared about what I had done—that I was lucky not to be in jail.

The year simply was an obscenity. Perhaps, however, it had redeeming social value. If the corrupting influence of special-interest money has been destroyed permanently, if the abuses of democratic political institutions can be avoided forever, I suppose my discomfiture was worth it. ■