

Nixon's Involvement in Watergate Seems Destined for a Key Role in Aide's Trial

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WASHINGTON — The story of Richard Nixon's involvement in Watergate will apparently play a key role in the current trial of his former aides.

That prospect emerged as assistant special prosecutor Richard Ben-Veniste promised in his opening statement to "prove" that attempts to get to the bottom of the June 1972 break-in at Democratic headquarters "were met by an effort to cover up the facts and obstruct the investigation by the most powerful men in the government of the United States in a conspiracy that involved the participation of even the President himself."

It was already known that former President Nixon was among the unindicted co-conspirators named by the grand jury that indicted his top aides last March. However, Mr. Ben-Veniste's opening statement to the jury provided the first indication of the extent to which details of the Nixon involvement are to be brought out.

The preview of the prosecution's case offered yesterday made it clear that former President Nixon will be an ever-present and prominent figure in the trial even if he succeeds in his attempts to resist subpoenas to appear in person. Both the prosecution and the defense are seeking him as a witness, but the former President has asked to be excused because of his health.

The Nixon aides on trial are John Mitchell, former Attorney General and Nixon campaign director; H. R. (Bob) Haldeman, White House Chief of Staff; John Ehrlichman, chief White House domestic adviser; Robert C. Mardian, a former Assistant Attorney General and an official of the Committee to Re-Elect the President, and Kenneth W. Parkinson, an attorney representing the re-election committee. All are charged with conspiracy in connection with the Watergate cover-up. In addition, all but Mr. Mardian are charged with obstructing justice, and Messrs. Mitchell, Haldeman and Ehrlichman are accused of lying to various investigative bodies.

The case involves a huge cast of characters and a time-span of about two years,

and Mr. Ben-Veniste's over-three-hour opening statement provided a sample of just how complex the three-to-four-month trial is likely to be. Even the 31-year-old member of the prosecution team misspoke occasionally as he recited the various names tangled up in the alleged conspiracy, and he apologized at one point that he had been "confused by my own notes."

Among the assertions in the prosecution's opening statement, which Mr. Ben-Veniste described as "like showing (the jury) the cover of a jigsaw puzzle," were these:

—Part of the so-called "hush money" allegedly paid to the original Watergate break-in defendants was obtained from Mr. Nixon's close friend Charles G. (Bebe) Rebozo. Mr. Ben-Veniste said the government will establish that Mr. Mitchell told another re-election committee official, Fred LaRue, that Mr. Rebozo "had a fund" and on Oct. 12, 1972, Mr. LaRue "picked up \$50,000 from Mr. Rebozo and flew back to Washington." According to Mr. Ben-Veniste, Mr. Mitchell then told Mr. LaRue "to apply half the funds to the campaign of a certain gubernatorial candidate and the rest to the Watergate defendants." Mr. Ben-Veniste didn't identify the gubernatorial candidate.

—President Nixon approved veiled offers of executive clemency to a number of Watergate figures and "even John Mitchell received assurances designed to induce (him) not to tell what he knew."

—The prosecution doesn't have "any Perry Mason tricks" up its sleeve to use in the course of the trial, but it does have "a whole lot of evidence."

—The taped presidential conversations "vary greatly in quality" but will "provide you with very reliable evidence to use as to what took place at the conversations."

Mr. Ben-Veniste frequently alluded to the White House tapes to interest the jury, which struggled to stay awake, along with everyone else in the crowded and stuffy courtroom. Soon, Mr. Ben-Veniste promised, they would be able to hear "with their own ears" such famous taped conversations as the March 21, 1973, hush-money discussion and others that haven't yet been made pub-

lic.

He referred to one in which Mr. Nixon and his former special counsel Charles Colson discussed whether some of the original Watergate defendants "might crack" and worried about "the potential vulnerabilities of Mitchell, (re-election committee deputy director Jeb) Magruder and Haldeman."

The tapes of television conversations and of the President's Oval Office conversations are "extremely clear," asserted Mr. Ben-Veniste. Others, particularly those recorded in the President's Executive Office Building office, are "more difficult," he added, explaining that "the simple act of placing a coffee cup on a desk may sound like the thunder of Mount Olympus" through the earphones that jurors and spectators will use to listen to the tapes. He also cautioned the jurors that they would "find the language used sometimes vulgar and coarse" but urged that they shouldn't be distracted by the language and shouldn't hold it against any participants in evaluating the conversations.