

# Prosecutor Explains 'Hush Money' Flap

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The chief prosecutor in the Watergate cover-up trial, James F. Neal, said yesterday that some members of his prosecution team could hear former President Nixon use the phrase "hush money" and others couldn't hear the phrase on a disputed Jan. 8, 1973, White House tape recording.

Neal said the phrase "hush money" was in a transcript of the tape made by a team of FBI experts but was dropped from a transcript prepared for the Watergate cover-up trial in 1974.

Neal said, "some members of the (Watergate trial) task force could hear 'hush money' and some couldn't." He did not specify the members.

"We just did not feel comfortable going into the jury and saying it was there when everyone could not hear it," Neal said yesterday. "I could never say it is not on the tape . . . and I could never say it is."

In presenting the cover-up case to a jury, Neal, said the prosecutors had to exercise caution and make sure that everything on the transcripts could be clearly heard by everyone.

The Washington Post reported last weekend that a transcript of the Jan. 8, 1973, conversation showed that Nixon told his special counsel, Charles W. Colson, "(Unintelligible) God damn hush money, uh, how are we going to (unintelligible). How do we get this stuff (unintelligible) with Kennedy, when Kennedy said (unintelligible)."

There is an earlier reference in the transcript to John Kennedy that is unclear. At the time of the Nixon-Colson discussion, Sen. Edward M. Kennedy (D-Mass.) was investigating Watergate and had subpoenaed the bank records of Nixon's personal attorney, Herbert W. Kalmbach.

Kalmbach had raised and collected nearly \$200,000 of "hush money" for the Watergate conspirators by the time of the Nixon-Colson conversation.

Both Nixon and Colson have denied that "hush money" was discussed during the Jan. 8 meeting.

Nixon's lawyer, Herbert J. Miller, has asked The Washington Post in three letters to correct its report on the Jan. 8, 1973, transcript and use what Miller says is the "official" transcript.

In a letter to Miller yesterday, Post executive editor Benjamin C. Bradlee said that the newspaper has "completely reliable corroborative evidence that the tape of the conversation does in fact contain the reference to 'God damn hush money.'"

The transcript of the Nixon-Colson

meeting that has no "hush money" reference has Nixon saying at the same point of the meeting: "I don't know. But anyway we've got that on the (unintelligible). I don't know how (unintelligible). How do we get such thing (unintelligible)."

The reference to Kennedy is attributed to Colson in the second transcript.

The portion of the tape in dispute was not played at the Watergate cover-up trial. A five-page transcript of the first part of the Nixon-Colson discussion was introduced as evidence and the appropriate portion of the tape played for the Watergate jury.

In that portion Nixon and Colson discuss granting executive clemency to Watergate conspirator E. Howard Hunt Jr.

Nixon says: "... question of clemency. Hunt's is a simple case . . . We'll build, we'll build that son-of-a-bitch up like nobody's business. We'll have (columnist William) Buckley write a column and say, you know, that he, that he should have clemency, if you've given 18 years of service . . ."

According to the transcript, Colson says the problem with Hunt is that he had knowledge of meetings and discussions that "are very incriminating to us."

This portion of the tape was played when Colson testified at the Watergate cover-up trial. While not disputing the authenticity of that portion of the tape, Colson testified that he could not recall the conversation.