

Tapes Replayed for Jurors

By George Lardner Jr.
Washington Post Staff Writer

The jurors at the Watergate cover-up trial turned yesterday to a closed-door replay of some crucial White House tape recordings involving H. R. (Bob) Haldeman.

Continuing their deliberations at a slow, measured pace, the jury began listening to the recordings in mid-afternoon after an exchange of notes with U. S. District Court Judge John J. Sirica.

The reviewed the tapes of a series of three meetings on June 23, 1972, between Haldeman and President Nixon about enlisting the Central Intelligence Agency to block the FBI's Watergate investigation.

The jurors were also given a fresh hearing of former White House counsel John W. Dean's "cancer on the presidency" talk with Nixon on March 21, 1973, a conversation that Haldeman joined about halfway through the meeting.

Federal marshals, meanwhile, put the jury on a Spartan regimen at their hotel, banning all television watching, phone calls and even the evening cocktail or two that they had been allowed to buy — at their own expense before deliberations began.

"The idea is to keep their minds on the important case they're deciding," s spokesman for U.S. Marshal George Mc Kinney told newsmen.

The tape playbacks suggested that the jury had finished, at least in a preliminary fashion, its consideration of the charges against former Attorney General John N. Mitchell, and then moved on to the allegations against Haldeman, the former chief of staff and No. 2 man at the Nixon White House.

Separate "worksheets" to record the verdicts for each of the five defendants in the cover-up case had been furnished to the jurors when they started considering the evidence in the long trial Monday afternoon.

The jury apparently started with Mitchell — whose name headed the list of the defendants in the cover-up indict-

ment — in line with Judge Sirica's instructions that each of the five men was entitled to a separate judgment as though he were standing trial alone.

In a note signed by foreman John A. Hoffar, the nine women and three men on the jury had asked Monday afternoon for the transcripts of some three weeks of trial testimony, primarily involving Mitchell.

Sirica turned down that request, saying it would virtually amount to "retrying the case," but told the jurors at the same time that they could have whatever documentary evidence, including Nixon's White House tapes, they needed.

The jurors took up the offer yesterday morning, first asking Sirica in a note from Hoffar for "the exhibits (tapes) in evidence, which pertained to March 21, 1973, March 22, 1973, April 14, 1973."

Hurriedly calling a chambers conference with attorneys for all sides, Sirica termed the request "a little ambiguous" since the tapes of some 10 separate conversations on those dates had been introduced at the trial by Watergate prosecutors.

As a result, the judge sent the jury a typewritten query asking if it wanted to hear "all of the tapes" for the three days listed.

Hoffar sent back two penciled notes, this time asking simply for the "Haldeman-Nixon discussion about using CIA to stop FBI investigation" and "Dean's 'there's a cancer on the presidency' — to Nixon."

All these conversations involved Haldeman, whom the Watergate grand jury had named just after Mitchell in the cover-up indictment it returned last March 1.

The former White House chief of staff's intervention with the CIA, which Nixon approved six days after the Watergate arrests at Democratic national headquarters here, was allegedly a part of the massive cover-up efforts.

So, according to Watergate prosecutors, was the March 21, 1973, meeting at which Dean reported on a then-current "blackmail" demand by Watergate spy E. Howard Hunt for more than \$100,000.

Haldeman, who attended the March 21 meeting, has also been accused of perjury in recounting the conversation to the Senate Watergate committee several months later.

Transcripts of the conversations in question were furnished to the jurors, as they had been at the trial, when the tapes were played back for them in Sirica's court room starting at 2:40 p.m. Attorneys for all five attended the session, but the press and public were barred.

The recordings had been played for the jury during the trial only once, all more than a month ago. At least one defense attorney interpreted the jurors' request as a sign that they would reach conclusive verdicts after all.

"Yesterday [Monday] afternoon, I thought it might be a hung jury," he said, "But not now."

Although the jurors had asked only for the Haldeman-Nixon "discussion" about the CIA, Sirica told newsmen he took their note to mean that "they want everything to do with that particular day."

The President and Haldeman actually had three conversations on June 23, 1972, about getting the CIA to cut off the FBI's investigation, two of them before Haldeman and former White House aide John D. Ehrlichman met with top CIA officials at the White House that afternoon, and another brief chat later on.

Haldeman began the first meeting with the President by telling him that "on the investigation, you know, the Democratic break-in thing, we're back to the — in the, the problem area because the FBI is not under control..."

Later after meeting with the CIA officials, the former

White House chief of staff informed the President: "Well, it's no problem. [Former CIA deputy director Vernon] Walters is going to call [acting FBI director L. Patrick] Gray."

The playing of the tapes, especially the 103-minute March 21 meeting, took the rest of the afternoon. The session

ended for the day at 5:40 p.m., and the jurors were escorted back to the Sheraton-Park Hotel in their chartered Metrobus. They will return to the court house today even though it is New Year's.

According to Horace Webb, a spokesman for the marshal's office, there was "no special celebration" for New Year's eve either.

"The deputy marshals are watching the jury a bit more closely," he added. "It's not that we don't trust them, but even one person getting sick, or say, falling and breaking a leg, could jeopardize the outcome of the trial . . . I'm sure the bus driver is even driving a little more carefully now."