

NIXON PORTRAYED BY PROSECUTION AS CONSPIRATOR

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Ben-Veniste Opens Case by
Saying Ex-President Had
a Crucial Role in 1973

TELLS OF 'SCENARIOS'

Asserts Meetings Were Held
to Devise Procedure for
'Cover-Up of Cover-Up'

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By LESLEY OELSNER

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WASHINGTON, Oct. 14—The special Watergate prosecution opened its case in the Watergate cover-up trial today with an account to the jury that portrayed former President Nixon as one of the central conspirators.

Mr. Nixon was described as having had a particular crucial role in the spring of 1973, when the cover-up was coming apart and, according to the prosecution, the "cover-up of the cover-up" was under way.

The Watergate grand jury named Mr. Nixon as an unindicted co-conspirator in the cover-up after having been told by Leon Jaworski, the special prosecutor, that it probably could not legally indict a sitting President.

Richard Ben-Veniste, the assistant special prosecutor presenting the opening statement on behalf of the seven-member prosecution team, told the jury that Mr. Nixon held a "multitude of meetings" in April, 1973, with John D. Ehrlichman and H.R. Haldeman—then his chief aides and now two of the five defendants in the trial—to devise "scenarios" and "lines" for handling the situation.

'Sacrifice' Reported Asked

In one conversation, Mr. Ben-Veniste said, the former President suggested that some of his subordinates be in effect sacrificed to the prosecution to save Mr. Nixon and the others—the former President adding, "give the investigators an hors d'oeuvre; maybe they won't come back for the main course."

In another, according to Mr. Ben-Veniste, it was suggested that articles of impeachment be filed in Congress if John W. Dean 3d, the Presidential counsel who became Mr. Nixon's chief accuser, were to talk.

Mr. Haldeman subsequently suggested part of a scenario to discredit Mr. Dean, the prosecutor recounted; the President responded thus: "That's not a

good story, but it's the best we can do."

Mr. Nixon is not subject to prosecution for his alleged role in the cover-up.

As a result of his pardon by President Ford on Sept. 8 because of his health, he may not even appear as a witness at the trial.

Preview of Evidence

Mr. Ben-Veniste's statement to the jury was thus, technically, only a preview of the evidence the prosecution intended to present, and the facts it intended to prove, against Mr. Ehrlichman, Mr. Haldeman and their three co-defendants—John N. Mitchell, the former Attorney General; Robert C. Mardian, a former Assistant Attorney General who was an official of the Committee for the re-election of the President, and Kenneth W. Parkinson, an attorney for the committee.

All five are charged with the central conspiracy to obstruct the investigation of the break-in at Democratic national headquarters in the Watergate complex on June 17, 1972. All but Mr. Mardian are charged with obstruction of justice as well; Mr. Mitchell, Mr. Haldeman and

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Mr. Ehrlichman also face additional counts of lying to various authorities.

Mr. Ben-Veniste spent nearly four hours outlining these charges to the jury and to the scores of other persons crowded into Judge John J. Sirica's second-floor courtroom at the United States Court House.

Much of what he said was familiar, a repetition of findings or charges that were heard before the Senate Watergate committee in 1973 or before the House Judiciary Committee during the impeachment proceedings, or that were spelled out in the indictment.

\$400,000 in Hush Money

But there were new allegations as well. Mr. Ben-Veniste said that more than \$400,000 had been paid as hush money to the original Watergate defendants, and that some of this had come from funds held in Florida by Charles G. Rebozo, Mr. Nixon's close friend.

The prosecutor also told the jury that Mr. Mitchell had approved a political surveillance plan that led to the break-in. Jeb Stuart Magruder, a campaign aide who has already pleaded guilty to a role in the cover-up, testified to this effect before the Senate Watergate committee. Mr. Mitchell, however, in his own appearance before the committee denied it.

Mr. Ben-Veniste said too that Mr. Mitchell was among those who "received assurances designed to induce them not to tell all they know."

A central part of the cover-up, as the prosecution and others have described it, was the attempt to convince people involved in the conspiracy that it was—or would be—in their own personal interest to keep quiet. However, Mr. Mitchell had not previously been de-

scribed as one of those who had been given such "assurances."

New Allegations

And, in his descriptions of the Nixon-Haldeman-Ehrlichman meetings in the spring of 1973, Mr. Ben-Veniste was making some new allegations about the two former White House aides and some others at the same time he was making them about Mr. Nixon.

He supported a number of



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Richard Ben-Veniste leaving court after delivering the opening argument in the Watergate trial.

these allegations by quoting or paraphrasing remarks contained on previously undisclosed White House tape recordings.

One conversation, for instance, referred to the so-called "La Costa meeting" in California between Mr. Haldeman, Mr. Ehrlichman and Mr. Dean in February, 1973.

Another participant in the meeting was Richard A. Moore, a former White House lawyer whom the prosecution recently said it might try to present at the trial as an additional co-conspirator.

The indictment says only that Mr. Haldeman and Mr. Ehrlichman met there with Mr. Dean and "discussed the need to and 'discussed the need to raise money' for the original Watergate defendants—the five men caught in the act of the Watergate break-in, and two others who had assisted them.

Today, however, the prosecution gave added significance to the meeting, apparently implicating Mr. Moore and adding details on the cover-up.

'Statement' Recalled

During one of those April, 1973, conversations, Mr. Ben-Veniste said, Mr. Ehrlichman told Mr. Nixon that Mr. Moore could recollect hearing a "statement" at the La Costa meeting to the effect that the burglars needed money. Mr. Ehrlichman was apparently concerned that Mr. Moore might thus be able to give damaging testimony.

But a few days later, in another Presidential discussion, the prosecutor recounted, Mr. Ehrlichman reported that Mr. Moore's memory had grown "feeble beyond measure" after being advised about possible liabilities he himself faced.

Subsequently, on April 28 by Mr. Ben-Veniste's account, Mr. Nixon told Mr. Haldeman he was "gratified" that Mr. Moore's memory had "dimmed."

Mr. Ben-Veniste cited other April, 1973, conversations as well, including one in which

Mr. Ehrlichman allegedly told Mr. Nixon that the purpose of the cover-up for the period prior to the November, 1972, elections was "protecting your re-election."

Mr. Haldeman then allegedly said that after the election, "this cover-up, it was pure Mitchell."

Conversational Tone

Mr. Ben-Veniste a 31-year-old native of New York City who was an assistant United States attorney in Manhattan before joining the special prosecution, delivered his opening in a low key, standing at a lectern directly in front of the jury and talking for the most part, in a conversational tone.

The defendants sat quietly and for the most part with expressionless faces, each of the five at a separate table with his attorney.

The only interruption came from Judge Sirica, who several times told Mr. Ben-Veniste to refer to purported conspirators at "alleged conspirators" rather than as "conspirators," reminding him, "That's all there are at this point."