

Nixon's Plan To Pardon Burglars

Washington

Former President Nixon told two of his aides in April, 1973, that he would give "full pardons" before he left the presidency to various Watergate participants, according to a tape recording played yesterday at the Watergate coverup trial.

Mr. Nixon's remark appeared to refer to the seven men who participated in the Watergate break-in and who by April had been convicted and sentenced. Conceivably, though, the remark referred to others as well.

"They'll get off," Mr. Nixon said in part, according to the prosecution's transcript of the tape, to H. R. Haldeman, then his chief of staff, and John D. Ehrlichman, his domestic affairs adviser.

"You get them full pardons," he said. "That's what they have to have, John."

Mr. Nixon did not include his comment in the transcript of the conversation he released last spring.

Its disclosure was one of several developments yesterday at the trial of Ehrlichman, Haldeman and three others in the coverup case.

A second previously undisclosed portion of the same tape recording showed Mr. Nixon saying that notwithstanding Henry A. Kissinger's wishes, Kissinger could not become Secretary of State until the then-mounting problem of Watergate had eased.

There were to be no changes in the cabinet, Mr. Nixon instructed his aides, adding, "you just gotta say that 'Henry, there are bigger things here.'"

Other developments on the 36th day of the coverup trial included the following:

- William O. Bittman, who was to have been a government witness until he admitted two weeks ago to

lying about and withholding a memorandum prepared by one of the original Watergate defendants, E. Howard Hunt Jr., testified that he had withheld the document because he did not believe its contents.

- William S. Frates, Ehrlichman's chief attorney dis-

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closed the existence of another document that the prosecution said it had been seeking — the report on Watergate that Ehrlichman made to Mr. Nixon on April 14, 1973.

To the obvious surprise of the prosecutors, Ehrlichman then stood up and said that the document was at the White House, in one of the boxes of his files.

- Tape recordings played yesterday include various statements by Mr. Nixon to his aides which, in view of the tapes played Monday, were clearly false.

In one of the tape-recorded conversations heard Monday, for instance, Mr. Nixon and another of his aides, Charles W. Colson, agreed on a plan for clemency for Hunt and discussed clemency for the other Watergate defendants.

Yesterday the jury heard a Nixon-Haldeman-Ehrlichman conversation in which Mr. Nixon said that Colson had brought up the subject of clemency but that he, Mr. Nixon, had "told him not to raise it with me."

Ehrlichman, Haldeman and three others — former Attorney General John N. Mitchell, former assistant attorney general Robert C. Mardian, and Kenneth Wells Parkinson, an attorney for the Nixon re-election campaign — are all charged with conspiring to obstruct justice in the original Watergate investigation.

One of the means through which the conspiracy allegedly was to be carried out was through payments of money and "assurances" to the seven original Watergate defendants in return for their silence about the facts of Watergate.

The prosecution is playing a series of tapes this week in

an effort to support this contention.

Yesterday two recordings were played — one of Mr. Nixon's conversation on March 27, 1973, with Haldeman and Ehrlichman, and one of a conversation among the three on April 14, 1973, in which Mr. Nixon remarked on the pardons.

The conversations — parts of which were included in Mr. Nixon's release of edited White House transcripts last spring — show Haldeman and Ehrlichman discussing such things as payments to the original Watergate burglars and the possi-

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bility that Mitchell could be convinced to step forward and take the blame for Watergate.

The various participants in the conversations repeatedly remarked on Mitchell's and Parkinson's involvement in Watergate.

And, while the tapes played yesterday made only minimal reference to Mardian, they could be potentially incriminating to him as well.

Judge Sirica gave the jurors a short lecture on the law of conspiracy.

He told them, among other things, that acts and statements made in the course of a conspiracy by one conspirator — whether indicted, like the five defendants, or unindicted, like Mr. Nixon — were attributable to the other conspirators.

Mr. Nixon did not actually pardon anyone in the Watergate case. However, the fact that he said that he would issue the pardons is, under the conspiracy law, damaging to the five defendants at the trial.

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