

# Tape Shows Nixon Asked Aides to Help Protect Him

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By LESLEY OELSNER NOV 22 1974

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WASHINGTON, Nov. 21—The jury at the Watergate cover-up trial heard today four more previously undisclosed tape recordings of White House conversations showing, among other things, that Richard M. Nixon wanted two top aides to help "put the wagons up around the President" to protect him from testimony by a third aide.

The tapes played at the trial, culminating in those heard to-

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day as the prosecution prepared to rest its case by the weekend, provide a strong and incriminating picture of Mr. Nixon's role in the Watergate cover-up. Mr. Nixon cannot be prosecuted for that role because of his pardon Sept. 8 by President Ford.

The two aides whose help Mr. Nixon sought on April 25, 1973, were John D. Ehrlichman, his chief adviser on domestic matters, and H. R. Haldeman, the White House chief of Staff. Both are among the five de-

fendants on trial in the cover-up case.

The aide whose testimony he feared was John W. Dean 3d, at that time the White House counsel, who has since pleaded guilty in the cover-up case and has become a key Government witness. At that point Mr. Dean had just begun to cooperate with the Federal prosecutors investigating the aftermath of the break-in at the Democratic headquarters in the Watergate complex on June 17, 1972.

Mr. Nixon, the tapes showed, was concerned about one point in particular, a conversation he had with Mr. Dean on March 21, 1973, in which he discussed the so-called "blackmail" of the White House by the Watergate burglars and in which he said that money for the burglars could be raised.

Mr. Nixon, the tapes showed, was afraid that Mr. Dean might tell the prosecutors about that conversation and that he might have his own tape recording of the conversation to back up his testimony.

Mr. Haldeman said it was

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doubtful that Mr. Dean had had a recorder. He pointed out that Mr. Dean went to Mr. Nixon on March 21 to "warn" him about what was going on. He added that Mr. Dean had probably been "enormously" surprised by Mr. Nixon's statement to him in the conversation.

"Of, you know, well, we could get the money," Mr. Haldeman said.

"Yeah," Mr. Nixon replied.

"I think that's the last thing he expected you to say," Mr. Haldeman went on.

"What did he expect me to say, we can't do it?" Mr. Nixon responded.

The four conversations heard today showed Mr. Haldeman and Mr. Nixon discussing the way in which the March 21 conversation could be explained away should Mr. Dean testify about it. Mr. Nixon could say, as Mr. Haldeman put it, that he had been "pumping" Mr. Dean.

The explanation that the two men devised is substantially the same explanation that Mr. Nixon gave the public for many months.

## Videotape Is Played

Also on trial before Judge John J. Sirica in Federal District Court on charges of conspiring to obstruct the Watergate investigation are John N. Mitchell, former Attorney General and former head of the Nixon re-election campaign; Robert C. Mardian, a former Assistant Attorney General, and Kenneth Wells Parkinson, a former lawyer for the re-election campaign.

The tapes were heard on a day marked by the playing of a videotape of Mr. Hal Deman's testimony before the Senate Watergate committee in 1973 and the disclosure of an apparently unreliable memorandum to Judge Sirica from James W. McCord Jr., the Watergate burglar whose letter to Judge Sirica in 1973 helped break the Watergate case.

The prosecution also read to the jury the November, 1972, memorandum in which E. Howard Hunt Jr., another of the seven original defendants, outlined the "commitments" of money and Presidential pardons that had allegedly been made to the original defendants.

## Hunt Testifies Again

Mr. Hunt returned to the witness stand and was cross-examined by Jacob A. Stein,

attorney for Mr. Parkinson. Mr. Hunt previously testified that his memorandum had been conveyed to Mr. Parkinson and that Mr. Parkinson had said "he'd see what he could do about it."

Mr. Stein sought to shake Mr. Hunt from his previous testimony, but Mr. Hunt repeated it more firmly than before and implicated Mr. Parkinson further. He said he had been informed that Mr. Parkinson had said he had been designated as the person with whom the Watergate burglars were to deal.

In another development, James F. Neal, the chief prosecutor, read into the record additional evidence, a law firm's time sheets, showing that William O. Bittman, a former attorney for Mr. Hunt, discussed the Hunt memorandum with Mr. Hunt in November, 1972.

Mr. Neal disclosed 18 days ago that Mr. Bittman had finally turned over the memorandum after denying for months that it existed.

## Attack on Prosecutors

The new McCord memorandum immediately brought to mind the letter he sent to Judge Sirica in March, 1973, saying that there had been perjury in the trial of the original Watergate burglary case. That letter helped unravel the cover-up.

The memorandum today was a long attack on the two ranking prosecutors, Mr. Neal and Richard Ben-Veniste, and on various of Mr. McCord's previous lawyers, including Gerald Alch. Mr. McCord has had a long-standing dispute with Mr. Alch, and Judge Sirica made it clear that he did not think much of the memorandum, saying that the charges in it "are likely to be erroneous."

The four tapes played today include one of a conversation between Mr. Nixon and Mr. Ehrlichman on April 19, 1973, and three conversations on April 25—one between Mr. Nixon and Mr. Ehrlichman and two later in the day between Mr. Nixon and Mr. Haldeman.

In the conversation on April 19, Mr. Nixon agonized with Mr. Ehrlichman about what Mr. Dean might tell the Federal prosecutors to incriminate the then President and his two aides.

In the second conversation, on the morning of April 25, Mr. Ehrlichman told Mr. Nixon "it's entirely conceivable" that Mr. Dean's testimony could lead to a resolution of impeachment "on the ground that you committed a crime."

"Right," Mr. Nixon replied.

## Suggests Hearing Tape

Mr. Ehrlichman then said that he did not think Mr. Nixon had committed a crime, but that he did not know what Mr. Nixon and Mr. Dean had said to each other.

The only way that could be decided, Mr. Ehrlichman said, was for Mr. Nixon or perhaps an aide to listen to the White House tapes.

Mr. Ehrlichman has contend-

ed that he did not know about the White House taping system until the summer of 1973, when its existence was disclosed at the Senate Watergate committee hearings.

Mr. Nixon sounded extremely distressed through most of the conversations; his tone was worried and tense. But at times, as in many conversations heard earlier at the trial, he expressed a faint bit of optimism.

In his evening call to Mr. Haldeman, for instance, he was speculating about what was to come, saying, "All right, bring it out and fight it out and it'll be a bloody Goddam thing."

## A Change in Tone

His tone seemed to change, and he went on: "You know, in a strange kind of way, that's life, isn't it?" He laughed; there was an unintelligible remark, and he continued:

"Probably be understood and be rough as a cob, and we'll survive and some people you'll even find (unintelligible) in Mississippi you'll find half a dozen people that will be for the President. Who knows?"

Mr. Haldeman laughed. "Be a lot more than that," he said.

Some loud laughter broke out in the playing of the tapes, and at one point, while the jury was out of the room, one of Mr. Haldeman's lawyers rose to object. The lawyer, John J. Wilson, complained that one reporter, Clark R. Mollenhoff of The Des Moines Register and Tribune, a former Nixon aide, had been particularly loud. He asked that the marshals be told to evict anyone who laughed.

Later, outside the court, Mr. Haldeman was heard telling Mr. Mollenhoff, "it's not funny, Clark." Mr. Mollenhoff, who was heard to reply, "I thought it was serious long before you die."

At another point, when there was a lot more laughter on another matter Mr. Wilson, as Judge Sirica pointed out, did not mind at all.

## A 'Windbag' Suggested

Mr. Wilson has frequently said that he is keeping an "error bag" in which he is placing what he views as legal errors by Judge Sirica. He said this again today after Judge Sirica overrode his objection to the playing of the videotape, remarking, "It's for my error bag. It's bursting at the seams already."

Later, Judge Sirica, a friend of Mr. Wilson for decades, smilingly suggested, "We might give the bag another name. I've heard it described as not only your error bag, but your windbag."

The audience roared. Mr. Wilson, though, had a ready retort. "We've known each other so long, I could say the same to you," he remarked.

The four tapes played today were the final ones of a total of 28 White House tape recordings that the prosecution played at the trial, and the courtroom

was packed with spectators. One of those in the audience was Mark Weiss, a New York audio expert who was on the court-appointed panel of six technical experts who last winter studied the 18½-minute gap on another crucial tape recording.

Mr. Weiss listened to the tapes intently. Then, when they were finished, he walked from the courtroom with a slight smile.

Asked why he was there, he replied, "I'm just here for the show," and hurried off.