

WATERGATE TAPE GIVES NIXON'S PLAN FOR FULL PARDONS

He Is Recorded as Saying
in April, 1973, That Men
in Case Would 'Get Off'

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CONSENTS TO PHYSICAL

Transcript Indicates Cabinet
Post for Kissinger Was
Delayed by Break-In

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WASHINGTON, Nov. 19—Richard M. Nixon told two of his aides in April, 1973, that he would give "full pardons" to various Watergate participants before he left the Presidency, according to a tape recording played today at the Watergate cover-up trial.

Mr. Nixon's remark appeared to refer to the seven who took part in the break-in at Democratic headquarters on June 17, 1972, 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."

Not in First Transcript

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

Its disclosure was one of several developments today at the trial of Mr. Ehrlichman, Mr. Haldeman, John N. Mitchell, former Attorney General, Robert C. Mardian, former Assistant Attorney General, and Kenneth W. Parkinson, a former Nixon resolution campaign official.

A second previously undisclosed portion of the same tape recording showed Mr. Nixon

saying that, notwithstanding Henry Kissinger's wishes, Mr. 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, he instructed his aides, adding, "You just gotta say that 'Henry, there are bigger things here.'"

Meanwhile, William O. Bittman testified at a special hearing called by Federal District Judge John J. Sirica that he had had a copy of a controversial memorandum from E. Howard Hunt Jr., one of the original Watergate defendants "pure and simple, to protect myself," and that the original

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document had probably been destroyed.

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

Mr. Nixon's attorney, Herbert J.

Miller, notified Federal District

Judge John J. Sirica that Mr. Nixon had

consented to an examination by the panel

of three doctors appointed by the

Court to determine whether the former

President would be physically able to

provide testimony at the trial.

William S. Frates, Mr. Ehrlichman's

chief attorney, disclosed the existence of another

document that the prosecution said it

had been seeking, the report on Watergate that

Mr. Ehrlichman made to Mr. Nixon on April 14, 1973. To

the obvious surprise of the prosecutors, Mr. Ehrlichman

then stood up and said that the document was at the White

House, in one of the boxes of his files.

Money and Assurances

Tape recordings played today include various statements by Mr. Nixon to his aides that contradicted statements in tape recordings played yesterday. In one of the tape-recorded conversations heard yesterday, for instance, Mr. Nixon and another aide, Charles W. Colson, agreed on a plan for clemency for Mr. Hunt and discussed clemency for the other Watergate defendants. Today the jury heard a Nixon-Haldeman-Ehrlichman conversation in which the President said that Mr. Colson had brought up the subject of clemency but that he, Mr. Nixon, had "told him not to raise it with me."

The five defendants 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 the break-in.

The prosecution is playing this week a series of tapes whose contents, so far at least, have supported the basic prosecution theory.

Today, for instance, two recordings were played—one of Mr. Nixon's conversation on March 27, 1973, with Mr. Haldeman and Mr. Ehrlichman, and one of a talk by the three on April 14, 1973, in which Mr. Nixon referred to the pardons.

The conversations, parts of which were included in Mr. Nixon's release of edited White House transcripts last spring, contain much that appears incriminating to Mr. Haldeman and Mr. Ehrlichman. The tapes show them discussing such things as payments to the original Watergate burglars, for instance, and the possibility that Mr. Mitchell could be induced to take the blame for Watergate.

They also quote the participants in the conversation as repeatedly remarking on Mr. Mitchell's and Mr. Parkinson's

involvement in Watergate.

While the tapes played today made only minimal reference to Mr. Mardian, they were potentially incriminating about him.

Judge Sirica gave the jurors a short lecture on the law of conspiracy; he told them, among statements made during 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 pardon anyone in the Watergate case. However, the fact that he said that he would issue pardons is, under the conspiracy law, damaging to the five defendants.

Mr. Nixon made the remark at a time when the cover-up was unraveled. On that day, in fact, April 14, both Jeb Stuart Magruder, the deputy director of the re-election campaign, and John W. Dean 3d, then the President's counsel, were secretly meeting with the prosecutors.

At some points in the tape playing, the spectators laughed, particularly at one point when Mr. Ehrlichman suggested a possible "news magazine" account that could be written about Mr. Mitchell's coming forward and taking the blame.

At the next recess, John J. Wilcox of Mr. Haldeman's attorneys, rose to ask Judge Sirica to have anyone who laughed removed from the courtroom.

William G. Hundley, one of Mr. Mitchell's lawyers, rose with a slight smile.

"How do you feel about crying, judge?" he asked.

The remark drew the loudest laughter of the day. Judge Sirica smiled. "I can't answer that one," he replied.