

Some Watergate Mysteries Will Remain After Prosecution Rests Its Case Today

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WASHINGTON — When the prosecution rests its case today in the Watergate cover-up trial, the American people may well know as much about Watergate as they ever will.

And that is a frustrating prospect because some mysteries linger on, despite the massive amounts of evidence presented to date.

It is primarily history buffs who will remain unsatisfied, since conclusive explanations of these fuzzy aspects of the scandal that brought down Richard Nixon's administration aren't essential to support the conspiracy charges the prosecutors are trying to prove. Indeed, Prosecutor James Neal, the head of the trial team, warned early on that he didn't propose to "run down every rabbit track we come across in the snow" or present a "tidy little package."

Thus, even though the trial presentation has been far more coherent than the story of Watergate dug out over the past two years by two congressional committees and dozens of reporters, these are among the questions that haven't been finally resolved:

—Who, if anyone, authorized the June 1972 break-in and bugging at Democratic headquarters in the Watergate office building?

—Whose idea was it to start paying money to the defendants in that break-in, who were keeping mum about higher-ups?

—Was it President Nixon's apparent approval of a hush-money payment to conspirator E. Howard Hunt on March 21, 1973, that led to the delivery of \$75,000 to Hunt that night?

Even if all participants in the Watergate affair, including former President Nixon, were to tell what they knew—an unlikely prospect in view of Mr. Nixon's recurring health problems—the story would probably never seem complete.

Wasn't Any Mastermind

For it is quite clear that there wasn't any mastermind and no one person actually knew the full story. The tape recordings of presidential conversations show that the participants in the cover-up deceived each other with self-serving statements and perhaps even deluded themselves on occasion as they struggled to rationalize their actions.

Far from being a well-orchestrated plot, the evidence to date shows the cover-up conspiracy was developed piecemeal by an incredible number of people trying to cope with events on an ad hoc basis. However, there appears to have been some common underlying factors, such as an "us against them" view of politics, a general sloppiness that extended to some participants' sense of ethics and morality, and the arrogance of power.

When the defense begins presenting its case this week, it will face the difficult task

of rebutting the prosecution's theory of the case—a theory based on charges by admitted cover-up participants and supported by the presidential tapes:

The Watergate bugging itself was haphazardly planned and badly bungled in the execution. The cover-up, initially designed to conceal the involvement of President Nixon's campaign committee, grew, tangled-web fashion, to include a cover-up of prior illegal activities the Watergate burglars had done for the White House. Eventually it became a cover-up of the cover-up itself.

Listening to the tapes is a bizarre experience simply because it is difficult to accept that such discussions went on in the office of the President of the U.S., particularly in the presence of a tape recorder. The overwhelming impression that comes through is that many of the speakers thought they could justify their actions. For example, in April 1973, when White House counsel John Dean was already admitting his deep involvement in obstruction of justice, Mr.

Nixon agreed with his chief of staff, H. R. Haldeman, that "what Dean did was all proper in terms of the higher good."

Who Authorized Bugging?

As for who authorized the bugging, the trial jury was left with the same conflicting versions that were given the Senate Watergate committee in 1973. Jeb S. Magruder, was deputy campaign director, said that his boss at the re-election committee, former Attorney General John Mitchell, "reluctantly" approved the intelligence-gathering plan proposed by G. Gordon Liddy at a March 30, 1972, meeting in Key Biscayne, Fla.

Mr. Mitchell has testified, on the other hand, that he said, "We don't need this,"

and he will presumably repeat that denial if he takes the stand in his own defense this week. Frederick D. LaRue, an assistant to Mr. Mitchell at the committee, said that, as he recalls it, there wasn't any decision made at all, although he couldn't swear he overheard everything the other two said.

Shortly after Liddy and six others were arrested in connection with the break-in, the payment of some \$388,500 in cash to the defendants and their lawyers began, according to prosecution testimony. Hunt, who with his wife received and distributed much of the money to the other defendants, admitted that he conveyed threats of exposure to his White House "sponsors" when the money was slow in coming. But he insisted it wasn't blackmail because he was merely trying to collect on earlier "commitments" he had heard about from Liddy.

Despite reams of testimony from higher ups involved in raising and distributing the money to meet these commitments, nobody has yet explained who made them. Since Mr. LaRue, one of the key people in the initial payouts, said he also learned of the "commitments" from Liddy, who has consistently refused to talk at all about the affair.

The Talk of Blackmail

By the spring of 1973, the tapes show the talk of blackmail had reached the office of the President himself. Actually, the tapes disclose that such matters occupied the President and his closest aides a good deal more than was indicated by the White House transcripts released last April 30. At least three recorded discussions of money paid to the burglars had been deleted by White House editors who labeled the omitted passages "material unrelated to President's actions."

In a previously published March 21, 1973, conversation Mr. Nixon can be heard clearly saying to Dean of the hush money: "For Christ's sake, get it" as a way to "buy time" from Hunt. That session ended at 11:55 a.m. Prosecutors have introduced phone records showing that at 12:30 p.m. Mr. Haldeman, who had been in on the meeting, called Mr. Mitchell. Mr. LaRue testified that it was from Mr. Mitchell that he received permission to meet the new demand, although he couldn't recall for certain whether their phone conversation took place the morning or the afternoon of the 21st.

Mr. Mitchell, according to Mr. LaRue, didn't mention anything about relaying instructions from the White House, but simply asked what the money was for. On being told "legal fees," Mr. LaRue said Mr. Mitchell allowed as how "in that case he thought we ought to pay it."

By the next day Mr. Nixon and Mr. Haldeman were talking as if their conversation on March 21 had taken quite a different turn. Referring to the latest demand, Mr. Nixon said "that would have constituted Goddamn blackmail if Dean had gotten the money." And yet a month later, Mr. Nixon recalled, "But I said we oughta, uh, at least we ought to take care of that," and he had to be reassured by Mr. Haldeman that he had merely been asking "leading questions."