

Nixon Took Part In Cover-up Plot, Prosecutor Says

Jury Is Told Of \$400,000 Hush Money

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Special prosecutors vowed yesterday to prove that the Watergate cover-up was directed "by the most powerful men in the government of the United States in a conspiracy that involved the participation of even the President himself."

Launching the prosecution after half a year of pre-trial maneuvering, Assistant Watergate Special Prosecutor Richard Ben-Veniste said the obstruction of justice began literally hours after discovery on June 17, 1972, of the bugging and break-in at Democratic National Committee headquarters at the Watergate office building here.

Despite claims that the burglars were simply "off on a lark of their own," Ben-Veniste declared, the cover-up lasted more than a year, with the help of lies, shredded documents, manipulation of the FBI and the CIA, and above all the payment of hush money to keep those who had been caught from talking.

More than \$400,000 went to the Watergate burglars, the prosecutor emphasized, to the very people the President's men were saying

"were off on a lark of their own."

The funds were raised, Ben-Veniste said, in "a massive, covert operation." But at times, he indicated, the scramble for cash became somewhat frantic, especially after Mr. Nixon's personal lawyer, Herbert W. Kalmbach, decided to get out of it.

With the demands of Watergate burglars increasing, Ben-Veniste said, former Attorney General John N. Mitchell even dispatched an aide to Miami to pick up \$50,000 from C. G. (Bebe) Rebozo, Mr. Nixon's closest friend.

At another point, the jurors were told, a corporation executive was found who was willing to contribute \$50,000 to \$100,000, even though the 1972 elections were over, so long as he was told what the money was for.

Mitchell, the prosecutor said, reluctantly abandoned the prospect by telling a deputy, "Well, we can't really tell what this is for, can we?"

The allegation that hush
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COVER-UP, From A1

money had been obtained from Rebozo had not been made publicly before. The prosecutor did not indicate that the Miami banker-businessman knew where the cash was going. However, Ben-Veniste said, Mitchell's deputy on the re-election committee, Frederick C. LaRue, flew down to Florida on Oct. 12, 1972, got \$50,000 from Rebozo, and flew back to Washington the same day.

According to Watergate prosecutors, White House counsel John W. Dean III then told LaRue to set aside \$25,000 for "a certain gubernatorial candidate" and \$25,000 for the seven original Watergate defendants who had been indicated the month before.

Fresh details gleaned from still secret White House tapes concerning Mr. Nixon's alleged role in the cover-up also poured into the public record.

For example, Ben-Veniste related, on April 25, 1973, Mr. Nixon and H. R. (Bob) Haldeman, then White House chief of staff, discussed the meeting a month before at which Dean had told the President of Watergate conspirator E. Howard Hunt's insistent demands for more money. Haldeman reportedly suggested that the President take the position that he was really interrogating Dean and trying to draw him out.

"It's not a good story," Mr. Nixon was quoted as responding, "but it's the best we can do."

Later the same day, still speaking of the problems raised by the Dean meeting, Haldeman was again quoted as telling Mr. Nixon: "It's an incriminating thing, but it'll be Dean's word against the President's . . . unless John Dean has secretly tape-recorded his conversations with the President."

Dean made no such recordings, Ben-Veniste said, but "the President did."

The crucial meeting with Dean, on March 21, 1973, appears to have preoccupied the Nixon White House constantly in the weeks that followed. Haldeman has testified publicly that the President told Dean "it would be wrong" to raise an estimated \$1 million to keep the

Watergate burglars quiet. By contrast, Ben-Veniste reported, Haldeman told the President on April 17, 1973: ". . . What you should have said is blackmail is wrong, not that it's too costly."

The trial proper began in U.S. District Court Judge John J. Sirica's courtroom two hours late after a long and secret session in Sirica's chambers.

It ended with the last minute dismissal of one of the regular jurors picked last Friday, Lucille F. Plunkett, 59, a devout church-goer who works in the State Department cafeteria.

Sirica excused her from jury duty without explanation. Although the jurors have been sequestered in a downtown motel since Friday, Sirica continued the extraordinary secrecy that has marked his handling of the case by ordering the discussion in chambers of Mrs. Plunkett's dismissal placed under seal.

"I'm sorry I'm off," Mrs. Plunkett told reporters later. She would not discuss the reason for being dropped.

Mrs. Plunkett was replaced by Helen D. Pratt, 63, a retired maid who has been chosen to serve as the first of six alternates in case any emergency should arise.

Haldeman's chief lawyer, John J. Wilson, started yesterday's session, even before Mrs. Plunkett stepped down, by moving for a mistrial in open court as he had done at the secret conference. The lawyers for the other defendants—Mitchell, John D. Ehrlichman, Robert C. Mardian and Kenneth Wells Parkinson—promptly joined in. The reason for the mis-

trial request was not given during the discussion in open court.

Sirica tersely denied the request and the prosecution went to work.

Stepping up to a lectern facing the jurors, Ben-Veniste promised a long trial, and a sober, perhaps sometimes tedious, prosecution.

"We will not try to pull any Perry Mason tricks out of some bag," he said.

At the same time, he said, "We will prove to you in the course of this trial that the attempts of legitimate law-

enforcement agencies of the

United States to ascertain the acts which led up to this Watergate break-in, including United States to ascertain and paid for the illegal burglary and bugging of Democratic national offices, 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."

Tracing the origins of the break-in itself, Ben-Veniste went back to 1971 when President Nixon's re-election committee realized the need for a new lawyer to handle the stiff new federal campaign financing law that was to go into effect the following spring.

The man chosen for the job was G. Gordon Liddy whom White House counsel John W. Dean III introduced to Jeb Stuart Magruder, deputy director at the Committee for the Re-Election of the President.

A member of the White House "plumbers" squad, which had been formed to counter administration news leaks, Liddy was also assigned to work out a plan of political surveillance, concocting first a million-dollar program. It included, Ben-Veniste pointed out, "kidnaping, prostitutes and blackmail," and was code-named Gemstone by Liddy's old colleague from the plumber squad, "the intrigue-oriented Howard Hunt."

Mitchell, the jurors were told, finally approved a scaled-down version of the plan, including the bugging, at a meeting on Key Biscayne, Fla., on March 30, 1972.

The former Attorney General's defense lawyers objected strenuously to the prosecution's claim that he authorized the espionage. Ben-Veniste cited it as a motive for Mitchell's participation in the cover-up, but Mitchell's chief defense attorney, William G. Hundley, said he had been led to believe the government would not raise it as an issue.

Hundley said Mitchell

would rework his defense strategy to meet the charge. "Mr. Mitchell," he said, "specifically disapproved it (the bugging) on several different occasions."

The prosecution suggested that the cover-up at the outset was designed primarily to prevent the Watergate scandal from damaging Mr. Nixon's 1972 re-election campaign, but was then maintained to keep the burglars from telling what they knew.

Referring to Mr. Nixon's landslide victory in 1972, Haldeman was quoted as telling the President on April 19, 1973: "We were protecting a re-election, we didn't know from what." After that, the White House chief of staff reportedly added, "It was pure Mitchell."

Hunt, according to prosecutors, was the most persistent thorn, calling up White House Counsel Charles W. Colson on Nov. 13, 1972, a week after the election, and warning that his patience was running thin.

Colson recorded the conversation, which Ben-Veniste called "of extraordinary significance to this trial."

In it, the prosecutor said, Hunt warned that "the stakes were very high" and that "the commitments" that had been made to the Watergate burglars were not being kept.

Hunt, Ven-Veniste added, told Colson he could understand "the hesitation before the election," but saw no reason for it now. Hunt was quoted as saying that he recognized what prompted the White House and Nixon campaign strategists to dismiss the Watergate burglars publicly as "a bunch of wildmen," but then warned "that this was a two-way street, that money was the cheapest commodity and that this thing ought not to break apart for foolish reasons."

Colson turned over the recording to Dean who was said to have played it back for Haldeman and Ehrlichman at Camp David, Md., on Nov. 15, 1972, and then for Mitchell at a meeting in New York City's Metropolitan Club later the same day.

The hush-money demands, and payments, kept coming,

Ben-Veniste said, along with "assurances of executive intervention" by Mr. Nixon to counter fears of any prison sentences that might stem from the scandal. Hunt, Watergate burglar James McCord, Magruder "and even John Mitchell," the prosecutor declared, "received assurances not to tell what they knew."

The government yesterday also spelled out the details that evidently led them to consider adding just-resigned White House aide Richard Moore to their list

of unindicted co-conspirators.

In February of 1973, Ben-Veniste pointed out, Moore joined Haldeman, Ehrlichman and Dean at a Watergate strategy session in California's La Costa Country Club.

When Dean declared that it was impossible to predict what the burglars might do, Ben-Veniste related, Ehrlichman suggested that Mitchell might "get his wealthy New York friends" to come up with more money.

"Richard Moore," Ben-Veniste said, "was dispatched to talk to Mitchell about this."

Mr. Nixon himself later talked to Moore about the LaCosta meeting. On April 19, 1973, with the cover-up

starting to fall apart, the prosecutor said, "the President told Ehrlichman he had just spoken with Moore for his recollection" of what was said.

Moore, Ben-Veniste related, "recalled that the bur-

glars needed more money urgently."

Six days later, on April 25, 1973, the prosecutor said Ehrlichman reported back to the President and assured him that Moore's "memory had become feeble beyond measure."

The government's opening statement took up the entire day. Ben-Veniste reminded the jurors at the end that the prosecution's witnesses will include not a few "who will admit they have lied in the past."

"Nobody's going to be painting halos over the heads of those witnesses," the prosecutor warned. But he said he felt confident that when the government's evidence is in, the jurors will find "beyond any reasonable doubt that these defendants are guilty as charged in the indictment."

These remarks brought defense lawyers to their feet demanding a mistrial. In turn, Sirica repeatedly interrupted Ben-Veniste's speech as he was drawing to a close and told him to hurry it up. Sirica denied the defense motions but left the usually unflappable prosecutor somewhat rattled as he groped for a closing line.

Lawyers for Ehrlichman, Mardian and Parkison plan to submit their opening statements today. Haldeman and Mitchell's attorneys have indicated they will wait until the government's evidence is all in. The prosecution's first witness, who is expected to take the stand this afternoon, will be Dean.



Assistant special prosecutor Ben-Veniste addresses jury. At left is Judge Sirica. Seated at table are defendants Ehrlichman, Mardian, Haldeman, Mitchell and Parkinson.

Sketch by David Suter for The Washington Post