

that Nixon's re-election committee had been involved. He suggested that Magruder burn some logs of intercepted telephone calls. He told Mardian to call Burglar G. Gordon Liddy and have him ask Richard Kleindienst, then the Attorney General, to help get the arrested men out of jail. When the restive burglars later began demanding money, Mitchell told Fred LaRue, his close friend and associate at the Nixon committee, to help arrange the payments. He asked Dean to seek Herbert Kalmbach's aid in raising such funds.

HALDEMAN. He controlled a secret White House fund of \$350,000 from which some of the hush payments were made. Despite his contention that he thought the money was paid only for legal fees and humanitarian purposes, the tapes showed that he was aware of the true purpose of the payments. At Nixon's direction, he told two top CIA officials to stop the FBI's investigation of checks that had passed through the Miami bank account of one of the burglars and could be traced to the Nixon com-

mittee. He helped Magruder get an appointment as director of policy planning in the Commerce Department even though he knew that Magruder had committed perjury before a Watergate grand jury.

EHRlichman. He asked Dean to order Hunt out of the country before Hunt was arrested, suggested that Dean destroy electronic equipment found in Hunt's White House safe and was present when Dean told Acting FBI Director L. Patrick Gray that other politically sensitive papers from the safe "should not see the light of day." He approved the use of Kalmbach for raising hush money and told Kalmbach to blame all such activities on Dean. Despite his denials, Ehrlichman too was shown by the tapes to be well aware of what was going on with the payoffs. He suggested that Dean write a report exonerating everyone at the White House of complicity in Watergate—a report Nixon could use to shift the blame if the cover-up unfolded. Dean refused to write the report, so Ehrlichman produced one instead.

The case against Mardian was somewhat less solid, but he hurt himself seriously by his arrogant manner on the witness stand. He snapped repeatedly at Assistant Prosecutor Jill Wine Volner, who cross-examined him, and turned less hostile only when questioned by male lawyers. More important, Liddy told Mardian shortly after the break-in that it had been a Nixon re-election committee operation. Nevertheless, Mardian deceived Parkinson by denying any such committee connection. Mardian went along with the false theory that the burglary was a CIA project, and he asked Dean to seek covert CIA funds to provide bail money for the burglars. Mardian was also in a meeting at which Magruder rehearsed his false testimony.

The case against Parkinson looked as strong as that against Mardian. The Government claimed that Parkinson heard the true Watergate story from Magruder within a month of the break-in, then shredded his notes on that meeting when Mitchell and Mardian falsely insisted that Magruder was lying. The

It Goes Back to the Big Man

In a rare tribute to a victorious opponent, Attorney John J. Wilson called James Neal, the chief U.S. prosecutor in the Watergate conspiracy case, "the greatest lawyer I ever saw in a courtroom." Wilson's client, H.R. Haldeman, and three of the four other Watergate defendants were convicted at least in part because of Neal's awesome command of the facts in the case and his ability to summarize complex events in a persuasive Tennessee drawl. After his courtroom triumph, Neal, 45, was eager to return to his private practice: "I'm going to catch the first flight back to Nashville—I've got to think of taking care of my family." Before he departed, he was interviewed by TIME Correspondent Hays Gorey:

GOREY: Did Nixon authorize the Watergate bugging?

NEAL: No. The tapes show some surprise on Nixon's part when he was told of the break-in. For instance, on the

June 23, 1972 tape [Nixon asked Haldeman: "Who was the asshole that did it? Was it Liddy?"].

Q. Was Watergate something the Nixon men drifted into?

A. No. Watergate doesn't stand in isolation. There were a lot of other things going on of the same nature such as the Huston plan [to use break-ins, wiretaps and other illegal means to spy within the U.S.] and the Ellsberg break-in. Remember this: we had to show relevancy for every taped conversation that we obtained by subpoena. Were we so good that we got everything there was? Watergate goes back to the nature of the big man.

Q. You mean Nixon?

A. Yes, but more than Nixon too. It's the drift over the years to an all-powerful presidency. The tremendous power that has been marshaled in the White House pervades all who work there, resulting in an inability to put things in perspective. I think one of Haldeman's lines on the tape explains it better than anything. He was talking with Nixon when things were coming apart, and he said: "It was done for a higher good."

Q. Then this powerful presidency causes men to think whatever they do is justified?

A. In this case, it resulted in a willingness to use unacceptable means. There were constant reactions and overreactions.

Q. What do you think of the men you have brought to trial and the ones who have pleaded guilty?

A. These are not evil men. There was no one man in control. There was no czar. But men who become convinced their cause is just resort to means to attain it that they otherwise would not consider. For example, I can't conceive of any Government, any presidential Administration, letting a man like Liddy run around loose.

Q. How do you think the trial was conducted?

A. I thought the trial was well run. We all had a bumpy start, making statements we shouldn't have made. But considering the complexity of the case, the emotions involved, it went along fairly smoothly. I think Judge Sirica did himself a lot of good by the fair way he conducted the trial, which some didn't expect.

Q. What will the appeals be based on?

A. Pretrial publicity. Denial of motions for severance. Some of the statements on the tapes. But there's not much in the trial itself that anyone can argue with.

DIRCK HALSTEAD



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