

'Humanitarian' Payment for Burglars Is Disputed in Watergate Cover-Up Trial

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By a WALL STREET JOURNAL Staff Reporter

WASHINGTON—New evidence disputed the contention of Richard Nixon's former aides that money paid to the original Watergate defendants was purely for "humanitarian" reasons.

A two-year-old memo that surfaced in the Watergate cover-up trial yesterday disclosed that the Watergate burglars believed they had commitments from the Nixon administration both for legal-defense fees and for financial support, pardons and "rehabilitation." The document, dated Nov. 14, 1972, complained that promised support funds hadn't been provided "on a timely and adequate basis" and reported that "the defendants have followed all instructions meticulously, keeping their part of the bargain by maintaining silence." The word "all" was underlined.

The memo, which Watergate burglar E. Howard Hunt has said he prepared and gave to his attorney to pass on to those who were supplying funds, closed with the notation that it shouldn't be "misinterpreted as a threat." The memo added, however, that "it is among other things a reminder that loyalty has always been a two-way street."

Six "items for consideration" cited in the two-and-a-half-page document included the statement that "the Watergate bugging is only one of a number of highly illegal conspiracies engaged in by one or more of the defendants at the behest of senior White House officials. These as yet undisclosed crimes can be proved."

Another "item" stated that former Attorney General and Nixon campaign director, John Mitchell, "may well have perjured himself."

Complaints About "Sponsors"

The memo complained that "the defendants' sponsors" in the Watergate bugging had "compounded the fiasco" by, among other things, "permitting defendants to fall into the hands of a paranoid judge and three self-admitted liberal Democrat prosecutors" and by "an apparent wash-hands attitude now that the (1972 presidential) election has been won." The memo set a deadline of Nov. 27, 1972, for payment of "all past and current financial requirements." It said that the defendants would meet on Nov. 25 "to determine our joint and automatic response to evidence of continued indifference on the part of those in whose behalf we suffered the loss of our employment, our futures and our reputations as honorable men."

The prosecution is contending that one of the main motives behind the Watergate cover-up was to prevent the disclosure of what

Mr. Hunt described as "seamy things" he had done for the White House before the June 1972 break-in at Democratic headquarters in the Watergate office building here.

Defendants in the current trial, including Mr. Mitchell; H. R. (Bob) Haldeman, Mr. Nixon's chief of staff; and John Ehrlichman, Mr. Nixon's top domestic adviser, as well as Mr. Nixon himself, have maintained that they thought the payments to the burglars were for humanitarian reasons—simply to help with lawyers fees and family support.

Messrs. Mitchell, Haldeman and Ehrlichman, along with Robert Mardian, a Nixon campaign official; and Kenneth Parkinson, a Nixon reelection committee lawyer, are accused of conspiring to obstruct justice in the Watergate affair. All but Mr. Mardian are charged also with carrying out obstruction of justice, and Messrs. Mitchell, Haldeman and Ehrlichman are accused of lying to various investigative bodies.

Memo Supports Hunt Testimony

The new memo, which was read in court yesterday without the jury present, provides strong support for Mr. Hunt's testimony last week, when he publicly admitted he had prepared such a document and delivered it to his attorney, William O. Bittman. Prosecutors said yesterday that Mr. Bittman, who has been named an unindicted co-conspirator in the cover-up case, had denied ever receiving such a memo, until this past weekend when he handed it over to the prosecutors. That development, which prosecutors said was a complete surprise to them, caused considerable dismay in the defense camp, which had relied on Mr. Bittman's previous denials of Mr. Hunt's report.

The most immediately hurt was Mr. Parkinson, the man to whom Mr. Hunt said Mr. Bittman passed on the memo. Mr. Parkinson's attorney, Jacob Stein, told the court that Mr. Bittman told him on Sunday that he will still testify that he never told Mr. Parkinson about the document. Nevertheless, Mr. Stein, who cross-examined Mr. Hunt on the assumption Mr. Bittman would deny he ever got it, faces the dilemma of convincing the jury that part of what Mr. Bittman said previously was true even though part was false. If he calls Mr. Bittman to testify, "I must play jackstraws with him," Mr. Stein complained to Judge John Sirica, explaining he would have to "take out one piece without moving the other pieces."

Because of what he termed "a cover-up within a cover-up," Mr. Stein moved for a mistrial for his client and asked to have his case severed from that of the other defendants. Attorneys also argued about whether Mr. Bittman should be called as a court witness, subject to cross-examination by both defense and prosecution. Judge Sirica delayed any decision and asked for legal memoranda from defense attorneys by tomorrow morning and for a government reply by Friday morning.

Meantime, the cross-examination of former deputy campaign director Jeb Magruder was concluded and Magruder's one-time aide at the reelection committee, Robert Reisner, took the stand.