

## WATERGATE

## The Spy and the All-American Boy

His face was prison-gray, his voice unemotional, his subdued presence almost indistinguishable from the wood-paneled walls of Federal Judge John J. Sirica's Washington, D.C., courtroom. Yet former CIA Agent and Intrigue Novelist E. Howard Hunt provided the first genuine surprise of the Watergate conspiracy trial. Under the brisk questioning of Assistant Special Prosecutor Richard Ben-Veniste, the convicted Watergate burglar admitted that he had lied in his previous Watergate testimony no fewer than twelve times and given "evasive" answers on other occasions. Even his soon-to-be-released memoirs, *Undercover*, contains lies, he admitted, that were designed to protect his previous perjury.\*

Called as a court witness by Sirica

\*Edward Chase, vice president of G.P. Putnam's Sons, said that his firm plans to distribute the book anyway. He describes the untruths as "tiny, nit-picking things" that "only attorneys care about."

because of the Government's understandable argument that it did not want to vouch for his credibility, Hunt presented the prosecution with a recurrent, if anticipated problem: How could it show that many of its once perjurious witnesses were now telling the truth? Hunt, who directed the break-in with G. Gordon Liddy, explained that he had decided to become truthful after reading transcripts of White House tapes in which he and the other burglars were scathingly described as "idiots" and "jackasses." Declared Hunt: "I realized these men were not worthy of my continued loyalty."

**Big Man.** The main impact of Hunt's revised testimony was to incriminate further former Attorney General John Mitchell in the cover-up. Hunt claimed for the first time that Liddy, who has resisted all pressure to tell his own story, had told Hunt that "the big man"—meaning Mitchell—"said O.K.,

and the word is go" to bug Democratic national headquarters. Hunt also conceded that he had received secret payments after his arrest, not merely to meet legal fees but so "that I would not reveal my knowledge of the Watergate affair." Also contradicting his previous testimony, he admitted that he had been given guarded White House assurances of Executive clemency through his former boss, Charles Colson.

Under rough cross-examination by Mitchell's attorney, William Hundley, Hunt refused to characterize his demands for money as either "extortion" or "blackmail." Asked Hundley sarcastically: "What was it, investment planning?" Showing a secret agent's preference for euphemisms, Hunt insisted that he was merely making a "reiteration of requests for keeping commitments ... in the tradition of a bill collector." Defense attorneys pounced on a reference in early galley proofs of Hunt's book to what he described as attempts by Ben-Veniste to get him to give false testimony. According to Hunt, this occurred when Ben-Veniste grilled him about his claim that he had never discussed clemency

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with Colson. But Ben-Veniste got Hunt to admit that he had indeed been lying about the clemency commitments and that no prosecutor had ever asked him to tell anything but the truth.

The Government's next witness, Jeb Stuart Magruder, former deputy director of the Nixon re-election committee, similarly admitted past perjury. Looking surprisingly fit and fresh for a man serving a prison term of at least ten months for his part in the burglary and cover-up, Magruder provided some new details damaging to the defense. In response to the quizzing of Assistant Prosecutor Jill Wine Volner, he repeated his insistence that Mitchell had "reluctantly" approved the bugging of then Democratic National Chairman Larry O'Brien's office. He testified too that he had kept Defendant H.R. Haldeman's assistant, Gordon Strachan, informed of the bugging plans so that Haldeman could relay information "as he saw fit" to President Richard Nixon.

**Beyond Control.** Magruder's veracity was sharply assailed by another Mitchell attorney, Plato Cacheris, who drew the admission that Magruder had put aside \$6,000 in campaign funds for his own use. Magruder sheepishly insisted that the money was for "legitimate expenses," especially legal costs, but conceded that he had told the FBI that

he had tried to obtain money "for self-preservation" after the Watergate break-in.

Despite the credibility problems of the prosecution's first three witnesses, John Dean, Hunt and Magruder, the Government's case against all of the defendants was tightening. The main hazards to that case, however, were beyond the prosecution's control. Judge Sirica was still handling the trial in a controversial way (*see box page 21*), and two illnesses posed ticklish future decisions for Sirica to make. Nixon's postoperative complications made it highly unlikely that he will be able to travel to Washington before the trial ends. Defendant John Ehrlichman's attorneys nonetheless continued to insist that Nixon is vital to their case. Thus proposals to move the entire trial temporarily to California or to take Nixon's testimony by closed-circuit television or on video tape were under consideration, assuming that he recovers sufficiently for any questioning at all. Defendant Robert Mardian was seeking a separate, later trial because his chief lawyer, David Bress, was undergoing tests for an undetermined throat ailment.

While the evidence against the defendants looks increasingly conclusive, such developments make the trial highly unpredictable. So too do the conflict-

ing legal issues continually raised by the five hostile defendants. Sighed Sirica after one recent conference at his bench: "How are you going to satisfy 16 lawyers? You just can't do it."